

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

VOLUME 14 – TABS 115-122

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VOLUME 14 INDEX – HEEGSMA ET AL. v. CITY OF HAMILTON

TAB (EXHIBIT LETTER)	Document
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115.	Affidavit of David Buckle dated July 31, 2024
116.	Transcript of the Cross Examination of David Buckle dated August 19, 2024
a.	Exhibit 1 – Reducing Homelessness and Managing Encampments dated June 19, 2024
b.	Exhibit 2 – Encampment Observation Report dated May 15, 2024
KARA BUNN	
117.	Supplementary Affidavit of Kara Bunn dated July 31, 2024
118.	Transcript of the cross examination of Kara Bunn dated August 21, 2024
MONICA CIRIELLO	
119.	Second Supplementary Affidavit of Monica Ciriello dated July 29, 2024
120.	Transcript of the Cross Examination of Monica Ciriello dated August 21, 2024
TREVOR HAALSTRA	
121.	Affidavit of Trevor Haalstra, Hamilton Fire Department dated July 30, 2024
a.	Exhibit A – Spreadsheet with categories of dispatches July 1, 2023 – December 31, 2023, March 1, 2024 – July 26, 2024 (P 5/19)
b.	Exhibit B – Spreadsheet data July 2023-Sept 2023, Jan 2024 (P 11/19)
c.	Exhibit C – Fire Safety Flyer for encampments (P 16/19)
122.	Transcript of the Cross Examination of Trevor Haalstra dated August 21, 2024

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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and

CITY OF HAMILTON

Respondent

APPLICATION UNDER 14.05 OF THE *RULES OF CIVIL PROCEDURE*

SUPPLEMENTARY AFFIDAVIT OF DAVID BUCKLE

I, David Buckle, 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 make this affidavit as an update and supplement to my October 6, 2021 affidavit in this proceeding.¹
3. I have reviewed my October 6, 2021 affidavit and confirm that the following paragraphs remain accurate:

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

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- (a) Paragraphs 2-9 (regarding my job title and duties, and the work of the Housing Focused Street Outreach Team (“HFSOT”)); with the exceptions that
 - (i) HFSOT is, organizationally, no longer under the Homelessness and Housing Supports program purview (paragraph 4). It is its own team and reports to Danielle Blake; and
 - (ii) HFSOT has grown to eleven team members plus myself (from seven plus myself at the time of my October 6, 2021 affidavit; paragraph 5).
- (b) Paragraphs 10-14 (regarding the work of the Encampment Response Team and HFSOT’s role on the Encampment Response Team), with an additional update that there are now two full-time Hamilton Police officers in a newly created role of “Encampment Officer,” and it is these officers who primarily liaise with the Encampment Response Team for the Hamilton Police Service, rather than the Social Navigator Program. Additionally, the Hamilton Fire Department and parking enforcement have also become more involved in the Encampment Response Team.
- (c) Paragraph 15 remained correct up until the implementation of the 2023 Encampment Protocol. Since the 2023 Encampment Protocol, HFSOT’s role continues to be, primarily, to regularly engage with people around supports and options. If HFSOT is made aware that Municipal Law Enforcement or Hamilton Police are taking enforcement steps under the

2023 Protocol, HFSOT workers will, prior to MLE or HPS attending, engage with people at the location in question in order to offer support. HFSOT does not participate in the enforcement. I observe that when enforcement steps are taken, it does *not* involve people being removed from tents, or tents that are in use being taken down or destroyed. I have never witnessed anyone being physically removed from a tent or structure.

- (d) While paragraph 16 remains correct, I wish to reiterate that the VI-SPDAT is only used to connect people to services that would otherwise not be available to them. It is not used to restrict or limit access to services. For example, a person with a mid- to high-range score would qualify for Intensive Case Management, which is provided through the City's partner agencies (Mission Services for the Men's sector, and Good Shepherd for the Women's, Family, and Youth sectors).

Encampments in the City

- 4. Since my October 21, 2021 Affidavit, and particularly since the implementation of the current Encampment Protocol in August 2023 (the "2023 Protocol"), the number of encampments I see has increased dramatically. I estimate that currently there are approximately 80 encampments in the City. Some consist of only one tent, but there are several larger encampments; sometimes 8-10 tents or more.
- 5. I am aware that the 2023 Protocol limits tents to groupings of no more than 5; however, I and members of the HFSOT team still encounter groupings of more

than 5 tents. HFSOT does not enforce the 2023 Protocol, although HFSOT team members are obligated to report non-compliant sites to Municipal Law Enforcement. In fact, HFSOT workers may arrange for people to receive tents when circumstances warrant, as a harm reduction measure.

6. According to HFSOT records, as of June 2024, there were approximately 271 people living in encampments. Due to the cyber-attack against the City in February 2024, there is not sufficient HIFIS data available to reliably estimate numbers of people in encampments using HIFIS records. The 271 figure is an estimate; while HFSOT workers make all reasonable efforts to be accurate and to build connections with the people we serve, HFSOT does not require people to give names or identification in order to receive assistance.
7. Due to the cyber-attack, data concerning the number of people living in encampments from 2021 to May 2023 and February through April 2024 is not available. From May through December 2023 HFSOT records indicate the following numbers:
 - (a) May 2023: 165
 - (b) June 2023: 143
 - (c) July 2023: 117
 - (d) August 2023: 122

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- (e) September 2023: 280 (see comment below)
- (f) October 2023: 430 (see comment below)
- (g) November 2023: 223
- (h) December 2023: 217
- (i) January 2024: 146
- (j) May 2024: 219
- (k) June 2024: 271

The September and October 2023 numbers are believed to erroneously include *interactions* with people rather than number of individual people, which resulted in some people being counted more than once.

8. In terms of housing placement, the most recent data available is for the 276 people on the HFSOT client list from July 1 to December 31, 2023. Of these 276 individuals, 18 (7%) were working with Intensive Case Management or Rapid Re-Housing programs to obtain housing. Of these 276, 20 had a most recent housing status of “housed” as of February 25, 2024. These figures may under-report the number of people housed, as HFSOT is not solely responsible for housing, and people often interact with multiple service providers throughout the City.

9. Of the 276 people on the HFSOT client list from July 1 to December 31, 2023, their acuity levels according to the VI-SPDAT or the full SPDAT were recorded as follows:
 - (a) 5 (2%) were assessed as low acuity
 - (b) 49 (18%) were mid acuity
 - (c) 146 (53%) were high acuity
 - (d) 34 (12%) were very high acuity
 - (e) 42 (15%) were not scored on the VI-SPDAT or had an incomplete VI-SPDAT
10. Of the 276 people on the HFSOT client list from July 1 to December 31, 2023, 53 identified as Indigenous.²
11. Of the 276 people on the HFSOT client list from July 1 to December 31, 2023:
 - (a) 111 identified as female
 - (b) 161 identified as male
 - (c) 4 identified as trans or other

² Indigenous status reflects an individual's self-identity. Identifying as Indigenous includes having a documented Indigenous status in HIFIS as First Nations (both on- and off-reserve), Metis, Inuit and Non-Status individuals. 40 people reported an Indigenous status of "Don't know".

- (d) 9 were youth (age 24 or younger).
12. I have also observed a large number of people living in RVs, specifically at the vacant lot near Barton Street West and Tiffany Street. I estimate that there are typically around 20 people living there, up to approximately 35 people at most.
13. The parts of the City in which encampments are located has expanded since my 2021 affidavit. Previously, encampments were located primarily in Ward 2, with some in Wards 1 and 3. Currently, they are located primarily in Wards 1, 2, 3, and 4; with some encampments also in Ward 5 and some encampments on the Mountain (Wards 6-7). The largest number of encampments and also the largest size encampments continues to be in Wards 2 and 3, which is where the majority of services for people experiencing homelessness are located.
14. Encampments come and go as people move around. It continues to be my observation that more people gather at the encampments during the day than remain at night, and that not all encampment residents stay for long.
15. The locations that I observe to most consistently have encampments are:
- (a) Bayfront Park;
 - (b) The vacant lot near Barton Street West and Tiffany Street;
 - (c) Tweedsmuir Park and J.C. Beemer Park east of Victoria Avenue, between King William Street and Wilson Street;

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- (d) Gage Park near Main Street East and Gage Avenue South;
 - (e) The Delta neighbourhood near Gage Park;
 - (f) Off of the Bruce Trail east of Wentworth Street;
 - (g) Up until approximately February 2024, John Rebecca Park near John Street North and Rebecca Street.
16. The people experiencing homelessness who I have interacted with have cited differing reasons, assumed or real, for not sheltering indoors. These include:
- (a) Where shelter beds are not available due to capacity;
 - (b) Heterosexual couples are often not able to stay together in shelters, because the shelters are divided up by gender/gender identity. The Good Shepherd Family Centre will accept couples without children; however, priority is given to families with children. These couples will often choose not to shelter indoors rather than be separated;
 - (c) People with pets cannot take pets into shelters and choose not to shelter indoors rather than be separated from their pet. When there is space available at Hamilton Animal Services, people are offered to board their pets there (however, I must note that for the past couple of years, Hamilton Animal Services has not had spare space in order to offer boarding). When

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boarding is offered, most times people would decline the offer as they did not wish to be separated from their pet;

- (d) They feel the rules imposed at indoor shelters are too restrictive;
- (e) The shelters do not allow substance use within the shelter;
- (f) People who do not wish to be around substance use want to avoid the substance use that takes place around shelters;
- (g) People fear being attacked by other people in shelters, or having personal belongings stolen in shelters.

Issues With Encampments

17. I continue to observe the issues relating to encampments described at paragraph 29(a) through (f) of my 2021 affidavit: fires, drug use (particularly opiates), thefts and assaults within the encampments, violent crime, thefts and break-ins in the surrounding community, and property damage. Sanitation conditions have improved, as there are now two parks that have washrooms open 24 hours a day for people to use. As well, the City has installed portable toilets in various parks throughout the City. There is also a shower program through which people are able to access showers at two recreation centres in the City.
18. I have also observed an increase in what I would describe as vigilantism from members of the public directed at encampments, including people destroying

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tents, throwing things at encampments, or harassing people living in encampments.

19. Attached hereto and marked as [Exhibit "A"](#) to this my Affidavit are copies of 13 photographs that I have taken between December 2023 and July 2024 depicting typical conditions at encampments in the City.
20. It has also been my observation that since my 2021 Affidavit, it has become the prevailing view among people living in encampments (though not necessarily shared by all) that living in an encampment is the first resort when living unhoused, and is preferable to staying in an indoor shelter. Previously, living in an encampment was viewed as temporary measure of last resort.
21. As stated at paragraph 31 of my 2021 affidavit, I have observed in the past that encampment residents are being encouraged by organized groups to resist housing supports, and instead to insist on remaining in encampments. This is not consistent with the "housing first" model. Currently I see less overt encouragement, but insisting on remaining in encampments is becoming more normalized. I see people devoting time and energy to establishing their encampment, instead of making future plans for becoming housed. While I believe that there is an element of people attempting to make the best of their situation, it is harder to get them engaged with housing supports.

Costs to City

22. In addition to the issues presented by the encampments, I am aware of additional costs that the City has incurred related to the encampments. These include:

(a) Additional security that has been required at sites near encampments to protect them from theft and vandalism, between August 1, 2021 through to May 31, 2024 (all expenses are for this timeframe unless otherwise indicated):

(i) Auchmar Mansion

(1) \$33,136.90 (*Neptune Security*)

(2) \$309,388.00 (*CPS Security*)

(3) Total: **\$342,524.90**

(ii) City Hall (rear entry door) in January 2022:

(1) \$943.80 (*Neptune Security*)

(2) \$9,000.00 (*Logixx Security*)

(3) Total: **9,943.80**

(iii) Dundurn Castle, February 2023 and August 2023:

(1) \$1,143.90 (*Neptune Security*)

(2) \$4,935.04 (*CPS Security*)

(3) Total: **\$6,078.94**

(iv) Whitehern Museum, September 2021 through to May 31 2024:

(1) \$290,147.16 (*Neptune Security*)

(2) \$544,040.84 (*CPS Security*)

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(3) Total: \$834,188.00

(v) Woodlands Park:

(1) **\$2,412.00** (*Neptune Security*)

(vi) Fire Station 13:

(1) \$280,908.00 (*Neptune Security*)

(2) \$271,777.32 (*CPS Security*)

(3) **Total: \$552,685.32**

(vii) Mobile Patrol, August 2021 through to December 2022:

(1) **\$249,354.00** (*Neptune Security*)

(viii) Parks Washroom Staff Inspection Escort, January 2022 through to November 2023

(1) **\$126,126.00** (*Sword Security*).

(b) The City has also incurred other expenses related to encampments, which I understand are addressed in other affidavits by City staff members.

AFFIRMED by David Buckle 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:
Bevin Shores
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Commissioner for Taking Affidavits
(or as may be)

BEVIN SHORES (LSO No. 56161F)

Signed by:
David Buckle
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DAVID BUCKLE

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

DocuSigned by:
Bevin Shores
75E43E7F402846F...

Commissioner for Taking Affidavits
(or as may be)
Bevin Shores (LSO No. 56161F)

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	ONTARIO SUPERIOR COURT OF JUSTICE PROCEEDING COMMENCED AT HAMILTON
	SUPPLEMENTARY AFFIDAVIT OF DAVID BUCKLE AFFIRMED JULY 31, 2024
	GOWLING WLG (CANADA) LLP Barristers & Solicitors One Main Street West Hamilton, ON L8P 4Z5 Tel: 905-540-8208 Bevin Shores (LSO#56161F) Tel: 905-540-2468 <i>bevin.shores@gowlingwlg.com</i> Jordan Diacur (LSO#65860E) Tel: 905-540-2500 <i>jordan.diacur@gowlingwlg.com</i> Lawyers for the respondent

Court File No. CV-21-77187
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Applicants

- and -

CITY OF HAMILTON

Respondents

--- This is the Cross-Examination of DAVID BUCKLE,
upon his affidavits sworn October 6, 2021 and July
31, 2024, taken via video conference hosted by the
offices of Nimigan Mihailovich Reporting Inc., 1
James Street South, Suite 701, Hamilton, Ontario,
L8P 4R5, on the 19th day of August 2024.

Nimigan Mihailovich Reporting Inc. - 905-522-1653

I N D E X

WITNESS: DAVID BUCKLE

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**The following list of undertakings, advisements
and refusals is meant as a guide only for the
assistance of counsel and no other purpose**

INDEX OF UNDERTAKINGS

The questions/requests undertaken are noted by U/T
and appear on the following pages: None

INDEX OF ADVISEMENTS

The questions/requests taken under advisement are
noted by U/A and appear on the following pages:
None

INDEX OF REFUSALS

The questions/requests refused are noted by R/F
and appear on the following pages: 19:8, 22:12,
25:25, 34:15, 44:25, 47:17

Nimigan Mihailovich Reporting Inc. - 905-522-1653

A P P E A R A N C E S :
Sujit Choudhry, Esq., for the Applicants
& Sharon Crowe, Esq.,
& Curtis Sell, Esq.,
& Nnonyechi Okenwa, Esq.

Bevin Shores, Esq., for the Respondents

Also Present: Liz Marr, Vivian Caldas

REPORTED BY: Lorraine Fedosoff, (CSR) Ontario

Nimigan Mihailovich Reporting Inc. - 905-522-1653

INDEX OF EXHIBITS

NUMBER/DESCRIPTION	PAGE NO.
1: Document entitled "Reducing Homelessness and Managing Encampments" dated July 19, 2024" marked for identification.	31
2: Document entitled "Encampment Observation Report" dated May 15, 2024" marked for identification.	32

Nimigan Mihailovich Reporting Inc. - 905-522-1653

--- upon commencing at 1:01 p.m.

DAVID BUCKLE: Affirmed

CROSS-EXAMINATION BY MR. CHOUDHRY:

1. Q. So good afternoon, Mr. Buckle.

We'll begin, then, if we could. Thank you for coming today. So I'm just going to begin by introducing myself and explaining what this process is before I ask you some questions.

And so as has been said, my name is Sujit Choudhry. I am one of the lawyers for the applicants in this case. As you know, I am cross-examining you on your affidavits, and I have two of them. I have an affidavit you filed in 2021. I also have an affidavit you filed in 2024 in this matter.

Those affidavits have been filed by the City in this court case, and the affidavits and the cross-examinations that we're engaging in will be put into evidence before the Court. And so as you know, it's therefore very important that you tell the truth.

Let me give you some -- just some guidance. If you can't -- if you want me to repeat a question, please ask. If you would like a moment to collect your thoughts to answer a question,

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clear, that was in relation to the injunction motion; correct?

MS. SHORES: Yes.

MR. CHOUDHRY: Not in relation to the main application?

MS. SHORES: Well, it was a cross-examination on his affidavit, and so it's fair game for any of that.

MR. CHOUDHRY: Yeah, fair enough. Although I think it with a -- of a different phase in the litigation and it's before us, and so I'd like to be able to ask questions about it.

MS. SHORES: You can ask questions and I'll give you the positions if I believe any of them are improper.

MR. CHOUDHRY: Okay.

BY MR. CHOUDHRY:

3. Q. So Mr. Buckle, I'm going to begin by taking you to your 2021 affidavit, if I could. So I'm going to share that on the screen. Mr. Buckle, do you see the affidavit?

A. I do.

4. Q. Good. And so I just want to ask you a few questions about the affidavit, if I could, if you'll just give me one second. Sorry,

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please take that time.

And as I believe you've been advised, you're only allowed to have your affidavits in front of you and the exhibits of those affidavits. You can't have any notes. Can you confirm that that's the case, sir?

A. That is the case.

2. Q. Thank you. And if I refer to any other materials or websites, I'll put those up on the screen and give you time to review them, okay, and I can scroll up and down, if you'd like me to, to make sure you can see what I'd like you to see, okay, and you can direct me that way, all right?

A. Okay.

MS. SHORES: If I may, counsel, Mr. Buckle has already been cross-examined on his October 6th, 2021 affidavit. So I realize that there may be some questions that are proper within the contents of that affidavit, but just noting out of the gate that this is --

MR. CHOUDHRY: Sure.

MS. SHORES: -- the subject matter has already been -- he's answered questions under oath about the October 6th, 2021 affidavit already.

MR. CHOUDHRY: And counsel, just to be

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Mr. Buckle, just a bit of a technical issue. Just give me one second if you could.

A. No problem.

5. Q. Okay. Mr. Buckle, we're back. Everything's sorted out. So Mr. Buckle, this is your 2021 affidavit and I have a couple of questions for clarification, if I could.

So the first thing I'd like to do is take you down to paragraph 14. And so if you could maybe just refresh your memory and read paragraphs 14 and 15, if you wouldn't mind? Okay, you're there.

So Mr. Buckle, I just want to ask you a bit about the encampment process to the extent you were aware of how it was implemented, if I may.

MS. SHORES: Counsel, ask your questions, but this was covered in detail in his previous cross-examination. So we're not going to be retreading the same ground.

BY MR. CHOUDHRY:

6. Q. Okay. And so Mr. Buckle, it's my understanding that the applicants in this case were clients of HFSOT at the relevant time; is that correct?

A. We would have encountered them in

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encampments, yes.

7. Q. Okay. And so Mr. Buckle, do you know if the applicants in this case were served with bylaw infraction notices?

A. I don't recall. I imagine so, but I don't recall.

MS. SHORES: Well, hang on. At what point in time are you talking about, counsel?

MR. CHOUDHRY: Well, at the time that Mr. Buckle's attesting to in his affidavit.

MS. SHORES: His October 6th, 2021 affidavit?

MR. CHOUDHRY: Yes.

MS. SHORES: So --

BY MR. CHOUDHRY:

8. Q. So in respect of any evictions from encampments that happened in respect of the applicants in this case, do you know if they were served with bylaw infraction notices?

MS. SHORES: Well, you haven't established that Housing Focused Street Outreach is involved in bylaw infraction notices.

MR. CHOUDHRY: Well, I guess he can say he doesn't know.

THE WITNESS: I do not know.

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11. Q. No. Okay. So Mr. Buckle, some of your 2024 affidavit refers back to your 2021 affidavit, as you know, and you reiterate certain points, and, in particular, you reiterate certain points in your 2024 affidavit of what you observed in your 2021 affidavit. So on those specific points, I just want to ask you a couple questions, if I could.

MR. CHOUDHRY: And just for the benefit of counsel, I'm referring here to paragraph -- if you just give me a second -- paragraph 17 of Mr. Buckle's 2024 affidavit. I'll put it up here.

BY MR. CHOUDHRY:

12. Q. And in this paragraph, Mr. Buckle, you refer to -- you say that you still continue to see certain events occur or instances?

MS. SHORES: Well, maybe you should just read it, counsel, rather than use different phrasing.

BY MR. CHOUDHRY:

13. Q. "I continue to observe the issues." So I'm trying to establish -- I'd like to establish what you observed in 2021, and then ask you for updates in due course with respect to 2024.

A. So I would say that there are

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BY MR. CHOUDHRY:

9. Q. Okay. So do you know if you or members of your team offered any of the applicants housing?

MS. SHORES: Again, counsel, at what point in time?

MR. CHOUDHRY: As of the date of his 2021 affidavit.

MS. SHORES: Which set of applications are we talking about?

MR. CHOUDHRY: The applicants in the current -- as amended. So as named in the notice.

MS. SHORES: So Mr. Buckle, there are 19 applicants named in the current notice of application and that's what Mr. Choudhry is asking you about.

THE WITNESS: So I can't say that we offered specifically housing. I could say in general our job is to engage with people around shelter and housing and any other supports we might be able to offer on the way to housing.

BY MR. CHOUDHRY:

10. Q. But you can't speak specifically to the named applicants?

A. No.

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certainly things that I have directly witnessed, including drug use, assaults. There are certain things that I have been informed of by individuals in and around encampments.

14. Q. So Mr. Buckle, maybe you've kind of anticipated my question. So I'd like to talk about what you've directly observed first because you were so helpful to prompt that, and then what you've been informed about.

So maybe I'll take you through each of these points one at a time. Have you directly observed a fire?

A. Yes.

15. Q. Can you give the date?

A. No.

16. Q. Can you tell me how many fires you observed?

A. Well, it's ranging between, you know, cooking fires or heating fires to actual -- the aftermaths of fires that have destroyed encampments.

17. Q. Okay. So do you know how many cooking fires you've observed?

A. I can't say.

18. Q. And how many heating fires you've

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1 observed?

2 A. I can't say.

3 19. Q. Have you ever observed a fire --

4 an encampment on fire, as you put it?

5 A. I don't recall specifically seeing

6 one actively on fire, but I've certainly seen the

7 aftermaths of them.

8 20. Q. And how many have you seen?

9 A. I can't say with any surety.

10 21. Q. Okay. And you can't say what

11 years either?

12 A. Anywhere between 2021 and 2024.

13 22. Q. Okay. Let's move on to the next

14 item here, drug use, particularly opiates. Have

15 you observed drug use?

16 A. Yes.

17 23. Q. On how many occasions?

18 A. I can't say.

19 24. Q. Okay. Are you able to say what

20 years?

21 A. 2021 to 2024.

22 25. Q. Okay. Have you observed thefts

23 and assaults?

24 A. I've observed assaults.

25 26. Q. Observed assaults. How many?

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1 35. Q. I understand. So let me rephrase

2 the question. Could you describe the damaged

3 property that you observed?

4 A. It would include things like

5 broken fencing, broken furnitures, things like

6 that.

7 36. Q. Furnitures -- I'm sorry, sir,

8 furnitures in the encampment, or furnitures on

9 private property?

10 A. On private property.

11 37. Q. I see. So like lawn furniture?

12 A. Mm-hmm.

13 38. Q. Okay.

14 MR. CHOUDHRY: So the witness said yes.

15 BY MR. CHOUDHRY:

16 39. Q. Okay. So those are my questions

17 about that. Just give me a second, sir. Okay.

18 That's helpful.

19 So Mr. Buckle, I'd like to shift to

20 your 2024 affidavit. So I'll begin at the top here

21 and take you to some paragraphs. And so how many

22 encampment sites have you personally visited since

23 the August 2023 protocol?

24 A. Since 2023?

25 40. Q. Yes, since the new protocol in

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1 A. I can't say.

2 27. Q. And what years?

3 A. The same years.

4 28. Q. Okay. Let's shift to the next --

5 and you haven't observed a theft?

6 A. I have not directly.

7 29. Q. Okay. Let's move to the next item

8 in your list, and that's violent crime. Have you

9 observed violent crime?

10 A. I haven't seen it directly.

11 30. Q. You haven't seen it directly. And

12 have you observed thefts and break-ins in the

13 surrounding community?

14 A. I haven't observed it directly.

15 31. Q. Have you seen property damage?

16 A. I have.

17 32. Q. Okay. In what years?

18 A. The same years.

19 33. Q. And how many occasions?

20 A. I can't say.

21 34. Q. And are you able to give any

22 specifics about the property damage you observed?

23 A. I seen damage to property. I

24 haven't witnessed anybody actually damaging

25 property.

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1 August 2023.

2 A. I would have to ballpark it in the

3 hundreds.

4 41. Q. You visited hundreds?

5 A. Yeah.

6 42. Q. How many encampment sites are

7 there in Hamilton right now?

8 A. Currently? I would say roughly

9 between 75 and 90ish.

10 43. Q. Okay. And so have you visited all

11 of those encampments?

12 A. I can't say all, but I visit most.

13 44. Q. You visited most. Okay. And so

14 Mr. Buckle, in your -- as Exhibit A to your

15 affidavit, you've included a number of photographs;

16 correct?

17 A. Mm-hmm, yes.

18 45. Q. How many different encampments are

19 those photographs taken at?

20 A. I'm going to say somewhere in the

21 neighbourhood of seven to ten.

22 46. Q. Seven to ten. Okay. Thank you.

23 Mr. Buckle, I want to take you to paragraph 6 of

24 your affidavit, and it's -- I want to discuss the

25 estimate that you provided here of 271. Are you

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able to just explain how your office or your division arrived at this figure?

A. So briefly, I'll stress that it's an estimate. I mean, obviously it's a very fluid number with people's living situations changing repeatedly, but I'll say that we rely on the HIFIS system that we use in addition to engagement from our team.

There are some people that we engage with that do not provide consent; therefore, aren't entered into HIFIS. So it is an estimate.

Q. Thank you. Do you know how many people live in Hamilton?

A. I believe I do.

Q. You believe you do?

A. Yes.

Q. Could you please state what you believe the number to be?

A. 600,000.

Q. Okay. So I'm going to just take you to a website, which I think you've probably seen. I'm going to put it up on the screen if you'll just give me a second. So do you see this is the City of Hamilton website, Hamilton Census --

A. I see it.

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Q. Okay. And so Mr. Buckle, and you've said that there's 271 encampment residents, correct, give or take?

A. As an estimate, yes.

Q. And so Mr. Buckle, I guess do you know what percentage of Hamilton's population encampment residents would constitute?

R/F MS. SHORES: Counsel, that's not a proper question. He's not here to do math for you. You've not established that's in the scope of either his examination or any of the relevant issues in this proceeding.

BY MR. CHOUDHRY:

Q. Mr. Buckle, I'd like to get a grip on the physical scale of the encampments. And so Mr. Buckle, is it correct that under the 2023 encampment protocol each person can occupy up to nine square metres?

A. That's what's laid out in the protocol.

Q. Okay. And so Mr. Buckle, I'm going to try to put that amount in perspective. Do you know how big -- and my understanding is that under the protocol, individuals are permitted to erect encampments in public parks; is that correct?

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Q. -- amounts? And so would you agree that it says here that the census population in Hamilton in 2021 was 569,355?

MS. SHORES: Well, counsel, I mean it's not verbatim what it says. So just because this is going to be going on the record, let's be really clear what's in front of this witness and what it says verbatim versus what's being summarized for him.

BY MR. CHOUDHRY:

Q. So let me reframe the question. I'd like to summarize some of the statistics here. According to this website, is the census population of Hamilton in 2021 569,355?

MS. SHORES: Well, counsel, again, it says what it says. I don't think we've established that this witness has any connection to the information on this website that you're putting to him.

MR. CHOUDHRY: Okay.

BY MR. CHOUDHRY:

Q. Mr. Buckle, does it read here that the population increased by 32,435 to -- 569,355 in 2021 from 536,920 in 2016?

A. I can see that.

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MS. SHORES: Well, counsel, if you're going to put part of the protocol to him, then put it to him.

MR. CHOUDHRY: Okay. Well, it should be in Mr. Buckle's knowledge that they can erect encampments in public parks. I don't think that's controversial, counsel.

MS. SHORES: Well, it's a fundamental concept that the protocol speaks to the ability of people experiencing homelessness. To encamp in public parks is not controversial, you're right, but the protocol is also a multiple page document with quite a lot of detail.

So the statement that you just put to Mr. Buckle might be missing some nuance and, depending on where you're going with it, might not be an appropriate reflection of the circumstance.

BY MR. CHOUDHRY:

Q. Mr. Buckle, do you know how big -- how many acres of municipally owned parkland there are in the City of Hamilton?

A. I have no idea.

Q. Okay. So Mr. Buckle, I'm going to take you to another website, and this is a City of Hamilton website called "Park Finder". Have you

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1 ever seen this website?

2 A. I have.

3 60. Q. You have. And in the context of

4 your work?

5 A. No.

6 61. Q. No. Okay. And so would you agree

7 that this says that the City of Hamilton boasts

8 over 3,480 acres of municipally owned parkland?

9 A. I can see that.

10 62. Q. Thank you.

11 MR. CHOUDHRY: Ms. Shores --

12 BY MR. CHOUDHRY:

13 63. Q. Well, actually, Mr. Buckle, do you

14 know what the total area of the City of Hamilton

15 is?

16 A. I do not.

17 64. Q. I couldn't find it in the City of

18 Hamilton's website either.

19 MR. CHOUDHRY: So Ms. Shores, could we

20 have an undertaking to provide us, please, with the

21 area of the City of Hamilton?

22 MS. SHORES: No, I'm going to refuse

23 that. I'm not persuaded that it's relevant, and

24 it's certainly not proportional. The

25 information --

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1 Hamilton.

2 BY MR. CHOUDHRY:

3 65. Q. So Mr. Buckle, I'd like to take

4 you to a document, and it is -- this is a document

5 that is dated -- it's entitled "Reducing

6 Homelessness and Managing Encampments". Do you see

7 it on the screen?

8 A. I do.

9 66. Q. Mr. Buckle, it's dated June 19th,

10 2023. Do you see that?

11 A. Yes.

12 67. Q. Mr. Buckle, another witness from

13 the City today testified that, in fact, that's a

14 typo. This document is dated June 19th, 2024, just

15 to clarify.

16 A. Okay.

17 MS. SHORES: We agree, for the record,

18 that the document's proper date is June 19th, 2024.

19 BY MR. CHOUDHRY:

20 68. Q. Are you familiar with this report?

21 A. Not really. I didn't have

22 anything to do with writing it.

23 69. Q. But you'll see that it is

24 submitted by -- well, it was submitted by Michelle

25 Baird who's director of the Housing Services

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1 MR. CHOUDHRY: It's hardly

2 controversial to ask for the square -- for the size

3 of a municipality.

4 MS. SHORES: I didn't say it was

5 controversial.

6 MR. CHOUDHRY: I'm trying to establish

7 the scale of encampments relative to the City of

8 Hamilton, and to that I need to understand the size

9 of the City of Hamilton. Are you refusing to

10 provide us with the size of the City of Hamilton?

11 Is that a refusal?

12 R/F MS. SHORES: Yes, that is a refusal,

13 and it's a refusal for several reasons. It's a

14 refusal because it's not relevant. It's not

15 relevant to this cross-examination, which is a

16 cross-examination on the affidavits of Mr. Buckle

17 which pertains to his knowledge, information and

18 belief as set out in his cross-examination and as

19 pertaining to the relevant issues.

20 What you are trying to establish in the

21 bigger picture of this proceeding does not bear the

22 scope of Mr. Buckle's cross-examination. So that

23 is a refusal.

24 MR. CHOUDHRY: Okay. Thank you for

25 refusing to provide the area of the City of

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1 division; correct?

2 A. Mm-hmm. I can see that.

3 70. Q. Does HFSOT fall under the Housing

4 Services division?

5 A. It does.

6 71. Q. Okay. And so I want to ask you a

7 question about a few statements in this document.

8 MS. SHORES: And I'm going to state for

9 the record he's not established that he has any

10 familiarity with the document. So I ask you to put

11 that to him first.

12 MR. CHOUDHRY: Absolutely.

13 BY MR. CHOUDHRY:

14 72. Q. So Mr. Buckle, you're familiar

15 with the document?

16 A. I'm aware of its existence. I

17 haven't really read it.

18 73. Q. Okay. And so I want to ask you a

19 question here about these sentences, and I'm going

20 read them out. It says:

21 "An important factor in this

22 graph is to proportionate

23 individuals experiencing

24 homelessness for more than six

25 months. These individuals are often

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1 of higher acuity and in need of more
2 services to become 'rent ready' and
3 successful in maintaining their
4 housing."

5 So Mr. Buckle, do you agree with this
6 statement based on your experience?

7 A. I can't really say that I do or
8 don't. I mean, this is the first time I'm reading
9 the sentence.

10 74. Q. So do you agree with -- so
11 Mr. Buckle, would you like me to read it again?

12 MS. SHORES: Well, counsel, I don't
13 think we've established that he even has any
14 familiarity with the subject matter that you're
15 asking about and --

16 MR. CHOUDHRY: It's interesting,
17 counsel, because I think as head of HFSOT, whose
18 job it is to help get people into housing, I think
19 having some knowledge of whether they are higher
20 acuity or not, which is in his affidavit, actually,
21 is something he should be able to speak to from his
22 experience. So I'll put the --

23 MS. SHORES: So counsel --

24 MR. CHOUDHRY: Yeah.

25 R/F MS. SHORES: -- please don't interrupt

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1 A. I do.
2 77. Q. You do. And you're familiar with
3 this evidence?

4 A. I am.

5 78. Q. You're familiar with the idea of
6 acuity?

7 A. Yes.

8 79. Q. And you agree here that you say
9 that 53 percent of the clients were high acuity?

10 A. Yes.

11 80. Q. And 12 percent were very high
12 acuity?

13 A. Yes.

14 81. Q. And Mr. Buckle, based on your
15 experience as head of HFSOT, are higher acuity
16 individuals more likely to be homeless for longer?

17 MS. SHORES: Well, counsel, hang on.
18 You keep on referring to Mr. Buckle as the head of
19 HFSOT and I don't know that that's his actual
20 title, and we haven't talked about his scope and I
21 don't know that the foundation has been laid for
22 that question.

23 The other point I will make before
24 allowing Mr. Buckle to answer is that he's not here
25 to give opinion evidence. He can speak to his

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1 me and please don't raise your voice. That's not
2 proper. Second, if you're going to put something
3 to him about what his responsibility is, let's do
4 that. Let's get that on the record. But the
5 foundation for your line of questioning has not
6 been laid.

7 You have not established that the
8 statement that you are putting to him is within his
9 purview or that he has any knowledge of it, and
10 what is not permissible is to simply put statements
11 to him on a subject matter that he has no knowledge
12 of and ask him to speculate on it. That's not
13 proper and we're going to refuse any such
14 questions.

15 MR. CHOUDHRY: Thank you. So counsel,
16 I want to kind of point -- I want to point out
17 something. I'm going to take you to paragraph 9 of
18 Mr. Buckle's affidavit. And so Mr. Buckle has
19 provided evidence here.

20 BY MR. CHOUDHRY:

21 75. Q. Do you see this paragraph,
22 Mr. Buckle?

23 A. I do.

24 76. Q. And do you provide evidence about
25 the acuity of HFSOT clients?

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1 experience in his role, but giving opinion evidence
2 is the purview of properly qualified experts, and
3 that's not the purpose to which Mr. Buckle's
4 evidence is being put.

5 So Mr. Buckle, if this is something
6 that is within your purview and that you can speak
7 to from your experience, you can answer.

8 THE WITNESS: So I would say that in
9 very general terms, people that we experience that
10 are outside for longer have many more challenges
11 that make it more difficult to obtain and maintain
12 housing.

13 BY MR. CHOUDHRY:

14 82. Q. Mr. Buckle, you used the term
15 "challenges". Could you be a little bit more
16 specific about what you mean by those challenges?

17 A. So in my experience, very many
18 people that are outside for very long frequently
19 have mental health issues, substance use issues,
20 trauma, brain injury, all sorts of things.

21 83. Q. Mr. Buckle, is the term "acuity"
22 that you use in paragraph 9 of your affidavit a way
23 of referring to those challenges?

24 A. So acuity is based on the VI-SPDAT
25 tool, and it's just a measurement based on a bunch

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of questions that people answer, self-reporting about their experiences, which may include health questions, may include their involvement with the legal system, that sort of thing.

84. Q. I see. So your answer is?

A. To what?

85. Q. Well, I guess I'll pose a question. So you identified a number of challenges and then I asked you to explain the relationship between those challenges and acuity, and you -- I believe you answered, sir, that acuity measures a number of things. Does it measure those challenges?

A. Based on answers to questions that people report.

86. Q. Okay. I want to take you to a different document now. Let me take you back -- I want to take you to a paragraph in your affidavit, and it's paragraph 20 and I just want to read it to you for the record:

"So it has also been my observation that since my 2021 affidavit, it has become the prevailing view among people living in encampments, though not

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90. Q. So did you read it before swearing your affidavit?

A. I don't recall.

91. Q. You don't recall. Okay. So let's go to pages 13 and 14.

THE COURT REPORTER: Before you continue, counsel, are you marking that as an exhibit?

MR. CHOUDHRY: Yes, I'm marking this as Exhibit 2, and the previous document I should have indicated, forgive me -- I can put it back on the screen -- was Exhibit 1.

THE COURT REPORTER: And what is that document, counsel?

MR. CHOUDHRY: Okay. So I'll put Exhibit 1 back on the screen. I'm sorry I didn't indicate this, Madam Court Reporter. Exhibit 1 is the June 19th, 2024 document, and the title is "Reducing Homelessness and Managing Encampments". Do you see that?

THE COURT REPORTER: Thank you.

EXHIBIT NO. 1: Document entitled "Reducing Homelessness and Managing Encampments" dated July 19, 2024" marked for identification.

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necessarily shared by all, that living in an encampment is the first resort when living unhoused and is preferable to staying in an indoor shelter. Previously living in an encampment was viewed as a temporary measure of last resort."

That's your evidence?

A. Yes.

87. Q. So Mr. Buckle, I'd like to take you to a different document that we'll mark as Exhibit 2 to the cross-examination, and this is a document that was prepared by Mr. Mike Jones. It's dated May 15th, 2024 and it's the "Encampment Observation Report". Do you see it?

A. I do.

88. Q. Have you read this document before?

A. I have not.

89. Q. Okay. So I'd like to take you to something. And so you didn't read it before swearing your affidavit?

MS. SHORES: He doesn't refer to it in his affidavit, counsel.

BY MR. CHOUDHRY:

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MR. CHOUDHRY: And then Exhibit 2 is a document entitled "Encampment Observation Report" and it's dated May 15th, 2024.

THE COURT REPORTER: Thank you, counsel.

EXHIBIT NO. 2: Document entitled "Encampment Observation Report" dated May 15, 2024" marked for identification.

BY MR. CHOUDHRY:

92. Q. So Mr. Buckle, let me take you to page 13 of this report, and I want to take you to -- there's a section that begins "Barriers to Housing and Emergency Shelter". Do you see that?

A. I do.

93. Q. Okay. And I want to take you to a sentence that begins at the bottom of this page and proceeds onto the next page. I'm going to read it out. It says:

"When asked if they would consider accessing spaces in the emergency shelter system more suitable to their needs (i.e., some of the barriers to access were potentially reduced) 71 percent were

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1 interested."

2 Do you see that, Mr. Buckle?

3 A. I do.

4 94. Q. Were you aware of this statistic

5 before you saw this report?

6 A. No, I can't say that I was.

7 95. Q. So Mr. Buckle, I put to you that

8 if 71 percent of encampment residents say they were

9 interested in accessing spaces in the shelter

10 system, that is quite different from the view in

11 paragraph 20 of your affidavit that the prevailing

12 view among people living in encampments is that

13 living in encampments is the first resort.

14 Wouldn't you agree?

15 A. So what I'll say is that my

16 statement was more anecdotal based on my experience

17 in talking to clients outside. This document talks

18 about reducing the barriers that people have, they

19 feel that they face when accessing shelters, which

20 could include they have a pet, their partners, all

21 sorts of things.

22 What I was perhaps awkwardly trying to

23 say in my affidavit was that it's become much more

24 normalized for people to choose the option of being

25 in a tent.

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1 read -- I want you to read the sentences I've

2 highlighted. Just take a minute and tell me when

3 you've done so.

4 A. Okay.

5 100. Q. Okay. Based on your experience,

6 do you have any reason to disagree with this

7 statement?

8 MS. SHORES: Well, again, counsel,

9 let's state on the record, first of all, what this

10 statement is that you're putting --

11 MR. CHOUDHRY: Sure.

12 MS. SHORES: -- haven't established

13 whether or not he has any knowledge of the subject

14 matter of the statement.

15 MR. CHOUDHRY: Okay. Fair enough.

16 BY MR. CHOUDHRY:

17 101. Q. So Mr. Buckle, let's take it

18 sentence by sentence just to be careful about it.

19 So the first sentence is:

20 "While there will always be

21 individuals who prefer to live

22 outside, there are individuals who

23 would shelter within City-funded

24 programs if there were appropriate

25 spaces."

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1 96. Q. I see. But I think -- but your

2 affidavit you said something different. You said

3 "it's the prevailing view". What did you mean by

4 prevailing view?

5 A. Only that it was my observation

6 anecdotally, that it seemed to be much more common.

7 97. Q. I see. Okay. So it was based on

8 your observation. You don't have any reason to

9 disagree with the statistic reported by the Housing

10 division to the City, do you --

11 A. I --

12 98. Q. -- to the City Council?

13 MS. SHORES: No, counsel --

14 THE WITNESS: I don't.

15 R/F MS. SHORES: -- I'm going to object to

16 that because there's no indication that he would

17 have any information on which to agree or disagree.

18 Again, he's got no familiarity with this report or

19 its contents.

20 MR. CHOUDHRY: Okay.

21 BY MR. CHOUDHRY:

22 99. Q. So let me move on to page 12.

23 Just give me a minute here. Actually, excuse me.

24 I'm going to go back to Exhibit 1, Mr. Buckle.

25 Mr. Buckle, I want you to begin to

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1 Do you have any knowledge of that

2 issue?

3 A. I feel that that's true.

4 102. Q. Sorry, so you do have knowledge of

5 that issue? That's the first question.

6 A. Based on my experience, yes.

7 103. Q. And you believe that statement to

8 be true?

9 A. I do.

10 104. Q. Okay. Let's take the second

11 sentence:

12 "However, City-funded shelters

13 are consistently at or

14 overcapacity."

15 Do you have any knowledge of that issue

16 based on your experience?

17 A. I understand that's the case.

18 105. Q. Okay. And do you believe the

19 statement to be true?

20 A. I do.

21 106. Q. Okay. Let me take you to the next

22 sentence:

23 "In addition to these capacity

24 pressures, there are gaps in service

25 for individuals with pets and

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1 couples without children."
 2 Do you have any knowledge of that
 3 issue?
 4 A. Yes.
 5 107. Q. Do you believe the statement to be
 6 true?
 7 A. I do.
 8 108. Q. Thank you. And then let me take
 9 you to the final sentence:
 10 "Because there is no space for
 11 those who are unwilling to access
 12 shelters separately from their
 13 partners, these individuals often
 14 choose to live in encampments."
 15 Do you have any knowledge of that
 16 issue?
 17 A. Yes.
 18 109. Q. Do you believe the statement to be
 19 true?
 20 A. I do.
 21 110. Q. Okay. So Mr. Buckle, I'd like to
 22 go back to your affidavit, if I could, and take you
 23 to paragraph 16, and you say that:
 24 "The people experiencing
 25 homelessness who I have interacted

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1 A. I believe it's real.
 2 114. Q. Okay. And then you say here:
 3 "These couples will often
 4 choose not to shelter indoors rather
 5 than be separated."
 6 Is that assumed, or real?
 7 A. That's real based on my
 8 experience, yes.
 9 115. Q. Okay. I want to take you to point
 10 (c):
 11 "People with pets cannot take
 12 pets into shelters and choose not to
 13 shelter indoors rather than be
 14 separated from their pet."
 15 Is that assumed, or real?
 16 A. That's real.
 17 116. Q. Okay.
 18 "They feel the rules imposed at
 19 indoor shelters are too
 20 restrictive."
 21 Is that assumed, or real?
 22 A. I believe it's assumed.
 23 117. Q. Okay.
 24 "Shelters do not allow
 25 substance use within the shelter."

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1 with have cited differing reasons,
 2 assumed or real, for not sheltering
 3 indoors."
 4 And then you list a series of them,
 5 okay. And so Mr. Buckle, I put to you that you've
 6 just agreed with me that many of these statements
 7 are real?
 8 A. Mm-hmm.
 9 111. Q. Is that correct?
 10 A. Yes.
 11 112. Q. So I'd like to go through these
 12 one at a time and for you to tell me whether it's
 13 assumed or real. A shelter that is not available
 14 due to capacity, is that an assumed reason, or a
 15 real reason?
 16 A. I'll say it's real based on the
 17 fact that shelters are often at or above capacity.
 18 113. Q. Thank you. I'll take you to point
 19 (b):
 20 "Heterosexual couples are often
 21 not able to stay together in
 22 shelters because the shelters are
 23 divided up by gender/gender
 24 identity."
 25 Is that an assumed, or a real reason?

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1 Is that assumed, or real?
 2 A. I mean, it's largely real.
 3 118. Q. Sir, you used the word "largely".
 4 Could you please clarify?
 5 A. So for Caroline's Place, for
 6 example, at the YWCA, they have a safe injection
 7 site there, but the majority of shelters, they do
 8 not allow substance use within their buildings.
 9 119. Q. Okay. So then that leads me, sir,
 10 to point (f):
 11 "People who do not wish to be
 12 around substance use want to avoid
 13 the substance use that takes place
 14 around shelters."
 15 Is that assumed, or real?
 16 A. I mean, that's real based on what
 17 people have told me.
 18 120. Q. Okay. And then finally:
 19 "People fear being attacked by
 20 other people in shelters or having
 21 personal belongings stolen in
 22 shelters."
 23 Is that assumed, or real?
 24 A. I would say it's largely assumed.
 25 121. Q. Okay. Could you clarify?

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1 A. So with the points that assaults
2 and thefts also happen in encampments.
3 122. Q. I see. But are you saying -- but
4 you said it's assumed. So are you saying that it's
5 incorrect -- it's an incorrect assumption to say
6 thefts and assaults happen in shelters?
7 A. I think it's assumed and -- in the
8 sense that shelters have staff. So they're much
9 better able to monitor that sort of thing.
10 So when people talk to me about, you
11 know, I don't want to go to a shelter because all
12 my stuff will get stolen or I'll be assaulted, I
13 say to them, "Well, that can also happen outside."
14 So I'm not sure that that's a real reason for not
15 going into a shelter is what I'm trying to say.
16 123. Q. I see. So do you know if thefts
17 or assaults happen in shelters?
18 A. I believe that they do.
19 124. Q. Okay. So I want to take you to
20 paragraph 21. You said:
21 "I have observed in the past
22 that encampment residents are being
23 encouraged by organized groups to
24 resist housing supports, and instead
25 to insist on remaining in

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1 then I want to ask you specific questions about it.
2 Just let me know when you're done.
3 A. Okay.
4 128. Q. Okay. So I want to ask you some
5 questions based on your experience. This document
6 says:
7 "Housing also continues to be
8 difficult to acquire for individuals
9 living in encampments."
10 Based on your experience, is that true?
11 A. I mean, I would say in very broad,
12 general terms it seems to be true.
13 129. Q. Okay. Let me take you to the next
14 phrase:
15 "Especially those who may
16 require supports to assist in their
17 transition."
18 Do you agree with that statement or
19 that qualifier in the previous statement --
20 A. Sure.
21 130. Q. -- based on your experience?
22 A. Sure.
23 131. Q. Okay.
24 MS. SHORES: Well, yeah, but again, you
25 said sure. That doesn't fill me with a lot of

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1 encampments."
2 You see that?
3 A. I do.
4 125. Q. Are you directly observing that
5 activity today?
6 A. Not currently.
7 126. Q. No. Okay. I want to take you to
8 another sentence. You say:
9 "I see people devoting time and
10 energy to establishing their
11 encampment instead of making future
12 plans for becoming housed. While I
13 believe that there is an element of
14 people attempting to make the best
15 of their situation, it is harder to
16 get them engaged with housing
17 supports."
18 Is that your evidence?
19 A. That's my experience, yes.
20 127. Q. Your experience. Okay. So I want
21 to take you back to Exhibit 2 and I'm going to take
22 you to page 14. So bear with me.
23 And so I want to take you to this
24 paragraph here. So I've highlighted it. So if you
25 could just maybe spend a minute reading it, and

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1 confidence in your answer. I again instruct you
2 not to speculate or guess when you're giving your
3 evidence. You're here to answer questions about
4 your knowledge and experience.
5 THE WITNESS: Yeah, so I would say,
6 again, generally speaking, it is hard for people to
7 find housing whether they're living outside or not,
8 and, as I mentioned before, people that are outside
9 can have a lot more challenges to obtain and
10 maintain housing.
11 BY MR. CHOUDHRY:
12 132. Q. Okay. So I'd like to take you to
13 the next sentence and it's -- and I want to
14 highlight this phrase. It says:
15 "Many of the individuals living
16 outside had connected with housing
17 workers and were on the access to
18 housing waitlist."
19 Do you see that?
20 A. I do.
21 133. Q. Okay. And so do you agree that
22 that does not say that people are devoting time and
23 energy to establishing their encampment instead of
24 making future plans for becoming housed?
25 R/F MS. SHORES: Well, counsel, I'm going

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1 to refuse that question. He's not the author of
2 this report. There's no indication as to the scope
3 of this report and that it's pertaining to the
4 statement in Mr. Buckle's affidavit. That's just
5 not a proper question.

6 And again, I've given you quite a lot
7 of leeway, but he's indicated that he has no
8 familiarity with this document.

9 BY MR. CHOUDHRY:

10 134. Q. So Mr. Buckle, this documents
11 says:

12 "Many individuals living
13 outside had connected with housing
14 workers and were on the access to
15 housing waitlist."

16 I suppose that those workers, would
17 they have been put in touch with them through HFSOT
18 based on --

19 MS. SHORES: Again --

20 BY MR. CHOUDHRY:

21 135. Q. -- your experience?

22 MS. SHORES: -- you haven't -- you're
23 putting the statement to him as though he's already
24 adopted it.

25 BY MR. CHOUDHRY:

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1 individuals?

2 A. That's right, the Housing Focused
3 Street Outreach team within Housing Services
4 division. That's my team. But there are other
5 housing workers operating from different
6 organizations as well.

7 139. Q. And which organizations are those?

8 A. Oh, I mean they would include Good
9 Shepherd, Canadian Mental Health Association, the
10 Social Navigator at-risk programs.

11 140. Q. I see. So the reference here to
12 housing workers, you're not saying that that -- you
13 don't read that to be confined to HFSOT?

14 MS. SHORES: Again, counsel, he's --

15 MR. CHOUDHRY: I'm just -- well, he's
16 trying to draw distinctions.

17 R/F MS. SHORES: Based on -- I'm not going
18 to allow him to answer any more questions, counsel.
19 This is exactly the mischief that I was concerned
20 about. He's being prompted to speculate on the
21 meanings of words that he did not author in a
22 context that he is not familiar with.

23 BY MR. CHOUDHRY:

24 141. Q. Mr. Buckle, those complete all my
25 questions.

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1 136. Q. Well, do you agree with that
2 statement?

3 MS. SHORES: Well, no, he's not the
4 author of this report. He hasn't prepared -- you
5 haven't laid the foundation. We haven't talked
6 about which individuals outside, we haven't talked
7 about the point in time that this was prepared with
8 respect to, we haven't talked about whether he has
9 any knowledge of those individuals or their
10 circumstances.

11 Those things would all need to be
12 established before you can put it to him properly
13 whether or not he agrees with that statement.

14 BY MR. CHOUDHRY:

15 137. Q. So Mr. Buckle, in your experience
16 from HFSOT, have individuals connected with housing
17 workers on the access to housing waitlist?

18 A. So I'll say that my team does make
19 a priority of making sure that people are on the
20 access to housing waitlist. There are other
21 outreach and housing workers that we are not
22 connected with.

23 138. Q. I'm sorry, I didn't understand
24 the -- you said your team. So who -- you're
25 distinguishing between your team and other

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1 MS. SHORES: All right. A brief
2 re-examination. And if can take back screen
3 sharing?

4 MR. CHOUDHRY: Sure.

5 RE-EXAMINATION BY MS. SHORES:

6 142. Q. Just one moment here. Okay. Now,
7 we should have on the screen the affidavit --
8 sorry, the supplementary affidavit of David Buckle
9 dated, again, July 31, 2024.

10 Mr. Buckle, you were asked some
11 questions about paragraph 17 of your affidavit, the
12 issues with encampments -- or at least, sorry, the
13 paragraph under the subheading "Issues with
14 Encampments" and your observations of the issues
15 relating to encampments, and you were taken through
16 at least a few of them with respect to your
17 observations.

18 With respect to fires, just to start
19 with that, for example, I believe you said -- and
20 I'm not purporting to quote you verbatim, but you
21 couldn't say how frequently you had observed those
22 or how many times you had observed those.

23 Elsewhere in your evidence, you had
24 been asked to give certain estimates such as the
25 estimate of a number of encampments presently

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1 within the City of Hamilton.

2 With respect to fires, are you able to
3 within any degree of confidence estimate how many
4 times you've observed fires in an encampment
5 between 2021 and present?

6 A. Not with confidence.

7 143. Q. Are you able to give a reasonable
8 estimate?

9 A. So I would say that a great
10 majority of encampments would have a fire at least
11 for cooking or heating in the winter when it's
12 colder.

13 144. Q. Are you able to estimate, if you
14 are able, how many times you've seen the aftermath
15 of a fire as you referred to previously that caused
16 destruction to an encampment?

17 A. Since 2021?

18 145. Q. Yes.

19 A. I mean, I'd give a very rough
20 estimate to somewhere in the neighbourhood of a
21 dozen or 15 times.

22 146. Q. And with respect to drug use, are
23 you able to give an estimate of how many times
24 you've observed drug use in encampments between
25 2021 and present day?

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1 A. Mostly this is anecdotal stuff
2 that I would have heard about. So I'd say no.

3 149. Q. Okay. And with respect to
4 property damage, are you able to give an estimate
5 of how many times you've observed property damage
6 at encampments between 2021 and the present day?

7 A. Not with any surety.

8 150. Q. At paragraph 16 of your affidavit,
9 you were taken through the "assumed or real
10 reasons" cited by people experiencing homelessness
11 for not sheltering indoors and you were asked as to
12 which of them were assumed or real, and I want to
13 just clarify.

14 With respect to subparagraph (b), you
15 were asked if it is an assumed or real reason that
16 heterosexual couples are often not able to stay
17 together in shelters. That is -- I'll put it to
18 you that the individuals are still permitted to
19 stay in shelters --

20 A. They are.

21 151. Q. -- is that correct?

22 MR. CHOUDHRY: I object to that
23 question. That's not what the statement says. The
24 statement says:

25 "Heterosexual couples are not

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1 MR. CHOUDHRY: Counsel, for the record,
2 I've asked all these questions, and Mr. Buckle said
3 he couldn't give estimates, couldn't give numbers,
4 and now you're going back over again.

5 MS. SHORES: He wasn't asked to give
6 estimates.

7 MR. CHOUDHRY: Well, he was. He was
8 asked to give -- he was -- in substance, yes. I
9 feel what you're trying to do is backfill his
10 evidence, counsel. Go ahead, though.

11 MS. SHORES: Again, the record will be
12 very clear that he was not asked to give estimates
13 and that's why I'm asking these questions on
14 re-examination.

15 BY MS. SHORES:

16 147. Q. Sorry, Mr. Buckle, are you able to
17 give an estimate of how many times you've observed
18 drug use in encampments between 2021 and the
19 present day?

20 A. It would be a very large number.
21 It's quite rampant.

22 148. Q. With respect to assaults within
23 encampments, are you able to give an estimate of
24 how many times you've observed assaults within
25 encampments between 2021 and the present day?

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1 able to stay together in shelters."

2 You can certainly ask him what he means
3 by that. You can't put words in his mouth about
4 other statements.

5 MS. SHORES: I'll take that
6 re-direction.

7 BY MS. SHORES:

8 152. Q. Mr. Buckle, what do you mean by
9 heterosexual couples are not able to stay together
10 in shelters?

11 A. It's a capacity issue. The Good
12 Shepherd Family Centre will take couples without
13 children; however, the number of families with
14 children fills their beds, basically.

15 153. Q. And with respect to subparagraph
16 (c):

17 "People with pets cannot take
18 pets into shelters and choose not to
19 shelter indoors rather than be
20 separated from their pet."

21 I just read from subparagraph 16(c) of
22 your affidavit. I believe you identified that as a
23 real reason, but people can still go into shelters
24 without their pet; correct?

25 A. Correct.

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1 MS. SHORES: I don't have any further
2 questions on that, and I don't have any further
3 re-examination questions for you, Mr. Buckle.
4 Thank you.
5 -- Whereupon the proceedings adjourned at 1:58 p.m.

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1 REPORTER'S CERTIFICATE

2
3 I, LORRAINE FEDOSOFF, Chartered
4 Shorthand Court Reporter, certify;

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

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

13 That the foregoing is a true and
14 correct transcript of my shorthand notes so taken.
15 Commissioner of Oath effective to May 1, 2025.

16
17 Dated this 26th day of August 2024


18 *Lorraine Fedosoff*

19
20
21 PER: LORRAINE FEDOSOFF, CSR (Ontario)

22
23
24
25
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CITY OF HAMILTON
Healthy and Safe Communities Department
Housing Services Division

TO:	Chair and Members General Issues Committee
COMMITTEE DATE:	June 19, 2023
SUBJECT/REPORT NO:	Reducing Homelessness and Managing Encampments (HSC24027) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shannon Honsberger Danielle Blake Rob Mastroianni
SUBMITTED BY:	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	

Ex # 1 m/d/y 8/19/2024 Pg 1 of 16
Exam of Brett Aston
Heagerty et al v City of Hamilton
A8334
Nirminan Minalovich Reporting Inc.

RECOMMENDATIONS

- (a) That staff report back with the results of a call for information on the feasibility and costs associated with creating new shelter beds with 25% being pet friendly, in the following bed numbers: Men's singles: 110, Women's singles: 50, Couple's: 55.
- (b) That Council approve enhancements to the homeless-serving system for an approximate cost of \$1,556,000 between August 1 and December 31, 2024, to be funded first from any available government funding, then from any 2024 Housing Services Division surplus, then from any 2024, Healthy and Safe Communities Departmental Surplus, and lastly from any 2024, Corporate Surplus or any source deemed appropriate by the General Manager of Corporate Services; and that those enhancements are as follows:
 - (i) approximately \$940,000 be added to enhance existing shelter operator contracts by 25% to rectify historic underfunding;
 - (ii) approximately \$266,000 in additional funding to enhance the Hamilton Regional Indian Centre's indigenous drop-in program;

OUR Vision: To be the best place to raise a child and age successfully.
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

A4050

- (iii) approximately \$210,000 to enhance Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;
 - (iv) approximately \$40,000 be approved for one full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness; and
 - (v) approximately \$100,000 to be provided to housing landlords for exceptional unit damage as a result of housing an individual from City-funded case management programs.
- (c) That staff be directed to prepare a motion to amend the Encampment Protocol to mitigate impacts on those living in and around encampments as outlined in Appendix "A", which was approved by Council on August 18, 2023, including:
- (i) removing the following provision from Section D, indicating the removal of encampments, temporary shelters, or tents "on or within 50 metres of the Hamilton Alliance for Tiny Shelters model site. For the purpose of this site the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North, will be considered the site.";
 - (ii) adding an exclusion from allowing encampments, temporary shelters, or tents for the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North until further park development options can be explored;
 - (iii) Establishing a minimum distance of 100m for additional sensitive uses, specifically around funeral homes and long-term care residencies as well as spaces that are designed and programmed for children as an amendment to the encampment protocol;
 - (iv) Amending the requirement to keep 5 metres from sidewalks during the winter months to be a full year requirement, and to include walkways and pathways in this requirement; and
 - (v) Establishing a minimum 25m distance from active construction sites
- (d) That Council approve additional investments into encampment management, for an approximate cost of \$286,000 between August 1 and December 31, 2024, to be funded first from any available government funding, then from any 2024, Housing Services Division surplus, then from any 2024, Healthy and Safe Communities Departmental Surplus, and lastly from any 2024, Corporate Surplus or any source deemed appropriate by the General Manager of

Corporate Services; and that those enhancements are as follows:

- (i) approximately \$108,000 be approved to increase Housing-Focused Street Outreach support;
 - (ii) One permanent FTE to provide program coordination, at an approximate cost of \$48,000;
 - (iii) Make permanent one Community Services Program Analyst FTE supporting the Housing Focused Outreach Team, at an approximate cost of \$42,500;
 - (iv) approximately \$130,000 to provide two Social Navigator Paramedic by Hamilton Paramedic Service; and
- (e) That the following items be referred to the 2025 municipal tax operating budget for an annual cost of \$4,186,000
- (i) approximately \$2,255,000 be added to enhance existing shelter operator contracts by 25% to rectify historic underfunding;
 - (ii) approximately \$400,000 for ongoing operations of the Hamilton Regional Indian Centre's indigenous drop-in program;
 - (iii) approximately \$500,000 for enhanced Rapid Rehousing and Intensive Case Management supports to improve outflow from shelters into permanent housing;
 - (iv) approximately \$90,000 for one permanent full-time equivalent for Housing Service Division to provide tax filing support for those experiencing homelessness;
 - (v) approximately \$250,000 for exceptional unit damage because of housing an individual from City-funded case management programs;
 - (vi) approximately \$266,000 for increased Housing-Focused Outreach support;
 - (vii) One permanent FTE to provide program coordination, at an approximate cost of \$115,000;
 - (viii) Make permanent one Community Services Program Analyst FTE supporting the Housing Focused Outreach Team, at an approximate cost of \$100,000;
 - (ix) approximately \$310,000 to provide enhancements for two Social Navigator Paramedics by Hamilton Paramedic Service; and

- (f) That the appropriate General Managers of Public Works and the Healthy and Safe Communities Department or their designate be directed and authorized, on behalf of the City of Hamilton, to enter into, execute and administer all agreements and documents necessary to implement recommendations (a) and (b), inclusive of all sub-sections, outlined above on terms and conditions satisfactory to the respective General Manager or their designate and in a form satisfactory to the City Solicitor.
- (g) That two Outstanding Business items be removed from the list including:
 - (i) A 2023 OBL item respecting increasing beds in Residential Care Facilities
 - (ii) A 2023 OBL Item respecting reporting back on a proposed investment ratio for Housing Services Division

EXECUTIVE SUMMARY

This report follows Report HSC240020/PED24080/PW24030, Encampment Observation Report, to provide recommendations on how the City may reduce instances of acute and chronic homelessness in the community and reduce impacts of encampments on neighbourhoods. This work is rooted within the housing continuum, with recommendations to better connect those covered under the encampment protocol to emergency shelter and outflow supports, and subsequently into more permanent housing solutions as governed by the Housing and Homelessness Action Plan and Housing Sustainability Investment Roadmap.

The high rates of homelessness in Hamilton are a shared issue influenced and intensified by the failure to increase Ontario Works and Ontario Disability Support Program rates; rising inflation, interest rates, and the cost of living; an influx of refugee claimants and asylum seekers; and an extreme shortage of affordable and deeply affordable housing options exacerbated by bad faith renovictions. As the Service Manager for Hamilton, staff continue to assess whether enhancements are needed to manage demand, but also advocate with government partners and prioritize investment into homelessness prevention and outflow supports.

That said, Hamilton's response to the homelessness crisis is improving. The most recent data shows that vacancy in CityHousing Hamilton units decreased from 9% in March 2023 to 5.5% in April 2024, and is on track to a target of 2% vacancy by the end of the year. CityHousing Hamilton has also completed 66% of repairs that were funded by Council, and is on track to complete these repairs by November. There has also been successes in homelessness services, like the reduction of family hotel stays from 400 in 2023 to 87 days in 2024. This is largely due to the concerted efforts of community partners, City investments, and forward-thinking policy decisions. Work

continues to implement the interventions approved as part of Report HSC23041: Addressing the Needs of Unsheltered Individuals and those Relying on Hamilton's Emergency Shelter System (HSC23041), and those approved in Budget 2024. Despite some successes, the demand for services continues to be larger than the available or approved resources and the number of encampments in Hamilton continues to be high. We know that the shelter system is consistently at 99-100% occupancy with many individuals and families being turned away each night. While we continue to provide 52 hotels rooms (or 208 beds) as overflow, this paired with the current capacity of 345 permanent and 20 temporary shelter beds does not come close to meeting the needs of the roughly 1592 people experiencing homelessness in the City. The need for shelter spaces is not easily quantifiable, as there is no accepted model of need per capita, and Hamilton has several social and economic factors that increase our need compared to other similar sized cities. Also contributing to a lack of shelter outflow is a shortage in available Long Term Care beds, limiting options for seniors experiencing homelessness. To improve our sector's ability to respond to the continued homelessness crisis and reduce the resulting impacts on other areas of the City, staff are recommending a variety of investments into encampment management, the shelter system, and outflow supports. This is intended to improve the rate at which individuals and families can be served within the emergency system and enter permanent housing, thereby reducing the prevalence of encampments in Hamilton.

Recommendations to reduce instances of homelessness include:

- Conducting a Call for Information to assess the costs associated with expanding the shelter system.
 - This recommendation would seek information from shelter operators the costs associated with adding 110 single men, 50 single women, and 55 couple spaces with 25% being pet friendly, to right-size the shelter capacity and close known service gaps for pet owners and couples. Staff will return with this information, as well as any additional resources needed to support that expansion including staff resources as well as potential investments into outflow supports like rent supplements.
- Approving a one-time adjustment of shelter operating costs by 25%
 - This is in recognition of historic underfunding across the last two decades and is intended to bring operations to a more appropriate baseline. The 2023 approval for cost-of-living adjustments would continue and better support funding adjustments.
- Enhance funding for Indigenous drop-in spaces, an important support for connecting individuals with culturally appropriate programs
 - funding for a portion of this program expired in March 31, 2024 despite this program being a critical support and entry point for unhoused indigenous people in Hamilton.

- A 10% funding increase to case management programs to expand caseloads as well as improve the quality of supports provided.
- Improving access to and prioritization of unhoused individuals on the Access to Housing Waitlist
 - Staff are recommending one Housing Services Clerk to help clients file their taxes, an identified barrier to completing an Access to Housing application.
 - Within current complement, staff will be reviewing the prioritization of homeless individuals on the waitlist to increase the rate of offers being provided to individuals on the By-Name-List. Any changes to the process would be brought to Council for approval.
- Beginning a Landlord Engagement program whereby staff can support landlords that house individuals out of homelessness.
 - As part of this program, staff are recommending providing up to \$250,000 in financial aid to landlords experiencing excessive unit damage.

Recommendations to minimize unintentional consequences of encampments include:

- A variety of updates to the Encampment Protocol, as shown in Appendix “A” to Report HSC24027, including
 - Including a minimum distance of 100 metres around funeral homes, long-term care facilities and spaces that are designed and programmed for children as an amendment to the encampment protocol; in recognition of family members attending these locations, as well as a minimum distance around construction sites of 25m for the safety of those living encamped.
 - Extending the requirement of a minimum distance from sidewalks of 5m during winter to accommodate snow clearance to be a full year requirement to address concerns around walkways and sidewalks.
- Increased resourcing for the Housing-Focused Outreach Team to
 - better resource winter response programs and address rising encampment numbers in the warmer months.
 - Create a permanent program coordinator to coordinate inquiries from the public, internal stakeholders and members of Council.
- Increase services to those living in encampments and those around encampments through:
 - Enhancing the Social Navigation Program provided by Hamilton Paramedic Services and Hamilton Police Services. This program provides short-term intensive case management, including assessments, connection to experts,

point-of-care testing and wound care to improve the health outcomes of those living unsheltered.

Recommendations to remove items from the Outstanding Business List include:

- Expanding Residential Care Facilities
 - Residential Care Facility subsidies are funded through provincial funding which is currently fully expended with no anticipated increase. Further, there are consistently vacancies in the program based on low demand. Staff do not recommend spending further funding on a program that may not get utilized
- Housing Investment Ratio
 - Staff researched this area further and have not found reliable data to inform a recommendation to Council. Without reliable data, staff are not able to recommend an evidence-based approach and recommend continuing efforts to promote prevention of homelessness and outflow supports with the eventual goal of reducing funds directed towards emergency supports in accordance with decreasing demand in the community.

In addition, staff are recommending one confidential item to be considered in closed session. The closed session recommendation pertains to staff recommendation to make the Community Services Program Analyst a permanent position. This position supports data collection and analysis for the encamped population to inform management of encampments and improving services for those living unsheltered.

With these investments, as well as continued quality improvement work within the Division, we can create capacity within shelter and housing supports to accommodate more of those living in encampments, accelerate and improve housing outcomes for those already in receipt of emergency supports, and reduce the impacts of encampments on those living or working nearby.

Alternatives for Consideration – Page 14

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are financial implications to recommendations (c) and (e). Most are prorated in 2024 to begin funding in August 2024, however the Hamilton Regional Indian Centre is prorated to April, as there was previously available funding that concluded March 31, 2024.

Recommendation	2024 Cost (approximate)	Annualized Cost (approximate)
Closed session recommendation (a)	\$42,000	\$100,000

Recommendation	2024 Cost (approximate)	Annualized Cost (approximate)
(c)(ii) Shelter operating costs	\$940,000	\$2,255,000
(c)(iii) HRIC Drop-In	\$266,000	\$400,000
(c)(iv) Case management	\$210,000	\$500,000
(c)(v) Tax Filing Resourcing	\$40,000	\$90,000
(c)(vi) Unit Repairs	\$100,000	\$250,000
(e)(i) Housing Focused Outreach Resourcing	\$108,000	\$266,000
(e)(ii) Program Coordination	\$48,000	\$115,000
(e)(iv) Social Navigators	\$130,000	\$310,000
Total	\$1,884,000	\$4,286,000

Staffing: Staff recommend 3 additional permanent FTEs, one each for data collection, tax filing, and program coordination. The remaining work would be completed within existing complement or as an enhancement to an existing contract.

Legal: support is needed to develop and review contracts.

HISTORICAL BACKGROUND

On March 23, 2023, the Ending Chronic Homelessness Report (HSC23021) was received by Council. The report provides an outline of the comprehensive approach and investments required to end chronic homelessness in Hamilton. A performance update on Q1 and Q2 was provided to council on November 16, 2023 (HSC23076).

The Housing Sustainability and Investment Roadmap (HSIR) was published in April 2023 and updated in November 2023. This roadmap builds upon the Housing and Homelessness Action Plan. On April 19, 2023, the General Issues committee approved report HSC23028/FCS23055/PED23099 Housing Sustainability and Investment Roadmap to guide affordable housing issues cross-departmentally.

August 14, 2023, the report Addressing the Needs of Unsheltered Individuals and those Relying on Hamilton's Emergency Shelter System (HSC23041) was presented to Council. The report identified that the number of individuals living unsheltered and the number of individuals who are homeless continues to rise in Hamilton and the shelter system continues to be over capacity. This report included recommendations to continue funding shelter overflow beds for families and make investments into shelter bed expansion and homelessness prevention.

On August 18, 2023, Council adopted and ratified an Encampment Protocol in Encampment Response Update – August 2023 (HSC23066), identifying approaches, processes, and service levels associated with responding to encampments in the City. In addition, Council provided necessary resources in staffing and equipment to support the implementation of the Protocol. While a broad approach involving sanctioned sites was not recommended by Staff due to its prohibitive costs better utilized in prevention efforts and/or housing, Council also approved a two-year Hamilton Alliance for Tiny Shelters pilot for up to 25 tiny homes on City lands at no cost to the City. The City was asked to provide a location, and while the City continues to work with HATS to secure a location, none has yet been agreed upon.

The Annual Winter Response Strategy (HSC23012) was approved by Council in September 2023 and an amendment was made in March 2024 (HSC23012(a)) to extend the response from April 2024 until December 1, 2024, as it has been demonstrated that the need for services in the community continues beyond the winter season.

The Encampment Observation Report (HSC24020 / PED24080 / PW24030) was presented to General issues Committee on May 17, 2024 which detailed information around the first eight months of using the Encampment Protocol. It also recommended returning to Council with recommendations on how to reduce homelessness, and staff were directed to include recommendations on reducing the impact of encampments on neighbourhoods.

The Housing and Homelessness Action Plan (HHAP) was published in 2013 and updated in 2020 demonstrating Hamilton's commitment to ending homelessness. In 2019, the Coming Together to End Homelessness report was published, which provides an outline of Hamilton's strategy to end homelessness.

RELEVANT CONSULTATION

In July 2022, The Social Planning and Research Council of Hamilton released a key findings report, *Hamilton Post-Pandemic Emergency Shelter Size Review* for the City of Hamilton. This was included as Appendix "A" to Report HSC23041. The preparation of this report included interviews and focus groups with agencies providing shelter services, outreach, diversion, and prevention, and/or drop-in services. Qualitative data was also gathered in consultation with partners from Indigenous-led agencies, youth, women's, men's and family services as well as service providers that provide outreach services to shelter clients and unsheltered populations. This report includes recommendations for prioritization of additional supports in the shelter system including prioritizing the Indigenous community, safe and deeply affordable housing with supports, staff recruitment and retention, and an increase in emergency shelter responses particularly for the Indigenous, women's and family sectors.

The November 2023 Report HSC23076, Ending Chronic Homelessness Performance Update, included performance results that had been provided, reviewed, or confirmed by representatives from the individual reporting programs through multiple engagement sessions and data collection points. At that time a full list of the reporting and engagement opportunities was included as Appendix “B” to Report HSC23076.

In November 2023, the Homelessness Policy and Programs team from the City of Hamilton’s Housing Services Division hosted an event entitled *Coming Back Together to End Homelessness*, bringing together community partners from across the homeless-serving sector, healthcare, settlement services, social housing providers, and people with living experience to learn from each other, collaborate, and to discuss opportunities for greater impact in ending homelessness. Discussions highlighted strengths of the sector, areas for improvement and acknowledgement of the existing challenges and limitations experienced in the sector.

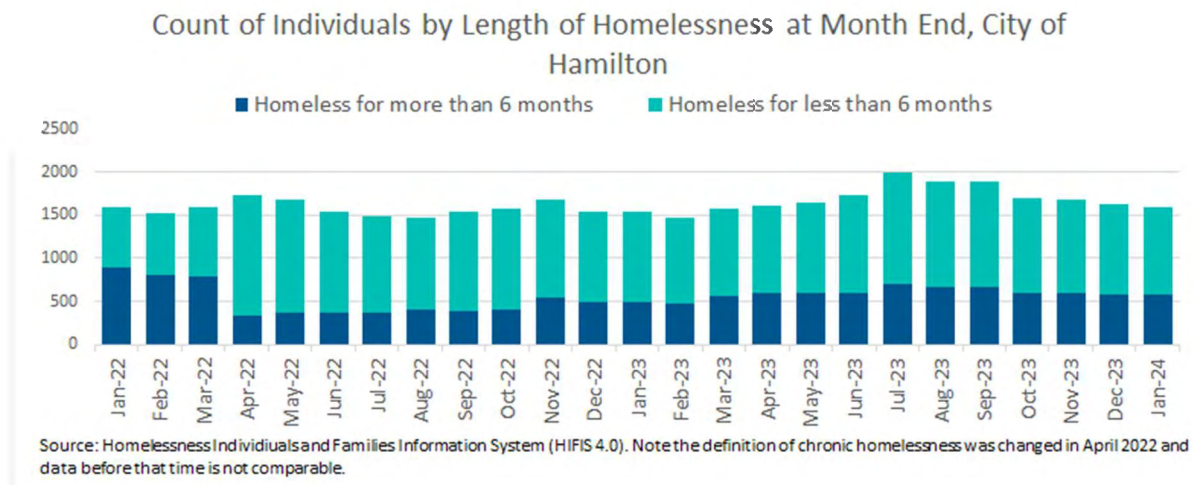
Since the establishment of the Encampment Protocol in August 2023, the operation of a centralized inbox allows staff to respond quickly to community correspondence and monitor community perspectives. Concerned citizens make up 31% of the correspondence with the Housing Focused Street Outreach team, the other categories include Municipal Law Enforcement (15%), Public Works (12%), Councillor’s Offices (11%), the City’s Contact Centre (10%), as well as other groups in less significant numbers such as Hamilton Police, Business Improvement Areas, schools and hospitals.

Staff also worked closely across Planning and Economic Development, Public Works, and Healthy and Safe Communities to determine areas for improvement.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

While the data availability has been hampered by the cyber-security incident, staff do have trend-level data up until January, as well as informal data collected through weekly visits to encampments that has informed the recommendations within this report. Figure 1 shows population count across the last two years, divided by length of homelessness.

Figure 1: Count of Individuals by Length of Homelessness at Months End¹



An important factor in this graph is the proportion of individuals experiencing homelessness for more than 6 months. These individuals are often of higher acuity, and in need of more services to become “rent-ready” and successful in maintaining their housing. As such, they are often clients within the Rapid Rehousing and Intensive Case Management programs. There has been between 500 and 700 individuals in that category across 2023. To ensure that more individuals gain access to these supports, staff recommend increasing funding to these programs to increase the caseload capacity and improve service.

Figure 2: Approximate Demographics of Those Living Unsheltered

Current Approximate Total Number of Individuals Living Unsheltered in Hamilton: 205					
Demographic Breakdown:					
Couples		Singles (Males)		Singles (Females)	
41 (82 individuals)		84		39	
Couples with Pets	Couples without Pets	Single Males with Pets	Single Males w/o pets	Single Females with Pets	Single Females without Pets

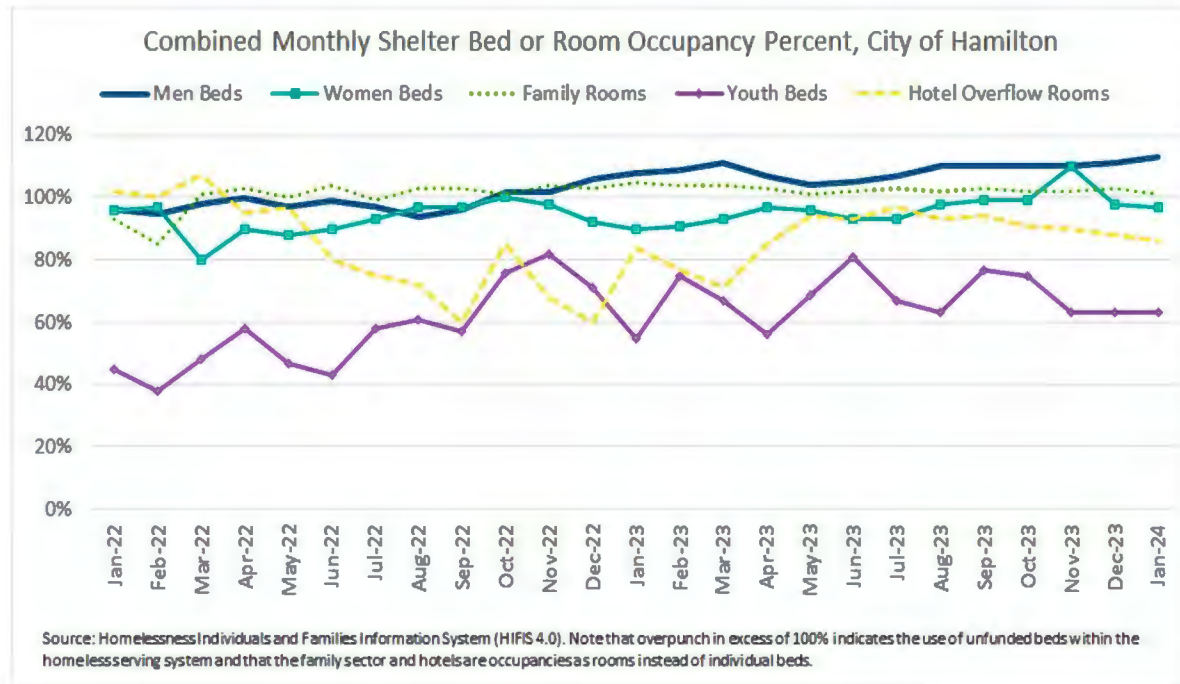
¹ Note: the increase in the total count of individuals increasing in the summer of 2023 was a result of changes in data reporting. The count of individuals is consistently approximately 1600.

11 <i>16 dogs total</i>	30	19 <i>20 dogs total</i>	65	9 <i>18 dogs total</i> <i>6 cats total</i>	30
Total People with Pets: 50 (18 individuals, 11 couples) Total Pets: 60 (54 dogs, 6 cats)					

Further, Housing-Focused Outreach staff maintain an informal count of individuals living in encampments. There are currently over 90 encampment sites with over 200 individuals. While there will always be individuals who prefer to live outside, there are individuals who would shelter within City-funded programs if there were appropriate spaces. However, city-funded shelters are consistently at, or over, capacity (Figure 3). In addition to these capacity pressures, there are gaps in service for individuals with pets and couples without children. Because there is no space for those who are unwilling to access shelter separately from their partners, these individuals often chose to live in encampments. Without additional resources in these targeted areas, encampments are likely to persist. As such, staff used peak encampment population numbers, plus 10%, from last summer to develop the number of new shelter beds to consider funding through the recommended Call for Information.

Drop-in programs are funded, in part, to capture individuals who are not otherwise sheltered. However, a critical drop-in program serving the indigenous population recently lost some of their funding and had to downsize their program. To rectify this, for an already over-represented group within the homeless population, staff recommend the City fund the gap.

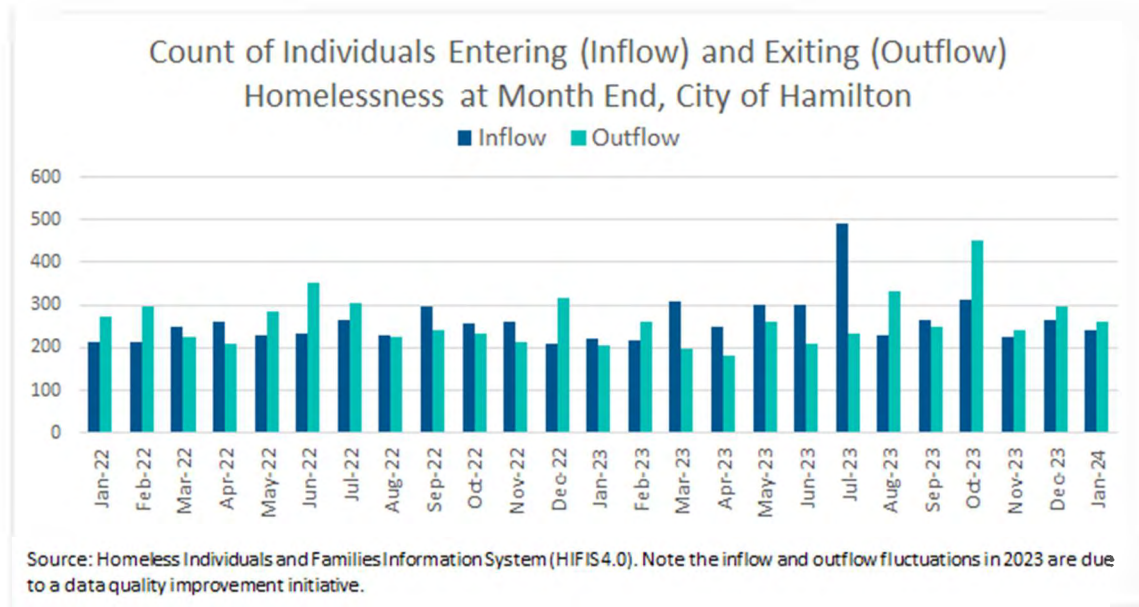
Figure 3: Combined Monthly Shelter Bed or Room Occupancy Percent



In tandem with the high demand for services, shelter operators are been chronically underfunded. As part of Budget 2023, Council approved an ongoing cost-of-living adjustment for all City-Funded shelters. While this assuages issues of continued underfunding, it does not resolve the cumulative effect over the past several years. Staff are recommending a percentage increase to all shelter contracts to reestablish more appropriate funding levels. This percentage rate is based on the percentage of total operating costs that operators augment through other funding sources such as donations. This other funding ranges between approximately 12 and 35% of their total operating costs.

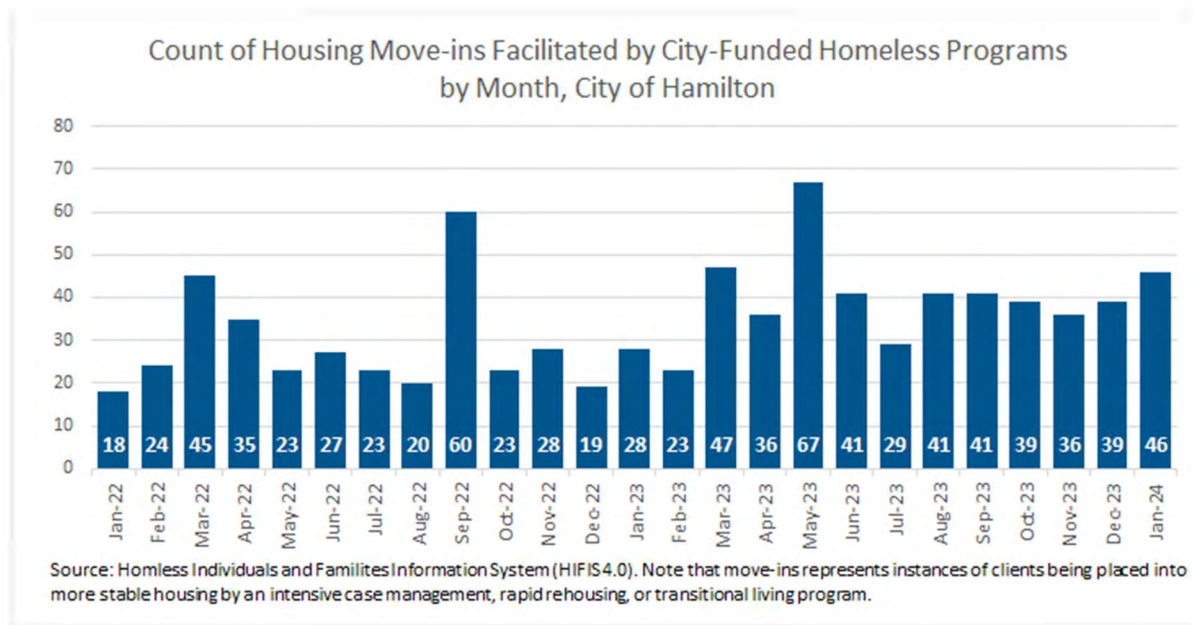
Inflow and Outflow are the terms used to describe those entering and exiting the emergency support system. Figure 4 depicts the rate of inflow and outflow, including an increase to inflow between February and July 2023. This aligns with the observed increase in encampments over last summer. However, outflow numbers improve from August onward as population numbers decreased. Investments into prevention of inflow and accelerated outflow is how the City can reduce overall reliance on the emergency system. Some factors which influence inflow remain outside of the City's control, however, including the rate of asylum seekers and refugee claimants that choose to settle in Hamilton.

Figure 4: Count of Individuals Entering and Exiting Homelessness at Month End



In addition, Hamilton is improving the rate at which individuals are housed through City-funded programs. Figure 5 shows the number of individuals moved into housing that was facilitated by City programs. In 2022, the City averaged 28.75 ‘move-in’s’ per month and increased that to an average of 38.9 in 2023. This may be attributed, in part, to the opening of Dorothy Day Place in May 2023. However, removing outlier months of 60 move-ins or more, the averages still show an increase to outflow in 2023 (25.9 and 36.4, respectively).

Figure 5: Count of Housing Move-Ins Facilitated by City-Funded Homeless Programs by Month



Despite these improvements at the population level, the effects of further investment will take time to realize. During that time, encampments will continue across the City. To better manage any impacts to those living in or around encampments and those working nearby, staff recommend several improvements in alignment with program design needs and community concerns.

Inquiry	Mitigation
Reporting an encampment (27% of inquiries)	Increase the Housing Focused Street Outreach complement to support anticipated increased encampment numbers during the summer, and support winter response programs during the winter months.
Feelings of intimidation and lack of safety (25%)	Implementing minimum distances from walkways and pathways, and maintaining a minimum distance from roads throughout the year (instead of only during snow plowing season). Establishing a minimum distance from funeral homes, long-term care homes and spaces that are designed and programmed for children.
Requesting Enforcement (19%)	Staff do not recommend changing the enforcement approach
Waste & Debris (15% of inquiries)	Collection of waste is already in place and occurring daily in some places. Staff do not recommend a change to this process.
Healthy and Safety of those living unsheltered	Increase the Social Navigator Program with two additional Paramedics to better connect those living

(11%)	unsheltered with healthcare, and provide onsite supports like wound care, point-in-care assessments, and harm reduction supplies. Establishing a minimum distance from construction sites to ensure individuals are a safe distance from active work
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The Community Services Program Analyst supports analysis of encampment correspondence, as well as data collection from encampment residents. This enables Housing Services to continue to optimize the application of the Encampment Protocol and better connect individuals to emergency supports. Due to the prevalence of encampments, and the anticipated continuation of encampments, staff recommend making this position permanent. In addition, staff recommend an additional permanent FTE in Housing Services Division to coordinate responses to community inquiries.

ALTERNATIVES FOR CONSIDERATION

Additional amendments may be considered for the Encampment Protocol including:

1. A setback from private property line. While staff recognize the need to limit impacts to private property, increasing the setback beyond 5m would restrict smaller downtown compliant sites.
2. Limiting to five tents in parks, regardless of size. Staff do not recommend this approach as it would be very limiting and not an equitable approach across the city.
3. Exclude tents from all parks with construction. This is also not recommended as it would close all parks for any type of construction and reduce the number of compliant sites.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report HSC24027 – Proposed Updates to the Encampment Protocol



A8350

CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division
and
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division
and
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	May 15, 2024
SUBJECT/REPORT NO:	Encampment Observation Report (HSC24020/PED24080/ PW24030) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mike Jones (905) 546-2424 Ext.3824
SUBMITTED BY:	Michelle Baird Director, Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	<i>Michelle Baird</i>
SUBMITTED BY:	Dan Smith Acting Director, Licensing and Bylaw Services Planning and Economic Development Department
SIGNATURE:	<i>[Signature]</i>
SUBMITTED BY:	Cynthia Graham Director, Environmental Services Public Works Department
SIGNATURE:	<i>C. Graham</i>

Ex # 2 m/d/y 8/19/2024 Pg 1 of 15
Exam of David Buckle
Heegsma et al v City of Hamilton
Nimigan Mihalovich Reporting Inc.

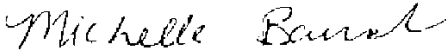


RECOMMENDATIONS

- (a) The Encampment Protocol (Appendix "A" in Report HSC20038(g)) be modified to remove the following provision from Section D, indicating the removal of encampments, temporary shelters, or tents "on or within 50 metres of the Hamilton Alliance for Tiny Shelters model site. For the purpose of this site the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North, will be considered the site."



A8351

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- (b) That the Housing Services Division report back with recommendations on how to address the needs of individuals who are unhoused and any additional service gaps highlighted in this report.

EXECUTIVE SUMMARY

This report provides an overview of the findings associated with implementing the Encampment Response protocol. The Encampment Protocol represents a concerted effort to mitigate the challenges faced by individuals living unsheltered and address concerns raised by the broader community.

Since its ratification in August 2023, the Protocol has undergone several phases of response, from initial ground truthing efforts (i.e., using maps to determine a site's compliance before confirming in-person) aimed to delineate compliant and non-compliant areas, followed by ongoing outreach efforts by Housing Focused Street Outreach to make individuals aware of the protocol's requirements and available resources.

The City has effectively established a housing-led approach that prioritizes supportive outreach over punitive measures, yet several challenges persist, such as difficulties in enforcing compliance timelines, managing garbage and debris at encampment sites, and seasonal considerations regarding the implementation of the protocol.

Overall, the implementation of the protocol has provided greater transparency and clarity regarding the processes used by the City in responding to encampments in the community and has been an effective tool in balancing the needs of individuals living unsheltered with the broader community's needs. However, sustained efforts focused on permanent, humane, cost-effective solutions is needed to address the systemic multifaceted challenges faced by individuals living unsheltered. To this end, Housing Services Division will be proposing several recommendations in Report HSC23021(b) aimed at responding to some of the concerns outlined in this report with the ultimate goal of ending chronic homelessness in Hamilton.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On March 23, 2023, staff presented information report HSC23021, Ending Chronic Homelessness, identifying interventions that were successful as well as needed investments to make progress on resolving chronic homelessness in Hamilton.

On May 17, 2023, staff recommended that Council adopt a Proposed Encampment Protocol (HSC20038(f)/PED21188(c)) in the interim, while a period of public comment occurred until June 30, 2023, to obtain public comment around the concept of sanctioned sites and to conduct a jurisdictional scan.

In addition, to respond to concerns related to basic needs supports and the need to integrate frontline stakeholders and people with lived experience into the encampment response, Council directed staff to provide access to washrooms, showers, clean drinking water, as well as integrate Indigenous and peer supports into its encampment response program. Further, staff were asked to develop a task force or committee comprised of City staff, community stakeholders, and people with lived experience to advise on the development of an encampment response policy and appeals process.

The period of public comment resulted in significant feedback on the draft Protocol, including 11,943 visitors to the Engage Hamilton website who contributed 15,965 individual comments, as well as approximately 2,000 attendees at three in-person community engagement sessions. Once the period of public comment closed, it was recommended that the City make the necessary changes and provide a final recommended Protocol to Council in August 2023.

On August 18, 2023, Council adopted and ratified an Encampment Protocol in Encampment Response Update – August 2023 (HSC23066), identifying approaches, processes, and service levels associated with responding to encampments in the City. In addition, Council provided necessary resources in staffing and equipment to support the implementation of the Protocol. While a broad approach involving sanctioned sites was not recommended by Staff due to its prohibitive costs better utilized in prevention efforts and/or housing, Council also approved a two-year Hamilton Alliance for Tiny Shelters pilot for up to 25 tiny homes on City lands at no cost to the City.

On September 6, 2023, staff followed up on the Ending Chronic Homelessness report with HSC23041 – Addressing the needs of Unsheltered Individuals and those Relying on Hamilton's Emergency Shelter System. This recommended several investments to address capacity challenges in the shelter system, including providing additional space for those living encamped. These items were referred to Budget 2024 and subsequently approved as part of the budget process.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Several consultations were conducted and were the basis for analysing the implementation of the Encampment Protocol.

Housing Focused Street Outreach consulted with internal divisions including Municipal Law Enforcement, Parks Section, Parking Enforcement, and Hamilton Fire Department, as well as Hamilton Police Services. In addition, an open-ended questionnaire was sent to several community partners who comprise the Encampment Liaison Committee, including Keeping Six, St. Matthew's House, HAMSMRT, and Hamilton Regional Indian Centre.

People living in encampments throughout the City were also consulted from March 7-12, 2024.

Housing Focused Street Outreach staff consulted with nearby municipalities that are considering adopting a Protocol to direct encampment-related work in Guelph and Toronto, to compare approaches and findings. The consultation helped to inform the analysis below.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

While this report focuses on the impacts of unsheltered homelessness in the City of Hamilton, it is important to note that increasing levels of unsheltered homelessness is being experienced in communities across Canada. With increased costs of housing and rental prices, inflation with stagnant wages, as well as insufficient income from supports such as Ontario Works and Ontario Disability Support Program, it is exceedingly difficult for low-income households, particularly singles, to access suitable and appropriate housing. Adding to the precarity being experienced, in Hamilton and across Canada, emergency shelter capacities are also being met and chronically exceeded across sectors, particularly for adult men, resulting in overflow into hotel spaces.

With both housing and emergency shelter largely inaccessible, and with more individuals entering into unsheltered homelessness, the constellation of existing supports is unable to meet the growing demand. More people are confronted with the reality of living in an encampment, a lifestyle that contributes to worsened physical and mental health outcomes and often associated with increased substance use.

Limited coordination and accountability to-date from Federal and Provincial levels of government has further complicated efforts to address the issue. Nonetheless, there is

still a need to address unsheltered homelessness at a community level to ensure individuals living outside do so with dignity, while also meeting the needs of the broader community. As such, the Encampment Protocol was adopted to provide transparency and expectations around the City's approach to encampment response, and to balance the needs of everyone in the community.

To evaluate how the Protocol is being implemented, several consultations were conducted, including with people with lived experience, community partners, and members of the Coordinated Response Team, who have provided ongoing oversight throughout implementation to various aspects of the program through ongoing collaboration and coordination, to calibrate how supports are best utilized to achieve the maximum impact. Given the volume of responses from the community (particularly from concerned citizens, Business Improvement Areas, and local businesses) to the unsheltered inbox, their voice is also represented in the following analysis. The recommendations being made reflect all the feedback received.

The following section of the report will provide context around the implementation of the Protocol, and review feedback received from the consultations conducted, including both what was achieved, as well as challenges.

Volume of Requests and Approach to Communication

Since the establishment of the Encampment Protocol in August 2023 until April 15, 2024, Housing Focused Street Outreach has been contacted 3825 times (including follow-ups and repeated contact) via its unsheltered email, as well as hundreds more times by voicemail. The majority of complaints or service requests received by Housing Focused Street Outreach are initiated by concerned citizens (70%) and include requests for additional supports onsite, reporting of encampments, and requests for removal as per the terms of the Protocol, yet several other internal and external sources have also contacted Housing Focused Street Outreach regarding encampment-related concerns or requests.

With a high volume of complaints and service requests received by Housing Focused Street Outreach via email and voicemail, the ability of Housing Focused Street Outreach to respond to each request without a dedicated staffing complement has not been possible. As a result, complainants have not received personalized responses, leading to a lack of clarity and significant frustration. As part of a concerted effort to respond to complaints and requests, and to improve transparency with the public, Housing Focused Street Outreach has established a Program Secretary tasked with responding to inquiries, and the team has developed several new approaches to managing the inflow of complaints and service requests to its unsheltered mailbox and voicemail.

Enforcement-related Complaints and Requests for Service

Since implementation of the Protocol, the overall number of complaints and service requests has gradually declined, peaking at 860 in September 2023 before gradually declining to 328 in March 2024. There has also been a gradual decrease in the reporting of and requests to enforce encampments, which totalled a high of 526 in September 2023 before dropping to 130 in February 2024. This suggests that the efforts of Housing Focused Street Outreach and its partners has been successful in working with individuals living unsheltered to access compliant spaces.

While the complaints and requests for service regarding encampments have decreased month-over-month since the Protocol was established, from 897 in September 2023 to 328 in March 2024, it increased substantially in April 2024 to 481 complaints and requests for service. With warmer weather anticipated in the upcoming months it is expected that the total number of complaints and service requests related to encampments will increase to, or higher than the levels experienced in September 2023. This will place an additional strain on resources as staff attempt to address the community's concerns and suggestions.

Coordination amongst Partners and Stakeholders

Implementation of the Encampment Protocol requires significant effort and expertise from several teams. The Coordinated Response Team - made up of staff from Housing Focused Street Outreach, Municipal Law Enforcement, Parks Section, Parking Enforcement, Corporate Security, Hamilton Fire Department, and Hamilton Police Services - meet three times weekly to strategize around approaches to sites with acute challenges, coordinate encampment response through the City, and address issues via new, innovative approaches that build upon previous experiences. On a daily basis, several divisions are involved in ongoing coordination of frontline efforts to ensure sites are effectively engaged and when necessary, escalated to the appropriate parties who work together to enforce. To ensure the frontline work is well-coordinated, significant administrative work is needed to ensure all incoming communications are logged, new sites are identified and prioritized effectively, with frontline information (i.e., site visits, interactions/engagement with individuals living in encampments, enforcement actions, site clean-ups) about new and existing sites updated across teams within shared repositories on a daily basis. These interactions are the backbone of implementation, and this collaboration has been noted by all partners as being necessary and successful.

In terms of external partnerships, Housing Focused Street Outreach held an initial meeting in February 2024 with community stakeholders and persons with lived experience of homelessness to develop a Terms of Reference that outlines the purpose, values, objectives, and scope of the work. Due to the cybersecurity incident, timelines have been impacted and a next meeting is being rescheduled for May 2024.

Housing Focused Street Outreach will conduct ongoing research with individuals living unsheltered to establish appropriate baselines and to ensure there is ongoing evaluation of the community's needs that also correspond with the program's objectives. This will also provide staff with an opportunity to develop and track more reliable equity-based indicators to assess the impacts on people disproportionately impacted by unsheltered homelessness, which can be used to inform new partnerships and approaches to service.

Service Levels

As per the guidelines established in the Encampment Protocol, Housing Focused Street Outreach (Housing Services Division), Municipal Law Enforcement (Licensing and Bylaw), and Parks Section (Public Works) have service levels associated with their response to encampments. While other divisions (i.e., Parking enforcement, Hamilton Fire Department), and partners (i.e., Hamilton Police Services) are involved via the Coordinated Response Team, they do not have service levels guiding their response.

As of April 15, 2024, Housing Focused Street Outreach has received and visited 472 sites within the scope of the Encampment Protocol. Of the sites with a defined outcome, Housing Focused Street Outreach met its service level of attending and escalating each identified site with 72 hours 89% of the time and escalates 96% of sites to Municipal Law Enforcement within a week of being identified.

Due to the cybersecurity incident, there has been a significant loss of historical data related to Municipal Law Enforcement's service levels. Broadly, given the staffing levels available (i.e., a Municipal Law Enforcement Supervisor and two Municipal Law Enforcement Officers), there have been significant challenges in meeting the defined service level, and Municipal Law Enforcement would require additional staffing, as well as the support of additional Hamilton Police Encampment Engagement team staff to avoid enforcement bottlenecks.

While there are service levels identified within the Encampment Protocol defining clean-ups and site maintenance, Parks Section simultaneously manages routine garbage pickup, ad hoc clean-ups resulting from enforcement actions, as well as complaints and/or service requests, making it challenging to track each specific type of request. Additional mechanisms to track and identify work requests are under development.

Housing-Led Approach

The goal of a housing-led approach is for Housing Focused Street Outreach to be the first point of contact for individuals living unsheltered on public property, to establish rapport and work towards connecting them with services and supports that maintain their well-being, and to only escalate sites with potential compliance concerns to Municipal Law Enforcement (i.e., sites with no clear compliance issues would not be

escalated to Municipal Law Enforcement for investigation). To date, this has been effective during the implementation of the Encampment Protocol, and individuals living unsheltered reported having less or little interaction with Municipal Law Enforcement and Hamilton Police since the Protocol had been established.

Under the existing approach of having compliant spaces available for access, 50% of individuals living unsheltered felt the current approach was working for them. When comparing to a similar survey done in 2022, at a time when there was a 12–72-hour bylaw required individuals living unsheltered to move frequently to new locations, only 10% believed that approach was working for them.

To aide in continuous improvement of service to individuals living unsheltered, Housing Focused Street Outreach has developed several new processes to assist in triaging of complaints and requests, data analysis, and reporting. The new approaches will be used to collect more reliable, accurate systems data from outreach staff to assist with site prioritization and better define the work being completed by outreach staff. Housing Focused Street Outreach is also in the process of adding three (3) peer support workers who will be funded to support rapport-building, harm reduction, and site remediation.

Distance Away from Schools and Childcare Facilities

During the consultation period in summer 2023, and prior to the ratification of the Encampment Protocol, there was significant feedback provided by the public related to the proximity of encampments to places frequented by toddlers and school-aged children. As a result, in the final version of the Protocol the distances were extended from 50-metres to 100-metres away from schools and childcare facilities. This has been successful, with sites being identified near a school of childcare facility dropping from 12% in September 2023, to none in March 2023.

Number of Encampments Per Cluster

The Protocol provides direction regarding number of tents permitted in a cluster and distances between clusters. From the experiences of staff, corroborated through the experiences of a majority of individuals living unsheltered, as well as the complaints data, this has been a successful provision within the Protocol. While enforcement is based upon a five-tent limit, it is common for sites to include tents that are not inhabited, and instead used for storage of food and personal items, which adds to the size of a site. Largely, when sites exceed a manageable number of tents, i.e., approximately five tents, there is a clear increase in the number of associated complaints and concerns with the site.

At a community level, an increase in tents at a site is generally associated with an increase in complaints related to garbage and debris in a concentrated area, more combustibles, violence and use of weapons, and reports of feeling intimidated by the

number of people. In addition, individuals living in encampments also reported concerns with larger sites, included theft, lack of privacy, and varying and at times conflicting lifestyles and goals amongst the people living there.

Additional Protocol Considerations

While the intent of the Protocol is to balance the needs of individuals living unsheltered and the broader community, there were additional considerations made by internal staff and people with lived experience regarding potential changes that would add to the Protocol, as well as modify, and remove existing clauses.

One change to the Encampment Protocol being recommended is the following from Section D, indicating the removal of encampments, temporary shelters, or tents “on or within 50 metres of the Hamilton Alliance for Tiny Shelters model site. For the purpose of this site the full length of the Strachan Linear Park, Bay Street North to Ferguson Street North, will be considered the site.” It has since been confirmed that this area will not be used for the Hamilton Alliance for Tiny Homes pilot project, and to reflect this update, this provision should be removed from the Protocol.

For other potential changes, given that the Protocol has not been implemented for a full year yet and understanding that the warmer months have higher rates of people living unsheltered, more information is required to better understand the impacts of the Protocol prior to recommending any changes. In addition, before a recommendation(s) is made, each consideration would require a comprehensive policy and risk analysis of associated impacts. See Appendix “A” for a detailed list of considerations.

Compliant Spaces

With less required movement of people living unsheltered throughout the city as a result of compliant spaces being available, there are several compliant sites that have had a stable group of individuals living there. This has allowed Housing Focused Street Outreach and other frontline providers to build effective rapport with the same individuals over a longer period of time, leading to more successful outcomes. Both Outreach staff and individuals living unsheltered noted that having a place to stay for longer periods of time was very beneficial, especially when compared to approaches used in the past that required ongoing movement to new areas. However, this approach has been problematic for some neighbours and local businesses nearby who report concerns with an ongoing encampment presence nearby, particularly when there are presenting concerns around health and safety, namely garbage, debris, and waste.

In terms of frequented areas of the city, as expected given the proximity to services and supports, Ward 2 (34%), Ward 3 (29%), Ward 5 (9%), Ward 1 (9%), and Ward 4 (7%) have had the most newly identified encampments in non-compliant spaces, while all other Wards have had less than 5% of the total number of new encampments identified.

In general, the significant majority of encampments are in the lower City. Given the concentration of encampments in lower City wards, it is anticipated that this may lead to an increase in sites with numerical non-compliance (i.e., five or more tents, lack of distance between clusters), geographically non-compliant sites (i.e., proximity to), and more tents within escarpment areas during warmer weather months when historically more people live outside.

Safety Concerns

Concerned citizens and local businesses have detailed several health and safety issues in their complaints to Housing Focused Street Outreach, such as light posts being compromised for electricity, human waste exposure, and personal safety concerns. Businesses have detailed that the presence of encampments has negatively impacted their operations. This has led to significant frustration amongst all parties.

Several encampment residents who were interviewed also expressed concerns for their safety, sharing instances where their presence had resulted in confrontation from neighbours and youth.

Enforcement Challenges

The consistent enforcement of sites has been impacted by a lack of staffing available to manage the responsibilities of the portfolio. Currently, there are two Hamilton Police Services Encampment Engagement Team officers responsible for attending all site visits with Municipal Law Enforcement officers, coordinating and leading private property enforcement and the enforcement of sites on public property. With a high number of non-compliant sites resulting from the disbandment of larger sites like Woodlands Park and City Hall, and in using a hands-off approach to enforcement, the time required to enforce requires more resources than currently allocated.

Since Hamilton Police's Encampment Engagement Team was established in September 2023, the team has attended 441 encampment site visits. Some of these visits are supporting the issuing of 419 Trespass Notices by Municipal Law Enforcement Officers. In addition, Hamilton Police Service's Encampment Engagement team has spent a total of 248 hours enforcing previously issued notices. This does not include time spent assisting other agencies and enforcing encampments on private property.

Contributing to the time spent enforcing previously issued notices are several locations within the city that are often habitually occupied by encampments. Some examples include MacNab St S and Hunter St W, Jackson St W and MacNab St S, Vine between Park and York, and the Hamilton Convention Centre alcoves on King St W. Given the proximity of these sites/areas to community resources and services that meet the basic needs of individuals living unsheltered, these sites quickly re-establish after enforcement has occurred with new occupants, triggering a new round of engagement

and enforcement. In addition, other street-related concerns not related to encampments are often grouped under the heading of encampments, including loitering and illegal dumping or garbage. These issues, although not related to encampments and more frequently associated with mental health and substance abuse issues, are brought to the attention of the City via the unsheltered inbox. These sites are also resource-intensive for Municipal Law Enforcement and Housing Focused Street Outreach to assess and address.

Recreational Vehicles and Trailers

Since the Encampment Protocol was adopted by Council, a growing number of locations throughout the city have been occupied by individuals inhabiting within Recreational Vehicles (RVs) and trailers. Many of the RVs and trailers being inhabited also have had additional semi-permanent structures built into them. With existing Parks Bylaws already governing the use of RVs and trailers, particularly for habitation, as well as several other Parking-related violations, the use of these vehicles in this manner is not compliant and there are no designated areas for free parking of Recreational Vehicles or trailers on public lands in the City of Hamilton.

To support this work, the City's Parking Enforcement team has joined the Coordinated Response Team to provide best practices related to managing these concerns, and in coordination with Housing Focused Street Outreach, has allowed for Outreach staff to visit individuals to ensure they are provided with additional options and resources prior to enforcement.

Fire and Combustibles

The use of fire pits and other combustibles by individuals who are unsheltered to maintain warmth during colder months has resulted in several complaints and concerns from neighbours of sites who feel at risk. The Hamilton Fire Department has been actively engaged with incidents related to encampments, categorized into those necessitating emergency response and those that do not. The main types of incidents responded to include burning complaints, rubbish fires, and calls for medical assistance. In January 2023, burning complaints were the predominant response call-type, numbering 31 responses. During such responses, fire-related situations are promptly extinguished, and encampment occupants are reminded of the open-air burning by-law.

The Hamilton Fire Department, in collaboration with the Housing Focused Outreach team, developed a printed resource to increase fire safety awareness and support educating people living unsheltered. Approximately 800 of these two-sided, non-destructible flyers were distributed to resource centres and the City's Encampment Response Team in early 2024. In addition, in January 2024 a representative from the Hamilton Fire Department joined the City's Coordinated Response Team to provide ongoing support and best practices related to coordination and risk mitigation at sites.

An important aspect to note is that application of the Ontario Fire Code principally pertains to buildings and structures but does not apply to tents smaller than 30m² used for camping, personal, or non-commercial purposes. Additionally, the Fire Department is not licensed to remove or transport hazardous materials (including propane cylinders). As such, there is currently no defined process for removal of flammable or combustible materials.

Washroom Access

The need for access to washrooms was echoed by several individuals living in encampments who want the option of using facilities nearby, as well as community partners who provide frontline service. Housing Focused Street Outreach has received several complaints from members of the community reporting human waste requiring clean up or wanting portable washrooms at compliant sites.

To address some of the concerns, two washroom programs were established at central locations within the city and are available on a 24/7 basis. Individuals encamped near washroom programs (i.e., JC Beemer, Corktown Park) report it as one of the reasons they stay nearby but given logistical concerns in counting users of the washrooms who are experiencing homelessness, staff were unable to identify the frequency individuals access the 24/7 washrooms.

In September 2023, shower programs were also established within two locations within the City, Norman Pinky Lewis Recreational Centre, and Bennetto Community Centre. Previously, the City operated a shower program at Eastwood Arena, but due to low uptake (33 visitors over 15 weeks), the program was moved to Bennetto in January 2024, which has seen a mild increase in uptake (6 per week, vs 2 per week). In contrast, Norman Pinky Lewis has seen an average of 14 individuals experiencing homelessness utilize the service each week. More work is required to better understand barriers to service use.

Garbage and Debris Pickup

Housing Focused Street Outreach received several complaints describing parks as being unusable due to the presence of garbage and debris. As individuals move to compliant sites and stay in a single place for longer periods of time, they often accumulate more items at the site, particularly during colder weather months. As a result, the number of complaints related to garbage and debris has maintained at the same level (67-80 requests per month), despite a significant decrease to the number of sites and overall complaints and requests for service.

To facilitate clean-ups at sites across the city, the Parks Section has created a schedule to assist in managing garbage and debris pickup at encampments. To ensure adequate coverage, larger sites that may contain more than one cluster or are currently non-

compliant with five or more tents are attended to every other day given the level of need, while smaller sites are visited at least once a week.

Managing clean-ups throughout the city can be challenging given that there are ongoing ad hoc requests made of Parks section staff, sometimes related to sites being vacated or recently vacated. As such, a consistent, planned schedules for all sites is not possible. In the meantime, all known encampment sites visited by Parks section are offered garbage bags to help mitigate the spread of garbage and debris, and staff coordinate with individual(s) at the site to detail the location to leave bagged garbage, and approximate time of next pickup.

Additionally, there have been concerns about garbage/debris on private property associated with encampments, which is presently not within the City's scope of work. To alleviate the burden on members of the public to clean up after garbage/debris has been left on their property, Public Works is bringing forward a recommendation report in May 2024 to suggest an approach to address and mitigate these concerns.

Special Events

Throughout the year, the City of Hamilton, and its partners host community events on public lands across the city. As part of holding events the Special Events Advisory Committee (SEAT) reviews the operational details to ensure the health and safety of participants and City assets (parks, roads). Occasionally, some of the 350+ events held each year are planned in spaces already occupied by encampments in a compliant location.

With no specific clause in the Encampment Protocol delineating a process for managing co-location and given the mental health impacts of moving individuals from their compliant space, individual(s) in residing in compliant locations will not be moved as a result of an upcoming or planned event. As encampments move throughout the City, particularly in the summer months, this can lead to tensions and challenges amongst event organizers and City staff that are managed on a case-by-case basis.

Barriers to Housing and Emergency Shelter

Without identified outflow from encampments into indoor spaces such as emergency shelter, temporary or transitional housing, or permanent housing, encampments are likely to maintain or increase in total.

Individual(s) living unsheltered reported several barriers to emergency shelter, including a lack of pet-friendly and couples' spaces, harm reduction friendly policies, privacy concerns, and requirements to leave and return to secure a bed every day, that precluded them from wanting to access the service. When asked if they would consider accessing spaces in the emergency shelter system more suitable to their needs (i.e.,

some of the barriers to access were potentially reduced), 71% were interested. To reflect this need, Housing Services division continues to explore various program models aimed at providing more inclusive service.

To address the impacts of colder weather and increasing need, in 2023-24 Housing Services Division introduced a number of services and supports aimed at providing greater access to warm, indoor spaces, particularly for individuals who are less likely to access traditional service models and may spend time in encampments. Services offered included the warming bus which operated in cold-weather months overnight and was staffed by two outreach employees, extended hours at resource centres and libraries for individuals looking for immediate respite from colder weather, 45 overnight spaces at Willow's Place, and 50 warming spaces at Good Shepherd Cathedral. Given the benefits associated with the City's Winter Response Strategy and the ongoing need for indoor space, particularly for hardest-to-reach populations, these services have been extended until November 30, 2024. An investment in resources within the Family Shelter system allowed for additional support services for clients in this sector.

Housing also continues to be difficult to acquire for individuals living in encampments, especially those who may require supports that assist in their transition. While many of the individuals living outside had connected with housing workers and were on the Access to Housing waitlist, many still felt unsupported, and shared little to no hope in acquiring housing. While the Encampment Protocol has been developed to provide clarity and balance the needs of individuals living unsheltered and the broader community, and with the knowledge that other approaches (i.e., sanctioned sites) have been considered that would provide temporary relief at high costs, the goal is to use resources towards permanent, humane, cost-effective solutions such as housing. To this end, Housing Service Division has identified resources and strategies that would effectively end chronic homelessness in Hamilton and will be bringing a report with actionable recommendations for Council to consider in June 2024.

To ensure individuals are able to stay in their housing, the City of Hamilton is currently implementing the expanded Tenant Support Program as approved by City Council to help stop vulnerable tenants being displaced and possibly entering into the homelessness serving system. This expanded program includes a partnership with the Hamilton Community Legal Clinic to provide legal support for tenants facing displacement through N-13 and N-12 notices. Additional supports as part of this program are outreach services to tenants through ACORN Hamilton and housing plans and support for tenants who do need to be displaced because of legitimate renovations through the Housing Help Centre Hamilton and Area.

The issue of homelessness and related issues of addiction and mental health continue to cause pressures across the housing and homelessness system and beyond. These are multi-faceted complex issues, and the continuously growing needs are pressuring the capacity of the existing systems. In addition, the issues are challenging and cross-

departmental in nature, often extending beyond city departments. This is demanding work and has an impact on the City staff working on these issues.

Despite the challenges there are opportunities for us, as a City, to have a positive impact with time. The encampment protocol is not a solution to homelessness, it continues to be a means to manage the crisis within our City providing some stability and options for people experiencing homelessness, however, continued commitment to more solution focused measures is needed in accompaniment with the protocol.

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HSC24020/PED24080/PW24030 – Additional Encampment Protocol Considerations

A8366

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*

**SUPPLEMENTARY AFFIDAVIT OF KARA BUNN
AFFIRMED JULY 31, 2024**

I, Kara Bunn, 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 make this affidavit as an update and supplement to my October 8, 2021 affidavit

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in this proceeding.¹

Parks and Cemeteries Section at City of Hamilton

3. Paragraphs 1-3 and 5 of my October 8, 2021 affidavit (regarding my job title and duties, the By-Law operating the Parks and Cemeteries Section, including the four Park Districts) remain accurate; with additional updates that:
 - (i) In 2024, the City of Hamilton Planning Committee was presented with the Biodiversity Action Plan ("BAP") to safeguard and restore Hamilton's unique biodiversity. The BAP will facilitate collaboration between the City and conservation organizations to implement measures aimed at protecting, enhancing, and restoring biodiversity in the area (paragraph 2).
 - (ii) The Parks and Cemeteries Section also operates in accordance with the Parks and Cemeteries Section Mission and Vision Statement, which provides that Parks Hamilton is a team of dedicated professionals focused on providing vibrant, engaging outdoor spaces to enrich the quality of life for all (paragraph 2).
 - (iii) The safety and health of the public, as well as the environment in City parks and cemeteries, remain the main concern and priority for the Parks and Cemeteries Section (paragraph 2).
 - (iv) As of June 24, 2024, Cory Manning has assumed the role of Superintendent of Park District North. Steve Hasselman, the former Superintendent of Park

¹ All defined terms in my October 8, 2021, affidavit have the same meaning in this affidavit.

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District North, has been reassigned to Park District West following the enactment of the Protocol. Both superintendents report to me. The team responsible for the encampment clean-up, including the supervisor, lead hand, and operators, report directly to Cory Manning. (Paragraph 5)

Encampments and Hamilton Parks

4. As an update to paragraph 4 of my October 8, 2021 affidavit (location of encampments), following the implementation of the Protocol in August 2023, it is my observation that approximately 80-90% of the encampments are still within the Park District North, but have been dispersed more evenly; while most of the remaining 10% are located in Stoney Creek and Mountain Brow (Parks District East).
5. Paragraph 6 (regarding Parks and Cemeteries Section's role in the Six Step Encampment Process) remained accurate up until the current 2023 Encampment Protocol was enacted in August 2023. Paragraph 7 (Parks and Cemeteries Section responding as-needed for cleanup) remains accurate.

Parks and Cemeteries' Role in 2023 Encampment Protocol

6. Under the current, 2023 Encampment Protocol, Parks and Cemeteries staff may be requested to attend a site to clean up:
 - (a) after an encampment has been vacated (step 8 under subsection B of section G, "When an encampment, temporary shelter, or tent is located on public property, within a prohibited area");

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- (b) in the course of assessing whether an encampment site has been deemed abandoned (step 2 of section I, "Process for Designating an Encampment, Temporary Shelter, or Tent as Abandoned");
 - (c) after an encampment site has been deemed abandoned (step 5 of section I, "Process for Designating an Encampment, Temporary Shelter, or Tent as Abandoned").
7. Parks and Cemeteries staff are cognizant of the importance of maintaining one's possessions while experiencing homelessness, and are cautious when they are consulted about deeming a site to be abandoned. Staff make best efforts to ensure that items that are disposed of during cleanup have been abandoned or discarded.
8. Parks and Cemeteries staff do not remove or dispose of tents or shelters that are occupied.

Observations of Encampments and Effect on Parks and Cemeteries Operations

9. Paragraphs 8 and 9 of my October 8, 2021 affidavit (regarding growth of encampments in Hamilton City parks and the effect on City parks) remain accurate.
10. As an update, the presence of encampments continues to create challenges for the Parks and Cemeteries Section. I have observed that:
- (a) Over the years since my October 8, 2021 affidavit, vigilantism from the public has increased, including actions such as setting tents on fire.
 - (b) The rapid increase in the number of encampment occupants has led to a corresponding increase in incidents of verbal abuse, brandishing of

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weapons, dog attacks, and individuals exposing themselves, by encampment occupants directed at Parks and Cemeteries staff.

- (c) Notwithstanding the 2023 Encampment Protocol, tents are still being placed in prohibited areas. Non-compliance with the 2023 Encampment Protocol does not always result in enforcement action, or it is not always enforced immediately.
 - (d) Since the 2023 Encampment Protocol was implemented, encampment occupants increasingly display a sense of entitlement, as if the spot where their encampment is located is their property. This leads them to act more aggressively towards others; particularly, but not only, towards Parks and Cemeteries staff.
 - (e) With encampments remaining present for longer, there is more garbage in areas where encampments have become entrenched; making it difficult to maintain a safe and healthy environment despite the City's efforts.
 - (f) These behaviors affect Parks and Cemeteries staff's work, as they require more extensive clean-up efforts, while still carrying out their other duties.
11. Paragraphs 13, 15 and 16 of my October 8, 2021 affidavit (regarding the ongoing concern of encampment cleanup and drug paraphernalia) remain accurate. Regarding paragraph 14 of my October 8, 2021 affidavit (regarding attendances by Parks and Cemeteries staff for needle cleanup), Updated needle cleanup data are not currently available due to the cyber-attack on the City in February 2024.

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12. Additionally, I wish to reiterate that the presence of encampments remains a significant challenge, compounded by issues of human waste and concerns for staff and public safety and health. Despite the tireless efforts of the Parks and Cemeteries staff to maintain a safe and clean environment, the increasing number of encampment occupants and the corresponding increase in damage to parks – such as felling and burning trees, fire damage, unauthorized access to electricity, damage to washrooms and water fountains, vandalism and graffiti, human waste and discarded drug paraphernalia - make these efforts difficult.
13. I also wish to point out that the daily interactions with the encampment occupants have also led to some positive experiences. Some of the encampment occupants are pleasant to engage with and willing to assist in the cleaning efforts.

Financial Impact

14. Paragraph 11 of my October 8, 2021 affidavit (regarding the costs associated with homeless camp clean-ups and related activities) remains accurate, with the following updates:
 - (a) A budget was presented to City Council in 2021 to address clean up costs, which has been incrementally increased to cover the rising costs of security and clean-up due to the growing presence of encampment occupants.
 - (b) In 2022, 240 sites were cleaned, costing \$118,421.00, compared to 262 sites in 2021 costing \$215,000.00. Council supported additional funds to cover park costs, excluding security and facilities, and to increase the Public Works Department's budget for clean-ups and other expenses.

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- (c) In January 2023, Council approved an increase of \$200,000 annually to the Public Works Department's operating budget, to be used for ad hoc clean up or other costs incurred as a result of encampments on City property.
- (d) In August 2023, Council approved further expenses, particularly:
 - (i) the creation of one full-time Parks Lead Hand and two full-time Parks Operators positions at an annualized operating cost of \$245,000;
 - (ii) leasing of vehicles and equipment for the period of September 1, 2023 to March 31, 2024 at an annualized operating cost of \$33,000 and a capital cost of \$220,000.

AFFIRMED by Kara Bunn 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:
Bevin Shores

Commissioner for Taking Affidavits
(or as may be)

BEVIN SHORES

DocuSigned by:
Kara Bunn

KARA BUNN

A4088

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
	SUPPLEMENTARY AFFIDAVIT OF KARA BUNN AFFIRMED JULY 31, 2024
	GOWLING WLG (CANADA) LLP Barristers & Solicitors One Main Street West Hamilton, ON L8P 4Z5 Tel: 905-540-8208 Bevin Shores (LSO#56161F) Tel: 905-540-2468 <i>bevin.shores@gowlingwlg.com</i> Jordan Diacur (LSO#65860E) Tel: 905-540-2500 <i>jordan.diacur@gowlingwlg.com</i> Lawyers for the respondent

<div>KARA BUNN - 1</div> <div>1 Court File No. CV-21-77187</div> <div>2</div> <div>3 ONTARIO</div> <div>4 SUPERIOR COURT OF JUSTICE</div> <div>5</div> <div>6 B E T W E E N:</div> <div>7</div> <div>8 KRISTEN HEEGSMa, DARRIN MARCHAND, GORD SMYTH, MARIO</div> <div>9 MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL, CHRISTINE</div> <div>10 DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA</div> <div>11 JORDAN, JULIA LAUZON AMY LEWIS, ASHLEY MACDONALD, COREY</div> <div>12 MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE,</div> <div>13 LINSLEY GREAVES and PATRICK WARD</div> <div>14 Applicants</div> <div>15</div> <div>16 - and -</div> <div>17</div> <div>18 CITY OF HAMILTON</div> <div>19 Respondent</div> <div>20</div> <div>21 --- This is the Cross-Examination of KARA BUNN, a</div> <div>22 representative of the Respondent herein, on her</div> <div>23 affidavits, affirmed October 8, 2021 and July 31, 2024,</div> <div>24 taken via Zoom videoconference, on Wednesday, the 21st</div> <div>25 day of August, 2024.</div> <div>NIMIGAN MIHAILOVICH REPORTING INC.</div> <div>Hamilton, Ontario - nmreporting.ca - (905) 522-1653</div>	<div>KARA BUNN - 3</div> <div>A8374</div> <div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>TABLE OF CONTENTS</div> <div>INDEX OF EXAMINATIONS: PAGE NO.</div> <div>KARA BUNN; Affirmed..... 4</div> <div>CROSS-EXAMINATION BY MR. CHOUDHRY:.....4</div> <div>NIMIGAN MIHAILOVICH REPORTING INC.</div> <div>Hamilton, Ontario - nmreporting.ca - (905) 522-1653</div>
<div>KARA BUNN - 2</div> <div>1 APPEARANCES:</div> <div>2 SUJIT CHOUDHRY For the Applicants</div> <div>3 SHARON CROWE</div> <div>4</div> <div>5 BEVIN SHORES For the Respondent</div> <div>6 VIVIAN CALDAS</div> <div>7</div> <div>8</div> <div>9 Also Present:</div> <div>10 Liz Marr Student,</div> <div>11 Gowling WLG (Canada) LLP</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>NIMIGAN MIHAILOVICH REPORTING INC.</div> <div>Hamilton, Ontario - nmreporting.ca - (905) 522-1653</div>	<div>KARA BUNN - 4</div> <div>1 --- Upon commencing at 10:01 a.m.</div> <div>2 KARA BUNN; Affirmed.</div> <div>3 CROSS-EXAMINATION BY MR. CHOUDHRY:</div> <div>4 1 Q. Ms. Bunn, good morning. My name</div> <div>5 is Sujit Choudhry. As Ms. Shores has said, I am one of</div> <div>6 the lawyers for the Applicants in this matter. And I</div> <div>7 thank you for being here. I know that we've -- Ms.</div> <div>8 Shores has already covered some logistical issues with</div> <div>9 you, but I just want to go over those again, if you</div> <div>10 don't mind, quickly, it's something I do with every</div> <div>11 witness.</div> <div>12 So, as you know, I am cross-examining</div> <div>13 you on your affidavits that have been filed by the City</div> <div>14 in a court case regarding homeless encampments. Your</div> <div>15 affidavits and this cross-examination will be put into</div> <div>16 evidence before the court. And so it's, therefore,</div> <div>17 important that you tell the truth; and you've sworn to</div> <div>18 do so just now.</div> <div>19 If you'd like me to repeat a question,</div> <div>20 please do. Okay. If you would like a moment to</div> <div>21 collect your thoughts, to answer a question, please</div> <div>22 take it. You may only have -- as you've -- I think</div> <div>23 you've confirmed, you only have your affidavit and</div> <div>24 exhibits in front of you --</div> <div>25 A. Correct.</div> <div>NIMIGAN MIHAILOVICH REPORTING INC.</div> <div>Hamilton, Ontario - nmreporting.ca - (905) 522-1653</div> <div>A4090</div>

<p style="text-align: center;">KARA BUNN - 5</p> <p>1 2 Q. -- is that correct? Right. And</p> <p>2 you have no notes, correct?</p> <p>3 A. No.</p> <p>4 3 Q. Okay. And if I, if I do decide to</p> <p>5 refer you to other evidence in this matter or other</p> <p>6 materials, I'll put them up on the screen, through a</p> <p>7 screen share. And I will take -- give you the time to</p> <p>8 review them and you can ask me to scroll through them,</p> <p>9 if you can't see them properly, okay.</p> <p>10 And do you have any questions about</p> <p>11 this?</p> <p>12 A. I don't.</p> <p>13 4 Q. Okay, great. So, Ms. Bunn, I'm</p> <p>14 going to put up on the screen an affidavit that you</p> <p>15 affirmed on July 31st of this year. So if you just</p> <p>16 give me a second, please. Can you see the affidavit?</p> <p>17 A. I can see it.</p> <p>18 5 Q. Okay. And this is your affidavit,</p> <p>19 correct?</p> <p>20 A. That's correct.</p> <p>21 6 Q. Okay. And so I just am going to</p> <p>22 enlarge the screen here a bit. So, I'm going to take</p> <p>23 you to paragraph 4. Okay. And so this -- there's a</p> <p>24 heading above paragraph 4, is "Encampments in Hamilton</p> <p>25 Parks." And then it -- and then the rest of this</p> <p style="text-align: center;">NIMIGAN MIHAILOVICH REPORTING INC.</p> <p style="text-align: center;">Hamilton, Ontario - nmreporting.ca - (905) 522-1653</p>	<p style="text-align: center;">KARA BUNN - 7</p> <p>1 MR. CHOUDHRY: I see. But she's A8375</p> <p>2 provided certainly evidence about what is going on in</p> <p>3 encampments, I'd assume she'd seen those things</p> <p>4 herself.</p> <p>5 MS. SHORES: That is accurate, but an</p> <p>6 inspection connotes something entirely different and I</p> <p>7 want --</p> <p>8 BY MR. CHOUDHRY:</p> <p>9 10 Q. So, Ms. Bunn, how many encampments</p> <p>10 have you visited in your official role?</p> <p>11 A. Four in my official role as</p> <p>12 manager supporting staff.</p> <p>13 11 Q. Okay. And could you, just for the</p> <p>14 record, if you're able to, describe the locations of</p> <p>15 those four encampments.</p> <p>16 A. Bayfront Park, the Woodlands Park,</p> <p>17 JC Beemer Park, and Jackie Washington Park.</p> <p>18 12 Q. Okay. And are you -- do you have</p> <p>19 a sense or can you estimate how many encampment sites</p> <p>20 there are in Hamilton?</p> <p>21 A. My estimate is based on notes from</p> <p>22 what has come in from the encampment team, not from</p> <p>23 visiting those sites, I don't have a number in front of</p> <p>24 me.</p> <p>25 13 Q. Okay. Okay, that's fine. So, I</p> <p style="text-align: center;">NIMIGAN MIHAILOVICH REPORTING INC.</p> <p style="text-align: center;">Hamilton, Ontario - nmreporting.ca - (905) 522-1653</p>
<p style="text-align: center;">KARA BUNN - 6</p> <p>1 affidavit has a number of firsthand observations you've</p> <p>2 made about the state of the parks within your area of</p> <p>3 authority. And so I would like to just ask you a</p> <p>4 couple of preliminary questions.</p> <p>5 So the first is, since the enactment of</p> <p>6 the August 2023 Encampment Protocol, how many</p> <p>7 encampments have you personally visited?</p> <p>8 A. I have visited at least four of</p> <p>9 those.</p> <p>10 7 Q. Okay. And so your observations</p> <p>11 are based on your visits to those four encampments?</p> <p>12 A. Correct. I live in Ward 3, so I</p> <p>13 also have visual observation of that in my, my work --</p> <p>14 you know, driving to and from work, I'll see them, I</p> <p>15 won't be on site but I'll pass by a lot of them.</p> <p>16 8 Q. But -- so but in terms of your</p> <p>17 on-site inspections in your official role, that would</p> <p>18 be --</p> <p>19 A. In my official role, there would</p> <p>20 be four that, that were the larger ones that I have</p> <p>21 visited, yes.</p> <p>22 9 Q. And are you able --</p> <p>23 MS. SHORES: And just for the record,</p> <p>24 counsel, I don't believe there's any evidence that Ms.</p> <p>25 Bunn does any inspections of encampments in her role.</p> <p style="text-align: center;">NIMIGAN MIHAILOVICH REPORTING INC.</p> <p style="text-align: center;">Hamilton, Ontario - nmreporting.ca - (905) 522-1653</p>	<p style="text-align: center;">KARA BUNN - 8</p> <p>1 want to take you to paragraph 10. And so what I'll do</p> <p>2 is -- do you have your, do you have your affidavit in</p> <p>3 front of you, as well?</p> <p>4 A. I have the affidavit, yes.</p> <p>5 14 Q. Yes. So, you know, it might be</p> <p>6 helpful to you, it's up to you, if you want to just</p> <p>7 turn to this paragraph in your copy, because I'm going</p> <p>8 to take you through it. So tell me when you've got it</p> <p>9 there, and I can move on.</p> <p>10 A. Yes.</p> <p>11 15 Q. Okay. May I proceed?</p> <p>12 A. You may proceed, yes.</p> <p>13 16 Q. Okay, thank you. So, the first</p> <p>14 thing, I just want you to confirm that -- so you state</p> <p>15 that -- you use the phrase here, "I have observed</p> <p>16 that," correct?</p> <p>17 A. Correct.</p> <p>18 17 Q. So does that mean that you have</p> <p>19 observed everything here that you specify in paragraphs</p> <p>20 (a) through (f)?</p> <p>21 A. No. I have, I have observed some</p> <p>22 of the aftermath, not the actual occurrence when it</p> <p>23 occurred at the time, because it was meeting with staff</p> <p>24 afterwards and going to the site and seeing where it</p> <p>25 had happened, not, not being there on site at the time.</p> <p style="text-align: center;">NIMIGAN MIHAILOVICH REPORTING INC.</p> <p style="text-align: center;">Hamilton, Ontario - nmreporting.ca - (905) 522-1653 A4091</p>

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1 18 Q. Okay. Thank you for that
2 clarification. So with that clarification, I'd like to
3 maybe take you through each of these paragraphs -- or
4 these subparagraphs one at a time and ask you some
5 questions, if I could.

6 A. Sure.

7 19 Q. So, in paragraph 10(a), you state,
8 "Vigil -- you know, "Over the years, since my
9 October 8th, 2021 affidavit, vigilantism from the
10 public has increased, including actions such as setting
11 tents on fire."

12 So, I have some questions about that
13 statement.

14 A. Sure.

15 20 Q. And I think I know the answer but
16 I think you should nonetheless say. Have you directly
17 observed vigilantism from the public, including actions
18 such as setting tents on fire?

19 A. Not at the time of it happening,
20 just the aftermath.

21 21 Q. How many times did you observe the
22 aftermath?

23 A. In person?

24 22 Q. Correct.

25 A. Once.

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KARA BUNN - 10

1 23 Q. Once. And --

2 A. Sorry, can I correct that? Twice.

3 24 Q. Okay. Absolutely. And do you
4 remember the dates on which you observed the aftermath
5 of the vigilantism from the public?

6 A. I don't remember the dates but I
7 can -- I remember the actual locations and what had
8 happened.

9 25 Q. Do you happen to -- if I may,
10 would you recall if you observed those before or after
11 the August 2023 Protocol?

12 A. One was after and the other one
13 was -- might have been previous, I don't know the date.

14 26 Q. Okay. So one -- so your evidence
15 is that you observed it twice - one was likely before
16 August 2023 and one has been since then; is that fair?

17 A. I can't speak to when it happened,
18 I couldn't say one way or the other.

19 27 Q. Okay. Are you able to give
20 specific incidents of what you saw -- or specific
21 details of what you saw?

22 A. Sure. So the more recent one was
23 tents that were set on fire at Jackie Washington Park.
24 The aftermath was the area was singed, there was some
25 damage to the ground, the tents were being loaded up by

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KARA BUNN - 11

1 staff. So that was the -- that was the aftermath of
2 that particular one. A8376

3 The other one was from Woodlands Park,
4 when a car drove into the park and attempted to run
5 over -- and did run over some tents. There wasn't a
6 lot of damage to the park, it was mostly damage to the
7 tents in that case.

8 28 Q. And do you know if the police -- a
9 police report was filed about these incidents?

10 A. I believe there was, yes.

11 29 Q. And --

12 A. But I didn't file it, so I can't
13 speak to the specifics of it.

14 30 Q. Okay. And so -- and you don't
15 have any information from your staff for -- from your
16 position about whether there was any investigation or
17 follow-up?

18 A. No, typically police don't follow
19 up with us, unless we ask, and I had not asked for a
20 follow-up in that case. It wasn't related to the
21 clean-up, so it wasn't something I required. I don't
22 know if anyone else had followed up.

23 31 Q. I see. Okay. So -- thank you.
24 So, I'd like to take you now to the next paragraph,
25 which is paragraph (b). And so you say here that, "The

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KARA BUNN - 12

1 rapid increase in the number of encampment occupants
2 has led to a corresponding increase in incidents of
3 verbal abuse."

4 Okay. Is this incidents of verbal
5 abuse by encampment residents?

6 A. It is encampment residents, and
7 also we have experienced it from the public.

8 32 Q. I see. So, when you say "we have
9 experienced it from the public," do you mean members of
10 the public have engaged in verbal abuse?

11 A. They have e-mailed staff very
12 irate and upset. And, additionally, the encampment
13 occupants have been verbally abusive towards staff who
14 have reported that to me.

15 33 Q. I see. So, have you yourself been
16 a target of verbal abuse by a member of the public or
17 by an encampment resident?

18 A. Not by an encampment resident, no.
19 By the public, yes.

20 34 Q. And when you say it's -- if I'm --
21 correct me if I'm wrong, ma'am, but when you said
22 it's -- it's in e-mails sometimes; is that correct?

23 A. Yes.

24 35 Q. So it's really written abuse?

25 A. Sure. A4092

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KARA BUNN - 13

1 36 Q. All right.

2 A. Yes.

3 37 Q. Okay. And so -- and could you --

4 so could you tell me how many times you have seen an

5 e-mail from a member of the public containing written

6 abuse?

7 A. It happens a lot. I don't have a

8 number for you. What's your timeframe?

9 38 Q. Well, let me make -- let me be a

10 bit -- let me try to help.

11 A. Sure.

12 39 Q. So, since -- let's talk about

13 before August 2023.

14 A. Okay.

15 40 Q. Are you able to give us an

16 estimate -- and if you can't, please say so, but are

17 you able to give us an estimate of how many times a

18 month you would receive an e-mail with abusive language

19 from a member of the public about an encampment?

20 A. Prior to August '23, 2023, I would

21 say it was less -- it didn't happen very often, less

22 than once a month, sometimes you wouldn't get one at

23 all that might. After 2023, it was easily two to five

24 a month that would come my way. Most of them go to the

25 out -- unsheltered e-mail but many came to me, as well.

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KARA BUNN - 14

1 41 Q. Okay. I see. And can we now go

2 to the next phrase here, "brandishing of weapons." Is

3 this brandishing of weapons by encampment residents or

4 members of the public?

5 A. By encampment residents.

6 42 Q. Okay. Have you ever directly

7 observed the brandishing of a weapon by a member -- by

8 an encampment resident?

9 A. No, I've never directly observed

10 it.

11 43 Q. Okay, thank you. And so, and so

12 your -- what your information about this is from, from

13 whom?

14 A. My superintendents, who have

15 explained what has happened to them or to staff.

16 44 Q. Okay. I'd like to now take you to

17 this -- to the next phrase, which is "dog attacks"; do

18 you see that?

19 A. Yes.

20 45 Q. Have you ever directly observed a

21 dog attack?

22 A. Yes, but it was not when I was in

23 my role as -- it actually happened to me.

24 46 Q. Oh, I'm sorry.

25 A. So I can't -- so I would say no in

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KARA BUNN - 15

1 the -- based on my role here today. **A8377**

2 47 Q. Okay. Have you observed

3 individuals exposing themselves?

4 A. No, not directly.

5 48 Q. Okay. I now would like to take

6 you down to paragraph (c), if I could. Have you

7 observed tents that are placed in prohibited areas?

8 A. Yes.

9 49 Q. Do you know if trespass notices

10 have been given?

11 A. I do not.

12 50 Q. Okay. I'd like to go to (d) now.

13 If you'd just give me a second. I'd like to take you

14 to the first sentence here, if I could -- if you could

15 just refresh your memory. Have you personally seen an

16 encampment occupant display a sense of entitlement?

17 A. No.

18 51 Q. Has an encampment resident ever

19 told you that they owned their encampment site?

20 A. No.

21 52 Q. No. You now -- I want to take you

22 to the next sentence here, the next phrase, "This leads

23 them to act more aggressively towards others."

24 Do you see that?

25 A. I do.

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KARA BUNN - 16

1 53 Q. Have you ever seen an encampment

2 resident act more aggressively towards a member of the

3 public?

4 A. No, not personally on the ground,

5 no.

6 54 Q. Have you seen an encampment

7 resident act more aggressively towards Parks and

8 Cemetery staff?

9 A. I have not been present for that,

10 no.

11 55 Q. Okay. And has an encampment

12 resident ever acted aggressively towards you?

13 A. They have not.

14 56 Q. Okay. Okay. I'd like to go down,

15 if I could, to paragraph 12. I'm going to take you

16 to -- I'm going to ask you some questions about the

17 text I've highlighted here; do you see it?

18 A. Yes.

19 57 Q. Can you just refresh your memory

20 before I ask you some questions. Great. Have you

21 personally seen the felling and burning of trees?

22 A. Yes, the aftermath.

23 58 Q. The aftermath. Could you tell me

24 how many times?

25 A. Three. **A4093**

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KARA BUNN - 17

1 59 Q. Three. Are you able to recall the
2 dates?
3 A. No.
4 60 Q. And so you -- so you -- are you
5 able to tell us or provide evidence, to the best of
6 your recollection, of whether those -- your
7 observations of those trees or the aftermath occurred
8 before or after August 2023?
9 A. Two of them were before and one
10 was after.
11 61 Q. Okay. And could you give us --
12 could you, please, give me details of those three
13 incidents, one at a time, if you could?
14 A. Sure. One was up in the
15 Escarpment where -- these were two -- the first two
16 were where encampments were now moved away, and I have
17 had visited the site after the encampment had moved on.
18 One was up off of the rail trail within the Escarpment
19 lands, and there had been some cutting of trees and
20 burning of trees in that location. There were -- I
21 can't speak to how many trees they cut, approximately
22 three or four.
23 The other location that was previous to
24 2023 was in Stoney Creek. I don't recall the name of
25 the park offhand. But they had cut into the trees in

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1 order to hang things off of the trees and they had cut
2 some for wood, as well. And they were -- the camp was
3 previously on the edge of where the woodlot was.
4 And then the one that was more recent
5 was some damages to Jackie Washington Park.
6 62 Q. Okay. So, I think for -- of
7 those -- so you've listed -- are those -- did you list
8 four incidents or three, Ms. Bunn?
9 A. Three.
10 63 Q. Three. Okay. So could you
11 just -- I think for one of the incidents you said that
12 they cut -- you saw three or four trees cut down; is
13 that right?
14 A. In the Escarpment lands, that's
15 correct.
16 64 Q. In the Escarpment. Could you,
17 please, tell me, if you remember, how many trees you
18 saw cut down for the other two incidents?
19 A. I, I think there was only two
20 trees in Stoney Creek. And the other one was more --
21 not so much cut as girdling and damage to the bark that
22 would kill the tree.
23 65 Q. Okay. And do you know if the tree
24 died?
25 A. No, it's too soon to tell.

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KARA BUNN - 19

1 66 Q. Okay. And do you have -- maybe
2 you don't know the answer, do you know why the trees
3 were cut down?
4 A. No, because I wasn't present at
5 the time when they cut them.
6 67 Q. Okay. All right. Can I ask you
7 about that the fire damage here.
8 A. Sure.
9 68 Q. Could you tell us -- please tell
10 us what you mean by "fire damage"?
11 A. Staff have reported to me that
12 they have had singed ground that would need to be
13 repaired and resodded.
14 69 Q. I see. Have you seen --
15 A. We've also.
16 70 Q. -- the fire damage yourself? I'm
17 sorry.
18 A. Sorry. We've also had damage
19 at -- with fires getting out of control, where things
20 have caught fire in encampments - Beasley Park being
21 one of them. The neighbour had put in a few claims
22 with us to replace the fence that had been damaged when
23 the fire escaped their site.
24 71 Q. And so you saw -- did you see the
25 fire itself or the aftermath of the fire?

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KARA BUNN - 20

1 A. The aftermath.
2 72 Q. Okay. And so you saw the, you saw
3 the burned sod or ground?
4 A. The fence.
5 73 Q. You saw the fence?
6 A. At -- yes.
7 74 Q. And could you just tell me -- and
8 this was a fence on someone's private property?
9 A. It is a shared fence between
10 Beasley Park and the neighbouring property.
11 75 Q. And how much of the fence was
12 damaged?
13 A. I think -- the majority -- the
14 whole fence needed to be replaced, it was an old fence,
15 I'd say a third of it.
16 76 Q. And do you have a sense of -- it
17 seems like you were there, you've seen the fence,
18 right?
19 A. I had been, yes.
20 77 Q. Are you able to estimate the
21 length of the fence?
22 A. No. Twenty-six metres, maybe.
23 I'm not -- I don't recall the property -- that property
24 is also -- there's other properties that back on to it,
25 it was only the one property that we were dealing with.

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1 so I'm not sure where there -- offhand where it would
2 have ended.

3 78 Q. Okay. And so now could we just go
4 on to the next phrase here, "unauthorized access to
5 electricity."

6 A. Mm-hmm.

7 79 Q. Have you directly observed
8 unauthorized access to electricity?

9 A. Not directly, just photographs.

10 80 Q. Okay. But you've not seen it
11 yourself?

12 A. No.

13 81 Q. Yes. And do you know if, do you
14 know if the police was called?

15 A. They were called, yes.

16 82 Q. Yeah. And do you know what
17 happened?

18 A. They arrived on site, staff had
19 already fixed it, and so they reported that there was
20 not an issue.

21 83 Q. I see. And when you say staff had
22 already fixed it, can you tell us exactly what that
23 means?

24 A. That entails calling in a
25 contractor to take the lines that have been tapped in

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1 to and fixing those and then putting a tamper proof
2 covering over the light fixture where they had gotten
3 in.

4 84 Q. I see. And has there been -- and
5 so when you put a tamper proof cover, does that -- is
6 that a -- is that effective?

7 A. Unfortunately, no.

8 85 Q. Okay. I see. All right. And how
9 many times have you been told about unauthorized access
10 to electricity?

11 A. Since -- since 2023?

12 86 Q. Well, let's do both. So --

13 A. Okay.

14 87 Q. -- before August 2023 and after
15 August 2023.

16 A. It would happen -- before 2023, it
17 would happen, well, at least twice a month I'd get a
18 report from staff.

19 88 Q. Mm-hmm.

20 A. But there wasn't as much damage
21 being caused at that time, because mostly they were
22 pulling down the light sockets from trees, where we
23 have -- in Gore Park et cetera, King Street, they pull
24 down the box to plug into, for charging phones and
25 things like that. After 2023, where we saw people that

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KARA BUNN - 23

1 were in sites, they were tapping into locations
2 Bayfront being one of the ones that it occurred
3 frequently, and I had several photos sent to me. It
4 was happening -- like, in the last few months I'd say
5 it was reported to me at least three times.

6 89 Q. Okay. Three times in the last few
7 months?

8 A. Correct.

9 90 Q. What's few months, if you could be
10 more --

11 A. Since, since the spring, let's
12 say.

13 91 Q. Okay. All right. Can I now take
14 you to "damage to washrooms and water fountains." Have
15 you observed directly damage to washrooms and water
16 fountains?

17 A. I have observed it directly after
18 the fact once, and through photos the other times.

19 92 Q. Okay. But you've only, you've
20 only directly observed it once?

21 A. Correct.

22 93 Q. Okay. And then vandalism and
23 graffiti, have you directly observed it?

24 A. No, it's mostly photographs or
25 reports to me.

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KARA BUNN - 24

1 94 Q. Okay. And have you observed --
2 directly observed human waste?

3 A. Prior to 2023, there was a site
4 where I observed it.

5 95 Q. I see. So a single site?

6 A. Yes.

7 96 Q. Okay. And have you observed
8 directly drug paraphernalia?

9 A. Yes.

10 97 Q. And did you call the police?

11 A. No.

12 98 Q. You didn't file a report?

13 A. They don't typically come when we
14 file for drug paraphernalia. That our mandate is just
15 to get it cleaned up so that nobody interacts with it.

16 MR. CHOUDHRY: I see. Okay. Okay,
17 just give me one second. Okay.

18 Ms. Bunn, if you could, I just would
19 like to pause for just a minute to look at my notes, to
20 see if I have anything else to ask you but I think
21 we're -- just for -- I know you probably are busy, I
22 don't think I'm going to need you for much longer. I'm
23 just going to go off camera and off microphone while I
24 do that. But, Mr. Bunn, as you know, you're still
25 under oath --

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1 THE DEPONENT: Mm-hmm.
2 MR. CHOUDHRY: -- so if you could just
3 continue not to interact with anyone or communicate
4 with anyone, I'll be back as soon as I can, okay?
5 THE DEPONENT: Sure.
6 MR. CHOUDHRY: Thank you very much.
7 MS. SHORES: Perhaps we should go off
8 record while Mr. Choudhry consults his notes.
9 --- Off-the-record discussion.
10 MR. CHOUDHRY: So, for the record, Ms.
11 Bunn, thank you for your patience while I consulted my
12 notes, I don't have any other questions today. Thank
13 you for your time, ma'am.
14 THE DEPONENT: Thank you.
15 --- Whereupon proceedings adjourned at 10:28 a.m.
16 I HEREBY CERTIFY THE FOREGOING
17 to be a true and accurate
18 transcription of my shorthand notes
19 to the best of my skill and ability.
20
21
22
23 Dayne Snell, Court Reporter
24 Computer-Aided Transcription
25
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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*

SECOND SUPPLEMENTARY AFFIDAVIT OF MONICA CIRIELLO

I, Monica Ciriello, 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 make this affidavit as an update and supplement to my October 5, 2021 affidavit and my October 9, 2021 supplementary affidavit in this proceeding.

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3. Since my 2021 affidavits, I have continued to be employed with the City of Hamilton as the Director of Licensing and Bylaw Services in the City of Hamilton's Planning and Economic Development Department.
4. The six-step Encampment Process described in paragraph 9 of my October 5, 2021 affidavit was in effect until August 2023, when the current Encampment Protocol was enacted. Paragraphs 2 through 6 of my October 9, 2021 supplementary affidavit accurately describe Municipal Law Enforcement (MLE)'s implementation of the six-step Encampment Process up until it was replaced by the 2023 Encampment Protocol.
5. MLE's role under the 2023 Encampment Protocol is to respond to reports of an encampment in a prohibited area (as defined in section D of the 2023 Encampment Protocol) under subsection B within section G, "Encampment Response Process". MLE may also respond, when requested, to assist with encampments located on private property (section H, "Encampments on Private Property") or in the course of assessing whether an encampment, temporary shelter, or tent has been abandoned (section I, "Process for Designating an Encampment, Temporary Shelter, or Tent as Abandoned").
6. As with the previous six-step Encampment Process, the amount of time it takes to implement a response by MLE under the 2023 Encampment Protocol varies. In general, the process is as follows:

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- (a) MLE is requested to attend a site. The source of the request varies. It could be a member of the public, another City staff member, a Housing-Focused Street Outreach (HFSOT) worker, or another source. In practice, most requests to MLE come through HFSOT, though they may not originate with HFSOT (for example, a member of the public makes a request, and they are referred to HFSOT, who makes the request to MLE).
- (b) Under the 2023 Encampment Protocol, MLE is required to respond to the request by visiting the site within four business days.
- (c) The purpose of visiting the site is to determine if the encampment, temporary shelter, or tent is in a prohibited area as defined under the 2023 Encampment Protocol. MLE are accompanied by Hamilton Police Service Encampment Engagement Officers whenever they attend an encampment site; however at this stage the Encampment Engagement Officers only provide support. They do not take any enforcement action.
- (d) The next step depends on whether the encampment, temporary shelter, or tent is in a prohibited area:
 - (i) If the encampment, temporary shelter, or tent is *not* in a prohibited area, no further action is taken.
 - (ii) If the encampment, temporary shelter, or tent *is* in a prohibited area, pursuant to the 2023 Encampment Protocol, MLE officers will notify the people living at the location that they are in a prohibited area, and

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that they will be required to move from the existing location. The notice is provided by a written Trespass Notice and also verbally, when possible.

- (1) Typically, a Trespass Notice will be issued with a one-day compliance timeline. However, MLE determines compliance timelines depending on the presenting circumstances of the site. Under the 2023 Encampment Protocol, the compliance timeline may be up to a maximum of 4 days unless exceptional circumstances exist. MLE may also require immediate compliance if required due to a significant health or safety issue.
- (e) After a Trespass Notice has been issued, HFSOT continues to engage with people at the site to help them identify alternative sheltering options and provide other support. Often, people will comply voluntarily and no further steps are required.
- (f) If the compliance time on the Trespass Notice has expired and the person or people at the site have not moved voluntarily and are unwilling to move, MLE officers will next notify the HPS Encampment Engagement Officers.
- (g) The HPS Encampment Engagement Officers enforce the Trespass Notices issued by MLE officers. MLE officers do not direct HPS Encampment Engagement Officers; the HPS Encampment Engagement Officers' level of

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intervention will be dictated by Hamilton Police Service policies and the circumstances at the site.

- (h) After the site has been vacated, Parks staff will coordinate the clean-up of the site, including removal of debris or discarded items that are left behind.
7. The 2023 Encampment Protocol also provides that City By-Laws respecting campfires, barbecues, and open-air burning must still be complied with (Section E, "Campfire and Barbecue Use").
 8. Since the start of the 2023 Encampment Protocol, MLE officers have issued 581 Trespass Notices pursuant to the 2023 Encampment Protocol.
 9. Since the start of the 2023 Encampment Protocol, MLE is not aware of any circumstances under which a person has been removed from an encampment in enforcement of the 2023 Encampment Protocol. For completeness, I do understand that there have been 3 occurrences where Hamilton Police Services have removed people from encampments in the course of acting on warrants for those people's arrest. This was not in connection with the 2023 Encampment Protocol, however.
 10. Whether under the previous Encampment Protocol (from October 2020 to August 2021), the six-step Encampment Process (from August 2021 to August 2023), or the current 2023 Encampment Protocol, MLE does not take enforcement action at night or as night is approaching. People are not, and have not been, removed or told to move overnight. More generally, MLE officers do not work overnight. MLE

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officers are empowered to use discretion in enforcing By-Laws, such as exercising leniency in poor weather or other extenuating circumstances. Additionally, MLE officers do not remove people from tents or temporary shelters or dismantle or remove tents or temporary shelters that are occupied.

11. Under the 2023 Encampment Protocol, MLE officers may also be involved in the process of determining whether an encampment site has been abandoned (section I, "Process for Designating an Encampment, Temporary Shelter, or Tent as Abandoned").
 - (a) Generally, the process for designating a site as abandoned is initiated by HFSOT. MLE may be consulted to provide input on whether anyone has been seen at the site or whether the inhabitants of the site have moved elsewhere (step 2).
 - (b) If it is believed that the site may have been abandoned, HFSOT will place a notice at the site in a conspicuous area informing potential residents that the site is due to be cleaned in 3 days. MLE is generally not involved in this step.
 - (c) Following placement of the notice, MLE may be involved to assist in efforts to inform people who were staying at the site that their former site will be deemed abandoned and cleaned (step 3).

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(d) MLE is not typically involved in the remaining steps of the process to determine if a site is abandoned, namely notifying the Parks and Cemeteries section to clean the site, and performing the clean-up.

12. MLE officers will exercise caution and use their judgment if they are consulted in the process of determining whether a site is abandoned, so that someone's possessions are not inadvertently disposed of.

AFFIRMED by Monica Ciriello at the City of Hamilton, in the Province of Ontario, before me on7/29/2024....., in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:

Bevin Shores

75E43E7F492846F...

Commissioner for Taking Affidavits
(or as may be)

BEVIN SHORES

Signed by:

Monica Ciriello

88E625E840B64E2...

MONICA CIRIELLO

A4103

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		
	SECOND SUPPLEMENTARY AFFIDAVIT OF MONICA CIRIELLO Affirmed July 29, 2024		
	GOWLING WLG (CANADA) LLP Barristers & Solicitors One Main Street West Hamilton, ON L8P 4Z5 Tel: 905-540-8208 Bevin Shores (LSO#56161F) Tel: 905-540-2468 <i>bevin.shores@gowlingwlg.com</i> Jordan Diacur (LSO#65860E) Tel: 905-540-2500 <i>jordan.diacur@gowlingwlg.com</i> Lawyers for the respondent File Number: H227899		

<div>MONICA CIRIELLO - 1</div> <div>1 Court File No. CV-21-77187</div> <div>2</div> <div>3 ONTARIO</div> <div>4 SUPERIOR COURT OF JUSTICE</div> <div>5</div> <div>6 B E T W E E N:</div> <div>7</div> <div>8 KRISTEN HEEGSMAN, DARRIN MARCHAND, GORD SMYTH, MARIO</div> <div>9 MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL, CHRISTINE</div> <div>10 DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA</div> <div>11 JORDAN, JULIA LAUZON AMY LEWIS, ASHLEY MACDONALD, COREY</div> <div>12 MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE,</div> <div>13 LINSLEY GREAVES and PATRICK WARD</div> <div>14 Applicants</div> <div>15</div> <div>16 - and -</div> <div>17</div> <div>18 CITY OF HAMILTON</div> <div>19 Respondent</div> <div>20</div> <div>21 --- This is the Cross-Examination of MONICA CIRIELLO, a</div> <div>22 representative of the Respondent herein, on her</div> <div>23 affidavit, affirmed July 29, 2024, taken via Zoom</div> <div>24 videoconference, on Wednesday, the 21st day of August,</div> <div>25 2024.</div> <div>NIMIGAN MIHAILOVICH REPORTING INC. Hamilton, Ontario - nmreporting.ca - (905) 522-1653</div>	<div>MONICA CIRIELLO - 3</div> <div>1 TABLE OF CONTENTS</div> <div>2 A8389</div> <div>3 INDEX OF EXAMINATIONS: PAGE NO.</div> <div>4</div> <div>5 MONICA CIRIELLO; Affirmed..... 4</div> <div>6 CROSS-EXAMINATION BY MR. CHOUDHRY:.....4</div> <div>7 RE-EXAMINATION BY MS. SHORES:..... 32</div> <div>8</div> <div>9</div> <div>10 INDEX OF UNDERTAKINGS</div> <div>11 Undertakings are noted by "U/T" and are found on the</div> <div>12 following pages: NONE</div> <div>13</div> <div>14 INDEX OF REFUSALS</div> <div>15 Refusals are noted by "R/F" and are found on the</div> <div>16 following pages: 12:13, 12:21, 13:8, 16:5</div> <div>17</div> <div>18 INDEX OF ADVISEMENTS</div> <div>19 Under AdviseMENTS are noted by "U/A" and are found on</div> <div>20 the following pages: NONE</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>NIMIGAN MIHAILOVICH REPORTING INC. Hamilton, Ontario - nmreporting.ca - (905) 522-1653</div>
<div>MONICA CIRIELLO - 2</div> <div>1 APPEARANCES:</div> <div>2 SUJIT CHOUDHRY For the Applicants</div> <div>3 SHARON CROWE</div> <div>4 CURTIS SELL</div> <div>5</div> <div>6 BEVIN SHORES For the Respondent</div> <div>7 VIVIAN CALDAS</div> <div>8</div> <div>9</div> <div>10 Also Present:</div> <div>11 Liz Marr Student,</div> <div>12 Gowling WLG (Canada) LLP</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>NIMIGAN MIHAILOVICH REPORTING INC. Hamilton, Ontario - nmreporting.ca - (905) 522-1653</div>	<div>MONICA CIRIELLO - 4</div> <div>1 --- Upon commencing at 10:59 a.m.</div> <div>2 MONICA CIRIELLO; Affirmed.</div> <div>3 CROSS-EXAMINATION BY MR. CHOUDHRY:</div> <div>4 1 Q. Good morning. We've already been</div> <div>5 introduced but, for the record, my name is Sujit</div> <div>6 Choudhry, and I am one of the lawyers for the</div> <div>7 Applicants. Thank you for making the time today.</div> <div>8 Ms. Shores has covered some logistical</div> <div>9 issues but -- Ms. Ciriello, is that -- am I pronouncing</div> <div>10 it correctly?</div> <div>11 A. Yes.</div> <div>12 2 Q. Okay. It's -- I have a bit of a</div> <div>13 spiel I give to all the witnesses, and so, forgive me,</div> <div>14 I'm just going to cover it again. So, as you know, I</div> <div>15 am cross-examining you on your affidavits, which have</div> <div>16 been filed by the City in a court case regarding</div> <div>17 homeless encampments. Your affidavits and</div> <div>18 cross-examinations will be put into evidence before the</div> <div>19 court; it's, therefore, important that you the truth.</div> <div>20 If you would like me to repeat a question, please do.</div> <div>21 If you would like a moment to collect your thoughts to</div> <div>22 answer a question, please take it. If you -- and you</div> <div>23 may only have your affidavit and exhibits in front of</div> <div>24 you, you may not have any notes or other materials.</div> <div>25 Can you confirm that's the case?</div> <div>NIMIGAN MIHAILOVICH REPORTING INC. Hamilton, Ontario - nmreporting.ca - (905) 522-1653</div> <div>A4105</div>

MONICA CIRIELLO - 5

1 A. Confirmed, yes.

2 3 Q. And could you also confirm that

3 you are alone?

4 A. I am, yes, alone in my office.

5 4 Q. Good, thank you. Yes. And if I

6 refer to any other evidence or materials, I will put

7 those up on the screen, give you time to review them.

8 If you need more time, tell me. If you want me to

9 scroll up and down, I will do that, as well.

10 A. Thank you.

11 5 Q. Okay, you're welcome. All right.

12 And so I just want to talk a bit about your background,

13 if I may. So, you are currently the director of

14 Licensing and By-Law Services?

15 A. That is correct.

16 6 Q. And how long have you been in this

17 role for?

18 A. Since 2021.

19 7 Q. Okay. And when in 2021?

20 A. August. I was in an acting

21 position for a period of time and then I was in a

22 full-time role with it.

23 8 Q. I see. So maybe let's just break

24 that up. So, at what point -- so if I understood

25 correctly, you said that you at some point became

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MONICA CIRIELLO - 7

1 A. Yes.

2 15 Q. Oh, you do. Okay, great. And so

3 you're a member -- you're a lawyer?

4 A. Yes.

5 16 Q. Okay. So your affidavit refers to

6 municipal law enforcement or MLE a number of times.

7 A. Correct.

8 17 Q. And I don't have an org. chart in

9 front of me, and so I just want to understand, is MLE a

10 unit or a division within Licensing and By-Law

11 Services?

12 A. Yes, it is. It's one of the units

13 within LBS, Licensing and By-Law Services.

14 18 Q. I see. Just to give me a sense,

15 how big is MLE?

16 A. MLE probably has 30 officers, it

17 has a manager, and it has five supervisors, and that's

18 one of the sections within LBS.

19 19 Q. Okay. And LBS is Licensing and

20 By-Law Services?

21 A. Correct.

22 20 Q. Okay. And so -- and MLE, so you

23 said there's 30 officers, there's five supervisors --

24 A. Correct.

25 21 Q. -- pardon me? And then one

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MONICA CIRIELLO - 6

1 acting director of Licensing and By-Law Services?

2 A. Correct.

3 9 Q. Do you remember when that was the

4 case?

5 A. It was during the pandemic, so

6 sometime between 2020 and 2021 -- 2022.

7 10 Q. Do you happen to remember when you

8 assumed the role in 2020?

9 A. I don't remember the exact date, I

10 apologize.

11 11 Q. That's fine. And did you -- and

12 then at some -- and you said in August 2021 you became

13 director of Licensing and By-Law Services?

14 A. Correct.

15 12 Q. And were you -- how long have you

16 been working with the City of Hamilton?

17 A. Since 2019.

18 13 Q. Okay. And so in 2019, what

19 division or unit did you join?

20 A. I was in the -- I was the manager

21 of Licensing, which is a component of Licensing and

22 By-Law Services.

23 14 Q. I see. And prior to that -- and

24 just for my interest, are you -- do you have legal

25 training or no?

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MONICA CIRIELLO - 8

1 manager?

2 A. Correct.

3 22 Q. And that manager reports to you?

4 A. Correct.

5 23 Q. Okay. So ultimately MLE sits

6 under you, as it were?

7 A. Correct.

8 24 Q. Okay. And so your affidavit also

9 refers a number of times to the Hamilton Police Service

10 or HPS; is that correct?

11 A. Yes.

12 25 Q. Yeah. And so I just -- I'm trying

13 to understand the relationship between MLE and HPS.

14 So, so it's my understanding that HPS is not a unit

15 within LBS; is that right?

16 A. That is correct.

17 26 Q. So they don't report to you?

18 A. No.

19 27 Q. Is it fair to say they are a

20 partner organization, or how would you describe the

21 relationship between MLE and HPS?

22 A. I would say that we're a

23 partnership. I think that we work very collaboratively

24 on a variety of compliance or enforcement matters.

25 28 Q. I see. And if you had to kind

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MONICA CIRIELLO - 9

1 of -- you said "a variety," so not just encampments?
2 A. Correct.
3 29 Q. What other matters do you work in
4 "collaboration," to use your word, with HPS?
5 A. It could range from an ATV blitz,
6 it could be a homecoming, it could be -- we have
7 multiagency task force, so if we're going into
8 businesses to see if there are problems, noise
9 complaints, things like that.
10 30 Q. And is there a standard way in
11 which you devi -- in which MLE and HPS organize and
12 divide up roles and responsibilities?
13 A. Can you repeat the question,
14 sorry.
15 31 Q. Is there a standard way in which
16 MLE and HPS divide up roles and responsibilities?
17 A. It would vary depending on the
18 initiative that we are undertaking, but we would
19 certainly stay within our lanes, where they would be
20 focussing on Criminal Code matters or things within
21 their jurisdiction and we would focussing on by-laws.
22 32 Q. Okay, that helps. Okay, thank
23 you. Okay. So I'd like to then shift a bit to the
24 issue of encampments, now that I have a sense -- we've
25 discussed the lay of the land. And so in your

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MONICA CIRIELLO - 11

1 MR. SHORES: So you can ask her but,
2 please, make sure that that's established or not before
3 you put that to her.
4 THE DEPONENT: I apologize that I am
5 struggling with my start date, you think that would be
6 something that I would have top of mind. I want to --
7 it would be my understanding that during the 2021
8 enforcement protocol, the first one that came through,
9 I was acting, because that was the year that I was
10 acting and became permanent.
11 BY MR. CHOUDHRY:
12 37 Q. Okay.
13 A. Yes.
14 38 Q. But you were -- sorry, have you
15 completed your answer?
16 A. Yes.
17 39 Q. But you were either acting
18 director or you were director, correct?
19 A. Correct. Correct.
20 40 Q. Okay. And you were director of
21 LBS when the August 2023 Protocol was adopted, correct?
22 A. Correct.
23 41 Q. And were you, were you present at
24 the City Council meetings where both documents were
25 debated and adopted?

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MONICA CIRIELLO - 10

1 affidavit, you reference the August 2023 Encampment
2 Protocol, correct?
3 A. Yes.
4 33 Q. And you also reference the
5 six-step Encampment Process, correct?
6 A. Correct, the one that was prior
7 to, yes.
8 34 Q. Correct. And you -- sometimes you
9 compare the two of them, correct?
10 A. Yes.
11 35 Q. Okay. And so I want to understand
12 a bit about these two legal instruments, okay, if I
13 could. And so -- and so you were -- you said you were
14 acting director of LBS when the six-step Encampment
15 Process was adopted; is that right?
16 MS. SHORES: Well, sorry, I don't know
17 if that's what she said, you can ask her that but --
18 BY MR. CHOUDHRY:
19 36 Q. Okay. Or, pardon me, were you
20 acting director?
21 MS. SHORES: Counsel, can we just make
22 sure that only one person is speaking at a time. So I
23 want to be clear about what Ms. Ciriello's evidence
24 was.
25 MR. CHOUDHRY: Okay.

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MONICA CIRIELLO - 12

1 A. Yes.
2 42 Q. Okay. And so could you tell me,
3 based on your firsthand observation of those meetings,
4 anything about the process for the debate? Yes?
5 MS. SHORES: Finish your question,
6 counsel, but I'm going to say something before the
7 witness answers.
8 MR. CHOUDHRY: Okay.
9 BY MR. CHOUDHRY:
10 43 Q. Are you able to tell me how
11 that -- what the process was that you observed for the
12 debate of that -- of those documents?
13 R/F MS. SHORES: Yes, counsel, that
14 question isn't relevant. The debates are public,
15 they're public knowledge and that's not relevant to the
16 matters in issue, so that's a refusal.
17 MR. CHOUDHRY: Okay, that's fine.
18 BY MR. CHOUDHRY:
19 44 Q. And are you able to tell me if
20 they were voted on?
21 R/F MS. SHORES: Again, counsel, that's
22 public information that's readably accessible, you
23 don't need to question Ms. Ciriello about it and it's
24 not relevant to the matters in issue.
25 MR. CHOUDHRY: Okay.

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MONICA CIRIELLO - 13

BY MR. CHOUDHRY:

Q. Well, then I will ask this

question, so after they were enacted -- I'm trying to understand, and since you're a lawyer I think you should be able to address this, if you put an encampment -- the 2023 Protocol side by side with the Parks By-Law, how do you interpret them together?

R/F MS. SHORES: Oh, counsel, that is not a proper question, she is not here in her capacity as a lawyer. She --

MR. CHOUDHRY: Well, let me put it this way --

MS. SHORES: Please let me finish with my objection, counsel. You've interrupted me several times and that's not proper. Ms. Ciriello is not here in her capacity as a lawyer, and no fact witness is going to give you opinion evidence. Matters of legal interpretation are for the court. That's not a proper question and that's a refusal.

MR. CHOUDHRY: So, Ms. Shores, I would point out that part of Ms. Ciriello's job is to enforce laws adopted by City Council, and I'm simply trying to ask her how she approaches that task in her role as director of LBS.

MS. SHORES: Well, you can ask her

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MONICA CIRIELLO - 15**A.** Let me just pull it up. **A8392**

Q. And I'm going to pull it up on my screen as well. Okay. And so I'm trying to look -- so this is paragraph 6; do you see it?

A. Yes.

Q. And it's a -- if I understand this correctly, in this paragraph, are you describing the process for -- of enforcing the 2023 Encampment Protocol?

A. Yes.

Q. Okay. I'd like to take you down to paragraph (d). And let me increase the size of the window here, if I can, to help you.

A. Thank you.

Q. And let me just reduce this. Are you still able to read that or is that too small?

A. It's a little small.

Q. I'll increase the size.

A. Sorry, it's a little small.

Q. No, no, no, don't be sorry. So, let me start with this. And tell me when you're finished and then I will continue. Okay. I'm going to go to the next page.

A. Yes.

Q. Okay. All right. So, I want to

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MONICA CIRIELLO - 14

questions about how she approaches that task. And if those questions are relevant and proper, then she'll answer them, but that's not the question that you put to her.

BY MR. CHOUDHRY:

Q. So, Ms. Ciriello, let's try this

again. And so after the 2023 Encampment Protocol was enacted, you would read it before enforcing it, right?

A. Correct.

Q. And you would also read the Parks By-Law at the same time, correct?

A. Correct.

Q. Right. Now, is it true that the Parks By-Law still says that tents are prohibited?

A. Correct.

Q. And so how does one -- how would then -- if that's true, then what does one enforce, the Parks By-Law or the Encampment Protocol?

A. We follow the Encampment Process that was passed by council.

Q. Okay.**A.** The 2023 Encampment Process.

Q. Okay. Thank you. And so I wanted to ask you some questions about paragraph 6 of your affidavit. So you're welcome to look at it.

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MONICA CIRIELLO - 16

ask you a question, is it fair to summarize this that if an encampment is given -- is put in a prohibited area, an MLE officer will issue a written trespass notice?

R/F MS. SHORES: Well, hang on, counsel, the statement -- the paragraph says what it says, she's not here to summarize things for you.

MR. CHOUDHRY: Well, I think it's fair to put to a witness what -- I can certainly ask a witness to summarize what this says or agree with --

MS. SHORES: Well, actually, that's not a proper question.

MR. CHOUDHRY: I disagree, counsel, I think it is a proper question.

MS. SHORES: Well, I disagree and that's a refusal, next question.

MR. CHOUDHRY: Okay.

BY MR. CHOUDHRY:

Q. And so it's -- is it -- would you agree that this states that "notice is provided by a written Trespass Notice"?

A. Yes, MLE would provide a written trespass notice.

Q. Good, thank you. Okay. And so I want to go to 6(f). And is the next thing that happens

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MONICA CIRIELLO - 17

1 that the -- if the -- if the -- if a trespass notice
 2 isn't complied with, MLE notifies HPS?
 3 MS. SHORES: Well, counsel, that's true
 4 but she's set out the full -- well, an overview of the
 5 full details in her affidavit.
 6 BY MR. CHOUDHRY:
 7 ⁶¹ Q. And I just want you to confirm it.
 8 Can you confirm that that's what happens?
 9 A. If there's non-compliance with a
 10 trespass notice that is issued, HPS is made aware, but
 11 there are additional factors that are taken in -
 12 housing continues to go out and provide services.
 13 ⁶² Q. I see. Okay. And so, and so --
 14 and now I just want to go to 6(g). So, could you read
 15 that.
 16 A. Correct, yes.
 17 ⁶³ Q. So it says here, "HSP Engagement
 18 -- "Encampment Engagement Officers enforce the Trespass
 19 Notices issued by MLE officers." Does this mean that
 20 MLE officers don't enforce the trespass notices
 21 themselves?
 22 A. That's correct.
 23 ⁶⁴ Q. Okay. And why is that?
 24 A. It is our opinion that trespass --
 25 MS. SHORES: Well, hang on --

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MONICA CIRIELLO - 19

1 MR. CHOUDHRY: Sure, please.
 2 MS. SHORES: I want the whole sentence
 3 to be on the record, because, counsel, the suggestion
 4 you are putting to the witness is that the process is
 5 the same as the Encampment Protocol, and that's not --
 6 MR. CHOUDHRY: I actually haven't posed
 7 a question yet but...
 8 MS. SHORES: That would be --
 9 BY MR. CHOUDHRY:
 10 ⁶⁷ Q. So, Ms. Ciriello, have you read
 11 this sentence?
 12 A. Yes.
 13 ⁶⁸ Q. Okay. So my question is this: Is
 14 it true that under the six-step Encampment Process, MLE
 15 would issue trespass notices but HPS would enforce
 16 them?
 17 A. Yes.
 18 ⁶⁹ Q. Okay, thank you. So I want to go
 19 back to 6(g) here for a minute. So you state here,
 20 "The HPS Encampment Engagement Officers' level of
 21 intervention will be dictated by Hamilton Police
 22 Services policies and the circumstances [on] the site,"
 23 correct?
 24 A. Correct.
 25 ⁷⁰ Q. And so you refer to Hamilton

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MONICA CIRIELLO - 18

1 THE DEPONENT: -- trespass --
 2 MS. SHORES: Hang on. Monica, don't
 3 give opinion, don't speculate, you're here to give
 4 evidence based on your knowledge.
 5 THE DEPONENT: Trespassed properties
 6 enforced by HPS and not MLE.
 7 BY MR. CHOUDHRY:
 8 ⁶⁵ Q. I see. Okay, thank you. So it's
 9 not within MLE's role and responsibility to enforce
 10 trespass; is that what you mean?
 11 A. Correct.
 12 ⁶⁶ Q. Great, thank you. Okay. And
 13 so -- and just so I understand, so, you know, at the
 14 beginning of this paragraph, you're kind of
 15 comparing -- you're saying it's "as with the previous
 16 six-step Encampment Process," correct?
 17 A. Yes.
 18 MS. SHORES: Which paragraph are we at?
 19 MR. CHOUDHRY: Paragraph 6. Right
 20 here.
 21 MS. SHORES: Well, read the whole
 22 sentence.
 23 MR. CHOUDHRY: Sure.
 24 THE DEPONENT: Sorry, did you want me
 25 to read the whole sentence?

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MONICA CIRIELLO - 20

1 Police Services policies.
 2 A. Correct.
 3 ⁷¹ Q. Are you referring to -- sorry, go
 4 ahead.
 5 A. Oh, I just wanted -- I was nodding
 6 and I'm giving the affirmative, that is correct.
 7 ⁷² Q. Okay, great. And nodding doesn't
 8 show up on a transcript, if you could say --
 9 A. I know. Yes.
 10 ⁷³ Q. And so are you aware -- are you
 11 referring to any specific -- when you talk -- when you
 12 refer to HPS's policies, are you referring to a
 13 specific policy?
 14 A. No.
 15 ⁷⁴ Q. You're not. So you don't know if
 16 HPS has a specific policy on encampments?
 17 A. What, what we are saying is that
 18 HPS would use their own policies and their own judgment
 19 when and if to enforce. We do not dictate Hamilton
 20 Police policies or their enforcement or level of
 21 compliance or anything like that.
 22 ⁷⁵ Q. Okay, great. Okay, thank you,
 23 that's helpful. Okay. So I'd like to go to paragraph
 24 10. Is that too small or can you read that?
 25 A. Do you mind if I just read it on

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MONICA CIRIELLO - 21

1 my own computer, just because --
2 76 Q. Not --
3 A. -- it's larger; is that fine?
4 77 Q. -- not one whit, please go ahead.
5 A. I have read it.
6 78 Q. Okay, great. So, I want to take
7 you to the first sentence. Okay. And it says,
8 "Whether under the previous Encampment Protocol (from
9 August 2020th -- 2020 to August 2021 -- pardon me, from
10 October 2020 to August 2021, the six-step Encampment
11 Process (from August 2021 to August 2023), or the
12 current 2023 Encampment Protocol, MLE does not take
13 enforcement action at night or as night is
14 approaching."
15 I'm trying to understand what you mean
16 by MLE enforcement action here.
17 A. The trespass notices.
18 79 Q. Okay. So MLE enforcement action
19 is just issuing the trespass notices?
20 A. Correct.
21 80 Q. Yeah, so you're not saying MLE
22 actually enforces the trespass law?
23 A. Correct.
24 81 Q. Okay, just that helps me. Okay.
25 And so, and so, and so this -- and so is this
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MONICA CIRIELLO - 22

1 paragraph -- are the remaining sentences in this
2 paragraph, and you can please read them --
3 A. I have read it.
4 82 Q. -- are these all about MLE and
5 what it does?
6 A. Yes.
7 83 Q. Okay. Thank you. And so I want
8 to ask you a question about this last sentence, if I
9 could.
10 A. Yes.
11 84 Q. So have you -- it says, for the
12 record, "Additionally, MLE officers do not remove
13 people from tents or temporary shelters or dismantle or
14 remove tents or temporary shelters that are occupied."
15 Is that because MLE officers don't
16 enforce trespass notices?
17 A. Correct, yes.
18 85 Q. Okay. Thank you. I just have a
19 question here about paragraph 11. And so what I'm
20 going -- you're welcome -- it's probably a good idea if
21 you refresh your memory, so why don't you pull up on
22 your computer paragraph 11.
23 A. I got it.
24 86 Q. And it has a number of
25 subparagraphs. And just let me know when you've
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MONICA CIRIELLO - 23

1 finished reading it. **A8394**
2 A. I've read it.
3 87 Q. Great, thank you. So this
4 paragraph is about the process of determining if an
5 encampment has been abandon, correct?
6 A. Yes.
7 88 Q. Does this process apply in the
8 same way to encampments on unauthorized locations?
9 MS. SHORES: Sorry, what do you mean by
10 "unauthorized locations"?
11 MR. CHOUDHRY: On -- I'll reframe.
12 BY MR. CHOUDHRY:
13 89 Q. So the 2023 Encampment Protocol
14 authorizes encampments in some locations but not
15 others. And so the question is, does this process to
16 determine whether an encampment that has been
17 abandoned, is it applied in the same way to encampments
18 in authorized locations and encampments in unauthorized
19 locations?
20 MS. SHORES: You mean, counsel, whether
21 an encampment has been abandoned in an --
22 MR. CHOUDHRY: Correct, yes.
23 MS. SHORES: -- un --
24 MR. CHOUDHRY: And I just want to be
25 clear, I believe the term used in the Protocol is
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MONICA CIRIELLO - 24

1 "prohibited area."
2 MR. CHOUDHRY: Forgive me, yeah,
3 prohibited area.
4 THE DEPONENT: Can you reask --
5 BY MR. CHOUDHRY:
6 90 Q. Do you want me to repeat the
7 question?
8 A. Please --
9 91 Q. Absolutely, absolutely.
10 So with all those helpful
11 clarifications, so the 2023 Protocol prohibits
12 encampments in some areas and permits them in others,
13 correct?
14 A. Correct.
15 92 Q. Okay. In either area, in
16 either -- an encampment might be abandoned either in a
17 prohibited area or in a permitted area, correct?
18 A. Correct.
19 93 Q. Is this -- does this process apply
20 to abandoned encampments in prohibited areas?
21 A. Yes.
22 94 Q. Okay. All right. And so there is
23 a -- okay, so I'd like to just take you to another
24 document, if I could. And so I want to ask you about a
25 report that I believe you have authored, and it's
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MONICA CIRIELLO - 25

1 actually an exhibit to the affidavit of Ms. Danielle
 2 Blake, who is also a witness in this proceeding. And
 3 so if you'll just -- I'm going to stop my screen share
 4 for a second so I can pull it up, just give me a
 5 second. Okay. So I'm going to put it back on -- go
 6 back on the screen.
 7 And so, Ms. Ciriello, can you read this
 8 document?
 9 A. Yes.
 10 95 Q. Okay. And so this is -- this
 11 document is -- has been entered into evidence by the
 12 City, it's Exhibit "C" to the affidavit of Ms. Danielle
 13 Blake. But it's a document I believe that you -- it
 14 says you submitted.
 15 A. Correct. Didn't write but
 16 submitted, yes.
 17 96 Q. I see. Okay. So that was my next
 18 question. So let me state for the record what the
 19 document is, so the court reporter has the information.
 20 So this document is dated January 18th, 2023. It's
 21 directed to the mayor and members of -- and it says,
 22 "General Issues Committee." The title of the document
 23 is "Encampment Pilot Evaluation." And there is a
 24 document ID after it that I won't read out. And it
 25 says, "Submitted by Michelle Baird," but also

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MONICA CIRIELLO - 27

1 straining.
 2 A. Sorry, my eyes, they don't work
 3 as --
 4 102 Q. No, no, no --
 5 A. -- quite as good.
 6 103 Q. -- your eyes and everybody else's.
 7 So is that, is that better?
 8 A. Yes, thank you.
 9 104 Q. Okay. And so I just want to ask
 10 you a question about a couple of things on this page
 11 that -- and I'll give you time to read it. If you'd
 12 like, ma'am, I can let you read the whole page before I
 13 ask you questions; can we do that?
 14 A. Absolutely, that would be great.
 15 105 Q. So why don't you tell me when
 16 you've gotten to the page break, and then I'll scroll
 17 down.
 18 A. Okay. Okay. You can scroll up a
 19 little bit.
 20 106 Q. Okay. Can I go down?
 21 A. Yes, please.
 22 107 Q. Okay, thank you.
 23 A. Just keep my March 24th there,
 24 that's where I left off.
 25 108 Q. There, is that okay?

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MONICA CIRIELLO - 26

1 submitted, I believe, by you; is that correct?
 2 A. That is correct.
 3 97 Q. So you said you didn't write this?
 4 A. No, it would have been written by
 5 Mike Jones, he would be the author of the report.
 6 98 Q. I see. And do you have to -- and
 7 who is Mike Jones?
 8 A. He works in housing on Michelle
 9 Baird's team.
 10 99 Q. I see. But then why is your name
 11 on -- if you could explain then, if the report was
 12 written by Mr. Jones, who reports to Ms. Baird, why was
 13 your name on this report?
 14 A. I would have been consulted. I
 15 must admit, I would have to scan the contents, but
 16 typically we would be consulted, which is why our names
 17 would be submitted.
 18 100 Q. I see. Okay. And so -- and is it
 19 possible that your name was on this report because it
 20 addressed an issue within the mandated LBS?
 21 A. That would be correct.
 22 101 Q. Okay. Well, I just have a
 23 question about one thing in the report that perhaps you
 24 could assist me with. And I'm going to take you to
 25 page 6. I'll increase the size, I can see you're

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MONICA CIRIELLO - 28

1 A. That's perfect.
 2 109 Q. Yeah.
 3 A. Okay, I have read it.
 4 110 Q. Okay, thank you. I take it it has
 5 been a while since you read this document?
 6 A. There has been a lot of changes
 7 with encampments. And it's been a while since I've
 8 read this specific report.
 9 111 Q. Okay. Well, I want to ask you
 10 about a couple of things on this page, if I may, right.
 11 A. Yes.
 12 112 Q. And it's about -- the first
 13 question is about Motion 11.3.
 14 A. Yes.
 15 113 Q. Are you -- do you recall Motion
 16 11.3?
 17 A. As it is outlined on the paper,
 18 yes. Independently, I would really have to rack my
 19 memory.
 20 114 Q. Was this motion -- it says,
 21 Directed at staff. Was it directed at LBS or MLE?
 22 A. I don't recall. But if I'm
 23 looking at Planning Committee, that would be my home
 24 committee.
 25 115 Q. Okay. And I guess if -- it says,

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MONICA CIRIELLO - 29

1 "Complete their activities under the Encampment
 2 Process, including notifying HPS that a Trespass Notice
 3 has been issued," that's -- basically, is that a
 4 reference to MLE?
 5 **A.** That would be our role, yes.
 6 **Q.** Okay, great. And it says,
 7 "Enforce the Encampment Process 7 days per week,"
 8 correct?
 9 **A.** Correct.
 10 **Q.** Do you have any -- were you at
 11 Planning Committee meeting when this motion was debated
 12 or adopted; do you recall?
 13 **A.** I want to say yes but I would have
 14 to confirm -- yes, yes. Most likely, yes.
 15 **Q.** Do you know -- did you hear -- did
 16 you observe or were you told, and this is, again, based
 17 on your experience, and if you don't recall, just let
 18 us know, if there was any concern expressed to you that
 19 the Encampment Process wasn't being enforced seven days
 20 a week?
 21 **A.** I don't recall.
 22 **Q.** Okay. So I just want to move down
 23 to March 30th. And so do you see this, what I've
 24 highlighted here?
 25 **A.** Yes.

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MONICA CIRIELLO - 31

1 **A.** If there was going to be an
 2 increased level of -- if there was going to be an
 3 increased role of MLE in the Encampment Process,
 4 additional staff would have been required. And that's
 5 why that ask would have come forward.
 6 **Q.** And you said if there was going to
 7 be an additional, correct --
 8 **A.** Correct.
 9 **Q.** -- additional "role" or additional
 10 "activity," what's the best word?
 11 **A.** If you -- can you scroll up a
 12 little bit.
 13 **Q.** Of course. You tell me when to
 14 stop.
 15 **A.** Just because -- I would suggest --
 16 if I'm putting this together, I'm recalling now, if
 17 they're asking us to enforce the Encampment Process
 18 seven days a week, there would be an additional
 19 staffing ask that would come along with it.
 20 **Q.** Oh, I see. Okay. So it's to
 21 enhance -- is it, say, to enhance MLE's enforcement
 22 capacity --
 23 **A.** Yes, to increase --
 24 **Q.** -- that you needed more staff?
 25 **A.** -- increase staff compliment to

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MONICA CIRIELLO - 30

1 **Q.** And so it says, "In response to
 2 Motion 11.3 Council approved four new temporary,
 3 dedicated MLE Encampment Officers," correct?
 4 **A.** Correct.
 5 **Q.** Did you -- is this -- was the
 6 approval of this, was it recommended or proposed by MLE
 7 or by LBS?
 8 **A.** The staffing ask?
 9 **Q.** Yes.
 10 **A.** The staffing ask would have come
 11 from MLE.
 12 **Q.** And it would have come up through
 13 you eventually, correct?
 14 **A.** Correct.
 15 **Q.** And so you would have had to
 16 approve the staffing ask?
 17 **A.** I would have put forward the
 18 staffing ask to be approved by council.
 19 **Q.** Correct. Pardon me. You would
 20 have, you would have had to put forward the staffing
 21 ask --
 22 **A.** Correct.
 23 **Q.** -- and then council would approve
 24 it? And can you explain why you put the staffing ask
 25 forward?

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MONICA CIRIELLO - 32

1 respond to that request by council, yes.
 2 **Q.** Okay, thank you. Ms. Ciriello,
 3 thank you for being so efficient about all this. I
 4 just would like a moment to look at my notes, to see if
 5 there's anything I have missed, could I just ask you to
 6 stay on the line.
 7 **A.** Of course.
 8 **Q.** And as you know, and you're a
 9 lawyer, so I don't have to tell you this, but, you
 10 know, you're still under oath, and so if you could
 11 just, please, continue following protocol, I will be
 12 back as soon as I can. Okay?
 13 **A.** Absolutely. Thank you.
 14 **MR. CHOUDHRY:** Thank you.
 15 **MS. SHORES:** Let's go off record.
 16 --- Off-the-record discussion.
 17 **MR. CHOUDHRY:** Thank you. So, Ms.
 18 Ciriello, those conclude my questions today, thank you
 19 so much for your time.
 20 **THE DEPONENT:** Wonderful. Thank you
 21 very much.
 22 **RE-EXAMINATION BY MS. SHORES:**
 23 **Q.** I just have one question by way of
 24 re-examination for you, Monica.
 25 **A.** Certainly.

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1 135 Q. You were -- bear with me, I'm
 2 going to put your affidavit on the screen. So I placed
 3 on the screen your affidavit that was affirmed on
 4 July 29, 2024. And you were asked previously with
 5 respect to the last sentence of paragraph 10, and that
 6 sentence reads: "Additionally, MLE officers do not
 7 remove people from tents or temporary shelters or
 8 dismantle or remove tents or temporary shelters that
 9 are occupied."

10 You were asked, Ms. Ciriello, whether
 11 that is because MLE does not enforce trespass notices.
 12 My question for you is, are there any other reasons
 13 that MLE officers do not remove people from tents or
 14 temporary shelters or dismantle or remove tents or
 15 temporary shelters that are occupied?

16 A. We -- our role in this Protocol is
 17 simply involving trespass notices, we do not put hands
 18 on individuals nor do we participate in any of the
 19 cleanup, that is done by a separate department.

20 136 Q. And, Ms. Ciriello, are there other
 21 entities, to your knowledge, that remove people from
 22 tents or temporary shelters or dismantle or remove
 23 tents or temporary shelters that are occupied in
 24 enforcement of the Protocol?

25 A. No, no other departments.

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1 MS. SHORES: Thank you. No further
 2 questions for you, Ms. Ciriello.
 3 --- Whereupon proceedings adjourned at 11:36 a.m.
 4 I HEREBY CERTIFY THE FOREGOING
 5 to be a true and accurate
 6 transcription of my shorthand notes
 7 to the best of my skill and ability.

8
 9
 10
 11 _____
 12 Dayne Snell, Court Reporter
 13 Computer-Aided Transcription
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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 TREVOR HAALSTRA

I, Trevor Haalstra, of the City of Hamilton, in the Province of Ontario, AFFIRM:

1. I am employed by the City of Hamilton as Assistant Deputy Chief for the Hamilton Fire Department, and, as such, have knowledge of the matters contained in this Affidavit. Where I rely on the information of others, I state the source of that information and believe it to be true.
2. I have been employed by the Hamilton Fire Department ("HFD") for 21 years, and I have been in my current role since October 18, 2022.
3. My role as Assistant Deputy Chief involves, among other things, overseeing the

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HFD's fire prevention initiatives. I am also the member of the Fire Department on the City's Coordinated Response Team regarding encampments.

4. The HFD's role relative to encampments entails, broadly speaking, three categories:
 - (a) Response: responding to emergency calls through 911 dispatch.
 - (b) Education and prevention: educating people experiencing homelessness about fire safety and providing fire prevention guidance.
 - (c) Enforcement: in the event of a violation of the Ontario *Fire Code*, O. Reg. 213/07 or a situation engaging the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, (such as an immediate threat to life), enforcement would be within the HFD's mandate. Responding to complaints pertaining to the City's Open Air Burning By-Law is also within HFD's purview. HFD advises and educates of the by-law and assists in conforming to the by-law by means of extinguishing open air burning when required.
5. In practice, most of the HFD's active role is with response, and to a lesser extent, education and prevention. The HFD has little if any enforcement activity relative to encampments, as encampments are generally not within the purview of the *Fire Code* nor have they engaged the *Fire Protection and Prevention Act, 1997* (other than emergency response as described above).
6. Regarding emergency calls, the HFD tracks each event that requires HFD response within their Computer Aided Dispatch (CAD) System. HFD data analysts

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have collected and organized CAD Event data regarding dispatches that relate to encampments for the previous 12 months, based on dispatch notes indicating and encampment. **Exhibit “A”** to my affidavit is a spreadsheet summarizing the categories of dispatches relating to encampments that from July 1, 2023 to December 31, 2023 and March 1, 2024 to July 26, 2024. Data for January and February 2024 is not available, as it was lost due to the cyber-attack on the City of Hamilton in February 2024.

7. Another data set from which response information may be obtained is the HFD’s Fire Department Management (“FDM”) software. Responding officers can indicate whether or not the response is at an encampment by checking a box in the HFD’s standard incident report. Although the FDM data was lost in the cyber attack, some of the data was exported prior to the cyber attack. **Exhibit “B”** to my affidavit is a spreadsheet summarizing information of dispatches that had been exported from the FDM software prior to the data breach, which relate to encampments. The data is for July through September 2023, and January 2024.
8. I have reviewed the spreadsheets at **Exhibits “A”** and **“B”** and confirm that they accurately reflect the data that the HFD has available, reflecting HFD responses to encampments for the above-noted time frames.
9. The Hamilton Fire Department, in collaboration with the Housing Focused Outreach team, developed a printed resource to help increase fire safety awareness and education for people who are unsheltered and may be living at encampments or unoccupied buildings. Approximately 800 resources were

distributed to resource centres and the City's Encampment Response Team at the beginning of 2024. Hard copies of the two-sided, non-destructible flyers were dropped off on January 4 and again on February 6, 2024 to a range of community resource centres that assist different demographics (i.e. men's shelters, women's shelters, youth centres etc.). The list of locations that the resources were distributed to included Indigenous Drop-In Centre, Willow Place, St. Matthew's House, Good Shepard (men's), Living Rock, Notre Dame House, The Hub, Salvation Army, Mission Services, Carol Anne's (YWCA), and Wesley. A copy of this flyer is attached as **Exhibit "C"**.

10. HFD also is available to consult and liaise with other City departments at Coordinated Response Team meetings and on an ad hoc basis to provide input and guidance on fire safety and prevention where needed, and if there is an application of the *Fire Code*.

AFFIRMED by Trevor Haalstra at the City of Hamilton, in the Province of Ontario, before me on
 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

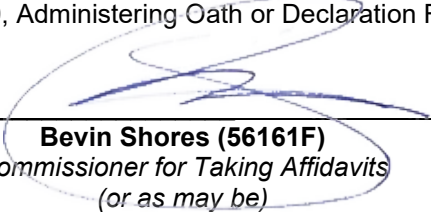

 Commissioner for Taking Affidavits
 (or as may be)

BEVIN SHORES



TREVOR HAALSTRA

This is Exhibit "A" to the Affidavit of Trevor Haalstra
AFFIRMED before me the City of Hamilton, in the Province of Ontario,
on this 30th day of July, 2024, in accordance with
O. Reg. 431/20, Administering Oath or Declaration Remotely.



Bevin Shores (56161F)
Commissioner for Taking Affidavits
(or as may be)

Row Labels	Count of Event Number
2023	208
Jul	31
Aug	29
Sep	46
Oct	35
Nov	31
Dec	36
2024	176
Mar	10
Apr	46
May	39
Jun	44
Jul	37
Grand Total	384

Event Number	Date of Incident	Address	Call Type
F24008884	2024-03-25	455 CHARLTON AV E HAM Near SHERMAN AC and WENTWORTH ST S	BURNING COMPLAINT
F24008900	2024-03-25	HAM Near BAY ST S and MAIN ST W	MEDICAL
F24008912	2024-03-25	HAMILTON CITY HALL 71 MAIN ST W HAM Near SUMMERS LN and BAY ST S @HAMILTON CITY HALL	BURNING COMPLAINT
F24008914	2024-03-25	HAM Near HUNTER ST E and WELLINGTON ST S	SHELTER/TENT FIRE
F24008947	2024-03-26	HAM Near JACKSON ST W and BAY ST S	BURNING COMPLAINT
F24009158	2024-03-27	HAMILTON CITY HALL 71 MAIN ST W HAM Near SUMMERS LN and BAY ST S @HAMILTON CITY HALL	MEDICAL
F24009173	2024-03-27	455 CHARLTON AV E HAM Near SHERMAN AC and WENTWORTH ST S	BURNING COMPLAINT
F24009212	2024-03-27	HAM Near WELLINGTON ST N and FERRIE ST E	BURNING COMPLAINT
F24009235	2024-03-27	KROWN RUST CONTROL 366 VICTORIA AV N HAM Near BIRGE ST and SHAW ST @KROWN RUST CONTROL	BURNING COMPLAINT
F24009710	2024-03-31	CONFEDERATION PARK 585 VAN WAGNER'S BEACH RD HAM @CONFEDERATION PARK	BURNING COMPLAINT
F24009792	2024-04-01	HAM Near EMERALD ST N and SHAW ST	RUBBISH FIRE
F24009821	2024-04-01	HAM Near SHERMAN AC and WENTWORTH ST S	BURNING COMPLAINT
F24009829	2024-04-01	240 LOTTRIDGE ST HAM	RUBBISH FIRE
F24009840	2024-04-01	455 CHARLTON AV E HAM Near SHERMAN AC and WENTWORTH ST S	BURNING COMPLAINT
F24009858	2024-04-01	HAM Near RAMP NIKOLA TESLA EB TO RHVP SB and RAMP QEW TORONTO TO RHVP SB	RUBBISH FIRE
F24009879	2024-04-02	HAM Near LOTTRIDGE ST and LANDSDOWNE AV	BURNING COMPLAINT
F24010070	2024-04-03	520 NASH RD N HAM	BURNING COMPLAINT
F24010143	2024-04-03	HAM Near HUNTER ST E and UPPER JAMES ST	BURNING COMPLAINT
F24010179	2024-04-03	34 BOW VALLEY DR Apt. 15 HAM Near BARTON ST E and BERKINDALE DR	BURNING COMPLAINT
F24010198	2024-04-03	HAM Near BARTON ST W and CAROLINE ST N	RUBBISH FIRE
F24010227	2024-04-04	HAM Near CUMBERLAND AV and CHARLTON AV E	BURNING COMPLAINT
F24010253	2024-04-04	HAM Near KING ST E and WELLINGTON ST N	BURNING COMPLAINT
F24010474	2024-04-06	HAM Near NEWTON AV and DOW AV	SHELTER/TENT FIRE
F24010601	2024-04-07	HAM Near VICTORIA AV N and BIRGE ST	BURNING COMPLAINT
F24010611	2024-04-07	KROWN RUST CONTROL 366 VICTORIA AV N HAM Near BIRGE ST and SHAW ST @KROWN RUST CONTROL	BURNING COMPLAINT
F24010685	2024-04-07	HAM Near WILSON ST and MADISON AV	BURNING COMPLAINT
F24010730	2024-04-08	90 BEACH RD HAM Near NORTON ST and GAGE AV N	BURNING COMPLAINT
F24010778	2024-04-08	HAM Near TIFFANY ST and BARTON ST W	BURNING COMPLAINT
F24010854	2024-04-08	32 TIFFANY ST HAM Near BARTON ST W and STUART ST	BURNING COMPLAINT
F24011086	2024-04-10	HAM Near WEST AV S and VICTORIA AV S	RUBBISH FIRE
F24011163	2024-04-10	HAM Near CAROLINE ST N and BARTON ST W	BURNING COMPLAINT
F24011185	2024-04-10	HAM Near CENTENNIAL PY N and NORTH SERVICE RD	GRASS/BRUSH FIRE
F24011217	2024-04-10	BEER STORE 55 COOTES DR DU Near PRIVATE RD and EAST ST N @BEER STORE	BURNING COMPLAINT
F24011230	2024-04-11	90 BEACH RD HAM Near NORTON ST and GAGE AV N	BURNING COMPLAINT
F24011722	2024-04-14	HAM Near BARTON ST W and TIFFANY ST	BURNING COMPLAINT
F24011724	2024-04-14	HUTCH'S HARBOURFRONT 325 BAY ST N HAM Near STUART ST and HARBOUR FRONT DR @HUTCH'S HARBOURFRONT	MEDICAL
F24012100	2024-04-17	255 KENILWORTH AV S HAM Near RAMP KING WB TO KENILWORTH SB and RAMP KENILWORTH NB TO KING EB	BURNING COMPLAINT
F24012117	2024-04-17	2300 BRAMPTON ST HAM Near PRIVATE RD and PRIVATE RD	GRASS/BRUSH FIRE
F24012171	2024-04-17	OLYMPIC PARK 948 MOHAWK RD W HAM Near MAGNOLIA DR and UPPER HORNING RD @OLYMPIC PARK	BURNING COMPLAINT
F24012286	2024-04-18	HAM Near HUNTER ST E and UPPER JAMES ST	BURNING COMPLAINT
F24012405	2024-04-18	HAM Near MAIN ST E and KING ST E	BURNING COMPLAINT
F24012410	2024-04-18	ORLICK INDUSTRIES 35 GLEN RD HAM Near TOPE CR and MACKLIN ST N @ORLICK INDUSTRIES	BURNING COMPLAINT
F24012411	2024-04-18	HAM Near RAMP KENILWORTH NB TO KING EB and LAWRENCE RD	BURNING COMPLAINT
F24012460	2024-04-19	HAM Near HUXLEY AV S and RAMP KENILWORTH NB TO LAWRENCE	RUBBISH FIRE
F24012523	2024-04-19	DU Near THORPE ST and DEAD END	BURNING COMPLAINT
F24012566	2024-04-19	BISHOPS PARK 91 EAST AV S HAM Near MAIN ST E and HUNTER ST E @BISHOPS PARK	BURNING COMPLAINT
F24012593	2024-04-20	HAM Near NASH RD N and KENORA AV	MEDICAL
F24012706	2024-04-21	HAM Near RAMP KING WB TO 403 EB and RAMP KING WB TO 403 WB	BURNING COMPLAINT
F24012776	2024-04-21	DODSWORTH & BROWN FUNERAL HOME 15 WEST AV N HAM Near KING ST E and KING WILLIAM ST @DODSWORTH & BROWN FUNERAL HOME	BURNING COMPLAINT
F24013199	2024-04-24	DU Near DUNDAS ST and SOUTH QUAY	BURNING COMPLAINT
F24013466	2024-04-25	CATHEDRAL PARK 642 MAIN ST W HAM Near RAMP 403 EB TO MAIN EB and MACKLIN ST S @CATHEDRAL PARK	SHELTER/TENT FIRE
F24013476	2024-04-26	BAYFRONT PARK 200 HARBOUR FRONT DR HAM Near PRIVATE RD and DEAD END @BAYFRONT PARK	MEDICAL
F24013642	2024-04-27	HAM Near RED HILL VALLEY PY NB and QUEEN ELIZABETH WY	BURNING COMPLAINT
F24013710	2024-04-27	189 BARTON ST W HAM Near CAROLINE ST N and HESS ST N	RUBBISH FIRE
F24013849	2024-04-28	HAM Near MAIN ST W and MACNAB ST S	BURNING COMPLAINT
F24013858	2024-04-28	HAM Near STUART ST and CAROLINE ST N	RUBBISH FIRE
F24014760	2024-05-03	HAM Near BARTON ST E and RED HILL VALLEY PY SB	SHELTER/TENT FIRE
F24014811	2024-05-04	1230 BARTON ST E HAM Near FREDERICK AV and ELLIS AV	RUBBISH FIRE
F24014881	2024-05-04	SIR JOHN A MACDONALD SECONDARY 130 YORK BV HAM Near BAY ST N and CAROLINE ST N @SIR JOHN A MACDONALD SECONDARY	BURNING COMPLAINT
F24015019	2024-05-05	HAM Near KING ST W and DUNDURN ST N	MEDICAL
F24015059	2024-05-05	CENTRAL MEMORIAL REC CENTRE 93 WEST AV S HAM Near DEAD END and STINSON ST @CENTRAL MEMORIAL REC CENTRE	BURNING COMPLAINT
F24015074	2024-05-06	HAM Near BAY ST N and SIMCOE ST W	BURNING COMPLAINT
F24015077	2024-05-06	HAM Near WELLINGTON ST N and BIRGE ST	BURNING COMPLAINT
F24015284	2024-05-07	MONTGOMERY PARK 1570 MAIN ST E HAM Near FAIRFIELD AV and BERRY AV @MONTGOMERY PARK	BURNING COMPLAINT
F24015422	2024-05-07	HAM Near WELLINGTON ST N and SIMCOE ST E	BURNING COMPLAINT
F24015750	2024-05-09	HAM Near WELLINGTON ST N and SIMCOE ST E	BURNING COMPLAINT
F24015819	2024-05-10	76 GEORGE ST HAM Near CAROLINE ST S and HESS ST S	BURNING COMPLAINT
F24015886	2024-05-10	SHAMROCK PARK 105 WALNUT ST S HAM Near HUNTER ST E and AUGUSTA ST @SHAMROCK PARK	MEDICAL
F24015915	2024-05-10	BEEMER JACK C PARK 68 VICTORIA AV N HAM Near KING WILLIAM ST and WILSON ST @BEEMER JACK C PARK	BURNING COMPLAINT
F24015992	2024-05-11	MYRTLE PARK 13 DELAWARE AV HAM Near WENTWORTH ST S and MYRTLE AV @MYRTLE PARK	SHELTER/TENT FIRE
F24016290	2024-05-13	HAM Near BARTON ST W and RAY ST N	BURNING COMPLAINT
F24016331	2024-05-13	HAM Near TIFFANY ST and CAROLINE ST N	BURNING COMPLAINT
F24016600	2024-05-15	HAM Near MARS AV and WENTWORTH ST N	BURNING COMPLAINT
F24016664	2024-05-15	HAM Near RAMP GARTH NB TO LINC WB and RAMP GARTH SB TO LINC EB	GRASS/BRUSH FIRE
F24016683	2024-05-15	OLYMPIC PARK 948 MOHAWK RD W HAM Near MAGNOLIA DR and UPPER HORNING RD @OLYMPIC PARK	MEDICAL
F24016711	2024-05-15	HAM Near NORTH SERVICE RD and CENTENNIAL PY N	BURNING COMPLAINT
F24016734	2024-05-16	BAYFRONT PARK 200 HARBOUR FRONT DR HAM Near PRIVATE RD and DEAD END @BAYFRONT PARK	BURNING COMPLAINT
F24016901	2024-05-16	CANADIAN TIRE 1283 BARTON ST E HAM Near ROBINS AV and KENILWORTH AV N @CANADIAN TIRE	RUBBISH FIRE
F24017053	2024-05-17	BIRCH PARK 151 BIRCH AV HAM Near BARTON ST E and PRINCESS ST @BIRCH PARK	BURNING COMPLAINT
F24017787	2024-05-22	DELTA PARK 1100 MAIN ST E HAM Near KENSINGTON AV N and ROSSLYN AV N @DELTA PARK	BURNING COMPLAINT
F24017815	2024-05-23	HAM Near RED HILL VALLEY PY NB and QUEEN ELIZABETH WY	BURNING COMPLAINT
F24018051	2024-05-24	STAIRS WENTWORTH ST (BASE) HAM @STAIRS WENTWORTH ST (BASE)	BURNING COMPLAINT
F24018095	2024-05-24	HAM Near RED HILL VALLEY PY NB and QUEEN ELIZABETH WY	RUBBISH FIRE
F24018107	2024-05-24	CATHEDRAL OF CHRIST THE KING 714 KING ST W HAM Near BREADALBANE ST and RAMP KING WB TO 403 EB @CATHEDRAL OF CHRIST THE KING	BURNING COMPLAINT
F24018136	2024-05-24	151 YORK BV HAM Near BAY ST N and CAROLINE ST N	RUBBISH FIRE
F24018161	2024-05-25	SHAMROCK PARK 105 WALNUT ST S HAM Near HUNTER ST E and AUGUSTA ST @SHAMROCK PARK	BURNING COMPLAINT
F24018188	2024-05-25	115 VANSITMART AV HAM Near COPE ST and TRAGINA AV N	BURNING COMPLAINT
F24018253	2024-05-25	BAYFRONT PARK 200 HARBOUR FRONT DR HAM Near PRIVATE RD and DEAD END @BAYFRONT PARK	BURNING COMPLAINT
F24018340	2024-05-26	GAGE PARK 1000 MAIN ST E HAM Near HILDA AV and GLENDALE AV S @GAGE PARK	MEDICAL
F24018366	2024-05-26	HAM Near HUNTER ST E and UPPER JAMES ST	BURNING COMPLAINT
F24018375	2024-05-26	HAM Near BARTON ST W and CAROLINE ST N	FD ASSISTANCE REQUIRED
F24018571	2024-05-27	HAM Near PRIVATE RD and DEAD END	BURNING COMPLAINT
F24019154	2024-05-30	GAGE PARK 1000 MAIN ST E HAM Near HILDA AV and GLENDALE AV S @GAGE PARK	BURNING COMPLAINT
F24019313	2024-05-31	HAM Near MAIN ST E and VICTORIA AV S	RUBBISH FIRE
F24019343	2024-05-31	HAM Near HUNTER ST E and UPPER JAMES ST	BURNING COMPLAINT
F24019504	2024-06-01	BAYFRONT PARK 200 HARBOUR FRONT DR HAM Near PRIVATE RD and DEAD END @BAYFRONT PARK	BURNING COMPLAINT
F24019821	2024-06-03	HAM Near YOUNG ST and VICTORIA AV S	RUBBISH FIRE
F24019830	2024-06-03	HAM Near WELLINGTON ST N and SIMCOE ST E	BURNING COMPLAINT
F24019847	2024-06-04	ROSEDALE TENNIS & LAWNING BOWL 50 LAWRENCE RD HAM Near GAGE AV S and PRIVATE RD @ROSEDALE TENNIS & LAWNING BOWL	RUBBISH FIRE
F24019999	2024-06-04	HAM Near VICTORIA AV N and EAST AV N	MEDICAL

F24020108	2024-06-05	183 BARTON ST W HAM Near CAROLINE ST N and HESS ST N	RUBBISH FIRE
F24020353	2024-06-06	HAM Near LIBERTY ST and GRANGE ST	BURNING COMPLAINT
F24020404	2024-06-07	HAM Near JOHN ST S and DEAD END	BURNING COMPLAINT
F24020559	2024-06-07	FAIRFIELD PARK 1501 BARTON ST E HAM Near WEIR ST N and FAIRFIELD AV @FAIRFIELD PARK	RUBBISH FIRE
F24020624	2024-06-08	HAM Near MAIN ST E and VICTORIA AV S	MEDICAL
F24020635	2024-06-08	HAM Near VICTORIA AV S and MAIN ST E	MEDICAL
F24020674	2024-06-08	GAGE PARK 1000 MAIN ST E HAM Near HILDA AV and GLENDALE AV S @GAGE PARK	BURNING COMPLAINT
F24020906	2024-06-10	DELTA PARK 1100 MAIN ST E HAM Near KENSINGTON AV N and ROSSLYN AV N @DELTA PARK	BURNING COMPLAINT
F24020998	2024-06-11	CARTER PARK 32 STINSON ST HAM Near WEST AV S and VICTORIA AV S @CARTER PARK	MEDICAL
F24021149	2024-06-11	HAM Near GRANGE ST and LIBERTY ST	BURNING COMPLAINT
F24021177	2024-06-12	HAM Near BARTON ST E and LAKE AV N	BURNING COMPLAINT
F24021323	2024-06-12	BENS TOWING 824 RENNIE ST HAM Near PRIVATE RD and DEAD END @BENS TOWING	RUBBISH FIRE
F24021483	2024-06-13	1045 UPPER JAMES ST HAM Near ALDRIDGE ST and RAMP UPPER JAMES SB TO LINC WB	MEDICAL
F24021524	2024-06-14	HAM Near KENSINGTON AV N and MAIN ST E	BURNING COMPLAINT
F24021809	2024-06-15	HAM Near RAMP QEW TORONTO TO NORTH SERVICE and RAMP QEW NIAGARA TO RHVP SB	GRASS/BRUSH FIRE - HIGHWAY
F24021837	2024-06-15	HAM Near LAKE AV N and BARTON ST E	BURNING COMPLAINT
F24021883	2024-06-16	HAM Near WELLINGTON ST N and SIMCOE ST E	BURNING COMPLAINT
F24021985	2024-06-17	HAM Near LAKE AV N and BARTON ST E	BURNING COMPLAINT
F24022023	2024-06-17	STROUD ROAD PARK 145 STROUD RD HAM Near BAXTER ST and DELBROOK CT @STROUD ROAD PARK	BURNING COMPLAINT
F24022085	2024-06-17	GAGE PARK 1000 MAIN ST E HAM Near HILDA AV and GLENDALE AV S @GAGE PARK	BURNING COMPLAINT
F24022126	2024-06-17	HAM Near HUNTER ST W and BAY ST S	MEDICAL
F24022128	2024-06-17	HAM Near TIFFANY ST and BARTON ST W	SMOKE CONDITIONS
F24022139	2024-06-17	TRAYNORS BAKERY 191 VICTORIA AV S HAM Near YOUNG ST and CHARLTON AV E @TRAYNORS BAKERY	MEDICAL
F24022274	2024-06-18	HAM Near LINCOLN ST and BELMONT AV	SHELTER/TENT FIRE
F24022335	2024-06-18	HAM Near HUXLEY AV S and RAMP KENILWORTH NB TO LAWRENCE	BURNING COMPLAINT
F24022584	2024-06-19	PLASTIMET SITE 363 WELLINGTON ST N HAM Near BIRGE ST and SIMCOE ST E @PLASTIMET SITE	SHELTER/TENT FIRE
F24022658	2024-06-20	HAM Near JOHN ST S and DEAD END	BURNING COMPLAINT
F24022952	2024-06-21	HAM Near VICTORIA AV S and CHARLTON AV E	BURNING COMPLAINT
F24023164	2024-06-23	HAM Near BARTON ST W and CAROLINE ST N	GRASS/BRUSH FIRE
F24023417	2024-06-25	GAGE PARK 1000 MAIN ST E HAM Near HILDA AV and GLENDALE AV S @GAGE PARK	RUBBISH FIRE
F24023552	2024-06-25	PIER 4 PARK 64 LEANDER DR HAM Near BAY ST N and DEAD END @PIER 4 PARK	BURNING COMPLAINT
F24023743	2024-06-26	HAM Near LAKE AV N and BARTON ST E	BURNING COMPLAINT
F24023853	2024-06-27	HAM Near HUXLEY AV S and RAMP KENILWORTH NB TO LAWRENCE	BURNING COMPLAINT
F24023909	2024-06-27	HAM Near KING WILLIAM ST and VICTORIA AV N	MEDICAL
F24023952	2024-06-27	467 WENTWORTH ST N HAM Near MARS AV and BRANT ST	BURNING COMPLAINT
F24024062	2024-06-28	BEEMER JACK C PARK 68 VICTORIA AV N HAM Near KING WILLIAM ST and WILSON ST @BEEMER JACK C PARK	BURNING COMPLAINT
F24024073	2024-06-28	HAM Near ROTHSAV AV and LAWRENCE RD	GRASS/BRUSH FIRE
F24024391	2024-06-30	167 BIRGE ST HAM Near OAK AV and ST. MATTHEWS AV	BURNING COMPLAINT
F24024473	2024-06-30	680 VAN WAGNERS BEACH RD HAM Near PRIVATE RD and CENTENNIAL PY N	BURNING COMPLAINT
F24024654	2024-07-02	BAYFRONT PARK 200 HARBOUR FRONT DR HAM Near PRIVATE RD and DEAD END @BAYFRONT PARK	BURNING COMPLAINT
F24024662	2024-07-02	FORTINOS 50 DUNDURN ST S Apt. F HAM Near KING ST W and MAIN ST W @FORTINOS	BURNING COMPLAINT
F24024773	2024-07-02	HAM Near JOHN ST S and DEAD END	BURNING COMPLAINT
F24025076	2024-07-04	FELKERS FALLS 44 ACKLAND ST SC Near AUDUBON ST S and AUDUBON ST N @FELKERS FALLS	BURNING COMPLAINT
F24025357	2024-07-05	HAM Near MARS AV and WENTWORTH ST N	BURNING COMPLAINT
F24025361	2024-07-05	GAGE PARK 1000 MAIN ST E HAM Near HILDA AV and GLENDALE AV S @GAGE PARK	BURNING COMPLAINT
F24025544	2024-07-07	HAM Near YOUNG ST and CHARLTON AV E	RUBBISH FIRE
F24025861	2024-07-09	HAM Near VICTORIA AV S and CHARLTON AV E	BURNING COMPLAINT
F24025969	2024-07-10	HAM Near ST. MATTHEWS AV and BIRGE ST	BURNING COMPLAINT
F24026077	2024-07-10	PINKY LEWIS REC CENTRE 192 WENTWORTH ST N HAM Near CANNON ST E and BRISTOL ST @PINKY LEWIS REC CENTRE	MEDICAL
F24026092	2024-07-10	GAGE PARK 1000 MAIN ST E HAM Near HILDA AV and GLENDALE AV S @GAGE PARK	BURNING COMPLAINT
F24026103	2024-07-10	HAM Near BANCROFT ST and KENORA AV	BURNING COMPLAINT
F24026104	2024-07-10	HAM Near RAMP RHVP NB TO BARTON and NASH RD N	BURNING COMPLAINT
F24026323	2024-07-11	HAM Near MACNAB ST S and HUNTER ST W	BURNING COMPLAINT
F24026480	2024-07-12	HAM Near OAK AV and ST. MATTHEWS AV	BURNING COMPLAINT
F24026555	2024-07-13	HAM Near GAGE AV N and BURLINGTON ST E	RUBBISH FIRE
F24026593	2024-07-13	65 WELLINGTON ST S HAM Near JACKSON ST E and HUNTER ST E	BURNING COMPLAINT
F24026618	2024-07-14	195 EMERALD ST S HAM Near STINSON ST and DEAD END	BURNING COMPLAINT
F24026635	2024-07-14	250 LOTTRIDGE ST HAM Near CLINTON ST and LANDSDOWNE AV	BURNING COMPLAINT
F24026675	2024-07-14	HAM Near HUNTER ST E and UPPER JAMES ST	BURNING COMPLAINT
F24026814	2024-07-15	DELTA PARK 1100 MAIN ST E HAM Near KENSINGTON AV N and ROSSLYN AV N @DELTA PARK	SHELTER/TENT FIRE
F24026938	2024-07-16	HAM Near CUMBERLAND AV and CHARLTON AV E	BURNING COMPLAINT
F24027095	2024-07-17	GAGE PARK 1000 MAIN ST E HAM Near HILDA AV and GLENDALE AV S @GAGE PARK	BURNING COMPLAINT
F24027393	2024-07-19	BOW VALLEY OPEN SPACE PARK 140 LAKE AV N HAM Near HUCKLEBERRY DR and DELAWANA DR @BOW VALLEY OPEN SPACE PARK	GRASS/BRUSH FIRE
F24027444	2024-07-19	ROSEDALE TENNIS & LAWNING BOWL 50 LAWRENCE RD HAM Near GAGE AV S and PRIVATE RD @ROSEDALE TENNIS & LAWNING BOWL	BURNING COMPLAINT
F24027645	2024-07-20	GAGE PARK 1000 MAIN ST E HAM Near HILDA AV and GLENDALE AV S @GAGE PARK	BURNING COMPLAINT
F24027803	2024-07-22	HAM Near CUMBERLAND AV and CHARLTON AV E	BURNING COMPLAINT
F24027896	2024-07-22	HAM Near GAGE AV S and CUMBERLAND AV	BURNING COMPLAINT
F24027923	2024-07-22	HAM Near HUXLEY AV S and RAMP KENILWORTH NB TO LAWRENCE	RUBBISH FIRE
F24028061	2024-07-23	HAM Near FERGUSON AV N and SIMCOE ST E	MEDICAL
F24028100	2024-07-23	201 HARBOUR FRONT DR HAM Near PRIVATE RD and DEAD END	BURNING COMPLAINT
F24028112	2024-07-23	HAM Near HUNTER ST E and EAST AV S	BURNING COMPLAINT
F24028230	2024-07-24	HAM Near KENILWORTH AV S and SHERMAN AC	BURNING COMPLAINT
F24028275	2024-07-24	201 HARBOUR FRONT DR HAM Near PRIVATE RD and DEAD END	BURNING COMPLAINT
F24028452	2024-07-25	RHEEM CANADA 128 BARTON ST W HAM Near TIFFANY ST and CAROLINE ST N @RHEEM CANADA	BURNING COMPLAINT
F24028468	2024-07-25	GAGE PARK 1000 MAIN ST E HAM Near HILDA AV and GLENDALE AV S @GAGE PARK	BURNING COMPLAINT
F24028513	2024-07-26	BAYFRONT PARK 200 HARBOUR FRONT DR HAM Near PRIVATE RD and DEAD END @BAYFRONT PARK	BURNING COMPLAINT
F23016509	2023-07-02		BURNING COMPLAINT
F23016591	2023-07-03	342 VICTORIA AV N HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23016819	2023-07-05	610 YORK BV HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23017218	2023-07-10		BURNING COMPLAINT
F23017319	2023-07-10		BURNING COMPLAINT
F23017320	2023-07-10		BURNING COMPLAINT
F23017415	2023-07-11	0 VICTORIA AV S , Ontario, Canada	BURNING COMPLAINT
F23017537	2023-07-12	175 FERGUSON AV S HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23017632	2023-07-13		BURNING COMPLAINT
F23017641	2023-07-14		BURNING COMPLAINT
F23017757	2023-07-14	0 LINDEN ST , Ontario, Canada	BURNING COMPLAINT
F23017766	2023-07-14		RUBBISH FIRE
F23017767	2023-07-15	0 STRATHCONA AV N , Ontario, Canada	BURNING COMPLAINT
F23017792	2023-07-15		MEDICAL
F23017878	2023-07-16	1655 BARTON ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23018007	2023-07-18	501 BARTON ST E HAMILTON, Ontario, Canada	RUBBISH FIRE
F23018122	2023-07-18	1655 BARTON ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23018213	2023-07-19	0 RAMP RHVP NB TO QE W TORONTO HAMILTON, Ontario, Canada	RUBBISH FIRE
F23018263	2023-07-19	75 MACNAB ST S HAMILTON, Ontario, Canada	MEDICAL
F23018281	2023-07-20	0 FERGUSON AV N , Ontario, Canada	BURNING COMPLAINT
F23018291	2023-07-20	0 ST. JOSEPH'S DR HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23018425	2023-07-21	0 KING ST W , Ontario, Canada	BURNING COMPLAINT
F23018525	2023-07-22		RUBBISH FIRE
F23018552	2023-07-22	41 JACKSON ST W HAMILTON, Ontario, Canada	MEDICAL
F23018675	2023-07-24	3 DEPEW ST HAMILTON, Ontario, Canada	RUBBISH FIRE

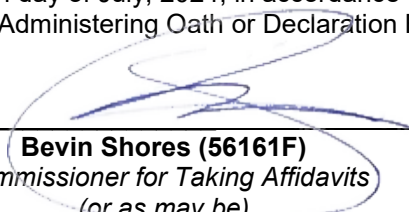
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F23018752	2023-07-25	1059 UPPER JAMES ST UNIT: 101, HAMILTON, Ontario, Canada	MEDICAL
F23018754	2023-07-25	247 GIBSON AV HAMILTON, Ontario, Canada	GRASS FIRE
F23018764	2023-07-25	1400 UPPER JAMES ST HAMILTON, Ontario, Canada	MEDICAL
F23018802	2023-07-25	88 FENNEL AV W HAMILTON, Ontario, Canada	RUBBISH FIRE
F23019148	2023-07-28	0 DEPEW ST HAMILTON, Ontario, Canada	RUBBISH FIRE
F23019485	2023-07-31	168 BAY ST N HAMILTON, Ontario, Canada	MEDICAL
F23019607	2023-08-01	0 LINDEN ST HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23019716	2023-08-02	0 TIFFANY ST HAMILTON, Ontario, Canada	RUBBISH FIRE
F23019762	2023-08-02	90 CHARLTON AV E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23020043	2023-08-05	400 SHERMAN AV N HAMILTON, Ontario, Canada	RUBBISH FIRE
F23020081	2023-08-06	394 SHERMAN AV N HAMILTON, Ontario, Canada	STRUCTURE FIRE
F23020275	2023-08-08	1 SPRUCESIDE AV HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23020375	2023-08-09	880 QUEENSTON RD STONEY CREEK, Ontario, Canada	BURNING COMPLAINT
F23020390	2023-08-09	880 QUEENSTON RD STONEY CREEK, Ontario, Canada	BURNING COMPLAINT
F23020404	2023-08-10	0 CHARLTON AV E , Ontario, Canada	BURNING COMPLAINT
F23020587	2023-08-11	0 LINDEN ST HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23020651	2023-08-12	1501 BARTON ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23020732	2023-08-14	0 KING ST E , Ontario, Canada	GRASS FIRE
F23020822	2023-08-14	880 QUEENSTON RD STONEY CREEK, Ontario, Canada	BURNING COMPLAINT
F23020946	2023-08-15		BURNING COMPLAINT
F23020958	2023-08-15	880 QUEENSTON RD STONEY CREEK, Ontario, Canada	BURNING COMPLAINT
F23020991	2023-08-16		MEDICAL
F23021360	2023-08-19	1000 MAIN ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23021496	2023-08-21	880 QUEENSTON RD STONEY CREEK, Ontario, Canada	BURNING COMPLAINT
F23021576	2023-08-21	22 COMET AV HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23021581	2023-08-22	68 VICTORIA AV N HAMILTON, Ontario, Canada	RUBBISH FIRE
F23021682	2023-08-22	516 KING ST W HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23021687	2023-08-22		BURNING COMPLAINT
F23021710	2023-08-23	50 LAWRENCE RD HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23021839	2023-08-24		RUBBISH FIRE
F23022058	2023-08-25	0 CLAREMONT AC HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23022127	2023-08-26	325 BAY ST N HAMILTON, Ontario, Canada	RUBBISH FIRE
F23022454	2023-08-29	40 WEST AV S HAMILTON, Ontario, Canada	RUBBISH FIRE
F23022713	2023-08-31	95 EARL ST HAMILTON, Ontario, Canada	RUBBISH FIRE
F23022725	2023-08-31	0 STRACHAN ST E , Ontario, Canada	BURNING COMPLAINT
F23022766	2023-09-01	0 EAST AV S HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23022767	2023-09-01	55 YORK BV HAMILTON, Ontario, Canada	RUBBISH FIRE
F23022828	2023-09-01	119 OSLER DR UNIT: CDN, DUNDAS, Ontario, Canada	BURNING COMPLAINT
F23022855	2023-09-01	240 KENILWORTH AV N HAMILTON, Ontario, Canada	INVESTIGATE ODOURS
F23022856	2023-09-01		BURNING COMPLAINT
F23022891	2023-09-02	77 KING ST W STONEY CREEK, Ontario, Canada	BURNING COMPLAINT
F23022925	2023-09-02	0 STRACHAN ST W , Ontario, Canada	BURNING COMPLAINT
F23023036	2023-09-04	42 LAWRENCE RD HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23023057	2023-09-04	0 JAMES ST N , Ontario, Canada	MEDICAL
F23023171	2023-09-05		RUBBISH FIRE
F23023178	2023-09-05	0 COOTES DR HAMILTON, Ontario, Canada	GRASS FIRE
F23023191	2023-09-05	0 STRACHAN ST E , Ontario, Canada	SMOKE CONDITIONS
F23023218	2023-09-06	100 BAY ST S HAMILTON, Ontario, Canada	RUBBISH FIRE
F23023321	2023-09-06	108 WEST AV S HAMILTON, Ontario, Canada	MEDICAL
F23023327	2023-09-06	29 STRACHAN ST W HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23023329	2023-09-06	32 STINSON ST HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23023456	2023-09-08	0 CLAREMONT AC HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23023578	2023-09-09		BURNING COMPLAINT
F23023606	2023-09-09	399 KING ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23023649	2023-09-10	244 LANARK ST HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23023654	2023-09-10	0 PRIVATE RD HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23023680	2023-09-10		BURNING COMPLAINT
F23023865	2023-09-12	0 CHARLTON AV E , Ontario, Canada	SMOKE CONDITIONS
F23023913	2023-09-12	0 NASH RD N HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23024108	2023-09-14	1501 BARTON ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23024403	2023-09-17	0 KING ST E , Ontario, Canada	MEDICAL
F23024517	2023-09-18	200 MACKLIN ST N HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23024562	2023-09-18	1655 BARTON ST E HAMILTON, Ontario, Canada	RUBBISH FIRE
F23024882	2023-09-21		RUBBISH FIRE
F23024985	2023-09-21	125 KENILWORTH AV N HAMILTON, Ontario, Canada	MEDICAL
F23025023	2023-09-21	76 JOHN ST N HAMILTON, Ontario, Canada	RUBBISH FIRE
F23025034	2023-09-21		MEDICAL
F23025036	2023-09-21	0 LAWRENCE RD HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23025047	2023-09-22	0 KING ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23025145	2023-09-22	29 LINDEN ST HAMILTON, Ontario, Canada	GRASS FIRE
F23025218	2023-09-23	1501 BARTON ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23025249	2023-09-24	155 CHATHAM ST HAMILTON, Ontario, Canada	RUBBISH FIRE
F23025281	2023-09-24	33 PRINCESS ST HAMILTON, Ontario, Canada	RUBBISH FIRE
F23025302	2023-09-25	167 BIRGE ST HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23025355	2023-09-25		BURNING COMPLAINT
F23025470	2023-09-26	215 HARBOUR FRONT DR HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23025651	2023-09-27	0 CHARLES ST STONEY CREEK, Ontario, Canada	BURNING COMPLAINT
F23025872	2023-09-29	200 HARBOUR FRONT DR HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23025897	2023-09-29		SMOKE CONDITIONS
F23026005	2023-09-29		BURNING COMPLAINT
F23026009	2023-09-29	0 EAST AV S HAMILTON, Ontario, Canada	RUBBISH FIRE
F23026161	2023-10-01		MEDICAL
F23026176	2023-10-01	177 LOWER HORNING RD HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23026199	2023-10-01		GRASS FIRE
F23026203	2023-10-02	0 KING ST E , Ontario, Canada	BURNING COMPLAINT
F23026317	2023-10-02	72 KING ST W STONEY CREEK, Ontario, Canada	BURNING COMPLAINT
F23026356	2023-10-03	130 YORK BV HAMILTON, Ontario, Canada	ALARM CONDITIONS
F23026470	2023-10-03		BURNING COMPLAINT
F23026607	2023-10-04	500 KING ST W HAMILTON, Ontario, Canada	MEDICAL
F23026621	2023-10-04	200 HARBOUR FRONT DR HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23026763	2023-10-05	201 HARBOUR FRONT DR HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23026872	2023-10-07	2500 BARTON ST E UNIT: FOO, HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23026898	2023-10-07	119 OSLER DR DUNDAS, Ontario, Canada	BURNING COMPLAINT
F23026973	2023-10-08	0 RAMP QEW NIAGARA TO CENTENNIAL HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23026984	2023-10-08	0 CHARLTON AV E , Ontario, Canada	GRASS FIRE
F23027145	2023-10-10	0 STUART ST HAMILTON, Ontario, Canada	RUBBISH FIRE
F23027308	2023-10-12	130 YORK BV HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23027636	2023-10-14	399 KING ST E HAMILTON, Ontario, Canada	MEDICAL
F23027694	2023-10-15	88 KING ST W STONEY CREEK, Ontario, Canada	BURNING COMPLAINT
F23027696	2023-10-15	240 LOTTRIDGE ST HAMILTON, Ontario, Canada	MEDICAL
F23027796	2023-10-16		GRASS FIRE

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F23027807	2023-10-16	90 CHARLTON AV E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23027972	2023-10-18		BURNING COMPLAINT
F23028042	2023-10-18	0 VICTORIA AV S , Ontario, Canada	BURNING COMPLAINT
F23028071	2023-10-18		RUBBISH FIRE
F23028145	2023-10-19	606 ABERDEEN AV HAMILTON, Ontario, Canada	STRUCTURE FIRE LEVEL 1
F23028188	2023-10-19		MEDICAL
F23028192	2023-10-19	90 CHARLTON AV E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23028441	2023-10-22	155 CHATHAM ST HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23028783	2023-10-25	0 YOUNG VICTORIA , Ontario, Canada	BURNING COMPLAINT
F23028819	2023-10-26	32 STINSON ST HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23028907	2023-10-26	1501 BARTON ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23028932	2023-10-27	0 FAIRFIELD AV , Ontario, Canada	RUBBISH FIRE
F23029106	2023-10-28	1501 BARTON ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23029125	2023-10-29		RUBBISH FIRE
F23029154	2023-10-29	68 VICTORIA AV N HAMILTON, Ontario, Canada	RUBBISH FIRE
F23029525	2023-11-01		BURNING COMPLAINT
F23029769	2023-11-02		BURNING COMPLAINT
F23030056	2023-11-04	0 CLAREMONT AC HAMILTON, Ontario, Canada	RUBBISH FIRE
F23030161	2023-11-05	0 MAIN ST W , Ontario, Canada	RUBBISH FIRE
F23030474	2023-11-07	1501 BARTON ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23030480	2023-11-07	369 BAY ST N HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23030562	2023-11-08		BURNING COMPLAINT
F23030567	2023-11-08		BURNING COMPLAINT
F23030959	2023-11-10	1501 BARTON ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23031009	2023-11-11	90 CHARLTON AV E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23031078	2023-11-11		RUBBISH FIRE
F23031183	2023-11-12	399 KING ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23031370	2023-11-14	80 PARK ST N HAMILTON, Ontario, Canada	RUBBISH FIRE
F23031563	2023-11-15	0 KENILWORTH AV S HAMILTON, Ontario, Canada	RUBBISH FIRE
F23031638	2023-11-15	399 KING ST E HAMILTON, Ontario, Canada	RUBBISH FIRE
F23031642	2023-11-15	0 YOUNG ST HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23031680	2023-11-16	0 RAMP KENILWORTH NB TO LAWRENCE HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23031961	2023-11-17		BURNING COMPLAINT
F23032178	2023-11-19	0 FERGUSON AV N , Ontario, Canada	BURNING COMPLAINT
F23032556	2023-11-21	680 LAWRENCE RD UNIT: 12, HAMILTON, Ontario, Canada	ELECTRICAL PROBLEM
F23032684	2023-11-22	68 VICTORIA AV N HAMILTON, Ontario, Canada	RUBBISH FIRE
F23032692	2023-11-22	90 CHARLTON AV E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23032811	2023-11-23	363 WELLINGTON ST N HAMILTON, Ontario, Canada	RUBBISH FIRE
F23033017	2023-11-24		BURNING COMPLAINT
F23033108	2023-11-25	0 CLAREMONT AC HAMILTON, Ontario, Canada	GRASS FIRE
F23033120	2023-11-25	0 CHARLTON AV E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23033352	2023-11-27	101 TOM ST HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23033581	2023-11-28		BURNING COMPLAINT
F23033616	2023-11-28	0 KING ST W , Ontario, Canada	BURNING COMPLAINT
F23033638	2023-11-29	0 MAIN ST E , Ontario, Canada	BURNING COMPLAINT
F23033982	2023-11-30	90 CHARLTON AV E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23034187	2023-12-01	1100 MAIN ST E HAMILTON, Ontario, Canada	RUBBISH FIRE
F23034256	2023-12-02		BURNING COMPLAINT
F23034284	2023-12-02		BURNING COMPLAINT
F23034424	2023-12-03	145 STROUD RD HAMILTON, Ontario, Canada	GRASS FIRE
F23034533	2023-12-04		UNKNOWN FIRE CONDITIONS
F23034686	2023-12-05	92 TOM ST HAMILTON, Ontario, Canada	RUBBISH FIRE
F23034862	2023-12-05	75 MACNAB ST S HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23035176	2023-12-07	105 WALNUT ST S HAMILTON, Ontario, Canada	RUBBISH FIRE
F23035193	2023-12-07		RUBBISH FIRE
F23035195	2023-12-07	168 BAY ST N HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23035240	2023-12-07	501 BARTON ST E HAMILTON, Ontario, Canada	RUBBISH FIRE
F23035372	2023-12-08	0 FERGUSON AV N , Ontario, Canada	FD ASSISTANCE REQUIRED
F23035604	2023-12-10	642 KING ST W HAMILTON, Ontario, Canada	RUBBISH FIRE
F23035669	2023-12-10		BURNING COMPLAINT
F23036050	2023-12-13	121 AUGUSTA ST HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23036134	2023-12-13	255 KENILWORTH AV S HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23036144	2023-12-13		BURNING COMPLAINT
F23036145	2023-12-13		BURNING COMPLAINT
F23036408	2023-12-15		BURNING COMPLAINT
F23036470	2023-12-15		SMOKE CONDITIONS
F23036546	2023-12-16	53 BIRCH AV HAMILTON, Ontario, Canada	RUBBISH FIRE
F23036616	2023-12-16		BURNING COMPLAINT
F23036853	2023-12-18	0 RAMP RHVP NB TO QEW TORONTO HAMILTON, Ontario, Canada	GRASS/BRUSH FIRE- HIGHWAY
F23036991	2023-12-19		MEDICAL
F23037116	2023-12-19	237 CENTENNIAL PY N HAMILTON, Ontario, Canada	MEDICAL
F23037135	2023-12-19	101 WALNUT ST S HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23037184	2023-12-20		RUBBISH FIRE
F23037346	2023-12-20		RUBBISH FIRE
F23037365	2023-12-20	119 OSLER DR DUNDAS, Ontario, Canada	GRASS FIRE
F23037629	2023-12-22	130 YORK BV HAMILTON, Ontario, Canada	RUBBISH FIRE
F23038056	2023-12-25	501 BARTON ST E HAMILTON, Ontario, Canada	RUBBISH FIRE
F23038641	2023-12-29	130 ST. JOSEPH'S DR HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23038673	2023-12-29	130 ST. JOSEPH'S DR HAMILTON, Ontario, Canada	MEDICAL
F23038736	2023-12-30	90 CHARLTON AV E HAMILTON, Ontario, Canada	RUBBISH FIRE
F23038837	2023-12-31	36 HUNTER ST E HAMILTON, Ontario, Canada	BURNING COMPLAINT
F23038892	2023-12-31	53 BIRCH AV HAMILTON, Ontario, Canada	BURNING COMPLAINT

This is Exhibit "B" to the Affidavit of Trevor Haalstra
AFFIRMED before me the City of Hamilton, in the Province of Ontario,
on this 30th day of July, 2024, in accordance with
O. Reg. 431/20, Administering Oath or Declaration Remotely.



Bevin Shores (56161F)
Commissioner for Taking Affidavits
(or as may be)

Incident Number	Incident Date	Address	Incident Response Type	Incident Type
F24000549	2024-01-01	0 RAMP RHPV NB TO QEW TORONTO HAMILTON	COMBUSTIBLE RUBBISH	36 Authorized controlled burning - complaint
F24000643	2024-01-02	0 WALNUT ST S [None selected]	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F24000765	2024-01-02	501 BARTON ST E HAMILTON	STRUCTURE FIRE - SHELTER/TENT/STRUCTURE	01 Fire
F24001172	2024-01-04	0 KING ST E [None selected]	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24001040	2024-01-04	91 EAST AV S HAMILTON	COMBUSTIBLE RUBBISH	34 Human - Perceived Emergency
F24001346	2024-01-05	238 BARTON ST STONEY CREEK	STRUCTURE FIRE - SHELTER/TENT/STRUCTURE	01 Fire
F24001368	2024-01-05	449 WELLINGTON ST N HAMILTON	COMBUSTIBLE RUBBISH	03 NO LOSS OUTDOOR fire (see exclusions)
F24001361	2024-01-05	0 [None selected] [None selected]	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24001433	2024-01-06	0 VICTORIA AV N HAMILTON	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24001456	2024-01-06	440 VICTORIA AV N HAMILTON	STRUCTURE FIRE - SHELTER/TENT/STRUCTURE	03 NO LOSS OUTDOOR fire (see exclusions)
F24001474	2024-01-06	0 [None selected] [None selected]	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24001389	2024-01-06	270 KING ST W HAMILTON	STRUCTURE FIRE - SHELTER/TENT/STRUCTURE	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24001568	2024-01-07	255 KENILWORTH AV S HAMILTON	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24001592	2024-01-07	1100 MAIN ST E HAMILTON	STRUCTURE FIRE - SHELTER/TENT/STRUCTURE	03 NO LOSS OUTDOOR fire (see exclusions)
F24001741	2024-01-08	68 CUMBERLAND AV HAMILTON	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F24001704	2024-01-08	53 BIRCH AV HAMILTON	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24001724	2024-01-08	53 BIRCH AV HAMILTON	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24001793	2024-01-09	0 [None selected] [None selected]	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F24001810	2024-01-09	0 LOTTRIDGE ST HAMILTON	COMBUSTIBLE RUBBISH	03 NO LOSS OUTDOOR fire (see exclusions)
F24001891	2024-01-09	361 WELLINGTON ST N HAMILTON	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24001878	2024-01-09	360 WENTWORTH ST N HAMILTON	COMBUSTIBLE RUBBISH	03 NO LOSS OUTDOOR fire (see exclusions)
F24001984	2024-01-10	1100 MAIN ST E HAMILTON	BURNING COMPLAINT	34 Human - Perceived Emergency
F24002213	2024-01-11	455 CHARLTON AV E HAMILTON	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24002441	2024-01-13	30 SANFORD AV S HAMILTON	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24002544	2024-01-14	101 YORK BV HAMILTON	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F24002560	2024-01-14	120 KING ST W HAMILTON	STRUCTURE FIRE - SHELTER/TENT/STRUCTURE	01 Fire
F24002723	2024-01-15	255 KENILWORTH AV S HAMILTON	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24002789	2024-01-15	0 CENTENNIAL PY N HAMILTON	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24002799	2024-01-15	214 SHERMAN AV N HAMILTON	COMBUSTIBLE RUBBISH	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24002851	2024-01-16	84 YORK BV HAMILTON	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24002875	2024-01-16	84 YORK BV HAMILTON	COMBUSTIBLE RUBBISH	03 NO LOSS OUTDOOR fire (see exclusions)
F24003398	2024-01-19	0 KING ST E [None selected]	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F24003618	2024-01-20	0 RAMP KENILWORTH NB TO LAWRENCE HAMILTON	BURNING COMPLAINT	99 Other Response
F24003639	2024-01-21	1100 MAIN ST E HAMILTON	STRUCTURE FIRE - SHELTER/TENT/STRUCTURE	03 NO LOSS OUTDOOR fire (see exclusions)
F24003892	2024-01-22	0 [None selected] [None selected]	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24003960	2024-01-23	0 KING ST W [None selected]	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F24003944	2024-01-23	68 VICTORIA AV N HAMILTON	STRUCTURE FIRE - SHELTER/TENT/STRUCTURE	01 Fire
F24004274	2024-01-25	116 KING ST W HAMILTON	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F24004460	2024-01-26	250 CHARLTON AV E HAMILTON	STRUCTURE FIRE - SHELTER/TENT/STRUCTURE	01 Fire
F24004551	2024-01-26	0 RAMP KENILWORTH NB TO LAWRENCE HAMILTON	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24004594	2024-01-26	1000 MAIN ST E HAMILTON	STRUCTURE FIRE - SHELTER/TENT/STRUCTURE	03 NO LOSS OUTDOOR fire (see exclusions)

F24004702	2024-01-27	161 DUNDURN ST S HAMILTON	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F24004763	2024-01-28	0 KING ST W [None selected]	BURNING COMPLAINT	97 Incident not found
F24004865	2024-01-29	244 KING ST E HAMILTON	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24004879	2024-01-29	0 WALNUT ST S HAMILTON	STRUCTURE FIRE - SHELTER/TENT/STRUCTURE	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24004998	2024-01-29	235 KING ST E HAMILTON	COMBUSTIBLE RUBBISH	03 NO LOSS OUTDOOR fire (see exclusions)
F24005037	2024-01-30	0 CENTENNIAL PY N HAMILTON	BURNING COMPLAINT	97 Incident not found
F24005046	2024-01-30	524 CENTENNIAL PY N HAMILTON	BURNING COMPLAINT	99 Other Response
F24005007	2024-01-30	84 YORK BV HAMILTON	COMBUSTIBLE RUBBISH	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F24005213	2024-01-31	175 FERGUSON AV S HAMILTON	BURNING COMPLAINT	97 Incident not found
F24005184	2024-01-31	191 VICTORIA AV S HAMILTON	BURNING COMPLAINT	97 Incident not found
F24005182	2024-01-31	399 KING ST E HAMILTON	STRUCTURE FIRE - SHELTER/TENT/STRUCTURE	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23016474	2023-07-02	186 John Street North	STRUCTURE FIRE	01 Fire
F23016509	2023-07-02	Princess Street	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23017534	2023-07-12	Gage Avenue / Rail Tracks	GRASS FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23017537	2023-07-12	175 Fergusun Ave S	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F23017538	2023-07-12	171 Bay Street	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23017790	2023-07-15	100 Bay St. South	STRUCTURE FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23017722	2023-07-16	Lawrence Rd.	MEDICAL	84 Medical Aid not Required
F23017766	2023-07-16	Victoria @ Ferrie St	RUBBISH FIRE	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23017767	2023-07-16	Strathcona and Lamoreaux	BURNING COMPLAINT	34 Human - Perceived Emergency
F23018213	2023-07-19	Red Hill QEW	RUBBISH FIRE	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23018291	2023-07-20	St Josephs Drive	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F23018309	2023-07-20	1059 Upper James	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23018660	2023-07-24	1000 Main Street	RUBBISH FIRE	01 Fire
F23018675	2023-07-25	3 Depew Street	RUBBISH FIRE	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23018754	2023-07-25	247 Gibson Ave	GRASS FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23018660	2023-07-27	1000 Main Street East	RUBBISH FIRE	01 Fire
F23019168	2023-07-28	Barton Street East @ Can Tire	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23019334	2023-07-30	181 Cannon Street	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23019607	2023-08-01	Linden & Cavell	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F23019637	2023-08-01	170 East Ave.	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23019680	2023-08-02	400 Sherman Ave N	RUBBISH FIRE	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23019762	2023-08-02	90 Charlton Ave E	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23019921	2023-08-04	400 Sherman Ave N	RUBBISH FIRE	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23020081	2023-08-05	Sherman Ave & Burlington St	STRUCTURE FIRE	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23020275	2023-08-08	1 Spruceside Ave	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23020295	2023-08-08	55 Bay Street	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23020404	2023-08-09	Charlton Ave & Victoria Ave	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23020490	2023-08-09	80 Steven St.	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F23020392	2023-08-09	196 Wentworth St N	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23020375	2023-08-09	880 Queenston Rd	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23020677	2023-08-12	Young and Victoria	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)

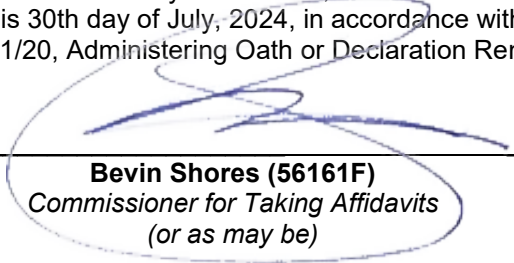
F23023218	2023-09-06	100 Bay St S	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23023327	2023-09-06	29 Strachan St	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23023578	2023-09-08	Barton & Caroline	BURNING COMPLAINT	24 Other Cooking/toasting/smoke/steam (no fire)
F23023649	2023-09-10	244 Lanark St.	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23023654	2023-09-10	Hillcrest Elementary School	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F23023833	2023-09-11	Dalhousie St	RUBBISH FIRE	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23023794	2023-09-11	Hillcrest Elementary School	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)

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F23020653	2023-08-12	Wellington & Main	RUBBISH FIRE	34 Human - Perceived Emergency
F23020615	2023-08-12	Burlington & Sherman	RUBBISH FIRE	34 Human - Perceived Emergency
F23020651	2023-08-12	Fairfield Park	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23020622	2023-08-12	985 Barton Street	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23020822	2023-08-14	880 Queenston Rd	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23020958	2023-08-15	880 Queenston Road	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23020835	2023-08-15	212 King Street East	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23021360	2023-08-19	42 Lawrence Rd.	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23021456	2023-08-20	501 Barton St	RUBBISH FIRE	01 Fire
F23021496	2023-08-21	880 Queenston Road	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23021576	2023-08-21	22 Comet Avenue	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23021582	2023-08-21	151 Birge St	GRASS FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23021581	2023-08-21	68 Victoria Av	RUBBISH FIRE	99 Other Response
F23021680	2023-08-23	170 East Avenue South	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23021687	2023-08-23	Strachan Street	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23021710	2023-08-23	Laurence Rd.	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23021801	2023-08-23	137 Cannon Street East	BURNING COMPLAINT	39 Other False Fire Call
F23021839	2023-08-24	Birmingham & Gage Ave	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23022058	2023-08-25	Under Clarendmont	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23022060	2023-08-25	501 Barton St East	RUBBISH FIRE	33 Human - Malicious
F23022151	2023-08-27	Woodland Park	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23022458	2023-08-29	77 Leland St	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23022454	2023-08-29	46 West Ave S	RUBBISH FIRE	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23022430	2023-08-29	City Hall	HAZMAT LEVEL 2 RESPONSE	58 Public Hazard call false alarm
F23022530	2023-08-30	438 King Street West	BURNING COMPLAINT	03 NO LOSS OUTDOOR fire (see exclusions)
F23022575	2023-08-30	400 Sherman Ave N	STRUCTURE FIRE	01 Fire
F23022856	2023-09-01	King & Quigly	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23022859	2023-09-01	Mary & Elgin	BURNING COMPLAINT	34 Human - Perceived Emergency
F23022767	2023-09-01	55 York Blvd	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23022766	2023-09-01	Victoria Ave & Young	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23022828	2023-09-01	Rail Trail Dundas	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23022857	2023-09-01	1096 Barton St E	RUBBISH FIRE	01 Fire
F23022891	2023-09-02	Battlefield Park	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23023005	2023-09-03	107 Birch Ave	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23023004	2023-09-03	Peter St & Queen	RUBBISH FIRE	34 Human - Perceived Emergency
F23022996	2023-09-03	Gore Park and King	RUBBISH FIRE	01 Fire
F23022976	2023-09-03	64 James St S	RUBBISH FIRE	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23023036	2023-09-04	42 Lawrence Rd.	BURNING COMPLAINT	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23023038	2023-09-04	250 Main St E	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23023178	2023-09-05	Cootes Dr & Spencer Creek	GRASS FIRE	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)
F23023171	2023-09-05	Victoria Ave & Birge St	RUBBISH FIRE	03 NO LOSS OUTDOOR fire (see exclusions)
F23023191	2023-09-05	Strachan & John	SMOKE CONDITIONS	23 Open air burning/unauthorized controlled burning (no uncontrolled fire)

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This is Exhibit "C" to the Affidavit of Trevor Haalstra
AFFIRMED before me the City of Hamilton, in the Province of Ontario,
on this 30th day of July, 2024, in accordance with
O. Reg. 431/20, Administering Oath or Declaration Remotely.



Bevin Shores (56161F)
Commissioner for Taking Affidavits
(or as may be)



YOUR SAFETY IS IMPORTANT



For Fire Emergencies

call 9-1-1

Open fires outside or inside tents/shelters are **NOT** allowed.

Open fires are very dangerous. They can result in a loss of encampments, loss of life, and injuries.

Many items can easily catch fire:

- Tents and sleeping bags
- Wooden or other structures
- Garbage or clutter etc.

Never smoke inside tents/shelters or when sleepy.

Use deep, non-combustible ashtrays like coffee tins.

Do not use or keep propane, butane, gas, or other flammable items.

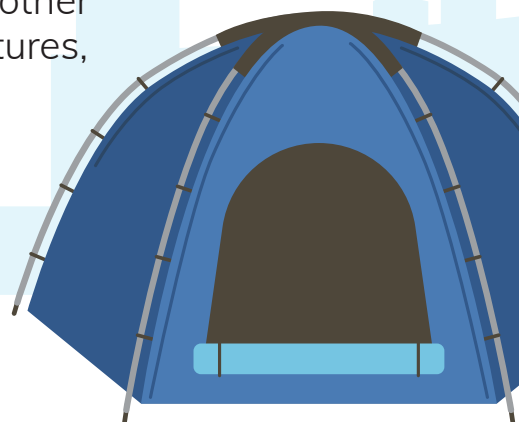
The City of Hamilton **does not permit** open air burning (fires) anywhere without a permit.



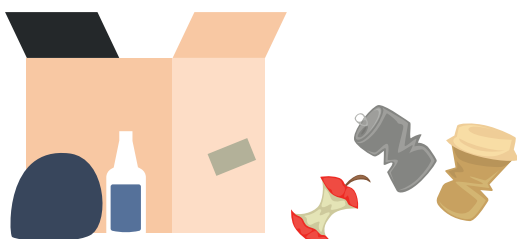
YOUR SAFETY IS IMPORTANT

For shelter assistance or other options to keep warm, contact the street outreach team at **905-546-2828**

Keep tents/shelters **at least 3 big steps** away from other tents, structures, etc.



Tent openings (inside & outside) **should be kept clear** so you can leave quickly.



Remove clutter and garbage from areas close to your tent and the site.

A free **Warming Bus** is available from **10pm – 6am** to help keep you warm at night.

Share this information with others and **stay safe.**

	ONTARIO SUPERIOR COURT OF JUSTICE PROCEEDING COMMENCED AT HAMILTON
	AFFIDAVIT OF TREVOR HAALSTRA AFFIRMED JULY 30, 2024
	GOWLING WLG (CANADA) LLP Barristers & Solicitors One Main Street West Hamilton, ON L8P 4Z5 Tel: 905-540-8208 Bevin Shores (LSO#56161F) Tel: 905-540-2468 <i>bevin.shores@gowlingwlg.com</i> Jordan Diacur (LSO#65860E) Tel: 905-540-2500 <i>jordan.diacur@gowlingwlg.com</i> Lawyers for the respondent File Number: H227899

<div><div>TREVOR HAALSTRA - 1</div><div>1 Court File No. CV-21-77187</div><div>2</div><div>3 ONTARIO</div><div>4 SUPERIOR COURT OF JUSTICE</div><div>5</div><div>6 B E T W E E N:</div><div>7</div><div>8 KRISTEN HEEGSMa, DARRIN MARCHAND, GORD SMYTH, MARIO</div><div>9 MUSCATO, SHAWN ARNOLD, BRADLEY CALDWELL, CHRISTINE</div><div>10 DELOREY, GLEN GNATUK, TAYLOR GOGO-HORNER, CASSANDRA</div><div>11 JORDAN, JULIA LAUZON AMMY LEWIS, ASHLEY MACDONALD, COREY</div><div>12 MONAHAN, MISTY MARSHALL, SHERRI OGDEN, JAHMAL PIERRE,</div><div>13 LINSLEY GREAVES and PATRICK WARD</div><div>14 Applicants</div><div>15</div><div>16 - and -</div><div>17</div><div>18 CITY OF HAMILTON</div><div>19 Respondent</div><div>20</div><div>21 --- This is the Cross-Examination of TREVOR HAALSTRA, a</div><div>22 representative of the Respondent herein, on his</div><div>23 affidavit, affirmed July 30, 2024, taken via Zoom</div><div>24 videoconference, on Wednesday, the 21st day of August,</div><div>25 2024.</div><div>NIMIGAN MIHAILOVICH REPORTING INC.</div><div>Hamilton, Ontario - nmreporting.ca - (905) 522-1653</div></div>	<div><div>TREVOR HAALSTRA - 3</div><div>1</div><div>2</div><div>3</div><div>4</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div><div>25</div><div>TABLE OF CONTENTS</div><div>A8417</div><div>INDEX OF EXAMINATIONS: PAGE NO.</div><div>TREVOR HAALSTRA; Affirmed..... 4</div><div>CROSS-EXAMINATION BY MR. CHOUDHRY:.....4</div><div>NIMIGAN MIHAILOVICH REPORTING INC.</div><div>Hamilton, Ontario - nmreporting.ca - (905) 522-1653</div></div>
<div><div>TREVOR HAALSTRA - 2</div><div>1 APPEARANCES:</div><div>2 SUJIT CHOUDHRY For the Applicants</div><div>3 CURTIS SELL</div><div>4</div><div>5 BEVIN SHORES For the Respondent</div><div>6 VIVIAN CALDAS</div><div>7</div><div>8</div><div>9 Also Present:</div><div>10 Liz Marr Student</div><div>11 Gowling WLG (Canada) LLP</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div><div>25</div><div>NIMIGAN MIHAILOVICH REPORTING INC.</div><div>Hamilton, Ontario - nmreporting.ca - (905) 522-1653</div></div>	<div><div>TREVOR HAALSTRA - 4</div><div>1 --- Upon commencing at 1:01 p.m.</div><div>2 TREVOR HAALSTRA; Affirmed.</div><div>3 CROSS-EXAMINATION BY MR. CHOUDHRY:</div><div>4 1 Q. Mr. Haalstra, my name is Sujit</div><div>5 Choudhry, and we've been introduced, I'm one of the</div><div>6 lawyers for the Applicants in this case. And I have a</div><div>7 bit of a spiel that I give at the beginning of every</div><div>8 one of these, and it covers some of the logistics that</div><div>9 Ms. Shores has covered but I'd like to just do it</div><div>10 quickly, if I may.</div><div>11 So, as you know, I'm cross-examining</div><div>12 you on your affidavit, which has been filed by the City</div><div>13 in a court case regarding homeless encampments. Your</div><div>14 affidavit and this cross-examination will be put into</div><div>15 evidence before the court, and so it's, therefore,</div><div>16 important you tell the truth.</div><div>17 If you would like me to repeat a</div><div>18 question, please do. If you would like a moment to</div><div>19 collect your thoughts, to answer a question, please</div><div>20 take it, it's not a race. You may only have your</div><div>21 affidavit and exhibits in front of you, no materials or</div><div>22 notes. And I believe you've already confirmed that</div><div>23 that's the case?</div><div>24 A. I have, yes --</div><div>25 2 Q. Am I right?</div><div>NIMIGAN MIHAILOVICH REPORTING INC.</div><div>Hamilton, Ontario - nmreporting.ca - (905) 522-1653</div><div>A4133</div></div>

TREVOR HAALSTRA - 5

1 A. -- thank you. Correct.

2 3 Q. Thank you. And you confirm you're

3 alone by yourself in your office, or wherever you are?

4 A. I am alone. I am alone in my

5 office, yes.

6 4 Q. Okay, thank you. And if there's

7 any other evidence or materials that I refer to, I will

8 put them up on the screen. And if I do, you can ask me

9 to scroll up and down, okay, and take as long as you

10 need to review them. All right?

11 A. Thank you, yes.

12 5 Q. Okay, great. All right. So, I

13 just want to begin a bit with your background and your

14 position. So you're currently -- it says you're

15 employed at the City of Hamilton as the assistant

16 deputy chief for the Hamilton Fire Department, correct?

17 A. Correct.

18 6 Q. And you've been with the HFD for

19 21 years, correct?

20 A. Correct.

21 7 Q. And could you just give us a sense

22 of your -- the kind of roles you've had prior to this

23 one?

24 A. Absolutely. So I worked in

25 suppression for the majority of my time, as a

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TREVOR HAALSTRA - 6

1 suppression firefighter responding to calls on an

2 apparatus. I progressed through to the rank of

3 captain. I played a role in leading, teaching

4 technical rescue, such as road rescue, high angle

5 rescue, and confined space rescues. I have taken on

6 teaching opportunities to be part of teaching new

7 recruits that come in to the Hamilton Fire Department.

8 I've also taken on a secondment role, which is a

9 one-year opportunity to work along the management team

10 here, and found success with that. And when an

11 opening opened for an assistant deputy chief, I had

12 applied as, as noted in my affidavit, I think my start

13 date, and I have been finding success at the assistant

14 deputy chief role ever since. And my portfolio

15 includes community risk reduction and fire prevention.

16 8 Q. Right. Thank you, that's very

17 helpful. Thank you very much.

18 A. Thank you.

19 9 Q. So I'm going to put on the

20 affidavit -- pardon me, on the screen, your affidavit,

21 but if you have a copy there, you're welcome to refer

22 to it as well, while I do this. So let me just put it

23 up. Do you see part of it at least?

24 A. Yes, I can see from the top of

25 page 3, I guess the bottom of page 2, starting with

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TREVOR HAALSTRA - 7

1 point 6, now 5. A8418

2 10 Q. Exactly. So, I actually wanted to

3 ask you at paragraph 6.

4 A. Sure.

5 11 Q. So, could you just take a moment

6 to reread paragraph 6 to refresh your memory.

7 A. Just going to lean in a little bit

8 because it's rather small.

9 12 Q. Okay, let me -- well, tell me to

10 increase the size, I'll do it, okay.

11 A. Thank you. Yeah, that's helpful.

12 13 Q. Is that better?

13 A. That is. Thank you.

14 14 Q. And, please, tell me to scroll

15 down when you need to.

16 A. Please scroll down. Thank you. I

17 have read point 6.

18 15 Q. Good, thank you, that's great for

19 the time being. And I'll take you to later points.

20 A. Okay.

21 16 Q. So I have a couple of questions

22 about this paragraph. So, the first -- in the first

23 sentence, you refer to the Computer Aided Dispatch

24 System, correct?

25 A. Correct.

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TREVOR HAALSTRA - 8

1 17 Q. And does that system cover the

2 entire City of Hamilton?

3 A. As it pertains to fire calls, yes.

4 18 Q. Okay. So, forgive me, you -- as

5 it pertains to fire calls, what doesn't it cover in

6 relation --

7 A. So --

8 19 Q. -- to the City? Sorry.

9 A. -- the way that Computer Aided

10 Dispatch works in the City of Hamilton, that all calls

11 start at what's considered a "PSAP," primary service

12 access point, that is the original person that answers

13 the 911 call. From there, they will tier it to the

14 appropriate agency that should be responsible for the

15 call type. So after the -- the PSAP by contract is

16 managed by the Hamilton Police Services. After the

17 PSAP answers the call, if the information pertains to

18 the fire service, they will then tier it to the fire

19 service, and the fire service computer in a dispatch,

20 and the dispatch team for the Hamilton Fire Department

21 will then carry the carriage of the call and the

22 information pertaining to the call.

23 20 Q. Thank you for that clarification,

24 that's helpful. Okay.

25 A. Yes.

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TREVOR HAALSTRA - 9

1 21 Q. So, I'm just going to move on to
 2 the next sentence, so it says, "HFD data analysts have
 3 collected and organized -- do you call it CAD or C-A-D?
 4 A. CAD is appropriate.
 5 22 Q. Okay. -- "CAD Event data
 6 regarding dispatches that relate to encampments for the
 7 previous 12 months, based on dispatch notes indicating
 8 -- I'm assuming that's a typo, is that meant to be "an
 9 encampment"?
 10 A. I think you can omit and --
 11 23 Q. Okay.
 12 A. -- "indicating encampment."
 13 24 Q. Okay, great. Thank you for that.
 14 And so I have a couple of questions about that. So the
 15 first is, you stated that this -- the time period for
 16 this study or this information is 12 months, correct?
 17 MS. SHORES: Sorry, counsel, I don't
 18 see that?
 19 MR. CHOUDHRY: Here.
 20 MS. SHORES: Oh, yes.
 21 BY MR. CHOUDHRY:
 22 25 Q. Okay. Is that correct?
 23 A. The information that I put forward
 24 in the affidavit --
 25 26 Q. Yes.

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TREVOR HAALSTRA - 11

1 the relationship between those two statements.
 2 MS. SHORES: I mean, in fairness to the
 3 witness, the dates as indicated in the affidavit are
 4 July 1, 2023 through July 26, 2024, excepting the
 5 timeframes that were unavailable due to the
 6 cyberattack, so...
 7 MR. CHOUDHRY: Sure.
 8 MS. SHORES: We can --
 9 BY MR. CHOUDHRY:
 10 32 Q. I understand then that's almost
 11 13 months, actually. So I'm just trying to understand
 12 the relationship, that's all, just trying to sort this
 13 through a bit.
 14 And so if I recall -- so now just going
 15 back to this, you said, "HFD data analysts have
 16 collected and organized CAD Event data," correct?
 17 A. Correct.
 18 33 Q. So that means that they collected
 19 and organized this data, correct? Like, the HFD
 20 analysts, correct?
 21 A. Correct.
 22 34 Q. And you didn't collect and
 23 organize it yourself, correct?
 24 A. Correct.
 25 35 Q. And you're not a data analyst

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TREVOR HAALSTRA - 10

1 A. -- covers the period of time as
 2 mentioned in the affidavit.
 3 27 Q. Okay. So I just wanted a
 4 clarification, because I did a bit of a count here for
 5 these dates in the next sentence --
 6 A. Okay.
 7 28 Q. -- July 1st, 2023 to
 8 December 31st, 2023, and then again March 1st, 2024 to
 9 July 26th, 2024, that comes to about 11 months. Is
 10 that correct?
 11 A. Does the statement there reflect
 12 what's in the exhibit?
 13 29 Q. Yeah. Well --
 14 A. So I'm --
 15 30 Q. Sorry.
 16 A. So I'm just curious, I think it
 17 could be that it is 11 months, but I think the most
 18 appropriate thing to recognize here is that the
 19 information that's submitted in the exhibit is the
 20 information that I'm able to reference in the
 21 affidavit.
 22 31 Q. Okay, that's fine. I just wanted,
 23 I just wanted to understand that the -- you stated that
 24 the data was for 12 months but then the actual -- these
 25 dates cover 11 months, I just wanted to understand the,

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TREVOR HAALSTRA - 12

1 yourself, correct?
 2 A. I am not.
 3 36 Q. Okay. And are you, are you
 4 trained -- is this the kind of data analysis that you
 5 could have done yourself?
 6 A. I could have.
 7 37 Q. You could have, but you -- but
 8 someone did it though, correct?
 9 A. Correct.
 10 38 Q. Okay. So, I want to just take you
 11 to -- if you just give me a second here. You state
 12 that the data analysts collected and organized CAD
 13 event data, based on dispatch notes indicating
 14 encampment. We've struck the word "and," as you've
 15 suggested, right?
 16 A. Correct.
 17 39 Q. But you don't -- but it's true
 18 that in your affidavit you don't describe exactly the
 19 method that they used, the analysts used to indicate
 20 encampment, correct?
 21 A. Correct.
 22 40 Q. Okay. Well, let me take you to
 23 Exhibit "A," which you reference here, which contains
 24 the CAD event data. So, I've got Exhibit "A" up. And
 25 this is the first page of Exhibit "A," it's a count of

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TREVOR HAALSTRA - 13

1 event numbers; do you see it?

2 A. I do.

3 41 Q. And so, and so, just for the
4 record, the count event -- the Count of Event Number is
5 208 for 2023, it's 176 for 2024, and then the grand
6 total is 384; you see those figures, correct? Shall I
7 increase the size, maybe?

8 A. No, I can see it.

9 42 Q. Okay, great. So you see those,
10 correct?

11 A. I do see it, correct.

12 43 Q. Okay, great. Thank you, yeah.
13 And so here are this -- it's awfully small type, so is
14 there any way for you to be able to view this where you
15 are; do you have a copy of it? Because I'm afraid -- I
16 don't know if I can make it large enough for you to see
17 on the screen. Or are you able to read these things?

18 A. I can read them.

19 44 Q. You can read them. Okay. So,
20 have you reviewed the data in Exhibit "A"?

21 A. Reviewed it in -- can you clarify
22 what you mean by reviewing the data?

23 45 Q. Well, have you actually -- when
24 you swore this affidavit, did you review this
25 spreadsheet and familiarize yourself with it before you

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TREVOR HAALSTRA - 15

1 it's your evidence that this CAD event data is related
2 to encampments, correct? **A8420**

3 A. Correct.

4 51 Q. So you don't provide CAD event
5 data in your affidavit that is not related to
6 encampments, correct?

7 A. I would say, like, the information
8 that's presented here is based on the query search
9 using the term "encampment."

10 52 Q. I see. Okay. So it's not -- it
11 wouldn't turn up any -- it wouldn't turn up any
12 information that is not related to encampments,
13 correct?

14 A. If the word "encampment" has been
15 mentioned by the caller or been deciphered by the
16 call-taker for reason to believe that it's an
17 encampment, encampment would be entered into the CAD
18 dispatch notes, and those call types, as you can see
19 under the term "call type," show up in this query.

20 53 Q. Oh, I see, so -- but those
21 dispatch notes aren't here in your exhibit?

22 A. Correct.

23 54 Q. Okay. Just to understand. All
24 right, Thank you. Okay.

25 So, I'd like to go back to paragraph 7

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TREVOR HAALSTRA - 14

1 attached it as an exhibit to your affidavit?

2 A. I am familiar with the data in the
3 affidavit.

4 46 Q. But did you review this document,
5 this exhibit specifically before you attached it as an
6 exhibit to your affidavit?

7 A. Yes, I did review it.

8 47 Q. Okay. Thank you. So, sir, I did
9 a key word search here, and I key word searched the
10 word "encampment," and I -- it does not occur once in
11 this -- in Exhibit "A." Would you agree with that
12 statement?

13 A. I can take your word for it.

14 48 Q. Okay. Thank you. And then I also
15 then -- I then key word searched the term "shelter/tent
16 fire," and I found that it only occurred eight times.
17 Would you have any -- would you agree with that
18 statement or would you like to check yourself?

19 A. No, I can take your word for it.

20 49 Q. Okay. And so is it true that in
21 this affidavit you don't provide CAD event data for
22 other parts of the City or that are unrelated to
23 encampments?

24 A. Could you repeat that question.

25 50 Q. Sure. So this CAD event data --

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TREVOR HAALSTRA - 16

1 of your affidavit. So, can you just reread paragraph 7
2 to refresh your memory, please.

3 A. Can you scroll down?

4 55 Q. Sure.

5 A. Okay, I've read it in its
6 entirety.

7 56 Q. Okay, thank you. I just have a
8 couple of questions about this paragraph. So this
9 paragraph is about a different data set, right?
10 That's --

11 A. Correct.

12 57 Q. Right. And that's in the HFD's
13 Fire Department Management data set; is that fair?

14 A. Correct.

15 58 Q. You were going -- you looked like
16 you were going to say something else, is there -- did
17 you want to put it another way?

18 A. No.

19 59 Q. Oh, okay. And so it doesn't
20 say -- you don't say in this paragraph who collected
21 this data. Would this be the same data analysts?

22 A. Correct.

23 60 Q. So it wouldn't have been you who
24 collected the data?

25 A. For this submission, it was

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1 collected by the -- for this submission, it was
 2 collected by the data analysts.
 3 **61 Q.** Okay, thank you. All right. So
 4 now just give me a second here. I want to highlight
 5 this sentence. Okay. And so it states that,
 6 "Responding officers can indicate whether or not the
 7 response is at an encampment by checking a box in the
 8 HFD's standard incident report," correct?
 9 **A.** Correct.
 10 **62 Q.** Okay. So, I'd like to now take
 11 you to Exhibit "B," which, as you say, is a spreadsheet
 12 summarizing the information.
 13 **A.** Okay.
 14 **63 Q.** So here it is. And this is also
 15 small, I'm sorry. Can you see that?
 16 **A.** I can.
 17 **64 Q.** And so I'm just wondering, I don't
 18 see -- I see four fields here -- well, I see five
 19 fields. I see "Incident Number," "Incident Date,"
 20 "Address," "Incident Response Type," and "Incident
 21 Type." Do you see those fields as well?
 22 **A.** I do.
 23 **65 Q.** I don't see a column for
 24 encampment, do you?
 25 **A.** I do not.

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A8421

1 73 Q. Okay. So, you provided data in
 2 your affidavit about FD -- you -- pardon me, let me
 3 start again. In your affidavit, you provided FDM data
 4 about encampments, correct?
 5 A. Correct.
 6 74 Q. You did not provide FDM data that
 7 was not about encampments, correct?
 8 A. Correct.
 9 MR. CHOUDHRY: Okay. So, I think those
 10 conclude my questions. Okay. Thank you so much for
 11 your time.
 12 THE DEPONENT: Thank you.
 13 MS. SHORES: All right, thank you. Off
 14 record.
 15 --- Whereupon proceedings adjourned at 1:20 p.m.
 16 I HEREBY CERTIFY THE FOREGOING
 17 to be a true and accurate
 18 transcription of my shorthand notes
 19 to the best of my skill and ability.
 20
 21
 22
 23 Dayne Snell, Court Reporter
 24 Computer-Aided Transcription
 25
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1 **66 Q.** Okay. And under the Call Type --
 2 pardon me, under Incident Type or Incident Response
 3 Type, I didn't see the word "encampment" once, do you?
 4 **A.** I do not.
 5 **67 Q.** And I see the term
 6 "shelter/tent/structure" twelve times, do you?
 7 **A.** Not in this view but I can take
 8 your word for it, if that's the count.
 9 **68 Q.** Okay. And then finally, can you
 10 confirm that in this affidavit you did not provide FDM
 11 data that is not related to encampments?
 12 **A.** I apologize, I'll have to get you
 13 to repeat that question.
 14 **69 Q.** And I'm sorry, I used a double
 15 negative --
 16 **A.** Yeah --
 17 **70 Q.** -- it's just a lawyer's thing,
 18 lawyer's thing.
 19 **A.** -- it threw me off. No problem.
 20 **71 Q.** I'll start again. So you --
 21 **A.** Thank you.
 22 **72 Q.** -- provided -- let me break it
 23 down into a series of shorter questions, if I could
 24 help.
 25 **A.** That will help, thank you.

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	<p><i>Ontario</i> Superior Court of Justice</p> <p>PROCEEDING COMMENCED AT HAMILTON</p> <p>APPLICATION RECORD VOLUME 14 TABS 115-122</p>
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