

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**THE REGIONAL MUNICIPALITY OF WATERLOO**

Applicant

-and-

**PERSONS UNKNOWN AND TO BE ASCERTAINED**

Respondent

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**MOTION RECORD**

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**DATE:** July 15, 2025

**FALCONERS LLP**  
10 Alcorn Avenue, Suite 204  
Toronto ON M4V 3A9

Asha James (LSO# 56817K)  
([ashaj@falconers.ca](mailto:ashaj@falconers.ca))

Erin McMurray (LSO# 90874H)  
([erinm@falconers.ca](mailto:erinm@falconers.ca))

Counsel for the Proposed Intervener,

Aboriginal Legal Services

**ABORIGINAL LEGAL SERVICES**  
211 Yonge Street, Suite 500  
Toronto ON M5B 1M4

Emily Hill (LSO# 46899Q)  
([emily.hill@als.clcj.ca](mailto:emily.hill@als.clcj.ca))

Christa Big Canoe (LSO# 53203N)  
([christa.bigcanoe@als.clcj.ca](mailto:christa.bigcanoe@als.clcj.ca))

TO: **PALIARE ROLAND ROSENBERG ROTHSTEIN**

155 Wellington Street West, 35th Floor  
Toronto, ON M5V 3H1

Gordon Capern (LSO# 32169H)  
([gordon.capern@paliareroland.com](mailto:gordon.capern@paliareroland.com))

Andrew Lokan (LSO # 31629Q)  
([andrew.lokan@paliareroland.com](mailto:andrew.lokan@paliareroland.com))

Kartiga Thavaraj (LSO# 75291D)  
([kartiga.thavaraj@paliareroland.com](mailto:kartiga.thavaraj@paliareroland.com))

Greta Hoaken (LSO# 87903I)  
([greta.hoaken@paliareroland.com](mailto:greta.hoaken@paliareroland.com))

Lawyers for the Applicant,  
The Regional Municipality of Waterloo

AND TO: **WATERLOO REGION COMMUNITY LEGAL SERVICES**

450 Frederick Street, Unit 101  
Kitchener, ON N2H 2P5

Ashley Schuitema (LSO# 68257G)  
([ashley.schuitema@wrcls.clcj.ca](mailto:ashley.schuitema@wrcls.clcj.ca))

Joanna Mullen (LSO# 64535V)  
([joanna.mullen@wrcls.clcj.ca](mailto:joanna.mullen@wrcls.clcj.ca))

Shannon K. Down (LSO# 43894D)  
([shannonkdown@gmail.com](mailto:shannonkdown@gmail.com))

Lawyers for the Respondents

AND TO: **SWADRON ASSOCIATES**

115 Berkeley Street  
Toronto, ON M5A 2W8

Jen Danch (LSO# 74520I)  
([jdanch@swadron.com](mailto:jdanch@swadron.com))

Karen A. Steward (LSO# 58758O)  
([karenannesteward@yahoo.ca](mailto:karenannesteward@yahoo.ca))

*Amicus Curiae*

AND TO: **PEREZ, PROCOPE, LEINVEER LLP**

55 University Avenue, Suite 1100  
Toronto, ON M5J 2H7

Mercedes Perez (LSO# 48381L)  
([mperez@pbplawyers.com](mailto:mperez@pbplawyers.com))

*Amicus Curiae*

AND TO: **THIS HONOURABLE COURT**

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

***ONTARIO***  
**SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

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**INDEX**

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**Tab    Description**

1. Notice of Motion, dated July 15, 2025
2. Affidavit of Paul-Emile McNab, dated July 15, 2025

**TAB 1**

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

BETWEEN:

**THE REGIONAL MUNICIPALITY OF WATERLOO**

Applicant

and

**PERSONS UNKNOWN AND TO BE ASCERTAINED**

Respondents

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**NOTICE OF MOTION OF THE PROPOSED INTERVENER,  
ABORIGINAL LEGAL SERVICES**

Pursuant to Rule 13.02 of the *Rules of Civil Procedure*

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The Proposed Intervener, Aboriginal Legal Services, will make a Motion in writing to this Honourable Court, at 85 Frederick Street, Kitchener, Ontario, on this day, or as soon after that time.

**PROPOSED METHOD OF HEARING:** This Motion is to be heard,

☐ In writing under subrule 37.12.1(1), because it is on consent;

☒ In writing as an opposed motion under subrule 37.12.1(4);

☐ In person;

☐ By telephone conference;

☐ By video conference.

## **THE MOTION IS FOR**

1. An Order granting leave to Aboriginal Legal Services (“ALS”) to intervene in the herein Application as friends of the Court;
2. An Order permitting ALS to serve and file a single factum of no more than 20 pages for the herein Application, or such length as this Court may deem appropriate;
3. An Order permitting ALS to make oral submissions at the hearing of the Application no longer than 20 minutes, or such length as this Court may deem appropriate;
4. An Order that no legal costs be awarded against or for ALS in respect of this Motion or the herein Application;
5. Such further and other relief as this Honourable Court may permit.

## **THE GROUNDS FOR THE MOTION ARE**

1. Due to the nature of the case and the anticipated issues to arise in relation to the enactment of By-law Number 25-021 (the “By-law”) and the Indigenous residents of the encampment located at 100 Victoria Street North (the “Encampment”), ALS as an intervener would make useful contribution to the Application proceedings;
2. ALS is a non-profit organization incorporated to assist Indigenous people to gain access to, and control over, justice-related issues that affect them;
3. ALS has multiple satellite offices throughout Ontario, allowing them to serve many urban and rural Indigenous populations. With offices in Guelph and Brantford, ALS is able to serve Indigenous peoples both in those municipalities and within the surrounding regions, including Waterloo;
4. ALS is governed by a community-based Board of Directors and operates the following main programs: the Courtworker Program; the Gladue Program; the Indigenous Justice

Program; the Ki-ne-go zon-gah-zay mani-do Program (Victim Rights Program); and the Legal Representation Program;

5. Through the Gladue Program, Aboriginal Legal Services prepares Gladue Report for Indigenous peoples in multiple regions, including Waterloo-Wellington. The Gladue Program has been operating in the Waterloo-Wellington Region since 2008;
6. The Legal Representation Program provides free legal advice and representation to low-income Indigenous people. ALS serves clients in many areas of law including housing and tenant rights; social assistance and disability benefits; human rights; and Indian Act matters. The legal work of the program is informed by an awareness of Indigenous traditions, culture, and law;
7. The Legal Representation Program also participates in law reform activities, community organizing, public legal education, test-case litigation, coroner's inquests, public inquiries (the Ipperwash Inquiry, the Goudge Inquiry, the Frank Paul Inquiry, and the National Inquiry into Missing and Murdered Indigenous Women and Girls), and interventions. ALS has been involved in many cases affecting Indigenous people before the Ontario Courts, the Courts of Appeal in Nova Scotia, Quebec, Saskatchewan, Nunavut, and British Columbia, the Federal Court and Federal Court of Appeal, and the Supreme Court of Canada. ALS seeks standing and participation in proceedings before quasi-judicial and administrative tribunals where it is determined that those proceedings will have a significant effect on Indigenous communities;
8. Through each of these programs, ALS is made aware of various systemic problems facing Indigenous people;



9. Through the stated goals of the organization, and the years of experience in advocating for Indigenous rights, it is seen that ALS has a real, identifiable interest in the welfare of the Indigenous residents of the Encampment and would bring an Indigenous-focused perspective to the proceedings distinct from the parties;
10. ALS commences proceedings and, where warranted, seeks standing and participation in proceedings before the courts and quasi-judicial and administrative tribunals where it is determined that those proceedings will have a significant effect on Indigenous communities both in Ontario, and across Canada. ALS has worked diligently to protect the rights of Indigenous communities by addressing laws, policies and practices that have a potential impact on Indigenous communities;
11. If granted intervener status, the submissions to be made by ALS would focus on section 15 of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”) and the impact on those rights of the Indigenous peoples forced to leave the Encampment through the enactment of the By-law:
  - a. The rights afforded by s. 15 of the Charter would be infringed by the enactment of the By-law because of the discriminatory effects that would distinctly fall upon the Indigenous residents of the Encampment, specifically denying benefits to those Indigenous residents, and further exacerbating the current Indigenous homelessness crisis;
  - b. Indigenous peoples that are forced to leave the Encampment will be disproportionately impacted by barriers to access emergency and transitional housing, denying them the benefit of this crucial service. Clearing the Encampment will increase the demand for emergency and transitional housing resources in the

Regional Municipality of Waterloo (“the Region”), and Indigenous communities may experience increased barriers to accessing these resources depending on eligibility requirements, as many shelters have rules that directly relate to resident conduct and drug use,<sup>1</sup> and there are higher rates of experiences with addiction and mental health conditions amongst the Indigenous population.<sup>2</sup> Further, Indigenous residents of the Encampment have experienced racism while staying in shelters, as far as a resident getting attacked, robbed, and then kicked out for fighting back;<sup>3</sup>

- c. As the By-law currently stands, Indigenous residents of the Encampment will likely be denied the benefit of culturally-appropriate housing upon their eviction. The first Indigenous-led transitional housing project in the Region, led by the Kitchener Waterloo Urban Native Wigwam project (KWUNWP), began the project in 2023 in collaboration with the Region.<sup>4</sup> The KWUNWP has since closed down their transition housing in the Region.<sup>5</sup> No shelter listed on the Region’s website states the presence of exclusive supports or specific spaces held for Indigenous peoples.<sup>6</sup> The Region announced that \$814,333 would be added to the Regional Housing budget for alternative accommodations to the Encampment, but there are no specific supports for Indigenous peoples included in this.<sup>7</sup> This contravenes the

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<sup>1</sup> Supplemental Motion Record of the Respondents, June 23, 2025, at Tab 12: Affidavit of Angela Allt, sworn June 20, 2025, at para 19 [[Supplemental Injunction Motion Record of the Respondents](#)].

<sup>2</sup> Mental Health Commission of Canada, *First Nations, Inuit and Métis*, Health Canada (last accessed 14 July 2025).

<sup>3</sup> Motion Record of the Respondents, June 6, 2025, at Tab 12: Affidavit of Calvin Sharpe, sworn May 30, 2025, at para 10 [[Injunction Motion Record of the Respondents](#)].

<sup>4</sup> Brandon Maher, *First Indigenous temporary housing site coming to the region*, CTV News (9 August 2023).

<sup>5</sup> Shelby Knox and Spencer Turcotte, *Program pause in Waterloo, Ont. Leaves Indigenous people experiencing homelessness in limbo*, CTV News (31 March, 2025); Cameron Mahler, *Waterloo Indigenous-led transitional housing program being put on pause*, CBC News (17 January 2025).

<sup>6</sup> Region of Waterloo, *Emergency Shelters and Transitional Housing* (last accessed 14 July 2025).

<sup>7</sup> Application Record of the Applicant, June 16, 2025, at Tab C: PDL-LEG-25-017 – 100 Victoria Street, North, Kitchener – Site Specific By-law, at pages 5-6 [[Application Record](#)].

Federal Housing Advocate’s guidance that in the removal of encampments, municipalities should support Indigenous-led provision of culturally appropriate services for Indigenous residents of the Encampment;<sup>8</sup>

- d. The local Indigenous populations and government bodies were denied the benefit of consultation in the formation of this By-law. Governments are required to work in consultation and cooperation with First Nations, Inuit, and Métis governments to implement government provisions and develop culturally appropriate housing and related services.<sup>9</sup> The Region has listed several steps taken to minimize the impact of clearing the Encampment with no reference to consulting with Indigenous communities or governments.<sup>10</sup> This contravenes the Federal Housing Advocate’s guidance that Indigenous peoples must be consulted in the development of policy approaches to encampments;<sup>11</sup>
- e. The denial of the above listed benefits works to exacerbate the disadvantages faced by Indigenous peoples, of which the most applicable here is the overrepresentation of Indigenous peoples in the homeless population. At the time of the Region’s Point in Time count in 2021, Indigenous peoples made up 2.9% of Ontario’s population and 17% of those experiencing homelessness in the Region.<sup>12</sup> Indigenous peoples experience homelessness at increased rates compared to many other populations in Canada and are subsequently overrepresented within encampments;<sup>13</sup>

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<sup>8</sup> Marie-Josée Houle, *Upholding dignity and human rights: the federal Housing Advocate’s review of homeless encampments* (Ottawa: Canadian Human Rights Commission, 2024) at [page 28](#).

<sup>9</sup> *Ibid*, at [page 4](#).

<sup>10</sup> Region of Waterloo, News and Public Notices, “[Kitchener Central Transit Hub Moves Forward](#)” (23 April 2025).

<sup>11</sup> *Supra*, note 8, at [page 28](#).

<sup>12</sup> Statistics Canada, *Focus on Geographic Series, 2021 Census of Population: Ontario, Province*, Government of Canada (16 December 2022); *The Regional Municipality of Waterloo v Persons Unknown and to be Ascertained*, 2023 CanLII 670 (ONSC), at [paras 17—18](#).

<sup>13</sup> *Supra*, note 8, at [pages 7—8](#).

12. ALS has been very active in a wide range of matters involving Indigenous people in the criminal justice system and will bring that expertise and insight to this appeal;

13. The Supreme Court of Canada has granted ALS intervener status in twenty-nine cases based on ALS' interest and particular expertise: *R v Williams*, [\[1998\] 1 SCR 1128](#), *Corbiere v Canada (Minister of Indian and Northern Affairs)*, [\[1999\] 2 SCR 203](#); *R v Gladue*, [\[1999\] 1 SCR 688](#); *R v Wells*, [\[2000\] 1 SCR 207](#); *R v Golden*, [\[2001\] 3 SCR 679](#); *Sauvé et al. v Attorney General for Canada*, [\[2002\] 3 SCR 519](#); *R v Powley*, [\[2003\] 2 SCR 207](#); *R v BWP*, [\[2006\] 1 SCR 941](#); *Hill v Hamilton Wentworth Regional Police Services Board et al.*, [\[2007\] 3 SCR 129](#); *Vancouver (City) v Ward*, [\[2010\] 2 SCR 28](#); *Her Majesty the Queen in Right of Alberta (Minister of Aboriginal Affairs and Northern Development), et al. v Barbara Cunningham, et al.*, [2011 SCC 37](#); *R v Ipeelee*, [2012 SCC 13](#); *Wood v Schaeffer*, [2013 SCC 71](#); *Attorney General of Canada, et al. v Terri Jean Bedford, et al.*, [2013 SCC 72](#); *R v Anderson*, [2014 SCC 41](#); *R v Kokopenace*, [2015 SCC 28](#); *Her Majesty the Queen v Hamidreza Safarzadeh-Markhali*, [2016 SCC 14](#); *R v Boutilier*, [2017 SCC 64](#); *Ewert v Canada*, [2018 SCC 30](#); *Canadian Human Rights Commission v Attorney General of Canada*, [2018 SCC 31](#); *R v Boudreault*, [2018 SCC 58](#); *R v Bird*, [2019 SCC 7](#); *R v Barton*, [2019 SCC 33](#); *R v Reilly*, [2020 SCC 27](#); *R v Chouhan*, [2021 SCC 26](#); *R v Parranto*, [2021 SCC 46](#); *R v Sharma*, [2022 SCC 39](#); *John Howard Society of Saskatchewan v Government of Saskatchewan (Attorney General for Saskatchewan)* (Docket [40608](#), appeal heard October 8, 2024 and October 9 2024, Judgement reserved); and *J.W. v His Majesty the King* (Docket [40956](#), appeal heard December 3, 2024, Judgement reserved).

14. Of the above cases wherein ALS has intervened, substantive arguments about s. 15 of the *Charter* were made in *Canadian Human Rights Commission v Attorney General of*

*Canada*, [2018 SCC 31](#); *R v Sharma*, [2022 SCC 39](#); *Ewert v Canada*, [2018 SCC 30](#); *R v Kokopenace*, [2015 SCC 28](#); *Her Majesty the Queen in Right of Alberta (Minister of Aboriginal Affairs and Northern Development), et al. v. Barbara Cunningham, et al.*, [2011 SCC 37](#); and *Sauvé et al. v Attorney General for Canada*, [\[2002\] 3 SCR 519](#).

15. The issues raised in this appeal will directly impact Indigenous people and ALS will provide an informed perspective on s. 15 of the *Charter*, which would be unique to the submissions of the other parties, and which will be useful to the Court;
16. Rules 1.04(1), 13.02, and 37.12.1(4) of the *Rules of Civil Procedure*, RRO 1990, Reg 194;
17. Section 15 of the *Charter of Rights and Freedoms*;
18. Such further and other grounds that counsel may advise and that this Honourable Court may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the reading of this motion:

1. The Affidavit of Paul-Emile McNab, dated July 15, 2025;
2. Such further and other evidence that counsel may advise and that this Honourable Court may permit.

Date: July 15, 2025

**FALCONERS LLP**  
10 Alcorn Avenue, Suite 204  
Toronto ON M4V 3A9

Asha James (LSO# 56817K)  
([ashaj@falconers.ca](mailto:ashaj@falconers.ca))

Erin McMurray (LSO# 90874H)  
([erinm@falconers.ca](mailto:erinm@falconers.ca))

Counsel for the Proposed Intervener,  
Aboriginal Legal Services

**ABORIGINAL LEGAL SERVICES**

211 Yonge Street, Suite 500  
Toronto ON M5B 1M4

Emily Hill (LSO# 46899Q)  
([emily.hill@als.clcj.ca](mailto:emily.hill@als.clcj.ca))

Christa Big Canoe (LSO# 53203N)  
([christa.bigcanoe@als.clcj.ca](mailto:christa.bigcanoe@als.clcj.ca))

TO: **PALIARE ROLAND ROSENBERG ROTHSTEIN**  
155 Wellington Street West, 35th Floor  
Toronto, ON M5V 3H1

Gordon Capern (LSO# 32169H)  
([Gordon.capern@paliareroland.com](mailto:Gordon.capern@paliareroland.com))

Andrew Lokan (LSO # 31629Q)  
([andrew.lokan@paliareroland.com](mailto:andrew.lokan@paliareroland.com))

Kartiga Thavaraj (LSO# 75291D)  
([kartiga.thavaraj@paliareroland.com](mailto:kartiga.thavaraj@paliareroland.com))

Greta Hoaken (LSO# 87903I)  
([greta.hoaken@paliareroland.com](mailto:greta.hoaken@paliareroland.com))

Lawyers for the Applicant,  
The Regional Municipality of Waterloo

AND TO: **WATERLOO REGION COMMUNITY LEGAL SERVICES**  
450 Frederick Street, Unit 101  
Kitchener, ON N2H 2P5

Ashley Schuitema (LSO# 68257G)  
([Ashley.schuitema@wrcls.clcj.ca](mailto:Ashley.schuitema@wrcls.clcj.ca))

Joanna Mullen (LSO# 64535V)  
([Joanna.mullen@wrcls.clcj.ca](mailto:Joanna.mullen@wrcls.clcj.ca))

Shannon K. Down (LSO# 43894D)  
([shannonkdown@gmail.com](mailto:shannonkdown@gmail.com))

Lawyers for the Respondents

AND TO: **SWADRON ASSOCIATES**  
115 Berkeley Street

Toronto, ON M5A 2W8

Jen Danch (LSO# 74520I)  
([jdanch@swadron.com](mailto:jdanch@swadron.com))

Karen A. Steward (LSO# 58758O)  
([karenannesteward@yahoo.ca](mailto:karenannesteward@yahoo.ca))

**PEREZ, PROCOPE, LEINVEER LLP**  
55 University Avenue, Suite 1100  
Toronto, ON M5J 2H7

Mercedes Perez (LSO# 48381L)  
([mperez@pbplawyers.com](mailto:mperez@pbplawyers.com))

*Amicus Curiae*

AND TO:     **THIS HONOURABLE COURT**

**TAB 2**



**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**THE REGIONAL MUNICIPALITY OF WATERLOO**

Applicant

and

**PERSONS UNKNOWN AND TO BE ASCERTAINED**

Respondents

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**AFFIDAVIT OF PAUL-EMILE McNAB**

*Motion of the Proposed Intervener, Aboriginal Legal Services, pursuant to Rule 13.02 of the  
Rules of Civil Procedure*

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I, Paul-Emile McNab, of the City of Toronto, in the Province of Ontario, **AFFIRM AND SAY:**

1. I am the President and Chair of the Board of Directors of Aboriginal Legal Services (ALS) and have knowledge of the information contained herein.
2. I am advised that ALS is seeking intervener status as a friend of the Court for the herein Application in order to protect the rights of the Indigenous residents of the encampment located at 100 Victoria Street North, Waterloo, Ontario (the “Encampment”).
3. ALS requests to intervene in this matter as a friend of the Court on the following terms:

- a. ALS may serve and file a single factum of no more than 20 pages, or such length as this Court may deem appropriate;
- b. ALS may make oral submissions at the hearing of the Application not longer than 20 minutes, or such length as this Court may deem appropriate; and
- c. That no legal costs be awarded either for or against ALS.

**A. Aboriginal Legal Services**

4. ALS is a multi-service legal agency that provides services to Indigenous communities in Ontario. ALS was established in February of 1990 and presently encompasses two provincially incorporated, non-profit organizations.
5. ALS has multiple satellite offices throughout Ontario, allowing them to serve many urban and rural Indigenous populations. With offices in Guelph and Brantford, ALS is able to serve Indigenous peoples both in those municipalities and within the surrounding regions, including Waterloo.
6. ALS' Indigenous name, received by way of a traditional naming ceremony, is "Gaa kina gwii waabamaa debwewin" meaning, "All those who seek the truth." One of the main reasons for ALS' incorporation was to assist Indigenous community members exercise control over the justice-related issues and factors that affect them.
7. Consistent with this mandate, ALS commences proceedings and, where warranted, seeks standing and participation in proceedings before the courts and quasi-judicial and administrative tribunals where it is determined that those proceedings will have a significant effect on Indigenous communities both in Ontario, and across Canada. ALS has

worked diligently to protect the rights of Indigenous communities by addressing laws, policies and practices that have a potential impact on Indigenous communities.

8. ALS is governed by a community-based Board of Directors and operates the following main programs: the Courtworker Program; the Gladue Program; the Indigenous Justice Program; the Ki-ne-go zon-gah-zay mani-do Program (Victim Rights Program); and the Legal Representation Program.
9. Through the Gladue Program, Aboriginal Legal Services prepares Gladue Report for Indigenous peoples in multiple regions, including Waterloo-Wellington. The Gladue Program has been operating in the Waterloo-Wellington Region since 2008.
10. Through each of these programs, ALS is made aware of various systemic problems facing Indigenous people.
11. The Legal Representation Program provides free legal advice and representation to low-income Indigenous people. ALS serves clients in many areas of law including housing and tenant rights; social assistance and disability benefits; human rights; and Indian Act matters. The legal work of the program is informed by an awareness of Indigenous traditions, culture, and law.
12. The Legal Representation Program also participates in law reform activities, community organizing, public legal education, test-case litigation, coroner's inquests, public inquiries (the Ipperwash Inquiry, the Goudge Inquiry, the Frank Paul Inquiry, and the National Inquiry into Missing and Murdered Indigenous Women and Girls), and interventions. ALS has been involved in many cases affecting Indigenous people before the Ontario Courts,

the Courts of Appeal in Nova Scotia, Quebec, Saskatchewan, Nunavut, and British Columbia, the Federal Court and Federal Court of Appeal, and the Supreme Court of Canada. ALS seeks standing and participation in proceedings before quasi-judicial and administrative tribunals where it is determined that those proceedings will have a significant effect on Indigenous communities.

## **B. Intervener Experience**

13. The Supreme Court of Canada has granted ALS intervener status in twenty-nine cases based on ALS' interest and particular expertise: *R v Williams*, [\[1998\] 1 SCR 1128](#), *Corbiere v Canada (Minister of Indian and Northern Affairs)*, [\[1999\] 2 SCR 203](#); *R v Gladue*, [\[1999\] 1 SCR 688](#); *R v Wells*, [\[2000\] 1 SCR 207](#); *R v Golden*, [\[2001\] 3 SCR 679](#); *Sauvé et al. v Attorney General for Canada*, [\[2002\] 3 SCR 519](#); *R v Powley*, [\[2003\] 2 SCR 207](#); *R v BWP*, [\[2006\] 1 SCR 941](#); *Hill v Hamilton Wentworth Regional Police Services Board et al.*, [\[2007\] 3 SCR 129](#); *Vancouver (City) v Ward*, [\[2010\] 2 SCR 28](#); *Her Majesty the Queen in Right of Alberta (Minister of Aboriginal Affairs and Northern Development), et al. v Barbara Cunningham, et al.*, [\[2011\] 2 SCR 670](#); *R v Ipeelee*, [2012 SCC 13](#); *Wood v Schaeffer*, [2013 SCC 71](#); *Attorney General of Canada, et al. v Terri Jean Bedford, et al.*, [2013 SCC 72](#); *R v Anderson*, [2014 SCC 41](#); *R v Kokopenace*, [2015 SCC 28](#); *Her Majesty the Queen v Hamidreza Safarzadeh-Markhali*, [2016 SCC 14](#); *R v Boutilier*, [2017 SCC 64](#); *Ewert v Canada*, [2018 SCC 30](#); *Canadian Human Rights Commission v Attorney General of Canada*, [2018 SCC 31](#); *R v Boudreault*, [2018 SCC 58](#); *R v Bird*, [2019 SCC 7](#); *R v Barton*, [2019 SCC 33](#); *R v Reilly*, [2020 SCC 27](#); *R v Chouhan*, [2021 SCC 26](#); *R v Parranto*, [2021 SCC 46](#); *R v Sharma*, [2022 SCC 39](#); *John Howard Society of Saskatchewan v Government of Saskatchewan (Attorney General for Saskatchewan)* (Docket [40608](#), appeal heard

October 8, 2024 and October 9 2024, Judgement reserved); and *J.W. v His Majesty the King* (Docket [40956](#), appeal heard December 3, 2024, Judgement reserved).

14. Of the above cases wherein ALS has intervened, substantive arguments about s. 15 of the *Charter* were made in *Canadian Human Rights Commission v Attorney General of Canada*, [2018 SCC 31](#); *R v Sharma*, [2022 SCC 39](#); *Ewert v Canada*, [2018 SCC 30](#); *R v Kokopenace*, [2015 SCC 28](#); *Her Majesty the Queen in Right of Alberta (Minister of Aboriginal Affairs and Northern Development), et al. v. Barbara Cunningham, et al.*, [2011 SCC 37](#); and *Sauvé et al. v Attorney General for Canada*, [\[2002\] 3 SCR 519](#).

15. Over the past 33 years, ALS has worked to convey Indigenous perspectives in justice-related matters. ALS has conducted training for various audiences, including Judges, crown attorneys, lawyers, students, police officers and the general public on a variety of issues including the application of Gladue and cross-cultural issues.

### **C. ALS' Interest in the Case at Bar**

16. I have been advised that this Application is about the Regional Municipality of Waterloo (the "Region") enacting By-law Number 25-021 (the "By-law"), wherein the Region directs the vacating of the Encampment.

17. If granted leave to intervene, I have been advised that ALS will focus its submissions on section 15 of the *Canadian Charter of Rights and Freedoms* (the "*Charter*") and the impact that the By-law has on those rights.

*i. The equality rights of Indigenous peoples who reside in the Encampment should inform the analysis in the case at bar*

18. ALS' submissions will address the question of whether the By-law violates the guarantee of equality before and under the law and the right to the equal protection and equal benefit of the law without discrimination set out in s. 15 of the *Charter*.
19. The rights afforded by s. 15 of the *Charter* would be infringed by the enactment of the By-law because of the discriminatory effects that would distinctly fall upon the Indigenous residents of the encampment, specifically denying benefits to those Indigenous residents, and further exacerbating the current Indigenous homelessness crisis.
20. If granted leave to intervene, ALS' submissions would focus on the following:
- a. Indigenous peoples who are forced to leave the encampment will be disproportionately impacted by barriers in accessing emergency and transitional housing, denying them the benefit of this crucial service;
  - b. Clearing the Encampment will increase the demand for emergency and transitional housing resources in the Regional Municipality of Waterloo ("the Region"), and Indigenous communities may experience increased barriers to accessing these resources depending on eligibility requirements;
  - c. Indigenous residents of the Encampment have experienced racism while staying in shelters;
  - d. As the By-law currently stands, Indigenous residents of the encampment will likely be denied the benefit of culturally-appropriate housing upon their eviction;

- e. The only Indigenous-led transitional housing project in the Region has since closed down their transition housing in the Region, and the Region does not have exclusive supports or specific spaces held for Indigenous peoples;
- f. The lack of planned supports for Indigenous peoples contravenes the Federal Housing Advocate's guidance that in the removal of encampments, municipalities should support Indigenous-led provision of culturally appropriate services;<sup>1</sup>
- g. The local Indigenous populations and government bodies were denied the benefit of consultation in the formation of this By-law, which contravenes the Federal Housing Advocate's guidance that Indigenous peoples must be consulted in the development of policy approaches to encampments;<sup>2</sup> and
- h. The denial of the above listed benefits works to exacerbate the disadvantages faced by Indigenous peoples, of which the most applicable here is the overrepresentation of Indigenous peoples in the homeless population, as Indigenous peoples made up 2.9% of Ontario's population and 17% of those experiencing homelessness in the Region.<sup>3</sup>

## **D. Conclusion**

21. An Indigenous perspective should be before the Court on any issue that will directly affect Indigenous people. The perspective of ALS is that of the broader Indigenous community.

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<sup>1</sup> Marie-Josée Houle, *Upholding dignity and human rights: the federal Housing Advocate's review of homeless encampments* (Ottawa: Canadian Human Rights Commission, 2024) at [page 28](#).

<sup>2</sup> *Ibid.*

<sup>3</sup> Statistics Canada, *Focus on Geographic Series, 2021 Census of Population: Ontario, Province*, Government of Canada (16 December 2022); *The Regional Municipality of Waterloo v Persons Unknown and to be Ascertained*, 2023 CanLII 670 (ONSC), at [paras 17—18](#).

ALS has the experience and expertise to provide a unique contribution to the determination of the issues before this Honourable Court.

22. To its knowledge, ALS is the only Indigenous organization seeking leave to intervene. If granted leave, ALS will communicate with other interveners to ensure that its submissions are different from those of other parties.

23. ALS will not file any additional evidence, unduly expand the issues, raise new issues, or unreasonably delay or lengthen the hearing of the appeal.

24. I make this Affidavit in support of an Order granting ALS leave to intervene in these proceedings and for no other or improper purpose.

**AFFIRMED BEFORE ME** remotely)  
over videoconference on July 15, 2025,)   
by Paul-Emily McNab, at the City of  
Toronto, in the Province of Ontario,)   
before me at the City of Toronto, in the)   
Province of Ontario, in accordance with)   
O. Reg. 431/20, Administering Oath or)   
Declaration Remotely. )

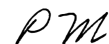


A Commissioner for taking Affidavits, etc.

Erin McMurray  
LSO# 90814H



Paul-Emile McNab





**The Regional Municipality of Waterloo.  
Applicant**

**-and-**

**Persons Unknown and to be Ascertained  
Respondents**

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

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**Proceedings Commenced in Waterloo Region**

**MOTION RECORD**

**FALCONERS LLP**

10 Alcorn Avenue, Suite 204  
Toronto, Ontario  
M4V 3A9

Asha James (LSO# 56817K)  
([ashaj@falconers.ca](mailto:ashaj@falconers.ca))  
Erin McMurray (LSO# 90874H)  
([erinm@falconers.ca](mailto:erinm@falconers.ca))

Tel: (416) 964-0495  
Fax: (416) 929-8179

Lawyers for the Proposed Interveners,  
Aboriginal Legal Services