

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, CASSANDRA JORDAN, JULIA LAUZON, AMMY LEWIS,
ASHLEY MACDONALD, COREY MONAHAN, MISTY MARSHALL,
SHERRI OGDEN, JAHMAL PIERRE, and LINSLEY GREAVES**

Applicants

-and-

CITY OF HAMILTON

Respondent

APPLICANTS' APPLICATION RECORD

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<i>JULIA LAUZON</i>	
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40. A541	Affidavit of Darrin Marchand dated June 2, 2022
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CITY OF HAMILTON LAY WITNESSES	
TESSA MCFADZEAN	
136. A4582	Affidavit of Tessa Mcfadzean, Women’s Services, Good Shepherd Centres, Hamilton dated July 26, 2024
137. A4589	Transcript of the Cross Examination of Tessa McFadzean dated August 22, 2024
a. A4598	Exhibit A – CBC Article: “Mom with 5 kids speaks out after being placed in cockroach infested unit at Hamilton shelter” dated June 22, 2021
SHAWN MACKEIGAN	
138. A4602	Affidavit of Shawn Mackeigan, Mission Services dated July 29, 2024
139. A4608	Transcript of the Cross Examination of Shawn Mackeigan dated August 21, 2024
a. A4628	Exhibit 1 – Hamilton Spectator Article entitled “Homeless, struggling with mental illness, barred from Hamilton shelters” dated January 20, 2021
b. A4636	Exhibit 2 - Hamilton needs an estimated \$60M to address homelessness CBC News
c. A4640	Exhibit 3 – City of Hamilton, Emergency & Community Services Committee Agenda, March 23, 2023, video (escribemeetings.com)
JAMES MOULTON	
140. A4641	Affidavit of James Moulton, The Salvation Army, Hamilton dated July 31, 2024
141. A4650	Transcript of the Cross Examination of James Moulton dated August 26, 2024
a. A4662	Exhibit A – The Salvation Army: Behind the Front Lines
CITY OF HAMILTON EXPERT WITNESS	
DR. SHARON KOIVU	
142. A4675	Affidavit of Dr. Sharon Koivu dated July 26, 2024
a. A4695	Exhibit A – Curriculum Vitae
b. A4708	Exhibit B – Form 53 Acknowledgement of Expert’s Duty
c. A4711	Exhibit C – Works Cited
d. A4721	Exhibit D – List of Affidavits Reviewed
143. A4724	Transcript of the Cross Examination of Dr. Sharon Koivu dated Sept 6, 2024

a. A4748	Exhibit 1 - Minutes of the Meeting of the Standing Committee of Health dated May 6, 2024
b. A4767	Exhibit 2 - National Post Article, Dr. Sharon Koivu, special to the National Post, dated June 10, 2024
c. A4780	Exhibit 3 - Canadian Affairs Article dated July 8, 2024
d. A4785	Exhibit 4 - Toronto Sun Article, August 18, 2023
e. A4798	Exhibit 5 - London Free Press Article, Harms of safe drug supply programs outweigh benefits: Addiction Specialist
f. A4805	Exhibit 6 - Boston Study
g.	Exhibit 7 – NO EXHIBIT EXISTS, REPORTER MISTAKEN
h. A4812	Exhibit 8 – Press Release dated June 25, 2024
APPLICATION RECORD VOLUME 18	
REQUESTS TO ADMIT	
144.	Request to Admit dated May 31, 2023
a.	Tab 1 - City of Hamilton, 2022 Homelessness Point in Time Count
b.	Tab 2a - City of Hamilton, Data from Housing and Homelessness Dashboard – Inflow/Outflow of Homelessness
c.	Tab 2b - City of Hamilton, Data from Housing and Homelessness Dashboard – Scale of Homelessness
d.	Tab 2c - City of Hamilton, Data from Housing and Homelessness Dashboard – Shelter Beds Available
e.	Tab 2d - City of Hamilton, Data from Housing and Homelessness Dashboard – Shelter Occupancy
f.	Tab 3 - City of Hamilton, Emergency and Community Services Committee, July 13, 2020, including written delegations 6.2, 6.3, and 6.4
g.	Tab 4 - City of Hamilton, Information Report, September 9, 2021
h.	Tab 5 - City of Hamilton, Emergency and Community Services Committee, September 9, 2021 video recording
i.	Tab 6 - City of Hamilton, Council Meeting, October 13, 2021
j.	Tab 7 - City of Hamilton, Notice of Motion by Nrinder Nann, December 9, 2021
k.	Tab 8 - City of Hamilton, Motion to Planning Committee by Jason Farr, March 22, 2022
l.	Tab 8a - City of Hamilton, Motion to Planning Committee by Jason Farr – Appendix A, March 22, 2022
m.	Tab 9 - City of Hamilton, General Issues Committee, May 17 2023 minutes and video recording
n.	Tab 10 - City of Hamilton, City Council Meeting, May 24, 2023 (minutes not yet available) and video recording
o.	Tab 11 - Nrinder Nann, Nrinder Nann/Ward 3 City Counsellor Encampment Response Update, on or about October 14, 2021
p.	Tab 12 - City of Hamilton, General Issues Committee, December 9, 2021

q.	Tab 13 - City of Hamilton, 2022 Point in Time Connection Results Infographic
r.	Tab 14 - City of Hamilton, 2022 Point in Time Count Results Infographic Description
s.	Tab 15 - City of Hamilton, 2021 Point Connection Results
t.	Tab 16 - City of Hamilton, 2021 Point in Time Count Indigenous Responses
u.	Tab 17 - City of Hamilton, 2021 PiT Infographic – Indigenous Respondents
145.	Response to Request to Admit dated June 20th, 2023
146.	Request to Admit dated August 2, 2023
a.	Tab 1a - Homelessness Dashboard: Data on Homeless Population, Including Shelter Use, Availability and Capacity – Scale of Homelessness
b.	Tab 1b - Homelessness Dashboard: Data on Homeless Population, Including Shelter Use, Availability and Capacity – Shelter Beds Available
c.	Tab 2 - City of Hamilton, 2022 Homelessness Point in Time Count
d.	Tab 3 - City of Hamilton, 2021 Point in Time Connection Results
e.	Tab 4 - City of Hamilton, 2021 Point in Time Count Indigenous Responses
f.	Tab 5 - City of Hamilton, 2021 Point in Time Infographic – Indigenous Respondents
147.	Response to Request to Admit dated August 23, 2023
APPLICATION RECORD VOLUME 19	
148.	INTENTIONALLY OMITTED
149.	Request to Admit dated June 7, 2024
a.	Tab 1 - City of Hamilton, Information Report: Encampment Response Update (PED21188/HSC20038(c)) (City Wide), September 9, 2021 7/31
b.	Tab 2 - City of Hamilton, Healthy and Safe Communities Department (Housing Services Division), Planning and Economic Development Department (Licensing and By-Law Services Division), and Public Works Department (Environmental Services Division): May 15, 2024 Encampment Observation Report (HSC24020/PED24080/ PW24030) (City Wide)
150.	Response to Request to Admit dated June 7, 2024
151.	Request to Admit dated June 25, 2024
a.	Tab 1 – City of Hamilton, Healthy and Safe Communities Department (Housing Services Division), Planning and Economic Development Department (Licensing and By-Law Services Division), and Public Works Department (Environmental Services Division): May 15, 2024 Encampment Observation Report (HSC24020/PED24080/PW24030) (City Wide)
152.	Response to Request to Admit dated June 26, 2024
153.	Response to Request to Admit dated July 15, 2024

a.	Tab 1 - Reducing Homelessness and Managing Encampments (HSC24027)
b.	Tab 2 - Appendix "A" to Report HSC24027
154.	Request to Admit dated August 26, 2024
a.	Doc 1 - "Housing and Homeless Data Dashboard" (May 16, 2022)
b.	Doc 2 - "Homelessness – Data Notes" (August 25, 2024)
c.	Doc 3 - "Scale of Homelessness" (August 25, 2024)
d.	Doc 4 - "Shelter Beds Available" (August 25, 2024)
e.	Doc 5 - "Shelter Occupancy" (August 25, 2024)
f.	Doc 6 - "Average Market Rent" (August 25, 2024)
g.	Doc 7 - "Addressing Needs of Unsheltered Individuals and those Relying on Hamilton's Emergency Shelter System" (HSC23041) (August 14, 2023)
h.	Doc 8 - "Encampment Observation Report" (HSC24020/PED24080/PW24030) (May 15, 2024)
i.	Doc 9 - "Further Amended Appendix "A" to Report HSC20036(g)" (July 4, 2024)
j.	Doc 10 - City Council Minutes 24-014" (July 12, 2024)
k.	Doc 11 - "Encampment Protocol Distance Proposals" (HSC24027(a)) (August 12, 2024)
l.	Doc 12 - "Appendix "A" to Report HSC24027(a)" (August 12, 2024)
m.	Doc 13 - "Appendix "B" to Report HSC24027(a)" (August 12, 2024)
n.	Doc 14 - "Hamilton's Emergency Shelter Standards" (September 2023)
o.	Doc 15 - "Service Restriction Policy for Emergency Shelters" (July 15, 2024)
p.	Doc 16 - "Emergency Shelters and Drop-ins" (August 25, 2024)
APPLICATION RECORD VOLUME 20	
155.	Response to Request to Admit dated September 10, 2024
156.	Request to Admit dated October 18, 2024
a.	Doc 1 - "Addressing Needs of Unsheltered Individuals and those Relying on Hamilton's Emergency Shelter System" with Appendix A and Appendix B (HSC23041) (August 14, 2023)
b.	Doc 2 - "Encampment Observation Report" (HSC24020/PED24080/PW24030) with Appendix A (May 15, 2024)
c.	Doc 3 - "Encampment Observation Report" (HSC24020/PED24080/PW24030) PowerPoint Presentation (May 15, 2024)
d.	Doc 4 - "Hamilton Census Data Maps" webpage
e.	Doc 5 - "2001 to 2021 Population and occupied private dwellings by community for Hamilton"
f.	Doc 6 - "Census Ethnicity, Indigenous and Visible Minority – About"
g.	Doc 7 - "Census Ethnicity, Indigenous and Visible Minority - Data"
157.	Response to Request to Admit dated November 7, 2024

158.	Request to Admit dated November 8, 2024 (No Response from the City of Hamilton as of November 22, 2024)
a.	Doc 1 - “Census Ethnicity, Indigenous and Visible Minority - Data”
159.	Request to Admit dated November 19, 2024 (No Response from City of Hamilton as of November 22, 2024)
a.	Doc 1 - Council Minutes 24017 dated Sept 25, 2024
b.	Doc 2 – General Issues Committee Report dated Oct 16, 2024
c.	Doc 3 – Motion: General Issues Committee Report dated Nov 6, 2024