

COURT OF APPEAL FOR ONTARIO

B E T W E E N:

**KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH,
MARIO MUSCATO, SHAWN ARNOLD, CASSANDRA JORDAN, JULIA LAUZON, AMMY
LEWIS, ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL, SHERRI
OGDEN, JAHMAL PIERRE, and LINSLEY GREAVES**

Appellants

- and -

CITY OF HAMILTON

Respondent

APPELLANTS' APPEAL BOOK AND COMPENDIUM – VOLUME 10

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TAB 129

Court File No. CV-21-00077187-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO
MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL, CHRISTINE
DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA
JORDAN, JULIA LAUZON, AMMY LEWIS, ASHLEY MACDONALD,
COREY MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL
PIERRE, LINSLEY GREAVES and PATRICK WARD

Applicants

and

CITY OF HAMILTON

Respondent

APPLICATION UNDER 14.05 OF THE *RULES OF CIVIL PROCEDURE*

AFFIDAVIT OF CORY MANNING

I, Cory Manning, of the City of Hamilton, in the Province of Ontario, AFFIRM:

1. I am an employee of the City Hamilton as such I have knowledge of the matters set out in my affidavit. Where I rely on the information of others, I state the source of that information and verily believe it to be true.

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Roles and Duties

2. Since June 2024, I have held the title of Superintendent of Parks District North of the Hamilton Parks and Cemeteries Section for the City of Hamilton. I have been employed with the City of Hamilton for approximately eighteen years in various roles within the Parks and Cemeteries Section or its predecessor. In terms of my recent roles, in approximately September 2021 I became the Superintendent of Parks District West. In May 2022 I also, as an added responsibility, headed the encampment team for the Parks and Cemeteries Section. I have continued to head the encampment team while continuing on as Superintendent of Parks District North. In each of these roles I report to Kara Bunn.

3. The encampment team is, generally, tasked with cleanup of encampment sites; whether cleaning sites that have been vacated or abandoned; or assisting with cleanliness and waste removal for sites that are still active. In May 2022, cleanup was performed by contractors during daytime hours, and Parks North staff after their normal hours, as additional duties. The supervisor, Joe Wade, oversaw this team. My role involved, primarily, managing complaints, along with Mr. Wade; attending meetings three times per week regarding coordinating cleanup; directing deployment of cleanups; and liaising with the Housing Focused Street Outreach Team (“HFSOT”), Housing, Municipal Law Enforcement (“MLE”), and Hamilton Police Service, as necessary, regarding new sites.

4. Following the enactment of the 2023 Encampment Protocol, Council approved one full-time supervisor and three full-time staff members within Parks solely dedicated to

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encampment cleanup. As the head of the encampment team, my role remained essentially the same as described in the paragraph above.

5. I confirm that the “Standard Operating Procedure” referenced in the Second Supplementary Affidavit of Steve Hasselman directs how cleanup is performed, but does not direct when cleanup is performed.

6. The encampment team performs “regular cleanup” of known encampment sites on a routine basis, to assist with keeping existing encampments clean. This includes supplying encampment residents with garbage bags or asking them to pile their garbage or discarded items in a certain area for collection. We only take items that encampment residents have specifically indicated are garbage. The encampment team also performs cleanup in accordance with the 2023 Encampment Protocol, in accordance with the steps dictated in the Protocol. Encampment team members will also accompany Parks North staff to pre-engage with encampment residents (to give them advance notice) before staff perform park maintenance activity such as grass cutting.

7. Attached hereto as [Exhibit “A”](#) is a spreadsheet summarizing the daily cleanup at encampments from February 2023 through February 2024. Attached hereto as [Exhibit “B”](#) is a spreadsheet summarizing the daily cleanup at encampments from March 2024 to the first week of July, 2024.

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Observations of Parks and Encampments

8. The Parks West district includes Ancaster, Flamborough and Dundas. I have observed very few encampments in this area and no significant issues relating to encampments in this area.

9. As current superintendent of Parks North, I observe that approximately 90-95% of encampments in the City appear to be located within the Parks North district.

10. Given my role as head of the encampments team, a large part of my day and my workload involves dealing with encampments: either responding to complaints regarding encampments or coordinating staff to respond to these complaints. I have reviewed the complaints appended to the Second Supplementary Affidavit of Steve Hasselman. I am aware of these types of complaints, which are the same as or similar to complaints that I have received and continue to receive working on the encampments team for the Parks and Cemeteries Section.

11. I and my staff make concerted efforts to develop and maintain positive relationships with the encamped residents at parks. We emphasize that we are not law enforcement and are not interacting with them in an enforcement capacity. I find that my staff and I generally enjoy a good rapport with people living in encampments.

12. I have observed that encampments are becoming more entrenched or permanent because they are permitted by the 2023 Encampment Protocol to remain in place longer. People living in encampments are adding to their spaces as they live there longer and become established. Many of them express that they see their encampment site as their

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possession. Public complaints to Parks staff are also increasing along with the increase in the number of encampments and their perceived entrenchment.

AFFIRMED by Cory Manning at the City of Hamilton, in the Province of Ontario, before me at the City of Kitchener, in the Province of Ontario on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Vivian Caldas
ABBCB4C93B2B427...

Commissioner for Taking Affidavits
(or as may be)

VIVIAN CALDAS (LSO No. 86862V)

DocuSigned by:
Cory Manning
195D4754DBC41A...

CORY MANNING

This is **Exhibit "A"** referred to in the Affidavit of Cory Manning affirmed before me at the City of Kitchener, in the Province of Ontario, on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Vivian Caldas
ABBCB4C93B2B427...

Commissioner for Taking Affidavits
(or as may be)
Vivian Caldas (LSO No. 86862V)

FEBRUARY ENCAMPMENT CLEANUPS

Feb.13th York Parkette - Dimitri - M.Wilson Complaint - PN STAFF - (1)
Feb.15th Shamrock Park/Gage Park 2 of 5 - PN STAFF - (2,3,4)
Feb.16th Whitehern/Bishops/Gore - PN PTAFF - (5,6,7)
Feb.21st Whitehern/Gore - PN PTAFF - (8,9)
Feb.22nd Hillcrest/Woodlands - STAFF - (10,11)
Feb.24th Jackson Park - PN STAFF - (12)

MARCH ENCAMPMENT CLEAN UPS

Mar 1st Jackson Park - STAFF - (1)

Mar 2nd Gore Park/(Phil Arceneaux)/Whitehern/Bayfront/Gage Park 4th of 5) - PN STAFF - (2,3,4,5)

Mar 3rd Woodlands - STAFF (6)

Mar 7th Gore Park/MacNab Tunnel - Hurst St./Jackie Washington/Gage Park 5th of 5) - PN STAFF - (7,8,9,10)

Mar 8th Jackie Washington/York St.(City Centre)/McLaren/Woodlands - PN STAFF - (11,12,13,14)

Mar 14th Woodlands/JC BEEMER - STAFF (15,16)

Mar 16th York Parkette/Vine/City Centre/Whitehern - PN STAFF - (17,18,19,20)

Mar 20th City Centre/Shamrock/Whitehern - PN STAFF - (21,22,23)

Mar 24th Park & Vine/McLaren/Whitehern - PN STAFF - (24,25,26)

Mar 28th MacNab St/Whitehern/Shamrock/West 5th/Province St - PN STAFF - (27,28,29,30,31)

Mar 30th MacNab St/Whitehern/West 5th/York Parkette - PN STAFF - (32,33,34,35)

Mar 31st West 5th - STAFF - (36)

APRIL ENCAMPMENT CLEANUPS

Apr 3rd West 5th/Vine & Park - PN STAFF - (1,2)
Apr 4th Vine & Park/Whitehern - STAFF - (3,4)
Apr 6th Scenic Dr/Stonechurch & Upper Paradise - STAFF - (5,6)
Apr 7th Cathedral Dog Park - STAFF - (7)
Apr 12th York Parkette/McLaren/Central/Woodlands/Whitehern - PN STAFF - (8,9,10,11)
Apr 14th Bayfront/Vine & Park/Gage Park/Whitehern - PN STAFF - (12,13,14,15)
Apr 18th Lynwood/Vine & Park/Whitehern/Century Park - PN STAFF - (17,18,19)
Apr 19th Whitehern/West 5th/Vine & Park - STAFF - (20,21,22)
Apr 20th Corktown/Victoria/Vine & Park - STAFF - (23,24,25)
Apr 21st Redhill Valley - 2 Locations/Victoria - PN STAFF - (26,27,28)
Apr 25th James St.Bridge/LifeSaver/Whitehern-City Hall - PN STAFF - (29,30,31)
Apr 27th Summers Lane/Theatre Aquarius - PN STAFF - (32,33)
Apr 28th Whitehern/West 5th/Vine & Park - STAFF - (34,35,36)

MAY ENCAMPMENT CLEANUPS

May 1st York Parkette/McLaren/Woodlands/Whitehern/JC Beemer/Park & Vine - PN STAFF (1,2,3,4,5,6)

May 2nd Cathedral Dog/Road Allowance Main St W - PN STAFF (7,8)

May 4th Whitehern/Woodlands/Sanitorium - PN STAFF (9,10,11)

May 8th York Parkette/Shamrock/Keddy Trail 3 Locations/Birmingham - PN STAFF (12,13,14,15,16,17)

May 9th Bow Valley - PE STAFF (18,19,20,21,22,23)

May 11th Whitehern/Woodlands - PN STAFF (24,25)

May 12th Whitehern - PN STAFF (26)

May 15th Whitehern/Birch/JC Beemer - PN STAFF (27,28,29)

May 17th York Parkette/Shamrock/Trail(455 Charlton)/Vine/Lifesaver/Woodlands/Birch - PN STAFF (30,31,32,33,34,35,36)

May 19th Whitehern/Victoria Park/McLaren/Vine & Park - PN STAFF (37,38,39,40)

May 23rd Whitehern/John & Rebecca/Ferguson Station - PN STAFF (41,42,43)

May 25th Whitehern/York Parkette/Shamrock/Woodlands - PN STAFF (44,45,46,47)

May 26th Whitehern/Ferguson Station/Woodlands/Pier 4 Lot/St.Joseph's - PN STAFF (48,49,50,51,52)

May 29th Whitehern/Woodlands/ - PN STAFF (53,54)

May 30th Whithern/Park and Vine/Ferguson Station/Woodlands - PN STAFF (55,56,57,58)

JUNE ENCAMPMENT CLEANUPS

June 1st York Parkette/Whitehern/Ferguson Station - PN STAFF - (1,2,3)
 June 2nd MacNab/Whitehern/Ferguson Station - PN STAFF - (4,5,6)
 June 5th Whitehern - PN STAFF - (7)
 June 6th Whitehern/Woodlands/JC Beemer - PN STAFF - (8,9,10)
 June 7th Whitehern - PN STAFF - (11)
 June 8th Whitehern - PN STAFF - (12)
 June 9th Whitehern/Woodlands/JC Beemer - PN STAFF - (13,14,15)
 June 12th Whitehern/Woodlands/Ferguson RA/Buchanon - PN STAFF - (16,17,18,19)
 June 13th Whitehern/Mountain Drive Park - PN STAFF - (20,21)
 June 14th Whitehern/JC Beemer/Woodlands - PN STAFF - (22,23,24)
 June 15th Birmingham/Dundurn Park/Whitehern/Central Park - PN STAFF - (25,26,27,28)
 June 19th Whitehern/Woodlands/Jackie Washington - PN STAFF - (29,30,31)
 June 20th Whitehern/St.Joe's/HunterParkette/Birch Dog/Shamrock/Myrtle - PN STAFF - (32,33,34,35,36,37)
 June 21st Whitehern/Woodlands/St.Joe's/Central - PN STAFF - (38,39,40,41)
 June 22nd Whitehern/Ferguson Station/Central - PN STAFF - (42,43,44)
 June 23rd Whitehern/Woodlands/St.Joe's - PN STAFF - (45,46,47)
 June 26th Whitehern/Woodlands/Lawrence Rd & Keniworth/Bishops - PN STAFF - (48,49,50,51)
 June 27th Whitehern/Woodlands/JC Beemer - PN STAFF - (52,53,54)
 June 28th Whitehern/Woodlands/JC Beemer/Peace Gardens/Central/281 Cannon/Century Park/York - PN STAFF - (55,56,57,58,59,60,61,62)
 June 29th Whitehern/Woodlands-PN STAFF - (63,64)
 June 30th Whitehern/Woodlands/JC Beemer/Central/Victoria - PN STAFF - (65,66,67,68,69,70,71)

JULY ENCAMPMENT CLEANUP TOTALS

July 4th Woodlands/Whitehern/Central/Lifesaver/FergusonStation - PN STAFF (1,2,3,4,5)
 July 6th MacNab/Whitehern/City Hall Park/Peace Gardens/Woodlands/Myrtle/JC Beemer/Central/Lifesaver - PN STAFF (6,7,8,9,10,11,12,13,14)
 July 11th Whitehern/MacNab/Woodlands/King St & Gailmont/Rainbow/RedHillx3/Strachanx3/Gore Park/York/Wellington - PN STAFF (15,16,17,18,19,20,21,22,23,24,25,26,27,28)
 July 13th Whitehern/MacNab/Woodlands/Central/Carter/Keddy Trail/Wellington Square/Jackie Washington/Highland Gardens/Caroline - PN STAFF (29,30,31,32,33,34,35,36,37,38)
 July 17th Woodlands/Whitehern/MacNab/Stachan/Central/Park&Vine - PN STAFF (39,40,41,42,43,44,45)
 July 18th Whitehern/MacNab/JC Beemer/JackieWashington/York&Ray - PN STAFF (46,47,48,49,50)
 July 20th Centenial RA/Woodlands/JC Beemer/Central - PN STAFF (51,52,53,54)
 July 24th Woodlands/MacNab/Whitehern/Wellington SQ/Central/Woodlands/Jackie Washington/Strachan/Bridgeworks - PN STAFF (55,56,57,58,59,60,61,62,63)
 July 26th TB McQueston/Ferguson Station/Wellington SQ - PN STAFF (64,65,66)
 July 27th Ridge St Pathway/Jackie Washington/Ferguson Station/Wellington SQ/Woodlands/Whitehern/MacNab/Central/Durand/Strachan - PN STAFF (67,68,69,70,71,72,73,74,75,76)
 July 28th 231 Feruson/Wellington SQ/MacNab/JC Beemer - PN STAFF (77,78,79,80)
 July 31st Woodlands/Central Park/JC Beemer/Ferguson Station/MacNabb/Whitehern - PN STAFF (81,82,83,84,85,86)

AUGUST ENCAMPMENT CLEANUP TOTALS

Aug 1st Golf Links & Stonechurch/JC Beemer/Whitehern/MacNab/Woodlands - PN STAFF (1,2,3,4,5)
 Aug 3rd Woodlands/Strachan/LifeSaver/Central/Jackie Washington/Peace Gardens - PN STAFF (6,7,8,9,10,11)
 Aug 4th 2574 King St.E - PE STAFF (12)
 Aug 9th Woodlands/Strachan/Central/Jackie Washington/Whitehern/MacNab/Peace Gardens/JC Beemer/Jackson - PN STAFF (13,14,15,16,17,18,19,20,21)
 Aug 10th Woodlands/Whitehern/MacNab/JC Beemer - PN STAFF (22,23,24,25)
 Aug 11th Woodlands/Ferguson Station/Beasley/LifeSaver - PN STAFF (26,27,28,29)
 Aug 14th Woodlands/JC Beemer/Central/Strachan/Bridgeworks/Beasley/MacNab/Whitehern/Peace Memorial/Ferguson Station/Jackie Washington - PN STAFF (30,31,32,33,34,35,36,37,38,39,40)
 Aug 15th Stonechurch & Golf Links/Woodlands/J. Washington/Strachan/Central/JC Beemer/MacNab/Whitehern/Peace Gardens/Bridgeworks/Beasley - PN STAFF (41-53)
 Aug 16th Ferguson Station/Peace Gardens/Gage Park - PN STAFF (54,55,56)
 Aug 17th Woodlands/JC Beemer/Central/Strachan/Radial/York & Queen/MacNab/Whitehern/Peace Memorial/Ferguson Station/Jackie Washington/Central - PN STAFF (57-68)
 Aug 21st Optimist Park/MacNab/Whitehern/Peace Gardens/Ferguson Station/Woodlands/Jackie Washington/Strachan/Central - PN STAFF (67,68,69,70,71,72,73,74,75)
 Aug 28th Whitehern/MacNab/Ferguson Station/Woodlands/Jackie Washington/Strachan/Central/Caroline - PN STAFF (76,77,78,79,80,81,82,83)
 Aug 30th JC Beemer/Whitehern/MacNab - PN STAFF (84,85,86)
 Aug 31st Whitehern/MacNab/Ferguson Station/Woodlands/Jackie Washington/Strachan/Central/Caroline - PN STAFF (87,88,89,90,91,92,93,94)

SEPTEMBER ENCAMPMENT CLEANUP TOTALS

Sept 1st Whithern/MacNab/Woodlands/JC Beemer - PN STAFF (1,2,3,4)
 Sept 5th Ferguson Station/Whitehern/MacNab - PN STAFF (5,6,7)
 Sept 6th Woodlands - FIRST RESPONSE/PN STAFF (8)
 Sept 7th Jackson/Hill St/Shamrock/Powell/Barton & Centenial/William Connell - FIRST RESPONSE (9,10,11,12,13,14,15)
 Sept 8th Durand Park/Birge & Victoria - FIRST RESPONSE (16,17)
 Sept 10th Strachan-Death - FIRST RESPONSE (LIZ PELT) -(18)
 Sept 11th Scenic Parkette/Strachan/Jackie Washington/JC Beemer/Century/Woodlands/Whitehern/MacNab - PN STAFF (19,20,21,22,23,24,25,26,27)
 Sept 12th Mahoney/Carter - FIRST RESPONSE - (28,29)
 Sept 13th Victoria & Birge/Sam Manson/Hillcrest/Myrtle/Wolverton/Victoria - FIRST RESPONSE - (30,31,32,33,34,35)
 Sept 14th West 5th/JC Beemer/Woodlands/Simcoe Lot/Ferrie Lot/Battlefield Park - FIRST RESPONSE - (36,37,38,39,40,41)
 Sept 18th Scenic Parkette/Strachan/Jackie Washington/JC Beemer/Hunter & Park/Woodlands/Whitehern/MacNab/Bridgeworks/Powell/Central - PN STAFF (42,43,44,45,46,47,48,49,50,51,52)
 Sept 19th Powell Hydro/Hill St/Maclaren/Shamrock North/Whitehern - PW STAFF (53,54,55,56,57)
 Sept 20th 79 & 87 Ferrie - Bayfront/358 Talbot - Redhill Barton/Carter - PW STAFF (58,59,60)
 Sept 21st Peace Gardens/Whitehearn/MacNab/Wellington Square - PW STAFF (61,62,63,64)
 Sept 25th Victoria/Whitehern/MacNab/Strachan/Jackie Washington/Nash & Queenston/St.Helens Dr. - PW STAFF (65,66,67,68,69,70,71)
 Sept 26th Whitehern/MacNab/Strachan/Central - PW STAFF (72,73,74,75)
 Sept 27th Central/JC Beemer/Beasley - PW STAFF & FIRST RESPONSE (76,77,78)
 Sept 28th Jackson Park/Birge Park/Victoria - PW STAFF & FIRST RESPONSE (79,80,81)
 Sept 29th Whitehern/MacNab/Peace Gardens - PW STAFF & FIRST RESPONSE (82,83,84)
 Sept.30th Whitehern/MacNab/Peace Gardens - PW STAFF (85,86,87)

OCTOBER ENCAMPMENT CLEAN UP TOTALS

Oct.2nd Central/Whitehern/MacNab/Strachan/Jackie Washington/JC Beemer/Wellington Square - PW STAFF (1,2,3,4,5,6,7)

Oct.3rd Strachan/Shamrock/Whitehern/Victoria/Park&Vine - PW STAFF (8,9,10,11,12)

Oct 4th James St/Browns/Radial/Strachan - PW STAFF (13,14,15,16)

Oct 5th Strachan/Victoria/Hillcrest/Birch Parkette - PW STAFF (17,18,19,20)

Oct 6th Jackson St./Hunter St./MacNab - PW STAFF (21,22,23)

Oct 10th Strachan/Jackie Washington/Simcoe Lot/Birge/JC Beemer - PW STAFF (24,25,26,27,28)

Oct 11th Stachan/Bayfront/JC Beemer/Ferguson Station - PW STAFF (29,30,31,32)

Oct 12th Maplewood/Mountain Dr/Ferguson Station/Beasley - PW STAFF (33,34,35,36)

Oct 13th Strachan/Bayfront/Pier 4/Ferguson Station/Woodlands/Dundurn - PW STAFF (37,38,39,40,41,42)

Oct 16th Strachan/Bayfront/Dundurn3x/Ferguson Station - PW STAFF (43,44,45,46,47,48)

Oct 17th Strachan/Gore/69 Century/Smith Knoll - PW STAFF (49,50,51,52)

Oct 18th Macassa YC/Strachan - PW STAFF (53,54)

Oct 19th JC Beemer/Olympic/Strachan - PW STAFF (55,56,57)

Oct 20th Jackson St. & MacNab/Wellington Square/Brueville/Montgomery/North Central/Strachan - PW STAFF (58,59,60,61,62,63)

Oct 23rd Strachan/Jackie Washington/Wellington Square/Century Park/Brueville Nature X 2 - PW STAFF (64,65,66,67,68,69)

Oct 24th Victoria/Veterans/Shamrock/Wentworth Stairs/JC Beemer - PW STAFF (70,71,72,73,74)

Oct 25th Montgomery/Keniworth Parkette/Fairfield/Powell/Woodlands/Sam Lawrence East/ -PW STAFF (75,76,77,78,79,80)

Oct 26th Jackie Washington 2x/Woodlands/JC Beemer/Pipeline 2x - PW STAFF (81,82,83,84,85,86)

Oct 27th Bayfront/Radial Trail 4x/Gage Park/Woodlands - PW STAFF (87,88,89,90,91,92,93)

Oct 30th Bayfront/Jackie Washington 3x/Woodlands/JC Beemer/Wellington Sq - PW STAFF (94,95,96,97,98,99,100)

Oct 31st Bayfront/Strachan/MacNab/City Hall/Jackie Washington - PW STAFF (101,102,103,104,105)

NOVEMBER ENCAMPMENT CLEAN UP TOTALS

Nov 1st Bayfront/Bridgeworks/Jackie Washingtonx3/Wellington Square/JC Beemer/Caroline & Barton/Bridgeworks - PW STAFF (1,2,3,4,5,6,7,8,9)
 Nov 2nd Bishops/Bridgeworks/Charletonx3/Peace Garden/McLaren - PW STAFF (10,11,12,13,14,15,16)
 Nov 3rd Parkdale/Caroline & Barton/Peace Gardens/Bayfront/MacNab - PW STAFF (17,18,19,20,21)
 Nov 6th Bayfront/Jackie Washingtonx3/Wellington Square/JC Beemer/Simcoe Lot/Ferrie Lot/Peace Gardens/MacNab - PW STAFF (22,23,24,25,26,27,28,29,30,31)
 Nov 7th Bayfront/Jackie Washington x3/MacNab/Peace Gardens - PW STAFF (32,33,34,35,36,37)
 Nov 8th Woodlands/JC Beemer/Wellington Square/Wentworth Stairs/Radial Trailx4 - PW STAFF (38,39,40,41,42,43,44,45)
 Nov 9th Stroud/JC Beemer/Bayfront/Peace Garden - PW STAFF (46,47,48,49)
 Nov 10th JC Beemer/Woodlands/Montgomery/Peace Gardens - PW STAFF (50,51,52,53)
 Nov 12th Wellington & Hunter - PW STAFF (54)
 Nov 13th Bayfront/Jackie Washingtonx3/Wellington Square/JC Beemer/Simcoe Lot/Ferrie Lot/Peace Gardens/Woodlands/Wellington & Hunter- PW STAFF (55,56,57,58,59,60,61,62,63,64,65)
 Nov 14th Peace Memorial/Eastwood/Montgomery/Fairfield/JC Beemer/Wellington Square - PW STAFF (66,67,68,69,70,71)
 Nov 15th Bayfront/Jackie Washingtonx3/Woodlands/Montgomery/Wellington Square/Mountain Drive - PW STAFF (72,73,74,75,76,77,78,79)
 Nov 16th Jackie Washingtonx3/Woodlands/Wellington Square/Park & Vine/Young St. - PW STAFF (80,81,82,84,85,86,87)
 Nov 17th Wellington Square/Jackie Washingtonx3/Stirton Tot Lot/Century Park/Century Parkette/Young St./MacNab St. - PW STAFF (88,89,90,91,92,93,94,95,96)
 Nov 20th Bayfront/Jackie Washingtonx3/Wellington Square/JC Beemer/Montgomey/Peace Garden - PW STAFF (97,98,99,100,101,102,103,104)
 Nov 21st Young St/Woodlands/MacNab/Roxborough/Comet St. - PW STAFF (105,106,107,108,109)
 Nov 22nd Bayfront/Jackie Washingtonx3/Eastwood/Wellington Square/Montgomery/JC Beemer - PW STAFF (110,111,112,113,114,115,116,117)
 Nov 23rd JC Beemer/Leaside/Woodlands/Montgomery/Fairfield/Wellington Square/Wellington & Hunter/Mahoney/Woodlands/Jackie Washington -PW STAFF(118,119,120,121,122,123,124,125,126,127)
 Nov 24th Jackie Washington/JC Beemer/Simcoe/Ferrie/Myrtle - PW STAFF (128,129,130,131,132)
 Nov 27th Bayfront/Jackie Washingtonx3/Simcoe/Ferrie/Wellington Tracks/Wellington Square/Montgomery/Fairfield/JC Beemer/West 5th - (133,134,135,136,137,138,139,140,141,142,143,144)
 Nov 28th Gore/JC Beemer/Liberty & Grange - PW STAFF - (145,146,147)
 Nov 29th Wellington Square/JC Beemer/Montgomery/Fairfield/Kenilworth/Bayfront/Jackie Washington PW STAFF (148,149,150,151,152,153,154)
 Nov30th Young St - Community Garden/Jackie Washington/Gore Park - PW STAFF (155,156,157)

DECEMBER ENCAMPMENT CLEAN UP TOTALS

Dec 1st Jackie Washingtonx3/Wellington Square/JC Beemer/Montgomery/Fairfield - PW STAFF - (1,2,3,4,5,6,7)

Dec 4th Bayfront/Jackie Washingtonx3/JC Beemer/Montgomery/Fairfield - PW STAFF (8,9,10,11,12,13,14)

Dec 5th Bayfront/Eastwood/Woodlands/Wellington Square/JC Beemer/Montgomery/Fairfield - PW STAFF (15,16,17,18,19,20,21)

Dec 6th Woodlands/MacNab/Hunter/Jackson/JC Beemer/Bayfront - PW STAFF (22,23,24,25,26,27)

Dec 7th Lawrence Rd & Kenilworth/Hillcrestx4/Wellington Square - PW STAFF (28,29,30,31,32,32)

Dec 8th Bayfront/Barton & Tiffany/Mountain Drive Park - PW STAFF (33,34,35)

Dec 11th Bayfront/Jackie Washingtonx3/JC Beemer/Montgomery/Fairfield/Central Memorial/Wellington SQ/Simcoe/Ferrie - PW STAFF (36,37,38,39,40,41,42,43,44,45,46)

Dec 12th Kenilworth/MacNab & Hunter/JC Beemer/Woodlands/Fairfield/Mountain Drive/Park St./Jackie Washington - PW STAFF (47,48,49,50,51,52,53,54)

Dec 13th Wellington Square/Bayfront/Barton/Brampton - PW STAFF (55,56,57,58)

Dec 14th Wellington Square/Bayfront/Dundurn/Ferrie/Simcoe/Sam Monson/Mountain Drive - PW STAFF (59,60,61,62,63,64,65)

Dec 15th Bayfront/Brampton - PW (66,67)

Dec 18th Bayfront/Jackie Washingtonx3/Wellington Square/JC Beemer/Gage Park Bandshell - PW STAFF (68,69,70,71,72,73,74)

Dec 19th 34 Ford/Liberty & Grange/JC Beemer/Warden/Wellington Square/Bayfront/Jackie Washington x3 - PW STAFF (75,76,77,78,79,80,81,82,83)

Dec 20th JC Beemer/Carter/208 Mountain Dr./Commonwealth Sq/Beasley/Kenilworth Parkette/Bayfront/Wellington Square - PW STAFF (84,85,86,87,88,89,90,91)

Dec 21st Bayfront/Queen & York/Main & Longwood/Kenilworth Parkette/Commonwealth Square - PW STAFF (92,93,94,95,96)

Dec 22nd Bayfront/Eastwood/Hutch's Lot/JC Beemer/Cliffview/Beasley - PW STAFF (97,98,99,100,101,102)

Dec 27th Bayfront/JC Beemer/Woodlands/Central/MacNab - PW STAFF (103,104,105,106,107)

Dec 28th Jackie Washingtonx3/Woodlands/Fairfield - PW STAFF (108,109,110,111,112)

Dec 29th Bayfrontx2/Jackie Washington/Wellington Square/Woodlands - PW STAFF (113,114,115,116,117)

JANUARY ENCAMPMENT CLEANUP TOTALS

Jan 2nd Fairfield/Montgomery/Kenilworth Parkette/Woodlands/JC Beemer/Wellington Square/Stirton Tot Lot - PW STAFF (1,2,3,4,5,6,7)
 Jan 3rd Jackie Washingtonx3/Simcoe Lot/Ferrie Lot/Wellington St/Wellington & Hunter - PW STAFF & FIRST RESPONSE (8,9,10,11,12,13,14)
 Jan 4th Bayfront/JC Beemer/Shamrock/Corktown/Hunter & MacNabx2 - PW STAFF (15,16,17,18,19,20)
 Jan 5th 77 James/Mountain Drive/JC Beemer/Lucy Day/Brampton - PW STAFF (21,22,23,24,25)
 Jan 8th Bayfront/Jackie Washingtonx3/Simcoe/Ferrie/Wellington Square/Wellington Square/JC Beemer/Beasley/Wolverton - PW STAFF (26,27,28,29,30,31,32,33,34,35)
 Jan 9th Mountain Dr/Fairfield/Wellington & Hunter/Jackie Washingtonx3/Brampton - PW STAFF (36,37,38,39,40,41,42)
 Jan 10th JC Beemer/Montgomery/Mahoney/North Central/Wellington Square/Woodlands/Powell/Park & Vine - PW STAFF (43,44,45,46,47,48,49,50)
 Jan 11th Brampton/Mahoney/Montgomery/Wellington Square/Clairmont/Ferrie - PW STAFF (51,52,53,54,55,56)
 Jan 12th Wellington Square/Clairmont Parkette/Wellington&Hunter/Bayfront/Pinky Lewis/Powell - PW STAFF (57,58,59,60,61,62)
 Jan 15th Bayfront/Jackie Washington/Wellington Square/JC Beemer/Montgomery/Wellington & Hunter/Rail Trail - PW STAFF (63,64,65,66,67,68,69)
 Jan 16th Wellington Square/Bayfront/Wellington & Hunter/Jackie Washington/JC Beemer/Mountain Drive - PW STAFF(70,71,72,73,74,75)
 Jan 17th Delta/Brampton/Birmingham/Woodlands/Bayfront/JC Beemer/Strachan - PW STAFF(76,77,78,79,80,81)
 Jan 18th Bayfront/Jackie Washington/Mohawk Sports/Gage Park - PW STAFF (82,83,84,85)
 Jan 19th Bayfront/Strachen/Cathedral Dog/Durand/Jackie Washington - PW STAFF (86,87,88,89,90)
 Jan 22nd Bayfront/Stachen/JC Beemer/Jackie Washington/Birmingham & Burlington/Birch/Birge/Montgomery - PW STAFF (91,92,93,94,95,96,97,98)
 Jan 23rd Bayfront/Birch/Birmingham & Burlington/JC Beemer/Jackie Washington/Brampton - PW STAFF (99,100,101,102,103,104)
 Jan 24th Bayfront/JC Beemer/Wellington Square/Stirton Tot Lot/Delta/Dundurn Castle - PW STAFF (105,106,107,108,109,110)
 Jan 25th Bayfront/JC Beemer/Lifesaver/Beasley/Commonwealth Square - PW STAFF (111,112,113,114,115)
 Jan 26th Bayfront/Commonwealth Square/HAAA/Bishops/JC Beemer/Montgomery - PW STAFF(117,118,119,120,121,122)
 Jan 29th JC Beemer/Strachan/Churchill/Bishops/Gage/Durand/Victoria - PW STAFF (123,124,125,126,127,128,129)
 Jan 30th Bayfront/Jackie Washington/Bishops/JC Beemer/Delta - PW STAFF (130,131,132,133,135)
 Jan 31st Jackie Washington/Bayfront/JC Beemer/Bishops - PW STAFF (136,137,138,139)

FEBRUARY ENCAMPMENT CLEANUP TOTALS

Feb 1st	Bayfront/Olympic/William Connell/Gage Park/Sanford & King/JC Beemer - PW STAFF (1,2,3,4,5,6)
Feb 2nd	Hill St./120 Garside/JC Beemer/Birge/Woodlands/Feguson Station/John & Rebecca - PW STAFF (7,8,9,10,11,12,13)
Feb 5th	JC Beemer/Wellington Square/Stroud/Barton St & Birge - PW STAFF (14,15,16,17)
Feb 6th	Bayfront x 6 - PW STAFF (18,19,20,21,22,23)
Feb 7th	Mountain Drive/Wellington St & Ferrie/Bayfront x 2 - PW STAFF (24,25,26,27)
Feb 8th	Bayfront/88 Ashley/Ferrie Tot/Fairley/Montgomery/Mary St./Century/Brampton - PW STAFF (28,29,30,31,32,33,34,35)
Feb 9th	Bayfront/Wellington Square/Wellington St/Nash/Lawrence & Kenilworth/William Connell/Thorne - PW STAFF (36,37,38,39,40,41,42)
Feb 12th	Bayfront x 4/Wellington Square/Ferrie Tot/Jackie Washington/JC Beemer/Rail Trail/Woodlands - PW STAFF (43,44,45,46,47,48,49,50,51,52)
Feb 13th	Bayfront/JC Beemer/Coronation/St.Joseph's Keddy Trail/Clairmont Access Keddy Trail/North Central - PW STAFF (53,54,55,56,57,58)

This is **Exhibit “B”** referred to in the Affidavit of Cory Manning affirmed before me at the City of Kitchener, in the Province of Ontario, on July 30, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Vivian Caldas
ABB4CB4C93B2B427...

Commissioner for Taking Affidavits
(or as may be)
Vivian Caldas (LSO No. 86862V)

March 2024 Daily Encampment Clean ups						
Count	Location	Regular Cleanup	Outreach Email/Request	HPS/By-Law Requested Parks Onsite	Time Spent with HPS/By-law/Onsite	Comments
Date: Friday March 1, 2024						
1	Bayfront	Yes	No	No	N/A	No Comment
2	Tiffany Barton	No	Yes	No	N/A	Onsite 8 hrs - Four 40yard bins filled from the site
Date: Monday March 4, 2024						
3	Bayfront	Yes	Yes	No	N/A	No Comment
4	Fairfield	Yes	No	No	N/A	No Comment
5	Kenilworth & Lawrence	No	Yes	No	30 mins	Request from Waste By-law
6	Mongomery	Yes	No	No	N/A	No Comment
7	Delta	Yes	No	Yes	3 Hrs	No Comment
8	JC Beemer	Yes	No	No	N/A	No Comment
Date: Tuesday March 5, 2024						
9	Bayfront	Yes	No	No	N/A	No Comment
10	Wellington Sq	Yes	No	No	N/A	No Comment
11	JC Beemer	Yes	No	No	N/A	No Comment
12	Alexander	No	Yes	No	N/A	Abandoned Tent

13	Montgomery	Yes	No	No	N/A	No Comment
14	Mountain Drive	No	Yes - councilors office	No	N/A	Clean Up/Compliance Notice
Date: Wednesday March 6, 2024						
15	Bishops Gate	No	Yes	No	1.5 Hrs	Clean Up/Compliance Notice
16	JC Beemer	No	Yes - councilors office	No	N/A	Spent 2hrs cleaning entire park and alleyway
17	Wentworth Alley Way	No	Yes	No	No	No Comment
18	Ferrie Lot	Yes	No	No	N/A	No Comment
19	Simcoe Lot	Yes	No	No	N/A	No Comment
20	Bayfront	Yes	No	No	N/A	No Comment
21	Powell	No	Yes	No	N/A	Abandoned Tent
22	Radial Trail	No	Yes	No	N/A	Abandoned Tents and garbage
Date: Thursday March 7, 2024						
23	Bayfront	Yes	No	No	N/A	No Comment
24	Delta	Yes	No	No	3 hrs	Clean Up/Compliance Notice
25	City Hall	Yes	No	No	N/A	No Comment
26	Stroud	No	No	No	N/A	Email From Parks North
27	Bayfront	Yes	No	No	N/A	No Comment
Date: Friday March 8, 2024						
28	Bayfront	Yes	No	No	N/A	No Comment
29	Gage	Yes	No	No	N/A	No Comment
30	Beasley	No	No	Yes	30 mins	Clean Up/Compliance Notice
31	Kenilworth & Lawrence	Yes	No	No	N/A	No Comment
32	Radial Trail	Yes	No	No	N/A	No Comment
Date: Monday March 11, 2024						
33	Fairfield	No	No	Yes	1 Hrs	Clean Up/Compliance Notice
34	Montgomery	Yes	No	No	N/A	No Comment
35	Kenilworth & Lawrence	Yes	No	No	N/A	No Comment
36	Wellington and Hunter	No	No	Yes	2 hrs	Clean Up/Compliance Notice
37	Bayfront	Yes	No	No	N/A	No Comment
38	Powell	Yes	No	No	N/A	No Comment

Date: Tuesday March 12, 2024						
39	Bayfront	Yes	No	No	N/A	No Comment
40	Wentworth Stairs	Yes	No	No	N/A	No Comment
41	Radial Trail	Yes	No	No	N/A	No Comment
42	Bishops Gate	Yes	No	No	N/A	No Comment
43	JC Beemer	No	No	Yes	1 Hrs	Clean Up/Compliance Notice
44	Wellington Sq	Yes	No	No	N/A	No Comment
45	Jackie Wash	Yes	No	No	N/A	No Comment
46	Kenilworth & Lawrence	Yes	No	No	N/A	No Comment
47	John & Rebecca	Yes	No	No	N/A	No Comment
Date: Wednesday March 13, 2024						
48	Bayfront	Yes	No	No	N/A	No Comment
49	Fairfield	Yes	No	No	N/A	No Comment
50	Montgomery	Yes	No	No	N/A	No Comment
51	Wellington Sq	Yes	No	No	N/A	No Comment
52	JC Beemer	Yes	No	No	N/A	No Comment
53	City Hall	Yes	No	No	N/A	No Comment
Date: Thursday March 14, 2024						
54	Bayfront	Yes	No	No	N/A	No Comment
55	Fairfield	Yes	No	No	N/A	No Comment
56	Montgomery	Yes	No	No	N/A	No Comment
57	Kenilworth & Lawrence	Yes	No	No	N/A	No Comment
58	Wentworth Stairs	Yes	No	No	N/A	No Comment
59	Radial Trail	Yes	No	No	N/A	No Comment
60	Mountain Drive	Yes	No	No	N/A	No Comment
61	Wellington Sq	Yes	No	No	N/A	No Comment
Date: Friday March 15, 2024						
62	Dundurn	Yes	No	No	N/A	No Comment
63	Bayfront	Yes	No	No	N/A	No Comment
64	Stranchan	Yes	No	No	N/A	No Comment

65	Jackie Wash	Yes	No	No	N/A	No Comment
66	Woodlands	Yes	No	No	N/A	No Comment
67	Cameron & Cannon	No	No	Yes	1 Hrs	Clean Up/Compliance Notice
68	Bishops Gate	Yes	No	No	N/A	No Comment
69	JC Beemer	Yes	No	No	N/A	No Comment
70	City Hall	Yes	Yes	No	N/A	Councillor request/Email
Date: Monday March 18, 2024						
71	Bayfront	Yes	No	No	N/A	No Comment
72	JC Beemer	Yes	No	No	N/A	No Comment
73	Wellington Sq	Yes	No	No	N/A	No Comment
74	Fairfield	Yes	No	No	N/A	No Comment
75	Powell	Yes	No	No	N/A	No Comment
76	Pinky Lewis	Yes	No	No	N/A	No Comment
77	Woodlands	Yes	No	No	N/A	No Comment
78	Summers Lane	Yes	No	No	N/A	No Comment
79	Jackie Wash	Yes	No	No	N/A	No Comment
80	Olympic(Scenic)	No	Yes	No	1 Hr	Councillor request/Email
Date: Tuesday March 19, 2024						
81	Bayfront	Yes	No	No	N/A	No Comment
82	City Hall	Yes	No	No	N/A	No Comment
83	Potruff & King	No	Yes	No	6 Hrs	Email From Outreach - 2 Abandoned 1 Active Tent
84	JC Beemer	Yes	No	No	N/A	No Comment
Date: Wednesday March 20, 2024						
85	Bayfront	Yes	No	No	N/A	No Comment
86	Bishops Gate	Yes	No	No	N/A	No Comment
87	Wellington Sq	Yes	No	No	N/A	No Comment
88	McNab & Hunter	No	Yes	Yes	3 Hrs	Clean Up/Compliance Notice
89	Woodlands	Yes	No	No	N/A	No Comment
90	Radial Trail	Yes	No	No	N/A	No Comment
Date: Thursday March 21, 2024						

91	Bayfront	Yes	No	No	N/A	No Comment
92	Mountain Drive	No	Yes	No	30 mins	Councillor request/Email
93	JC Beemer	Yes	No	No	N/A	No Comment
94	Wellington Sq	Yes	No	No	N/A	No Comment
95	Bishops Gate	Yes	No	No	N/A	No Comment
96	Kenilworth & Lawrence	Yes	No	No	N/A	No Comment
97	Gage Park	Yes	No	No	N/A	No Comment
98	Montgomery	Yes	No	No	N/A	No Comment
99	Delta	Yes	No	Yes	2hrs	Clean Up/Compliance Notice
Date: Friday March 22, 2024						
100	Bayfront	Yes	No	No	N/A	No Comment
102	JC Beemer	Yes	No	No	N/A	No Comment
103	Wellington Sq	Yes	No	No	N/A	No Comment
104	City Hall	Yes	No	No	N/A	No Comment
105	Stranchan	Yes	No	No	N/A	No Comment
106	Beasley	Yes	No	No	N/A	No Comment
107	Stroud	Yes	No	No	N/A	No Comment
108	Jackie Wash	Yes	No	No	N/A	No Comment
109	Churchill	No	Yes	Yes	1hr	No Comment
Date: Monday March 25, 2024						
110	JC Beemer	No	No	No	1 Hrs	Police to Call Centre
111	Bayfront	Yes	No	No	N/A	No Comment
112	Wellington Sq	Yes	No	No	N/A	No Comment
113	City Hall	Yes	No	No	N/A	No Comment
114	Radial Trail - Wentw to Young	Yes	No	No	N/A	No Comment
115	Kenilworth & Lawrence	Yes	No	No	N/A	No Comment
116	Fairfield	Yes	No	No	N/A	No Comment
Date: Tuesday March 26, 2024						
117	Radial Trail - Wentw to Young	Yes	No	No	N/A	No Comment
118	Radial Trail - Wentw to Kimberly Stairs	Yes	No	No	N/A	No Comment

[illegible]

April 2024 Daily Encampment Clean ups

Count	Location	Regular Cleanup	Outreach Email/Request	HPS/By-Law Requested Parks Onsite	Time Spent with HPS/By-law Onsite	Comments
Date: Tuesday April 2, 2024						
1	City Hall	No	No	Yes	3 Hrs	People voluntarily moving off site
2	JC Beemer	Yes	No	No	N/A	No Comment
3	Wellington Sq	Yes	No	No	N/A	No Comment
4	Bayfront	Yes	No	No	N/A	No Comment
Date: Wednesday April 3, 2024						
5	JC Beemer	Yes	No	No	N/A	No Comment
6	Bayfront	Yes	No	No	N/A	No Comment
7	Woodlands	Yes	No	No	N/A	No Comment
8	Bishops Gate	Yes	No	No	N/A	No Comment
9	City Hall	No	No	Yes	6 Hrs	People voluntarily moving off site
Date: Thursday April 4, 2024						
10	JC Beemer	Yes	No	No	N/A	No Comment
11	Bayfront	Yes	No	No	N/A	No Comment
12	Wellington Sq	Yes	No	No	N/A	No Comment

13	Delta	No	Yes	Yes	1hr	Outreach/Councilor request
14	Montgomery	Yes	No	No	N/A	No Comment
15	City Hall	No	No	Yes	3 Hrs	People voluntarily moving off site
Date: Friday April 5, 2024						
16	City Hall	No	No	Yes	1 Hrs	People voluntarily moving off site
17	Montgomery	Yes	No	No	N/A	No Comment
18	JC Beemer	Yes	No	No	N/A	No Comment
19	Kenilworth & Lawrence	Yes	No	No	N/A	No Comment
20	Bayfront	Yes	No	No	N/A	No Comment
21	Stroud	Yes	No	No	N/A	No Comment
22	Sirente	Yes	No	No	N/A	No Comment
Date: Monday April 8, 2024						
23	City Hall	No	No	Yes	6 Hrs	People voluntarily moving off site. On Site with HPS till 6pm
24	Bayfront	Yes	No	No	N/A	No Comment
25	JC Beemer	Yes	No	No	N/A	No Comment
26	Wellington Sq	Yes	No	No	N/A	No Comment
27	Woodlands	Yes	No	No	N/A	No Comment
28	Bishops Gate	Yes	No	No	N/A	No Comment
Date: Tuesday April 9, 2024						
29	Bayfront	Yes	No	No	N/A	No Comment
30	JC Beemer	Yes	No	No	N/A	No Comment
31	Mountain Drive	No	Yes	No	1 hr	Outreach/Councilor request
32	Jackie Washington	No	Yes	No	1 hr	Outreach/Councilor request
33	Upper Sherman and Rexford	No	Yes	No	1 hr	Outreach/Councilor request
34	City Hall	No	No	Yes	8 Hrs	People voluntarily moving off site. On Site with HPS till 6pm
Date: Wednesday April 10, 2024						
35	Jackie Washington	No	Yes	No	1 hr	Outreach/Councilor request
36	Upper Sherman and Rexford	No	Yes	No	30 mins	Outreach/Councilor request
37	City Hall	No	No	Yes	1 Hrs	Site is clear
38	Kenilworth and Limeridge	No	Yes	No	30 mins	Outreach/Councilor request
39	Bridge	No	Yes	No	30 mins	Outreach/Councilor request
40	Woodlands	Yes	No	No	N/A	No Comment
41	Fairfield	Yes	No	No	N/A	Call Centre Complaint

42	Montgomery	Yes	No	No	N/A	No Comment
Date: Thursday April 11, 2024						
43	Montgomery	Yes	No	No	N/A	No Comment
44	JC Beemer	No	Yes	No	1 hr	Outreach/Councilor request
45	Jackie Washington	Yes	No	No	N/A	No Comment
46	Bayfront	Yes	No	No	N/A	No Comment
47	Wellington Sq	Yes	No	No	N/A	No Comment
48	Kennilworth and Lawrance	Yes	No	No	N/A	No Comment
Date: Friday April 12, 2024						
49	JC Beemer	No	Yes	No	1 hr	Outreach/Councilor request
50	Bayfront	Yes	No	No	N/A	No Comment
51	Montgomery	Yes	No	No	N/A	No Comment
52	Eastmount	No	Yes	No	30 mins	Outreach/Councilor request
53	Victoria	No	Yes	No	1 hr	Outreach/Councilor request
54	Delta	Yes	Yes	No	1 hr	Outreach/Councilor request
55	Pink Lewis	No	Yes	No	30 mins	Outreach/Councilor request
56	Myrtle	No	Yes	No	30 mins	Outreach/Councilor request
Date: Monday April 15, 2024						
57	JC Beemer	Yes	No	No	N/A	No Comment
58	Bayfront	Yes	No	No	N/A	No Comment
59	Mountain Drive	No	Yes	No	30 hr	Outreach/Councilor request
60	Kennilworth and Lawrance	Yes	No	No	N/A	No Comment
61	Wellington Sq	No	No	Yes	4 hrs	HPS and By-Law request to be on site for compliance
62	Common Wealth sq	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
Date: Tuesday April 16, 2024						
63	Bishops Gate	No	Yes	No	1 hrs	Outreach request
64	Birge	Yes	No	No	N/A	No Comment
65	Woodlands	Yes	No	No	N/A	No Comment
66	Delta	No	Yes	No	1 hrs	Outreach/Councilor request
67	Common Wealth Sq	No	No	Yes	4 hrs	HPS and By-Law request to be on site for compliance
68	Nash rd & King	No	No	Yes	4 hrs	HPS and By-Law request to be on site for compliance
69	JC Beemer	Yes	No	No	N/A	No Comment
70	Redhill	Yes	No	No	N/A	No Comment

71	Durand	No	No	No	N/A	Call Centre Complaint
Date: Wednesday April 17, 2024						
72	JC Beemer	Yes	No	No	N/A	No Comment
73	Bayfront	Yes	No	No	N/A	No Comment
74	Wellington Sq	Yes	No	No	N/A	No Comment
75	Jackie Washington	Yes	No	No	N/A	No Comment
76	Whiteher	Yes	No	No	N/A	No Comment
77	Cater Park	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
78	Upper Wellington	Yes	No	No	N/A	No Comment
Date: Thursday April 18, 2024						
79	Bayfront	Yes	No	No	N/A	No Comment
80	Central	Yes	No	No	N/A	No Comment
81	Carloline St	Yes	No	No	N/A	No Comment
82	Stroud	Yes	No	No	N/A	No Comment
83	Strachen	Yes	No	No	N/A	No Comment
84	JC Beemer	Yes	No	No	N/A	No Comment
85	Whitehern	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
86	MacNab and Hunter st	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
Date: Friday April 19, 2024						
87	Bayfront	Yes	No	No	N/A	No Comment
88	JC Beemer	Yes	No	No	N/A	No Comment
89	Wellington Sq	Yes	No	No	N/A	No Comment
90	Montgomery	Yes	No	No	N/A	No Comment
91	Kennilworth and Lawrance	Yes	No	No	N/A	No Comment
92	Fairfield	Yes	No	No	N/A	No Comment
93	Barton & Tiffany	Yes	No	No	N/A	No Comment
94	Corktown Trail	No	Yes	No	N/A	Contractor - Clean up for community cleanup event
95	Radial Trail East of Wentworth	No	Yes	No	N/A	Contractor - Clean up for community cleanup event
96	Wentworth Stairs	No	Yes	No	N/A	Contractor - Clean up for community cleanup event
97	Queen St	No	Yes	No	N/A	Contractor - Clean up for community cleanup event
Date: Monday April 22, 2024						
98	Sam Lawrance	No	Yes	No	N/A	Outreach request
99	Bayfront	Yes	No	No	N/A	No Comment

100	JC Beemer	Yes	No	No	N/A	No Comment
101	Wellington Sq	Yes	No	No	N/A	No Comment
102	MacNab St	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
103	Hunter St	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
104	Shamrock Park	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
105	Jackson st	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
Date: Tuesday April 23, 2024						
106	Victoria & Young st	No	No	Yes	1 hrs	Outreach request
107	MacNab St	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
108	Hunter St	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
109	Jackson st	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
110	Clairemont Access	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
111	Mark Anthony	No	No	Yes	1 hrs	Councilor request
112	Central	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
113	Bayfront	Yes	No	No	N/A	No Comment
Date: Wednesday April 24, 2024						
114	Delta	Yes	Yes	No	1 hrs	Outreach request
115	Kennilworth and Lawrance	Yes	No	No	30 mins	Outreach request
116	JC Beemer	Yes	No	No	4 hrs	HPS and By-Law request to be on site for compliance
117	Montgomery	Yes	No	No	N/A	No Comment
118	Wellington Sq	Yes	No	No	N/A	No Comment
119	Fairfield	Yes	No	No	N/A	No Comment
Date: Thursday April 25, 2024						
120	Bayfront	Yes	No	No	N/A	No Comment
121	Wellington Sq	Yes	No	No	N/A	No Comment
122	Wellington & Hunter	Yes	No	No	N/A	No Comment
123	Mountain Drive	No	Yes	No	30 mins	Outreach/Councilor request
124	Montgomery	Yes	No	No	N/A	No Comment
125	Victoria & Young st	Yes	No	Yes	N/A	No Comment
126	Victoria & Young st	No	No	Yes	30 mins	Outreach request
127	Delta	No	Yes	No	20 mins	Outreach request
128	Bishops Gate	Yes	Yes	No	20 mins	Outreach request
129	Central Park	No	No	No	N/A	Parks North Complaint. No encampments

130	Strachan	No	No	No	N/A	Contractor
131	Carter	No	No	No	N/A	Contractor
132	Young st	No	No	No	N/A	Contractor
133	445 Charlton st	No	No	No	6 Hrs	abandon encampant on the escarpment - Contractor
Date: Friday April 26, 2024						
134	Bayfront	Yes	No	No	N/A	No Comment
135	JC Beemer	No	No	Yes	1hrs	HPS Request
136	Ferrie St	Yes	No	No	N/A	No Comment
137	Simcoe St	Yes	No	No	N/A	No Comment
138	Jackie Washington	Yes	No	No	N/A	No Comment
139	Cathedral Dog Park	No	No	No	2 hrs	HPS Request/ Fire Clean up
140	179 George St	No	Yes	No	N/A	Outreach request
Date: Monday April 29, 2024						
141	Bayfront	Yes	No	No	3 hrs	Spent 3 hrs at bayfront cleaning encampments
142	Fairfield	Yes	No	No	N/A	No Comment
143	Montgomery	Yes	No	No	N/A	No Comment
144	Wellington Sq	Yes	No	No	N/A	No Comment
145	JC Beemer	Yes	No	No	N/A	No Comment
146	Caroline St	Yes	No	No	N/A	No Comment
147	Kenilworth	No	Yes	No	30 mins	Outreach request
Date: Tuesday April 30, 2024						
148	Bayfront	Yes	No	No	N/A	No Comment
149	Delta	Yes	No	No	N/A	No Comment
150	Pinky Lewis	Yes	No	No	N/A	No Comment
151	Kenilworth	Yes	No	No	N/A	No Comment
152	Mountain Dr	Yes	No	No	N/A	No Comment
153	Cathedral Dog Park	Yes	No	No	N/A	No Comment
154	780 Up. Wentworth	No	No	No	N/A	Outreach request
155	Senior Centre	No	No	No	N/A	Outreach request

May 2024 Daily Encampment Clean ups

Count	Location	Regular Cleanup	Outreach Email/Request	HPS/By-Law Requested Parks Onsite	Time Spent with HPS/By-law Onsite	Comments
Date: Wednesday May 1, 2024						
1	Bayfront	Yes	No	No	N/A	No Comment
2	Montgomery	Yes	No	No	N/A	No Comment
3	Wellington Sq	Yes	No	No	N/A	No Comment
4	Mark Anthony	Yes	No	No	N/A	No Comment
5	Myrtle	Yes	No	No	N/A	No Comment
6	Bishops Gate	Yes	No	No	N/A	No Comment
7	Wentworth - Stairs to Younge	Yes	No	No	N/A	No Comment
8	Delta	Yes	No	No	N/A	No Comment
9	Mohawk Sports	No	No	No	1 Hr	HPS and By-Law request to be on site for compliance
10	Arbour rd	No	No	No	30 mins	HPS and By-Law request to be on site for compliance
11	Andrew Warburton	Yes	No	No	N/A	No Comment
12	Strachan	Yes	No	No	N/A	No Comment
13	Birge	Yes	No	No	N/A	No Comment
Date: Thursday May 2, 2024						

14	Bayfront	Yes	No	No	N/A	No Comment
15	Queen St	Yes	No	No	N/A	No Comment
16	Delta	No	No	No	4 hrs	HPS and By-Law request to be on site for compliance
Date: Friday May 3, 2024						
17	Bayfront	Yes	No	No	N/A	No Comment
18	Woodlands	No	No	No	2 hrs	HPS and By-Law request to be on site for compliance
19	Montgomery	Yes	No	No	N/A	No Comment
20	Fairfield	Yes	No	No	N/A	No Comment
21	Liberty	Yes	No	No	N/A	No Comment
22	Kenilworth	Yes	No	No	N/A	No Comment
Date: Saturday May 4, 2024						
23	JC Beemer	No	No	Yes	1Hr	Police request to remove propane tanks
Date: Monday May 6, 2024						
24	Bayfront	Yes	No	No	N/A	No Comment
25	Wellington Sq	Yes	No	No	N/A	No Comment
26	Mark Anthony	Yes	No	No	30 min	Outreach request
27	Bishops Gate	Yes	No	No	30 min	Outreach request
28	Kenilworth Fire Hall	No	No	No	30 min	Outreach request
29	Kenilworth & Lawerance	Yes	No	No	N/A	No Comment
30	Montgomery	Yes	No	No	N/A	No Comment
31	Fairfield	Yes	No	No	N/A	No Comment
32	Strachan	No	No	No	30 min	Outreach request
33	Mountain Dr	Yes	No	No	N/A	No Comment
Date: Tuesday May 7, 2024						
34	Bayfront	Yes	No	No	N/A	No Comment
35	Bishops Gate	Yes	No	No	N/A	No Comment
36	JC Beemer	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
37	Young St	Yes	No	No	N/A	No Comment
38	MacNab Bus Shelter	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
39	Gourley	No	No	No	30 min	Outreach request
40	Strachan	Yes	No	No	N/A	No Comment
Date: Wednesday May 8, 2024						
41	Bayfront	Yes	No	No	N/A	No Comment

42	Maclaren	No	Yes	No	1 Hr	Outreach request
43	John St	No	Yes	No	1 Hr	Outreach request
44	Gore Park	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
45	JC Beemer	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
46	Jackie Washington	Yes	No	No	N/A	No Comment
47	Wellington Sq	Yes	No	No	N/A	No Comment
48	Delta	No	Yes	No	1 Hr	Outreach request
Date: Thursday May 9, 2024						
49	Bayfront	Yes	No	No	N/A	No Comment
50	JC Beemer	Yes	No	No	N/A	No Comment
51	Carter	Yes	No	No	N/A	No Comment
52	JC Beemer	Yes	No	No	N/A	No Comment
53	Wellington Sq	No	Yes	No	1 Hr	Outreach request
54	Montgomery	Yes	No	No	N/A	No Comment
55	Strachan	Yes	No	No	N/A	No Comment
56	Fairfield	Yes	No	No	N/A	No Comment
57	Myrtle Park	No	Yes	No	30 min	Facilities request
58	Woodlands	Yes	No	No	N/A	No Comment
Date: Friday May 10, 2024						
59	Sherman and Charlton	No	Yes	No	1 hr	Outreach request
60	Jackson and MacNab	No	Yes	No	1 hr	Outreach request
61	Bayfront	No	No	Yes	4 hrs	HPS and By-Law request to be on site for compliance
62	Kenilworth & Lawerance	Yes	No	No	N/A	No Comment
63	JC Beemer	Yes	No	No	N/A	No Comment
Date: Monday May 13, 2024						
64	JC Beemer	Yes	No	No	N/A	No Comment
65	Bayfront	Yes	No	No	N/A	No Comment
66	Wellington Sq	No	Yes	No	1 Hr	Outreach request
67	Montgomery	Yes	No	No	N/A	No Comment
68	Clairmont and Charlton	No	Yes	No	1 hr	Outreach request
69	Jackie Washington	Yes	No	No	N/A	No Comment
70	Delta	No	Yes	No	1 Hr	Outreach request
71	Golf Links	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance

Date: Tuesday May 14, 2024						
72	JC Beemer	Yes	No	No	N/A	No Comment
73	Bayfront	Yes	No	No	N/A	No Comment
74	Wellington Sq	Yes	No	No	N/A	No Comment
75	Bishops Gate	No	Yes	No	30 min	Outreach request
76	Wentworth Trail	Yes	No	No	N/A	No Comment
77	Andrew Warburton	No	Yes	No	30 min	Outreach request
78	Mountain Dr	No	Yes	No	30 min	Outreach request
79	York St and Bay	No	Yes	No	1 hr	Outreach request
80	North Central	No	Yes	No	30 min	Outreach request
81	Kenilworth & Lawerance	Yes	No	No	N/A	No Comment
82	Strachan	Yes	No	No	N/A	No Comment
Date: Wednesday May 15, 2024						
83	Bayfront	Yes	No	No	N/A	No Comment
84	JC Beemer	Yes	No	No	N/A	No Comment
85	Wellington Sq	Yes	No	No	N/A	No Comment
86	Bishops Gate	Yes	No	No	N/A	No Comment
87	Montgomery	Yes	No	No	N/A	No Comment
88	Fairfield	Yes	No	No	N/A	No Comment
89	Wentworth Trail	Yes	No	No	N/A	No Comment
90	Nash rd	No	Yes	No	1 hr	Outreach request
91	Tiffany and Barton	No	Yes	No	1 hr	Outreach request
Date: Thursday May 16, 2024						
92	Bayfront	Yes	No	No	N/A	No Comment
93	JC Beemer	Yes	No	No	N/A	No Comment
94	Wellington Sq	Yes	No	No	N/A	No Comment
95	Wellington and Hunter	Yes	No	No	N/A	No Comment
96	Delta	Yes	No	No	N/A	No Comment
97	Bishops Gate	Yes	No	No	N/A	No Comment
98	Gage Park	No	Yes	No	1 hr	Outreach request
99	Tiffany and Barton	Yes	No	No	N/A	No Comment
100	Wentworth Trail	Yes	No	No	N/A	No Comment
101	Myrtle	Yes	No	No	N/A	No Comment

Date: Friday May 18, 2024						
102	Bay St & York Bus Stop	No	Yes	No	1 hr	Outreach request
103	Peace Gardens	No	Yes	No	1 hr	Outreach request
104-108	Wentworth Trail	Yes	No	No	N/A	Cleaned 5 separate locations
109	JC Beemer	Yes	No	No	N/A	No Comment
Date: Tuesday May 21, 2024						
110	Bayfront	Yes	No	No	3 hrs	Outreach request
111	JC Beemer	Yes	No	No	N/A	No Comment
112	Wellington Sq	Yes	No	No	N/A	No Comment
113	Jackie Washington	Yes	No	No	N/A	No Comment
114	Ferrie Lot	Yes	No	No	N/A	No Comment
115	Simcoe Lot	Yes	No	No	N/A	No Comment
116	Ferguson St	Yes	No	No	N/A	No Comment
117	Kenilworth & Lawerance	Yes	No	No	N/A	No Comment
118	Central Park	No	No	Yes	1.5 hrs	HPS and By-Law request to be on site for compliance
119	Hillcrest	No	No	Yes	1.5 hrs	HPS and By-Law request to be on site for compliance
120	Valery	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
121	Rosedale	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
122	Bishops Gate	Yes	No	No	N/A	No Comment
Date: Wednesday May 22, 2024						
123	Bayfront	Yes	No	No	N/A	No Comment
124	JC Beemer	Yes	No	No	N/A	No Comment
125	Central Park	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
126	Wellington Sq	Yes	No	No	N/A	No Comment
127	Charlton and Sherman Cut	No	No	No	1 hrs	Outreach request
128	Mountain Dr	Yes	No	No	N/A	No Comment
129	Young St	No	No	No	1 hrs	Outreach request
130	Myrtle Park	Yes	No	No	N/A	No Comment
131	Fairfield	Yes	No	No	N/A	No Comment
132	Montgomery	Yes	No	No	N/A	No Comment
133	Stirton Tot	Yes	No	No	N/A	No Comment
134	Gore Park	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
Date: Thursday May 23, 2024						

135	Bayfront	Yes	No	No	N/A	No Comment
136	JC Beemer	Yes	No	No	N/A	No Comment
137	Woodlands	Yes	No	No	N/A	No Comment
138	Wellington Sq	Yes	No	No	N/A	No Comment
139	Birch Ave	No	No	Yes	3 hrs	HPS and By-Law request to be on site for compliance
Date: Friday May 24, 2024						
140	Delta	Yes	No	No	N/A	No Comment
141	Montgomery	Yes	No	No	N/A	No Comment
142	Bayfront	Yes	No	No	N/A	No Comment
143	JC Beemer	Yes	No	No	N/A	No Comment
144	Wellington Sq	Yes	No	No	N/A	No Comment
145	Birch Ave & Burlington	No	No	No	1 hrs	Outreach request
146	Birch Parkette	No	No	Yes	30 mins	HPS and By-Law request to be on site for compliance
147	Jackie Washington	Yes	No	No	N/A	No Comment
148	Sam Lawerance	Yes	No	No	N/A	No Comment
149	Mountain Dr	Yes	No	No	N/A	No Comment
Date: Sunday May 26, 2024						
150	Sam Lawerance	No	No	No	N/A	Fire Clean up
Date: Monday May 27, 2024						
151	Bayfront	Yes	No	No	N/A	No Comment
152	Myrtle Park	Yes	No	No	30 mins	Facilities
153	90 Potruff	No	No	No	1 hrs	Outreach request
154	Kennilworth Stairs	No	No	No	1 hrs	Outreach request
155	Kennilworth and Lawerance	Yes	No	No	N/A	No Comment
156	JC Beemer	Yes	No	No	N/A	No Comment
157	Wellington Sq	Yes	No	No	N/A	No Comment
158	Gore Park	No	No	No	1 hrs	Outreach request
159	Peace Gardens	No	No	No	1 hrs	Outreach request
160	Delta	Yes	No	No	N/A	No Comment
161	Montgomery	Yes	No	No	N/A	No Comment
Date: Tuesday May 21, 2024						
162	Bayfront	Yes	No	No	N/A	No Comment
163	JC Beemer	Yes	No	No	N/A	No Comment

164	Strachan	Yes	No	No	N/A	No Comment
165	Montgomery	Yes	No	No	N/A	No Comment
166	Stroud	No	No	No	1.5 hrs	Outreach request
167	Young St	No	No	Yes	2 Hrs	HPS and By-Law request to be on site for compliance
Date: Wednesday May 29, 2024						
168	Bayfront	Yes	No	No	N/A	No Comment
169	JC Beemer	Yes	No	No	N/A	No Comment
170	Wellington Sq	Yes	No	No	N/A	No Comment
171	Fairfield Park	Yes	No	No	N/A	No Comment
172	Carter Park	Yes	No	No	N/A	No Comment
173	Lifesaver	No	No	No	1 hrs	Outreach request
174	Rail Trail	Yes	No	No	1 hrs	Outreach request
Date: Thursday May 30, 2024						
175	Bayfront	Yes	No	No	N/A	No Comment
176	Montgomery	Yes	No	No	N/A	No Comment
177	Myrtle Park	Yes	No	No	N/A	No Comment
178	Delta	Yes	No	No	N/A	No Comment
179	Gage Park	Yes	No	No	N/A	No Comment
180	Lifesaver	Yes	No	No	1 hrs	Outreach request
181	Wentworth Stairs	Yes	No	No	1 hrs	Outreach request
182	Carter Park	Yes	No	No	N/A	No Comment
183	JC Beemer	No	No	Yes	2 Hrs	HPS and By-Law request to be on site for compliance
184	Jackie Washington	Yes	No	No	N/A	No Comment
Date: Friday May 31, 2024						
185	Bayfront	Yes	No	No	1 hrs	Outreach Request Abandon Tent
186	Burford	Yes	No	No	1 hrs	Outreach request
187	Jackie Washington	Yes	No	No	N/A	No Comment
188	Station 30	No	No	No	30 Mins	Outreach request
190	Ferrie St Lot	Yes	No	No	N/A	No Comment
191	Simcoe Lot	Yes	No	No	N/A	No Comment

June 2024 Daily Encampment Clean ups

Count	Location	Regular Cleanup	Outreach Email/Request	HPS/By-Law Requested Parks Onsite	Time Spent with HPS/By-law Onsite	Comments
Date: Monday June 3, 2024						
1	Bayfront	Yes	No	No	N/A	No Comment
2	Mountain Dr	No	Yes	No	1 Hr	Outreach request
3	Upper Sherman	No	No	Yes	1.5 hrs	HPS and By-Law request to be on site for compliance
4	Clairmont	Yes	No	No	N/A	No Comment
5	Kenilworth and Lawerance	Yes	No	No	N/A	No Comment
6	Woodlands	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
7	Woolverton	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
8	JC Beemer	Yes	No	No	N/A	No Comment
Date: Tuesday June 4, 2024						
9	Bayfront	Yes	No	No	N/A	No Comment
10	JC Beemer	Yes	No	No	N/A	No Comment
11	Gage Park	Yes	No	Yes	3 hrs	HPS and By-Law request to be on site for compliance
12	Bishops Gate	Yes	No	No	N/A	No Comment
13	Kenilworth and Lawerance	Yes	No	No	N/A	No Comment

Date: Wednesday June 5, 2024						
14	Bayfront	Yes	No	No	N/A	No Comment
15	Gage Park	Yes	No	Yes	2.5 hrs	HPS and By-Law request to be on site for compliance
16	McLaren	No	Yes	No	30 min	Outreach request
17	North Central	No	Yes	No	30 min	Outreach request
18	Ferrie Lot	Yes	No	No	N/A	No Comment
19	Jackie Washington	Yes	No	No	N/A	No Comment
20	Simcoe	Yes	No	No	N/A	No Comment
21	Fairfield	Yes	No	No	N/A	No Comment
22	Montgomery	Yes	No	No	N/A	No Comment
Date: Thursday June 6, 2024						
23	Bayfront	Yes	No	Yes	2.5 hrs	HPS and By-Law request to be on site for compliance
24	Barton & Tiffany	Yes	No	Yes	5 hrs	HPS and By-Law request to be on site for compliance
Date: Friday June 7, 2024						
25	Bayfront	Yes	No	No	N/A	No Comment
26	Southam	Yes	No	No	N/A	No Comment
27	Mountain Dr	Yes	No	No	N/A	No Comment
28	Durndurn Parkette	Yes	No	No	N/A	No Comment
29	Eugene and Potruff	Yes	No	No	N/A	No Comment
30	Trail From wentworth to Young	Yes	No	No	N/A	No Comment
31	455 Charlton	No	No	No	N/A	Contractor Clean up
Date: Monday June 10, 2024						
32	Bayfront	Yes	No	No	N/A	No Comment
33-35	Jackie Washington	Yes	No	No	N/A	No Comment
36	Wellington Sq	Yes	No	No	N/A	No Comment
37	Strachan	Yes	No	No	N/A	No Comment
38	JC Beemer	Yes	No	No	N/A	No Comment
39	455 Charlton	Yes	No	No	N/A	No Comment
40	Victoria	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
41	Shamrock	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
Date: Tuesday June 11, 2024						
42	Radial Trail	Yes	No	No	N/A	No Comment
43	Wentworth Stairs	Yes	No	No	N/A	No Comment

44-45	Mountain Dr	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
46	Vincent Massey	Yes	No	No	N/A	No Comment
47	Nash Road	No	Yes	No	30 min	Outreach request
Date: Wednesday June 12, 2024						
48	Vincent Massey	Yes	No	No	N/A	No Comment
49	Mountain Dr	Yes	No	No	N/A	No Comment
50	Delta	Yes	No	No	N/A	No Comment
51	Montgomery	Yes	No	No	N/A	No Comment
52	Mahoney	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
53	Bayfront	Yes	No	No	N/A	No Comment
54	Central	Yes	No	No	N/A	No Comment
Date: Thursday June 13, 2024						
55	Fairfield	Yes	No	No	N/A	No Comment
56	Montgomery	Yes	No	No	N/A	No Comment
57	Mountain Dr	Yes	No	No	N/A	Call for abandoned tent
58	Kenilworth and Lawerance	Yes	No	No	5 hrs	No Comment
59	Bayfront	Yes	No	No	N/A	Contractor
60	Wellington Sq	Yes	No	No	N/A	Contractor
61	Delta	Yes	No	No	N/A	Contractor
62	Mountain Dr	Yes	No	No	N/A	Contractor
63	Bishops Park	Yes	No	No	N/A	Contractor
64	JC Beemer	Yes	No	No	N/A	Contractor
65	Montgomery	Yes	No	No	N/A	Contractor
Date: Friday June 14, 2024						
66	241 Wellington St	No	No	No	N/A	No Comment
67	JC Beemer	Yes	No	No	N/A	No Comment
68	Bayfront	Yes	No	No	N/A	No Comment
69	McNab & Hunter St	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
70	Whitehearn	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
71	Stroud	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
72	Bayfront	Yes	No	No	N/A	Contractor
73	Wellington Sq	Yes	No	No	N/A	Contractor
74	Delta	Yes	No	No	N/A	Contractor

75	Mountain Dr	Yes	No	No	N/A	Contractor
76	Bishops Park	Yes	No	No	N/A	Contractor
77	JC Beemer	Yes	No	No	N/A	Contractor
78	Montgomery	Yes	No	No	N/A	Contractor
Date: Monday June 17, 2024						
79	Bayfront	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
80	Montgomery	Yes	No	No	N/A	No Comment
81,82	Jackie Washington	Yes	No	No	N/A	No Comment
83	Bayfront	Yes	No	No	N/A	Contractor
84	Wellington Sq	Yes	No	No	N/A	Contractor
85	Delta	Yes	No	No	N/A	Contractor
86	Mountain Dr	Yes	No	No	N/A	Contractor
87	Bishops Park	Yes	No	No	N/A	Contractor
88	JC Beemer	Yes	No	No	N/A	Contractor
89	Montgomery	Yes	No	No	N/A	Contractor
Date: Tuesday June 18, 2024						
90	Bayfront	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
91	Clairmont	No	Yes	No	30 min	Outreach request
92	Old Mohawk rd	No	Yes	No	30 min	Outreach request
93	Fairfield	Yes	No	No	N/A	No Comment
94	Strachan	Yes	No	No	N/A	No Comment
95	Delta	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
96	Gage Park	Yes	No	No	N/A	No Comment
97	Bayfront	Yes	No	No	N/A	Contractor
98	Wellington Sq	Yes	No	No	N/A	Contractor
99	Delta	Yes	No	No	N/A	Contractor
100	Mountain Dr	Yes	No	No	N/A	Contractor
101	Bishops Park	Yes	No	No	N/A	Contractor
102	JC Beemer	Yes	No	No	N/A	Contractor
103	Montgomery	Yes	No	No	N/A	Contractor
Date: Wednesday June 19, 2024						
104	Fairfield	Yes	No	No	N/A	No Comment
105	Kenilworth and lawerance	Yes	No	No	N/A	No Comment

106	Quigley and King	No	No	No	N/A	No Comment
107	Carter	Yes	No	No	N/A	No Comment
108	Main and Macnab	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
109	Bayfront	Yes	No	No	N/A	Contractor
110	Wellington Sq	Yes	No	No	N/A	Contractor
111	Delta	Yes	No	No	N/A	Contractor
112	Mountain Dr	Yes	No	No	N/A	Contractor
113	Bishops Park	Yes	No	No	N/A	Contractor
114	JC Beemer	Yes	No	No	N/A	Contractor
115	Montgomery	Yes	No	No	N/A	Contractor
Date: Thursday June 20, 2024						
116	Starchan	No	Yes	No	30 min	Outreach request
117	Ferguson Station	No	No	Yes	2.5 hrs	HPS and By-Law request to be on site for compliance
118	Fairfield	Yes	No	No	N/A	No Comment
119	Montgomery	Yes	No	No	N/A	No Comment
120	JC Beemer	No	No	Yes	1.5 hrs	HPS and By-Law request to be on site for compliance
121	Jackie Washington	Yes	No	No	N/A	No Comment
122	St.Christopher	Yes	No	No	N/A	No Comment
123	Montgomery	Yes	No	No	N/A	Contractor
124	Bayfront	Yes	No	No	N/A	Contractor
125	Wellington Sq	Yes	No	No	N/A	Contractor
126	Delta	Yes	No	No	N/A	Contractor
127	Mountain Dr	Yes	No	No	N/A	Contractor
128	Bishops Park	Yes	No	No	N/A	Contractor
129	JC Beemer	Yes	No	No	N/A	Contractor
Date: Friday June 21, 2024						
130	Stirton Tot	Yes	No	No	N/A	No Comment
131	Bayfront	Yes	No	No	N/A	No Comment
132	Simcoe St	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
133	Jackie Washington	Yes	No	No	N/A	No Comment
134	Birge	Yes	No	No	N/A	No Comment
135	Birch	No	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
136	Ferguson Station	Yes	No	No	N/A	No Comment

137	272 Avondale	No	Yes	No	1 Hrs	Outreach request
138	Montgomery	Yes	No	No	N/A	Contractor
139	Bayfront	Yes	No	No	N/A	Contractor
140	Wellington Sq	Yes	No	No	N/A	Contractor
141	Delta	Yes	No	No	N/A	Contractor
142	Mountain Dr	Yes	No	No	N/A	Contractor
143	Bishops Park	Yes	No	No	N/A	Contractor
144	JC Beemer	Yes	No	No	N/A	Contractor
Date: Monday June 24, 2024						
145	Fairfield	Yes	No	No	N/A	No Comment
146	Birch and Burlington	No	Yes	No	3 Hrs	Outreach request
147	Southham	No	Yes	No	2 Hrs	Outreach request
148	Montgomery	Yes	No	No	N/A	Contractor
149	Bayfront	Yes	No	No	N/A	Contractor
150	Wellington Sq	Yes	No	No	N/A	Contractor
151	Delta	Yes	No	No	N/A	Contractor
152	Mountain Dr	Yes	No	No	N/A	Contractor
153	Bishops Park	Yes	No	No	N/A	Contractor
154	JC Beemer	Yes	No	No	N/A	Contractor
Date: Tuesday June 25, 2024						
155-157	Jackie Washington	Yes	No	No	N/A	No Comment
158	Bayfront	Yes	No	No	N/A	No Comment
159	JC Beemer	Yes	No	No	N/A	No Comment
160	Gage	Yes	No	No	N/A	No Comment
161	Delta	Yes	No	No	N/A	No Comment
162	Montgomery	Yes	No	No	N/A	Contractor
163	Bayfront	Yes	No	No	N/A	Contractor
164	Wellington Sq	Yes	No	No	N/A	Contractor
165	Delta	Yes	No	No	N/A	Contractor
166	Mountain Dr	Yes	No	No	N/A	Contractor
167	Bishops Park	Yes	No	No	N/A	Contractor
168	JC Beemer	Yes	No	No	N/A	Contractor
Date: Wednesday June 26, 2024						

168-169	Wellington and Hunter	Yes	Yes	No	2 Hrs	Outreach request
170	Bishops Park	Yes	No	No	N/A	No Comment
171	Mountain Dr	Yes	No	No	N/A	No Comment
172	West 5	No	Yes	No	30 min	Outreach request
173	Trentholm	No	Yes	No	30 min	Outreach request
174	Upper Paradise and Stone Chrch	No	Yes	No	30 min	Outreach request
175	Olympic	No	Yes	No	30 min	Outreach request
176	JC Beemer	Yes	No	No	N/A	No Comment
177	Montgomery	Yes	No	No	N/A	Contractor
176	Bayfront	Yes	No	No	N/A	Contractor
179	Wellington Sq	Yes	No	No	N/A	Contractor
180	Delta	Yes	No	No	N/A	Contractor
181	Mountain Dr	Yes	No	No	N/A	Contractor
182	Bishops Park	Yes	No	No	N/A	Contractor
183	JC Beemer	Yes	No	No	N/A	Contractor
Date: Thursday June 27, 2024						
184	Bayfront	Yes	No	No	N/A	No Comment
185	Fairfield	Yes	No	No	N/A	No Comment
186	Montgomery	Yes	No	No	N/A	No Comment
187	Kennilworth and Lawerance	Yes	No	No	N/A	No Comment
188	Gage	Yes	No	No	N/A	No Comment
189	Jackie Washington	Yes	No	No	N/A	No Comment
190	Wellington Sq	Yes	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
191	Pinky Lewis	No	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
192	Montgomery	Yes	No	No	N/A	Contractor
193	Bayfront	Yes	No	No	N/A	Contractor
194	Wellington Sq	Yes	No	No	N/A	Contractor
195	Delta	Yes	No	No	N/A	Contractor
196	Mountain Dr	Yes	No	No	N/A	Contractor
197	Bishops Park	Yes	No	No	N/A	Contractor
198	JC Beemer	Yes	No	No	N/A	Contractor
Date: Friday June 28, 2024						
199	Fairfield	Yes	No	No	N/A	No Comment

[illegible]

July 2024 Daily Encampment Clean ups						
Count	Location	Regular Cleanup	Outreach Email/Request	HPS/By-Law Requested Parks Onsite	Time Spent with HPS/By-law Onsite	Comments
Date: Monday July 1, 2024						
1,6	Bayfront	Yes	No	No	N/A	Clean up For Canada Day Event
Date: Tuesday July 2, 2024						
7	Jackie Washington	Yes	No	No	N/A	No Comment
8	Burlington St and Birch	Yes	No	No	N/A	No Comment
9	Birge	Yes	No	No	N/A	No Comment
10	North Central	Yes	No	No	N/A	No Comment
11	Woodlands	Yes	No	No	N/A	No Comment
12	Fairfield	Yes	No	No	N/A	No Comment
13	Wellington Sq	Yes	No	Yes	3 hrs	HPS and By-Law request to be on site for compliance
14	Montgomery	Yes	No	No	N/A	Contractor
15	Bayfront	Yes	No	No	N/A	Contractor
16	Wellington Sq	Yes	No	No	N/A	Contractor
17	Delta	Yes	No	No	N/A	Contractor
18	Mountain Dr	Yes	No	No	N/A	Contractor

19	Bishops Park	Yes	No	No	N/A	Contractor
20	JC Beemer	Yes	No	No	N/A	Contractor
Date: Wednesday July 3, 2024						
21	Rail Trail	Yes	No	No	N/A	No Comment
22	Woolverton	Yes	No	No	N/A	No Comment
23	Corktown	Yes	No	No	N/A	No Comment
24	Shamrock	Yes	No	No	N/A	No Comment
25	Birge	Yes	No	No	N/A	No Comment
26	Confederation Park	Yes	No	No	N/A	No Comment
27	Stirton Tot Lot	Yes	No	No	N/A	No Comment
28	Liberty and Grange	Yes	No	No	N/A	No Comment
29	Ferguson Station	Yes	No	No	N/A	No Comment
30	Montgomery	Yes	No	No	N/A	Contractor
31	Bayfront	Yes	No	No	N/A	Contractor
32	Delta	Yes	No	No	N/A	Contractor
33	Mountain Dr	Yes	No	No	N/A	Contractor
34	Bishops Park	Yes	No	No	N/A	Contractor
35	JC Beemer	Yes	No	No	N/A	Contractor
Date: Thursday July 4, 2024						
36	Jackie Washinton	Yes	No	No	N/A	No Comment
37	Fairfield Park	Yes	No	No	N/A	No Comment
38	nnilworth and Lawerar	Yes	No	No	N/A	No Comment
39	Gage Park	Yes	No	No	N/A	No Comment
40	Ferguson Station	Yes	No	No	N/A	No Comment
41	Montgomery	Yes	No	No	N/A	Contractor
42	Bayfront	Yes	No	No	N/A	Contractor
43	Delta	Yes	No	No	N/A	Contractor
44	Mountain Dr	Yes	No	No	N/A	Contractor
45	Bishops Park	Yes	No	No	N/A	Contractor
46	JC Beemer	Yes	No	No	N/A	Contractor
Date: Friday July 5, 2024						
48	Fay Park	Yes	No	Yes	2 hrs	HPS and By-Law request to be on site for compliance
49	Olympic	Yes	No	No	N/A	No Comment

50	Queen St	Yes	No	No	N/A	No Comment
51	Jackie Washington	Yes	No	No	N/A	No Comment
52	JC Beemer	Yes	No	No	N/A	No Comment
53	Park and Vine	Yes	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
54	Battlefield Park	Yes	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
55	MacNab st	Yes	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
56	Fay Park	Yes	No	Yes	1 hrs	Outreach request
57	Montgomery	Yes	No	No	N/A	Contractor
58	Bayfront	Yes	No	No	N/A	Contractor
59	Delta	Yes	No	No	N/A	Contractor
60	Mountain Dr	Yes	No	No	N/A	Contractor
60	Bishops Park	Yes	No	No	N/A	Contractor
61	JC Beemer	Yes	No	No	N/A	Contractor
Date: Monday July 8, 2024						
63	Jackie Washington	Yes	No	No	N/A	No Comment
64	Fay Park	Yes	No	No	N/A	No Comment
65	Fay Park	Yes	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
66	Mountain Dr	Yes	No	No	N/A	No Comment
67	Kennilworth and Law	Yes	No	No	N/A	No Comment
68	Fairfield	Yes	No	No	N/A	No Comment
69	John and Rebecca	Yes	No	No	N/A	No Comment
70	Hunter and MacNab	Yes	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
71	Hurst and MacNab	Yes	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
72	Your and Bay	Yes	No	Yes	1 hrs	HPS and By-Law request to be on site for compliance
73	Montgomery	Yes	No	No	N/A	Contractor
74	Bayfront	Yes	No	No	N/A	Contractor
75	Delta	Yes	No	No	N/A	Contractor
76	Mountain Dr	Yes	No	No	N/A	Contractor
77	Bishops Park	Yes	No	No	N/A	Contractor
78	JC Beemer	Yes	No	No	N/A	Contractor

KRISTEN HEEGSMA et al.

Applicants

- and -

CITY OF HAMILTON

Court File No. CV-21-00077187-0000

Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE
 PROCEEDING COMMENCED AT
 HAMILTON

AFFIDAVIT OF CORY MANNING
 affirmed July 30, 2024

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Lawyers for the respondent

File Number: H227899

TAB 130

<p>1 Court File No. CV-21-77187</p> <p>2 ONTARIO</p> <p>3 SUPERIOR COURT OF JUSTICE</p> <p>4 B E T W E E N:</p> <p>5</p> <p>6 KRISTEN HEEGSMAN, DARRIN MARCHAND, GORD SMYTH,</p> <p>7 MARIO MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL,</p> <p>8 CHRISTINE DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER,</p> <p>9 CASSANDRA JORDAN, JULIA LAUZON, AMY LEWIS,</p> <p>10 ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL,</p> <p>11 SHERRI OGDEN, JAHMAL PIERRE, LINSLEY GREAVES and</p> <p>12 PATRICK WARD</p> <p>13 Applicants</p> <p>14 - and -</p> <p>15</p> <p>16 CITY OF HAMILTON</p> <p>17 Respondent</p> <p>18</p> <p>19</p> <p>20 --- This is the Examination for Discovery of CORY</p> <p>21 MANNING on his Affidavit sworn July 30, 2024,</p> <p>22 herein, taken via videoconference hosted by Nimigan</p> <p>23 Mihailovich Reporting Inc. on the 27th day of</p> <p>24 August 2024.</p> <p>25</p> <p>NIMIGAN MIHAILOVICH REPORTING INC. 1.905.522.1653 info@nmreporting.ca</p>	<p>3</p> <p>1 TABLE OF CONTENTS</p> <p>2 INDEX OF EXAMINATIONS: PAGE NO.</p> <p>3 CORY MANNING; Affirmed</p> <p>4 CROSS-EXAMINATION BY MR. CHOUDHRY.....4</p> <p>5</p> <p>6 The following list of undertakings, advisements and</p> <p>7 refusals is meant as a guide only for the</p> <p>8 assistance of counsel and for no other purpose.</p> <p>9</p> <p>10 INDEX OF UNDERTAKINGS</p> <p>11 The questions/requests undertaken are noted by U/T</p> <p>12 and appear on the following page/line numbers:</p> <p>13 None noted</p> <p>14</p> <p>15 INDEX OF ADVISEMENTS</p> <p>16 The questions/requests taken under advisement are</p> <p>17 noted by U/A and appear on the following page/line</p> <p>18 numbers: None noted</p> <p>19</p> <p>20 INDEX OF REFUSALS</p> <p>21 The questions/requests refused are noted by R/F and</p> <p>22 appear on the following page/line numbers: None</p> <p>23 noted</p> <p>24</p> <p>25 NIMIGAN MIHAILOVICH REPORTING INC. 1.905.522.1653 info@nmreporting.ca</p>
<p>2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 Sujit Choudhry For the Applicants</p> <p>4</p> <p>5 Bevin Shores For the Respondent</p> <p>6</p> <p>7 IN ATTENDANCE:</p> <p>8</p> <p>9 Curtis Sell - CLCYR</p> <p>10 Michelle Sutherland - CLCYR</p> <p>11 Nonye Okenwa - CLCYR</p> <p>12 Sharon Crowe - HCLC</p> <p>13 Liz Marr</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>NIMIGAN MIHAILOVICH REPORTING INC. 1.905.522.1653 info@nmreporting.ca</p>	<p>4</p> <p>1 ---Upon Commencing at 12:08 p.m.</p> <p>2 CORY MANNING; Affirmed.</p> <p>3 CROSS-EXAMINATION BY MR. CHOUDHRY:</p> <p>4 1 Q. Mr. Manning, good morning, sir.</p> <p>5 My name is Sujit Choudhry, I've been introduced to</p> <p>6 you already, but for the record I'm just stating</p> <p>7 my name.</p> <p>8 A. Nice to meet you.</p> <p>9 2 Q. Nice to meet you.</p> <p>10 So, Mr. Manning, I have a bit of a</p> <p>11 spiel I give to every witness, so I'm just going</p> <p>12 to provide you with this. Some of it you've</p> <p>13 already heard off the record.</p> <p>14 As you know I am cross-examining you</p> <p>15 on your affidavit which has been filed by the City</p> <p>16 in a court case regarding homeless encampments.</p> <p>17 Your affidavit and this cross-examination will be</p> <p>18 put into evidence before the Court and it's,</p> <p>19 therefore, important that you tell the truth.</p> <p>20 If you'd like me to repeat a</p> <p>21 question, please do. If you would like me to take</p> <p>22 a moment to collect your thoughts to answer a</p> <p>23 question, please take it. You may only have your</p> <p>24 affidavit and exhibits in front of you and no</p> <p>25 other materials or notes. Can you confirm that's</p> <p>NIMIGAN MIHAILOVICH REPORTING INC. 1.905.522.1653 info@nmreporting.ca</p>

5

1 true?

2 A. True.

3 3 Q. And you are alone in an office

4 somewhere?

5 A. Correct.

6 4 Q. Good. And if I refer you to

7 any other evidence or materials I'll put them up

8 on the screen for you to look at.

9 Do you have any questions about

10 those instructions?

11 A. No, sir.

12 5 Q. Okay. So I just would like to

13 put it on the screen. Mr. Manning, --

14 A. Yes.

15 6 Q. -- do you see this document,

16 sir?

17 A. Yes, I do.

18 7 Q. I'm sorry, I didn't hear you,

19 but if you nod it doesn't turn up on the record,

20 so you'll have to say "yes".

21 A. Yes, I see it.

22 8 Q. Good, thank you. And is this

23 your -- and so, Mr. Manning, I'm just going to

24 take you to the bottom here to look at the date.

25 It says that this affidavit was affirmed by you on

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6

1 July 30th, 2024; is that correct?

2 A. Yes, correct.

3 9 Q. I just would like to ask you a

4 few questions about this. So I'm going to take

5 you back to the top of the affidavit. Just give

6 me a minute, please.

7 So, Mr. Manning, I just want to ask

8 you a question about paragraph 2. Can you just

9 refresh your memory by reading paragraph 2 again

10 before I ask you about it.

11 A. I'm good, you go ahead and ask

12 your questions.

13 10 Q. Great. So how many parks are

14 there in Parks District North?

15 A. I don't have an exact number.

16 It's probably anywhere from 80 to 100 parks.

17 11 Q. I see. So you would estimate

18 that there's between 80 and 100 parks in Parks

19 District North?

20 A. Correct.

21 12 Q. And then prior to that you were

22 a superintendent of Parks District West, correct?

23 A. Correct.

24 13 Q. And could you estimate how many

25 parks there are in Parks District West?

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7

1 A. Somewhere in the same, probably

2 maybe a little bit more, or just a bit over 100.

3 14 Q. Okay. Sir, when you say:

4 "In May 2022 I also, as an added

5 responsibility, headed the encampment team for the

6 Parks and Cemeteries Section." [All quotes are as

7 read].

8 Could you please clarify if that's

9 in relation to Parks District North only or is it

10 with respect to all parks and cemeteries in

11 Hamilton?

12 A. All parks and cemeteries.

13 15 Q. I see. And how many are those?

14 How many parks and cemeteries would you estimate

15 there are in Hamilton?

16 A. There's upwards of 500.

17 16 Q. Okay. And in your, in your --

18 are you able to estimate in those 500 parks and

19 cemeteries -- pardon me, could you repeat your

20 answer again, Mr. Manning, I don't want to put

21 words in your mouth?

22 A. Repeat answer to which

23 question?

24 17 Q. How many parks and cemeteries

25 are there in your estimation?

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8

1 A. Across the entire division?

2 18 Q. Yes.

3 A. Close to 500.

4 19 Q. And in those close to 500 parks

5 or cemeteries, how many contain encampments, would

6 you say?

7 A. At this given time?

8 20 Q. Yes, sir.

9 A. I would say we're in the

10 proximity of, known locations, 30, 40.

11 21 Q. And how many of those known

12 locations, 30 or 40, by your estimate have you

13 personally visited?

14 A. I would say 80 per cent of

15 them.

16 22 Q. So could I -- if we could do it

17 with mathematics here, so when you're saying 80

18 per cent of 30 to 40, that's between 24 --

19 A. 20 to 25.

20 23 Q. I'm sorry, sir?

21 A. 20 to 25 of them.

22 24 Q. Okay. And your observations

23 are based on your visits to those 20 to 25

24 encampments?

25 A. My observation is based on per

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<p style="text-align: right;">9</p> <p>1 location. Every one of them is different.</p> <p>2 25 Q. Oh, I see. So what might be</p> <p>3 true in some encampments aren't true in others?</p> <p>4 A. Absolutely.</p> <p>5 26 Q. Could you just explain that,</p> <p>6 what you mean by that a bit more, sir?</p> <p>7 A. Could you ask the question,</p> <p>8 like what are you looking for?</p> <p>9 27 Q. Okay. Let me -- that's fair,</p> <p>10 so let me take you to the next paragraph, which is</p> <p>11 paragraph 3 which is about cleanup. Does the --</p> <p>12 and so you involve -- what is your precise role</p> <p>13 with respect to cleanup in encampments?</p> <p>14 A. I manage the encampment cleanup</p> <p>15 team. So a supervisor and three Parks employees.</p> <p>16 28 Q. Are you able -- I'm sorry,</p> <p>17 could you repeat the last part of your answer?</p> <p>18 A. Yes, I manage a supervisor and</p> <p>19 three Parks staff.</p> <p>20 29 Q. And are you able to comment on</p> <p>21 the work of the cleanup teams or how it varies</p> <p>22 across the 30 to 40 sites you visited?</p> <p>23 A. Sure. What would be your</p> <p>24 question specifically?</p> <p>25 30 Q. The degree of cleanup required;</p> <p style="text-align: center;">NIMIGAN MIHAIOVICH REPORTING INC. 1.905.522.1653 info@nmreporting.ca</p>	<p style="text-align: right;">11</p> <p>1 Monday to Friday.</p> <p>2 37 Q. Okay. And then how about the</p> <p>3 other locations?</p> <p>4 A. Could be one, because some of</p> <p>5 them move, it could be one day a week, it could be</p> <p>6 twice a week. It might not be for, you know --</p> <p>7 again, when I say "week", I'm saying within the</p> <p>8 Monday to Friday timeframe. Sometimes we don't</p> <p>9 get to some locations for seven, eight working</p> <p>10 days. It depends on the site and also how quickly</p> <p>11 they move from their locations.</p> <p>12 38 Q. I see. And so if I could</p> <p>13 summarize, then, so you say sites where you know</p> <p>14 people are, pardon me, encampments that remain in</p> <p>15 the same location you clean up regularly and</p> <p>16 that's daily Monday to Friday, correct?</p> <p>17 A. We clean up, we have a list</p> <p>18 that's a fluid list at times. But, yes, we try to</p> <p>19 for encampments that are located, are not moving,</p> <p>20 yes, we try to get there on a regular basis</p> <p>21 between Monday and Friday. Again, it could be</p> <p>22 five days a week, it could be four, but we're</p> <p>23 within that timeframe, for sure.</p> <p>24 39 Q. And just if I could continue,</p> <p>25 then, and the sites that are not in stable --</p> <p style="text-align: center;">NIMIGAN MIHAIOVICH REPORTING INC. 1.905.522.1653 info@nmreporting.ca</p>
<p style="text-align: right;">10</p> <p>1 how often cleanup is required.</p> <p>2 A. So some locations are cleaner</p> <p>3 than others. Some locations are dirtier than</p> <p>4 others. So some cleanups take 20 minutes, some</p> <p>5 cleanups could take two hours, three hours.</p> <p>6 31 Q. Okay.</p> <p>7 A. It depends on the location.</p> <p>8 32 Q. I see. So it depends.</p> <p>9 A. Correct.</p> <p>10 33 Q. Okay. I want to go down to</p> <p>11 paragraph 6. In paragraph 6 you put in quotes the</p> <p>12 term "regular cleanup"; do you see that?</p> <p>13 A. Mm-hmm, yes, I do.</p> <p>14 34 Q. Could you define what you mean</p> <p>15 by "regular cleanup"?</p> <p>16 A. We have a more consistent</p> <p>17 schedule to visit more regularly to pick up the</p> <p>18 garbage, to keep the sites tidy.</p> <p>19 35 Q. So "regular" refers to the</p> <p>20 frequency of the cleanup?</p> <p>21 A. Correct.</p> <p>22 36 Q. And what would -- and what</p> <p>23 frequency would that be?</p> <p>24 A. Right now we have anywhere from</p> <p>25 six to ten locations that we frequent daily,</p> <p style="text-align: center;">NIMIGAN MIHAIOVICH REPORTING INC. 1.905.522.1653 info@nmreporting.ca</p>	<p style="text-align: right;">12</p> <p>1 pardon me, the encampments that aren't in stable</p> <p>2 locations, you don't clean them up as frequently?</p> <p>3 A. Correct. Most of those</p> <p>4 locations we are told, we get information stating</p> <p>5 that there's a location in a certain spot that has</p> <p>6 been abandoned that we would clean up, yeah.</p> <p>7 40 Q. So you can't clean them up</p> <p>8 regularly because you don't always know where they</p> <p>9 are?</p> <p>10 A. Correct.</p> <p>11 41 Q. And so I just want to take you</p> <p>12 to Exhibit "A" for a minute. Mr. Manning, you're</p> <p>13 able to refer to this if you have it there if you</p> <p>14 would like to.</p> <p>15 A. Yeah, I have it.</p> <p>16 42 Q. Okay. And so this lists some</p> <p>17 cleanups. Could you just describe what this</p> <p>18 information is for me, please?</p> <p>19 A. Sure. We can go with the first</p> <p>20 one there, February 13th, York Parkette, that's</p> <p>21 one of our parks. "Dimitri" is the occupant of</p> <p>22 that location. "Wilson" is the councillor of that</p> <p>23 location. "PN" means Parks North staff. "(1)" is</p> <p>24 just the statement to, it's February 13th, was the</p> <p>25 first cleanup that we did in February.</p> <p style="text-align: center;">NIMIGAN MIHAIOVICH REPORTING INC. 1.905.522.1653 info@nmreporting.ca</p>

<p style="text-align: right;">13</p> <p>1 43 Q. I see. Could you just maybe 2 explain just to help me here, I'm just 3 highlighting the February 22nd entry. It's not 4 highlighting well, but you know what I'm saying. 5 A. So February 22nd we did a 6 cleanup at Hillcrest Park and Woodland's Park. 7 Our staff did the cleanup. 10 and 11 would be the 8 number of cleanups that we have progressed to 9 since February 13th. 10 44 Q. Oh, I see. So these numbers 11 just -- these numbers on the right that I'm 12 highlighting here, 1, 2, 3, 4, 5, 6, 7, et cetera, 13 that's a running count? 14 A. It's just a running total so at 15 the end of the month we can say we cleaned up this 16 many, whatever, a numerical value of locations for 17 the month. 18 45 Q. Okay. And in March this is the 19 same information, or this is the comparable 20 information for March? 21 A. Correct. 22 46 Q. Okay. And then this is the 23 comparable information for April? 24 A. Correct. 25 47 Q. Okay. And May, June, July, I NIMIGAN MIHAIOVICH REPORTING INC. 1.905.522.1653 info@nmreporting.ca</p>	<p style="text-align: right;">15</p> <p>1 see is 2023. 2 52 Q. So these pages are from 2023. 3 This is October 2023? 4 A. Yeah. 5 53 Q. November 2023? 6 A. Yes. 7 54 Q. We'll continue to go through 8 these pages. December, and this is January 2024? 9 A. Yes. 10 55 Q. Okay. And so in January 2024 11 there were 139 cleanups in total, correct? 12 A. Correct. 13 56 Q. Okay. And in February it went 14 down to 58, correct? 15 A. Correct. 16 57 Q. Okay. And then these are, 17 okay, if I understand correctly, these records are 18 simply for March 2024 onward, correct? 19 A. Correct. 20 58 Q. This is Exhibit "B" to your 21 affidavit? 22 A. Yes. 23 59 Q. Okay. That helps, okay. Thank 24 you. 25 So I would like to go back to your NIMIGAN MIHAIOVICH REPORTING INC. 1.905.522.1653 info@nmreporting.ca</p>
<p style="text-align: right;">14</p> <p>1 understand, and August. I see. 2 And now some of -- okay, this 3 begins, just to be clear, this is February 2023, 4 correct? 5 A. This would be, I'm trying to 6 remember now. I'm not sure, I would have to 7 check. 8 48 Q. Well, Mr. Manning, if it helps 9 maybe we can just go through the pages together so 10 we can put dates on these pages, if you can 11 determine. So this page says February, the next 12 says March, the next says April -- 13 A. Yeah. 14 49 Q. -- and then it goes May, June, 15 July, August, September, we're not in September 16 yet, so is it fair to say this is likely September 17 2023? 18 A. Sorry, I'm just scrolling 19 through myself -- 20 50 Q. Of course. 21 A. -- I want to give you the 22 correct information. 23 51 Q. Of course. 24 A. Yes, correct, that would be 25 starting February 2023. The first February you NIMIGAN MIHAIOVICH REPORTING INC. 1.905.522.1653 info@nmreporting.ca</p>	<p style="text-align: right;">16</p> <p>1 affidavit, if I could, just a couple more 2 questions. Paragraph 11, do you see that? 3 A. Yeah. 4 60 Q. You say the following: 5 "I find that my staff and I 6 generally enjoy a good rapport with people living 7 in the encampments." 8 Could you just explain what you mean 9 by good rapport? 10 A. Yeah. Myself and my staff know 11 many of the encamped people's names. They know 12 our names. They know when we show up to do 13 cleanups they help us actually engage and start 14 cleaning up their own sites. We supply them with 15 bags, they put them in locations for us to take 16 away. So I would say we have a good rapport and 17 relationship with the people who are living in 18 encampments. 19 61 Q. So they're cooperative with the 20 cleaning efforts? 21 A. Correct, yes. 22 62 Q. Do they participate in the 23 cleaning efforts with you and members of your 24 team? 25 A. They participate on their own NIMIGAN MIHAIOVICH REPORTING INC. 1.905.522.1653 info@nmreporting.ca</p>

17

1 site. We don't allow them to be throwing things
2 into our vehicles or anything like that. They
3 clean up their own sites, put them into bags, then
4 we dispose of them.

5 63 Q. I understand. And so have they
6 ever threatened you?

7 A. No, sir.

8 64 Q. Okay. And I just want to
9 continue down to paragraph 12. You state:
10 "Many of them express that they see
11 their encampment site as their possession."

12 Do you see that?

13 A. Yes.

14 65 Q. Do they say that this
15 encampment site is their private property?

16 A. I would say that they tell us
17 that the possessions that are there on the site is
18 theirs. So items that are on their sites, they
19 look at them as their possessions.

20 66 Q. I see. When you say
21 "possessions that are on the site", what
22 possessions are you referring to, Mr. Manning?

23 A. It could be things that, you
24 know, they have buckets and blankets and clothing
25 and tents. I mean, we could name pretty much
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18

1 anything that's possible that they have on their
2 sites or within their possessions that they view
3 as their possessions, where other people may view
4 it as garbage.

5 67 Q. I see. Mr. Manning, thank you,
6 I think I'm done for today. Thank you very much
7 for your time.

8 A. No problem, thank you very
9 much.

10
11 ---Whereupon examination adjourned at 12:26 p.m.
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19

REPORTER'S CERTIFICATE

I, SHEILA M. FINLAY, CSR, Certified
Shorthand Reporter and Commissioner of Oaths within
and for the Province of Ontario, certify;

That the foregoing proceedings were
taken before me at the time and place therein set
forth, at which time the witness was put under oath
by me;

That the testimony of the witness and
all objections made at the time of the examination
were recorded stenographically by me and were
thereafter transcribed;

That the foregoing is a true and
correct transcript of my shorthand notes so taken.

Dated this 30th day of August 2024

Sheila Finlay

[Signed Electronically]

SHEILA M. FINLAY, CSR /ACT
CERTIFIED SHORTHAND REPORTER/
AUTHORIZED COURT TRANSCRIPTIONIST

Commission Expires September 1, 2024

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TAB 131

Court File No. CV-21-00077187-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**ASHLEY POFF, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO
AND SHAWN ARNOLD**

Applicants

- and –

CITY OF HAMILTON

Respondent

AFFIDAVIT OF ROB MASTROIANNI

I, ROB MASTROIANNI, of the City of Hamilton, in the Province of Ontario, MAKE OATH AND SAY:

1. I am an employee of the City Hamilton as such I have knowledge of the matters set out in my affidavit. Where I rely on the information of others, I state the source of that information and verily believe it to be true.
2. I am employed by the City of Hamilton as the Manager of the Residential Care Facilities Subsidy Program & Emergency Shelter Services within the Healthy & Safe Community Department of the City of Hamilton's Housing Services Division. My role includes, among other responsibilities, oversight of the City's Emergency Shelter Services and Housing Focused Street Outreach Team.

A Working Definition of Homelessness

3. It is difficult to precisely define homelessness. The Government of Canada, National Housing Strategy, provides the following definition adapted from the Canadian Definition of Homelessness developed by the Canadian Observatory of Homelessness:

“Homelessness is the situation of an individual or family who does not have a permanent address or residence; the living situation of an individual or family who does not have stable, permanent, appropriate housing, or the immediate prospect, means and ability of acquiring it.”

4. The Government of Canada, National Housing Strategy, provides the following definition of Indigenous homelessness:

“Indigenous Peoples who are in the state of having no home due to colonization, trauma and/or whose social, cultural, economic, and political conditions place them in poverty. Having no home includes: those who alternate between shelter and unsheltered, living on the street, couch surfing, using emergency shelters, living in unaffordable, inadequate, substandard and unsafe accommodations or living without the security of tenure; anyone regardless of age, released from facilities (such as hospitals, mental health and addiction treatment centers, prisons, transition houses), fleeing unsafe homes as a result of abuse in all its definitions, and any youth transitioning from all forms of care.”

Addressing Homelessness in the City of Hamilton

Shelter Funding

5. The City acts as “system service manager” for homelessness response on behalf the Governments of Ontario and Canada. The City receives federal and provincial funding and contributes its own funding to address homelessness. The City must adhere to the funding guidelines of each funder, however, it is able to determine allocations based on need in the local context.
6. The City’s Housing Services Division administers the funding for services and programs such as Emergency Shelters, the Housing Focused Street Outreach Team, Residential Care Facilities,

Housing Stability Benefits, Eviction Prevention programs, Rapid Rehousing programs and Intensive Case Management.

7. In many of the scenarios, the City disburses the funds through agreements with community partners. These agreements dictate expected target outcomes for each program and ongoing monitoring of success of the programs. The main agencies that administer emergency shelters in the City are The Good Sheppard, Mission Services and The Salvation Army.
8. The following are the 2020-2021 budget resources allocated for homelessness and emergency shelters available to the City:
 - a. The Federal Government Funding allotment for 2020-2021 through “Reaching Home” is \$5,718,428.
 - b. An additional \$1,000,000 was provided by the Federal Government for 2020-2021 through “Home for Good”.
 - c. The Provincial Government Funding allotment for 2020-2021 through “Community Homelessness Prevention Initiative” (“CHPI”) is \$19,455,174.
 - d. An additional \$2,954,960 comes from the City of Hamilton Levy for 2020.
 - e. In addition to the base funding described above, the City of Hamilton has received COVID-19 related funding to address the needs of the homelessness serving system during the pandemic. The COVID-19 related funding is as follows:
 - i. Reaching Home (Federal) - \$2,651,550;
 - ii. Social Services Relief Fund (SSRF) (Provincial) - \$6,880,800 (the City is currently applying for additional funding from the Province);

iii. Community Relief Fund - \$345,500.

9. Algorithms are used to determine funding rates and block funding amounts based on number of beds, program spaces, etc.
10. A portion of the CHPI funding is budgeted for hotels. Hotels had traditionally been used to provide shelter for families or women with children when no space was available in a shelter. The City's 2020-2021 Fiscal Budget for hotels is \$800,000. Over last few years, hotel overflow expenses have steadily increased. Actual hotel expenses for 2019-2020 were approximately \$1.5M, well in excess of the available budget.
11. Since the start of COVID-19, in 2020, the City has spent and is committed to spend the following amounts on the shelter system:

Month	Budgetary Commitment
April 2020	\$2,450,449
May 2020	\$2,450,449
June 2020	\$1,642,552
July 2020	\$2,343,237
August 2020	\$1,813,237
September 2020	\$1,153,488
October 2020	\$1,053,488
November 2020	\$976,821
December 2020	\$2,046,821

12. While it was not possible to obtain updated figures in time for the preparation of this Affidavit, the budgetary commitments in 2021 are similar to those in 2020.

Providing Shelter for People Experiencing Homelessness

13. The above funding is used to provide a system consisting of various programs to deliver organized and professional services to people experiencing homelessness using best practices and key performance indicators. In Hamilton's homeless-serving system, various agencies work together through "Coordinated Access" to support those experiencing or approaching homelessness to find and maintain appropriate housing and supports.
14. Best practice informing homeless-serving systems identifies Coordinated Access, a client-centered, standardized process for intake, assessment, and referral to housing and other services, as a foundational element to ensure individuals are swiftly matched to the right-level of support based on their needs, preferences and available resources.
15. Through Coordinated Access, data is collected by all City funded shelters using a common software database known as Homeless Individuals and Families Information System ("HIFIS") to ensure that all individuals who are accessing services and who are willing to provide consent to collection of data are known to the system. In this way, the City can track the numbers of people accessing the system, their progress through the system and outcomes as well as provide information on unhoused persons when they move to different shelters in order to expedite the tailoring of services to them.
16. The City uses the data collected to advocate for additional funding, address pressures in specific service areas or needs, adjust programming to meet demand, and ensure a robust response with as many interventions and supports as possible.
17. The data is also used by the City to advocate for partnerships with other sectors (e.g. health care) for supports outside of the services provided through the homelessness/housing funding or system.

18. Case management for people experiencing homelessness is tailored to the level of support a person requires. The City uses Vulnerability Index - Service Prioritization Decision Assistance Tool ("VI-SPDAT"), a standard triage tool developed by OrgCode Consulting Inc. (one of the leaders in homelessness programming and development of best practices and tools for the homelessness-serving system) to assess the needs of unhoused people. VI-SPDAT has been largely adopted across the country as one of the most successful assessment tools.

19. A VI-SPDAT assessment identifies four general levels of service:

Acuity Level	Level of Support
0-3	No intervention as individuals typically self-resolve; information sharing on housing units, tenant rights and responsibilities, support with applications.
4-7	Rapid Rehousing Intervention; 6-9 months case management supports; monthly in-home visits, support stabilizing income, support to increase social capital within community. Staff/Client Ratio 1:20-25.
8-12	Intensive Case Management Intervention; 18-24 months support intensive case management supports; regular in-home visits, stabilize income, support maintaining housing unit, facilitate connection to health resources, promote wrap around supports and reconnection with broad community support networks. Staff/Client Ratio 1:15-20.
13+	Permanent Supportive Housing; Average of 3+ years of case management supports; ongoing support with navigating health system, support maintaining tenancy, reintegration into community support networks, development of wrap around supports; and, clinical services to address physical or mental health, intellectual disabilities and/or substance use. Regular in-home visits, after hours crisis support. Staff/Client Ratio 1:8-10.

20. The VI-SPDAT assessment is usually conducted within 14 days of someone accessing the homelessness support system, because evidence shows that many who first enter into the system are able to move to some form of housing within the first 14 days. Based on the results of the assessment, the individual is triaged to the appropriate intervention required.

21. There are no restrictions on shelter access based on acuity.

22. The City's approach to homelessness is grounded in the Housing First Model. In the Housing First Model the priority is obtaining housing and ensuring that appropriate supports are in place to

address other issues (substance use, mental/physical health, etc.) once housed to maintain tenancy.

23. The City's approach to homelessness includes various programs. These include Homelessness Prevention and Shelter Diversion, Mental Health Street Outreach, Housing Focused Street Outreach, Emergency Shelters, Transitional Housing, Rapid Rehousing, Intensive Case Management and Permanent Supportive Housing. These programs operate as part of a broader social safety net and work to ensure clients have efficient connection to the services and supports required.
24. The City substantially or partly funds all of the above programs, with the exception of Permanent Supportive Housing and the Mental Health Street Outreach team. Permanent supportive housing and Mental Health Street Outreach are, as explained further below, primarily funded by the province or other sources.
25. Homelessness Prevention and Shelter Diversion interventions provide assistance to individuals and families at risk of becoming homeless, before they become homeless. Prevention programs couple financial support (rent and utility arrears, damage deposit etc.) with case management to achieve housing stabilization.
26. Housing Focused Street Outreach Workers provide mobile support services to people who are experiencing homelessness and who may be disconnected from the homelessness-serving system. Outreach workers meet people in the community, helping to make connections to resources and supports and increase collaborations and co-ordination within homelessness support services. Assertive housing-focused street outreach creates and supports connections to safe, sheltered options with a focus on permanent housing. Individuals supported by Outreach are offered a referral to an existing emergency shelter or hotel, based on client choice, and are

offered a referral to Housing First Intensive Case Management Programs (described below), as appropriate and available.

27. Emergency Shelters provide temporary accommodations and essential services for individuals experiencing homelessness so that they may be re-housed. Shelters can play a key role in reducing homelessness as these services focus efforts on engaging participants in the rehousing process.
28. The shelters and shelter system are designed to have a low barrier for access. In emergency shelters and hotels, individuals have access to various supports including but not limited to harm reduction, housing planning, access to medical services and supports to connect individuals to needed services and housing, and access to income support. Shelters also provide access to meals, facilities for personal hygiene, hygiene products, washrooms, laundry facilities, and safety. Outreach staff continue to visit and engage with people that have moved from encampments into shelters and hotels building on the relationship with those clients, and to facilitate ongoing case management with shelter case managers.
29. Emergency Shelters accept admissions 24 hours a day, 7 days a week. Individuals can call shelters to determine if space is available or present themselves at a shelter. If no space is available at that shelter, shelter staff will assist in exploring availability at other shelter locations. The use of the HIFIS database allows shelter staff to see where available spaces exist within their sector (e.g. the Men's, Women's, Family, and Youth sectors).
30. Referrals are made by shelter staff to alternative housing options, where appropriate and based on the individual's need. Each shelter seeks to ensure individuals are diverted to other safe, appropriate options where possible and to ensure admission to a shelter when no other options exist.

31. Rapid Rehousing is such an option. It provides targeted, time-limited financial assistance and support services for those experiencing homelessness, usually episodically or transitionally, to help them quickly exit emergency shelter services and retain housing. The program targets participants with lower acuity levels using case management and financial supports to assist with the cost of housing. The length of stay is usually less than one year as the program targets those who can live independently after receiving subsidies and support services. The City funds two Rapid Rehousing programs: one through Mission Services with a 2020-2021 target of 133 individuals placed in permanent housing per year and one through the Good Shepherd for women and families with a 2020-2021 target of 87 women and 86 families placed in permanent housing per year.
32. Transitional Housing provides time-limited support designed to move individuals to independent living or permanent housing. The length of stay is limited and typically less than one year, though it can be as short as a few weeks. Such facilities often support those with dealing with addictions and mental health that can benefit from more intensive supports for a period of time before moving to permanent housing. Examples of target groups for this intervention include youth who require modelling of basic life skills or people who have had lengthy histories of institutionalization. Without permanent housing at exit, participants may cycle through time-limited facilities thus, stabilization in permanent housing is essential to ensure successful outcomes.
33. Intensive Case Management (ICM) provides longer-term case management and housing support to higher acuity participants facing long-term homelessness (chronic homelessness), addictions, and mental health issues. ICM programs support clients through regular in-home visits, providing financial support to stabilize income and maintain housing, facilitate connection to health resources, and promote reconnection with broad community support networks. The intervention is designed to serve and achieves the best outcomes with individuals with acuity scores of 8-12. The length of the intervention is generally between 12 and 24 months. The City of Hamilton funds

four community agencies to deliver ICM programs, serving self-identified CIS men/women, Trans Masculine/Feminine and non-binary adults:

- a. Mission Services (men) – 2020-2021 target: 80 individuals placed in permanent housing per year
 - b. Wesley Urban Ministries (men) – 2020-2021 target: 65 individuals placed in permanent housing per year
 - c. The Good Shepherd (women, youth and families) – 2020-2021 target: 146 households placed in permanent housing per year (Families 35, Single Women 77, Youth 34); and
 - d. Aboriginal Health Centre, Indigenous Housing Services – 2020-2021 target: 53 individuals placed in permanent housing per year.
34. During the COVID-19 pandemic, the ICM providers have been asked to adjust their caseload to be 1/3 from encampments, 1/3 from shelters, and 1/3 from hotels /shelter overflow. While the particular allocation may have fluctuated over the course of the pandemic, the intention is to ensure that limited ICM program spaces include a specific focus on individuals from encampments.

Supportive Housing and High Acuity Individuals

35. No City-funded program exists to *exclusively* support individuals with the highest level of acuity (13+), though as discussed below, individuals with the highest acuity are able to access City programs. Such individuals typically require assistance that is beyond the funding purview of the City, including assistance of physicians, mental health practitioners, and the Assertive Community Treatment Team (a client centred mental health service that offers a broad range

of intensive community supports to individuals experiencing serious mental health concerns), combined with a permanent supportive housing program.

36. Permanent Supportive Housing refers to a combination of housing assistance (e.g., rent-geared-to-income, rent supplements) and the aforementioned support services. Permanent Supportive Housing includes an average of 3+ years of case management supports, ongoing support with navigating the health system, support maintaining tenancy, reintegration into community support networks, development of wrap around supports, and clinical services to address physical or mental health, intellectual disabilities and/or substance use. There are also regular in-home visits and after-hours crisis support. Permanent Supportive Housing does not have a term of coverage (the term is indefinite). Individuals will likely live in this type of housing long term, often for years. This is required due to their level of complexity and need.
37. The aforementioned health supports integral to permanent supportive housing fall outside of the City's authority to fund. Such health supports are funded by the Province and require a municipal partnership with health partners to implement. Supportive Housing is funded primarily through the Province with funds also contributed by the Federal Government.
38. Ontario's supportive housing system includes a complex network of 20 core provincial programs and 12 related programs spread across three (3) ministries, representing a combined investment of approximately \$2 billion annually. Each ministry's programs tends to assist distinct populations:
- a. Ministry of Health (MOH): Mental health and addictions challenges, at-risk seniors, people with physical disabilities, people with acquired brain injuries and people with HIV/AIDS.

- b. Ministry of Children, Community and Social Services (MCCSS): People with developmental disabilities, youth, Indigenous people and people experiencing or at risk of experiencing gender based violence and human trafficking.
 - c. Ministry of Municipal Affairs and Housing (MMAH): People experiencing or at risk of homelessness and Indigenous people.
39. Just some of the funding of supportive housing provided by the Province in 2018-2019 includes:
- a. \$252.4 million (MOH) – Mental Health Supportive Housing – Residential Supports within Housing;
 - b. \$46.4 million (MOH) – Rent Supplement Program;
 - c. \$32.2 million (MOH) – Dedicated Supportive Housing;
 - d. \$5.5 million (MMAH) – Indigenous Supportive Housing;
 - e. \$323.7 million (MMAH) – Community Homelessness Prevention Initiative;
 - f. \$50 million (MMAH) – Home for Good;
 - g. \$13.1 million (MCCSS) – Dedicated Supportive Housing;
 - h. \$16.2 million (MCCSS) – Transitional Housing Support; and
 - i. \$2.8 million (MCCSS) – Indigenous Mental Health and Addictions.
40. While it was not possible to obtain updated figures in time for this Affidavit, the 2020-2021 funding is similar to the 2018-2019 figures.

41. Notwithstanding the City has no control over funding for programs for high-acuity persons, City-funded programs remain dedicated to supporting high-acuity people who experience homelessness. Although the Intensive Case Management programs are contracted and designed to effectively support those with acuity up to 12, their contracts allow for higher needs individuals to be taken on when approved and requested by the City. The ICM programs have done so at the City's request throughout the encampment response.

The Emergency Shelter System in Hamilton

42. The emergency shelter system in the City of Hamilton is broadly divided into:

- a. the Men's sector;
- b. the Women's sector (which includes women and women with children);
- c. the Family Sector; and
- d. the Youth Shelter.

43. The Men's emergency shelter sector is composed of:

- a. Good Shepherd Men's Centre;
- b. Mission Services Men's Centre;
- c. Salvation Army Booth Centre;
- d. An emergency shelter located at 378 Main Street East (the former Cathedral Boys School) operated by the Good Shepherd; and
- e. Hotels (since COVID-19) operated by Mission Services.

44. The Women's emergency shelter sector is composed of:

- a. Mary's Place operated by Good Shepherd;
- b. Emma's Place;
- c. St. Joseph's Womankind;
- d. A Hotel (since COVID-19) operated by the Good Shepherd;
- e. Hotels (since COVID-19) operated by Mission Services.

45. More generally, Mission Services operates emergency shelters through hotels for women, men, couples, and shelter overflow.

46. Additionally, the City can place families in hotels, with support from City staff, when required.

47. There are also four Violence Against Women ("VAW") emergency shelters which are not funded through the City, but through the Ministry of Community and Social Services ("MCSS"): Inasmuch House, Interval House, Martha's House and the Native Women's Centre. The City of Hamilton pays for "overflow" beds in each of the four VAW shelters (between 4-6 beds at each location). When the MCSS funded beds are full, if the VAW shelter puts women in those beds, the City pays for the overflow space. If the overflow beds at the respective locations are full, the City will then place that woman/family in a hotel at the City's expense.

48. Carole Anne's Place and Willow's Place are drop-ins serving single women experiencing homelessness.

49. The youth shelter is located at the Good Shepherd Notre Dame.

50. The Family emergency shelter is located at the Good Shepherd Family Centre. A Hotel also provides rooms to couples with no children.

51. The Wesley Drop-In serves single men and women.

52. Hotels are not named in order to protect the people using them and the hotels.

Increase of Shelter Facilities and Services during COVID-19

53. The COVID-19 pandemic prompted the City to expand its facilities and services in order to address the needs of people experiencing homelessness during the pandemic.

54. The City maintains an isolation centre, currently located at Wesley with approximately 15 beds to serve men and women who need to isolate due to COVID-19; as well as five family townhouse units to serve families who must isolate. Due to distancing requirements, the number of beds for individuals in the family townhouse units can accommodate up to five people per unit, or up to 25 people total.

55. In addition, in consultation with public health, space within existing shelters was reconfigured to maximize capacity while maintaining social distancing. This resulted in the reduction in the number of shelter beds available in some shelters which was compensated for by the expansion of shelter operations into hotels to make up for the loss of shelter beds and to increase shelter capacity during COVID-19 to above the pre-COVID-19 emergency shelter capacity. The City has allocated funding for some of the shelters to make capital improvements in order to return to pre-COVID-10 shelter capacity while maintaining appropriate distancing.

56. The City has ensured food provision for individuals at all hotels and provision of staffing and additional supports to clients receiving emergency shelter in these hotel rooms. All hotels offer

ongoing harm reduction support as well as case management support with a focus on housing plans.

57. The City also established a temporary shelter for men with capacity for up to 80 people, operated by Good Shepherd Centres, to compensate for the existing men's shelters reducing capacity to allow for physical distancing. This temporary shelter was initially located at First Ontario Centre and is currently located at located at the former Cathedral Boys School on Main Street East, where it is still able to provide shelter to up to 80 people however currently its capacity is 60 people in accordance with current demand.

The following charts set out the number of beds available in the shelter system in the City			
Location	Pre COVID-19 Beds Available	COVID-19 Beds Available	Change
Mary's Place	25	20	-5
Emma's Place	0	15	15
St. Joseph's Womankind	6	6	0
Hotel (single women)	0	58	58
Good Shepherd Men's Centre	54	19	-35
Mission Services Men's Centre	58	58	0
Salvation Army Booth Centre	82	82	0
Cathedral	0	80	80
Hotel for men and couples	0	84	84
Good Shepherd Family Centre	80	80	0
Hotel (family)	0	100	100
Good Shepherd Notre Dame	21	13	-8
Total	326	615	289

- 16 -

Men's Sector			
Location	Regular Beds Available	COVID-19 Beds Available	Change
Good Shepherd Men's Centre	54	19	-35
Mission Services Men's Centre	58	58	0
Salvation Army Booth Centre	82	82	0
Cathedral	0	80	80
Hotel	0	84	70
Total	194	323	115

Women's Sector			
Location	Regular Beds Available	COVID-19 Beds Available	Change
Mary's Place	25	20	-5
Emma's Place	0	15	0
St. Joseph's Womankind	6	6	0
Mountainview	15	0	-15
Hotel	0	55	55
Total	46	96	35

Family Sector			
Location	Regular Beds Available	COVID-19 Beds Available	Change
Good Shepherd Family Centre	80	80	0
Hotel (family)	0	100	100
Total	80	180	100

Youth Shelter			
Location	Regular Beds Available	COVID-19 Beds Available	Change
Good Shepherd	21	13	-8

58. In response to the impact of COVID-19 on shelters the City implemented a number of additional measures, including:

- a. providing transportation support for people experiencing homelessness;

- b. providing PPE to shelter staff and occupants;
- c. extending drop-in services and hours and length of season for men and women in four locations;
- d. an increase in the in Street Outreach Team by the equivalent of 3.5 full time positions;
- e. a focus by the Street Outreach Team on encampments;
- f. use of rent supplements / Canada Ontario Housing Benefit to fund access to housing units;
- g. providing funding to community organizations for additional peer outreach workers and program supplies;
- h. conducting daily, intensive engagement with a housing focus at encampments through outreach, the Social Navigator Program and other community partners;
- i. conducting bi-weekly case conferences with Intensive Case Managers, Outreach and community partners to assess appropriate housing options and match opportunities with individuals;
- j. initiating contact with Home and Community Care to discuss higher-acuity cases that need more than ICM housing supports;
- k. conducting 3 separate weekly sector calls (Women's; Men's; System wide), in which community organizations are able to participate, to discuss options for collaboration, support, and addressing barriers;
- l. providing flexibility with the Housing Stability Benefit¹;

¹ Housing Stability Benefit is accessible to people in receipt of social assistance (OW/ODSP) and those considered low income. It normally has maximum allowable amounts within the preceding 24-month period (\$800 for single

- m. coordinating delivery of more than \$550,000 from the provincial and federal government to 27 local agencies for expenses such as food, enhanced cleaning, Personal Protective Equipment; and
- n. leading weekly calls with partner agencies to identify emerging issues and coordinate responses.

59. In short, the City's approach to encampments during COVID-19 has been to focus on the safety of encampment residents and other residents of the City and to increase efforts to assist in moving encampment residents to sustainable, longer-term housing and appropriate care based on their needs.

60. The City has developed a framework to guide its transition from emergency COVID-19 response to adaption and transformation of its shelter services. A key component of the framework is maintaining the appropriate number of emergency beds currently available. In order to do so, the City has provided funding to:

- a. Good Shepherd Centre Hamilton to set up and operate the former Cathedral Boys School as a temporary shelter for 45 men for the period of September 29, 2020 to June 30, 2021. This facility has changed its capacity based on need, which as noted above is currently 60 beds but can accommodate up to 80. This new facility includes: meals and snacks for all of those accommodated; lounge space; recreational activities; medical services through a nurse practitioner and the Shelter Health Network; harm reduction supports; case management and housing support services; and outreach services provided through other agencies including Ontario Works.

individuals or couples with no children; \$1500 for families). There are also eligible items that an individual can apply for (i.e.: rent arrears; last month's rent deposit; mattresses; utility arrears; etc.). Through COVID, additional flexibility has been granted in that people who may have already received their maximum entitlement have still be granted a benefit and people who have been granted items under exceptional circumstances that are not normally covered (e.g. washing machines).

- b. Mission Services to create partitions between beds in their dormitory style room and to create 10 individual rooms. This will allow Mission Services to operate at their original capacity of 58 beds.
- c. renovate the Salvation Army Booth Centre in order to create partitions in the dormitories and single rooms to allow the shelter capacity to return to its original 82 bed limit.

61. The above-referenced reconfiguration of space within existing shelters is to maximize capacity while ensuring social distancing and promoting infection control.

Shelter Space Availability

62. For the month of September 2021, to present, the occupancy levels of the City's Emergency Shelter system may be summarized as follows:

Emergency Shelters

Women's Emergency Shelters: 108%

Family Emergency Shelter: 99%

Youth Emergency Shelter: 61%

Men's Emergency Shelter: 97%

Overflow Locations

Cathedral (men): 38% (of 60 beds)

Hotel (couples & women): 95%

Hotel (Family): equivalent to 100%, placement as needed

Hotel (Women): 89%

63. These figures show that in September 2021 to present, there is room in the men's, youth, and family sectors. There is limited space in the hotel overflow for women and couples.

64. When interpreting these figures important to note that bed availability is extremely fluid and changes rapidly, often on an hourly basis. If a person calls for a space at one point in a day, it is possible capacity may change later in the day or the following day.
65. As well, regarding hotel space, at times hotel rooms that would otherwise be available, become temporarily unavailable pending repairs due to damages.
66. When shelter space is not available, there are often other options available, which staff are able to help people pursue, particularly for women; such as overnight drop-in space.
67. With respect to the women's system, the City has provided the largest increase in funding to the women's system over the past few years to meet the growing demand.
68. The City emergency shelter system is able to accommodate couples in the Family shelter, or hotel rooms in the absence of space in Family shelter.
69. The City is continually examining our shelter capacity and looking for opportunities to mitigate some of the demand pressures on the system. For example, the City has recently, as of October 2, 2021, opened a new temporary 15-bed shelter for single women. We continue to explore other opportunities to ensure shelter availability meets the needs of those who wish to access it.

SWORN REMOTELY via Docusign by)
 ROB MASTROIANNI of the City of)
 Hamilton before me at the City of Hamilton)
 during a 'Zoom' videoconference on)
 October 6, 2021 in accordance with)
 O. Reg. 431/20, Administering Oath or)
 Declaration Remotely.)

DocuSigned by:)
 Bevin Shores)
 75E43E7F402846F...)
 BEVIN SHORES)
 LSO No. 56161F)
 Commissioner for Taking Affidavits, etc.)

DocuSigned by:
 Rob Mastroianni
 7EAE891483A0474...
 ROB MASTROIANNI

ASHLEY POFF et al.

Applicants

- and -

CITY OF HAMILTON

Court File No. CV-21-00077187-0000

Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
HAMILTON

AFFIDAVIT OF ROB MASTROIANNI

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TAB 132

Court File No. CV-21-00077187-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

ASHLEY POFF, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO
AND SHAWN ARNOLD

Applicants

- and –

CITY OF HAMILTON

Respondent

**SUPPLEMENTARY AFFIDAVIT OF ROBERTO MASTROIANNI
(SWORN OCTOBER 12, 2021)**

I, ROBERTO MASTROIANNI, of the City of Hamilton, in the Province of Ontario, MAKE
OATH AND SAY:

1. I am employed by the City of Hamilton (the “**City**”) as the Manager of the Residential Care Facilities Subsidy Program & Emergency Shelter Services within the Healthy & Safe Community Department of the City of Hamilton’s Housing Services Division. My role includes, among other responsibilities, oversight of the City’s Emergency Shelter Services and Housing Focused Street Outreach Team (“**Outreach team**”). I have knowledge of the matters set out in my affidavit. Where I rely on the information of others, I state the source of that information and verily believe it to be true.

Funding and Budget Resources for Homelessness and Emergency Shelters

2. As an update to paragraph 8 of my October 6, 2021 Affidavit, the 2021-2022 budget resources allocated for homelessness and emergency shelters available to the City are:

- (a) The Federal Government Funding allotment for 2021-2022 through “Reaching Home” is \$10,424,159.
- (b) The Provincial Government Funding allotment for 2021-2022 through “Community Homelessness Prevention Initiative” (“CHPI”) is \$19,645,911.
- (c) An additional \$1,000,000 was provided by the Provincial Government for 2021-2022 through “Home for Good”.
- (d) An additional \$4,459,180 comes from the City of Hamilton Levy for 2021.
- (e) In addition to the base funding described above, the City of Hamilton has received COVID-19 related funding for 2021-2022 to address the needs of the homelessness serving system during the pandemic. The COVID-19 related funding is as follows:
 - (f) Social Services Relief Fund (SSRF) (Provincial) - \$26,124,538.

3. As an update to paragraph 11 to my October 6, 2021 Affidavit, since the start of COVID-19, in 2020, the City has spent and is committed to spend the following amounts on the shelter system:

Month	Budgetary Commitment
April 2020	\$2,450.449
May 2020	\$2,450,449
June 2020	\$1,642.552
July 2020	\$2,343,237
August 2020	\$1,813,237
September 2020	\$1,153,488
October 2020	\$1,053,488
November 2020	\$976,821
December 2020	\$2,046,821
January 2021	\$3,820,871.33
February 2021	\$2,092,268.45
March 2021	\$(1,232,443.98)
April 2021	\$3,149,755.32
May 2021	\$2,720,072.83
June 2021	\$2,072,940.68
July 2021	\$3,734,045.08
August 2021	\$1,722,524.23
September 2021	\$2,170,836.06
October 2021	\$3,671,153.97
November 2021	\$1,576,126.03
December 2021	\$1,576,126.03

4. I note that March 2021 total shows a credit, which is due to past-month costs being adjusted across different account sections, where costs stayed in their correct months, but the offsetting credit was applied in March (the fiscal year end).

Shelter Occupancy

5. Attached hereto and marked as **Exhibit “A”** to this my Affidavit is a chart summarizing the shelter occupancy rates from January 2021 and September 2021. The spaces per night indicate capacity, with the exception of hotel overflow for families, which

is not a static number as the hotels are booked on an as needed basis. The occupancy percentages indicate the average occupancy percentage of the available shelter or hotel capacity for the particular month. For example, in September the 81 women's shelter spaces were at 90% capacity. This means that the women's shelter spaces were full 90% of the time. I also note that the hotel overflow for families does not have a set capacity. The figures in Exhibit A are the number of unique individuals served per month.

6. Because we do not have a set number of hotel rooms/beds booked in the families hotel (which is different from the way we block book rooms in the other hotels), we cannot produce an average occupancy. Because there is not a set number of rooms, there is no comparator, so the occupancy percentage would in essence always be 100%. For example, if we had 2 families for the hotel, we call the hotel ad hoc and place those two families, resulting in 100% occupancy. Similarly, if we place 30 families in hotel, the same ad hoc booking occurs and it still results in 100% occupancy.

7. Individuals are first referred to permanent shelter locations and only referred to hotels where there is no space in the shelters, or where the particular individual is not able to be admitted to the shelters (i.e.: a Service Restriction, conflict of interest, etc.). For example, where a single woman wants to access a shelter space, we first refer to all emergency shelters. If the shelters are full, an assessment for space at the wholly 'female hotel overflow' is completed. If that is full, then an assessment for space at the 'couples, men, and women hotel overflow' is completed. There have been occasions where no space was available at hotels or shelters.

8. In paragraph 69 of my affidavit sworn October 6, I referenced the new 15 bed women's shelter opened as of October 2, 2021. This increases the capacity of the women's shelter segment by 15 beds. This temporary shelter is approved to operate for up to 2 years from the date of opening. The City is currently exploring plans for a further women's emergency shelter site.

Duration of Encampments

9. In the time frame between October 2020 and before September 2021, the City, of its own volition, implemented a By-Law Enforcement Protocol (the "**Protocol**") which permitted encampments to remain in certain areas for up to 14 days provided there were no health or safety concerns presented by the encampment. The Protocol was the result of a negotiated resolution of an interlocutory injunction obtained by encampment supporters in July 2020. However, the City was not obligated to follow the Protocol indefinitely. At a meeting that took place on August 9, 2021, Hamilton City Council decided to no longer follow the Protocol.

10. Thereafter, following a three week wind-down, effective August 30, 2021 the City implemented the six step Encampment Process pursuant to the Encampment Response Update (PED21188/HSC20038(c)) (the "**Encampment Process**").

11. During the time period in which the Protocol was in effect, in most cases, occupants of the encampments remained in place longer than 14 days. This was the case notwithstanding that 14 days was the maximum time that was permitted under the By-Law Enforcement Protocol that was then in place. This timeline was the result of a number of factors.

12. Since the City's implementation of the Encampment Process the only sites that have been removed were those situated on prohibited grounds, as defined under the Protocol.

13. I have been advised by staff that 9 encampment sites were visited this past weekend which were also visited the weekend before. The number of tents has increased at eight of these sites. One has had a decrease in tents. Two weekends ago there were 34 tents at the sites, this past weekend there were 51 tents, representing an increase in 17 tents.

Level of Interaction Between Outreach and Municipal Law Enforcement ("MLE")

14. Not all encampments that the Outreach team is aware of and engages with are reported immediately to MLE. In effect, this means that, at any given time, there are encampments of which Outreach is aware, but not MLE.

15. Since the City's implementation of the Encampment Process, MLE notifies the Outreach team after MLE receives a complaint about an encampment and has attended an encampment and given the occupants notice (if the occupants did not voluntarily leave). After receiving this information, the Outreach team goes to the encampment and engages with the occupants. However, sometimes the Outreach Team may have already been aware of the encampment and was already engaging with the occupants by the time MLE received a complaint. So, in many situations, the Outreach Team is already engaging and working to support the occupants by the time MLE attends the encampment.

The Applicants were offered housing and accessed our programs

16. The Outreach team takes notes of the individuals that we assist. These notes are made during the outreach team's day-to-day work and are recorded in the City's HIFIS system (the homelessness sector's database) and in excel tracking tools available to the outreach staff. Based on the information we have, we have identified all five applicants as having had assistance from us or other support programs with which we engage and having been offered housing and/or emergency shelter. In some situations, the client refused the offers of support.

17. The Applicant Ashley Poff was in contact with our outreach team two times in 2021. According to our records, Ms. Poff frequented a downtown health centre and accessed overnight drop-ins for women. Ms. Poff was accepted into a transitional housing program in early spring 2021 and accessed drop-in programs during the day. To our knowledge, Ms. Poff was not staying in any encampments identified through the Encampment Process.

18. According to our records, Outreach has had a few encounters with the Applicant Darrin Marchand. The notes from Outreach state that Mr. Marchand stayed at three different encampments and sometimes at a shelter. As well, he would occasionally stay with his brother. In July 2021, he stayed in a park for two days. In August 2021, he stayed in a park for one day. According to our records, Mr. Marchand has a trespass order with one shelter due to an assault, but is still able to access shelter beds in other shelters. As of October 7, 2021, he was staying with his brother.

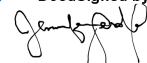
19. Regarding the Applicant Gord Smyth, according to our records he lost housing in June 2021 and Outreach offered him shelter but he declined, as it did not allow pets. The Outreach team also offered him fostering for his pet, but he declined that as well. The Outreach team also offered Mr. Smyth a housing subsidy, but he refused to complete the necessary forms. As such, he did not receive the housing subsidy. Mr. Smyth was also connected to a housing worker. He completed the necessary forms, but said he would not take the unit because of hydro costs. The housing worker planned to arrange to have the hydro paid directly to the utility company. However, Mr. Smyth declined this. Outreach and Housing staff offered pet friendly housing, at an amount Mr. Smyth was willing to pay for rent, as well as offering support while in housing. Mr. Smyth refused all options. Mr. Smyth completed an application for a low barrier unit one month ago. Our records indicate that Mr. Smyth became aggressive towards outreach staff and housing staff. As of September 2021, the Social Navigator Program has been following up with Mr. Smyth.

20. The Outreach team connected with the applicant Mario Muscato around July 2020 while he was staying at an encampment. When the Ferguson Avenue encampment was cleared, Outreach team were informed Mr. Muscato was moving into a Residential Care Facility. Between August 2020 and approximately April 2021, Mr. Muscato had been accessing Indigenous Housing Services. However, as of June 2021, Mr. Muscato was discharged from Indigenous Housing Services because their Outreach program staff had been unable to contact him for three months. As of October 7, 2020, Mr. Muscato was staying in a shelter.

21. The Applicant Shawn Arnold has spent over a year and a half in encampments, according to the Outreach team's notes. He connected with our services roughly six

months ago. He missed four appointments with our housing worker and viewed two residential units, which he declined. However, as of October 4, 2021, Mr. Arnold has secured a unit and the housing worker is waiting for him to pick up his key. Mr. Arnold is eligible to continue receiving support with the housing worker for the next two years.

SWORN by Roberto Mastroianni of the City of Hamilton, in the Province of Ontario, before me at the City of Hamilton, in the Province of Ontario, on October 12, 2021 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:

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Commissioner for Taking Affidavits

JENNIFER ASHLEY GEE SEIDEL
(82920W)

DocuSigned by:


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ROBERTO MASTROIANNI

RCP-E 4D (February 1, 2021)

This is **Exhibit "A"** to the Affidavit of Rob Mastroianni sworn remotely at the City of Hamilton, before me at the City of Hamilton, in the Province of Ontario on October 12, 2021, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:



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JENNIFER ASHLEY GEE SEIDEL
Commissioner for Taking Affidavits
(or as may be)

		Beds	Beds	Beds	Room s	Rooms	Rooms
		Women's Sector	Men's Sector	Youth Sector	Famil y Sector	Hotel (overflow for couples , women, and men)	Hotel (overflow for families)
January 2021	Spaces/Night	81	196	13	20	98	
	Occupancy %	91%	91%	32%	90%	45%	34*

*Number of unique individuals served

February 2021	Spaces/Night	81	196	13	20	98	
	Occupancy %	91%	99%	45%	99%	67%	27

March 2021	Spaces/Night	81	223	13	20	118	
	Occupancy %	92%	93%	59%	91%	76%	52

April 2021	Spaces/Night	81	223	13	20	118	
	Occupancy %	98%	88%	66%	88%	63%	38

May 2021	Spaces/Night	81	223	13	20	118	
	Occupancy %	89%	81%	44%	78%	47%	51

June 2021	Spaces/Night	81	223	13	20	118	
	Occupancy %	91%	79%	40%	87%	51%	57

July 2021	Spaces/Night	81	210	13	20	118	105
	Occupancy %	101%	85%	49%	90%	66%	

August 2021	Spaces/Night	81	210	13	20	82	134
	Occupancy %	90%	81%	63%	93%	97%	

September 2021	Spaces/Night	81	210	13	20	82	134
	Occupancy %	90%	81%	61%	99%	95%	

ASHLEY POFF et al.

Applicants

- and -

CITY OF HAMILTON

Court File No. CV-21-00077187-0000

Respondent

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
HAMILTON

**SUPPLEMENTARY
AFFIDAVIT OF ROBERTO MASTROIANNI**

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TAB 133

Court File No. CV-21-00077187-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

ASHLEY POFF, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO AND
SHAWN ARNOLD

Applicants

- and -

CITY OF HAMILTON

Respondent

* * * * *

This is the Cross-Examination of **ROBERTO MASTROIANNI** on his affidavit as sworn on the 6th day of October, 2021 and on his supplementary affidavit as sworn on the 12th day of October, 2021, taken under oath via Zoom Video Conference on Wednesday, the 13th day of October, 2021.

* * * * *

A P P E A R A N C E S:
(VIA ZOOM)

STEPHANIE COX
SHARON CROWE
Hamilton Community Legal
Clinic

- Counsel for Applicants

JORDAN DIACUR
BEVIN SHORES
Gowling WLG

- Counsel for Respondent

MARC BEEBE

- Observer

1		<u>UNDER ADVISEMENTS</u>	
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NOTE: The above-noted indices are provided for ease of reference only and are not to be relied upon in any manner whatsoever.

1 --- UPON COMMENCING AT 10:35 a.m.

2 ROBERTO MASTROIANNI,

3 having been affirmed,

4 was cross-examined and testified as follows:

5 BY MS. CROWE:

6 1 Q. Okay, Mr. Mastroianni, first of all,
7 can I call you Rob?

8 A. Yes, you can. For sure.

9 2 Q. Thank you. Okay, so we're going to go
10 through some parts of your two affidavits. We'll start
11 off with HIFIS. So my understanding is that is the
12 system that provides information about shelter capacity.

13 Would you agree that there is sometimes
14 a disconnect between what is reported as availability in
15 HIFIS and what is reported to you in terms of
16 availability from frontline workers?

17 A. I don't necessarily agree that there's
18 a disconnect between what is in HIFIS for our capacity.
19 All of our agencies are contracted and mandated to have
20 capacity logged in HIFIS, so all of our available beds
21 and spaces are created and exist in HIFIS. So anybody
22 that's booked into an agency is recorded in HIFIS.

23 So if there is a -- if there is a
24 disconnect, my -- my perspective on that is that it
25 would -- the disconnect is between whether or not the

1 person that staff person may be engaging with has signed
2 consent to have their information recorded in our
3 database.

4 3 Q. Okay. So would you agree then that
5 there are incidents that HIFIS is showing that there
6 should be capacity, but shelter workers are -- and I can
7 see you now -- are reporting that they're having trouble
8 finding space for an individual?

9 A. I would agree that that's the case.
10 I think the context behind that though is that there are
11 times when our system may show that there are a small
12 number of rooms where capacity exists, but you're not
13 able to admit somebody into that space, such as a hotel,
14 maybe one or two rooms, because the room may be offline
15 due to damages or repairs or things that need to happen.
16 And we don't have the ability to take, to remove a room
17 in a hotel, for example, for a day or two while it's
18 offline being repaired and then put it back into the
19 system. It just remains and just doesn't get used for a
20 day or two until it's repaired.

21 4 Q. Okay, thank you. Can you give us a
22 sense in real terms who's actually updating HIFIS
23 throughout the day to show availability?

24 A. So it is active and live in real-time
25 in all of our agencies. So all of our shelters,

1 drop-ins with city staff. So as people are admitted
2 into a location, the staff in that location are
3 responsible for having the consent signed with the
4 individual and inputting their information into our
5 HIFIS database.

6 So it's agency staff predominantly that
7 are doing that. And there could be a delay at times,
8 depending upon whether or not they are inputting in
9 real-time. So it might be that person is admitted right
10 now, but it takes them a half an hour to get to
11 inputting it into HIFIS because of other competing
12 priorities for our staff at that agency.

13 5 Q. Right. And I think that's a fair
14 comment with respect to competing priorities.

15 Would you agree that the shelter staff
16 who are responsible for updating HIFIS are quite busy on
17 an average day?

18 A. I would agree. They have a number of
19 competing priorities.

20 6 Q. Right. And has that -- have those
21 competing priorities intensified during Covid?

22 A. I would say intensity of work for all
23 staff has likely intensified during Covid, but I would
24 say at the same time to try to help mitigate that, the
25 city has been providing additional support stages to

1 help mitigate the pressures.

2 7 Q. Okay. And if staff are feeling quite
3 busy, and you mentioned there might be some competing
4 priorities. And then you mentioned in Paragraph 64 of
5 your affidavit that capacity can actually fluctuate hour
6 by hour. And it's possible that there could actually be
7 several times in any given day where HIFIS -- what's
8 showing in HIFIS isn't actually accurate or reflective
9 of what's available.

10 A. I wouldn't -- I wouldn't say that. I
11 would say there that predominantly staff are inputting
12 in real-time because it's actually, we don't
13 necessarily, staff don't necessarily use paper copies of
14 anything, and then -- like they don't track somebody's
15 details, like a client's details on paper and then go
16 and input it into HIFIS. It literally is active at the
17 front desk of every shelter and multiple computers and
18 access for staff. So it is predominantly live
19 real-time. I'd say that the occurrences of there being
20 a delay is few and far between.

21 8 Q. Okay. The staff who are responsible
22 for inputting this data into HIFIS, do you have a sense
23 of what their other responsibilities are?

24 A. So in a shelter setting, they would be
25 case management staff. So they're the staff that are

1 doing admissions, they're doing case management, they're
2 interacting with all the other individuals in the
3 shelter, and responsible for day-to-day operations.

4 9 Q. Okay. And do you have a sense of what
5 the ratio is between shelter staff and residents?

6 A. It's different at every location
7 because every location is, is -- every shelter location
8 is a different size number of beds and demographic.
9 So it's different at every location, but there's --
10 I couldn't necessarily say exactly what the ratio is
11 without --

12 10 Q. Okay, thank you.

13 A. -- investigating further.

14 11 Q. Thank you. So at Paragraph 21 of your
15 affidavit you indicated that there are no restrictions
16 at -- and accessing shelters based on someone's acuity.
17 But would you agree that it is harder for shelters to
18 serve high acuity individuals?

19 A. I would agree that it is difficult to
20 serve higher acuity individuals, particularly those that
21 are 13 plus, but I wouldn't say that we do not serve
22 them. I would say that that is the gap between what a
23 shelter is set up and intended to provide service for
24 demographic-wise, and the individuals that present. So
25 it is complicated, but it happens on a daily basis.

1 12 Q. And would you be -- would you agree
2 that the behavior of some high acuity individuals can
3 sometimes lead to shelter restrictions that prevent them
4 from accessing shelter?

5 A. I would say that, yeah, I would say
6 that at times, the behaviors that are exhibited as a
7 result of many factors the individual may be presenting
8 with may result in behaviors that are difficult to
9 manage in a congregate setting. And staff work with
10 that individual to try to mitigate the behaviors. But
11 at times, it does result after multiple warnings or
12 conversations and ways to try to address those items, it
13 does result in a service restriction at times.

14 13 Q. Thank you. At Paragraph 29 of your
15 affidavit you stated that individuals can call for
16 shelter beds and they can receive help from shelter
17 staff in accessing a bed.

18 But isn't it true it's not always that
19 easy, that sometimes outside advocates have to intervene
20 and advocate to management or people such as yourself?

21 A. Yeah, I would say that that does happen
22 at times. But again, I would say that complexity of the
23 shelter system is, and the reality of that is that I may
24 be calling for space because of somebody that I'm
25 dealing with in the moment, but at the same time there

1 are a number of other people calling for a space.
2 So it's not necessarily that flow through isn't
3 happening and that somebody is not being admitted, it
4 just may be that at the time that I'm calling, that
5 there is no space available.

6 14 Q. Okay. So you mention that there's no
7 city funding program that exclusively supports high
8 acuity individuals. And those high acuity individuals
9 typically require many levels of supports like doctors
10 or mental health supports. Would you agree that there's
11 a shortage of those types of additional supports
12 available?

13 A. Yes, so essentially what -- essentially
14 what we know is and what we advocate for is additional
15 supports from different levels of government, different
16 sectors such as healthcare for what we would refer to as
17 permanent supportive housing or housing with supports.
18 So those spaces are limited within the City of Hamilton,
19 and funded through multiple different avenues. And we
20 know that the number of people that meet that criteria
21 for a higher level of supportive housing outweighs the
22 number of spaces that we have in our system. So, so,
23 yeah, the need is greater than what we have in place.

24 15 Q. Thank you. I want to turn to the
25 shelter capacity that you've listed starting at

1 Paragraph 62 of your affidavit.

2 A. Okay.

3 16 Q. So you have different occupancy levels
4 listed for the various shelters, but these occupancy
5 levels don't reflect or they don't account for a period
6 where a shelter is, for example, in outbreak. Is that
7 correct?

8 A. No, it would account for the same time
9 period. So when a shelter goes into outbreak, that --
10 that's all reflected in HIFIS. So if there is a pause
11 in admissions during an outbreak, that would be
12 reflective in the number of people that are actually
13 staying in the shelter.

14 17 Q. Right. So for the purposes of
15 accepting new people, new residents, if a shelter is in
16 an outbreak, the capacity could actually go from
17 thirty-eight percent to zero. Is that accurate?

18 A. We've not had a situation where
19 capacity has gone to zero. The only thing that has
20 happened is that during an outbreak, based on public
21 health recommendation and advice and direction, we pause
22 admissions at a site that is in outbreak. So if there
23 is -- so if it's an 80-bed facility and there are 70
24 people there right now, the 70 people are able to
25 remain, it's just those other 10 vacant beds that we

1 have to pause admissions to.

2 18 Q. Right. Thank you. Yes, that's what
3 I was getting at.

4 And the numbers with respect to
5 capacity don't reflect service restrictions, correct,
6 like someone's ability to access shelter based on
7 whether or not they have any service restrictions?

8 A. No, somebody's service restriction
9 history is captured in a different way, it's not
10 captured in capacity.

11 19 Q. I'm sorry, very bad timing for this
12 audio to break up. Can you repeat that, please.

13 A. Yeah. Somebody's service restriction
14 history is captured in our database in a, in a different
15 way, it's not captured under capacity.

16 20 Q. Okay. But in real terms if someone is
17 service restricted from a particular shelter for
18 example, regardless of the capacity, they wouldn't be
19 able to access that facility during this -- the period
20 of the service restriction; is that correct?

21 A. Not -- they're not able to access the
22 location under which they have -- with which they have a
23 service restriction, but they can still access other
24 locations where they don't have a service restriction.

25 21 Q. Correct. Okay. And the numbers that

1 you've listed don't -- wouldn't reflect times where a
2 hotel room for example isn't available because it's been
3 damaged and is undergoing repairs?

4 A. I'm sorry, can you repeat that.

5 22 Q. So the numbers with respect to capacity
6 doesn't reflect a point in time where a hotel room is --
7 has been damaged, is unavailable while it's under
8 repair?

9 A. No, it does reflect that. Capacity
10 does reflect where there may be a room available but is
11 offline due to required things such as repairs. It is
12 captured in capacity.

13 23 Q. Right, what I'm getting at is a point
14 of time ability to access a hotel or a shelter space
15 isn't necessarily reflective of general capacity when
16 for that moment it's unavailable because of a reason
17 like a hotel room being under repairs.

18 MS. SHORES: I'm sorry, Counsel, I
19 don't -- it's Bevin Shores speaking -- I don't understand
20 that question. Can you rephrase.

21 BY MS. CROWE:

22 24 Q. What I'm trying to -- what I'm trying
23 to get at is that in real terms, if a hotel room for
24 example is under repairs that following some damage
25 that that room, that spot is not accessible for that

1 period of time.

2 A. That is correct, it's not accessible,
3 so that -- that's where, that's where for example a --
4 an occupancy -- there's a difference between capacity
5 and occupancy. So an occupancy statistic would say, you
6 know, it's at 98 percent occupancy, but you're not
7 available -- but all rooms are -- all available rooms
8 are filled. That may mean that there is one room that
9 is offline for a day or two while it is pending repairs.
10 So instead of showing, and you can't admit somebody to
11 that room, so instead of showing 100 percent occupancy,
12 it shows 99 percent occupancy. But the number of times
13 that a room is offline is minimal.

14 25 Q. Okay. Rob, I'm going to ask you to
15 explain that distinction in more detail, the difference
16 between occupancy versus capacity.

17 A. So capacity is the set number of spaces
18 in a location. And occupancy is the average number of
19 times all of those spaces are filled. So when you look
20 at a men's shelter that has 82 beds, 82 is their
21 capacity. The average of how, when that location is
22 filled might equate to 95 percent capac-- or occupancy.

23 26 Q. Okay. Thank you, that's helpful.
24 Sorry, just one moment, please. Sorry about that, we're
25 just trying to deal with some of the glitches.

1 A. No problem.

2 27 Q. Okay. We'll move on. Okay, so I'm
3 going to move on to your supplementary affidavit.
4 You mentioned under the previous encampment protocol
5 that there was a 14-day maximum time period of someone
6 being allowed to remain in an encampment. But in fact
7 under that previous protocol, high acuity individuals
8 were not subject to a 14-day maximum, correct?

9 A. High acuity individuals, as long as
10 they were not -- as long as they were not in a
11 prohibited site, could stay longer than 14 days,
12 correct. So if they were abiding by the other terms of
13 the protocol, they were able to stay longer than
14 14 days.

15 28 Q. Okay. And if there were other special
16 circumstances, so for example a lack of shelter
17 capacity, the 14-day minimum might not have been
18 applied, correct?

19 A. That's correct. We obviously take, try
20 to take a person-centered approach from our outreach
21 perspective and engagement perspectives all the time.
22 So if the person is continuing to work with us and
23 engaging with us, we would always take the approach of
24 trying to do what's best for that individual and not
25 necessarily take it as a hard line of 14 days if, if

1 that's feasible.

2 29 Q. Thank you. You stated that under the
3 new encampment process, that some people had been
4 removed from prohibited grounds. How do you define
5 remove, who were removed?

6 A. How do I define removed, sorry? Is
7 that the question?

8 30 Q. Right. Right.

9 A. So either the outreach staff, MLE
10 staff, social navigator, a combination of folks have
11 engaged with the individuals and explained to them that
12 they are encamping in a prohibited site, and looking for
13 voluntary compliance. Explaining that this is a
14 prohibited site and -- and they unfortunately can't
15 remain there, and asking them to move to a different
16 location. Or accept shelter space, other options that
17 we're trying to offer to them.

18 31 Q. And that prohibited site that you're
19 referring to, are you talking about something that was
20 considered a prohibited location under the previous
21 encampment protocol --

22 A. Yes.

23 32 Q. -- or do you simply -- okay.

24 A. Yeah, so the -- under the previous
25 protocol where it was a heritage site, heritage

1 designation, that kind of thing, that's what I'm
2 referring to.

3 33 Q. Okay. And what is your -- you use the
4 language of a unique individual. What is your
5 definition of a unique individual?

6 A. So some of our -- the ways we capture
7 data is that there's a difference between a unique
8 individual and the number of stays, for example. So I
9 may access, I as a -- I am captured in our database as a
10 unique individual. However, I may access space in a
11 program in a shelter on a number of occasions. So for
12 example, in a given month I'm captured once as a unique
13 individual, but if I went in and out of a location on
14 four different times, four different occurrences, I'm
15 captured as a stay or an engagement on four different
16 locations. And that's how we -- that's how we ensure
17 that there's not -- that there's accuracy in the number
18 of people accessing our system and not duplication.

19 34 Q. Sorry, what is the -- what's the
20 threshold for someone to be considered unique versus a
21 stay or engagement?

22 MS. SHORES: No, Counsel, that's not
23 what he said.

24 MS. CROWE: Okay --

25 MS. SHORES: There was no threshold

1 that he described. That was not his evidence. That's
2 not what he said.

3 BY MS. CROWE:

4 35 Q. Okay, I guess I'm going to ask you,
5 Rob, then to provide a little bit more of an
6 explanation, as I'm not quite understanding the working
7 definition of a unique individual.

8 A. So every, every unique person accessing
9 service is captured as a unique individual. So I am
10 recorded in our HIFIS database as a unique person
11 because there's only Rob, one Rob Mastroianni with a
12 certain date of birth and a Social Insurance Number of
13 "X". So I am a unique person. So I'm not confused or,
14 or counted as a different person when I access the
15 system, so I am a unique individual, but when I access
16 service at different locations, it gets recorded as a
17 different stay or a different engagement with an agency
18 or a different service that was provided to me.

19 So if in the course of a month --

20 36 Q. Okay.

21 A. -- I access, you know, I might go in
22 and out of a shelter three times, I'm counted as having
23 stayed in a shelter three times but I'm still only one
24 person having done that.

25 37 Q. So is this akin to saying client or is

1 there like a meaningful distinction there?

2 THE REPORTER: I'm sorry, ma'am, that
3 question was broken up, the beginning. Might you repeat
4 that, please.

5 BY MS. CROWE:

6 38 Q. Is this akin to saying client, using
7 the term client, or is there like a meaningful
8 distinction?

9 A. It could be akin to using the term
10 client. It's, we refer to it as a unique individual
11 so we see -- it's about ensuring that there is not a
12 duplication in recording the number of people accessing
13 service. So it's about our data reliability. That's
14 how we ensure it doesn't look like two people trying to
15 access shelter when it was only twice trying to, like
16 staying in a shelter.

17 39 Q. Okay. Thank you. Do you know the
18 VI-SPDAT scores for the applicants?

19 A. Not off the top of my head, no.

20 40 Q. You have access to them?

21 A. If I needed -- if I needed to pull the
22 information, I could access that information, yes.

23 MS. CROWE: Will the city provide all
24 VI-SPDATs done for the applicants since March 2020 --

25 MS. SHORES: What's --

1 MS. CROWE: -- by -- no?

2 MS. SHORES: I said what's the
3 relevance of that, but you were about to finish your
4 question, I interrupted you, so I apologize. What was
5 the timing you were looking for, Counsel?

6 MS. CROWE: Since March 2020.

7 MS. SHORES: Again, what's the
8 relevance of that?

9 MS. CROWE: Well it speaks to the
10 acuity of the individual, the applicants, the appropriate
11 supports, the amount of engagement that would have been
12 necessary and appropriate.

13 MS. SHORES: Rob, what's the amount
14 of work that would be involved in pulling the VI-SPDAT
15 scores for each of the named applicants from March 2020?

16 THE DEPONENT: I could take that back
17 and investigate how --

18 MS. SHORES: Well --

19 THE DEPONENT: -- it shouldn't be
20 overly complicated, but I don't know how quickly I could
21 get it for you. But it would be possible.

22 MS. SHORES: Yeah, Counsel, I'll need
23 to take that under advisement because I don't know if I
24 can commit to something without knowing what's involved
25 in getting that information to you, especially in light

1 of the very tight timelines we have.

2 **U/A NO. 1:**

3 MS. CROWE: Okay. We appreciate
4 that. Just to clarify, we'd be looking for the scores
5 themselves, as well as the corresponding paperwork to
6 show how the scores were arrived at.

7 MS. SHORES: Again, that's taken
8 under advisement.

9 **U/A NO. 2:**

10 MS. CROWE: Thank you.

11 BY MS. CROWE:

12 41 Q. Rob, when a VI-SPDAT is done, would you
13 agree that the best practice is that the VI-SPDAT be
14 re-done each time an individual is moved?

15 A. No. So the best practice is that the
16 VI-SPDAT is completed again when there has been a --
17 it's termed as like a significant change in their --
18 in their situation. So a VI-SPDAT could have been
19 completed with somebody when they were housed through an
20 ICM program. It doesn't necessarily mean that it is --
21 it is done every time that person moves.

22 So it's not, our practice is not to
23 complete a VI-SPDAT over and over again. It's when
24 there is a significant change in their situation.

25 Am I frozen?

1 THE REPORTER: No, I believe it's the
2 counsel --

3 THE DEPONENT: Okay.

4 THE REPORTER: -- asking the
5 questions.

6 MS. SHORES: I'm going to send a text
7 in the chat.

8 THE REPORTER: Okay. Shall we just
9 go off the record?

10 MS. SHORES: Please.

11 **--- OFF THE RECORD AT 11:14 a.m.**

12 BY MS. CROWE:

13 42 Q. Okay, so I just want to take you back
14 to your original affidavit, Rob, for a moment, where we
15 were looking at a breakdown of supports that would be
16 required for someone who, for example, had an H212 score
17 on a VI-SPDAT. And you've indicated that they would
18 need about 18 to 24 months of assistance to support them
19 with housing goals. Does that sound right?

20 A. So the intention of the VI-SPDAT is to
21 do an assessment on an individual to be used as a guide
22 or a tool to help staff determine what would be the best
23 course of action or the best type of intervention to
24 best suit that person's needs.

25 So when somebody scores between an

1 8 to 12, that's an indication that the best course of
2 action is that, that intervention. So that should be
3 what they -- that can be what they concentrate their
4 efforts on in trying to link that person up with
5 supports under that category or that intervention.

6 43 Q. Okay. And then someone who is say a 13
7 plus, that intervention of supports go up to a period of
8 three years plus, correct?

9 A. Normally because somebody that is a 13
10 plus normally what is best for them is their --
11 is housing with supports or permanent supportive
12 housing.

13 44 Q. Okay. Thank you. So the majority of
14 homeless people who are being housed are going into the
15 private market; is that correct?

16 A. I wouldn't be able to speak to that, I
17 can't say that's the majority of people being housed, I
18 don't -- I don't have those figures.

19 45 Q. Would you agree that it can be more
20 difficult to house high acuity individuals?

21 A. I would say it's not necessarily more
22 difficult, it is that they -- the space for the type of
23 intervention that required -- they require is again, as
24 I mentioned earlier, the number of people requiring that
25 type of intervention would outweigh what potentially

1 exists right now.

2 46 Q. Okay. Thank you. Those are my
3 questions.

4 MS. SHORES: All right, Rob, so we're
5 concluded with your examination.

6

7 --- CROSS-EXAMINATION CONCLUDED AT 11:19 a.m.

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1
2 I hereby certify that the foregoing is a full,
3 true, and correct transcription of all of my stenographic
4 notes to the best of my ability so taken at the Zoom Video
5 Conference Cross-Examination of **ROBERTO MASTROIANNI** on
6 Wednesday, the 13th day of October, 2021.
7
8
9

10 CERTIFIED BY:

11
12 *Christina Schmitz*

13 _____
14 Christina Schmitz, CSR, RPR

15 Certified Stenographic Reporter
16 Registered Professional Reporter

17 Commissioner of Oaths (Expires May 12, 2024)
18
19
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TAB 134

Court File No. CV-21-00077187-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO
MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL, CHRISTINE
DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA
JORDAN, JULIA LAUZON, AMMY LEWIS, ASHLEY MACDONALD, COREY
MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE,
LINSLEY GREAVES and PATRICK WARD

Applicants

-and-

CITY OF HAMILTON

Respondent

APPLICATION UNDER 14.05 OF THE *RULES OF CIVIL PROCEDURE*

AFFIDAVIT

I, Roberto Mastroianni, of the City of Hamilton, in the Province of Ontario, AFFIRM:

1. I am an employee of the City Hamilton as such I have knowledge of the matters set out in my affidavit. Where I rely on the information of others, I state the source of that information and verily believe it to be true.
2. I am employed by the City of Hamilton as the Manager of Homelessness & Housing Support within the Healthy & Safe Community Department of the City of Hamilton's Housing Services Division. My role includes, among other responsibilities, oversight of the City's Emergency Shelter Services, Drop-Ins, and Housing Emergency Fund.
3. I make this affidavit as an update and supplement to my October 6, 12 and 15, 2021 affidavits in this proceeding.¹

¹ All defined terms in my October 6, 12 and 15, 2021 affidavits have the same meaning in this affidavit.

4. I have reviewed my October 6, 2021 affidavit and confirm that the following paragraphs remain accurate:

- Paragraphs 3-7, regarding the working definition of homelessness and overview of the City's role as the "system service manager" for homelessness response;
- Paragraphs 8-12, regarding budget allocation resources, though updated figures for the period subsequent to my October 6, 2021 affidavit are provided below;
- Paragraphs 13-25, regarding how funding is used to provide a homelessness-serving system consisting of various programs to deliver organized and professional services to people experiencing homelessness using best practices and key performance indicators, including use of the Vulnerability Index - Service Prioritization Decision Assistance Tool ("**VI-SPDAT**") standard triage tool—and I re-emphasize that there are no restrictions on shelter access based on an individual's acuity;
- Paragraphs 26-34, regarding the Housing Focused Street Outreach Team, Emergency Shelters, Referrals, Rapid Rehousing, Transitional Housing, and Intensive Case Management, save that I provide below updated numbers regarding these programs for the period subsequent to my October 6, 2021 affidavit;
- Paragraphs 35-41, regarding supportive housing and high acuity individuals, save that I provide below updated numbers regarding these programs for the period subsequent to my October 6, 2021 affidavit;
- Paragraphs 42-52, regarding the Emergency Shelter System, save that I provide below updated numbers regarding these programs for the period subsequent to my October 6, 2021 affidavit, particularly with respect to changes to the hotel overflow portion of the Emergency Shelter System due to the conclusion of COVID-19 funding from the provincial and federal governments; and

- Paragraphs 62-69, regarding Shelter Space Availability, save that updated occupancy figures are provided below and that subsequent developments have affected the temporary shelter referenced in paragraph 69.

5. I have reviewed my October 6, 2021 affidavit and confirm that the following paragraphs do not remain accurate:

- Paragraphs 53-61, regarding COVID-19 funding and programs.

6. I have reviewed my October 12 and 15, 2021 affidavits, and the statements therein were accurate as of the time they were made. The statements therein continue to be true with respect to the Encampment Process that was put in place as of August 30, 2021, which remained in place and operated as I stated in my October 12 and 15, 2021 affidavits until August 23, 2023 and the advent of the presently-enacted Encampment Protocol. The presently-enacted Encampment Protocol replaced the former Encampment Process. Below, I provide updated information regarding the individual Applicants drawn from the City's HIFIS system (the homelessness serving sector database) and Excel-spreadsheet tracking tools kept by City staff.

Budget Resources Update

7. The following are the 2024-2025 budget resources allocated for homelessness and emergency shelters available to the City:

- a. The Federal Government Funding allotment for 2024-2025 through the "Reaching Home" program is \$9,569,020;
- b. The Provincial Government Funding allotment for 2024-2025 through the "Homelessness Prevention Initiative" ("**HPP**") is \$27,895,500;
- c. An additional \$28,484,312 comes from the City of Hamilton tax levy ("**Levy**") for 2024-2025; and

d. In addition to the base funding described above, the City of Hamilton has received one-time funding to address the needs of the homelessness serving system during the 2023-2024 Winter Season through the Federal “Reaching Home” program in the amount of \$1,594,565.00.

8. A portion of the provincial HPP funding is budgeted for hotels. Hotels have traditionally been used to provide shelter for families or women with children when no space was available in a family shelter. The City’s 2023-2024 Fiscal Budget within HPP for hotels is \$2,200,000. Over last few years, hotel overflow expenses have steadily increased. Actual hotel expenses for 2022-2023 were approximately \$6,000,000.00, well in excess of the available budget. As a result of increased demand on hotel overflow, the City approved an additional \$3,340,548 in Levy funding for the 2024 calendar year, bringing the total amount allocated to hotel overflow pressures to over \$5,500,000.00.

9. Since the start of COVID-19, in 2020, the City, and the federal and provincial governments, have spent and are committed to spend the following amounts on the shelter and homelessness system in Hamilton (this does **not** include budget resources dedicated to the Hamilton Housing Focused Street Outreach Team and Encampment Response Team, or social housing programs or Residential Care Facilities, referenced below):

Funding Cycle	Federal Funding	Provincial Funding	City Levy Funding
2020 Calendar (Jan-Dec)			\$2,807,287
Apr 2020 - Mar 2021 Fiscal	\$14,314,695	\$26,537,209	
2021 Calendar (Jan-Dec)			\$10,742,690
Apr 2021 - Mar 2022 Fiscal	\$21,656,467	\$22,923,982	
2022 Calendar (Jan-Dec)			\$13,214,255
Apr 2022 - Mar 2023 Fiscal	\$11,578,364	\$15,289,525	
2023 Calendar (Jan-Dec)			\$13,885,582
Apr 2023 - Mar 2024 Fiscal	\$10,246,340	\$11,505,862	
2024 Calendar (Jan-Dec)			\$28,484,312
Apr 2024 - Mar 2025 Fiscal	\$9,569,020	\$11,769,089	

10. The City now utilizes both HPP and Levy funding to operate the Housing Emergency

Fund (“**HEF**”) program. HEF formally launched July 1, 2024 as a modernized program which replaces the long standing Housing Stability Benefit (HSB) and Rent Ready (RR) programs. HEF provides financial support to individuals and families in receipt of Social Assistance (i.e. Ontario Works and/or Ontario Disability Support Program) or those living with a low income, in order to stabilize their housing or secure new housing. Funds are issues toward last months’ rent deposits, rental arrears, utility arrears, etc. The total budget for HEF is \$8,585,097, with \$1,000,000.00 coming from HPP funding and the remaining \$7,585,097 from Levy funding.

11. Part of the funding for supportive housing in Hamilton is provided by the Province of Ontario. This includes funding through several government programs, administered through several ministries: (a) Ministry of Health (Mental Health Supportive Housing – Residential Supports within Housing; Rent Supplement Program; and Dedicated Supportive Housing); (b) the Ministry of Municipal Affairs and Housing (Indigenous Supportive Housing; Community Homelessness Prevention Initiative; Home for Good) and (c) the Ministry of Children, Community and Social Services (Dedicated Supportive Housing; Transitional Housing Support; and Indigenous Mental Health and Addictions). Social housing can be accessed by submitting an Access to Housing application. City staff and shelter providers assist individuals with completing Access to Housing applications.

12. Notwithstanding that the City has no control over funding for programs for high-acuity persons, City-funded programs remain dedicated to supporting high-acuity people who experience homelessness. Although these Intensive Case Management (“**ICM**”) programs are contracted out and designed to effectively support those with acuity up to 12, the contracts allow for higher needs individuals to be taken on when approved and requested by the City. The ICM programs have done so at the City’s request throughout the encampment response.

13. At present, the City-funded emergency shelter system is divided into:

- a. the Men's sector;
- b. the Women's sector (which includes women and women with children);
- c. the Family Sector; and
- d. the Youth Shelter.

14. The City-funded Men's emergency shelter sector is composed of:

- a. Good Shepherd Men's Centre;
- b. Mission Services Men's Centre; and
- c. Salvation Army Booth Centre.

15. The City-funded Women's emergency shelter sector is composed of:

- a. Mary's Place operated by Good Shepherd;
- b. Emma's Place operated by Mission Services;
- c. St. Joseph's Womankind;
- d. West Avenue, a temporary shelter operated by Good Shepherd.

16. The City also licences an extensive system of Residential Care Facilities ("**RCFs**"), which provide safe and affordable supportive housing in a communal setting for people who require assistance with the daily activities of life. At present, there are over 90 licenced RCFs operating in Hamilton. Through Housing Services, the City operates the Residential Care Facility Subsidy Program, which provides financial support to approximately 750 individuals per month to reside in the above-noted spaces, supporting their permanent housing solution. The City utilizes

approximately \$8,600,00.00 of the HPP Funding toward the Residential Care Facility Subsidy Program. Many RCFs serve both men and women. Some specialize in serving those with mental illnesses, addictions and/or disabilities. Some specialize in serving youth or seniors.

17. There are also charities and service providers who offer temporary shelter programs in Hamilton of various sizes that are not tracked or funded by the City. One example is the YMCA, which I am aware offers 174 beds for men at its James St. facility—and has continued to shelter same, despite a recent fire that occurred there. Another example is the YWCA, which operates a Transitional Living Program including temporary housing for women at its MacNab St. facility.

18. Additionally, the City can place families in hotels on an *ad hoc* basis to address capacity pressures within the family system. This is supported by City staff, as well as a temporary on-site case management support team, contracted through Good Shepherd. The City contracts with hotels for a total of 52 rooms and accommodates as many families as possible within those rooms, based on family size.

19. There are also four Violence Against Women (“**VAW**”) emergency shelters operating in Hamilton which are not funded by the City, but through the Ministry of Children, Community and Social Services (“**MCCSS**”): Inasmuch House, Interval House, Martha’s House and the Native Women’s Centre. The City of Hamilton pays for “overflow” beds in each of the four VAW shelters (between 4-6 beds at each location). When the MCCSS funded beds are full, if the VAW shelter puts women in those beds, the City pays for the overflow space. If the overflow beds at the respective locations are full, the City will then place that woman/family in a hotel at the City’s expense.

20. Carole Anne’s Place and Willow’s Place operate as “drop-in” facilities serving single women experiencing homelessness.

21. The Hamilton Regional Indian Centre also operates a drop-in program specifically serving individuals who identify as Indigenous and who choose to seek service from an Indigenous agency.
22. The youth shelter is located at the Good Shepherd Notre Dame facility.
23. The Family emergency shelter is located at the Good Shepherd Family Centre. A Hotel also provides rooms to couples with no children.
24. Wesley Urban Ministries provides housing support workers to those experiencing homelessness.
25. Hotels retained for overflow purposes are not named in order to protect the people using them and the hotels.
26. The following chart sets out the change in the number of beds available in the City-managed emergency shelter system in the City of Hamilton between 2020 and June 2024:

Location	Early 2020	Early 2024	Change
Mary's Place	25	25	0
Emma's Place	15	15	0
St. Joseph's Womankind	6	6	0
Good Shepherd Men's Centre	54	54	0
Mission Services Men's Centre	58	58	0
Salvation Army Booth Centre	82	86	+4
Good Shepherd Family Centre	80	80	0
Hotel (family)	N/A	208	+208
Good Shepherd Notre Dame	21	21	0
Good Shepherd West Ave	0	20	+20
Salvation Army (added through Winter Response)	0	10	+10
Mission Services (added through Winter Response)	0	35	+35
Total	341	618	+277

27. A table setting out the total number of City-funded shelter beds, organized by month from January 2020 to June 2024, as prepared by my staff on July 15, 2024, is attached hereto and marked as **Exhibit “A”**. I confirm that I have reviewed the document and that it is accurate.

28. For the month of June 2024, to present, the occupancy levels of the City-funded emergency shelter system may be summarized as follows:

Emergency Shelters

City-funded Men’s Emergency Shelters: 107%

City-funded Women’s Emergency Shelters: 101%

City-funded Family Emergency Shelter: 100%

City-funded Youth Emergency Shelter: 72%

29. The City-funded Youth emergency shelter sector has capacity available, and the City-funded Women’s, Men’s and Family emergency shelter sectors have overflow capacity available. When interpreting these figures important to note that bed availability is extremely fluid and changes rapidly, often on an hourly basis. If a person calls for a space at one point in a day, it is possible capacity may change later in the day or the following day.

30. When City-funded shelter space is not available, there are often other options available, which staff are able to help people pursue—particularly for women, such as overnight drop-in space.

31. With respect to the women’s system, the City has provided the largest increase in funding to the women’s system over the past few years to meet the growing demand.

32. The City emergency shelter system is able to accommodate couples in the Family

shelter, or hotel rooms in the absence of space in Family shelter.

33. The City is continually examining our shelter capacity and looking for opportunities to mitigate some of the demand pressures on the system. We continue to explore other opportunities to ensure shelter availability meets the needs of those who wish to access it. For example, City Council has recently approved staff recommendations to complete a Call for Applications (“**CFA**”), assessing the feasibility of adding additional emergency shelter spaces in Hamilton’s emergency shelter system, with a report back to Council in Fall 2024 with results. The CFA will assess the addition of the following emergency shelter spaces: Families – 200 more spaces; Men’s Singles – 110 more spaces; Women’s (Singles) – 50 more spaces; Couples – 55 more spaces (i.e. an additional 110 total new spaces).

Annual Winter Response Strategy

34. Beginning with the 2023/2024 Winter Season, the City implemented an Annual Winter Response Strategy that seeks to address capacity pressures in the emergency system through the cold winter months. De-coupled from previous practice of relying on emergency shelters to go into over-capacity when the Medical Officer of Health declares an Extreme Cold Weather Alert, this annual winter response strategy ensures additional services are in place on a nightly basis from December 1 through March 31, annually. These additional services include:

- a. Warming Spaces operated through expanded hours of operation and Statutory holiday coverage at 3 designated City of Hamilton Recreation Centres;
- b. Warming Spaces operated through statutory holiday coverage at the Hamilton Public Library’s Central Branch;
- c. 100 additional day-time drop-in spaces;

- d. 35 additional overnight drop-in spaces;
- e. Expanded hours of operation at 2 drop-in centres, resulting in 24 hour operations; and
- f. A Warming Bus running nightly from 11:00pm on a set route through the City operated through Hamilton Transit, with on-site Outreach staff providing support for individuals accessing service.

The Individual Applicants

35. City staff take notes regarding the individuals that we assist. As noted above, these notes are recorded in the City's HIFIS system (i.e. the homelessness sector's database) and in Excel-spreadsheet tracking tools. Based on the information we have, we have identified all 19 Applicants as having obtained some assistance from the City-funded system or other support programs with which we engage, and each either obtained or has been offered housing and/or emergency shelter. In some cases, the Applicant has refused the offers of support.

36. The Applicant, Kristen Heegsma, engaged with a Wesley Urban Ministries caseworker in March, 2022. She submitted an Access to Housing application on March 3, 2023. According to City records, she is presently housed and has been since December 1, 2023.

37. The Applicant, Darrin Marchand, is presently housed and has been since October 25, 2023, according to City records.

38. The Applicant, Gord Smyth, submitted an Access to Housing application on March 9, 2021. According to City records, he is presently housed and has been since November 19, 2021.

39. The Applicant, Mario Muscato, last engaged with the City-funded system in February,

2024. He has not submitted an Access to Housing application, but has engaged with the Hamilton Regional Indian Centre on Ottawa St. for housing support. It is not clear whether he has obtained housing through the Hamilton Regional Indian Centre, as the City is not privy to those records.

40. The Applicant, Shawn Arnold, has connected with an Intensive Case Management worker at Wesley Urban Ministries. According to City records, he is presently housed and has been since January 18, 2024.

41. The Applicant, Allen Bradley Caldwell, is deceased. He passed away on September 15, 2023. He briefly engaged with the City-funded system in 2021 and stayed in a hotel space. He did not submit an Access to Housing application.

42. The Applicant, Christine Delorey, stayed in a City-funded hotel space from October 21, 2020 to March 19, 2021, and as of March 20, 2021 stayed in a space at Mary's Place. As of January, 2023, she had departed from Mary's Place. According to City records, she has not interacted with the City-funded system since that time. She did not submit an Access to Housing application.

43. The Applicant, Glen Gnatuk, is deceased. He passed away on January 5, 2024. He resided on Bold St. in Hamilton until January 31, 2022. He engaged with a Wesley Urban Ministries caseworker in February, 2022, and thereafter obtained housing in Orillia, Ontario and then in Barrie, Ontario. As he was residing outside the City, his HIFIS file was deactivated in July, 2023.

44. The Applicant, Taylor Gogo-Horner, was the spouse of Glen Gnatuk. She resided on Bold St. in Hamilton until January 31, 2022. She engaged with a Wesley Urban Ministries caseworker in February, 2022, and obtained housing in Orillia, Ontario and then in Barrie,

Ontario with Mr. Gnatuk. As she was residing outside the City, her HIFIS file was deactivated in July, 2023.

45. The Applicant, Cassandra Jordan, resided in housing in Hamilton from May 1, 2016 to January 22, 2024, at which time she reported having lost housing due to a relationship breakdown. According to City records, she has since engaged with a YWCA drop-in centre and Mary's Place, operated by Good Shepherd, but has not made an Access to Housing application.

46. The Applicant, Julia Lauzon, is presently housed and has been since February 1, 2021, according to City records.

47. The Applicant, Ammy Lewis, is presently housed and has been since October 1, 2021, according to City records.

48. The Applicant, Ashley MacDonald, is presently housed and has been since October 1, 2020, according to City records.

49. The Applicant, Corey Monahan, made an Access to Housing application in July, 2020, and was formerly housed in 2020-2021. He thereafter engaged with both Wesley Urban Ministries and Good Shepherd. During his interactions with both organizations in 2022, he was temporarily service restricted due to bringing a weapon (knife) onto the property, aggressive conduct towards staff, and violence towards others staying in shelter. He last interacted with the City-funded system in February, 2023, according to City records, at which time he refused to communicate further with the Salvation Army Booth Centre.

50. The Applicant, Misty Marshall, was assisted by the City's Housing Focused Street Outreach Team in applying for Ontario Works financial support in June, 2022. She did not submit an Access to Housing application. She subsequently interacted with Willow's and

Emma's Place in August, 2023. According to City records, she has not interacted with the City-funded system since that time.

51. The Applicant, Sherri Ogden, was offered shelter on March 22, April 1 and April 7, 2022, but refused. Subsequently, she made an Access to Housing application and obtained housing on September 28, 2022. She presently remains housed, according to City records.

52. The Applicant, Jahmal Pierre, was housed in Hamilton in 2020-2021, and moved to different housing in 2022. Most recently, they have obtained supportive housing through Good Shepherd and have been housed since June 1, 2023, according to City records.

53. The Applicant, Linsley Greaves, was offered shelter on March 30, 2022, but declined. In May, 2022, he indicated to the Housing Focused Street Outreach Team that he was working with a housing caseworker, but subsequently interacted with the City-funded system at each of the men's Mission Services, Good Shepherd and Salvation Army facilities.

54. The Applicant, Patrick Ward, submitted an Access to Housing Application and was offered housing on November 9, 2022. He declined at that time, but he was ultimately housed on June 26, 2023. According to City records, he remains housed at present.

AFFIRMED by Roberto Mastroianni at the City of Hamilton, in the Province of Ontario, before me on July 31, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Jordan Diacur

7AA828F6DBEC4C2...

Commissioner for Taking Affidavits
(or as may be)

Jordan Diacur (LSO 65860E)

DocuSigned by:
Rob Mastroianni

4D99726EBD5242B

ROBERTO MASTROIANNI

This is **Exhibit "A"** to the Affidavit of Roberto Mastroianni affirmed at the City of Hamilton, in the Province of Ontario, before me on July 31, 2024, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:

Jordan Diacur

7AA836F6DBEC4C2...

JORDAN DIACUR (LSO 65860E)

Maximum Number of City-Funded Shelter Beds Available by Month by Sector, City of Hamilton January 2020-June 2024

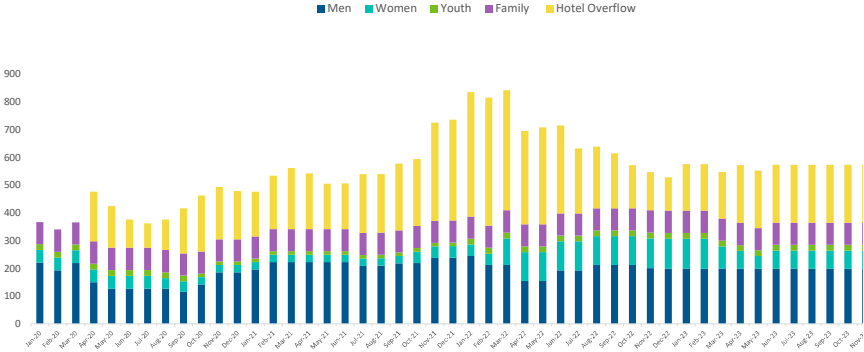
Month	Men	Women	Youth	Family	Hotel Overflow
Jan-20	220	46	21	80	
Feb-20	193	46	21	80	
Mar-20	219	46	21	80	
Apr-20	150	46	21	80	179
May-20	127	46	21	80	150
Jun-20	127	46	21	80	102
Jul-20	127	46	21	80	88
Aug-20	127	38	21	80	110
Sep-20	115	38	21	80	162
Oct-20	142	26	13	80	202
Nov-20	186	26	13	80	189
Dec-20	186	26	13	80	174
Jan-21	196	26	13	80	161
Feb-21	223	26	13	80	192
Mar-21	223	26	13	80	220
Apr-21	223	26	13	80	200
May-21	223	26	13	80	163
Jun-21	223	26	13	80	165
Jul-21	209	26	13	80	212
Aug-21	210	26	13	80	211
Sep-21	218	26	13	80	241
Oct-21	219	41	13	80	241
Nov-21	238	41	13	80	354
Dec-21	239	41	13	80	363
Jan-22	245	41	21	80	448
Feb-22	212	41	21	80	462
Mar-22	212	96	21	80	433
Apr-22	154	104	21	80	337
May-22	154	104	21	80	349
Jun-22	193	104	21	80	318
Jul-22	193	104	21	80	234
Aug-22	212	104	21	80	222
Sep-22	212	104	21	80	198
Oct-22	212	104	21	80	155
Nov-22	201	107	21	80	138
Dec-22	198	109	21	80	120
Jan-23	198	109	21	80	168
Feb-23	198	109	21	80	168
Mar-23	198	81	21	80	168
Apr-23	198	65	21	80	208
May-23	198	46	21	80	208
Jun-23	198	66	21	80	208
Jul-23	198	66	21	80	208
Aug-23	198	66	21	80	208
Sep-23	198	66	21	80	208
Oct-23	198	66	21	80	208
Nov-23	198	66	21	80	208
Dec-23	243	66	21	80	208
Jan-24	243	66	21	80	208
Feb-24	243	66	21	80	208
Mar-24	243	66	21	80	208
Apr-24	243	66	21	80	208
May-24	243	66	21	80	208
Jun-24	243	66	21	80	208

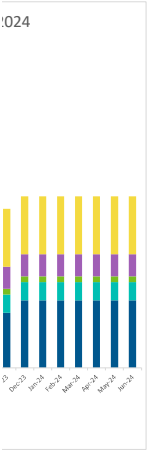
Prepared by Housing Services Division, City of Hamilton, July 15, 2024

Note: Maximum beds are identified as the maximum available funded beds for the month. When there was no maximum number of beds documented (e.g. Sandman Hotel) or no maximum number of beds designated (e.g. Sheraton Hotel) the maximum occupied beds for the month was reported. Hotel overflow data from 2020-2022 was based on internal records while 2023-2024 the data is based on the Hamilton Housing and Homelessness Dashboard.

Prior to April 2020 hotels were not set up as a separate service provider in HIFIS. The City of Hamilton was placing clients in hotels at that time to support individual clients, but it was not tracked consistently or comprehensively in the HIFIS Database. Currently hotels are blocked booked as rooms and beds are estimated as 4 beds per room but families can often uses multiple rooms but not all beds.

Maximum Number of City-Funded Shelter Beds Available by Month by Sector, City of Hamilton January 2020-June 2





KRISTEN HEEGSMA et al.

- and -

CITY OF HAMILTON

Court File No. CV-21-00077187-0000

Applicants

Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
HAMILTON

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Lawyers for the respondent

File Number: H227899

TAB 135

COURT FILE NO. CV-21-77187

ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN:

KRISTEN HEEGSMa, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL CHRISTINE DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA JORDAN, JULIA LAUZON, AMMY LEWIS, ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE, LINSLEY GREAVES and PATRICK WARD

Applicants

-AND-

CITY OF HAMILTON

Respondent

The Cross-Examination of Roberto (Rob) Mastroianni, on an Affidavit dated July 31, 2024 taken upon affirmation in the above action this, 28th of August, 2024, conducted via videoconference hosted by the offices of Nimigan Mihailovich Reporting Inc.

APPEARANCES:

For the Applicants:

SHARON CROWE

CURTIS SELL

MICHELLE SUTHERLAND

For the City of Hamilton:

JORDAN DIACUR

JOJO JOHNSON

Gowling WLG (Canada) LLP

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Re-Examination by MR. DIACUR 47

EXHIBITS

GUIDE TO UNDERTAKINGS, ADVISEMENTS, and REFUSALS:

This should be regarded as a guide and does not necessarily constitute a complete list:

UNDERTAKINGS:

(None noted.)

UNDER ADVISEMENTS:

(None noted.)

REFUSALS:

[3] 26/18 37/5 42/15

--- Commencing at 10:07 a.m.

ROB MASTROIANNI,

THE WITNESS HEREINBEFORE NAMED,

Having been duly sworn by me to testify to the truth,

testified on their oath as follows, to wit:

CROSS-EXAMINATION BY MS. CROWE:

1 Q. Good morning, Mr. Mastroianni.

. Thank you for meeting with me today.

Okay. So we discussed you're going to have

two documents in front of you, your October 6, 2021,

affidavit and your July 31st, 2024, affidavit. You can't

have any other notes or consult any other documents --

A. Okay.

2 Q. -- for the purposes of your examination.

And you are in a private room by yourself.

A. I am, yes. I'm in my office.

3 Q. Great. And please let me know if you need

me to repeat or rephrase any questions as we go along.

Okay?

A. Okay.

4 Q. Okay. Okay. So I will start with your

July 31st, 2024, affidavit. So it indicates that you are

the Manager of Homelessness and Housing Supports for

the City?

A. That's correct.

5 Q. Okay. We will start with paragraph 4. So

if you could turn to that, please.

A. Okay.

6 Q. I'm just confirming that you are endorsing

some of the terms in the definitions that are included in

your October 6, 2021, affidavit, including the definition

of homelessness and Indigenous homelessness that was in

that affidavit; is that correct?

A. That's correct.

7 Q. Thank you. So I would like to take you to

those definitions from that October 6, 2021, affidavit.

A. Okay.

8 Q. So my first question is do you know why

there is a separate and more expansive definition of

Indigenous homelessness?

A. Really because we work closely with

Indigenous partners and based on, like, Indigenous

autonomy and, you know, part of reconciliation that

community is able to define what they see as the relevant

definition of homelessness related to their people.

9 Q. Okay. So I just want to work through that

definition with you. So if you could look at paragraph 4,

please.

A. Okay.

10 Q. So you've indicated that those who

alternate between sheltered and unsheltered. What
specifically is meant by that?

A. Those that are in shelter would be those

that are in emergency shelters, violence against women

shelters, drop ins, other locations. And then the

unsheltered would be people living unhoused in

encampments.

11 Q. Okay.

A. Living with friends, couch surfing,

whatever the case might be.

12 Q. Okay. And then it mentions living in

unaffordable, inadequate, substandard, and unsafe

conditions. What's your understanding of those terms?

A. I wouldn't necessarily define that as

homeless or unhoused. I would -- my understanding of that

would be that those individuals are housed, but it may be

precarious housing.

So it may be, you know, something that is

substandard. It might be not up to, like, building code.

It might be unsafe in terms of just building code

infractions, that kind of stuff. So somewhere where the

individual probably wouldn't want to be remaining on an

ongoing basis or permanently and still looking for other

more appropriate housing, so something that is better,

more suitable for them, more appropriate for the size of

their family, whatever the case might be.

13 Q. Okay. And what about unaffordable? What's

your interpretation of what unaffordable means?

A. Their -- you know, the individual shelter

cost or rent cost would be higher than their income source

or at a level that it, you know, makes it very difficult

for them to maintain the other expenses, so like food and

stuff like that.

So unaffordable could be, you know, they

are paying 95 per cent of their income towards their rent.

14 Q. Okay.

A. And they are only left with 5 per cent of

their income for other expenses.

15 Q. Okay. And would those other expenses

include like utilities? Internet?

A. I would understand -- I would define

shelter costs as things like rent, utilities, gas, hydro,

whatever the case might be. I wouldn't include Internet

costs, but that's what I would include as part of shelter.

16 Q. Okay. 95 per cent, is that figure coming

from somewhere specifically?

A. No. That's just an example that I used.

17 Q. Okay. And you said that you personally

wouldn't necessarily agree that those kind of precarious

housing situations that we were describing would be part

of your definition of homelessness.

But just to be clear, that definition of

Indigenous homelessness is something that the City has adopted and endorses?

A. Well, the Government of Canada, through the national housing strategy, that is the definition. So we, yes, would kind of endorse that and follow that as well.

18 Q. Okay. Thank you.

So I just want to follow along with that

definition of Indigenous homelessness. So is it accurate to say that according to that definition, an Indigenous individual who was evicted, couch surfed, temporarily stayed in an abusive situation, and then lived without security of tenure would be considered continuously homeless?

A. Sorry? Can you repeat the last part of that? Lived without?

19 Q. Security of tenure, which is another term that's used in this definition.

A. Would I consider that to be homeless?

20 Q. According to the definition, yes.

A. Yes.

21 Q. Okay. Thank you. Can you just clarify what is meant by security -- being without security of tenure?

A. Security of tenure I would understand to be

like that they don't have like a legal lease or a rent

agreement or something that provides them legal resource or rights to that location, to that housing.

22 Q. Okay. Thank you.

So in the third bullet point of paragraph 4

of your July affidavit, you mention the VI-SPDAT tool.

A. Sorry. Sorry, can you clarify point we are looking at?

23 Q. Sorry. This is the -- so paragraph 4 of your July affidavit, and the third bullet point down.

Have you found the spot?

A. We are still in the definition of Indigenous homelessness. That looks like number 4 to me.

24 Q. No. That's your October 2021 affidavit.

MR. DIACUR: Yeah, Robert, moving back to

your most recent affidavit from July 2024.

THE WITNESS: Okay. Sorry. Got it. Thank you.

BY MS. CROWE:

25 Q. That's okay. I know it's a lot of cross-referencing.

A. Got it. Thanks.

26 Q. No problem. So you are talking about the VI-SPDAT tool, so a vulnerability index service

prioritization decision assistance tool.

At what point does the VI-SPDAT get done by the City?

A. It usually is done within 14 days of somebody accessing service or being new to service. So if they've entered a shelter or drop in, another service, it generally is done within 14 days of them being part of that service.

27 Q. Generally? And so sometimes not?

A. Depending on the interactions with the client or what case management discussions are happening, it could be done earlier, but we request that it is done within 14 days.

28 Q. Okay. And how often are these assessments done or repeated?

A. They are only repeated when there has been a significant change in the person's situation. So they're not necessarily done -- it's not, like, every three months or every six months or something like that. There's not a standard. It's when there's been a significant change in their -- in the individual's situation.

29 Q. Is there a definition of significant change?

A. So they've recently lost their housing,

they became housed and then unhoused again shortly

thereafter, they had a significant life event, like, you

know, lost a partner or lost a job. Something like that.

30 Q. Is it possible that there are significant events that would take place that the City might not be aware of?

A. Absolutely.

31 Q. Okay. And where are the results of the VI-SPDAT assessments kept?

A. They are entered into HIFIS, which is our software database.

32 Q. Okay. And who has access to that?

A. Each of our funded programs through our homelessness serving system, so shelters, drop ins, rapid rehousing programs, intensive case management supports, et cetera.

33 Q. Okay. Do you have knowledge of any of the applicants' VI-SPDAT scores?

A. Not off the top of my head.

34 Q. Have you ever seen them?

A. Not personally, but it's information that I could access through -- like in my role and through access to HIFIS.

35 Q. So nobody's ever talked to you about the VI-SPDAT scores for any of our applicants?

A. I'm aware of some of them -- like I'm aware of them from pulling case notes and stuff like that as part of, you know, prep for this appearance.

36 Q. Right.

A. I'm just trying to say I wouldn't be able to -- you know, if you asked me what Jordan's was right now, I wouldn't be able to say he is a seven.

37 Q. Okay. Are you aware of whether of any our applicants are considered high or very high acuity?

A. I believe some of them are high to very high acuity, yes.

38 Q. Thank you.

So I want to refer back to your October 2021 affidavit with respect to the description of the VI-SPDAT assessments. So we are going back to paragraph 19 of that October 2021 affidavit.

A. Okay.

39 Q. And you will see that there is a table there.

A. Correct.

40 Q. So I want to focus on the last two rows of that table, where there's a description of the acuity level and then the level of support.

So starting with the second last row with an acuity level of 8 to 12, is it fair to say that these

individuals are considered mid to high acuity?

A. That's correct.

41 Q. And can you help me understand the intensive case management intervention that's available to those individuals?

A. So intensive case management would be -- there are intensive case management programs that are funded that have a number of, you know, caseload spots that they are funded for to be able to support a specific number of individuals.

So it is a -- I don't want to say higher level, but higher level of case management supports. There is more frequent connections with the individual.

That's for when the individuals are housed in most cases, so that they can stay connected to those individuals to help ensure that their housing is being maintained and stabilized and like a longer runway, for example, before the individual is not accessing supports any longer.

42 Q. Okay. So you mentioned that those supports are in the context of housing, like once an individual is housed?

A. Usually, yes.

43 Q. And is it the same thing for the bottom row of an acuity of 13 or higher?

A. 13 or higher is what we would consider individuals that are appropriate for permanent supportive housing. And that is kind of -- that really is some of the area that is out of scope, I would say. Not out of scope, but that doesn't exist to the extent that it needs to exist within our homelessness serving system.

So that's not something that, like, emergency shelters or drop ins or anything like that provide. That is, you know, supportive housing, often funded through the Province or Ministry of Health or other avenues.

So that's just a definition of who would be appropriate for that level of support.

44 Q. Okay. So I think you anticipated my next question, because I was wondering whether either of these programs or supports are available in the shelter environment.

A. Permanent supportive housing supports?

45 Q. No, Sorry. So when you described the level of support that is needed for individuals with those acuity ranges in the last two rows, are either of those supports or programs within the shelter system?

A. Those supports, like probably the items that are more related to intensive case management exist to a certain extent within emergency shelters systems. So

there is case management, there is regular touch bases, there's regular visits, there is support for maintaining -- for, like, stabilizing their income or being referred to other sources of income or accessing income. Those types of things.

But shelters in general and shelters staff, that's not what we would necessarily see as the level of supports that are funded or exist within emergency shelters, because that's a different type of -- like intensive case management permanent housing is a different type of setting.

46 Q. Okay. Thank you.

Okay. So we will go back to your July 2024 affidavit. And we are staying in the same paragraph, same bullet point. So it is paragraph 4, bullet point 3. Let me know when you are there.

A. I think so.

47 Q. The last sentence says that:

"[...]I reemphasize that there are no restrictions on shelter access based on an individual's acuity."

A. Mm-hmm.

48 Q. Correct?

A. Correct.

49 Q. Is it your position that shelters never

deny access to a known individual with high acuity?

A. The individual's acuity score would not be the reason that an individual is restricted or that there might be barriers to access. An individual that has a high level of acuity, for example, there may be situations that occur, like, connected to behaviours or, you know, connections to mental health where behaviours or actions are exhibited in a way toward staff or whatever that may result in a service restriction.

So it could be that those behaviours and that action is occurring with an individual that has high acuity, but it is not because a person is high acuity that they would be service restricted. It's the other things that happen that results.

50 Q. No, no. And I appreciate that. So, again, you anticipated one of my future questions, so thank you.

But I'm also trying to get at whether or not -- so you have explained that, you know, it's not the definition or the categorization of someone being high acuity that can impact shelter service.

A. Mm-hmm.

51 Q. But it's the behaviours that are associated with that acuity.

A. Mm-hmm.

52 Q. So what about the behaviours that are

associated with that acuity preventing someone from accessing shelter in the first place?

So let me just let me give you an example.

So, you know, someone who is known to a particular shelter, they know that this person exhibits disruptive behaviour, for example, that they have a hard time managing.

Are you ever aware of circumstances where someone is turned away at first instance because of those known complexities?

A. I'm not going to say that it doesn't happen, but it would be under a situation where normal practice is that, like, the shelter staff, for example, would put a note in their there, like, there would be a documentation about what happened in the person's last stay.

So there would be case management notes or, you know, a flag, for lack of a better term -- there's not actually like a flag in that way -- so that when the person presents for service again or access again, there would be a conversation between staff and the individual, staff and management of like, Okay this happened with Rob last time. Let's have a conversation with Rob to be like, Hey, last time you were here, this is what happened. These are the behaviours that resulted in you being

service restricted. We just want to make sure that you are aware that that happened last time. It can't happen again.

That kind of stuff. And then there would be that consultation or that decision about, you know, the person's willingness or commitment that that wouldn't happen again, and that, you know, the agency's ability to support the person or like, you know, give them another chance, for lack of a better term.

53 Q. Right. So I understand that what you are describing is like a best practice scenario and potentially what the guidelines or policy actually is.

But you said before that you wouldn't say that it's never happened that somebody has been turned away because of their known behavioural issues or, you know, safety concerns from staff.

So have you ever heard of that kind of scenario happening?

A. My -- I think what I'm trying to convey is I don't -- I can't sit here and say no, absolutely it doesn't happen. I don't hear of them happening like that. I'm not aware of any specific cases where it's happened.

But, you know, I'm confident in our shelter staff and our agencies that they take the approach that we all work together on and discuss in terms of like how you

would manage a situation like that.

Can I sit here and say 1000 per cent no, it does not happen? No, I cannot.

54 Q. Okay. Thank you.

How often do you go to the City-funded shelters?

A. Virtually now. I'm not in as often as I used to be. So, you know, prior to COVID, I was in very regularly, so probably like at least once a week into many of the shelters.

Now, not as often as I used to be, generally having meetings and stuff like that virtually. We have some that are back in person. And then just getting back to kind of post-COVID world of just kind of, you know, the on-site presence ramping up again, to be honest.

55 Q. Right. So when was the last time you were in one of the shelters?

A. A month ago.

56 Q. Okay. And so you said before COVID it was about once a week. What's your estimate for how often you attend post-COVID?

A. Probably once a month, once every two months.

57 Q. Okay. And how long do you stay for?

A. It depends on the duration of meetings or the purpose that I'm there for. It could be a couple hours, it could be a few hours.

58 Q. And are you there during the daytime hours? Are you ever there at night?

A. No. Generally during the day.

59 Q. Okay.

A. During my working hours.

60 Q. Do you think shelters receive adequate funding to do the work they do?

A. No.

61 Q. Why not?

A. There is a limited funding that the City of Hamilton receives through the Province, so we have limitations in terms of how much we can fund out of that finite funding pot that we receive for the service.

The agencies -- you know, there is obviously increased costs that everybody's been experiencing, increased labour costs, just general cost of living that we're all experiencing. The same thing happens with them.

So, you know, the services they require, that they offer or are required to offer, the services that our population need and then being able to put those in place, I would say the funding does not exist to the

level it should.

62 Q. So how does that, practically speaking, impact shelter operations?

A. I would say they are left supporting individuals that are experiencing things like mental health additions, whatever the case might be, that emergency shelters were not ever intended to support to that degree.

So they are, you know, looking at things like donations or other funding sources to help support being able to implement those things within their agencies to be able to support the clientele that we are serving.

63 Q. Do you have any knowledge of the impact that underfunding has on shelter staff?

A. Anecdotally, or in my opinion, I would say they are supporting individuals and managing situations that they likely were -- never thought that they would be managing.

So things like overdoses or administering Narcan and things like that. That's not necessarily something that people, you know, go to school for and get trained on when they are moving into this field, but it becomes part of their requirements on the job. They get trained in other ways.

They may do like a Narcan training kind of

thing, but it's not necessarily something that, you know -- I, for example, would have gone school and been like, I knew that I was going to be administering Narcan one day.

64 Q. Right. Okay. Do have any knowledge of staff turnover?

A. There's a very high turnover rate in this sector overall, in the homelessness serving system and human services, shelters. There's an extremely high turnover rate within the system.

65 Q. Okay. Are you aware that in March 2023 the Executive Director of Admission Services, Salvation Army and Good Shepherd delegated to City Council describing Hamilton's shelter system as being on the verge of collapse?

A. I am aware of that.

66 Q. And do you agree with that statement?

A. Yes.

67 Q. Thank you. Would you agree that some individuals have a difficult time staying in shelters due to their mental health and/or substance use?

A. Yes.

68 Q. How many of Hamilton's shelters are wheelchair accessible?

A. I wouldn't be able to say without actually going through each one line-by-line kind of thing of each location to think of their physical plans.

I would say most are, because most have elevators, ramps, that kind of thing. There are a few that are not, but most are.

69 Q. Okay. Have you met any of the applicants in this case?

A. I have over the years for some that have been within our -- working in our system for a number of years. I've interacted with some of them, but not necessarily directly a case manager or anything like that for them.

70 Q. Okay. Who have you met?

A. I would have to look at the name of applicants, again, to be honest with you, to be able to, like, be able to give a name right now.

71 Q. Okay. When was the last time you met one of the applicants?

A. Oh, it's been quite some time. My role doesn't necessarily have frontline service like that in the same way like I used to as a case manager.

72 Q. Okay. Years?

A. It's probably been a few years, yes.

73 Q. Okay. Thank you.

In paragraph 6 of your July 2024 affidavit, you indicated in the last sentence that you provided some information regarding the original applicants drawn from the HIFIS system?

A. Mm-hmm.

74 Q. And also some Excel spreadsheet tracking tools. But just confirming that you haven't produced either of those records, the information from HIFIS or the Excel spreadsheet?

MR. DIACUR: I don't believe that is a fair question, counsel. We have requested authorization to do so.

MS. CROWE: Well, to be fair, it's never been made clear exactly what timeframe or the purposes of requesting this. And, you know, it seems like you're gathering some information since there is some access.

And I'm just trying to -- well, first of all, it's not clear to the extent the access the City already has. And I'm confirming that whatever access was referenced is not included in the affidavit.

MR. DIACUR: We have requested authorization to disclose the records. So I don't believe it's a fair question. That's a refusal.

MS. CROWE: What about the Excel spreadsheet tracking tool? I don't believe that's been

requested.

MR. DIACUR: We've requested authorization to disclose HIFIS records that are in reference to the individual applicants from the individual applicants.

MS. CROWE: Right, but this paragraph --

MR. DIACUR: It's not fair to put to this witness that he hasn't disclosed something that the City has specifically requested authorization to disclose.

MS. CROWE: I don't think it's clear that the two things are the same. But secondly, with respect to what is in paragraph 6, Mr. Mastroianni is making a distinction between those HIFIS records and Excel spreadsheet tracking tools kept by City staff.

MR. DIACUR: I don't accept that there is a distinction. We've requested authorization to disclose City records with reference to the individual applicants. It's not an unfair question and it's a refusal, counsel.

---REFUSAL

BY MS. CROWE:

75 Q. Okay. All right. Let's move on to paragraph 10. And so you are describing the newly formed housing emergency fund.

Can you confirm, this fund is only available once every 24 months?

A. There is a maximum amount. It's not a one

time in 24 months. There is a maximum amount that an individual can receive within a 24-month period. And then there are exceptions to that.

So there is a clause within our policy that, for example, we call like a once in a lifetime above and beyond where if they have received the maximum amount in the last 24 months, but they're in a housing situation that requires or would fit under a housing emergency fund normally, but they've received maximum amount, we would assess it to be able to go over that, like make that exception and then issue funds again within that same 24-month period.

76 Q. So is it fair to say issuing the funds more than once within 24-hour periods is done on the basis of extenuating circumstances?

A. No. I would say issuing -- issuance is not the number of times within 24 months. It's the amount.

77 Q. The amount.

A. So I would say issuing higher than the maximum amount for that family size within a 24-month period is done like on a case-by-case basis by exception.

78 Q. Okay. According to discretion. So there is no automatic entitlement to it?

A. That's correct.

79 Q. Okay. And then I also understand that your

accommodation costs can't exceed 95 per cent of the household income in order to be eligible for the fund; is that correct?

A. That's correct.

80 Q. Okay. What is included in accommodation cost then? We had a bit of this discussion earlier, but I want to narrow in for the purposes of this program.

Is accommodation cost just rent, or does it include other things, like utilities?

A. It includes utilities. So rent, utilities, you know, gas, hydro, water.

81 Q. Okay. And so part of the program is specifically for people who are on Ontario Works and Ontario Disability; correct?

A. Yes. It is open to all individuals in receipt of Ontario Works, in receipt of ODSP, or living with a low income within the City of Hamilton.

82 Q. Okay. Maybe I'm wrong, then. Is there part of the program with respect to first and last month's rent that is only available to people on social assistance?

A. First month's rent deposit is only available -- or, sorry, last month's rent deposit is only available to individuals in receipt of social assistance, so OW and ODSP.

83 Q. Okay. Do you have knowledge of the rates for a single person under the Ontario Works and the Ontario Disability Support Program?

A. I do.

84 Q. Okay. And what are those rates?

A. Sorry. I'm aware generally, but like, again, you know, it's not the day-to-day thing in terms of quoting that rate, so I would have to look it up.

85 Q. Do you know the amount approximately?

A. I believe for a single individual on OW, if they are receiving full benefit, it's around 750, I think. I may be wrong.

86 Q. Okay. What about for ODSP, approximately?

A. I would have to look that up, to be honest with you.

87 Q. Yes.

A. I think it's around 12- to 1400.

88 Q. Okay.

A. But, again, I'd have to look that up. I don't necessarily look at ODSP rates regularly, to be able to quote it.

89 Q. Understood. What about average rental cost in Hamilton. Do you know what the average one-bedroom rents are?

A. Not off the top of my head, no.

90 Q. Any average rental costs now?

A. I'm aware that they are likely higher

than -- like all I can say is that I know that they are higher than an individual in receipt of Ontario Works.

Higher than the amount that an individual in receipt of Ontario Works receives from OW.

91 Q. Okay. What about an individual in receipt of Ontario Disability?

A. I couldn't answer that because, again, the rates are higher, so I don't know what the average market rent rate is right now compared to the ODSP rate.

92 Q. Okay. We are going to go to paragraph 12 of your July affidavit.

A. Okay.

93 Q. So you said that:

"[...]the City has city funded

programs dedicated to supporting high acuity individuals."

Can you -- and maybe you have covered some of this off. But I'm just trying to get you to clarify what those programs are.

A. So for high acuity individuals?

94 Q. Mm-hmm.

A. So that would be, like, the 8 to 12 range.

95 Q. Mm-hmm.

A. So that would be things like intensive case management supports, rapid rehousing, those programs.

96 Q. And who administers these programs?

A. They are programs that operate through contracted agencies. So, for example, Mission Services, Good Shepherd, Run, Rapid Rehousing, and ICM programs.

97 Q. Do you have any knowledge of any of the spaces or spots that are available through these programs?

A. I'm generally aware, but I wouldn't be able to quote the number off the top of my head.

98 Q. Okay. Do you know if any of these programs have waitlists?

A. They generally have a waitlist, yes.

99 Q. Do you have any knowledge of how long the waitlists are?

A. No. I don't.

100 Q. Okay. Do you have any knowledge of the eligibility criteria for these programs?

A. I, again, would have to -- I haven't looked at the eligibility criteria recently, so I would have to look that up and refer to our contracts for that, to be honest with you.

101 Q. Okay. That's fine. We are going to move on to paragraph 16.

A. Okay.

102 Q. So paragraph 16 mentions that the City also oversees residential care facilities. And I just want to confirm that residential care facilities are separate and apart from the emergency shelter system.

A. They are. Yes, they are not part of the emergency shelter system. They are a sector of their own within housing continuum.

But I also want to be clear that there is a difference between licensed residential care facilities and then what I'm talking about here is the residential care facilities subsidy program, which supports a number of residents within a number of the homes, but not all of the licensed RCFs.

103 Q. Okay. Thank you.

And in paragraph 17 on the next page you talk about the YMCA and the YWCA.

A. Mm-hmm.

104 Q. So your affidavit describes the YMCA as a temporary shelter program. My understanding is the YMCA actually has a rooming house facility where they provide transitional housing.

A. My description there is not a temporary emergency shelter. There's a difference. Referring to it as a shelter program means like a housing program. So it is housing. It's not emergency shelter like we are

talking Mission Services or Good Shepherd, that kind of thing. There is a distinction there. It's not shelter programs.

105 Q. Right. It's a housing program, and they charge rent.

A. They do. They rent rooms to individuals for, like, long-term leases.

106 Q. Long-term. Okay. Thank you.

And then the other example is YWCA. Again, my understanding is that they have a transitional program where people could stay for a year and potentially longer. Is that your understanding?

A. Correct.

107 Q. And again, they charge rent?

A. Correct.

108 Q. And there's leases or some other kind of occupancy agreements?

A. To my understanding, yes.

109 Q. Thank you. And then you also indicated in the same paragraph that -- you reference the fire that recently took place at the YMCA.

A. Mm-hmm.

110 Q. And has, quote, continued to shelter same, meaning the 174 individuals, despite the recent fire.

Is that still your understanding?

A. So there were a number of individuals that were affected by that fire.

111 Q. Mm-hmm.

A. So we worked closely with the YMCA to -- the City actually activated our department's emergency response program. So we worked closely with Red Cross and YWCA -- YMCA, sorry, and other partners to activate emergency -- like accommodations within their site.

So they were using things like gyms and other locations for, like, cots on a temporary basis and trying to register all the gentlemen that were living in those accommodations.

Some chose to stay with friends. Some chose to stay with family. Some chose to not return and make their own accommodations or even encamp for a period of time.

So there was something available to all that were interested, but some chose not to accept this space available.

112 Q. Okay. I want to just be clear, because my impression from reading this was that no one was displaced as a result of the fire but that's not your evidence?

A. There was not a refusal of support or accommodation to those that were interested. Some we tried to, you know, offer them a space, and some chose to

not take it, so we were trying to -- I don't to use the word "convinced," but we were promoting or encouraging individuals to accept the space. But some chose to not accept it anyway, because they were not interested.

113 Q. Right. But just to fine-tune the point a little bit further, the individuals that had to actually leave the YWCA -- sorry -- YMCA following the fire.

A. Individuals chose to leave the YMCA following the fire. They were able to be accommodated at different space within the YMCA, but the individuals that were not there chose to leave that space.

114 Q. Okay. But they had to vacate their rooms after the fire?

A. Okay. Well, there was a fire.

MR. DIACUR: He's answered -- you've answered the question three times. It's a refusal if you're going to continue to ask the same question.

MS. CROWE: I don't think it had been answered three times, but that's fine.

MR. DIACUR: Yes. He said the exact same thing in response to the same question the last three times it was asked.

MS. CROWE: Mr. Jordan, I don't know why you insist on using this tone. We can keep this civil. Okay?

MR. DIACUR: Oh, I am being civil.

MS. CROWE: I don't think my --

MR. DIACUR: I am not even raising my voice. I am refusing any further questions that repeat the same information. That's it.

MS. CROWE: That's fine. I think the record will show that that's not the case, but that's fine. We'll move on.

MR. DIACUR: The record will show that the same question was posed three times and the same answer was given three times.

MS. CROWE: Mr. Mastroianni's affidavit reads as though nobody had to leave the YMCA following the fire.

MR. DIACUR: He answered that question. He said there was a choice made. Some chose to leave. No one had to leave. He is not giving that answer yet again.

MS. CROWE: Well, what I was trying to verify was that people --

MR. DIACUR: Three times he's given that answer.

MS. CROWE: -- had to leave their rooms, even if they had to leave the facility itself.

MR. DIACUR: That's not what it says in the affidavit, and you've got his answer.

MS. CROWE: I don't know if I got the answer to the last one, but that's fine. We can move on.

MR. DIACUR: It's the same question posed three times. It's a refusal. Move on.

---REFUSAL

BY MS. CROWE:

115 Q. Moving to paragraph 18, you also mentioned that the City can place families in hotels on an ad hoc basis. So when you say "ad hoc," this means as is possible?

A. So we access -- we utilize hotels as a temporary overflow to our emergency shelter system so families, for example, that would normally be eligible or be able to be accommodated within the existing emergency shelters spaces but cannot be for simply space within those locations, we utilize hotels to be able to accommodate those people or families.

116 Q. Okay. Is it ever the case that someone cannot access the hotel program?

A. Yes. Similar to emergency shelters, there may be situations of, you know, we don't have any rooms left available, or there may be situations of a service restriction, similar to operating in emergency shelters.

117 Q. Thank you.

Moving to paragraph 19, where you discuss

violence against women or VAW shelters.

A. Mm-hmm.

118 Q. Would you agree that these shelters have been operating at or over capacity for several years?

A. My understanding, yes. The violence against women shelter operates separately from the emergency shelter system, is funded through a different ministry.

So I work closely with that system, but I don't oversee that system or anything like that. So anecdotally, I would say yes, they have been at capacity for several years.

119 Q. Thank you.

Okay. We are going to skip forward to paragraph 27.

A. Okay.

120 Q. And so this paragraph mentions Exhibit A in your affidavit where you have a table of city-funded beds by month from January 2020 to June 2024.

I want to discuss the definition of available. And I know it seems like it might be very plain language, but can you explain to me what your definition of available and available bed or space means?

A. Sorry. Can I pull up the appendix --

121 Q. Of course, yes.

A. -- to refer to it. Because I don't have that up, to be honest.

And to be honest with you, I would have to find it, or bear with me while I find it, unless you want -- I know it is affecting bandwidth. But if you want to show it on the screen, I can look at it. That might be faster than me trying to locate it.

122 Q. Okay. That's fine. I will try and I'll go off video for this portion.

MR. DIACUR: Rob, it may help. It's the third from the end, the third page from the end.

THE WITNESS: Oh, sorry.

MS. CROWE: Thank you.

THE WITNESS: The third page or second page from the end? Oh, no. Third page. Got it. Thank you.

BY MS. CROWE:

123 Q. Thank you.

A. You can come back on video.

124 Q. So it mentions the number of city-funded shelter beds available by month or sector.

And then in the next paragraph you talk about -- sorry. I know I'm bringing you back. So just quickly reference here to 29 where you talk about the fluidity of availability, because things can change rapidly.

A. Okay.

125 Q. So the word that is used is "available." Does that mean unoccupied, like a bed is unoccupied?

A. No. That means that, you know, there's 20 beds within a particular emergency shelter, so we would say that there are 20 beds available in our system.

126 Q. Okay. And is it ever the case that there is a bed that is listed as available, but someone seeking emergency shelter nonetheless can't access it?

A. Yeah. That's where we would be speaking to occupancy.

127 Q. Mm-hmm.

A. So I would define it differently, as like available is the number of beds that exist in the system, and then the beds that are occupied is different.

128 Q. Right.

A. So, for example, again, the 20-bed shelter example, there's 20 available; 19 may be occupied. So that means there is one space that somebody can -- seeking service can access, or maybe all 20 are occupied so there are no beds left where somebody can occupy or seek service.

129 Q. Okay. What I'm wondering about is a situation where a bed is not occupied, but it's still not available for use.

A. There could be situations where that happens. So it could be -- you know, especially in locations that have units. So the unit has been damaged, requires cleaning, requires repairs between the last person moving out and it being able to be occupied by somebody, a new family or a new person.

So it might be that it's a 20-bed shelter, but only 19 can be accessed or utilized, because of the other one being, you know, offline because of damages or something like that.

130 Q. Right. What about in the family system? My understanding is that there are rooms with -- sometimes with multiple beds in one room.

A. Correct.

131 Q. If a family who has that room isn't using all of the beds that are in that room, will the shelter allow someone from a different family to access those remaining beds?

A. Not generally, no, because we wouldn't -- we wouldn't mix families within one private location. So, for example, in the family center, if there's -- they are like apartment-style units.

So if there is a unit that can accommodate four people, but it is a family of three, we wouldn't go and put one random person from another family and require

them to stay in that bed and mix families like that in a private accommodation.

132 Q. Right. For these shelters who offer dorm style, more communal shelter, do staff ever not utilize the full amount of shelter beds due to safety concerns?

A. Not to my knowledge.

133 Q. You've never heard of that happening?

A. No.

134 Q. What if there is a history of two shelter residents who have had previous conflict and the only available setting is a dorm style, where these individuals would be sharing a communal space?

MR. DIACUR: Counsel, that's refused. He

said he's never heard of it.

---REFUSAL

BY MS. CROWE:

135 Q. Okay. And so the availability is calculated according to the HIFIS data; correct?

A. Occupancy would be calculated based on HIFIS data, so the number of people that are booked into that location compared to the number of beds available.

The number of beds available is fairly stagnant, so it doesn't necessarily change very often. So there's not like an ongoing calculation for that. It's occupancy that gets calculated regularly.

136 Q. I see what you're saying. Okay. And how often do you see updates to the HIFIS system?

A. In terms of occupancy?

137 Q. Yes.

A. We can run occupancy on a daily basis. So you can run it -- I can run it right now for what, like, occupancy is in this exact moment.

138 Q. And do you have any idea how often on a daily basis staff are inputting data into HIFIS?

A. Agency staff are inputting on a regular basis, like as situations occur. So if I'm presenting as at a shelter, they would be doing my intake inputting -- they could be inputting information and then -- you know, taking my information and inputting it 10 minutes later, or they could be inputting it, like, right in the moment right now as they are talking to me and inputting my information and booking me in and that kind of thing.

So it is intended to be live.

139 Q. So it is intended to be a live. Are you aware of situations where there is a longer than 10-minute delay in inputting data into HIFIS?

A. There could be, yes, because staff are -- could have multiple people that are trying to book in at the same time. They could have situations where they are

booking somebody in and have to go and respond to an emergency or a medical event or something like that, so something that pulls them away from what they are doing in that moment, so it would cause a delay in inputting that information.

140 Q. Okay. Are you aware of HIFIS data ever being inaccurate with respect to occupancy?

A. I wouldn't say it's inaccurate. I would say that there are situations like I'm describing where there is a delay in inputting the information.

So, again, if I'm working with Jordan and I get called away to do something and I'm trying to book Jordan in, and I haven't actually registered him in or admitted him in the system, and I got called away to respond to something else, that 20-minute period, for example, if, you know, I then am -- another one of my colleagues is trying to book you in, Sharon, and saying, oh, look, there is a bed available, not knowing that I've already promised it to Jordan, there is like a gap in time.

So I wouldn't say it's inaccurate. It's just kind of the realities of operations, to be honest.

141 Q. Are shelter beds ever held for individuals?

A. Yeah. They are held in situations of like doing an assessment for intake. So an individual could

call a shelter and say, You know, do you have space, and there is a -- there is like a phone intake or a phone assessment. And the staff person is like, Yeah, I will hold this bed for you until 4:00 o'clock.

142 Q. Okay.

A. We actually promote that happening, because it prevents the individual from, you know, calling shelter A and saying, Do you have space, and being promised a bed, and then it takes me an hour to get there, and by the time I get there and walk there and make the effort, it's been given away to somebody else.

So we want to prevent that from happening, so we actually encourage that, like, holding or reserving until -- like, as part of our operations.

143 Q. Right. Okay. That makes sense.

How often does that scenario happen that you just described, where somebody calls ahead for a bed but when they arrive, it is no longer available?

A. I wouldn't say that's happening on a regular basis, and I wouldn't be able to speak to that. That's what we are working to avoid happening.

So it wouldn't be -- I wouldn't say that it's something that is like a regular practice or anything like that.

144 Q. Okay. Paragraph 28 and 29 of your July

affidavit?

A. Yeah.

145 Q. So you've given a breakdown of occupancy levels from the month of June 2024 to present.

A. Mm-hmm.

146 Q. And then you draw conclusions based on that occupancy level in paragraph 29.

And I just want to confirm that those conclusions are also based on the same time period of June 2024 to July 31st, 2024.

A. Correct.

147 Q. Thank you.

In paragraph 34 you describe the City's winter response strategy for 2023 and 2024.

A. Mm-hmm.

148 Q. Is it fair to say that the strategy was in response to a lack of daytime and overnight spaces for people experiencing homelessness?

A. For winter months, yes.

149 Q. Thank you. Paragraph 35, you go on to describe City records with respect to the individual applicants.

Is there anything you want to clarify from these records?

A. Not to my knowledge, unless there is

something specific you are asking about.

150 Q. No. Okay. Thank you very much. Those are my questions.

MR. DIACUR: Thank you, counsel. I only have a brief re-examination.

RE-EXAMINATION BY MR. DIACUR:

151 Q. Sir, you were asked about a delegation from shelter providers to city council and a statement that the delegates made regarding the shelter system.

And the quote was that it is on the verge of collapse. And that was as of July 2023.

MS. CROWE: Sorry. Just to clarify, it was March of 2023.

MR. DIACUR: I'm sorry. I thought you said July. No, that's fine. March 2023, yes.

BY MR. DIACUR:

152 Q. So clarify that on the record. So that statement is as of March 2023, sir.

My question for you is does that remain true?

A. Yeah. I would say -- I would say our system continues to see unprecedented pressure in terms of the number of people that are requesting access to emergency shelter spaces.

The level of supports required of the

individuals that are accessing space is much higher than

it used to be. The existence of mental health and addictions and concurrent disorders and those situations, that shelters are doing their best to support those individuals that are living with those situations and seeking space, but emergency shelters are not intended to be that.

You know, they are not part of a mental health system. They are not part of a permanent supportive housing system.

They are a system of last resort and are not funded or expected or set up to be able to support that situation. So I would say that that's where, you know, the reference to on the verge of collapse.

It's because of the unprecedented pressure that they are under that continues to exist.

153 Q. Has the shelter system collapsed between March 2023 and today?

A. I would say no, it has not. It continues to see -- to experience pressures, but I would say no, it has not collapsed. I would say it's doing very well --

154 Q. How is -- I'm sorry.

A. No, I'm just giving my opinion. I would say it's operating very well for -- for, again, what shelters are experiencing and staff are experiencing and

changes in our system.

I would say it's operating very well. And

a lot of that is to do with the dedication of staff who

are frontline and agencies that are working their best to

provide the service.

And not to toot our own horn, but, you

know, all the staff on the City side as well that are

doing our best to try to support it.

MR. DIACUR: Thank you. Those are all my

questions in re-examination. I appreciate you attending

and answering.

THE WITNESS: Okay.

MS. CROWE: Thank you very much.

--- The examination concluded at 11:02 a.m.

I hereby certify the foregoing is a full, true, and correct

transcription of all of my oral stenographic notes to the best

of my ability so taken at the Cross-Examination of ROB

MASTRIOIANI, given under oath before me on the 28th of

August, 2024.

Amy Armstrong, CVR-RVR

Certified Realtime Verbatim Reporter #7305

Certified Commissioner of Oaths

Certified this 30th of August, 2024

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TAB 136

Court File No. CV-21-00077187-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO
MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL, CHRISTINE
DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA
JORDAN, JULIA LAUZON, AMMY LEWIS, ASHLEY MACDONALD, COREY
MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE,
LINSLEY GREAVES and PATRICK WARD

Applicants

and

CITY OF HAMILTON

Respondent

APPLICATION UNDER 14.05 OF THE *RULES OF CIVIL PROCEDURE*

AFFIDAVIT

I, **TESSA MCFADZEAN**, of the City of Hamilton in the Province of Ontario, **MAKE OATH
AND SAY:**

1. I am the Director of Women's Services, Good Shepherd Centres, Hamilton ("**Good Shepherd**"), a position I have held for nearly five years; previously, I was an Assistant Director with Good Shepherd for more than 4 years. Good Shepherd is one of the largest providers of health and human services in the Hamilton area. In my role as Director, Women's Services, I oversee the provision of shelter services to women in the City of Hamilton. As such I have knowledge of the matters set out in this my affidavit. Where I rely on the information of others, I state the source of that information and verily believe it to be true.

2. I make this affidavit as an update and supplement to my October 12, 2021 affidavit in this proceeding.

3. Starting in or about April, 2020, the City of Hamilton worked with Good Shepherd, other shelter providers and local hotels to begin providing overflow shelter capacity, as needed, during the COVID-19 pandemic.

4. In terms of local hotels, the City oversaw the relevant contracts. The shelter providers initially assigned staff members to liaise with hotel staff; in May, 2020, we began to directly operate the hotel spaces on a day-to-day basis.

5. Until September 2, 2020, Good Shepherd worked together with a downtown Hamilton hotel to provide 24 hotel rooms for single homeless women; Good Shepherd operated all of the rooms on one floor of the hotel. As of October 1, 2021, Good Shepherd began working together with a different downtown Hamilton hotel to provide 55 hotel rooms for single homeless women. In March 2022, Good Shepherd shelter overflow transitioned to the Cathedral Boys School to expand overflow shelter beds to a maximum occupancy of 100 beds. In May 2023, the Cathedral contract came to an end, and a West Avenue site to provide overflow opened thereafter. West Avenue now operates 20 overflow spaces for single homeless women (cis-gender, transgender and Two-Spirit) and gender diverse individuals.

6. The rooms at West Avenue are communal living spaces with four or five beds to a room. Each communal bedroom has a shared washroom. Each floor is equipped with a small lounge for residents to access. The overflow shelter is staffed 24 hours per day.

7. Overflow shelter spaces aim to be low-barrier. The services and support provided in the overflow shelter space are very similar to those provided in Good Shepherd's other shelter environments. We do not simply provide a shelter space; we engage consistently with the residents. Our program priorities remain safety planning, harm reduction, case management and securing a stable housing situation. Referrals to other shelter locations and transportation

is available and provided. We participate in a weekly prioritization call with other shelter agencies and the City of Hamilton to identify optimal placements for clients.

8. The expectations and services in our hotel overflow that are in place are the same as those at Good Shepherd's homeless women's shelter (Mary's Place). This includes wellness checks twice per day. Our services are not abstinence-based programs. Employees actively engage in drug-poisoning prevention planning, monitoring and assessing safety. Harm reduction program and residential expectations are communicated to every client when they first arrive, and are consistently the subject of discussion throughout case management engagement. Overlaid on these expectations is a recognition that certain statutory rules must be observed, such as no smoking (of tobacco or other substances).

9. The purpose of the wellness checks, like the wellness checks in our other shelter spaces, is primarily to ensure the safety of residents, and we do engage with residents if there are issues of concern. When a resident enters the overflow shelter residents are informed about wellness checks. The frequency of wellness checks can be tailored to the unique needs of the resident.

10. In terms of harm reduction, each resident is provided with information at intake regarding the services and supports available to them. Drug-poisoning prevention planning will be offered at intake, and throughout the duration of the stay, and revised as necessary. Good Shepherd is a Naloxone distribution site, offering kits and education to interested residents. Naloxone kits are also available to employees for the purpose of administration in the event of a suspected drug poisoning. Further, harm reduction supplies are available 24 hours per day. In the event of a drug poisoning, staff respond/intervene until paramedics arrive for further assessment and intervention as necessary. Employees will complete referrals to community-based harm

reduction supports where there is an identified need including safe supply, opioid antagonist treatment, and safe consumption sites.

11. Service restrictions and/or discharges from our shelters may be imposed for breaches of shelter expectations that result in compromised safety. They are not intended to be penalties, but rather the expected result of conduct that is unsafe.

12. A discharge to an alternate shelter may also occur if a different setting or supports are necessary due to unique complexities the resident is experiencing. When a discharge is imminent, employees will offer support to the resident to secure alternative accommodations. When this occurs, staff will complete a safety plan with the resident (if necessary) and provide transportation to alternate accommodations. If required, the overflow shelter can temporarily store resident belongings.

13. A discharge may occur when a client has secured a more permanent housing alternative. In these circumstances, staff will support the resident in developing a discharge plan based on individual need. Discharge plans will consider referrals to community supports, housing needs (furniture, groceries, insurance), safety/wellness planning and transportation.

14. A service restriction is a period of time, varying in length depending on the underlying reason for the service restriction, in which a client will not be able to access our services. It is important to note that discharge from the overflow shelter does not always involve a service restriction.

15. Service restrictions are rare and, even when they are imposed, they do not apply across the shelter system. We work with clients who are service-restricted with us in order to find them another place to stay whether that is in one of our other shelters, or a program in the community. If a service restriction is imposed, the resident will be notified of the decision and the length of

restriction. Shelter standards require that, If requested, the service restriction can be provided in writing. Residents have the opportunity to appeal a service restriction and are informed on the appeals process at intake, throughout the duration of stay, and upon discharge.

16. Instances of threats, to Good Shepherd staff and program staff, and have occurred at our shelters but they have been rare. In these circumstances, we have been able to work with the individual to address concerns, or secure an alternate emergency shelter.

17. Service animals are permitted in our shelters. If someone is seeking emergency shelter with a pet, Good Shepherd will assist the individual in securing alternative arrangements for their pet.

18. Good Shepherd serves everyone (cisgender, transgender, Two-Spirit), non-binary and gender diverse individuals of all races and ethnicities, cultural background and religious affiliations (and no religion). Individuals accessing our shelters are able to actively engage in cultural practices, and we accommodate cultural, religious and medical dietary needs. Further, private and quiet space will be made available for religious or cultural practice. Staff support residents in accessing culturally safe and responsive services through referral and advocacy. Where requested, translators are used to assist with communication and service planning.

19. Some individuals coming to our shelters advise that they have previously been staying in the encampments in the City of Hamilton.

20. COVID-19 testing remains available to any employee or resident who has come in contact with a suspected or positive COVID-19 individual, or who is exhibiting COVID-19 symptoms.

21. I make this affidavit in order to clarify and explain the background of and services provided by Good Shepherd in the City of Hamilton and for no other or improper purpose.

AFFIRMED by Tessa Mcfadzean at the City of Hamilton, in the Province of Ontario, before me on July 26, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:

Jordan Diacur

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Commissioner for Taking Affidavits
(or as may be)

Jordan Diacur

Signed by:

Tessa Mcfadzean

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TESSA MCFADZEAN

KRISTEN HEEGSMA et al.

- and -

Court File No. CV-21-00077187-0000

CITY OF HAMILTON

Applicants

Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
HAMILTON

AFFIDAVIT

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Lawyers for the respondent

File Number: H227899

TAB 137

COURT FILE NO. CV-21-77187

ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN:

KRISTEN HEEGSMAN, DARRIN MARCHAND, GORD SMYTH, MARIO MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL CHRISTINE DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA JORDAN, JULIA LAUZON, AMMY LEWIS, ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE, LINSLEY GREAVES and PATRICK WARD

Applicants

-AND-

CITY OF HAMILTON

Respondent

The Cross-Examination of Tessa McFadzean, on an Affidavit dated July 26, 2024 taken upon affirmation in the above action this, 22nd of August, 2024, , conducted via videoconference hosted by the offices of Nimigan Mihalovich Reporting Inc.

APPEARANCES:

For the Applicants:

For the Hamilton Community Legal Clinic:

SHARON CROWE

CURTIS SELL

For the City of Hamilton:

JORDAN DIACUR

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Gowling WLG (Canada) LLP

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GUIDE TO UNDERTAKINGS, ADVISEMENTS, and REFUSALS:

This should be regarded as a guide and does not necessarily constitute a complete list:

UNDERTAKINGS:

None noted.

UNDER ADVISEMENTS:

None noted.

REFUSALS:

None noted.

1 --- Commencing at 3:03 p.m.

2 TESSA MCFADZEAN,

3 THE WITNESS HEREINBEFORE NAMED,

4 Having been duly sworn by me to testify to the truth,

5 testified on their oath as follows, to wit:

6 CROSS-EXAMINATION BY MS. CROWE:

7 1 Q. Ms. McFadzean, I just have a few things

8 before we get started. So your examination is based

9 primarily on your July 26, 2024, affidavit. But I'll also

10 make one reference to your October 12, 2021, affidavit.

11 Do you have both of those in front of you?

12 A. No.

13 2 Q. Okay. So I will pull them up on screen.

14 And on that note you are not allowed to have any notes or

15 any other documents with you to consult during your

16 examination.

17 Is that understood?

18 A. Yes.

19 3 Q. Thank you. And are you alone in the room?

20 A. Yes.

21 4 Q. Thank you. And please let me know if you

22 need me to repeat or rephrase questions.

23 A. Okay.

24 5 Q. Thank you. Okay. So I will pull up your

25 July 26, 2024, affidavit. Just give me a moment to

1 screenshare, please.

2 Okay, you should it see on your screen

3 there.

4 A. Yes.

5 6 Q. Great. Okay, I'm going to start scrolling

6 down. And so in the first paragraph you indicated that

7 you are the Director of Women Services at

8 Good Shepherd Services Hamilton.

9 Is there an Executive Director at

10 Good Shepherd Services or Centres I should say?

11 A. No.

12 7 Q. Okay. Do you report to anyone?

13 A. Yes, Katherine Kalinowski who is the

14 Chief Operating Officer.

15 8 Q. Okay. And so she is your boss?

16 A. Yes.

17 9 Q. Okay. Thank you.

18 I want to go down to paragraph 3 and 4

19 where you start discussing some hotel programs.

20 Okay. So the first one you mentioned is

21 one that started in April 2020. When -- sorry, is that

22 still running?

23 A. No.

24 10 Q. When did that end?

25 A. All the dates are a little bit foggy. So

1 in 2020, Good Shepherd became involved in providing

2 overflow response to the COVID pandemic; and that was at

3 the Crowne Plaza. So we've been involved since

4 April 2020, it's just the location evolved since that time

5 and changed.

6 11 Q. Okay. So this was a special program or a

7 project that started in April of 2020. Is it still

8 running?

9 A. In that iteration, no.

10 12 Q. Okay. So when did it end in that

11 iteration? Approximately is fine.

12 A. I would probably say -- it would be in my

13 affidavit so I can't give exact dates. We transitioned

14 from Crowne Plaza to Admiral Inn and so that would be

15 within my affidavit.

16 13 Q. Okay.

17 A. Yeah.

18 14 Q. So I just want to piece that together. So

19 the April 2020 program you talk about local hotels so is

20 that the Admiral?

21 A. No. That was Crowne Plaza Hotel.

22 15 Q. That was Crowne Plaza so. When you say

23 local hotels you meant Crowne Plaza?

24 A. Yes.

25 16 Q. I'm just going to make note of that.

1 And then when did the Crowne Plaza hotel

2 program end?

3 A. I believe it was in September when we

4 transitioned to the Admiral.

5 17 Q. Okay. And how many beds were a part of the

6 Crowne Plaza Hotel Program?

7 A. If memory serves me correctly about 24.

8 18 Q. Okay. And these were for single women?

9 A. Single women, trans, nonbinary individuals.

10 19 Q. Okay. No couples?

11 A. No.

12 20 Q. Okay. And then in paragraph 4, you talk

13 about local hotels. Where were these located?

14 A. So that is the Crowne Plaza.

15 21 Q. And okay. So but then you talk about in

16 May 2020:

17 "We began to directly operate the

18 hotel spaces on a day-to-day basis".

19 So you are still talking about the Crown

20 hotel there?

21 A. Yes.

22 22 Q. Okay.

23 A. Yes.

24 23 Q. And then the next paragraph

25 September 2nd, 2020. Is this the Admiral Plaza you are

1 talking about?

2 A. So, sorry, this is helpful. No. This is

3 Crowne Plaza.

4 So to provide some context, we weren't the

5 only provider offering services on-site at Crowne Plaza

6 but we became the sole service provider. We transitioned

7 to provide the sole service provider in May.

8 Prior to that, YWCA was also involved in

9 providing support on-site at Crowne Plaza. The

10 City of Hamilton staff were also involved in providing

11 services on-site.

12 So all of us were coming together to offer

13 staff to staff the hotel to provide direct service to

14 individuals who were intaked into Crowne Plaza.

15 24 Q. Okay. So are you saying that the

16 Crowne Plaza program ran until September 2nd, 2020?

17 A. It ran until October. It ran until October

18 and then in October, we transitioned folks from

19 Crowne Plaza to Admiral Inn. And the reason for that

20 transition was to expand the amount of rooms.

21 25 Q. Okay. So just one second. So what

22 happened? What are you referencing when you say:

23 "Until September 2nd, 2020?"

24 A. Yes.

25 "[...]Worked together with downtown

1 Hamilton[...]"

2 I believe this in context to when

3 Good Shepherd to initiated -- let me just sort of.

4 [Reading].

5 So here it references in September is when.

6 Okay, I'm refreshed. So in May is when we

7 became involved in Crowne Plaza and in September is when

8 we transitioned to be the sole operator of Crowne Plaza.

9 26 Q. Okay.

10 A. And then in October, we transitioned from

11 Crowne Plaza to Admiral Inn.

12 27 Q. Okay. So can I clarify?

13 A. Yes.

14 28 Q. In that same paragraph you've got

15 October 2021 listed?

16 A. Mm-hmm.

17 29 Q. Did you mean October 2020 or October 2021?

18 A. No. October 2021.

19 30 Q. Okay. So the Crowne Plaza program ran from

20 April 2020 until October 1st, 2021?

21 A. Yes.

22 31 Q. And then it transitions. And during that

23 time there were 24 hotel rooms for single women?

24 A. Yes.

25 32 Q. Okay. Thank you for helping me understand

1 that.

2 A. Certainly.

3 33 Q. And then it transitions October 1st, 2021?

4 A. Yes.

5 34 Q. And you go from 24 to 55 hotel rooms;

6 correct?

7 A. Yes.

8 35 Q. Okay. And then in the next sentence you've

9 got in March 2022.

10 So did the Admiral Hotel Program run until

11 March of 2022?

12 A. Yes.

13 36 Q. Okay. Did it continue beyond that?

14 A. No.

15 37 Q. Okay.

16 A. So we moved folks from Admiral to

17 Cathedral.

18 38 Q. Okay. And then at that point there were

19 100 beds?

20 A. Yes.

21 39 Q. And can you help me understand

22 Cathedral Boys School?

23 What kind of facility was it at that point

24 when you were using it?

25 A. It was a vacant old school.

1 40 Q. Okay. And what was the setup in there in

2 terms of where people would stay and where they would

3 sleep?

4 A. So prior to Good Shepherd Women Services

5 taking over Cathedral Boys School there was Men Services

6 in and so it was set up where classrooms were turned into

7 dormitory-style bedrooms. The basement was where the

8 servery was. There was a common area. And then there was

9 also a staff office on-site.

10 41 Q. Okay. Thank you.

11 And so when you are talking about this

12 program, you called it, so you said:

13 "Good Shepherd Shelter overflow

14 transitioned to Cathedral Boys School to

15 expand overflow shelter beds[...]"

16 What do you mean by "overflow shelter

17 beds"?

18 A. So overflow shelter beds would be overflow

19 to the permanently funded shelter beds in the system. So

20 the pre-existing shelter spaces.

21 42 Q. Mm-hmm.

22 A. They were temporary contracts.

23 43 Q. And why was it necessary to create

24 overflow? What do you call it? Overflow, sorry, just one

25 second. "Overflow shelter beds"?

1 A. The City had put out a request providers to
 2 expand shelter beds to meet some more demands of the
 3 community in terms of space, the spacing demands.
 4 44 Q. Okay. Thank you. Okay. And then the next
 5 time period you've got referenced is May 2023. And so the
 6 Cathedral program came to an end; correct?
 7 A. Yes.
 8 45 Q. And then you moved to the West Avenue site.
 9 And where was that located?
 10 A. On West Avenue, 46 West Avenue.
 11 46 Q. What kind of facility was it?
 12 A. West Avenue used to be a private
 13 long-term-type residence like a long-term care residence
 14 so it's a walkup building.
 15 47 Q. So if I'm reading this correctly, the
 16 Cathedral site had 100 beds.
 17 A. Mm-hmm.
 18 48 Q. And then when that closed in May 2023,
 19 West Avenue opened and had 20 overflow spaces; is that
 20 correct?
 21 A. Yes.
 22 49 Q. Okay. And, again, we are using the term
 23 "overflow spaces". To your knowledge why were overflow
 24 spaces being created at that time?
 25 A. In response to the need for space in the

1 system.
 2 And to clarify, West Avenue didn't start in
 3 May. West Avenue started in August. And, I guess, the
 4 missing piece there is part of that is because
 5 Dorothy Day Place opened in May and many of the folks in
 6 Cathedral moved to Dorothy Day Place.
 7 50 Q. Okay. Thank you, okay. We will go to
 8 paragraph 6.
 9 A. Sure.
 10 51 Q. I'm sorry, we have covered that.
 11 Paragraph 8. Do you need a moment to review this?
 12 A. No.
 13 52 Q. Okay. So you've indicated that -- I'm just
 14 looking for -- the third line says that:
 15 "Our services are not
 16 abstinence-based programs".
 17 What does that been?
 18 A. Individuals who access our shelter spaces,
 19 West Avenue or otherwise, don't need to abstain from
 20 substance use.
 21 53 Q. Okay.
 22 A. We operate from a harm reduction model.
 23 54 Q. Okay. So can people use drugs inside the
 24 shelters?
 25 A. Individuals -- we encourage folks to

1 utilize substances outside of the space.
 2 55 Q. Mm-hmm.
 3 A. And we also wouldn't permit smoking
 4 on-site. However, it wouldn't be -- substance use
 5 wouldn't be a reason for discharge or not admitting
 6 somebody into the space.
 7 56 Q. And is that in your written policy?
 8 A. Yes.
 9 57 Q. That indicates that you are allowed to use
 10 drugs inside?
 11 A. No. So, sorry, if I gave that impression.
 12 Folks shouldn't be utilizing substances inside.
 13 58 Q. So when you say that they shouldn't, they
 14 are not allowed to?
 15 A. No.
 16 59 Q. Thank you.
 17 A. We would encourage any sort of substance
 18 use to occur outside.
 19 60 Q. Okay. And then the last sentence you have
 20 a reference to, it states:
 21 "Overlaid on these expectation is a
 22 recognition that certain statutory rules
 23 must be observed, such as no smoking (of
 24 tobacco or other substances)."
 25 What do you mean by "statutory rules"?

1 A. Certainly we would want to make sure that
 2 folks aren't smoking on-site, smoking on space. We would
 3 want to make sure that we were following bylaws as to how
 4 close someone was smoking in proximity to entrances and
 5 exits.
 6 61 Q. Okay. I think what I'm gathering is that
 7 smoking is one example of a statutory rule. Because you
 8 have said "such as no smoking" in your affidavit. But are
 9 you referencing any other --
 10 A. No.
 11 62 Q. -- statutory rules?
 12 A. No.
 13 63 Q. Okay. Thank you.
 14 We are going to move on to paragraph 10 and
 15 so in this paragraph you are talking about responding
 16 to -- so when you say "drug poisoning" do you mean
 17 overdoses?
 18 A. Yes.
 19 64 Q. Okay. Thank you.
 20 And in paragraph 11 you start talking
 21 about:
 22 "Service restrictions or
 23 discharges from our shelters[...]"
 24 So first, can you give an example of what a
 25 discharge is as opposed to a service restriction?

1 A. A discharge could be that somebody secured
2 housing. A discharge could be that somebody was
3 transitioned to hospital and it was an admittance in
4 hospital a discharge could be that somebody didn't return
5 for a lengthy period of time.

6 65 Q. Okay. Are there distinctions made between
7 voluntary and involuntary discharges?

8 A. I mean, and involuntary discharge would be
9 one of those situations where somebody perhaps was
10 admitted to hospital unexpectedly or somebody had a
11 warrant and was apprehended. That could be and
12 involuntary discharge.

13 66 Q. Okay. What about if somebody missed
14 curfew?

15 A. Well, we don't discharge at curfew time.
16 That's just not our practice. And typically if somebody
17 missed curfew, if the bed remains open, and we haven't had
18 folks calling for space, then we wouldn't discharge. If
19 that person returned, they would be welcome to that space.

20 If somebody had continuously was, you know,
21 missing curfew or not returning to the shelter and had
22 been absent from the shelter for quite a few days in a
23 row, you know, there's a whole lot of processes that could
24 be initiated. But that could be a situation where then
25 they have sort of abandoned that bed space and perhaps

1 have indicated they no longer want that bed space.

2 67 Q. What happens when someone misses curfew and
3 there is somebody waiting for the bed?

4 A. So typically we wouldn't intake -- well, we
5 do intakes in the middle of the night. But typically we
6 wouldn't discharge somebody in the middle of the night
7 without having a conversation. We would wait until
8 morning and we would try to make contact with the
9 individual prior to any sort of discharge occurring.

10 And part of that is really around also
11 assessing safety of individuals.

12 68 Q. Okay. So I think what you are describing
13 is a situation where there is a bed that is not in use,
14 there is nobody physically using it, but it's also being
15 held for somebody else; is that accurate?

16 A. It would be held for that person.

17 69 Q. Right.

18 A. That same person. Yes, technically. Yeah.

19 70 Q. Okay. Thank you. So in paragraph 11
20 you're talking about service restrictions and when they
21 can arise and you've indicated that:

22 "[...]They may be imposed for breaches
23 of shelter expectations that result in
24 compromised safety."
25 Can you give an example of what you mean?

1 A. If a physical fight.
2 71 Q. Okay. Anything else?
3 A. Significant -- it could be -- usually it's
4 around violence so it's usually a physical fight, death
5 threats, significant property damage where, you know, we
6 might have to -- where police or fire might respond.

7 72 Q. Okay. And in those examples are you
8 talking about physical fights between residents or against
9 staff or both?

10 A. It could be both.

11 73 Q. Okay. Do physical fights between residents
12 happen?

13 A. They have, yes.

14 74 Q. Okay. How often?

15 A. I can't quantify that without documentation
16 in front of me. It is something I could gather for you.
17 But it has happened.

18 75 Q. Are you occurred aware of any serious
19 injuries occurring during the course of a physical fight
20 between residents?

21 A. I mean there has been physical fights where
22 police have responded or EMS have responded in the past.

23 76 Q. Okay. And then you mentioned another
24 example as death threats. Is that against shelter staff,
25 residents, or both?

1 A. Both.

2 77 Q. Okay. And how often does that happen?

3 A. Again, hard to quantify without data in
4 front of me. It is something. We track any sort of
5 incident reporting. But it is something that has occurred
6 in our shelter environments.

7 78 Q. Are you aware of any situations where a
8 death threat has been made between shelter residents and
9 the police has been called?

10 A. In the past, yes.

11 79 Q. And what about property damage? Are you
12 referring to property damage to the shelter, or to other
13 residents' property, or both?

14 A. The shelter.

15 80 Q. Are you aware of any property damage like
16 one shelter resident damaging or stealing the property of
17 another resident?

18 A. Yes.

19 81 Q. How often does that happen?

20 A. That probably happens a little bit more
21 frequently. Again, I can't quantify without data in front
22 of me. But residents taking each other's items can happen
23 in the shelter environment.

24 82 Q. How often do you receive threats -- or,
25 sorry, reports of -- sorry, I am mixing up threat and

1 theft.

2 How often do you receive reports of theft

3 of another resident?

4 A. Again, that's hard for me to quantify

5 without data in front of me. It's certainly has happened.

6 But, again, it's very hard to quantify.

7 83 Q. Okay. So when we are talking about the

8 grounds for service restrictions, I'm going to stop

9 sharing this affidavit for a moment, and I want to draw

10 your attention to your October 12, 2021, affidavit. So

11 just give me one moment to pull it up, please.

12 A. Sure.

13 84 Q. Okay. Do you see it on your screen?

14 A. Yes.

15 85 Q. Thank you. I'm going to scroll down to

16 paragraph 12. I will just read out the first part of this

17 paragraph:

18 "A discharge may also occur if more

19 intensive supports are necessary due to

20 mental health concerns (cases have been

21 building barriers inside rooms, multiple

22 calls to 9-1-1 a day, or pulling fire

23 alarms) and other risks (including

24 substance misuse)."

25 Do you remember writing this?

1 A. Yes.

2 86 Q. And is it true?

3 A. Yes.

4 87 Q. Does that continue to be grounds for a

5 service restriction at times?

6 A. No. And the context to this is that when

7 we were operating at Crowne Plaza it wasn't just our

8 service providing service. There was a hotel program

9 involved and hotel owners involved and so Crowne Plaza was

10 also operating as a hotel that was still a hotel.

11 So I think thresholds looked a little bit

12 differently than perhaps some of our own Good Shepherd

13 sites.

14 88 Q. So is it your evidence that Good Shepherd

15 now have the more intensive reports necessary to respond

16 to mental health concerns?

17 A. I think the Good Shepherd sites all along

18 have. It's different when we are operating in somebody

19 else's business space. So when we were operating in

20 somebody else's business space, it was not just -- it was

21 a little bit different in terms of the hotel operator's

22 threshold in terms of would be appropriate in that

23 environment or not.

24 That may not be the right wording. But it

25 was not just up to our liberty to determine some of those

1 things.

2 89 Q. So is it your evidence today that women are

3 never service-restricted from a Good Shepherd site due to

4 a reason that is related to their mental health?

5 A. Not restricted. I wouldn't say that

6 individuals are restricted solely due to their mental

7 health, no.

8 I would not say that.

9 90 Q. Is mental health a contributing factor?

10 A. No. It would be the behaviours, the unsafe

11 behaviours occurring on-site that could be challenging in

12 the environment or create an unsafe circumstance. And

13 so -- and, again, it's not as simple as somebody being

14 service-restricted. And even in those situations, I would

15 say individuals are service-restricted.

16 They might be accessing another level of

17 service from another service provider and not necessarily

18 service-restricted.

19 So no, I would say mental health is a

20 factor for service restriction.

21 91 Q. When you say, "Unsafe behaviours", are you

22 ever aware of a situation where those unsafe behaviours

23 are related to one's mental health?

24 MR. DIACUR: She just answered that

25 question. Counsel, that's a refusal.

1 ---REFUSAL

2 BY MS. CROWE:

3 92 Q. Okay. I'm going to stop sharing.

4 Can you see it back on the screen?

5 A. Yes.

6 93 Q. Okay. Thank you.

7 Sorry, one moment, please.

8 Sorry, we are going to go back up to

9 paragraph 12. So you are talking about what happens when

10 there is a discharge or a service restriction. And you

11 indicate that:

12 "A discharge to an alternate shelter

13 may also occur in a different setting or

14 supports --

15 I keep repeating myself okay, my apologies,

16 we are going to go to 14. So you indicate:

17 "A service restriction is a

18 period of time, varying in length

19 depending on the underlying reason for

20 the service restriction, in which a

21 client will not be able to access our

22 services."

23 In your experience, what is the range of

24 time for which an individual could be service-restricted?

25 A. So it could be a couple hours to a

1 lengthier period of time. It could be a couple of months
2 if there was an extreme act of violence that occurred
3 on-site.
4 94 Q. Okay. What about longer than a couple of
5 months?

6 A. If -- typically not. Typically not. There
7 has been an incident where somebody did return following a
8 service restriction and a second extreme act of violence
9 occurred on-site.

10 So in that instance, there's been police
11 involvement, and a No Trespass Order. So we do have
12 situations where sometimes there is No Trespass Orders
13 issued or there is certain conditions where a certain
14 individual -- imposed by police where an individual may
15 not be able to access.

16 95 Q. Okay. So as I understand that you are
17 sitting typically not longer than a couple of months, but
18 sometimes?

19 MR. DIACUR: Well, I think she just
20 answered that question as well.

21 MS. CROWE: Okay.

22 MR. DIACUR: If the police impose a
23 trespass order then they can't return.

24 BY MS. CROWE:

25 96 Q. Okay. Well, so let's be clear about that.

1 Was your answer that it is only more than a
2 couple of months if the police have imposed a trespass
3 order or are there other scenarios where a service
4 restriction may be more than a couple of months?

5 A. There could be a situation where it could
6 be longer if the individuals has come back and there is a
7 repeat of a significant -- and were talking very violent
8 like a physical assault, then the length of time could be
9 longer. But those are very, very rare and haven't
10 occurred in years.

11 97 Q. Do service restrictions ever last for a
12 year or longer?

13 A. I can't think of anybody offhand at the
14 moment that has a lengthy service restriction like that.

15 98 Q. Thank you.
16 So in paragraph 15, we are still talking
17 about service restrictions. And you refer to well, I will
18 just read it out:

19 "We work with clients who are
20 service-restricted with us in order to
21 find them another place to stay,
22 whether that is in one of our other
23 shelters, or a program in the
24 community[...]"
25 What do you mean by a "program in the

1 community?"

2 A. And other shelter in the community.

3 99 Q. Okay. And then paragraph 16, you are
4 referring to incidents of threat where you have been able
5 to work with the individual to address concerns or secure
6 an alternate emergency shelter.

7 A. Yes.

8 100 Q. Is this always the case that you are able
9 to secure an alternate emergency shelter?

10 A. We have a couple of different processes
11 where we do and where we can aid in seeking out alternate
12 shelter. So we would make calls if the individual wants
13 us to problem solve on their behalf then we will make
14 calls to other shelters.

15 Sometimes we may also look at shelter
16 switches between different environments. And within the
17 women's sector, we also have a triage, a regular weekly
18 triage call to ensure -- so it's community shelter
19 providers and the City to ensure that there are
20 appropriate spaces for the folks to access.

21 So typically we are able to come up with a
22 solution, yes.

23 101 Q. Okay. Right. And I certainly appreciate
24 that it takes a lot of effort to come up with a solution.
25 But you indicated that typically you are able to come up

1 with a solution.

2 A. Yeah.

3 102 Q. So does that mean that sometimes you
4 cannot?

5 A. It might not be that we cannot. Sometimes
6 folks may be removed by police and in those instances
7 there's not an opportunity to do that problem-solving.

8 But where somebody is wanting that
9 problem-solving, and we are able to work through that, we
10 have been able to find another option whether it's another
11 shelter or a drop-in space.

12 103 Q. A drop-in space?

13 A. Yeah.

14 104 Q. A drop-in space that has overnight shelter?

15 A. Yes.

16 105 Q. Every single time?

17 A. We've been able to accommodate folks to
18 find them space if they are willing. Yes. I mean we also
19 may look outside of community.

20 This is a normal process. In terms of
21 whether it's a service restriction or somebody seeking
22 space that we will go through to ensure that somebody has
23 somewhere appropriate to sleep.

24 106 Q. Okay.

25 A. We also may be able to accommodate in one

1 of our other shelters. So if somebody is restricted from
 2 one of our sites, it doesn't necessarily mean they are
 3 restricted from our other sites.
 4 107 Q. Right.
 5 A. So we can be accommodating that way as
 6 well.
 7 108 Q. And so I just want to explore this term
 8 "alternate shelter." Does alternate shelter include
 9 different types of shelter other than the -- types of
 10 spaces you might send someone to other than just another
 11 shelter or a drop-in centre?
 12 A. No.
 13 109 Q. Has Good Shepherd staff ever handed out
 14 tents to women?
 15 A. Women services staff?
 16 110 Q. Yes.
 17 A. No.
 18 111 Q. What about Good Shepherd?
 19 A. I couldn't answer for the broader
 20 organization.
 21 112 Q. Are you aware of any request made by
 22 Good Shepherd Women Services or Good Shepherd Organization
 23 Services to an organization for a tent?
 24 A. No. No. I did have somebody drop off a
 25 tent to Women Services and had indicated they spoke with

1 somebody that they believe might be connected to
 2 Good Shepherd. The name was not familiar to me.
 3 But no, I'm not aware of and would not be
 4 able to speak to what happens in the other departments.
 5 113 Q. Okay. Thank you, okay.
 6 We will move on to paragraph 17 where you
 7 are discussing service animals. What does service animal
 8 means?
 9 A. A service animal so to perform or to help
 10 an individual navigate their disability.
 11 114 Q. And what proof or evidence is required in
 12 order to satisfy staff that the animal is a service
 13 animal?
 14 A. So, I mean, we might be able to visibly see
 15 that it is a service animal performing a certain function.
 16 If not, we might ask what function that
 17 service animal provides and/or if they have documentation
 18 to support that it is a service animal or to provide a
 19 very specific function.
 20 115 Q. And what kind of documentation would you
 21 require?
 22 A. It could be a doctor's letter.
 23 116 Q. Okay. Anything else?
 24 A. Sometimes folks might provide
 25 certification. Typically it is a doctor's letter.

1 117 Q. Thank you.
 2 And then you talk about a distinction
 3 between service animals and pets and indicate:
 4 "If someone is seeking emergency
 5 shelter with a pet, Good Shepherd will
 6 assist the individual in securing
 7 alternative arrangements for the pet."
 8 What kind of alternative arrangements are
 9 available for their pet when an individual is looking for
 10 shelter?
 11 A. So we might look at fostering programs. We
 12 might contact Animal Services and sometimes they can do a
 13 temporary foster and so we would present that to the
 14 individual. It's not always available. But we will
 15 certainly make those calls to see if it is available.
 16 118 Q. Okay. So when you say "fostering programs"
 17 are you talking about Animal Services?
 18 A. Yes. So Animal Services has had -- not a
 19 fostering, but like a sitting. The word is escaping me.
 20 But they will kennel an animal.
 21 In the past, there has been -- but we are
 22 talking some time ago -- there was fostering with the Safe
 23 Pet Program where there was fosters available or different
 24 vets available.
 25 So we will still reach out to some of those

1 contacts to see if they have any availability; and
 2 sometimes they do; and then we will present that option to
 3 the individual that is seeking space if they want to
 4 explore that with like a vet fostering.
 5 119 Q. Okay. So I think you anticipated my next
 6 question?
 7 A. Okay.
 8 120 Q. Which was whether or not you have any
 9 knowledge of how often these different services actually
 10 have the capacity to take people's pets?
 11 A. I couldn't speak, again, that is something,
 12 I couldn't quantify. Again, we are at the mercy of the
 13 availability. We don't get these requests very often, but
 14 when we do, we will reach out.
 15 And we, you know, we have been involved in
 16 the some of the initiatives in terms of the Safe Pet
 17 Programs in the past so we do have contacts that we will
 18 reach out to. But I can't quantify how -- the
 19 availability -- yes, I wouldn't. I don't sit at the
 20 ground making those calls so I couldn't quantify that
 21 information for you. I could gather that information for
 22 you.
 23 121 Q. Do you know how long these pets can stay in
 24 these different fostering programs?
 25 A. I couldn't answer that offhand.

1 122 Q. Do you know if they require any up-to-date
2 vaccinations to access these programs?
3 A. Again, it's out of my purview. But I'm
4 happy to find that information out for you.

5 123 Q. Okay. Thank you, Ms. McFadzean, we are
6 almost done.

7 A. Yes.

8 124 Q. I just have one more document I'd like you
9 to take a look at so I'm going to stop sharing this
10 affidavit.

11 Okay. Can you see a CBC article on your
12 screen titled:

13 "Mom With 5 kids Speaks Out After
14 Being Placed in Cockroach Infested
15 Unit at Hamilton Shelter" --

16 A. Yes.

17 125 Q. -- dated June 22nd, 2021.

18 A. Yes.

19 126 Q. Thank you.
20 I'd like this to be marked as Exhibit 1 to
21 this examinations to be to this document?

22 MR. DIACUR: Well, again, counsel, this
23 document is not prepared by the witness. It can be marked
24 for identification, so I suggest it be marked as
25 Exhibit A.

1 MS. CROWE: Okay.

2 -- EXHIBIT NO. A: CBC Article, "Mom With 5 Kids Speaks
3 Out After Being Placed in Cockroach Infested Unit at
4 Hamilton Shelter," dated June 22, 2021.

5 BY MS. CROWE:

6 127 Q. Okay. So I'm going give you an opportunity
7 to review this. It's from 2021. So I will scroll down
8 and you can let me know when you are ready to move on.

9 A. [Reading].

10 You can move on.

11 I've read it.

12 128 Q. Thank you.

13 Okay. So I just want to scroll back up to
14 this subheading:

15 "I feel deeply for this
16 family[...]"

17 Where the article indicates that you were
18 interviewed for this article. Do you remember being
19 interviewed?

20 A. Yes.

21 129 Q. Thank you.

22 And were just going to go to the third
23 paragraph from the bottom, where it states:

24 "She said that the women services
25 side of the shelter system is full,

1 with no open beds and more than
2 100 per cent occupancy at all sites."
3 Is that what you said?

4 A. Yes.

5 130 Q. And was that true?

6 A. Yes.

7 131 Q. Thank you. Those are my questions.

8 MR. DIACUR: Thank you, counsel, I have no
9 re-examination for the witness.
10 --- The examination concluded at 3:45 p.m.

I hereby certify the foregoing is a full, true, and correct
transcription of all of my oral stenographic notes to the best
of my ability so taken at the Cross-Examination of TESSA
MCFADZEAN, given under oath before me on the 22nd of August,
2024.

Amy Armstrong, CVR-RVR

Certified Realtime Verbatim Reporter #7305

Certified Commissioner of Oaths

Certified this 30th of August, 2024

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Hamilton

Mom with 5 kids speaks out after being placed in cockroach-infested unit at Hamilton shelter

Seantelle Wynne says Good Shepherd found her a different unit in Martha House — without cockroaches

[Bobby Hristova](#) · CBC News · Posted: Jun 22, 2021 7:00 AM EDT | Last Updated: June 22, 2021



Seantelle Wynne, 34, says there was a cockroach infestation in her unit at Martha House in Hamilton. (Submitted by Seantelle Wynne)

Seantelle Wynne says she was excited when she and her five children landed a spot in an emergency shelter in Hamilton in early April.

But within a week, Wynne's happiness turned into horror when she saw cockroaches on her stove and clothes, and near her children.

"I'm a young mother by myself with five little babies struggling ... this place was riddled with cockroaches," the 34-year-old said.

"I feel like I've been neglected ... my kids are scared to eat."

The family is staying at Martha House, a Good Shepherd emergency shelter for women and their children who are experiencing homelessness, and fleeing violence and abuse.

Wynne said she tried to kill the bugs on her own by stomping on them, but the infestation persisted. That's when she approached staff about the problem.



Wynne says she and her five children lived in a unit with cockroaches for roughly two months before being moved elsewhere. (Submitted by Seantelle Wynne)

Wynne said they gave her sticky pads typically used for mice and rats, but they didn't help.

In early June, with bugs still in the unit, Wynne took more pictures and approached the staff again.

That time, she said, they offered to bring in pest control and spray the unit.

'I feel deeply for this family'

Tessa McFadzean, director of Good Shepherd's Women's Services, said she couldn't comment on specific incidents, but called this one an "unfortunate situation."

"We know people are coming here dealing with so much stuff and the last thing we want them to deal with is feeling like services aren't hospitable, or dignified or that a situation isn't responded to," she said.

"I feel deeply for this family ... there's always a risk for potential pest control concerns in any of our residential settings. That said, it's a risk we take very seriously."

She said the images appear to show the aftermath of a spray, noting clusters of bugs. Wynne said the pictures were taken before pest control arrived.

McFadzean said the organization trains staff, does enhanced cleaning, has routine inspections and has a strong pest control program.

She couldn't say how many similar situations have occurred in the past month or when the last inspection took place, but emphasized there are weekly and monthly checkups.

McFadzean also encouraged people to bring up infestations if there are any, so Good Shepherd can help right away.

She said the women's services side of the shelter system is full, with no open beds and more than 100 per cent occupancy at all sites.

Wynne said she was given a new room this week after CBC News reached out to Good Shepherd.

"It's actually really nice. It is a lot nicer."

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	2:01		3:22		0:43		2:01	
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Rising golf star from Regina recovering from emergency brain surgery in the U.S.		Trump names Elon Musk, more MAGA hardliners to administration	The National	Hikers rescue baby goat stranded on Hawaii cliff for 4 days		Born to run: 'The Boss' takes a trip to Canmore	CBC News: Calgary At 6:00	#The grizz to Ca
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RECOMMENDED FOR YOU



Widow, 101, says Rotary Foundation Canada refuses to share husband's \$40M fortune	Sexually frustrated murder accused took what he wanted from housemate, jury hears	THE FIFTH ESTATE CRA launched 'witch hunt' against whistleblowers who exposed millions in bogus refunds, sources say	ANALYSIS Trump drops a cabinet-level clusterbomb with Gaetz, Gabbard as latest picks	The (cons bank
Wallis Snowdon Canada - Edmonton	Kristy Nease Canada - Ottawa	Harvey Cashore Canada	Alexander Panetta World	World

TAB 138

Court File No. CV-21-00077187-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO
MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL, CHRISTINE
DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA
JORDAN, JULIA LAUZON, AMMY LEWIS, ASHLEY MACDONALD, COREY
MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE,
LINSLEY GREAVES and PATRICK WARD

Applicants

and

CITY OF HAMILTON

Respondent

APPLICATION UNDER 14.05 OF THE *RULES OF CIVIL PROCEDURE*

AFFIDAVIT

I, **SHAWN MACKEIGAN**, of the City of Brantford in the Province of Ontario, MAKE OATH AND SAY:

1. I am the Associate Executive Director of Programs at Mission Services of Hamilton ("**Mission Services**"), and as such I have knowledge of the matters set out in my affidavit. Where I rely on the information of others, I state the source of that information and verily believe it to be true.

2. At present, Mission Services operates the following facilities and offers the following services:

- **Good Food Centre/East Hamilton Food Centre**

Food security programming serving over 1,500 vulnerable families each month, ensuring they have access to nutritious food. By providing essential food resources and support, the program aims to alleviate food insecurity pressures and improve the overall well-being of the community's most at-risk members.

- **Willow's Place/Emma's Place**

A Women's Drop-In Service, Willows's Place has a capacity 45 at a time, available 24/7. Emma's Place offers a 15-Bed Emergency Shelter, both providing critical support to homeless and vulnerable women, offering a safe space for rest, essential services, and access to resources. This program is dedicated to enhancing the well-being and stability of women in crisis, ensuring they receive the care and assistance needed to transition to more secure living situations.

- **Inasmuch House**

A Gender-Based Violence Women's Shelter, Inasmuch House offers safe and supportive accommodation for up to 40 women fleeing abuse and violence. This shelter provides a secure environment, comprehensive support services, and resources to help women and families rebuild their lives and regain their independence.

- **Men's Shelter**

Our Housing Focused Emergency Shelter for men prioritizes rapid rehousing, working to ensure residents are able to access the right supports and services, and quickly transition from temporary shelter to stable housing. By coordinating access to targeted supports and resources, the housing focused approach to emergency sheltering aims to minimize the duration of homelessness and promote long-term housing stability for men in need.

- **Addiction Services/SUNTRAC**

Community-Based Addiction Treatment Programming that offers comprehensive treatment services, including Group and Individual counselling, Addictions Supportive Housing and an Outcome-Focused Harm Reduction program. This holistic approach ensures individuals receive tailored supports while addressing their addiction, promoting long-term recovery and improved health outcomes.

- **Youth Programs**

Our 196 series of youth programs provide Before and After School Youth Programs, along with engaging Summer Camps, providing youth with a safe, enriching

environment outside of regular school hours. These programs offer educational activities, recreational opportunities, and social support, fostering personal growth and development throughout the year.

3. Our facilities have a 'service animal' policy permitting such trained and certified animals to attend on our sites. We do not allow pets, as they raise safety concerns.

4. We don't have a policy that prevents couples from staying together. However, some of our sites are gender-specific. Our Men's shelter is for males and male identifying individuals, and our Women's shelters are for females and female identifying individuals. Same sex couples have on many occasions stayed together in our shelters. The only limitation is that the spaces in our shelter operations are designed for single individuals, i.e. twin sized beds/congregate setting and semi-private spaces/communal washroom and shower facilities.

5. Individuals of all races, ethnicities and religions (or no religion) are welcome to make use of our facilities. We provide support in engaging in cultural or religious practices; for example, we provide prayer mats, have adjusted meal times during Ramadan, and allow Indigenous cultural practices such as smudging. We also employ in our shelters individuals of all races/ethnicities/religions and no religion.

6. I also make this affidavit as an update and supplement to my October 6, 2021 affidavit in this proceeding.¹

7. I have reviewed by October 6, 2021 affidavit and confirm that the following paragraphs remain accurate:

- Paragraph 1, save for my length of service, which has increased;

¹ All defined terms in my October 6, 2021 affidavit have the same meaning in this affidavit.

- Paragraphs 2-11, regarding hotel spaces, to which I would add that Mission Services' 'Housing First' program has helped individuals in need secure 508 housing placements from Housing UP² between April 1, 2020 and July 5, 2024. **Additionally**, there were 256 exits to housing from Emma's Place, Inasmuch House, our Men's Shelter, East End Hotel, and our Men's Services Early Intervention program just during the period of October, 2021 to August, 2023. In each of our shelter program operations, case management staff work to coordinate access for individuals to assist in securing housing – working with a Housing First program is not a pre-requisite to housing. These individuals may have worked with other providers or services, but they exited for housing from our shelters with the assistance of our program staff. Also, I would add that Mission Services' hotel operation in Downtown Stoney Creek was drawn down in 2022, due to declining COVID-19 funding from government. From its peak operating capacity of 162 supported individuals, the draw down was planned and completed over the final 6 months of 2022 eventually concluding on December 13, 2022, with the last service user exit. Notably, **all** 96 individuals who remained at the Downtown Stoney Creek hotel as of June, 2022 were connected with or otherwise supported in their efforts to secure alternate housing over the course of those final 6 months. **None** were discharged to the street.
- Paragraphs 12-14, regarding competing philosophies, to which I would add that a problem that continues to persist within the housing and homelessness service sector is the constant conflating of literal and figurative messaging about housing. For example, community leaders, including elected officials and professionals, are often heard to say that "there is no housing". Taken literally, that is not just incorrect, it can severely harm housing outcomes. What is meant is that "there are challenges in accessing housing", but what the public and homeless individuals hear is defeatism. This misleading narrative oversimplifies the issue, ignoring that the challenges such as affordability and accessibility can be and continue to be overcome. It also undermines efforts of co-

² Housing UP is a replicable and scalable service offering that effectively and efficiently expedites housing solutions for individuals experiencing homelessness. By serving as a system outflow solution, it alleviates pressure on the emergency response system and contributes to a more effective and sustainable approach to homelessness reduction.

ordinated access systems designed to help individuals in navigating these challenges. Such miscommunication can lead to disengagement and hopelessness among those in need, reducing their motivation to seek assistance. Effective housing solutions require accurate information and active, meaningful engagement from individuals to overcome obstacles and achieve stable housing.

- Paragraphs 15-24, regarding service restrictions, to which I would add that between October, 2021 and August, 2023, and the advent of the current Encampment Protocol, we had 493 total non-voluntary discharges from our shelters. This reflects total instances and not 'unique individuals'. Non-voluntary discharges typically occur when there is repeated non-compliance with expectations, i.e. aggressive, violent or disruptive behaviours toward staff or other residents, verbal abuse of staff, or actions that compromise the health and safety of others. Between October, 2021 and August, 2023, there were also 185 self-discharges.

8. I have reviewed by October 6, 2021 affidavit and confirm that paragraphs 25-29, regarding COVID-10 Protocols, are no longer accurate.

9. I make this affidavit in order to clarify and explain the background of and services provided by Mission Services in the City of Hamilton and for no other or improper purpose.

AFFIRMED by Shawn MacKeigan, of the City of Brantford, in the Province of Ontario, before me at the City of Hamilton, in the Province of Ontario, on July 29, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:

Jordan Diacur

Commissioner for Taking Affidavits

(or as may be)

Jordan Diacur

Signed by:

Shawn MacKeigan

SHAWN MacKEIGAN

KRISTEN HEEGSMA et al.

- and -

Court File No. CV-21-00077187-0000

CITY OF HAMILTON

Applicants

Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
HAMILTON

AFFIDAVIT

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Lawyers for the respondent

File Number: H227899

TAB 139

Court File No. CV-21-77187

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

KRISTEN HEEGSMAN, DARRIN MARCHAND, GORD SMYTH, MARIO

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DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA

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MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE,

LINSLEY GREAVES and PATRICK WARD

Applicants

- and -

CITY OF HAMILTON

Respondent

--- This is the Cross-Examination of SHAWN MacKEIGAN, a representative of the Respondent herein, on his affidavit, affirmed July 29, 2024, taken via Zoom videoconference, on Wednesday, the 21st day of August, 2024.

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SHAWN MacKEIGAN - 2

APPEARANCES:

SHARON CROWE For the Applicants

JORDAN DIACUR For the Respondent

VIVIAN CALDAS

Also Present:

Liz Marr Articling Student,
Gowling WLG (Canada) LLP

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SHAWN MacKEIGAN - 4

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Hamilton Spectator article entitled "Homeless, struggling with mental illness, barred from Hamilton shelters," dated January 20, 2021.	

EXHIBITNO. 2: (For Identification) CBC article titled "Hamilton needs an estimated \$60M to address homelessness," dated March 24, 2023.	62
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EXHIBITNO. 3: (For Identification) City of Hamilton, Emergency & Community Services Committee Agenda, March 23, 2023, video (escribemeetings.com).	77
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1 --- Upon commencing at 3:00 p.m.
 2 SHAWN MacKEIGAN; Affirmed.
 3 CROSS-EXAMINATION BY MS. CROWE:
 4 1 Q. Okay, MacKeigan, I'm going to walk
 5 you through your affidavit; do you have a copy of it in
 6 front of you? Sorry, you're muted.
 7 A. Yes, I believe I have a copy.
 8 2 Q. Okay, great. So you're permitted
 9 to have a copy of your affidavit but you cannot refer
 10 to any other notes or documents. Is that understood?
 11 A. That's fine, yep.
 12 3 Q. Okay, thank you. And are you
 13 alone in a room?
 14 A. I am.
 15 4 Q. Thank you. And, please, let me
 16 know if you need me to repeat or rephrase any
 17 questions, okay?
 18 A. Okay.
 19 5 Q. So if you'll just give me a
 20 moment, I'm going to screen share, so we can go through
 21 your affidavit. And it's up to you if you want to
 22 refer to what's on the screen or what's in front of
 23 you.
 24 A. Sure.
 25 6 Q. Can you see the affidavit on the
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1 screen?
 2 A. Yes.
 3 7 Q. Okay. So, you are the executive
 4 director of Programs at Mission Services, correct?
 5 A. I'm the associate executive
 6 director.
 7 8 Q. Sorry.
 8 A. That's okay.
 9 9 Q. Thank you for catching that. And
 10 I want to turn to paragraph 2, the second bullet point,
 11 where you're describing Willow's Place and Emma's
 12 Place. So, Willow's Place, in your affidavit, is
 13 described as a drop-in service, with capacity for 45 at
 14 a time. It's not described as a shelter. Why is that?
 15 A. Willow's Place is a drop-in centre
 16 for vulnerable women. Emma's Place is separate -- a
 17 separate space, while still located at 196 Wentworth,
 18 it is separate from -- separate entirely from Willow's
 19 Place. So, Emma's Place is a 15-bed emergency shelter.
 20 Willow's Place is a 45-space drop-in centre. And 45
 21 being that we can accommodate up to 45 individuals at
 22 any given time.
 23 10 Q. For a drop in?
 24 A. Correct.
 25 11 Q. Okay. And what are the hours for
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1 Willow's Place?
 2 A. The hours for Willow's Place are
 3 now 24 hours a day, seven days a week. Prior to
 4 that -- prior to the Municipality's emergency -- or
 5 winter response, the hours were limited. So we weren't
 6 open 24 hours a day --
 7 12 Q. Okay.
 8 A. -- prior to December 1st of 2023.
 9 13 Q. December 1st, 2023?
 10 A. Is when Willow's Place moved to a
 11 24-hour drop in, yes.
 12 14 Q. Thank you. Okay. And Emma's
 13 Place is not a violence against women shelter, correct?
 14 A. That's correct.
 15 15 Q. Okay. And can we use -- maybe
 16 it's easier to say VAW going forward for violence
 17 against women; is that okay?
 18 A. Sure, of course, yes.
 19 16 Q. Okay, thank you.
 20 A. For me, yes.
 21 17 Q. And then you mention, in the next
 22 bullet point, "Inasmuch House." So this is, from what
 23 I understand, a VAW shelter; is that correct?
 24 A. That's correct.
 25 18 Q. Thank you. Do you have knowledge
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1 of the intake process when a woman is seeking shelter
 2 in Inasmuch House.
 3 A. I would describe my knowledge as
 4 high level, not intimate. The staff at Inasmuch House
 5 would be much more familiar with the nuance, the
 6 nuances of that intake process.
 7 19 Q. Okay.
 8 A. I may be able to help you at a
 9 high level.
 10 20 Q. Okay. Well, we'll go through some
 11 questions and you can just let me know, if you don't
 12 know the answers to anything, that's fine. Is there an
 13 intake process?
 14 A. Yes, there is.
 15 21 Q. And how do shelter staff determine
 16 if a woman has experienced abuse and is eligible for a
 17 bed at Inasmuch House?
 18 A. In those instances, to my
 19 knowledge, it is often just the -- based on the
 20 interaction with the individual. So they ask the --
 21 explore the reasons for their arrival --
 22 22 Q. Mm-hmm.
 23 A. -- and work to support the
 24 individual based on what the individual has described
 25 as their circumstances at present.
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1 23 Q. Okay. So is it fair to categorize
2 that as, like, self-reporting?
3 A. You, you could.
4 24 Q. Okay. And do you have any idea
5 how much detail someone has to go into to describe
6 their circumstances?
7 A. I don't -- I wouldn't say that I
8 am intimately aware of all of the details that are
9 explored, many of them are -- I would say many of the
10 details that would be explored would be because an
11 individual has introduced the details. So if somebody
12 introduces details about their situation, we work to
13 explore them with them, to ensure that we understand,
14 as best we're able, that individual's situation.
15 25 Q. Okay. And is there a timeframe
16 during which the abuse has to have happened in order
17 for someone to access a VAW bed at Inasmuch House?
18 A. Not to my knowledge. But
19 typically individuals reach out when they feel able to
20 reach out.
21 26 Q. Okay.
22 A. So sometimes it is immediately or
23 within a very short time and sometimes it is not.
24 27 Q. And do you know if there -- what
25 type of violence makes someone eligible to access a
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1 shelter bed -- and, actually, let me try to clarify
2 that. So is it correct to say that a report of
3 intimate partner violence would make you eligible for a
4 bed?
5 A. That would be accurate.
6 28 Q. Okay. What about violence from a
7 stranger or an acquaintance?
8 A. I would say that that could be
9 accurate. I think it's important to -- if -- it may be
10 important to qualify that we will also support women
11 who experience homelessness if there is space, so it is
12 not exclusive to individuals experiencing violence
13 against women to access a violence against women
14 shelter.
15 29 Q. Okay. But just to go back to the
16 question --
17 A. Sure.
18 30 Q. -- do you know if violence
19 experienced at the hand of a stranger or a casual
20 acquaintance would bring them within the realm of being
21 eligible for a VAW bed?
22 A. I don't know, I don't know that I
23 could say that for certain. My belief, based on my
24 knowledge, is that, yes, gender-based violence would
25 not be limited to one's intimate partner.
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1 31 Q. Okay. Thank you. And is there a
2 working definition of violence that the shelter uses?
3 A. I don't know that I could quote
4 for you the working definition but violence does -- we
5 certainly recognize and understand that violence does
6 come in all forms, and it is not limited to physical,
7 emotional, verbal or any other.
8 32 Q. Thank you, that's helpful. Okay.
9 Paragraph 3 of your affidavit, you talk about "a
10 'service animal' policy permitting such trained and
11 certified animals to attend on your sites, and that you
12 don't allow pets, as they raise safety concerns." [As
13 read]
14 When did the service animal policy
15 begin?
16 A. Well, the service animal policy,
17 at least the way we view it is, is that it is a legal
18 obligation to support individuals who have registered
19 service animals or service animals to assist them with
20 a disability. Mission Services, a number of years ago,
21 had briefly looked, looked -- and this was before my
22 time with Mission Services -- looked to support pets in
23 some capacity. The policy around allowing pets existed
24 before my time with Mission Services.
25 33 Q. Okay. So, do you have any idea of
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1 when this service animal policy began?
2 A. I believe that the service animal
3 policy was just a -- we had just referred to what
4 the -- to what was required -- what was required by the
5 law.
6 34 Q. Okay. So, when you say
7 "facilities," are you referring to, you know, the
8 drop-in centre and the non-shelter aspects of Mission
9 Services or are you also including shelters in that
10 facilities' definition?
11 A. Well, I believe it would include
12 shelters as well. Services animals, service animals
13 would be welcome.
14 35 Q. So, you mentioned that you believe
15 that, so is that your knowledge that service animals
16 are allowed in shelters?
17 A. Service animals would be allowed
18 in shelters, yes.
19 36 Q. Thank you. And are you able to
20 tell me anything about the type of verification or
21 certification that's required for an animal to be
22 considered a service animal?
23 A. Well, I think that what we
24 typically see is animals who have been specifically
25 trained to support an individual with their disability.
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SHAWN MacKEIGAN - 13

1 And it's usually -- so in terms of who certifies a
 2 service animal, what we look for is certification.
 3 **Q.** Okay. Certification from --
 4 **A.** We see cert -- we see -- I'm
 5 trying to think how to say the certification. The only
 6 ones that we would typically see are individuals
 7 certified for visual impairments. We have -- so those
 8 ones that are accompanied with -- I don't -- I don't
 9 know how -- I'm trying to find a way to answer that
 10 question.

11 **Q.** Right. And I understand how it's
 12 a lot easier to make the determination with a
 13 seeing-eye dog, for example. But I'm also imagining
 14 that there are other circumstances where somebody is
 15 perhaps claiming that this is a service animal, and how
 16 that confirmation or verification is made.

17 **A.** Yes. So we ask individuals to
 18 provide that registration, that -- or that --
 19 certification that their animal has been certified or
 20 trained to support a specific disability.

21 **Q.** Okay. And do you know where those
 22 certifications come from, like what organizations issue
 23 those certifications?

24 **A.** I would say at this point that I
 25 couldn't cite that for you specifically but I could

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SHAWN MacKEIGAN - 14

1 certainly retrieve that information from the directors
 2 of said sites.

3 **Q.** Okay. What about if someone had a
 4 doctor's note indicating that this was a service
 5 animal?

6 **A.** The doctors' notes often don't
 7 include an outline that the animal has been
 8 specifically trained to move about in an environment
 9 like that. And the challenge with a doctor's note that
 10 indicates that an individual requires an animal and it
 11 doesn't include that is that other guests stay there.
 12 So if the animal hasn't been at least trai -- trained
 13 specifically to support that disability, we certainly
 14 work to make sure that we -- that the environment is
 15 safe for all service users and staff. So understanding
 16 and being aware that the service animal has been
 17 trained to move and operate in an environment like that
 18 ensures that we don't experience aggressive behaviour
 19 or, or other instances that might, that might follow an
 20 unregistered animal or one that hasn't been trained.
 21 So we have had certainly experiences with animals and
 22 seeing animals that haven't been trained, and they
 23 result -- can result or has -- there have been
 24 examples, instances that I've observed where the animal
 25 did not behave like a service animal, so aggressive

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SHAWN MacKEIGAN - 15

1 actions towards other service users or -- and that's
 2 not always -- so I shouldn't just say limited to
 3 aggressive, sometimes it's friendly, so you have
 4 jumping behaviours and barking and just different
 5 things, if we're talking exclusively about dogs. But
 6 it really does come to the training component. So
 7 we've certainly seen doctors' notes, but the doctor's
 8 note doesn't provide any verification that the animal
 9 has been trained or that we can reasonably expect the
 10 animal to behave --

11 **Q.** Okay.

12 **A.** -- the way it needs to in an
 13 environment like that. I think that would be the
 14 bigger challenge for us.

15 **Q.** Okay. And are you aware of any
 16 circumstances where an animal has been designated or
 17 certified as a service animal but then there's been
 18 problematic aspects with its behaviour, such that you
 19 can no longer allow for the service animal to remain in
 20 a shelter?

21 **A.** I haven't seen instances like
 22 that, no.

23 **Q.** Okay. And are there any kind of
 24 categories of animals, where even if they had this
 25 service animal designation or certification, that you

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SHAWN MacKEIGAN - 16

1 would not be able to accommodate?

2 **A.** Not that I can think of. If the
 3 animal is a registered service animal trained to
 4 support an individual -- I've seen, I've seen snakes,
 5 example -- as an example used as service animals for
 6 individuals who live with autism.

7 **Q.** Okay, thank you.

8 **A.** So, I don't, I don't know that I
 9 would say that there are any animals that would --
 10 that -- I don't, I don't know what the answer to that
 11 question.

12 **Q.** Okay. What about, like, large
 13 breed dogs?

14 **A.** Well, again, if a large breed dog
 15 is trained specifically to support an individual
 16 navigate a disability, I don't know that the -- I don't
 17 know that there would be an aversion to that either.

18 **Q.** Okay. Thank you. Let's move on
 19 to the next paragraph, 4. Okay. I'll give you a
 20 moment to read that over.

21 **A.** Sorry, thank you, yes.

22 **Q.** Great. So, you clarify that
 23 Mission Services can accommodate same sex couples but
 24 by extension a heterosexual couple, or opposite sex
 25 couple, would not be able to stay together in a Mission

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SHAWN MacKEIGAN - 17

1 Services shelter; is that correct?

2 A. Well, at present we run a men's
3 shelter and a women's shelter.

4 48 Q. Right.

5 A. So, I guess, technically that
6 would be correct.

7 49 Q. Thank you. We'll move on to
8 paragraph 7, and the second bullet point. And, again,
9 I'll just give you a moment to read that over. I
10 think, looks like, I have to scroll down for you to
11 read the paragraph in its entirety.

12 A. I do have a copy in front of me as
13 well.

14 50 Q. Sorry, I forgot about that.

15 A. Okay. Yeah, I'm familiar with
16 this paragraph.

17 51 Q. Thank you. So, you are -- you've
18 cited that, "There were 256 exits into housing from
19 Emma's Place, Inasmuch House, the Men's Shelter, East
20 End Hotel, and Men's Services Early Intervention
21 Program from October 2021 to August 2023." [As read]

22 Are you able to tell me how many people
23 were provided shelter from these same programs during
24 the same period?

25 A. I'm not sure that I understand

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SHAWN MacKEIGAN - 18

1 the -- that question. Most of these individuals would
2 have exited these programs. So, Early Intervention,
3 many -- they would have accessed the shelter first
4 before they had accessed those supports.

5 52 Q. Okay. So maybe you can start
6 there then. Can you clarify what the Men's Services
7 Early Intervention Program is, please?

8 A. So, Early Intervention is a
9 service that we offer out of our men's shelter
10 residence. There are dedicated staff that support
11 individuals who are new to homelessness or new to a
12 shelter experience where we work, to support them in
13 finding sustainable or longer-term accommodations that
14 are not an emergency shelter setting. And we work
15 specifically with those new individuals usually through
16 the first 10 to 14 days of an emergency shelter stay,
17 with the goal being to resolve their homelessness
18 experience as early as possible, if not before they
19 need to enter shelter.

20 53 Q. Okay. Thank you. So, when you
21 described 250 exits from various Mission Services
22 programs, including Emma's Place, Inasmuch House, Men's
23 Shelter, East End Hotel, and Men's Services Early
24 Intervention program, these were all individuals who
25 were staying in shelter and then the claim is that they

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SHAWN MacKEIGAN - 19

1 exited into housing during this period; is that
2 correct?

3 A. Stayed with us, yes, or accessed a
4 service at those sites where the situation they were
5 looking for housing, we supported them in finding a
6 place to stay, yes.

7 54 Q. Okay, thank you. And so what I'm
8 trying to get at is the total number of individuals who
9 were serviced during the same period but not
10 necessarily exited into a housing program. So if 256
11 people exited into housing during that period, how many
12 people were served by those same programs during the
13 same period?

14 A. I would have to work to obtain
15 that information, just how many people were supported
16 over that length of time.

17 55 Q. Thank you. Okay. So let's go to
18 the third bullet point of the same paragraph. And the
19 portion I want to highlight is beginning at "For
20 example," three lines down. So give me a second --
21 sorry, let me know when you've had a moment to review
22 that.

23 A. I'm familiar with that as well,
24 yes.

25 56 Q. Thank you. Okay. So, just to

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1 read it for the record, it says, "For example,
2 community leaders, including elected officials and
3 professionals, are often heard to say that 'there is no
4 housing'. Taken literally, that is not just incorrect,
5 it can severely harm housing outcomes. What is meant
6 that there are 'chal -- there are -- sorry, "'There are
7 challenges in accessing housing', but what the public
8 and homeless individuals hear is defeatism. This
9 misleading narrative oversimplifies the issue, ignoring
10 that challenges such as affordability and accessibility
11 can be and continue to be overcome. It also undermines
12 efforts of coordinated access systems designed to help
13 individuals in navigating these challenges. Such
14 miscommunication can lead to disengagement and
15 hopelessness among those in need, reducing their
16 motivation to seek assistance." [As read]

17 So, I want to go back up to the
18 beginning of the portion of that paragraph that we were
19 highlighting beginning with "for example." So you
20 mention "community leaders, including elected officials
21 and professionals," who are you referring to here?

22 A. Would you like me to give you
23 examples.

24 57 Q. Yes, please.

25 A. I can give you -- so one example

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1 -- is this where I would -- mmm. Well, for instance, I
 2 would say that I had this very conversation with
 3 Counsellor Cameron Kroetsch.

4 58 Q. Okay. So Cameron --

5 A. Would you like me to highlight --
 6 go ahead.

7 59 Q. -- Kroetsch would be one of the
 8 elected officials you're referring to. Who else are
 9 you referring to as "community leaders, including
 10 elected officials and professionals"?

11 A. Oh, I would like -- I would like
 12 to qualify that this is a broad conversation, certainly
 13 not limited to what we see in Hamilton, as we
 14 understand that this issue is as broad as it is. These
 15 are headlines that we cite that are picked up here and
 16 repeated here, so I think that this conversation has
 17 been going. And I certainly can work to provide you
 18 all these -- I can certainly work to provide examples
 19 for each of those --

20 60 Q. Okay.

21 A. -- where we have seen this.

22 61 Q. You just gave one example of --

23 A. Yes, I did.

24 62 Q. Sorry?

25 A. Yes, I did. Sorry, yes.

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1 when we see this much, it's just the impacts that
 2 those -- and I know that people aren't trying to say
 3 that there's literally no housing, I understand that
 4 the sentiments that often are working to be expressed
 5 are figurative, I do understand that, it's just that
 6 the impacts are felt very differently. And there are
 7 certainly examples that we could work -- or I could
 8 work to deliver for you, that outline where people have
 9 used the expression "there is no housing" --

10 66 Q. Right.

11 A. -- when they're speaking
 12 figuratively.

13 67 Q. Okay. And these statements are
 14 public statements not in private --

15 A. Correct, these are public
 16 statements, yes.

17 68 Q. Okay. Thank you. Do you know
 18 what kind of timeframe you're referencing, when you say
 19 they often --

20 A. I -- I would say that in my
 21 observation it's been pretty routine for the better
 22 part of the last four years.

23 69 Q. Okay.

24 COURT REPORTER: Sorry, the question
 25 wasn't clear on the record because there was talking

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1 63 Q. Yes. Do you have any other
 2 Hamilton examples?

3 A. Those are example -- again, like,
 4 the data, I would have to work to go back and provide
 5 the specific examples over the last three years.

6 64 Q. Okay. And then you said that they
 7 are "often heard to hear there is no housing." So it's
 8 correct to say that this is not an isolated incident
 9 where the sentiment is shared that it has been said
 10 several times?

11 A. It occurs almost conversationally.
 12 So I understand that there is a difference, and I --
 13 certainly, even in individuals that I have that
 14 conversation with understand that there's a difference
 15 between the figurative expression that there's no
 16 housing, and I understand that what we're working to
 17 communicate -- or what individuals might be working to
 18 communicate is the broad general sense that there's no
 19 housing but not literally no housing, it just feels
 20 like there's no housing because there isn't a lot of
 21 housing.

22 65 Q. Okay.

23 A. So I understand that. And I
 24 understand in the context of the conversations about
 25 housing that it's easy to say that there's no housing

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1 over, if you could repeat the question.

2 MS. CROWE: I asked about the timeframe
 3 during which he's heard elected officials and
 4 professionals say that there is no housing.

5 COURT REPORTER: Thank you.

6 BY MS. CROWE:

7 70 Q. And when you go on to say that
 8 these statements are severely affecting housing
 9 outcomes, this is based on your opinion, correct?

10 A. Observations from the individuals
 11 that we're supporting, so one of the objections that we
 12 have to work to overcome. So in our work with
 13 individuals is a common observation that routine
 14 objection is individuals will state for us that the
 15 reason that they haven't found a place to live is
 16 because there is no housing. The further we explore
 17 those conversations, it is other individuals that
 18 they've cited, it's everywhere, it's all over, everyone
 19 says there's no housing. So we work to, we work to
 20 push that back, separating out the figurative piece
 21 from the literal piece, that it is not that there is no
 22 housing, that there are two main causes - one being
 23 affordability as an issue and the other being
 24 accessibility. So if the question is, "I can't afford
 25 housing," that's not the same as there is no housing,

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1 that is an affordability issue. If the question is, "I
2 can't find housing," that's not the same as there's no
3 housing, that's an accessibility issue. So in our
4 observation of all the individuals that we work with,
5 it is often the first obstacle that we work to overcome
6 if someone is pushing back on the narrative that there
7 is not any housing to be found.

8 ⁷¹ **Q.** Okay. But the statement that this
9 is severely affecting house outcomes is your
10 observation, you don't have data to show a clear link
11 between this statement -- these statements from public
12 officials and housing outcomes, correct?

13 **A.** Again, it would be our
14 observation, it is not just individuals that we work to
15 do this with but rather also partners inside the
16 private market who are renting or have units available
17 to rent, we see the same challenge there. So while
18 they're -- if they know that there's no housing, we
19 hear from private market landlords that they're
20 concerned with supporting somebody who's experienced
21 homelessness before. So much like the conversation
22 about no housing, their concern is that there isn't
23 enough supports or resources for individuals,
24 suggesting that there's a belief that everybody who's
25 experiencing homelessness needs these extended supports

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1 the public at large and homeless individuals are
2 actually hearing, correct?

3 **A.** Well, I'm making an observation
4 about what I believe, yes.

5 ⁷⁴ **Q.** Okay. You're not actually
6 claiming to speak on behalf of the public at large or
7 individuals who are homeless?

8 **A.** I'm not attempting to speak on
9 behalf of the entire public, no.

10 ⁷⁵ **Q.** Thank you. And in the next
11 sentence, you mention affordability and accessibility
12 challenges. What are the housing affordability to
13 which you refer? Sorry, housing affordability
14 challenges to which you refer?

15 **A.** If an individual's income is
16 \$1,000 a month and it costs \$1,250 a month to rent a
17 place, I would refer to that as an affordability
18 challenge.

19 ⁷⁶ **Q.** And do you know who has an income
20 a \$1,000 a month?

21 **A.** Excuse me, I'm not sure that I
22 understand the question. Do I know is --

23 ⁷⁷ **Q.** So, you mentioned an income of
24 \$1,000 a month, where did that figure come from?

25 **A.** I was trying to provide you an

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1 and resources. So we see it on both sides, both with
2 individuals experiencing homelessness looking for
3 places to move to and individuals or businesses that
4 have places to rent and have reservations about
5 individuals who have experienced homelessness because
6 of the narrative that has existed in the public. So I
7 would say that I do believe that this is a challenge
8 that we see routinely.

9 ⁷² **Q.** You believe that to be true, yes.
10 But I just want to narrow it down a little bit, Mr.
11 MacKeigan, do you have any surveys or data that you can
12 point to where that conclusion is found, that the
13 statements from public officials are leading to -- or
14 having a -- are having a severe effect on housing
15 incomes [sic], do you have data and evidence to support
16 that, to support that conclusion?

17 **A.** This wouldn't have been an area
18 where we would have worked to collect that data based
19 on the volume of our observation.

20 ⁷³ **Q.** Okay. Thank you. And when you
21 state that -- sorry, let me just find it here. So you
22 state, "What is meant is that 'there are challenges in
23 accessing housing', but what the public and homeless
24 individuals hear is defeatism."

25 This is your opinion, correct, on what

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1 example.

2 ⁷⁸ **Q.** An example. Is that figure --

3 **A.** You asked me, you asked me -- if
4 you would -- can you repeat the question then, please,
5 and I'll try again.

6 ⁷⁹ **Q.** So, you mentioned that if someone
7 has an income of \$1,000 a month and rent is \$1,200 a
8 month, that is an affordability challenge. And I'm
9 asking you where did that \$1,000 amount come from, is
10 that based on anything specific?

11 **A.** I was attempting to give you an
12 example from the question that you asked prior to that,
13 I believe.

14 ⁸⁰ **Q.** Are those numbers, in terms of
15 \$1,000 income and \$1,200 rent, is that consistent with
16 what your experience has been?

17 **A.** No. I'm provide -- I was
18 providing an example to the question that you asked
19 previous to that. So you had asked a question about
20 the -- you know, what affordability and accessibility,
21 and I was trying to give you an example of what I meant
22 by what an affordability challenge was.

23 ⁸¹ **Q.** Right. But is that scenario that
24 you just cited, and I understand you're citing it as an
25 example, but is that scenario where there's potentially

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1 a \$200 difference between someone's income and the cost
2 of housing, is that something that you or your
3 colleagues at Mission Services encounter when you're
4 trying to assist someone in finding housing?

5 **A.** Yes, we would encounter issues
6 like that, yes.

7 ⁸² **Q.** How often do you encounter those
8 issues?

9 **A.** We encounter issues of
10 affordability and accessibility when we're -- with
11 everyone that we have worked to house. So everyone
12 that we're supporting, of course, is experiencing
13 homelessness, which means they're navigating an issue
14 of some sort, and often they are boiled down to either
15 affordability, accessibility or both. So sometimes the
16 issue, if we were describing affordability, is an
17 example like I just gave you, sometimes it's
18 accessibility, because while we work in housing every
19 day, we see what is available, somebody who is new to
20 homelessness might not be aware of resources, supports
21 or services that exist for individuals in their
22 situations. That's what we work to address, is the
23 affordability and accessibility issues.

24 ⁸³ **Q.** So maybe you can help clarify,
25 what do you mean by accessibility challenges?

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1 a landlord, they might think that they're going to be
2 discriminated against or feel as though they may be
3 discriminated against based on their status, so they
4 think that it's too challenging or don't know how to
5 overcome that initial conversation, so we support
6 people sometimes, we'll offer to join them or we talk
7 to them about -- or we work to a strategy that will
8 work for them to how to have those conversations in a
9 meaningful way. When they're new to somebody,
10 oftentimes they don't know -- might not know how to
11 have a conversation like that, if you haven't had to
12 have one before.

13 ⁸⁶ **Q.** Okay. And so if someone is
14 concerned about potential discrimination because of
15 their status, what kind of status did you mean?

16 **A.** Well, if someone is homeless and
17 think that it's more likely that a landlord will rent
18 to somebody who isn't homeless, that's really the crux
19 of that.

20 ⁸⁷ **Q.** And is that the experience of
21 Mission Service staff?

22 **A.** Of the staff -- let me --

23 ⁸⁸ **Q.** Sorry, I can --

24 **A.** -- ask --

25 ⁸⁹ **Q.** I can, I can rephrase the

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1 **A.** Accessibility would be -- so, for
2 instance, if someone is experiencing homelessness and
3 can't find a place to move to or can't find something
4 that is affordable or can't find something that is
5 located near them or has difficulty being engaged with
6 prospective landlords or property managers, these all
7 become accessibility issues that we work to help
8 individuals navigate, whether it's through strategies
9 in engaging individuals or, you know, working through
10 the process of how we find places. I wouldn't --
11 sorry, I think it -- if I could be clear, I'm not
12 trying to use accessibility like in the disability
13 sense but rather --

14 ⁸⁴ **Q.** Right.

15 **A.** -- accessible, you know, do people
16 know where resources are, are people aware of what
17 supports exist for them. I think those are the
18 accessibility issues that we're working to navigate.

19 ⁸⁵ **Q.** Right. And you just mentioned
20 that an accessibility issue might be in navigating
21 interactions with landlords; can you just clarify what
22 you meant by that?

23 **A.** Well, there are individuals, if
24 they are new to homelessness, have difficulty
25 explaining or, you know, if they're going to meet with

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1 question.

2 **A.** Okay.

3 ⁹⁰ **Q.** So you're explaining a situation
4 where someone might need help navigating a conversation
5 with a landlord because they're concerned about being
6 discriminated against because they are homeless. Have
7 you or your staff ever observed that actually to be the
8 case, that people are facing discrimination from
9 landlords or landlords are less willing to rent to them
10 because of their homeless status.

11 **A.** I believe in my -- I would say
12 yes. In my previous question that -- or my previous --
13 one of my previous answers, because we work with
14 landlords, as well, who have expressed those very
15 reservations. I would say that we don't witness -- we
16 haven't -- I certainly haven't and we haven't heard
17 instances where people have been discriminated against.
18 The feeling often occurs in advance of those
19 conversations or in advance of those meetings, where
20 that is a feeling that someone might be concerned
21 about. So, you know, our experience with landlords
22 hasn't been negative, our experienced with landlords
23 has been trying, because our -- the effort is to help
24 people better understand the situation that we're all
25 working to navigate. So I think that our, our efforts

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1 are really to ensure that people understand and are
 2 aware of what it is that we do and how we do it and why
 3 we do it the way we do it and these sorts of things.
 4 So I see, yes, there are concerns for individuals but I
 5 haven't seen that in practice.
 6 ⁹¹ Q. I thought the beginning of your
 7 response to that was that people have that concern and,
 8 yes, you have observed some of that -- those feelings
 9 or that landlords have expressed those types of
 10 concerns?
 11 A. The landlords express concern
 12 about renting to individuals who are experiencing
 13 homelessness --
 14 ⁹² Q. Okay.
 15 A. -- because of the steady drum beat
 16 that individuals experiencing homelessness need more
 17 help -- need more supports and resources and that one
 18 of the reasons why people are experiencing homelessness
 19 is because they don't have those. So to qual -- for
 20 clarity, that when I see that -- what we've observed,
 21 landlords have those reservations, we work to overcome
 22 those reservations. I haven't seen landlords who
 23 openly discriminated against individuals, because we
 24 would take a different course of action with that.
 25 ⁹³ Q. Thank you. That helps me

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1 understand. Do you have knowledge of average rental
 2 prices in Hamilton?
 3 A. I have knowledge of it. I would
 4 say that I don't have intimate knowledge of what the
 5 lowest rental price is today versus the highest but I
 6 certainly have knowledge of it. The departmental staff
 7 stay much more in tune with what we see as moving or
 8 rolling rental prices.
 9 ⁹⁴ Q. Okay. Well, just based on your
 10 knowledge that you have today, what is your knowledge
 11 of the rental price for, let's say, a one bedroom unit
 12 in Hamilton?
 13 A. I don't know exactly but I thought
 14 that it had just -- it had ticked down for a couple of
 15 months, I thought that the averages had -- the prices
 16 had come down before just returning to a place where
 17 they'd climbed a couple of percentage points but I
 18 thought it was around between 15 and \$1,600 or maybe
 19 just below 1,500. Can't remember exactly, I apologize.
 20 ⁹⁵ Q. Okay. That's all right. What
 21 about for a bachelor apartment?
 22 A. Slightly less but marginally. I
 23 didn't think -- I don't recall seeing a significant
 24 difference between bachelor and one bedrooms, it might
 25 be a couple hundred dollars but --

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1 ⁹⁶ Q. Okay.
 2 A. -- I think often quite high.
 3 ⁹⁷ Q. Yeah. What about a room in a
 4 rooming house?
 5 A. They vary, depending on the size
 6 and location, but we've seen -- we do still see rooming
 7 house prices, so 800, 750/800, up to a 1,000. And
 8 we've seen rooming house prices -- I don't want to say
 9 as high as 1,200 because it might -- there might be
 10 places that are higher but we've seen rooming house
 11 prices that have been \$1,200 but --
 12 ⁹⁸ Q. Okay.
 13 A. -- 750 to 1,200 wouldn't be --
 14 wouldn't surprise me if that was the price.
 15 ⁹⁹ Q. And those numbers are current
 16 rental prices, to the best of your knowledge, like
 17 averages?
 18 A. To the best of my knowledge,
 19 that's what I -- I don't know if that's what
 20 necessarily is on the market today but -- today, this
 21 day, but, to my knowledge, yes, in that range is what
 22 we've seen, but, again, there's --
 23 ¹⁰⁰ Q. Do you -- sorry to interrupt.
 24 A. That's okay.
 25 ¹⁰¹ Q. Were you done?

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1 A. I probably was trailing there
 2 anyways, so my fault.
 3 ¹⁰² Q. And so, similarly, do you have any
 4 knowledge of what the average rental prices were in
 5 2021 and 2022?
 6 A. I'd have to work to provide that,
 7 I can't remember off the top of my head what they were.
 8 ¹⁰³ Q. Right. Do you have any knowledge
 9 about whether or not they'd be higher or lower than
 10 what they are now, or roughly the same, or you're not
 11 sure?
 12 A. I recall when rental prices had
 13 taken what felt like a significant jump. So when we
 14 were moving -- the early days in COVID, we -- if I was
 15 using just housing first as the example, we didn't --
 16 the prices seemed like they were ones we could work
 17 with. But then there was a climb inside the -- but I
 18 can't remember the exact sequence. My thought is that
 19 they were lower in 2021 than they are today.
 20 ¹⁰⁴ Q. Okay, fair enough. So in the --
 21 again, in this same paragraph, you state -- sorry, let
 22 me just find it on my screen -- "Such miscommunication
 23 can lead to disengagement and hopelessness among those
 24 in need, reducing their motivation to seek assistance."
 25 And I just want to clarify again that

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1 this is your opinion or this is your impression and not
2 based on data?

3 A. Yes, it's my observation based on
4 the work that we do.

5 105 Q. And, again, you're not claiming to
6 speak to a global experience or perception of people
7 who are experiencing homelessness?

8 A. I am not.

9 106 Q. You are not?

10 A. I'm not trying to speak --

11 107 Q. Okay.

12 A. -- on behalf of everyone, no.

13 108 Q. Thank you. Okay. So, the next
14 bullet point, you talk about "non-voluntary discharges
15 from shelters." So I just want to clarify, Mr.

16 MacKeigan, are these the same as service restrictions?

17 A. Service re -- well, non-voluntary
18 discharges often synonymous with service restrictions,
19 yes. Well, it could be, they're not exclusively the
20 same. So non-voluntary discharge might include you
21 being removed from the premises by the police.

22 Non-voluntary discharges might be you left via an
23 ambulance and did not return. We have plenty of
24 examples of that.

25 109 Q. Okay. Could a non-voluntary

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1 discharge be you missed curfew and you're kicked out or
2 you're not there for a bed check and you're kicked out?

3 A. In our experience, that wouldn't
4 be the case, no.

5 110 Q. So --

6 A. So curfew is not -- we wouldn't
7 discharge somebody, right, we would not discharge
8 somebody unless they didn't return. So we know --
9 we're very -- we've done -- unless there's somebody
10 waiting for a space. So if we have 100 spaces
11 available, and the time where we do bed checks is 10:00
12 p.m., if there are people waiting to see if there are
13 any beds at 10:00 p.m. and there are individuals that
14 have not returned, the individuals know, we apprise
15 individuals early and often that if they don't return,
16 that their bed may be lost to somebody who is waiting
17 for it in their place. So we wouldn't discharge you if
18 there was nobody waiting to take a space and we had 100
19 beds, zero people waiting, and an individual returned
20 at 11:30, they would simply return at 11:30.

21 111 Q. Okay.

22 A. So, you know, missing a curfew
23 would only be a challenge for an individual if there
24 were other individuals waiting for a space for which
25 they did not already have one.

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1 112 Q. Okay. And so in that scenario,
2 where someone missed a curfew and somebody else was
3 waiting for that space, would that lack of access to a
4 bed be counted as a non-voluntary discharge or is that
5 recorded separately?

6 A. Yes, because we'd have to include
7 that -- we would have to make a note of that in the
8 HIFIS system that the City uses to track homelessness.

9 113 Q. Okay?

10 A. So we would record why somebody is
11 no longer in the shelter, where the day before they may
12 have been.

13 114 Q. Okay. And so for the -- and, I'm
14 sorry, I'm more familiar with the term "service
15 restriction."

16 A. That's okay, yes, we can use that.

17 115 Q. But for these instances where
18 there's a service restriction or a non-voluntary
19 discharge, you haven't recorded in your affidavit, as
20 far as I can tell, the period for which there would be
21 a restriction or an inability to access shelter; is
22 that correct?

23 A. What did -- which are -- what are
24 you citing, I'm sorry?

25 116 Q. So we're in the same paragraph,

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1 the bullet point that begins, "Paragraphs 15-24,
2 regarding service restrictions."

3 A. Yes.

4 117 Q. So, what I'm wondering is, and I
5 just want to make sure that I haven't missed that there
6 isn't a discussion about the length of time that people
7 are service restricted from the shelter, when these
8 non-voluntary discharges occur?

9 A. I did not include a discussion
10 about the length of time, no.

11 118 Q. Okay. So for that number, the 493
12 discharges, do you have the corresponding information
13 about the length of the service restriction recorded
14 somewhere else?

15 A. The City would keep that. The
16 City of Hamilton would keep that information or have
17 access to that information inside the HIFIS data
18 system.

19 119 Q. Okay. And based on your
20 knowledge, what is the timeframe that service
21 restrictions are issued for? Like, what's the range of
22 time?

23 A. Well, the range can be -- the
24 ranges are outlined in the City's service user or the
25 service restriction policy, there is a policy that the

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1 shelter system as a whole works from, but service
 2 restrictions can range often any time from several
 3 hours all the way up to an indefinite restriction,
 4 depending on the nature of the events or the nature of
 5 what happened.

6 120 Q. Okay.

7 A. Most -- I can add, most commonly
 8 they're brief.

9 121 Q. And what do you mean by "brief"?

10 A. I mean brief, they're closer to
 11 hours than they are indefinite. So it's more often
 12 that people are restricted for, you know, a day or a
 13 few days than it would be that they are restricted
 14 indefinitely.

15 122 Q. Okay.

16 A. It's significantly more often that
 17 individuals it is just a day or a few days as opposed
 18 to indefinite.

19 123 Q. Right. And when someone is --
 20 there's a non-voluntary discharge or a service
 21 restriction, so that means that they can't access
 22 Mission Services, correct?

23 A. For the -- for that period of
 24 time, that would typically be correct, yes.

25 124 Q. Okay. Does Mission Services

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1 consult with any of the other shelters to see if that
 2 individual is able to access shelter somewhere else?

3 A. Yeah, that's usually what we work
 4 to do. So I'll speak -- as a practise, if we were to
 5 discharge somebody, one of the things that we work to
 6 do before the discharge is complete is find another
 7 place for the individual to go --

8 125 Q. Okay.

9 A. -- or provide options for the
 10 individual to go, before we discharge them. So that's
 11 pretty -- we've done that routinely for quite sometime,
 12 as long as I can remember. So that -- because the
 13 reality is, if there isn't somewhere to go, then we
 14 work to keep the individual 'til the next day. Like,
 15 depends on the nature of the restriction but we always
 16 work to ensure that someone has somewhere to go if
 17 they're going to be discharged non-voluntarily.

18 126 Q. Well, so you said that it's you
 19 usually work with other shelters, does that mean that
 20 sometimes you don't work with other shelters to make
 21 that determination?

22 A. No. I should say that we do that
 23 unless the circumstances are that that's not practical
 24 or possible. So if the person -- so a non-voluntary
 25 discharge, I'll use an example, and then, perhaps, if

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1 you ask it again, I could answer it better for you.

2 But if somebody is aware of actions that have occurred
 3 and they are about to be restricted for service,
 4 depending on the nature of event, and assume that it's
 5 a violent one or an aggressive one, before we have even
 6 completed the action, the individual leaves only to not
 7 return at all, there isn't any -- there isn't anything
 8 for us to coordinate. So if there was a physical
 9 altercation between two residents and one of the
 10 residents left and simply did not return, then, no, we
 11 wouldn't coordinate another place for them to be
 12 because they haven't returned in order for us to do
 13 that.

14 127 Q. Right, that makes sense. What if
 15 the individual is still there but it has been --

16 A. If the individual is still there,
 17 then we work to support -- yes, we work routinely,
 18 routinely to support them finding another place. It
 19 does not mean that they want to access those options,
 20 but for as long as they're willing to be engaged in us
 21 finding them another place to go, we'll work to find
 22 them another place to go.

23 128 Q. Okay. And do you get, you know,
 24 push back from other shelters if you're saying, "We are
 25 service restricting this person because of a violent

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1 incident, can you take them"?

2 A. No. Not typically, no. And the
 3 reason we wouldn't is because oftentimes we would work
 4 to support one another. So if somebody was working to
 5 support us with an -- and support an individual who is
 6 restricted, then what we would do, if they were, you
 7 know, at or near capacity or didn't have space, then we
 8 work to support each other, so it might mean that we
 9 receive somebody from that site in order for them to
 10 support an individual in this application. Sometimes
 11 individuals have had a history or something happened at
 12 one, which means they might not be able to support us
 13 in that application, but they would work to support us
 14 in other ways, whether it's coordinating with a third
 15 shelter, where an individual might move from one to
 16 another. And that's not to say that we displace people
 17 at all hours of the day and night, we certainly don't
 18 work to do that. But the short answer is, if we need,
 19 if we need support from another shelter, no, we don't
 20 typically see push back in instances like that.

21 129 Q. Okay. And do you track the
 22 individual or receive confirmation that they've
 23 accessed shelter somewhere else?

24 A. If we've made arrangements for an
 25 individual to leave our space go to another one, yeah

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1 we work to coordinate that. And it's not uncommon,
 2 depending on the time of year and what the individual
 3 is or is not interested in, to support them with
 4 transportation to get there, sometimes they're
 5 interested in that and sometimes they're not interested
 6 in that, but we do -- you know, that's one of the ways
 7 we do that. And then we can see in HIFIS if they have
 8 arrived at their destination and booked in.

9 ¹³⁰ Q. Okay. So if you're tracking it
 10 and you can see in HIFIS if they've arrived at their
 11 destination, are there times where you see that the
 12 individual didn't make it to the referring shelter?

13 A. There would be times where
 14 individuals have opted to go to another shelter and
 15 then not arrived there. And we do see those and we
 16 follow up on those to see if the individual has
 17 arrived, because what is also come, and depending on
 18 the time of day, is that the staff may have not had yet
 19 an opportunity to update that HIFIS system with the
 20 individual's data.

21 ¹³¹ Q. Do you encounter situations where
 22 you are contacting another shelter for a referral and
 23 the other shelter tells you that the individual is also
 24 service restricted from that shelter?

25 A. Yeah, that can happen but we
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1 usually -- or depending on the staff person, staff
 2 persons are usually able to see if such a restriction
 3 exists, not always. Certainly in the last several
 4 months, we've had challenges accessing HIFIS, but I
 5 know that that's come back online. Short answer though
 6 is, yeah, we do, we'll call another shelter and they'll
 7 let us know that they have a service restriction. And
 8 then what we'll work to do is see if that is something
 9 that can be navigated or overcome.

10 ¹³² Q. Okay.

11 A. Service restrictions, depends on
 12 the situation, but we're always open to moving off of
 13 the service restriction, if situations changed.

14 ¹³³ Q. Do you ever encounter a situation
 15 where Mission Services service restricts an individual
 16 and then is able to -- and then finds out that they're
 17 actually service restricted from all shelters?

18 A. Their have been instances like
 19 that, yeah. Yes, where, where -- we already -- so if
 20 we were to take the step to service restrict somebody,
 21 it would be known, staff would be able to see that the
 22 individual is restricted at other spaces as well.
 23 There would have to -- the circumstances would have to
 24 be significant enough, that there wouldn't be another
 25 option at one of the other two men's shelters. So then

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1 the situation in those instances means that there isn't
 2 another partner around the corner that we could
 3 support, so finding another solution for individuals
 4 like that requires more time. And those aren't the
 5 sorts of things that staff would typically undertake on
 6 their own at two or three o'clock in the morning.
 7 They're much more involved situations, if somebody is
 8 already restricted from two other sites. Because if
 9 they're restricted at two and we're the last one and
 10 something has happened there that warrants
 11 restriction -- I'll give you an ex -- I'll give you an
 12 idea of how we might do that. Sometimes we would put
 13 off whether or not we applied a restriction, and then
 14 we ask ourselves whether or not one was warranted at
 15 all or whether or not it's something that we would work
 16 to navigate through a shift change or something like
 17 that.

18 ¹³⁴ Q. Okay. Are there situations --

19 A. So short answer is --

20 ¹³⁵ Q. Sorry?

21 A. Short answer is, yes, there are
 22 instances where an individual may need to be service
 23 restricted or we feel they do and they are also
 24 restricted at the other two men's shelters.

25 ¹³⁶ Q. And that you're unable to resolve

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1 that by rescinding the service restriction at Mission
 2 Services?

3 A. Oh, we would first start by seeing
 4 if the restriction could first be lifted at one of the
 5 other two sites. So if the restriction at one of the
 6 other two sites, it would, it would be obvious that the
 7 restriction occurred at the other two sites before the
 8 instance that we were navigating that particular day,
 9 so our first conversation would be with our partners
 10 about whether or not the restriction could be adjusted
 11 on their end in order to help us navigate the immediate
 12 situation.

13 ¹³⁷ Q. Okay.

14 A. Barring that, then the
 15 conversation becomes a managerial one, because we look
 16 for what other options might exist or be available for
 17 that individual if we can't accommodate them inside the
 18 system.

19 ¹³⁸ Q. Okay. We're going to take a short
 20 break from your affidavit, and I want to share another
 21 document with you. I'd like this document to be noted
 22 as Exhibit 1 to the examination.

23 MR. DIACUR: You can't do that,
 24 counsel, until he's identified it.

25 MS. CROWE: Pardon?

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1 MR. DIACUR: You can't mark it as an
 2 exhibit until it's been identified.
 3 MS. CROWE: Okay, fair enough. So, I
 4 am not a very technological person, so I can't
 5 guarantee this will be seamless, please bear with me
 6 one moment, please.
 7 BY MS. CROWE:
 8 ¹³⁹ Q. Mr. MacKeigan, can you see an
 9 article from the Hamilton Spectator on your screen
 10 titled "Homeless, struggling with mental illness,
 11 barred from Hamilton shelters"?
 12 A. I can see that.
 13 ¹⁴⁰ Q. Thank you. And can you see the
 14 date is January 20th, 2021?
 15 A. I can see that, yes.
 16 MS. CROWE: Thank you. Just one
 17 moment, please.
 18 So, Madam Reporter, this is the -- this
 19 is to be Exhibit No. 1. And I will put this into a PDF
 20 after the examination.
 21 BY MS. CROWE:
 22 ¹⁴¹ Q. So with your --
 23 MR. DIACUR: Sorry, just to be clear,
 24 Madam Reporter, it's to be marked for identification.
 25 This isn't a document that was created by the witness.

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1 So I want to be clear on the record that that's its
 2 purpose.
 3 MS. CROWE: Thank you, Mr. Diacur.
 4 EXHIBIT NO. 1: (For Identification)
 5 Hamilton Spectator article entitled "Homeless,
 6 struggling with mental illness, barred from Hamilton
 7 shelters," dated January 20, 2021.
 8 BY MS. CROWE:
 9 ¹⁴² Q. So, unless there are objections,
 10 what I had planned to do is just quickly summarize the
 11 incident that had led to this article. Mr. MacKeigan,
 12 I'll draw your attention to the portions of the article
 13 where you are quoted and interviewed, and I'll ask for
 14 your interpretation of those portions.
 15 Mr. Diacur, do you have any concerns at
 16 this point?
 17 MR. DIACUR: Well, not at this point.
 18 If you're taking him to statements that the witness
 19 made, I don't have any issue with that being raised
 20 with him.
 21 MS. CROWE: Okay. Are you all right
 22 with me providing a brief summary leading up to the --
 23 so a summary of the event and then taking him to the
 24 quotes?
 25 MR. DIACUR: Summarize the events that

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1 are referenced in the article, yeah, I would have an
 2 objection to you providing a summary. If the article
 3 specifies what it's about, then that can be put to the
 4 witness.
 5 MS. CROWE: Okay.
 6 BY MS. CROWE:
 7 ¹⁴³ Q. So, why don't we start with this:
 8 Mr. MacKeigan, do you have any memory or knowledge of
 9 this incident, the incident that's referred to in this
 10 article?
 11 MR. DIACUR: Well, in fairness,
 12 counsel, you'd have to show him what it says, all I can
 13 see is a picture of a man.
 14 MS. CROWE: You're absolutely right, my
 15 apologies.
 16 BY MS. CROWE:
 17 ¹⁴⁴ Q. What we could do is to give you a
 18 moment to read the article, if you'd like, Mr.
 19 MacKeigan.
 20 A. Sure. I mean, I would need to
 21 take a moment to read this.
 22 ¹⁴⁵ Q. Okay. So you let me know when you
 23 need me to scroll down further.
 24 A. Okay, keep going. Okay. Okay.
 25 Okay. Okay. Okay. Okay. Okay. Okay. Okay. Okay.

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1 Okay. Okay. Okay. Okay.
 2 ¹⁴⁶ Q. Okay, thank you, Mr. MacKeigan. I
 3 want to go back to the portions of the article where
 4 you are -- it appears that you're interviewed and
 5 quoted. Okay, Mr. MacKeigan, now that you have had an
 6 opportunity to read this article, do you remember it,
 7 do you remember the incident or do you remember the
 8 article?
 9 A. I remember the time period but I
 10 don't know that I remember the incident or --
 11 specifically.
 12 ¹⁴⁷ Q. Okay.
 13 MR. DIACUR: Shawn, she asked you if
 14 remember the article.
 15 THE DEPONENT: Oh, I remember the
 16 article, yes.
 17 BY MS. CROWE:
 18 ¹⁴⁸ Q. You remember being interviewed for
 19 it?
 20 A. Specifically do I remember -- I've
 21 inter -- talked to Teviah Moro plenty of times, I don't
 22 know if I can -- if I recall being interviewed for this
 23 specific article --
 24 ¹⁴⁹ Q. Okay.
 25 A. -- but I do recall being

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1 interviewed with or speaking with Teviah on many
2 occasions.

3 ¹⁵⁰ Q. Okay. So it's dated January 20th,
4 2021. And would you agree that this article is about a
5 man named "John Honyust" who was restricted from all
6 three shelters in Hamilton New Year's Eve of 2020?

7 A. I would agree with that, that's --

8 ¹⁵¹ Q. Okay. And then if we look at the
9 paragraph that begins "With this deficit," I'll just
10 read it out: "With this deficit, shelters indeed have
11 become the 'backstop' for such societal challenges,
12 says Shawn MacKeigan, a director with Mission Services
13 who oversees its men's system."

14 To the best of your recollection, is
15 this an accurate representation of what you said to
16 Teviah Moro?

17 A. Well, I mean, he's quoted
18 "backstop," I -- what -- I'm not sure what you mean if
19 it's an accurate depiction. But I would say in my
20 experience with Teviah has been pretty good. My
21 interviews with Teviah typically last half an hour or
22 45 minutes. So heavily qualified conversations usually
23 boil down to a few quoted items but I'm happy to say,
24 yeah, looks familiar.

25 ¹⁵² Q. Okay. Thank you. And then we'll

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1 scroll down, below the photograph. The next paragraph
2 says, "Staff at shelters have a 'very high threshold'
3 for disruptive incidents. 'I can go through a laundry
4 list of things that people do,' MacKeigan said."

5 Is this what you said?

6 A. That's what -- that does appear so
7 what I said. I do recall saying that as well, yes.

8 ¹⁵³ Q. And is it true?

9 A. I could go through a laundry list
10 of things that people do. I think that if I were to do
11 that, it would portray people in a very negative way
12 and not be reflective of the situation that we
13 navigate. I think specifically when we think of some
14 of these disruptive instances and when I cite a "high
15 threshold," we support -- just as our men's shelter as
16 an example, where we have 100 beds, we're supporting
17 tens of thousands of unique bed nights every year with
18 what will effectively be very minimal numbers of
19 service restrictions. So if we saw, you know, several
20 hundred service restrictions against 50,000 different
21 bed nights that we manage and occupancy often exceeding
22 95 per cent, yes, I could go through a laundry list of
23 the types of things that people have done, but it
24 wouldn't, it wouldn't serve to ad -- citing those
25 issues -- instances and the specifics of those

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1 instances would cause, I believe, would cause
2 individuals to see individuals experiencing
3 homelessness differently and it would not be reflective
4 of individuals' experiences, it would be reflective of
5 instances when somebody might have been navigating a
6 particular trying time. But, again, I didn't want the
7 general feeling to be that everybody is -- everybody
8 does something bad or everybody does something bad or
9 everybody needs assistance with something, it's not the
10 case, we do navigate significant instances and
11 significant issues on a semi-regular basis but it is
12 not reflective of everyone that experiences
13 homelessness. So where examples -- I'll stop talking
14 there, if you want. I'll certainly trail on in case --

15 ¹⁵⁴ Q. Yes, thank you, Mr. MacKeigan, I
16 do appreciate that there are many nuances to shelter
17 services, but I am actually looking for a much narrower
18 response. I'm just seeking confirmation of what
19 information was provided in the course of this
20 interview.

21 So the next paragraph is, "But shelters
22 aren't properly resourced to handle the most complex
23 cases, he added."

24 So this is not a direct quote, it is
25 Teviah's representation of what he believes he said to

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1 you. So I would ask you, is this an accurate
2 representation of what you said to Teviah?

3 A. That we aren't properly resourced
4 to handle the most complex cases?

5 ¹⁵⁵ Q. That's right.

6 A. Yes, I would agree with that.

7 ¹⁵⁶ Q. Thank you. And then, lastly,
8 quote, We are not a medical facility. We don't have
9 those mental-health clinicians. It is difficult to
10 support people with untreated mental illness, but I
11 will tell you [that] it is absolutely common, end
12 quote.

13 So is that what you said to Teviah?

14 A. Yes.

15 ¹⁵⁷ Q. And --

16 A. It is common --

17 ¹⁵⁸ Q. -- is it true?

18 A. Yes.

19 ¹⁵⁹ Q. Thank you. Okay. So I'm going to
20 stop sharing this article. And, again, if you'll bear
21 with me for a moment, I'll pull your affidavit back up.
22 One moment, please.

23 Okay, I want to go back up to paragraph
24 7, bullet 7 of your affidavit. And this is the bullet
25 point that begins with "Paragraphs 15-24, regarding

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1 service restrictions." So in the last -- sorry. You
 2 cite a few examples of the kinds of people here that
 3 might trigger a service restriction. Sir, are you with
 4 me on the affidavit, Mr. MacKeigan?

5 **A.** Trying to find that on my...

6 **Q.** In paragraph 7?

7 **A.** I can -- okay, I'm looking at the
 8 one on the screen, yes.

9 **Q.** Paragraph 7, yes, last paragraph
 10 before 8. Okay. So you mentioned the kinds of -- some
 11 examples of the kinds of behaviour that might trigger a
 12 service restriction, including, quote, aggressive,
 13 violent or disruptive behaviours toward staff or other
 14 residents, verbal abuse of staff, or actions that
 15 compromise safety.

16 Is this -- would you agree that you're
 17 describing a spectrum of behaviours in these examples?

18 **A.** What do you mean by a "spectrum"?

19 **Q.** That disruptive behaviour might be
 20 different to aggressive behaviour?

21 **A.** Yes, I would agree that disruptive
 22 behaviour can be different than violent behaviour.

23 **Q.** And when someone is exhibiting
 24 disruptive behaviour in a shelter, does it ever happen
 25 that staff also know that this individual has a

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1 **Q.** I'm wondering if -- so you -- so
 2 staff is observing some disruptive behaviour and at the
 3 same time as observing that behaviour, they also know
 4 that the individual exhibiting that behaviour has a
 5 mental health condition or disability.

6 **A.** Yes.

7 **Q.** Okay, yes, thank you.

8 **A.** Yes.

9 **Q.** Okay. And so if we follow that
 10 logic, someone could be service restricted because
 11 their substance use or their mental health disability
 12 causes aggressive, violent or disruptive behaviour, and
 13 then that behaviour then leads to a service
 14 restriction?

15 **A.** Correct, behaviour could lead to a
 16 service restriction.

17 **Q.** Thank you. And what about -- so
 18 we're talking about behaviour that's associated with
 19 substance use and mental health. Can someone be
 20 service restricted for other behaviours associated with
 21 substance use? So, for example, for using in a
 22 shelter, would that result in a service restriction?

23 **A.** For us it does not.

24 **Q.** Okay. Harm reduction materials?

25 **A.** Again, for us it does not.

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1 substance use or mental health disability?

2 **A.** It can, yes. It's oftentimes -- I

3 would say in the examples that I'm describing here,
 4 oftentimes the examples are behaviours that we see as
 5 someone has used substances. That's very common to see
 6 behaviours of little, little note one day, where an
 7 individual uses substances, and behaviours become a
 8 challenge the next day or the same day. So, is that
 9 answering your question?

10 **Q.** That's -- I think partially
 11 answers my question.

12 **A.** Okay.

13 **Q.** What about in the context of
 14 mental health. So I asked you if there might be
 15 disruptive behaviour and the staff knows that that
 16 individual has a mental health or a substance use
 17 disability, and you answered with respect to substance
 18 use. What about mental health?

19 **A.** Do we see mental health --
 20 behaviours that we believe to be the byproduct of
 21 someone's mental health condition that are challenging
 22 to support, is...

23 **Q.** Not quite. And I'm sorry if I'm
 24 not being clear on this.

25 **A.** I -- that's okay.

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1 **Q.** And when you say "us," which --

2 **A.** Mission Services.

3 **Q.** -- facilities are you talking
 4 about? All Mission Services' facilities?

5 **A.** Not all Mission -- sorry, I -- I'm
 6 thinking about the men's shelter. So -- and there are
 7 differences in different facilities. So, for instance,
 8 the gender-based violence or VAW shelter looks and has
 9 a different view of substance use on site because of
 10 the presence of minor children. But men's services,
 11 example, wouldn't restrict somebody for having
 12 paraphernalia or safe supplies or using drugs on
 13 property.

14 **Q.** Okay. But the violence against
 15 women does not allow for substance use on property or
 16 storage of paraphernalia?

17 **A.** I'd have to double check on the
 18 storage of items but we don't allow use inside the
 19 facility or on the property, that's right.

20 **Q.** What about Willow's Place?

21 **A.** Willow's Place, it's -- yes, we
 22 certainly see individuals that are able to access harm
 23 reduction supplies, do use on site, it's not uncommon
 24 for individuals to be using here. We have -- try and
 25 support people using in places that are more

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1 appropriate or safe but they're not restricted from
2 service if they use on property.

3 176 Q. Okay. How are instances of
4 overdoses handled at the shelters?

5 A. So, for Mission Services, if there
6 is an event where somebody overdoses, we call -- we --
7 you know, we engage emergency services and call 911.
8 We record each of those instances when that's the case.
9 And these would be suspected overdoses, we don't --
10 we're never certain but we certainly have a suspicion.
11 Staff respond to those. So they always are equipped
12 with Narcan to respond to those. Service users help
13 keep us apprised if they're using with someone or are
14 aware of that, but we work to respond as effectively
15 and efficiently as we can in the event that there is an
16 overdose.

17 177 Q. Thank you. Okay, Mr. MacKeigan,
18 thank you for your patience, we're almost done.
19 There's one other -- a couple other documents I'd like
20 you to look at. So I'm going to stop sharing your
21 affidavit. And just give me one moment, please.

22 Mr. MacKeigan, can you see an
23 article -- CBC article on your screen titled "Hamilton
24 needs an estimated \$60M to address homelessness"?

25 A. I can.

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1 A. Okay.

2 181 Q. Okay. So the first one is,
3 "Hamilton shelter system is on the verge of collapse
4 and grappling with an explosion of demand."

5 And then, "That's the message shelter
6 providers shared with emergency and community services
7 committee Thursday. Shawn MacKeigan of Mission
8 Services also spoke as a delegate on behalf of the Good
9 Shepherd and Salvation Army."

10 So first, Mr. MacKeigan, do you agree
11 with the first statement, that as of March 2023,
12 "Hamilton shelter system was on the verge of collapse
13 and grappling with an explosion of demand"?

14 A. I remember this time period, and I
15 think the context was that was a City staff person had
16 shared with council maybe those sentiments, that it was
17 on the verge of collapse. I don't know that that was
18 my sentiment exactly. I think that that was shared
19 beforehand. We might have echoed it to a certain
20 extent that it was. But I would largely agree that the
21 system was being taxed pretty heavily at that time.

22 182 Q. Thank you. And then the next is a
23 quote, The fear and hopelessness we witness in the
24 people we are serving is untenable, MacKeigan said.

25 Did you say that?

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1 178 Q. Great. So I think what we'll do
2 is we'll just give you an opportunity, again, to read
3 this article, and you can let me know when you need me
4 to scroll down.

5 And while he's reading, Madam Reporter,
6 can we, please, mark this as Exhibit 2 to the
7 examination, please.

8 MR. DIACUR: And, again, Madam
9 Reporter, that's for identification purposes. Again,
10 the witness didn't create this document.

11 EXHIBIT NO. 2: (For Identification)
12 CBC article titled "Hamilton needs an estimated \$60M to
13 address homelessness," dated March 24, 2023.

14 THE DEPONENT: Okay, you can keep
15 going. Okay. Okay. Okay. Okay.

16 BY MS. CROWE:

17 179 Q. Thank you. All right. We will go
18 back up to the beginning of this article. So, again,
19 dated March 24, 2023. Do you recognize this article?

20 A. I don't know that I recognize the
21 article but I do recognize it enough. I don't
22 remember -- I -- obviously I don't remember speaking to
23 that reporter but I remember the article, yes.

24 180 Q. Okay. So, I want to focus on the
25 first four paragraphs of the article.

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SHAWN MacKEIGAN - 64

1 A. Yes, I did.

2 183 Q. Did you believe it to be true?

3 A. I still do.

4 184 Q. Thank you. And then, "And the
5 lack of access to emergency shelters can tear families
6 apart, can place people, especially women, Indigenous
7 people, members of the 2SLGBTQ community and people
8 living disabilities -- I think that's a typo -- "at
9 significant risk of physical harm, violence and even
10 death."

11 Did you say that?

12 A. I said that.

13 185 Q. And do you believe -- is it true?

14 A. I believe that I was speaking
15 about the shelter system in a whole, including
16 gender-based, violent shelters, women's shelters, men's
17 shelters. And in the context, when I was describing
18 this, I was describing, when we talk about shelter
19 access is, it is -- the challenges with creating
20 outflow, so the lack of resources largely in outflow
21 solutions that keep spaces accessible inside a shelter.
22 When the resources don't exist to help people secure
23 permanent housing, it creates a slow down or a
24 bottleneck inside the shelter system, and if the
25 shelter beds aren't turning over, we run into an access

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SHAWN MacKEIGAN - 65

1 problem. So I did -- I do agree with that, I did say
 2 that.
 3 186 Q. Okay. And I certainly appreciate
 4 that you're very well versed on this, and I was
 5 wondering if you could just help me with some of the
 6 terms that you use. You're talking about challenges
 7 with outflow; what exactly do you mean by that?
 8 A. If an individual is staying in the
 9 emergency shelter system, prior -- so you would begin
 10 in a housed -- so say you're housed first, and then you
 11 lose your accommodations, and then you enter the
 12 emergency shelter - that would be inflow. So you've
 13 gone into the emergency system. Outflow would be your
 14 exit/return to housing on the other side. So outflow
 15 from the system would be people exiting the emergency
 16 system for permanent housing solutions. And inflow to
 17 the system would be individuals, you know, exp --
 18 pardon me, individuals who have experienced
 19 homelessness entering the system.
 20 187 Q. Thank you, that's helpful. And,
 21 again, can you just explain in plain language what are
 22 the barriers to people -- to outflow, to people
 23 accessing -- sorry, exiting the emergency shelter
 24 system?
 25 A. I would say in the plainest

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SHAWN MacKEIGAN - 66

1 language, the two biggest obstacles, perhaps the only
 2 obstacles are, issues of affordability, unique to
 3 individual sets of circumstances, and accessibility.
 4 So these are all dependent on individual sets of
 5 circumstances - income is different, preferences are
 6 different, needs are different, all sorts of things are
 7 different but they really, they really are issues of
 8 affordability, either they do or don't have enough
 9 money, or they're issues of accessibility, they can't
 10 find or can't -- they can or cannot find the right
 11 places, the right fits for them.
 12 188 Q. You talked about that income could
 13 be a challenge. Do you have any knowledge of ODSP or
 14 rates under the Ontario Disability Support Program, for
 15 a single person?
 16 A. Yeah, I have some knowledge of
 17 that, yes.
 18 189 Q. How much does a single person get
 19 from the Ontario Disability Support Program per month?
 20 A. I don't want to quote it exactly
 21 but I want to say it was around \$1,180, maybe just over
 22 that or just under.
 23 190 Q. Okay. And what about for someone
 24 on Ontario Works?
 25 A. It might be in the mid-700s now.

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SHAWN MacKEIGAN - 67

1 191 Q. Okay.
 2 A. Again, I could certainly get that
 3 information from staff who handle it daily but --
 4 192 Q. Okay.
 5 A. -- that's as far as my knowledge.
 6 193 Q. And -- so my understanding from
 7 this article, and you can correct me if I'm wrong, was
 8 that this was born out of a delegation to emergency and
 9 community services earlier on that week, in March; is
 10 that correct?
 11 A. Yep, I believe that to be correct,
 12 yes.
 13 194 Q. Okay. I'm going to stop sharing
 14 the screen. So what I want to do next, Mr. MacKeigan,
 15 is show you just a couple of short clips from that
 16 delegation and get your feedback on those clips, okay.
 17 A. Sure.
 18 195 Q. So, again, I don't anticipate that
 19 this is going to be seamless, please bear with me. If
 20 I can have your indulgence and actually going off
 21 record for one minute, so -- or two minutes, so we can
 22 cue up the video.
 23 MR. DIACUR: No problem.
 24 --- Off-the-record discussion.
 25 BY MS. CROWE:

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SHAWN MacKEIGAN - 68

1 196 Q. And, Mr. MacKeigan, thank you for
 2 your patience, we are almost done your examination.
 3 Okay. And I'm going to share screen. Okay, Mr.
 4 MacKeigan, can you see this screen graph of a video?
 5 A. I can, yes.
 6 197 Q. And -- thank you. And for the
 7 record, the title of the document that corresponds with
 8 this video is "City of Hamilton, Emergency and
 9 Community Services Committee Agenda," dated March 23,
 10 2023. I'm going to enlarge the video. And I'm going
 11 to play a couple of clips. And I'm going to do my best
 12 to be as precise as possible to move to the next clip.
 13 So, first, Mr. MacKeigan, can you
 14 confirm that this is you with the microphone?
 15 A. It is.
 16 198 Q. Thank you. Okay.
 17 --- Video clip played.
 18 MR. MACKEIGAN: Sharing our brief
 19 delegation time because this is not about a particular
 20 shelter or agency but rather about an essential
 21 community system that is facing some critical
 22 challenges. Recently, the emergency shelter system has
 23 been described as a system on the verge of collapse,
 24 and that is accurate. While those who have worked in
 25 the system know all too well the challenges we've faced

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SHAWN MacKEIGAN - 69

1 for years, the past three have laid bare just how dire
2 the circumstances are that the system is attempting to
3 navigate today. We won't be able to cover all of the
4 pressures or challenges the system is facing but we can
5 touch on a few."

6 --- End of video clip.

7 BY MS. CROWE:

8 ¹⁹⁹ Q. Mr. MacKeigan, you'll have heard
9 in that clip there the same expression that was used in
10 the CBC article, that the shelter system was on a verge
11 of a collapse. And I'm just confirming that that was
12 you making that statement and that you agree with it?

13 A. I was referencing, yes, the
14 comments that were made, it had been described that
15 way, I agreed with the sentiments of the individual
16 that had shared that statement. So I had agreed with
17 their sentiments, yes.

18 ²⁰⁰ Q. Thank you very much. And we're
19 just going to move forward just briefly.

20 --- Video clip played.

21 MR. MACKEIGAN: See virtually all of
22 the time. We are seeing an explosion in demand for
23 family shelter beds --

24 --- Video clip ended.

25 MS. CROWE: Oop, I'm sorry.

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SHAWN MacKEIGAN - 70

1 --- Video clip played.

2 MR. MACKEIGAN: With Hamilton's only
3 family shelter averaging a 118 per cent occupancy rate
4 over the past year, and turning families away on
5 average of 78 times a month. Notre Dame Youth Shelter
6 had an average capacity of 84 per cent over the past
7 six months, a near 30 per cent increase over the
8 six months prior to those.

9 Occupancy pressures are not just about
10 physical space. The demands placed on front-facing
11 staff and their ability to support individuals and
12 families in navigating their way out of crisis has been
13 severely compromised.

14 --- Video clip ended.

15 BY MS. CROWE:

16 ²⁰¹ Q. We'll pause there. So, based on
17 what you just heard, Mr. MacKeigan, do you agree with
18 those statements?

19 A. I do. I don't know what I
20 would -- is there -- what -- well, I said them.

21 ²⁰² Q. Okay.

22 A. I don't know if there's one
23 specific thing inside those statements that I -- that
24 you are asking specifically about.

25 ²⁰³ Q. Not at this point. I just wanted

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SHAWN MacKEIGAN - 71

1 to confirm your, your adoption of those statements.

2 Okay, we'll move on just briefly.

3 --- Video clip played.

4 MR. MACKEIGAN: People living with
5 disabilities at significant risk of physical harm,
6 violence and even death. Exits to housing are slowing,
7 and emergency shelters and the staff delivering those
8 shelter supports, long operating at or over capacity,
9 are trying to backstop pressures that are spilling over
10 from other equally challenged sectors, like health
11 care, immigration and corrections. The critical
12 staffing issues we're facing is that every time a staff
13 in this system is lost, be it to low compensation or
14 burnout, we don't just lose the staff person, we also
15 lose their capacity. We lose their knowledge, their
16 experience of not just their roles but of the system as
17 a whole and how best to navigate it. We cannot replace
18 those kinds of losses over night. Building back
19 knowledge and --

20 --- Video clip ended.

21 MS. CROWE: Madam Reporter, could we go
22 off record for one moment, please, because there is a
23 clip that I'm not finding.

24 --- Off-the-record discussion.

25 --- Video clip played.

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SHAWN MacKEIGAN - 72

1 MR. MACKEIGAN: The Canadian alliance
2 to end homelessness and their effort to push for a
3 national housing benefit has described this as a wave
4 of new homelessness. The lack of capacity in the women
5 shelter system has been a focus of advocacy for years.
6 And despite the creation of women's overflow beds
7 during COVID, women's emergency shelters operate over
8 capacity virtually all of the time. We are seeing an
9 exp --

10 --- Video clip ended.

11 BY MS. CROWE:

12 ²⁰⁴ Q. Okay, I'm going to stop sharing
13 there. And so, Mr. MacKeigan, I just want to go over
14 those last statements with you. Oops. Okay.

15 So, Mr. MacKeigan, my understanding of
16 that quote from that delegation was, was, "The lack of
17 capacity in the women's shelter system has been a focus
18 of advocacy for years. And despite the creation of
19 women's overflow beds during COVID, women's emergency
20 shelters operate over capacity virtually all of the
21 time."

22 Was that true?

23 A. For clarity, I believe I was
24 speaking on behalf of all three. Katherine Kalinowski
25 in her application for her part in that, I certainly

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SHAWN MacKEIGAN - 73

1 was happy to deliver the message, that Katherine would
 2 certainly be able to speak to that very, very
 3 pointedly. But I would agree, yes, there is a
 4 challenge with capacity but that challenge is a result
 5 of slowing outflow from the system. So the inability
 6 to routinely turn over beds is a challenge. We operate
 7 over capacity but we continue to operate, we don't
 8 close.

9 ²⁰⁵ **Q.** Thank you. And thank you for
 10 clarifying that. So that was going to be one of my
 11 questions, that you were speaking on behalf of
 12 Katherine Kalinowski of Good Shepherd and James Moulton
 13 of Salvation Army and Mission Services as well during
 14 that delegation?

15 **A.** We were -- we had joint -- we had
 16 collectively prepared those remarks and, I believe,
 17 took turns responding to questions and speaking.

18 **MS. CROWE:** Thank you, Mr. MacKeigan.
 19 Okay, thank you for taking the time to speak with me,
 20 those are my questions.

21 **MR. DIACUR:** Well, counsel, I think
 22 there are a couple of things we have to put on the
 23 record about the video that was just played. Do you
 24 intend to mark it as an exhibit to the examination?

25 **MS. CROWE:** Thank you for catching

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SHAWN MacKEIGAN - 75

1 we have to identify which item on the page this video
 2 falls under, I believe it's number 7, "Delegations, but
 3 I would just like to confirm that, and it may be 7.1 --
 4 okay, no, I can see that now, it's not 7.1, so which
 5 one is it?

6 **MS. CROWE:** Well, to your point, Mr.
 7 Diacur, I actually struggled to find this on the agenda
 8 descriptions as well. And so I think what I would have
 9 to do is click on, I believe it did come close to 7.1,
 10 I'd have to click on it and see where that brings us to
 11 the video. Unless you have another suggestion.

12 **MR. DIACUR:** Yeah, it's interesting. I
 13 mean, it does say under the video, "7. Delegations,"
 14 but it doesn't give any more information.

15 **MS. CROWE:** Mm-hmm.

16 **MR. DIACUR:** Well, before we start
 17 clicking through to links, just, for the record, this
 18 is what I have, see if it aligns with your information.
 19 The four timestamps or clips that were played, the
 20 first was at 1 hour 36 minutes and 28 seconds, and that
 21 was played through to 1 hour 37 minutes and 2 seconds.
 22 The second clip was 1 hour 38 minutes and 26 seconds
 23 through to 1 hour 38 minutes and 46 seconds. The third
 24 clip was 1 hour 39 minutes and 9 seconds through to
 25 1 hour 39 minutes and 56 seconds. And the fourth clip

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SHAWN MacKEIGAN - 74

1 that, yes, please.

2 **MR. DIACUR:** And in order to do that, I
 3 think there are a couple of things that we're going to
 4 have to provide to the court reporter, given that it's
 5 not a written document. So you identified the webpage
 6 and the location where the video was shown on that page
 7 but I think we have to identify which item that it fell
 8 under on the record, so the link is identified. And
 9 I've kept track of the timestamps of the four sections
 10 that were extracted and put to the witness, and I think
 11 that should also be put on the record. So, if you
 12 could, counsel, I'd ask that you put the webpage back
 13 up where the video was found and we can identify which
 14 link was referenced on the page.

15 **MS. CROWE:** Certainly, I will do that.
 16 I have to confess that part of my struggle in finding
 17 the right clip was that my timestamps' search don't
 18 seem to be all that accurate, but let me pull it back
 19 up. Okay. Can you see it now?

20 **MR. DIACUR:** Yes. So, I can see that,
 21 counsel. And this is what I mean, in the top
 22 right-hand corner of the internet page, we can see the
 23 video in a relatively small size, it can be expanded
 24 from there, which was done, but we, I think, need to
 25 identify the title on the page and the date but I think

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SHAWN MacKEIGAN - 76

1 was 1 hour 37 minutes and 48 seconds through to 1 hour
 2 38 minutes and 11 seconds. So that's what I took down
 3 as I was watching. Indeed, do you concur with that?

4 **MS. CROWE:** I have to confess that I
 5 don't have the precise timestamps because -- I can say
 6 that was generally the vicinity of them. What I had
 7 written down, when I tried to pull it up, wasn't
 8 exactly accurate. I'm not sure how to handle this.

9 **MR. DIACUR:** Well, no, I would just put
 10 that on the record then as what I observed.

11 **MS. CROWE:** Okay.

12 **MR. DIACUR:** I mean, the record will
 13 show that the audio was played, so I don't have an
 14 issue with exactly what was said or put to the witness,
 15 but I just wanted to put on the record that that is
 16 what I observed when the video was playing.

17 So, the only other thing is in terms of
 18 how the video is dealt with as an exhibit. Again, I
 19 would suggest it's marked for identification, because
 20 the witness didn't create the document -- or I should
 21 say the record, since that it's a video record. And I
 22 believe that the entire video should be entered as the
 23 exhibit, rather than just the extracts that were put to
 24 the witness, so I believe that it would have to be
 25 provided in that basis. As long as we have the URL for

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1 it, I think we have all the information that we would
 2 need for identification purposes. I didn't raise that
 3 previously with the two newspapers articles because the
 4 URLs are apparent on the webpages that will be provided
 5 to the court reporter. So it's just because it's a
 6 video that I would add that additional information.

7 MS. CROWE: Okay. Understood, thank
 8 you.

9 MR. DIACUR: So, I appreciate that,
 10 thank you, counsel.

11 EXHIBIT NO. 3: (For Identification)
 12 City of Hamilton, Emergency & Community Services
 13 Committee Agenda, March 23, 2023, video
 14 (escribemeetings.com).

15 MR. DIACUR: And just to be clear on
 16 the record, as well, I don't have any re-examination
 17 questions for Mr. MacKeigan. So, thank you, Mr.
 18 MacKeigan, for attending and answering.
 19 --- Whereupon proceedings adjourned at 4:45 p.m.

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SHAWN MacKEIGAN - 78

1 I HEREBY CERTIFY THE FOREGOING
 2 to be a true and accurate
 3 transcription of my shorthand notes
 4 to the best of my skill and ability.

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https://www.thespec.com/news/hamilton-region/homeless-struggling-with-mental-illness-barred-from-hamilton-shelters/article_476489b0-6e5d-534d-8ed7-9211f757b81a.html

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Homeless, struggling with mental illness, barred from Hamilton shelters

Social-service agencies say the health sector must do more to fill in gaps, but legal clinic worries about what happens before then

Jan. 20, 2021  



John Honyust was restricted from all the men's shelters and spent New Year's outside. John, who has schizophrenia, managed to get into the Sandman on Centennial Parkway beside the Walmart plaza, with the advocacy of the Hamilton Regional Indian Centre and legal clinic.

John Rennison / The Hamilton Spectator

By Teviah Moro Spectator Reporter

Homelessness in a pandemic

[Rise in coronavirus cases in Hamilton shelter system raises concerns](#) [Homeless man's death near shelter during curfew spurs call for resources](#)

John Honyust is in a better place nowadays.

With the help of the Hamilton Regional Indian Centre, he has lined up a place to live in the west end.

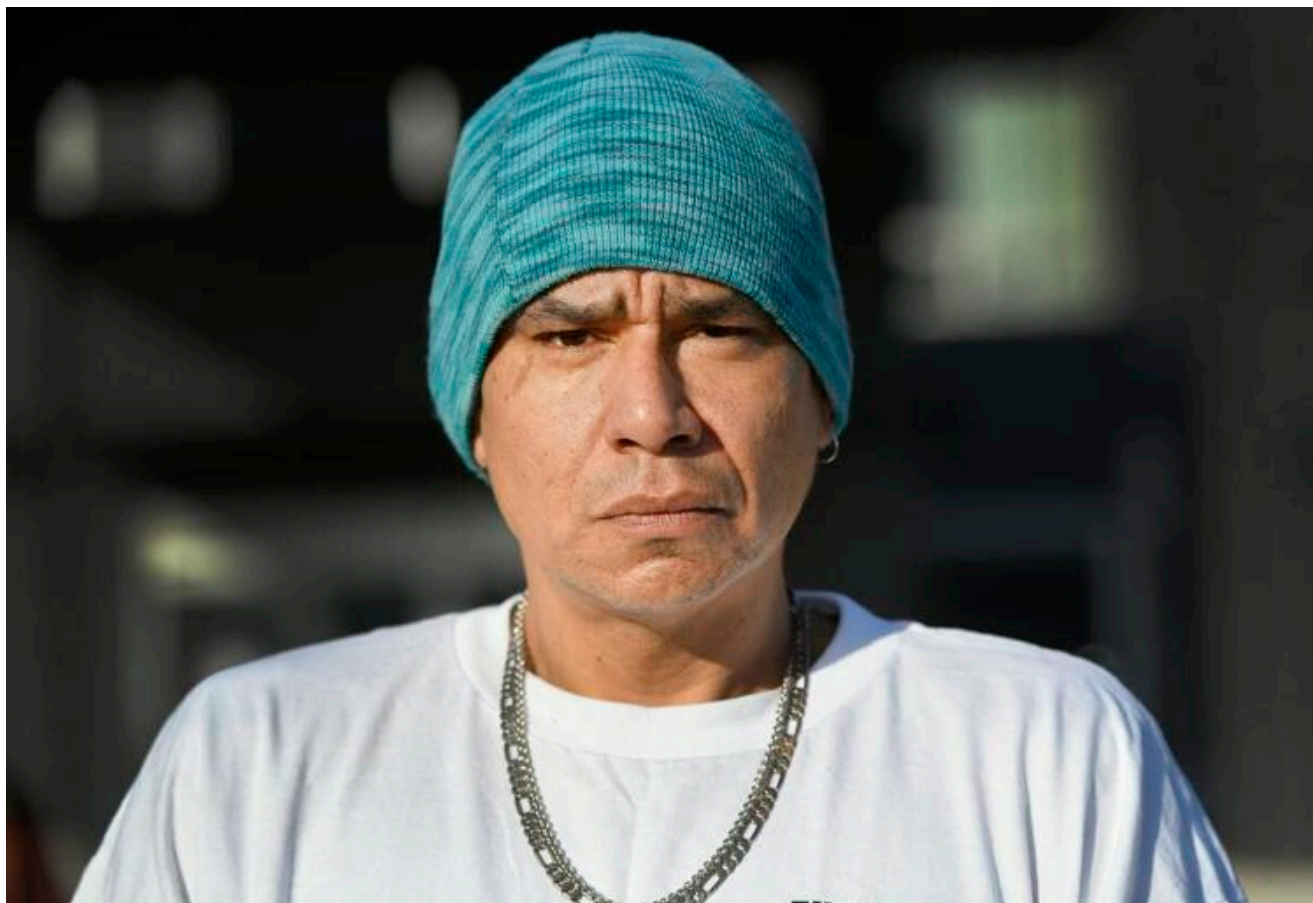
“I’m taking my medication and I feel better,” says Honyust, who has schizophrenia.

But three weeks ago, the 44-year-old’s outlook was more bleak.

Honyust, who notes he has struggled with homelessness for about 20 years, found himself with nowhere to turn on New Year’s Day after all three operators of men’s shelters in Hamilton barred him.

But his doctor, the Hamilton Community Legal Clinic and Hamilton Regional Indian Centre stepped in.

He landed in an east-end hotel room, one of about 150 the city has booked for people who are homeless, in addition to regular shelter beds during the COVID-19 pandemic.



John Honyust was restricted from all the men's shelters and spent New Year's outside.

John Rennison/The Hamilton Spectator

"I feel better. I'm by myself," he said one afternoon during his two-week stay at the Sandman on Centennial Parkway North by the QEW after biking there from an inner-city food bank.

But Honyust's predicament — coping with a serious mental illness while banned from shelters — is "deeply concerning," says [Sharon Crowe, a lawyer with the legal clinic](#).

"What is clear is how profoundly the shelter system has failed John, and others like him," Crowe told The Spectator in an email.

"There was not one shelter who was willing to ensure that he had somewhere safe to sleep, and didn't freeze to death on the streets."

This scenario exposes a "fundamental gap" in how the shelter system approaches people with complex mental health and substance-use concerns, Crowe wrote.

"Shelters are the end of the line for indoor space options — when people are banned from shelters, they are literally left on the streets."

Just how Honyust ran afoul of shelter rules to be barred — until the end of 2025 from one location and end of 2021 from another, he says — is unclear.

But the Oneida man contends he was treated unfairly, and that staff need to be better trained to serve people with mental illnesses, including schizophrenia.

Local social-service agencies wouldn't comment on Honyust's case, citing privacy concerns, but they said it's rare for people to be restricted from the entire network and for such long periods.

"This is the exception rather than the norm, and in our agency, this happens only in circumstances where we have assessed that there is a significant risk to health and safety," said Katherine Kalinowski, chief operating officer of [Good Shepherd Centres in Hamilton](#).



John Honyust, left, with his buddy Derick Jones who he is trying to help. The pair have been friends for a long time, playing football together at Delta High School.

John Rennison/The Hamilton Spectator

Currently, three men are service-restricted by all shelter operators, which also include Mission Services and Salvation Army.

As of Jan. 15, 280 people were restricted from one or more shelters, but not all.

Last year, 855 people had that status for varying lengths of time. That was out of 2,773 people who accessed Hamilton shelters in 2020.

Shelters have rules that prohibit certain behaviour, including drug and alcohol consumption on site.

Aggression or conflict can also arise between residents and staff, which can prompt operators to temporarily bar them.

Shelter restrictions more typically last 24 to 48 hours, and two to four weeks on the longer end.

But situations are fluid, and the circumstances that make it difficult for someone to stay one night can change by the next, Kalinowski notes.

“Sometimes, it’s a matter of not working out at Shelter A, but let’s work with Shelter B and give it a try there and see. Sometimes, a relocation is enough to make things settle down.”

Kalinowski says it’s important to focus on the root of the problem: an overall gap in services for people with mental illnesses and addictions that allows them to fall into homelessness in the first place.

With this deficit, shelters indeed have become the “backstop” for such societal challenges, says Shawn MacKeigan, a director with [Mission Services](#) who oversees its men’s system.



Jonathan Burns, who's staying at Mission Services on James North. He uses a wheelchair and couldn't initially get into the shelter because it was full.

John Rennison/The Hamilton Spectator

Staff at shelters have a “very high threshold” for disruptive incidents. “I can go through a laundry list of things that people do,” MacKeigan said.

But shelters aren't properly resourced to handle the most complex cases, he added.

“We're not a medical facility. We don't have those mental-health clinicians. It is difficult to support people with untreated mental illness, but I will tell you it is absolutely common.”

Jonathan Burns knows this all too well.

Burns, 51, says he quickly learned to avert his gaze from certain people in shelters when he became homeless after a house fire in May.

“I'm just going to go from one nightmare to the next,” he said, while sipping a coffee across from the Mission Services men's shelter on James Street North.

Burns, who uses a wheelchair, said he was “wrongly restricted” from the [Salvation Army](#) late on New Year's Eve.

That night, he recounted, Mission Services, Hamilton's other accessible shelter for men, was full.

"It was supercold," said Burns, whose foot was amputated after an infection. "I just wheeled around and tried to stay warm."



Jonathan Burns is staying at Mission Services on James North. He got in when the Hamilton Community Legal Clinic intervened on his behalf.

John Rennison/The Hamilton Spectator

But the legal clinic intervened on his behalf, too, and worked with Mission Services to find space at its James Street North shelter, he said.

In an email, the Salvation Army wrote its Booth Centre on York Boulevard "approaches service restrictions on a case-by-case basis, using behaviour as the determination for these difficult, but important decisions."

With shelters facing limitations, Kalinowski and MacKeigan alike say the health sector must play a greater role on the housing front, noting a need for more affordable options with support services to help people remain stable.

“I really want us to be working further upstream and making sure, first of all, that we’re doing better interventions early on,” Kalinowski said.

The city doesn’t expect shelter operators to fill in all the gaps for those with acute mental health and addiction challenges, said Edward John, director of housing services.

John said the city plans to soon launch a pilot project that will couple health and social support services with housing in a partnership with the local health sector.

“We don’t think we can necessarily overlay the existing shelter system with those levels of supports because they are incredibly in depth.”

Crowe, from the legal clinic, agrees supportive, affordable housing is a “more appropriate solution,” but adds, “we are concerned about what happens in the interim.”

The legal clinic’s attention to shelter restrictions also coincides with a [rising number of cases of COVID-19](#) among residents and staff in the sector over the past month.

This week, the city plans to reopen its isolation shelter for homeless people who test positive at Bennetto Recreation Centre in the North End. That has space for 25 to self-isolate and prevent the virus from spreading.

Wesley Urban Ministries had taken over isolation shelter duties after the city shut down the Bennetto space in July with minimal cases in the shelter system.



Teviah Moro is a reporter and editor with the Hamilton Spectator who specializes in municipal politics, housing and homelessness. Reach him at tmoro@thespec.com.

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JOURNALISTIC STANDARDS

ABOUT THE SPEC

Hamilton

Hamilton needs an estimated \$60M to address homelessness

An additional \$20 million needed to address lack of housing services, city says

[Samantha Beattie](#), [Cara Nickerson](#) · CBC News ·

Posted: Mar 24, 2023 11:28 AM EDT | Last Updated: March 24, 2023



A pile of blankets gathers snow inside a doorway in downtown Hamilton. (Dan Taekema/CBC)

Hamilton's shelter system is on the verge of collapse and grappling with an explosion of demand.

That's the message shelter providers shared with the [emergency and community services committee](#) Thursday. Shawn MacKeigan of Mission Services also spoke as a delegate on behalf of the Good Shepherd and Salvation Army.

"The fear and hopelessness we witness in the people we are serving is untenable," MacKeigan said.

"And the lack of access to emergency shelters can tear families apart, can place people, especially women, Indigenous people, members of the 2SLGBTQ community and people living disabilities at significant risk of physical harm, violence and even death."

- [53 per cent of people who are homeless in Hamilton are women, new survey shows](#)

Council decided to stay the decision to declare a state of emergency over the homelessness crisis in Hamilton and will revisit the subject at their next meeting on April 6.

Ward 9 Coun. Brad Clark said the city is undoubtedly in a crisis situation over lack of services and housing for people experiencing homelessness, but said declaring a state of emergency won't do much.

"We've already declared crises and it didn't open up any funding, it didn't open up any more support."

1,500 people experiencing homelessness in 2022

At the meeting, city staff told councillors Hamilton continues to grapple with unprecedented numbers of people experiencing homelessness, despite the city's goal to ensure all residents are housed.

That goal was set over a decade ago. However, more than 1,500 people were experiencing homelessness at the end of 2022 — up from 1,000 in 2020 and 1,200 in 2021, said a staff report.

"Despite having a comprehensive strategy with many effective interventions in place, the level of need for affordable housing and homelessness supports far exceeds available resources," the report said.

"This challenge has been exacerbated over the course of the pandemic and the homelessness sector continues to experience unprecedented demand."

- [Hamilton funds overnight warming centre The Hub until March 31, 2023](#)
- [No money to fund overnight heating spaces could lead to more deaths among homeless, advocates say](#)

The extent of this demand is demonstrated at the YMCA's men's transitional living residence on James Street South. Manny Figueiredo, president and CEO of the YMCA of Hamilton, Burlington and Brantford, told the committee that the dorm-style building houses 174 men transitioning from homelessness to permanent housing. Over 220 others are on the waitlist.

The vast majority of residents have mental illnesses, addictions and disabilities, said Figueiredo, who spoke as a delegate. They struggle to get care, with 90 per cent without a family doctor.

"Six men died in their beds last year because of the lack of services they require," he said.

People remaining in shelter longer

In the last three years, the number of people experiencing chronic homelessness (going without a home for more than six months) has hovered around 500, said director of the city's Housing Services, Michelle Baird.

And people in shelters are staying longer — 88 days on average last year compared to 80 days in 2021 — because of "inadequate opportunities" for people to find stable housing.

- [City of Hamilton continues legal battle against unhoused residents over encampments](#)

"Really we would want to see people in shelters for less than 30 days," said Baird, adding that without permanent supportive housing it is almost impossible to move people on from the shelter system.

In the 2023 city budget to be considered by council next week, \$44 million is set to go toward homelessness supports.

But staff said they require an additional \$20 million a year to end chronic homelessness by 2025. That would mean nobody in Hamilton is unhoused for longer than six months.



The city needs an estimated additional \$20 million to house Hamilton's population of people living outdoors. (Bobby Hristova/CBC)

The money would expand interventions that would prevent 600 people from becoming homelessness, provide permanent housing to 1,400 households and add 240 shelter beds, the report said.

"I don't see a path forward for this city alone," said Mike Zegarac, the city's head of finance, adding that funding from the city's reserves along with picking and choosing priorities will have to be part of the solution.


Ward 2 Coun. Cameron Kroetsch said the situation is urgent and the city needs to prioritize getting people housed.

"Everyone, and I mean everyone, must get in line behind those who don't have housing and are living outside," he said.

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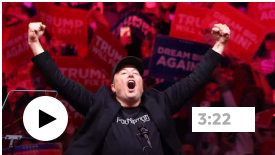
TRENDING VIDEOS



VIDEO

Rising golf star from Regina recovering from emergency brain surgery in the U.S.


The National



VIDEO

Trump names Elon Musk, more MAGA hardliners to administration

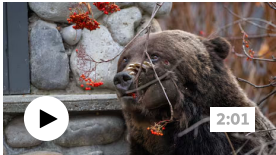
The National



VIDEO

Hikers rescue baby goat stranded on Hawaii cliff for 4 days


CBC News: Calgary At 6:00



VIDEO

Born to run: 'The Boss' takes a trip to Canmore

The f




VIDE

#The grizz to Ca


The f

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Wallis Snowdon
Canada - Edmonton




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Canada



ANALYSIS
Trump drops a cabinet-level clusterbomb with Gaetz, Gabbard as latest picks

Alexander Panetta
World



The (cons, bank

World

**EXHIBIT 3 TO THE CROSS EXAMINATION OF SHAWN MACKEIGAN DATED
AUGUST 21, 2024**

City of Hamilton, Emergency & Community Services Agenda, March 23, 2023, video
([escrimemeetings.com](https://pub-hamilton.escrimemeetings.com))

VIDEO URL: <https://pub-hamilton.escrimemeetings.com/Meeting.aspx?Id=2fccddddd-d21e-4e25-a7e0-c14b9e5f89af&Agenda=Agenda&lang=English>

TAB 140

Court File No. CV-21-00077187-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

KRISTEN HEEGSMA, DARRIN MARCHAND, GORD SMYTH, MARIO
MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL, CHRISTINE
DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA
JORDAN, JULIA LAUZON, AMMY LEWIS, ASHLEY MACDONALD, COREY
MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE,
LINSLEY GREAVES and PATRICK WARD

Applicants

and

CITY OF HAMILTON

Respondent

APPLICATION UNDER 14.05 OF THE *RULES OF CIVIL PROCEDURE*

AFFIDAVIT

I, JAMES MOULTON, of the City of Hamilton in the Province of Ontario, MAKE OATH
AND SAY:

1. I am the Executive Director, Housing and Support Services at the Salvation Army, Hamilton (the “**Salvation Army**”). The Salvation Army is an international charitable organization that has grown to become the largest non-governmental direct provider of social services in Canada. The Salvation Army operates a number of ‘Divisions’ across Canada; the City of Hamilton is located within the Ontario Division. In my role as Executive Director, I oversee the provision of shelter services to men in the City of Hamilton. As such I have knowledge of the matters set out in this my affidavit. Where I rely on the information of others, I state the source of that information and verily believe it to be true.

2. I make this affidavit as an update and supplement to my October 6, 2021 affidavit in this proceeding.

3. The Salvation Army was founded in London, England by William Booth in 1865. The Salvation Army began operating in Hamilton in 1904, when a shelter for men experiencing poverty, addiction and homelessness was first opened on York Boulevard in downtown Hamilton. Currently, the Salvation Army continues to offer shelter services to men at 94 York Boulevard in Hamilton, at a facility called the Hamilton Booth Centre (named for William Booth, the “**Booth Centre**”).

4. All of the Emergency Shelter services offered at the Booth Centre are free, and can be accessed by individuals of all races, ethnicities and religions (or no religion).

Staffing

5. The Salvation Army employs a number of staff members at the Booth Centre. Staff is divided between Support staff and Program staff. Staffing levels vary by time of day, from a minimum of three to four staff members on site during the night, up to about ten staff members on site during the day. At least one manager is ‘on call’ 24 hours per day.

6. Support staff includes cleaners, who are also on site 24 hours per day, dedicated to cleaning tasks only and trained in WHMIS, and kitchen workers, including two trained chefs who prepare community meal services.

7. Program staff are divided between managers, shift supervisors, case workers and front desk staff. The current Program Director has a Masters of Social Work. The current Program Manager and Shift Supervisor have a Social Service Worker diploma. Many of our case workers also have a Bachelor’s of Social Work, but are required to have a Social Service Worker (SSW) designation, or related education and two years of case work experience. Our front desk staff are required to have a Social Services diploma or equivalent in training and experience.

8. All of our staff members have various levels of additional training, as well, which includes at minimum non-violent crisis intervention (NVCi) training, de-escalation training, and first aid training (including mental health first aid and administration of naloxone for opiate overdoses).

Shelter Services

9. There are very few barriers to accessing services at the Booth Centre. We request identification (or at least a name and date of birth) from our clients, and we try to determine where they have been staying previously. We assist in various ways, depending upon the client's needs. This can include immediate needs like food, rest and a shower, as well as more long-term needs that case workers can assist with, such as: securing identification, if they do not have any; connecting with the Ontario Disability Support Program and/or Ontario Works programs; assessing health needs; directing clients to legal or immigration assistance; and locating housing.

10. Assisting in finding appropriate, stable housing is always a focus.

11. The Booth Centre uses a computer program called 'HIFIS', which stands for 'Homeless Individuals and Families Information System'. HIFIS is a comprehensive data collection and case management program. It integrates us with the other agencies operating shelters in the City, i.e. Mission Services and Good Shepherd, allowing us to share information— instantaneously, in real time—and provide it to the City of Hamilton, as well. HIFIS enables us to find another shelter for a client if the Booth Centre does not have a bed for the client. It allows all shelters to track the progress of a client with the end-goal of finding suitable more permanent housing.

12. The Booth Centre provides numerous services to our clients, including laundry facilities and detergent, hygiene products, clean beds and bedding, footwear and clothing, computer

access, telephone access, transportation access (including bus tickets and taxi fare), three hot meals per day, access to medical care, and a focus on locating a stable housing situation via our case workers.

13. The Booth Centre offers 86 beds (this includes beds recently added on a contractual basis with the City). These beds are available 24 hours a day, 365 days a year. They were recently renovated in a combination of dormitory-style spaces and individual rooms. Each of our beds comes with a locker that can be locked. An additional 13 sleeping areas are also available as an emergency overflow, if needed.

14. The Booth Centre has group bathrooms, much like a school, with toilets, urinals, sinks and showers. There are also several individual bathrooms.

15. The Booth Centre complies with all Public Health directives, and complied with those imposed during the COVID-19 pandemic, in order to make the Booth Centre safe for our clients. We consult with Public Health for this purpose.

Expectations for Clients

16. The Booth Centre has a series of expectations for clients. These expectations are in place to ensure the safety of all of our clients and staff. The expectations include:

- a) Nightly check-in;
- b) No violence, and no abuse (including shouting, threats, insults, etc.);
- c) No theft or interference with the property of others;
- d) No smoking in the building;
- e) No guests;

f) No drug use or dealing drugs on site; and

g) No animals (service animals excepted).

17. Our expectations are communicated to all clients upon arrival.

18. The Booth Centre is monitored by staff and by security cameras.

19. Breaches of expectations are dealt with by a progressive engagement strategy. Case workers and other staff always seek to work out an issue before any warnings are given or sanctions are imposed. There are typically many conversations before sanctions are imposed. We take into account the work done with client in the past, the seriousness of the incident, and how to best address the behaviour in question.

20. When breaches of expectations result in service restrictions for clients, the service restrictions are not intended to be punitive, and they are tailored to be as minimal as possible. For example, if a client is found to have shouted threats at staff or another client, that client may be asked to take a walk to calm down. If repeated, they may be restricted from accessing services for a specified period of time, or they may be transferred to another shelter.

21. The imposition of a full or permanent 'ban' from our services would only occur in exceptional circumstances. There is an internal appeal process, as well, which clients can access.

a. Violence and theft

22. Reports are taken of any violence or theft that occurs on the Booth Centre's premises. While acts of violence between clients can occur, staff are there to intervene and trained to de-escalate/respond in accordance with our policies and procedures. Incidents of violence will

result in a time-limited service restriction from the Booth Centre. However, we work to find other available shelter spaces for the client.

23. Thefts do occur, but lockers for our clients' personal property assist in preventing theft and allow our clients to feel safe. Generally, our clients are respectful of each other. The cameras in place at the Booth Centre can assist in recovering anything stolen if a date and time of the event is known. Hamilton Police Services is called in appropriate circumstances. Staff will also speak with any individuals involved to seek to curb the behaviour and decrease risk. Our renovations have helped with this, as individual spaces do assist.

b. Drug users can access services

24. There is no expectation that our clients cannot be drug users, or that they will not be using drugs while accessing our services; however, we do expect that drugs will not be used or sold on site. This is for the protection of other clients who may be battling addictions and for other safety reasons. A safe injection site is available to clients in the City of Hamilton, roughly a 5-minute walk from the Booth Centre.

25. Many police and EMS calls placed by the Booth Centre are for suspected drug overdoses and medical emergencies.

c. Animals are not allowed (service animal excepted)

26. We have found it is not possible to balance the safety of our clients with allowing animals at the Booth Centre, which was not built with accommodating animals in mind, service animals excepted.

27. The concerns that led to our expectation that animals will not be brought on site have included: allergies, which can be aggravated in a dormitory-like setting; the creation of loud

noises, particularly at night; and issues encountered with dogs (i.e. aggressive dogs, as well as fears of being near large dogs).

d. No 'curfew'

28. Bed checks are conducted during the night, to ensure our beds are being used. First bed check occurs at 10 p.m. This is standard across all men's shelters in Hamilton and is sometimes called a 'curfew'. However, unlike under a formal curfew, clients are not prohibited from leaving the Booth Centre after 10 p.m. Often, clients will leave during the night, for a variety of reasons. We ask that they advise whether they will be returning. If they do, their bed may be held for them. If, however, a client has left without advising that they will return, it is possible that the bed will not be held and will be reallocated to another client who needs it. A client would have to miss 2 bed checks at a minimum before the bed could be reassigned.

29. If a bed is reallocated, any belongings that were left behind are collected for pick up at the front desk. If a bed is not needed by another client, it may remain available. This process is intended to ensure no beds or resources are wasted.

30. Clients can be checked into a bed on their first night at the shelter anytime during the night.

31. The bed checks also serve the purpose of acting as safety checks on the wellbeing of clients.

Shelter Capacity

32. The Booth Centre works closely with shelters operated by other providers in the City of Hamilton. All of these shelters report daily on their capacity, allowing spaces to be tracked and

located when needed. Our aim is to ensure that, if our beds are full, that space is found for anyone who needs it—either in our overflow space, or in another shelter in the City.

33. I make this affidavit in order to clarify and explain the background of and services provided by Salvation Army in the City of Hamilton and for no other or improper purpose.

AFFIRMED by James Moulton at the City of Hamilton, in the Province of Ontario, before me on July 31, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:

Jordan Diacur

Commissioner for Taking Affidavits
(or as may be)

Jordan Diacur (LSO 65860E)

Signed by:

James Moulton

JAMES MOULTON

KRISTEN HEEGSMA et al.

- and -

CITY OF HAMILTON

Court File No. CV-21-00077187-0000

Applicants

Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
HAMILTON

AFFIDAVIT

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Lawyers for the respondent

File Number: H227899

TAB 141

J. MOULTON-3

INDEX OF PROCEEDINGS

AFFIRMED: James Moulton

EXAMINATION BY:

PAGE NO.

Ms. Crowe.....5

**GUIDE TO UNDERTAKINGS, UNDER ADVISEMENTS AND
REFUSALS****This should be regarded as merely a guide and does
not necessarily constitute a full and complete list.****Undertakings are found on the following pages:**

None entered

Under advisements are found on the following pages:

None entered

Refusals are found on the following pages:

None entered

NIMIGAN MIHAIOVICH REPORTING INC.Court File No. CV-21-77187
ONTARIO SUPERIOR COURT OF JUSTICE

B E T W E E N:

KRISTEN HEEGSMAN, DARRIN MARCHAND, GORD SMYTH, MARIO
MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL, CHRISTINE
DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA
JORDAN, JULIA LAUZON, AMY LEWIS, ASHLEY MACDONALD,
COREY MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL
PIERRE, LINSLEY GREAVES, and PATRICK WARD

Applicants

- and -

CITY OF HAMILTON

Respondent

The Cross-Examination of James Moulton, taken upon
affirmation in the above action this 26th day of
August, 2024, conducted via Zoom videoconference
hosted by the offices of Nimigan Mihailovich
Reporting Inc.

NIMIGAN MIHAIOVICH REPORTING INC.**APPEARANCES:**Sharon Crowe For the Applicants
Community Legal ClinicJordan Diacur For the Respondent
Gowling WLGVivian Caldas
Gowling WLG
Jojo Johnson - student at Gowling WLG**NIMIGAN MIHAIOVICH REPORTING INC.**

J. MOULTON-4

EXHIBITS

Exhibit No.	Description	Page
A	"The Salvation Army: Behind the Front Lines"	41

NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-5

---UPON COMMENCING AT 3:30 p.m.
James Moulton,
having been duly affirmed,
was examined and testified as follows:
BY MS. CROWE:

1 **Q.** Okay, Mr. Moulton, we'll get started. Sorry for the interruption. Do you have your two Affidavits in front of you from October 6th and July 31st?

A. I don't but I can get them fairly quickly. I do apologize, I could have had those open.

2 **Q.** That's no problem. So I can screen share. So you can rely on what you have or I can screen share, whatever you prefer.

A. Either one works. It will just take me probably a minute or two to find it.

3 **Q.** Okay. That's okay. I'll just screen share. So you're allowed to consult, obviously, those Affidavits but you're not to have any other documents around you to consult. Is that all right?

A. Sure.

4 **Q.** And you're alone in the room?

A. I am, yes.

NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-6

5 **Q.** Okay, great. So let me know if you need me to repeat or rephrase any questions, okay?

A. Will do.

6 **Q.** Okay. So we're going to be focussing on your second Affidavit from July 31st of this year so just give me a second and I will share that. Okay. Do you see it on the screen?

A. I do, yes.

7 **Q.** Great. Okay. So we're going to start off by going to paragraph five where you're describing staffing at the Booth Centre. So I just want to clarify a few things. So you've indicated that there are a minimum of three to four staff members on site during the night?

A. Correct.

8 **Q.** What's the maximum number? And it looks like my screen is frozen again. I'm sorry. I can hear so that will serve our purposes for the transcript. So what's the maximum number of staff who are present overnight?

A. My recollection on the schedule is up to five but the normal is around four.

9 **Q.** Okay.

A. And we try to operate with a minimum of three in the overnights. Let me -- sorry, let me

NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-7

correct. Let me just make sure I stated that correctly. Yes, that is correct. Yes.

10 **Q.** Okay. Okay, great. And when you say during the night, what hours are you referencing?

A. So I'm referring -- we have three main shifts, 7:00 to 3:00, 3:00 to 11:00 and 11:00 to 7:00, so I'm referring more specifically to the 11:00 to 7:00 shift.

11 **Q.** Okay. And then you said up to ten staff during the day?

A. Correct.

12 **Q.** And -- sorry, did you hear me?

MR. DIACUR: No. Sorry, Sharon, I think you broke up in asking that. We heard a couple of the words but not the whole question. Sorry.

MS. CROWE: Sorry. I can see my screen is still frozen. I'll turn off my video unless anybody has any objections.

MR. DIACUR: I don't have a problem with that, Counsel. That's fine.

MS. CROWE: Okay, great. Okay. Hello?

THE REPORTER: Sorry, I'm not
NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-8

hearing Sharon.

MS. CROWE: Can you hear me?

THE REPORTER: I can hear you now.

MR. DIACUR: I can hear you as well, Sharon.

MS. CROWE: I'm sorry, I don't know why this is happening. There's nothing different about my set up. Just let me know whenever there's an issue with hearing me, okay?

MR. DIACUR: We didn't get the last question that you asked so if you could re-ask that, that would be helpful.

MS. CROWE: Okay, great.

BY MS. CROWE:

13 **Q.** So we had just discussed the number of staff in the evening at night and what is the minimum number of staff during the day?

A. Approximately six because we bring our kitchen online at that time. So that would add a couple to our staffing compliment.

14 **Q.** Okay. And thank you, you've anticipated my next couple of questions. So of the night staff, how many of these are cleaners?

A. One.

15 **Q.** Okay. And what about cooks?

NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-9

A. Zero.

16 **Q.** Okay. And what about during the day, how many of those staff members are cooks and cleaners?

A. In the kitchen, we would have approximately two at any given time and the cleaners, there's some overlapping shifts so it varies between one and two.

17 **Q.** Okay. And then you have indicated that there is one manager on call 24/7 so when is a manager on site?

A. So at Hamilton Booth, we have three program managers that would be Monday to Friday, approximately 8:00 to 4:00 for the program manager. Two program coordinators, one shift is approximately 12:00 to 8:00 and this does vary a little bit based on need, and there's a third supervisor that would normally cover the overnight shift.

If I recall, their shift does cover one day in the, in the -- sorry, one overnight on the weekend as well for that coordinator/supervisor overnight.

18 **Q.** Okay, thank you. And how often are you at the Booth Centre?

A. It's my main office but I oversee NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-10

three other locations as well. So I do share my oversight between four locations.

19 **Q.** Okay.

A. But to put a time, approximately 60 percent of my time.

20 **Q.** Okay. And when you're there, how long are you there for?

A. Sorry, as in my shift?

21 **Q.** Yes.

A. I work -- yeah, I am typically in the office from 8:00 to 5:00.

THE REPORTER: Sorry, we've lost Sharon.

MR. DIACUR: Oh, Sharon has dropped off. If we could go off the record, Rachel. Thank you.

(OFF THE RECORD AT 3:44 p.m.)

BY MS. CROWE:

22 **Q.** Okay, so I got as far as hearing approximately what your regular shift was, Mr. Moulton, when you are at the Booth Centre.

MR. DIACUR: Back on the record?

MS. CROWE: Oh, sorry, yes.

MR. DIACUR: Just to confirm.

MS. CROWE: Sorry, yes. Back on

NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-11

record.

THE WITNESS: My normal work hours are sort of an 8:00 to 5:00-type thing, give or take. So while my day looks different all the time, it's quite common for me to come to this location. If I'm here, I'll stay here for the majority of the day.

BY MS. CROWE:

23 **Q.** Okay, thank you. What about night shifts?

A. I don't normally do night shifts but I would say that to the behest of my team and my wife and my family, I consider myself on call 24/7, 365.

24 **Q.** Okay. Okay, we're going to go to paragraph nine and you've indicated that you request identification or at least a name and date of birth for clients. Can an individual remain at The Salvation Army or continue to access services without ID indefinitely?

A. So yes, but because the challenge of not having identification is connecting to the ultimate goal of what we do as a shelter, which is providing people or hoping to connect people to more longer-term housing, so identification is sometimes NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-12

a barrier if you can't access other services that might require an ID. So it might be less about our requirements but more about that longer term requirement.

25 **Q.** Okay. And then at paragraph ten, you've indicated that assisting in finding appropriate, stable housing is always a focus. Are there any challenges in finding appropriate, stable housing for shelter residents?

A. Yeah, one hundred percent, and lots of reasons for that, yeah.

26 **Q.** Okay, can you explain those reasons?

A. I can give you some of them. I mean, our clients may have, you know, they may have financial barriers, they may have -- yeah, even certain, maybe medical, mental health supports that they might need. Typically when a client or I shouldn't really use -- an individual comes to our facility, they're in crisis. So the crisis can be from a multitude of places and what our caseworkers try to do is develop an individualized plan for that particular, you know, potential resident and then find a path out of that, whatever those pieces are.

And in our community, I think I state the obvious in that there are some NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-13

affordability issues and there's even a lack of housing in general.

27 **Q.** And so when you talk about affordability issues and before you had said financial barriers, can you explain a little bit more what you mean?

A. Yeah. So we would say that individuals are coming probably don't have a lot of money, you know, available so when it comes to getting a first month's rent or last month's rent, that would be a challenge for some of our clients, and I would say that then the supports they have within the community can be limited at times as well.

28 **Q.** Okay. But do you have any knowledge of the source of income for shelter residents?

A. I think the -- I don't have a breakdown specifically for right now, like, percentage-wise but generally, OW, ODSP and then some people who would have some work as well.

29 **Q.** Do you have any knowledge of the OW -- so when you say OW you mean Ontario Works and ODSP, Ontario Disability Support Program. Do you have any knowledge of the rates for a single person through Ontario Works and the Ontario Disability

NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-14

Support Program?

A. I don't have the exact amounts. My caseworkers do and particularly, they work or connect our clients with those that would be able to give them that information for sure.

30 **Q.** Okay. And you also mentioned affordability in terms of the cost of housing, do you have any idea of the cost of rental housing in Hamilton?

A. Yes.

31 **Q.** Do you know what the average one-bedroom apartment would rent for?

A. Yeah, so I don't --

32 **Q.** Approximately.

A. Yeah, I'm going to say we're in the, in the 1,400-1,500 range.

33 **Q.** Okay. What about a bachelor?

A. Probably not much difference to be very honest.

34 **Q.** Okay.

A. Yeah.

35 **Q.** What about a room for rent?

A. So we're seeing rooms for rent anywhere as low as 900,000 upwards.

36 **Q.** Okay.

NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-15

A. Of course there's lots of -- my apologies, but there's lots of variation.

37 **Q.** Mm-hmm.

A. I think, yeah, I'm just trying to give you a sense of what I'm aware of.

38 **Q.** Understood. Thank you.

MR. DIACUR: Counsel, just want to clarify something on the record. It sounded like the witness said 900,000. I just want to make sure that that wasn't misunderstood and that it would be clear on the record. Could you clarify that, James, what the value of a room is?

THE WITNESS: 900 to a thousand.

MR. DIACUR: Okay. I just didn't want that to read incorrectly.

MS. CROWE: Fair enough. That's quite a difference.

BY MS. CROWE:

39 **Q.** Then you also mentioned a lack of available housing, can you expand on that?

A. As an example, we had a meeting with, I believe it was CMHC who indicated that apartment availability was in the one percent occupancy or vacancy, I'm sorry. That seems to be very, very low and for, you know, we just know that NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-16

it's tough for people to find a place to stay.

40 **Q.** Mm-hmm.

A. Yeah.

41 **Q.** Thank you. And then you also mentioned that someone may need mental health supports and what did you mean by that?

A. So we do find that when individuals come to stay with us, they are looking for medical supports at times. It is common to hear that they have not connected with a family doctor, for example, in recent days or maybe, maybe they haven't had access to medication, things like that.

So we try to connect people to health supports and I would say in a general sense, that's a place of support that our staff will often reach out to on behalf of our clients.

42 **Q.** Okay. So that would, you know, I probably fell under the umbrella term of some health care supports. You had mentioned mental health supports, I just want to clarify what you meant there?

A. Yeah. I think, I mean, I guess technically speaking, mental health, medical health, they all fall into a similar category but our team would specifically point out mental health supports NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-17

as something that our clients would need as much as any other supports whether it's a medical diagnosis or support from something that was experienced through trauma, for example.

43 **Q.** Okay, thank you. And so what is the average length of stay at the Booth Centre?

A. Sorry, that's a good question. I don't have the specific number right now. We used to look at 60 days or so, maybe going back four or five years ago. It's moving into months.

Unfortunately, we typically get some of that data from the HIFIS system. Our data, I think, is slightly compromised because HIFIS hasn't necessarily been one hundred percent available in the last number of months so the data that I have on that is a little bit older. But I think our HIFIS system should be able to give us an indication now of the length of stays, but it's gone from a relatively short period of time that you would expect an emergency shelter to be there for clients and length of stays are definitely becoming a challenge.

44 **Q.** So going back to the objective of finding safe, appropriate -- sorry, appropriate, stable housing --

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J. MOULTON-18

A. Yeah.

45 **Q.** -- do these barriers affect the amount of time that people end up staying at the Booth Centre?

A. Yeah. I mean, outflow out of a system requires, like, a housing system requires a next step beyond the shelter, whether it's a transitional housing, a supportive housing, permit supported housing or, you know, market rate housing, whatever it might be. So definitely, I think it would be fair to say that our length of stays increasing are closely connected to availability.

46 **Q.** Okay. So what does that do to bed availability when people are staying for longer and longer amounts of time?

A. Yeah, puts a lot of pressure on us.

47 **Q.** Mm-hmm.

A. Yeah. I don't have -- and I do apologize. If there's stats that can be provided later, maybe I can do that but just to say at a high-level, we would operate at a number of, in the past few years, over a hundred percent capacity. Let me explain what that means. We are contracted for a certain number of beds and then we offer overflow beds. Typically our overflow is calculated

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in the over a hundred percent.

So for example, in Hamilton, right now we have 96 contracted beds and we have 13 overflow beds that The Salvation Army offers. So those 13, when we go into the overflow, that means over a hundred percent occupancy. So it's very common for us to have been operating at or near that capacity.

48 **Q.** For how long would you say?

A. The most recent numbers have been actually slightly more encouraging that I think we actually have five or six nights this past month where we didn't go into -- didn't use overflow, which was quite unique. But I would say -- I mean, the vast majority of the last couple years we've been at or near occupancy most nights including the overflow.

49 **Q.** Thank you. Okay, I want to move on to paragraph 11 where you describe HIFIS, the Homeless Individuals and Families Information System.

A. Yeah.

50 **Q.** And you describe being able to share information with the City and other shelters in real-time and instantaneously. What do you mean by

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instantaneously?

A. So basically we have access to the same system.

51 **Q.** Mm-hmm.

A. So once data is inputted by one of the service providers - there are more than the ones that are listed there - that data would be available to the other agency at that point in time.

52 **Q.** Okay. What kind of timeframe are staff expected to input data into HIFIS?

A. So there's kind of two -- probably two main categories of input. That would be intake and then follow-up casework and other types of things afterwards. The intake should generally be done fairly quickly because the understanding of even the availability of beds within our own facility is based on the reports that we would be doing in HIFIS.

Most of that intake is done later in the evening when, when the -- when we're actually determining how many beds we might have available. There is a possibility that there's a slight delay from when the intake occurs to when it actually gets into HIFIS but it should be fairly quick.

And I should also say that outside
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of HIFIS, it is very common for the three shelters who work with male-identified individuals, which would be us, Mission and Good Shepherd, typically are also in contact through phone systems on a regular basis.

53 **Q.** Right. Okay. And is there a policy for timeframes for inputting data into HIFIS?

A. I'd probably have to check the actual HIFIS agreement to make sure. The expectation for us is to basically do it as you're doing the intake. For casework, it's during your shift or by the end of your shift is perhaps a better way to say it.

54 **Q.** Okay. Just so we're clear, can you just help me understand the difference between an intake, intake data and casework data that gets inputted into HIFIS?

A. Yeah, for sure. So it's probably better to talk about casework as mid or long-term. So once a person is intaked[sic] into the program, they would regularly meet with caseworkers to update goals and plans and have conversations. So that is the information that would go in, sort of, subsequent to the intake of the client into the program.

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J. MOULTON-22

55 **Q.** Okay. And then intake is the initial, like, registration for -- that's a word I'm coming up with.

A. Yes, that would make sense.

56 **Q.** And discharge?

A. Yeah, yeah, for sure. Yeah, discharges would go in in a similar fashion.

57 **Q.** Are they considered part of casework or intake?

A. I mean, we look at it as a holistic approach. It's all the data that we would enter on a particular individual but I think we can, sort of, separate them out into the, a little bit of a task. The person presenting for intake into needing a shelter bed and then a person whose being discharged from the program. That's kind of the beginning and end, I guess, of the stay.

58 **Q.** Okay. Are there ever instances where there is a delay in reporting information into HIFIS?

A. I'm going to say yes and my guess would be -- my initial thought would be a very, very busy night when the team is, you know, has not got the information into the system or potentially a, like an internet glitch or a computer glitch or

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J. MOULTON-23

something like that that might prevent it going in. The back-up is always that we are in discussions with other providers, you know, by phone or other e-mails or whatever that needs to take place in the background.

59 **Q.** Okay. Is anyone in charge of regularly updating HIFIS throughout the day?

A. Sort of. Let me try to clarify.

The caseworkers and the program team themselves, our front desk workers and our caseworkers, they would be responsible for updating the information during their shift. The program manager or the supervisor would be overseeing their work and has access to their work as well.

60 **Q.** Okay. Are there ever instances where what is reported in HIFIS might not actually represent what is available?

A. I mean, I'm going to say that potential exists and I mean, our position would be that that would be corrected as soon as it could be if there were mistakes that were found.

61 **Q.** Okay. If there was a mistake, can you give any examples of when or how that could happen?

A. I mean, it's data entry into a
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J. MOULTON-24

system so someone could put in the wrong bed, for example, or perhaps identify the wrong client perhaps in doing the entries. I do know that sometimes we could have duplication of clients, maybe different names might be used or perhaps different IDs might be presented so we may end up with, you know, some data in the system. But typically, again, we -- the team is trying to identify that and would bring that to the attention of a supervisor.

62 **Q.** So, and I'm sorry because I'm still trying to understand HIFIS and what exactly gets recorded.

A. Yeah.

63 **Q.** Are there ever situations where HIFIS shows a bed that is, it's recorded as available but it's avail -- if someone shows up then it's not actually available for their use?

A. I mean, only if there was a delay in the entry.

64 **Q.** Mm-hmm.

A. But I'm trying to think of another reason. I mean, it could be an error, I guess, but typically the aim is to keep that system as updated as possible because it's part of what I'd like to

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J. MOULTON-25

broadly say, you know, that the shelter system, you know, someone presents to us and we don't have space then part of our mandate is to try to connect people to other services within a community as well, i.e. Good Shepherd, Mission --

65 Q. Right. Has the Booth Centre ever had bedbugs?

A. Yeah. I mean, it's rare. We have contracted services in on a regular basis to treat for pest. I can't recall of, like, what I would call on outbreak in the last -- yeah.

66 Q. Okay. So if the Booth Centre had bedbugs and you're awaiting treatment, are the beds available?

A. I'm going to say, generally speaking, yes because we have both internal cleaning protocols but also our contractors so, you know, we would -- our cleaning team goes in and cleans and they would provide, you know, we have sprays or whatever that are available as well. So it's not common for us to have beds unavailable for long periods of time.

67 Q. Right. But does it sometimes happen?

A. I can't think of a time when its
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J. MOULTON-26

happened but I'm sure if I were to go back through some data I would find an occasional bed that's unavailable.

68 Q. Right. What about for a short period of time?

A. I mean, I just can't think of a timeframe when we've had beds unavailable. Last time we had beds unavailable is actually probably going back to COVID. Early days of COVID.

69 Q. Okay. Do the beds ever get damaged by shelter residents?

A. They can. Our bed frames themselves are quite robust. The mattresses can be but we typically have extra mattresses available.

70 Q. Does HIFIS record when people are turned away from the Booth Centre?

A. Yes.

71 Q. And what information is gathered about the individual? Is their name inputted in?

A. Typically, if it's provided.

72 Q. Okay. And when does this happen? Like, what kind of timeframe for recording a turn-away?

A. Yeah, for sure. And I would probably have to clarify with the program team a
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J. MOULTON-27

hundred percent but my recollection is that the turn-aways are supposed to happen during the shift.

73 Q. Inputting the turn-aways?

A. Correct. Yes.

74 Q. Okay, thank you.

A. But I might need to confirm that.

75 Q. Okay. All right. So we're going to move on to paragraph 13 of your Affidavit. Okay. So you've described the set up of the Booth Centre as having 86 beds and it sounds like this is a combination of beds that are located in a dorm, dormitory-style space and individual rooms. What is the breakdown of the 86 beds between those that are in a dorm and those that are in individual rooms?

A. I believe, if I just did a count correctly, it's about 47 in the dorms, four dorms, and then the remaining beds of the 96, so about 50 of the beds are in individual rooms. The overflow is in a common space.

76 Q. Okay. And of those 86 beds, you've indicated that includes beds recently added on a contractual basis with the City. When were those beds added?

A. Four beds were added, I believe it
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was January of 2023. That would have brought us to 86 beds and the winter response added ten beds in November of 2023.

77 Q. Okay. And when you say they're on a contractual basis, what does that mean?

A. Sure. Actually, I suppose they're all contractual. We have a contract for 82 beds, that's been kind of our more normal occupancy, and then the 4 and the 10, adding the extra 14 beds are two additional contracts with the City.

78 Q. Okay. So are they for a fixed term or are these permanent beds?

A. So technically all 96 beds are. Our longest contract is 12 months so we're contracted typically from around April 1st to March 31st each year.

79 Q. Okay. So sorry, 96 or 86?

A. 96 includes the 14 additional. I think at the beginning it says offers 96 beds so it's 82 plus the 14.

80 Q. Perhaps a typo. It says it offers 86 beds.

MR. DIACUR: I can put that on the screen, James, if you need to see it.

THE WITNESS: Sure.

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MR. DIACUR: This is the affirmed copy of your Affidavit. Paragraph 13 is what is referenced.

THE WITNESS: So I do apologize because that should be 96.

MS. CROWE: Okay, thank you.

BY MS. CROWE:

81 **Q.** And how do you decide who goes into the dorm-style setting and who gets an individual room?

A. Mostly by first come, first served.

82 **Q.** Okay. What are the other factors?

A. There can be conflict amongst clients.

83 **Q.** Mm-hmm.

A. So we would endeavor to try and find where there might be, you know, say an emerging conflict we would perhaps try to move people to a space that's better for them.

84 **Q.** Okay.

A. There may also be some unique needs. I'm just trying to think of an example, but if someone had a medical issue, perhaps they had, maybe had a recent surgery or something like that, if say an individual room was available, they might get
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J. MOULTON-30

preference over an individual room.

85 **Q.** Okay. So the first scenario you were describing is, if I understood you correctly, is involving potential conflict between residents?

A. Yes.

86 **Q.** And you want to avoid the safety risk of putting those individuals together in a dorm room?

A. Or in the same dorm room even.

87 **Q.** Same dorm room. Okay, thank you.

A. Yeah.

88 **Q.** Are there other types of risks that factor into who gets, say, a private room and who stays in a dorm room?

A. I think the other example that might come to mind is if someone has a particular safety issue that they're concerned about. You know, so we -- I indicated we're a male-identified shelter so someone comes in with a very specific concern and they share that with the caseworkers, we would look to determine whether or not a different space would be more appropriate for that individual.

89 **Q.** Okay.

A. But that's done on a case-by-case basis with the client and consultation with the
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J. MOULTON-31

team.

90 **Q.** If any resident is known to use drugs, does that influence whether they get a dorm room or a single room?

A. The only place where that could be a factor would be if there was a safety concern. So as an example, our individual rooms are more private and if we were concerned about, I don't know, perhaps the person's safety, there may be more safety in a dorm, but I say that very cautiously.

You know, my goal is for the caseworkers to have those individualized conversations with clients and try to determine how best we can support them. So I'm not -- I guess my -- if I clarify that, I'm not saying it wouldn't be a factor but it's not generally, you know, they wouldn't be the primary factor, I can't imagine.

91 **Q.** Okay, thank you. And then you indicate that each of the beds comes with a locker that can be locked, where are the lockers located?

A. So typically at the -- alongside of their bed.

92 **Q.** Okay. And how big are they?

A. Not sure of the dimensions but I would think high school with your own locker is
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J. MOULTON-32

seven, eight-foot high.

93 **Q.** Okay. And does the Booth Centre provide a lock?

A. We normally don't. I would have to buy shares in lock companies, perhaps, if I did that. Most of the clients do provide their own locks.

94 **Q.** Okay. And then you indicate an additional 13 sleeping areas are available as emergency overflow. Can you describe what those sleeping areas are like?

A. Typically they're in one of our larger, I'll call it -- we have a program room on the main floor and we would lay mats out so they're more like a --

95 **Q.** Okay.

A. Yeah.

96 **Q.** Are these considered the overflow areas?

A. Correct.

97 **Q.** Okay.

A. Yeah.

98 **Q.** And just going back to the second sentence of that paragraph, you say that these beds are available 24 hours a day, 365 days a year.

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What do you mean by that?

A. Okay, that's actually -- I think that's misstated and I do apologize for that. So our clients have access to the beds until about 7:00 or 8:00 o'clock in the morning and then again at about 4:00 to 5:00 o'clock in the evening.

99 **Q.** Okay, thank you. Thank you for clarifying. Okay, so paragraph 16 has a series of expectations for clients so I just want to go through your list, and I understand that these are examples.

A. Mm-hmm.

100 **Q.** Okay, so the first is nightly check-in. Do residents ever miss these check-ins?

A. Yes.

101 **Q.** How often would you say?

A. It's fairly common. There is a check-in and the agreed upon check-in is three times a night. Somewhat random check-ins so it's basically a bed check. If you're not in your bed two of the three check-ins, you're often checked out so that we can utilize that bed for someone else.

102 **Q.** When you say that they're random check-ins, what do you mean?

A. So they try to space them out by a NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-34

couple hours between each check-in but it's not specifically 12:00 o'clock or 2:00 o'clock or 4:00 o'clock. The team will -- I mean, it ends up being something similar to what I just said but we don't say we're going to be there at exactly 12:00 o'clock. The team will go when operationally it makes sense to go and do a check.

103 **Q.** Thank you. And then the second one is no violence and no abuse including shouting, threats, insults et cetera. How often do these behaviours occur?

A. Verbal would be very frequent. Daily. Violence less so. I typically get incident reports or some indication from the team. I might have to get the data on how often. It's the insults and verbal that happens pretty frequently.

104 **Q.** Okay. And these incidents, are they against shelter staff, residents or both?

A. The verbal is against both for sure.

105 **Q.** Okay. What about the other incidents - violence, shouting, threats?

A. The threats and shouting would be clients and staff.

106 **Q.** Okay.

A. Yeah. Physical violence is rare NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-35

against staff.

107 **Q.** Okay. And what about thefts, how often does that happen?

A. Theft? Yeah, so the thing is we don't really track client's belongings. We will hear from clients at times that things have gone missing and the team will do their best to support the clients. We don't have cameras and really any way of verifying a client's belongings so it's tough for me to say whether a theft is an actual theft.

108 **Q.** How often do you receive reports of theft?

A. So I would probably have to check with my program team one hundred percent to get that data.

109 **Q.** Okay. So you have to check with them one hundred percent to get the data. What is your impression of how often? Is it a daily, weekly, monthly thing?

A. I would certainly say it's likely to perhaps experience a complaint weekly.

110 **Q.** Okay. And then if individuals have lockers, do you have any knowledge of how things are being stolen?

A. I mean, if I can go back to some of NIMIGAN MIHAIOVICH REPORTING INC.

J. MOULTON-36

the reports that we experience, perhaps when they've left a bag out somewhere.

111 **Q.** Mm-hmm.

A. And left it unattended. Perhaps something like that.

112 **Q.** Do you ever receive reports that people have belongings stolen from them while they sleep?

A. I mean, if they've left something out, that's a potential.

113 **Q.** What about off of their person while they're sleeping?

A. I don't have anything specific that I can think of on that.

114 **Q.** Okay. How often does smoking in the building happen?

A. It probably happens to some extent daily but our fire alarms are triggered when that happens usually. I would say it's usually our washroom where we find that people are doing the smoking.

115 **Q.** Okay. And how often do you find people bringing in guests?

A. It's fairly rare. Yeah, our building is fairly secure.

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- 116 **Q.** Mm-hmm.
- A.** Yeah.
- 117 **Q.** And how often do you find drug use or dealing, drug dealing on site?
- A.** **Drug dealing is a tough one for me to quantify but drug use is, I would -- I would say it's normal. It's common.**
- 118 **Q.** Okay. And what about drug use immediately outside of the Booth Centre?
- A.** **That would be on a daily basis for sure.**
- 119 **Q.** What about drug dealing immediately outside of the Booth Centre?
- A.** **So the subjective of that would be fairly common.**
- 120 **Q.** Mm-hmm.
- A.** **Objectively, I don't think I could quantify that specifically.**
- 121 **Q.** Okay. And then you mentioned no animals with the exception of service animals?
- A.** **Correct.**
- 122 **Q.** What is the process of accepting a service animal into the shelter? What kind of certification or proof is needed?
- A.** **Yeah, so generally speaking, the**
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J. MOULTON-38

- caseworkers will meet with a client if they have a service animal. They will do their best to ensure that the animal is actually a certified animal and certified for the individual. Paperwork, if available.**
- 123 **Q.** Do you know what kind of paperwork or specific certification is required?
- A.** **To be honest, I'm going to say no because generally speaking, when our team says that someone has a service animal, maybe I should check into this, but I just take for granted that they've done due diligence to ensure that the animal is there and also safety plans in place for the client and the animal, if possible.**
- 124 **Q.** Thank you. Okay, moving on to paragraph 21. You mentioned an internal appeal process. When is this communicated to a resident?
- A.** **So there's an intake process that they go through and they have client rules that they go through. Kind of house rules I would call it. And they're told that if they, typically service restrictions are applied by our frontline caseworker team and that they're told that they can appeal those to management, as required. And the clients would generally know the program manager,**
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J. MOULTON-39

- supervisors very, very well and would bring complaints -- would ask to speak to management, for example. So it's communicated basically upon intake.**
- 125 **Q.** Okay. And if someone chooses to use this appeal process, when does it happen?
- A.** **So it can happen pretty much immediately. Yeah, I mean, depending on the circumstances, of course. Our policy is that our frontline workers can restrict for 24 hours or in the case of a long weekend, for example, it's basically pending management approval or referral. So it basically can be appealed fairly quickly.**
- 126 **Q.** Okay. And what exactly is involved in this appeal process?
- A.** **So it can be as simple as saying they want to speak to management.**
- 127 **Q.** Mm-hmm.
- A.** **Yeah. And then --**
- 128 **Q.** Okay.
- A.** **Yeah, it doesn't have to be a formal, written out document. We do -- sometimes we will get a letter or e-mail that comes through but it's often just saying I want to speak to management.**
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J. MOULTON-40

- 129 **Q.** And does this appeal process always take place before a service restriction is imposed and someone is required to leave?
- A.** **So typically the restriction is in place before an appeal process. So we would not normally grant an appeal on a 24-hour restriction, for example. The appeal really kicks in for something of a longer duration. I guess the intention, really, is to ensure that the individual restriction, if it's too long, can be reduced.**
- 130 **Q.** Okay.
- A.** **I should clarify just on that note, all service restrictions are available and seen by the managers as well. So it's not a singular eye to restrictions, it is the manager, supervisors have access to this so they also, as teams, review service restrictions on a regular basis.**
- 131 **Q.** Okay, thank you. Okay, Mr. Moulton, we're almost done. I'm just going to attempt to screen share and hope that it works so just bear with me, please.
- A.** **Sure.**
- 132 **Q.** Okay. Can you see an article from Hamilton City Magazine titled "The Salvation Army: Behind the Front Lines"?
- NIMIGAN MIHAILOVICH REPORTING INC.**

J. MOULTON-41

A. I can, yes.

133 **Q.** Okay, great. Dated November 10th, 2023?

A. Correct. Yes.

134 **Q.** Okay.

MS. CROWE: I'd like this marked as Exhibit 1 to this examination.

MR. DIACUR: Counsel, I would mark it for identification, at least until the witness has had a chance to review it and can confirm that it was something he was involved in creating.

MS. CROWE: Thank you.

---EXHIBIT NO. A: "The Salvation Army: Behind the Front Lines"

BY MS. CROWE:

135 **Q.** So I'm going to scroll down. First of all, does this look familiar to you? Do you remember this article?

A. I remember a couple pictures back in the day featuring this kettle, the larger kettle in the background.

136 **Q.** Okay. So what I'll do is I'll scroll down. It's broken down, the article is broken down by the different services offered by The Salvation Army.

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J. MOULTON-43

MS. CROWE: Excellent.

MR. DIACUR: We have advertisements on the right-hand side but it's all clean.

MS. CROWE: Okay, excellent. Okay.

BY MS. CROWE:

139 **Q.** So Mr. Moulton, I'll just give you a couple of minutes to review this portion of the article and you can let me know when you're ready to scroll down, okay?

A. Yeah. I'm recalling this section so I'm familiar with it, yeah.

140 **Q.** Okay. Do you need to review it or I just want to bring you to one specific paragraph?

A. You can bring me to that specific paragraph.

141 **Q.** Okay. Okay, so I'll read it out to you. "In our facilities, historically, we have times of the year where fuller occupancy would be expected, so colder months, but now we're finding we have been full this entire summer," adds Moulton. "Today, we run at more than 100 percent occupancy, we're at overflow constantly. If you take the definition of emergency shelter, it is very short term, akin to an emergency room in a hospital, it's shorter stays with the goal of

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J. MOULTON-42

A. Okay.

137 **Q.** So you can review the whole thing or there's a specific section where you're interviewed specific to housing.

A. Okay.

MS. CROWE: So I will ask

Mr. Diacur, what would you like to do?

MR. DIACUR: Well, Counsel, I suggest that you go to the bit that has to do with --

MS. CROWE: Okay.

MR. DIACUR: -- the interview from Mr. Moulton. If he finds that reviewing the entire document is necessary then I certainly request that he be given the time to do that, but it sounds to me like if it's about the interview we should go right there.

BY MS. CROWE:

138 **Q.** Okay. So we're looking at the section titled "Helping with housing" and I just want to clarify, is this toolbar in the middle of the screen, can you see this toolbar or is that just mine?

MR. DIACUR: There's no toolbar on the screen, Counsel.

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J. MOULTON-44

someone moving to a permanent housing. Now we find longer stays and that would be an indication that people are struggling to find permanent housing."

Mr. Moulton, is this an accurate quote of what you have said to the reporter?

A. That seems accurate, yes.

142 **Q.** And is it true?

A. Yes.

143 **Q.** Thank you. Those are my questions.

A. Could I just make one statement if that would be okay?

144 **Q.** Of course.

MR. DIACUR: I mean, James, if Counsel invites you to, yes.

THE WITNESS: Okay, okay.

BY MS. CROWE:

145 **Q.** Go ahead.

A. The only thing I was going to say, in 2024, we have found some -- I said here a hundred percent occupancy. This past summer, last month, we didn't reach that hundred percent sometimes, but this was very reflective of the time when this article was written, yes.

146 **Q.** Thank you, Mr. Moulton. Thank you for taking the time to speak with me.

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A. You're welcome.

MR. DIACUR: Thank you, Counsel.

BY MR. DIACUR:

147 **Q.** I have some very brief
re-examination, Mr. Moulton. You were asked about
the average length of a shelter stay and you said
one reason that the answer was unclear was a lack
of access to the HIFIS system recently. Why was
HIFIS not available recently?

**A. It was one of the systems that was
affected, I believe, with the City IT issues.**

148 **Q.** And do you recall when that started?

**A. I believe it might have been in
January of this year.**

149 **Q.** Thank you. That's all the
re-examination I have. Thank you, Counsel. Thank
you, Mr. Moulton.

A. You're welcome.

---WHEREUPON THE EXAMINATION CONCLUDED AT 4:31 p.m.

NIMIGAN MIHAILOVICH REPORTING INC.

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I hereby certify the foregoing to be the evidence of
James Moulton, given under oath before me on the
26th day of August, 2024, recorded stenographically
and later transcribed by me.



Rachel Thompson

Court Reporter

Commissioner of Oaths (expiring November 2024)

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THE SALVATION ARMY: BEHIND THE FRONT LINES

By Kathryn Dunmore / Nov 10, 2023



*You know the red collection kettles but they are just a
holiday symbol of all The Salvation Army does throughout*

the year. Here is a range of people and programs you can think about when you hear volunteers ringing those bells this season.

When thinking about The Salvation Army, the image of holiday collection kettles set up on a wintry street with some generous soul ringing a bell and asking for cash donations, might be the first (or only) thing that comes to mind. This is The Salvation Army's number one fundraiser, and the people behind the scenes are stretching each donated dollar to do the most for vulnerable people in Hamilton.

Beyond its thrift stores and food banks – The Salvation Army's most known programs – the Protestant-founded international charity has been quietly helping Hamiltonians in so many nuanced ways, with services and programs in Hamilton that weave a supportive quilt for the community.

It has been doing so for more than a century. Here are snapshots of just some of the ways The Salvation Army helps.



Christmas kettles are synonymous with The Salvation Army. Photo: Just Joy Imaging

Parenting supports

Along with those red collection kettles, think of a senior visiting a building downtown to drop off knitting, food, or a myriad of other donations to support the young parents there now because she was a young mother receiving assistance through Grace Haven decades ago.

The Salvation Army's Grace Haven, which supports young parents, goes back even farther than The Salvation Army itself – 127 years.

"It's an emotional connection that a lot of people have with Grace Haven because we have helped people for over a century," says Stephanie Amos, program manager. "We have seniors reaching out to support us because they, at one point, had their baby at Grace Haven back in the '40s. It's incredibly meaningful and there's such a rich legacy for what we do."

Now Grace Haven offers a high school education program in partnership with the Hamilton-Wentworth District School Board,



parenting preparation for soon-to-be and new parents, life navigation, personal development and wellness, support for dads, children's programs, the Take A Break Program for free childcare, and more, with the support of a diverse team including teachers, infant-parent specialists, child development workers, counsellors, addiction counsellors.

"Historically, the focus has always been on mom and baby and that goes way back to the beginning," notes Amos. "Over the years, we've evolved to meet the changing needs of the community. What used to be a maternity hospital evolved to be a residential program that provided life skills in teaching moms how to take care of babies. Then slowly introducing things like education so moms can still get their education, then addiction programs and all different types of programs were added to that."



Major June Newbury is executive director of The Salvation Army's Grace Haven. Photos: Billy Canning

In 2021, The Salvation Army closed the longstanding residential program in favour of collaborative day programs.

"Young parents have a lot of support in the community so they can live independently. The residential program wasn't an effective use of our funds ... All the programs work together to meet the varying needs of young parents and we've switched our focus from mom and baby to mom, dad, or partner in parenting role to focus on the whole family unit."

Currently, Grace Haven is supporting 38 participants with 10 registered in its school program. In the past year, the day program supported 127 young parents and children.

"We provide programs that increase their skills, equip them to better manage challenges of life and increase their parenting capacity," adds Amos. "It was a really good choice as we're so much better equipped to be able to help more people, and we're seeing the results of that, which is exciting."

One young participant who graduated with her high school diploma in June said:

"Grace Haven has a school, but it is also a community. It's a place to learn, to grow, to parent, to make new friendships and memories, a place to watch your child hit milestones, a place to ask for help when

you need it or help others when they ask, this is a place where you can focus on your education and your child.”

Grace Haven’s New Choices Addiction Treatment program is a residential and day treatment program and, over the years, has developed a large outreach program. For 25 years, it has existed to reduce the harmful effects of substance use either on pregnant or parenting women and their children by providing a diverse range of services and supports all in one place in the city.

“Basically, we’re designed as a one-stop shop so mom can come in and receive addiction education, parenting skills, specialists who can work with the children, and more,” says Kristin Baughan, program manager. “For me, it’s important that we have some sort of intervention with children from zero to six (years). The important piece is keeping the attachment with mom and child, as well as the early intervention. When we have teams that work specifically on individualized (plans), I truly believe that, if you can intervene at that time, the outcomes would be exactly what we want them to be.”

New Choices serves 150 to 170 women and children each year.

“My life before New Choices was confusing, miserable, tiring but that’s not who I am today,” says Chantel, a participant of the program. “The wonderful people who work at New Choices have made it possible for me to believe in myself and make my life a good one. All I did was follow the advice that was given while at the same time followed my heart and I couldn’t be happier today.”

Baughan and Amos stressed the importance of the work they do.

“Both Kristin and I are longstanding employees with The Salvation Army, and it gives us that opportunity to make a difference,” says Amos. “The cool thing about what we do, because it is those early years, we know that what we do now makes a big difference in the long-term for children, their parents and families. This is what people don’t see: where their money goes. All the monies collected go into this kind of work, not just Grace Haven but all the rest of The Salvation Army as well.”

It’s important to recognize here that although there may be perceptions about The Salvation Army’s diversity and inclusivity position, the Canadian branch has been explicit that it welcomes anyone and everyone through its outreach and hiring. “The Salvation Army is an innovative and inclusive partner in the city of Hamilton with its doors to life-changing services open to everyone,” said Glenn van Gulik, divisional secretary for public relations for The Salvation Army’s Ontario division.

“The Salvation Army does not discriminate in the delivery of our community and social services, and anyone who comes will receive assistance based solely on their need and our capacity to help, regardless of race, disability, sexual orientation, gender identity, age or religion. We uphold the dignity of all people, believing that all are equal in the eyes of God, and firmly oppose the mistreatment of any person.”

Striving for senior wellbeing

In addition to those red collection kettles, think of a woman so inspired by her grandparents’ stories of living in Hamilton that she chose to work with seniors as a career. Since The Salvation Army’s adult day program opened in 2005, executive director Devon Howes-Jones has been dedicated to keeping seniors connected and healthy.



"Growing up in Hamilton, one of my favourite things to do was spend time with my grandparents and listen to stories of the old days in Hamilton. My nana would often reminisce about her childhood, her first job at the Royal Connaught in downtown Hamilton, how she was proud that her dad was the first mailman in Hamilton, the one and only on Hamilton Mountain. At Christmastime, I remember she would sit there and so carefully write out all her Christmas cards to her friends and family. One year, she was sitting with her cards and crying. I saw most of her family and friends were crossed off her list. She shared with me that all these people crossed off have passed away over the years. That's what started me to do what I do."

Since April, the program has served 131 clients, although numbers are lower than average as it recovers from COVID closures. It is accepting new clients.



The Salvation Army's adult day program for seniors is accepting new clients.

"Our day programs are designed for seniors living in the Hamilton community," says Howes-Jones. "Our programs touch on the five domains of health: cognitive, physical, social, emotional, and spiritual programs and we use a variety of resources to do that. When I look at Hamilton and all the amazing resources available to us in our community, we are a very safe environment so seniors can still get out, participate, and enjoy some of those resources."

The pandemic showed Howes-Jones how much the program means to the community.

"During COVID, our program experienced a lot of loss, a lot of people moved into long-term care because they declined. That was another huge eye-opener that our program really was helping people. Without the day program, our caregivers struggled, our clients declined, visiting hospitals (more) and it was a lot."

Offerings for seniors include dementia-specific services at the Meadowlands Community Church in Ancaster.

"Aging obviously comes with changes to our physical and mental capacity, and the unfortunate reality of losing our friends and family so people start to become more socially isolated," said Howes-Jones. "Our day programs provide a place for people to be able to interact in a safe environment with personal support workers. It really is amazing what

happens in our programs and, every day, we watch our seniors make a new connection.”



Seniors programs for The Salvation Army cover the five domains of health: cognitive, physical, social, emotional, and spiritual.

Helping with housing

Think of a man who has always had a home until this summer when he was evicted after a rent increase. Night is falling and he is scared – the day was hot, but this evening is calling for thunderstorms and he has nowhere to go.

“When people come to us, there are not a lot of options available and we’re meeting people at a critical moment in their lives,” says James Moulton, executive director for The Salvation Army’s Hamilton, Halton and Brantford Housing and Support Services. “For some, it’s more chronic but we’re also helping more and more people who this is new for them. They used to be able to afford some form of accommodation, but the economy is making that more difficult.”

The Salvation Army Hamilton Booth Centre is a male, or male-identified, emergency shelter and has been in Hamilton for well over a century, operating since 1904.

“In our facilities, historically, we have times in the year where fuller occupancy would be expected, so colder months, but now we’re finding we have been full this entire summer,” adds Moulton. “Today, we run at more than 100 per cent occupancy, so we’re at overflow constantly. If you take the definition of emergency shelter, it is very short term, akin to an emergency room in a hospital, it’s shorter stays with the goal of someone moving to permanent housing. Now, we face longer stays and that would be an indication that people are struggling to find permanent housing.”





James Moulton, executive director for The Salvation Army's Hamilton, Halton and Brantford Housing and Support Services, says a growing number of people are struggling to keep a roof over their heads.

Hamilton Booth Centre's outreach has also increased to meet the expanding needs of those living on the streets of Hamilton, sending out a soup van into the community five nights a week to provide food, clothing and hygiene items.

"This summer, we served around 200 meals every evening. We are seeing a much greater, almost doubling of need in the program," says Jonathan Miedema, director of spiritual care. "Ultimately, the food our program provides is meant to be a conduit to having conversations with the people we support to learn their stories. The emphasis is less on serving food but getting to know the community, getting to know how we can support them beyond the food."

Despite the growing need and the constant lack of funding, The Salvation Army is making a difference, says Moulton.

"In September alone, 20 people were successfully housed. Since June, almost 60 people, in these difficult circumstances, have been helped by one emergency shelter in finding housing."

As one man who received this help said: "Thank you so much for your help and giving me the courage and motivation to be the person I want to be. Without (this) assistance, I feel I would still be in a bad state."

Creating independence and pride

Think of Katie, who has a developmental disability, coming out of an art class offered by The Salvation Army's Lawson Ministries program with a wide, proud smile. She's happy with her artwork but also her ability to get to the class independently from where she lives on her own.

"I've been with Lawson since I was 18," says Katie, who's now 30. "I've been more independent. I've been doing what independent women do. I



go out for stuff, clean, cook. My favourite thing to do is cooking. I've been taking care of everything."

With the help of several programs, such as a training program to use public transit, Katie is now able to commute from her new apartment on the other side of the city.

"Today, I just left an art class. I volunteer on Mondays. I'm going to start a Mohawk (College) program, which is going to be fun. I do my own shopping; I do all sorts of things."

Lawson Ministries supports adults with developmental disabilities with a range of residential and day programs, including DARE, which enhances literacy skills to eventually attain employment and independence in the community, and Let's Ride, where participants are provided bikes and learn how to bike around Hamilton safely.

Lawson Ministries was established in Hamilton in 1982, says executive director Deanna Finch-Smith.



Katie takes advantage of many programs at The Salvation Army's Lawson Ministries, where Deanna Finch-Smith is executive director.

"It was quite a small program when I came, there were 12 residential spots and now we have about 60, and we have day programs all over the city. Programs depend on the client's needs, which change all the time. We have two different mottos: we build it, and they will come, or they will come, and we will build it. We focus on who is at the door."

Picture Cody Roberts, a young man who has lived in Lawson's residential program for eight years and credits it with helping him manage his emotions.



"At the beginning, I was having a rough time and I got in trouble with the law," he says. "For two years straight, I had no incidents with the police, and I was able to get on the right path and do the right thing. It all started when I was shown the program of Inclusive Radio (at Mohawk College's INDI 101.5FM). It helped me free my mind, speak about my thoughts. It's what made me become a better person. It's helped me rationalize my feelings without becoming impulsively angry. I was able to channel it really great."

At Lawson's Paparella Innovative Arts Centre on King Street East, there is a range of arts programming and events, including the new Creative Studio, which provides multi-faceted sensory stimulation in a range of art media. There are also dancercise, tea socials, and spirituality programs.

"I grew up in a small town where our neighbour had a disability and I grew up with him, protected him and supported him," says Finch-Smith. "For me, it's a passion. There is always a need for somebody to help somebody. There are also, of course, lots of sad stories but definitely more success and more happy stories."



Cody Roberts, a young man who has lived in Lawson's residential program for eight years, credits it with helping him manage his emotions.

Providing hope with sustainability

Think of a young mother, who up until the pandemic, had managed to pay rent and keep food on the table. She thinks only about her small child in deciding if this paycheque goes to food or rent. She doesn't understand how it came to this, never mind where to go for help.

"Community and Family Services is primarily known for its food banks, although we do offer numerous other programs," says executive director Shirley Molloy. "The (Salvation) Army came to Canada in 1882, so the work that we do has really been going on since then."

Molloy has been with the program for more than three decades.

"I would say the need now, as it stands in 2023, is probably the most challenging that it's been and that's just because of the sheer number of people who are coming through our doors. We're coming out of COVID, which created issues for people, especially the clients we served because it was difficult for them to get to us," she says.



"What we're seeing now is the cost of living has increased, rent has gone up, food has gone up, gas has gone up, so it's just made it really difficult to keep resources in place to keep up with it. What I see most through all of this is basically people who could afford to sustain themselves, were financially able to carry themselves, are having challenges doing that as well now."



Cindy Taylor, community relations coordinator, and Shirley Molloy, executive director of Community and Family Services at The Salvation Army.

One program offered is Pathway of Hope, which focuses on identifying and addressing root cause issues for people living in poverty. It is a strengths-based case management approach to provide targeted services to people who want to break the cycle of poverty and vulnerability.

"Basically, for the duration of the program, we help them through some of the situations they've become overwhelmed with. It could be housing, it could be addiction issues, could be hoarding issues, could be they don't have enough money to make ends meet and don't know where to go to get resources," says Molloy. "So, we do a lot of sourcing for them and help them make a plan that basically is designed by them with our assistance, and we help them navigate through it to get them to a better place."

However, the importance of its food bank cannot be understated.



"With the food bank system, we are preventing homelessness in a way," adds Molloy. "If we can provide food for people, then they can use their money to keep the roof over their heads and have food on their table. Right now, with the cost of living so high, it's really challenging for families who are just scraping by. Anytime we can make a difference for somebody, then we know that it was all worth it."

So, when you drop some cash into one of those iconic collection kettles this holiday season, think of these and many more programs The Salvation Army offers to give hope to Hamiltonians in need.

To donate to The Salvation Army, visit SalvationArmy.ca or call 1-800-SAL-ARMY.



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