

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**THE REGIONAL MUNICIPALITY OF WATERLOO**

Applicant

and

**PERSONS UNKNOWN AND TO BE ASCERTAINED**

Respondents

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

**FACTUM OF THE APPLICANT/RESPONDING PARTY  
(Motions for Leave to Intervene)**

July 30, 2025

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*Amicus Curiae*

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## PART I. OVERVIEW

1. The Regional Municipality of Waterloo (the “**Region**”) takes no position on whether the prospective interveners the Canadian Civil Liberties Association (“**CCLA**”), Aboriginal Legal Services (“**ALS**”), and the Charter Committee on Poverty Issues / The National Right to Housing Network (“**CCPI/NRHN**”) should be granted leave to intervene.

2. However, while the Region does not oppose the motions *per se*, the Region requests that if leave is granted, standard terms be imposed to ensure that there is no prejudice to the parties or the administration of justice.

## PART II. LAW AND ARGUMENT

3. The purpose of an intervener as a friend of the court is to assist the court in the underlying proceedings.<sup>1</sup> Interveners are “guests at a table already set with the food already out on the table” that may “comment from their perspective on what they see, smell and taste” but may not “add food to the table in any way”.<sup>2</sup>

4. In deciding whether to grant leave to intervene, “the court must consider whether the intervention will unduly delay or prejudice the determination of the rights of the parties to the proceeding” and whether the proposed intervener can make a useful contribution without causing injustice to the immediate parties.<sup>3</sup>

5. An intervener “exceeds its role when it seeks to alter the nature of the litigation by usurping the role of the parties, expanding the issues before the Court, or presenting new

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<sup>1</sup> *Heegsma v. Hamilton (City)*, [2024 ONCA 865](#), at para. [16](#); *Rules of Civil Procedure*, [RRO 1990, Reg 194](#), Rule 13.02.

<sup>2</sup> *Tsleil-Waututh Nation v. Canada (Attorney General)*, [2017 FCA 174](#), at para. [55](#).

<sup>3</sup> *Kapoor v Kuzmanovski*, [2017 ONSC 1709](#), at paras. [10-11](#).

evidence”.<sup>4</sup> Such a failure to remain within the confines of the proper role of an intervener negatively affects the administration of justice, prejudices the parties, and is “improper”.<sup>5</sup>

6. For these reasons, leave to intervene is commonly granted on the conditions that:

- (a) The intervener is not permitted to expand the issues before the court; and
- (b) The intervener must take the evidentiary record as it finds it.

7. The intervention motions suggest that these terms are necessary, in that:

- (a) The ALS Motion suggests that the ALS seeks to expand the evidentiary record before this Court; and
- (b) The CCPI/NRHN Motion suggests that CCPI/NRHN seeks to add issues not raised by the parties.

**A. *The ALS Motion Materials***

8. The ALS Motion materials contemplate the expansion of the record before this Court. In particular, the ALS Motion materials cite to various documents that are not in the Application Record or Responding Record, including websites, online news articles, census statistics, and reports/studies.<sup>6</sup> Any expansion of the record by ALS to include this new evidence in the record before this Court would be improper and prejudicial to the Region. The factual evidentiary record before the court is essentially closed as of July 31, 2025. Interveners generally “must not adduce further evidence or otherwise supplement the record without leave”.<sup>7</sup>

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<sup>4</sup> *R. v. McGregor*, [2023 SCC 4](#) at para. [109](#) [“*McGregor*”] (Rowe, J., concurring).

<sup>5</sup> *McGregor*, at paras. [109-110](#).

<sup>6</sup> See: Motion Record of Aboriginal Legal Services, pp. 10-11.

<sup>7</sup> *McGregor*, at para. [108](#).

9. If the ALS Motion is granted, it should be on the basis that this intervener “must take the case and the record as they find it”.<sup>8</sup>

**B. The CCPI/NRHN Motion**

10. Intervenors generally must not “widen or add to the points in issue”.<sup>9</sup> Their role is confined to presenting their own perspective and arguments on the issues brought forward by the parties and making submissions on how those issues affect the interests of those whom they represent. This distinction goes to the heart of the court’s process, which “remains firmly grounded in the adversarial system” in which “the parties control their case and decide which issues to raise”.<sup>10</sup>

11. The CCPI/NRHN Motion materials state that the “focus of [CCPI/NRHN’s] proposed intervention is on the positive obligations flowing from sections 7 and 15 of the [Charter] to address the needs of people who are homeless and living in encampments”.<sup>11</sup> The respondents to the Region’s application/cross-applicants and the Amicus have not raised positive rights in their Notice of Application or facts on the injunction motion, which are focused on the narrower question of winding down an encampment in the specific circumstances of this case.

12. Similarly, although neither the Region’s nor the Respondents’ Notices of Application<sup>12</sup> raise the issue of homelessness as an analogous ground under s. 15 of the

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<sup>8</sup> *McGregor*, at para. [108](#).

<sup>9</sup> *McGregor*, at para. [105](#).

<sup>10</sup> *McGregor* at para. [104](#).

<sup>11</sup> Motion Record of CCPI/NRHN, Factum, para 2, p. 34.

<sup>12</sup> An issued copy of this has not yet been served, but the document as submitted has been circulated to the Region’s counsel. For reference, the unissued copy is appended to this factum.



*Charter*, the CCPI/NRHH Motion materials note that the proposed interveners will argue that the Court should consider that issue.<sup>13</sup> The CCPI/NRHH Motion materials also indicate that CCPI/NRHH intends to raise the new issue of whether internationally adopted standards and international law create a new principle of fundamental justice under s.7 of the *Charter*.<sup>14</sup>

13. The Region submits that it would be improper and prejudicial to the Region for the CCPI/NRHH to expand the issues before the Court as it proposes. The evidentiary record has been shaped around the issues raised by the parties, not these new issues. Consequently, if the CCPI/NRHH Motion is granted, it should be subject to the terms set out in para. 7 above and limited to the issues raised by the parties in their Notices of Application.

### **PART III. ORDERS SOUGHT**

14. The Region takes no position on whether the CCLA, ALS and CCPI/NIHR should be granted leave to intervene, but respectfully requests that if leave is granted, it be subject to the terms set out in para. 7 above.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED** this day of July 30, 2025.



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Gordon Capern / Andrew Lokan / Kartiga  
Thavaraj / Greta Hoaken

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<sup>13</sup> Motion Record of CCPI/NRHH, Factum, para 40, p. 49.

<sup>14</sup> Motion Record of CCPI/NRHH, Factum, para 46, p. 51.

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Lawyers for the Applicant,  
The Regional Municipality of Waterloo

## **CERTIFICATE**

I, Andrew Lokan, lawyer for the Applicant, certify that I am satisfied as to the authenticity of every authority cited in this factum.



July 30, 2025

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Andrew Lokan  
Paliare Roland Rosenberg Rothstein LLP

**SCHEDULE “A”**

**LIST OF AUTHORITIES**

1. *Heegsma v. Hamilton (City)*, [2024 ONCA 865](#).
2. *Kapoor v Kuzmanovski*, [2017 ONSC 1709](#).
3. *R. v. McGregor*, [2023 SCC 4](#).
4. *Tsleil-Waututh Nation v. Canada (Attorney General)*, [2017 FCA 174](#).

**SCHEDULE “B”**

**TEXT OF STATUTES, REGULATIONS & BY-LAWS**

*Rules of Civil Procedure*, [RRO 1990, Reg 194](#),

**Leave to Intervene as Friend of the Court**

13.02 Any person may, with leave of a judge or at the invitation of the presiding judge or associate judge, and without becoming a party to the proceeding, intervene as a friend of the court for the purpose of rendering assistance to the court by way of argument. R.R.O. 1990, Reg. 194, r. 13.02; O. Reg. 186/10, s. 1; O. Reg. 711/20, s. 7; O. Reg. 383/21, s. 15.

# APPENDIX "A"

Court File No. CV-25-\_\_\_\_\_

## **ONTARIO SUPERIOR COURT OF JUSTICE**

B E T W E E N:

JOSEPHINA DUGAS, TERRA-LYNN WEBER, AVERY AMENT, AARON PRICE,  
JEREMY LINTON, JEREMY NICHOL, JAMES HAMMOND, JAKOB STUBBS, JAMES  
DAVIS, JASON PAUL, MATTHEW STEFANAC, NOAH HELSBY, JOSEPH BRADLEY,  
JOSEPH SADLER, JULIE YOUNG, KYLE YORK, MEGAN LOPES, AND STEPHANIE  
MCMILLAN

Applicants

and

THE REGIONAL MUNICIPALITY OF WATERLOO

Respondents

APPLICATION UNDER Rule 14.05 OF THE *RULES OF CIVIL PROCEDURE*

### **NOTICE OF APPLICATION**

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing

☒ In person

☐ By telephone conference

☐ By video conference

at the following location, Waterloo Region Courthouse, 85 Frederick Street,  
Kitchener, ON N2H 0A7 on November 24 and 25, 2025.

IF YOU WISH TO OPPOSE THIS APPLICATION, you or an Ontario lawyer acting for you must prepare a Notice of Appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the Applicants' lawyer or, where the Applicant does not have a lawyer, serve it on the Applicants, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the Applicant's lawyer or, where the Applicant does not have a lawyer, serve it on the Applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date July 14, 2025

Issued by \_\_\_\_\_  
Local Registrar

Address of 85 Frederick Street  
court office: Kitchener ON N2H 0A7

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## APPLICATION

1. This Application is being filed in the context of a related Application, CV-25-00000750-0000, commenced by the Regional Municipality of Waterloo. The Applicants in the current Application are Respondents in CV-25-00000750-0000. The two Applications will be heard together. The Applicants makes application for:

- (a) An order to quash the By-Law respecting the Use of 100 Victoria Street North, Kitchener (the “Site Specific By-Law”) enacted by Council of the Regional Municipality of Waterloo (the “Region”) on Wednesday, April 23, 2025, pursuant to sections 272 and 273 of the *Municipal Act, S.O. 2001, c. 25* (the “MA 2001”), including a declaration pursuant to section 273 of the *MA 2001* that the Site Specific By-Law is illegal or in the alternative enacted in bad faith.
- (b) A declaration pursuant to section 52 of the *Constitution Act, 1982*, that the Site-Specific By-Law violates section 7 and 15 of the *Charter of Rights and Freedoms* (the “Charter”) in a manner that cannot be justified under section 1, and is of no force or effect and is inoperative insofar as the Site Specific By-Law is relied upon as lawful authority to evict the Applicants from the encampment located at 100 Victoria Street North, Kitchener (the “Victoria Street Encampment”) under circumstances where the Applicants have no available and accessible alternative housing or accommodation;

- (c) A declaration pursuant to section 24(1) of the *Charter* that the Regional Municipality of Waterloo and/or its agents, pursuant to any purported legal authority, including but not limited to the Site-Specific By-law, violated the *Charter* rights of the Applicants, including section 7 and/or section 15 by preventing them from erecting tents as a temporary form of shelter and/or giving notice to homeless individuals (including the Applicants) to dismantle or move their tents and/or evicting homeless individuals (including the Applicants) from the Victoria Street Encampment and that such violations cannot be demonstrably justified in a free and democratic society pursuant to section 1 of the *Charter*.
- (d) An interlocutory, interim and permanent injunction Order restraining the Respondent, and its servants, employees, agents, assigns, officers, directors and anyone else acting on its behalf from:
  - (i) directly or indirectly evicting the Applicants from the Victoria Street Encampment;
  - (ii) preventing the Applicants entry to or use of the Victoria Street Encampment site;
  - (iii) disposing of or removing any personal belongings, real or personal property belonging to the Applicants and located at the Victoria Street Encampment; and
  - (iv) engaging in any harassing behaviour towards the Applicants;

- (e) prejudgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (f) postjudgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (g) the costs of this proceeding and all motions payable on a substantial indemnity basis together with applicable taxes and disbursements; and
- (h) such further and other relief as to this Honourable Court may seem just.

**2. The grounds for the application are:**

**The Parties**

- (a) The Applicants are individuals experiencing homelessness and living in tents in the Victoria Street Encampment. There are men and women who range in age from 27-66. Some of the Applicants are Indigenous, some are racialized, and some are members of the LGBTQ+ community. Many have disabilities. Some of the Applicants receive income from social assistance in the form of either Ontario Works benefits or Ontario Disability Support Program benefits. Some of the Applicants have no income at all.
- (b) Many of the Applicants have been chronically homeless. Aaron Price has been homeless on and off since 2017. Terra-Lynn Weber has been living at the Victoria Street Encampment for four years. James Hammond has

been homeless for over 10 years and has been on the housing waitlist for 8 years.

- (c) Many of the applicants have tried accessing shelters. Some have been unable to access shelter because the shelter was full or because the shelter was not accessible for them. Noah Helsby has a partner and a dog and hasn't been able to access shelter because he requires a co-ed shelter that allows pets. Terra-Lynn Weber was turned away from a shelter because it was for males only. At the 84 Frederick Street Shelter, Terra-Lynn had difficulty walking around using her cane because the beds were placed too close together.
- (d) The Applicants have experienced violence while living unsheltered. Terra-Lynn Weber was urinated upon while sleeping unsheltered in front of McCabes restaurant. Josephina Dugas has been robbed and raped while living on the streets and while living in a shelter in Brampton.
- (e) In addition to the Applicants, there are people living at the encampment whose capacity to engage or instruct counsel is in question, who have not retained counsel, and who have no other identified way to participate in these proceedings.
- (f) The Respondent, The Regional Municipality of Waterloo (the "Region"), is an upper tier municipality and is the owner of the land upon which the Victoria Street Encampment is located. The Region is responsible for

providing social services within the Region of Waterloo including services for low income people experiencing homelessness.

## **Background**

- (g) The Victoria Street Encampment has existed since 2021. The Region previously brought an application before the Ontario Superior Court of Justice in 2022 to seek orders from the Court to evict the residents of the Encampment. The Region claimed in the Application that the land that the Victoria Street Encampment was located upon was urgently needed for the construction of a transit hub being built in partnership with Metrolinx.
- (h) *The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained*, 2023 ONSC 670, (the “2023 Decision”) was heard on the merits in November 2022 and in January of 2023 the decision of Justice Valente was released.
- (i) The 2023 Decision held that the Region’s Code of Use By-law was unconstitutional as it breached the s. 7 Charter rights of the residents of the encampment.
- (j) Since the 2023 Decision, the rate of people experiencing homelessness in Waterloo Region has increased by 129%. The number of shelter spaces in Waterloo Region has not kept pace with this increase.

- (k) According to a point in time count done in Waterloo Region in the fall of 2024, there are approximately 2,371 people without permanent housing in Waterloo Region. This number has more than doubled since the previous count which was done in 2021.
- (l) The Victoria Street Encampment has continued to have a significant number of residents as of the date of this application and is the largest encampment in the Region.
- (m) Since the 2023 Decision, the Region has engaged in a consultation with the community including a wide range of people from local social service agencies, housing providers, non-profit partners, people with lived experience and local homelessness advocates to develop a comprehensive Plan to End Chronic Homelessness (“PECH”). The PECH is an ambitious plan that includes:
  - (i) the goal of eliminating chronic homelessness in Waterloo Region;
  - (ii) a shift away from emergency based and reactive approaches to homelessness and a move towards more permanent solutions;
  - (iii) adopting a human rights based approach to homelessness in addition to a continued commitment to housing first principles;
  - (iv) A focus on consultation with people with lived expertise as an integral component of broad systems changes.

- (n) Regional Council approved the PECH on April 25, 2024 as the Region's official plan to prevent, address, and end chronic homelessness in Waterloo Region.
- (o) On April 16, 2025, the Region moved additional dumpsters and a trailer onto the Victoria Street Encampment site. This was to the surprise of the residents at the site and to community partners and Co-Creators in PECH. On the same day the Region posted the Agenda online for the upcoming Regional Council meeting dated April 23, 2025, which included a report and draft bylaw to be considered.
- (p) Regional Staff developed a report, PDL-LEG-25-017, which outlined a plan to clear the Encampment, through the use of the Site-Specific By-law, which was attached to the staff report. The Site-Specific By-law's purpose was to provide vacant possession of 100 Victoria Street North by December 1, 2025.
- (q) The Site-Specific By-law provides that no persons who were not residents on the date public notice of the By-law was provided (April 16, 2025) may erect shelters or other structures or reside at 100 Victoria Street North.
- (r) The staff report also outlined a plan for additional financial resources for moving the existing residents into housing or shelter options in a manner that is consistent with the PECH.
- (s) Regional council approved the Site-Specific By-law on April 23, 2025.



**Municipal Act s. 273 Issue**

- (t) The Site-Specific By-law is illegal pursuant to s. 273 of the *Municipal Act* and ought to be quashed on that basis.
- (u) The Region failed to engage in consultation with community or residents of the Victoria Street Encampment regarding its plan to close the Victoria Street Encampment as required by its own policies. The Region breached its own Plan to End Chronic Homelessness (PECH) in developing the Site-Specific By-Law and in failing to engage in a human rights-based approach to encampments.
- (v) The Site-Specific By-Law was enacted in bad faith with the collateral purpose of avoiding the consequences of the 2023 Decision.
- (w) In the 2023 Decision dated January 27, 2023, Justice Valente declined the Region's request for injunctive relief and declared By-Law Number 13-050, A By-Law Respecting the Conduct of Persons Entering Upon Buildings, Grounds and Public Transportation Vehicles Owned or Occupied by the Region (the "Code of Use By-Law"):

[I]noperative insofar, and only insofar, as it applies to prevent the residents of the Encampment from living on and erecting temporary shelters without a permit on the Property when the number of homeless persons exceeds the number of available accessible shelter beds in the Region.

- (x) The Site Specific By-Law is contrary to the 2023 Decision. It attempts to regulate and control the movement of residents on the Victoria Street Encampment, as well as visitors to the site. It prohibits residents from relocating their shelter to another part of the premises at the Victoria Street Encampment. It restricts any new residents from erecting a shelter on the site. It defines a Resident retroactively as someone who was living in the Encampment on the date that the agenda for the council meeting to consider the Site Specific By-Law was posted (April 16, 2025), not when it was passed (April 23, 2025) despite there being no notice to residents of the Site Specific By-law in advance of April 16, 2025.
- (y) At paragraph 159 of the 2023 Decision, Justice Valente ordered “that the Region may apply to terminate my declaration upon it being in a position to satisfy this Court that the By-Law no longer violates the section 7 rights of the Encampment residents.” The Region commenced an application before the Ontario Superior Court to seek directions as to the validity of the Site-Specific By-law after Regional Council had already passed the Site- Specific By-Law.

### **Constitutional Issues**

- (z) The Site-Specific By-law is unconstitutional. It violates the Applicants’ right to life, liberty and security of the person under s. 7 of the *Charter* rights of

the Applicants. The violations are not in accordance with the principles of fundamental justice and cannot be justified under section 1 of the *Charter*.

- (aa) The Region's proposed plan does not provide the Applicants with accessible, safe and stable housing upon the closing of the Victoria Street Encampment. Motel spaces, interim housing and shelters do not have any security of tenure.
- (bb) The Region's plan is not consistent with a human rights based approach to homelessness as outlined in PECH.
- (cc) The enforcement of the Site-Specific By-law put the Applicants at significant risk of physical and/or psychological harm.
- (dd) The options proposed in the Region's plan to move individuals out of the Victoria Street encampment include congregate shelters and motel rooms. These options are violations of the s. 7 *Charter* rights of the Applicants.
- (ee) Motels spaces are not an appropriate shelter or housing option for a number of reasons:
  - (i) There is no security of tenure;
  - (ii) Sex trafficking, drugs and violence may be present and vulnerable individuals may be at risk of serious harm;

- (iii) Residents can be kicked out for a variety of reasons and the rules are set by the motel owners. Residents have no recourse if they are evicted on an unjustified basis;
  - (iv) Homeless individuals can be banned from motels at the discretion of the motel owner;
  - (v) Access to food may be limited as the motel spaces do not have cooking facilities and residents may not have easy access to food banks, soup kitchens or community food donations;
  - (vi) Motel space lack supports needed by individuals with mental health disorders and/or substance abuse disorders.
- (ff) Shelter spaces are not an appropriate solution for homeless individuals for a number of reasons including but not limited to:
- (i) Demand for shelter spaces is frequently high or beyond the capacity of the system. In any event, the available supply of beds may not be accessible for particular individuals (e.g. couples, gender diverse individuals, women, people with pets, etc.)
  - (ii) Shelters are not designed for long term accommodation and the rules encourage short term stays. Residents are limited in the amount of personal belongings they can bring into shelter and must abide by

shelter schedules including being out of the shelter for specific hours during the day and meeting curfews at night.

- (iii) Disability-related behaviours can conflict with shelter rules and policies. Some shelters do not allow people with substance use disorders to use on the shelter property or have access to harm reduction supplies on site.
- (iv) The nature of congregate living in a shelter can be very difficult for individuals with mental health disorders due to the lack of privacy and close contact with other individuals at the shelter.
- (v) Shelters are not always able to accommodate the needs of people with physical disabilities.
- (vi) Thefts and violence are common occurrences in shelter settings.
- (gg) For individuals who are homeless, tent encampments offer safety and benefits over shelters, motels rooms or living in the open alone with or without a tent;
  - (i) Encampment residents can gather survival supplies and have a place to store them;
  - (ii) Encampment residents are able to shelter themselves during the daytime and are not subject to rigid schedules that exist in the shelter system;

- (iii) There is an element of community and mutual support;
  - (iv) Drug users have peers who can watch out for them and ensure that they receive care and support to prevent overdoses;
  - (v) Encampment residents can be found more easily by service providers and have a great ability to stay connected to services.
- (hh) When homeless individuals are displaced from an encampment without available and accessible housing or shelter options, they are at risk of among other things, hypothermia, sunburn, heatstroke, dehydration, and fatigue.
- (ii) Encampments enable their residents to live with greater dignity compared to living in the open:
- (i) They provide a modicum of privacy and solitude, essential for many basic functions including sleep.
  - (ii) They enable couples to live together in the same tent.
  - (iii) They enable residents to have pets that provide them with emotional support and meet their accommodation needs.
  - (iv) They enable residents to keep personal possessions beyond their immediate personal effects.

- (v) They enable residents a sense of stability because they know where they will be sleeping at night.
- (jj) The Site-Specific By-law violates s. 7 of the *Charter* because it deprives homeless individuals of their liberty and/or security of the person in a manner that is not in accordance with the principles of fundamental justice.
- (kk) The violations of s. 7 cannot be justified under section 1 of the *Charter*.
- (ll) The Site-Specific By-law violates s. 15 of the *Charter*. The eviction of the Applicants from the encampment violates section 15 of the *Charter*, because those evictions discriminate against them on the basis of race and/or indigeneity, sex, disability, and marital status, either separately or in combination (i.e., intersectional discrimination). The violations of s. 15 cannot be justified under section 1 of the *Charter*.

### **International human rights law**

- (mm) The Site-Specific By-law violates the Applicants' international human rights. Municipal governments are equally bound by international human rights instruments ratified by Canada. Binding international instruments reflect Canada's international human rights obligations and operate as an interpretive tool to assist courts in delineating the "breadth and scope of *Charter* rights".

- (nn) Canada has voted in favour or ratified a number of international instruments that recognize adequate housing as a fundamental human right that is inextricably linked to other rights, including the rights to life, security of the person, and equality.
- (oo) Municipal governments have obligations to uphold the basic human rights and dignity of encampment residents while they wait for adequate, affordable housing solutions that meet their needs. An eviction from the Victoria Street Encampment would violate the Applicants' international human rights.

3. **The Applicant relies on the following legal instruments:**

- (a) The Canadian Charter of Rights and Freedoms.
- (b) The Constitution Act, 1982.
- (c) Universal Declaration of Human Rights
- (d) International Covenant on Economic, Social and Cultural Rights
- (e) Convention on the Elimination of All Forms of Discrimination Against Women
- (f) Convention on the Rights of the Child
- (g) International Convention on the Elimination of All Forms of Racial Discrimination



- (h) United Nations, Convention on the Rights of Persons with Disabilities
- (i) Regional Municipality of Waterloo By-Law PDL-LEG-25-017
- (j) *Municipal Act, S.O. 2001, c. 25*
- (k) Such further and other grounds as counsel may advise and this Honourable Court may permit.

4. **THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the Application:

- a. Affidavit of Josephina Dugas, sworn May 7, 2025
- b. Affidavit of Terra-Lynn Weber, sworn May 6, 2025
- c. Affidavit of Aaron Price, sworn May 6, 2025
- d. Affidavit of Avery Ament, sworn June 23, 2025
- e. Affidavit of Jakob Stubbs, sworn June 23, 2025
- f. Affidavit of James Davis, sworn June 20, 2025
- g. Affidavit of James Hammond, sworn May 2, 2025
- h. Affidavit of Jason Paul, sworn June 16, 2025
- i. Affidavit of Jeremy Linton, sworn May 6, 2025
- j. Affidavit of Jeremy Nichol, sworn May 8, 2025

- k. Affidavit of Matthew Stefanac, sworn May 6, 2025
- l. Affidavit of Noah Helsby, sworn May 15, 2025
- m. Affidavit of Joseph Bradley, sworn May 9, 2025
- n. Affidavit of Julie Young, sworn June 13, 2025
- o. Affidavit of Kyle York, sworn June 17, 2025
- p. Affidavit of Megan Lopes, sworn June 18, 2025
- q. Affidavit of Stephanie McMillan, sworn May 13, 2025
- r. Supplemental Affidavit of Stephanie McMillian, sworn June 17, 2025
- s. Affidavit of Calvin Sharpe, sworn May 30, 2025
- t. Affidavit of Warren Loppie, sworn July 9, 2025
- u. Affidavit of Julie Lukezic, sworn May 8, 2025
- v. Affidavit of Emily “Eddy” Grignon, sworn May 12, 2025
- w. 2<sup>nd</sup> Affidavit of Emily “Eddy” Grignon, sworn July 7, 2025
- x. Affidavit of Margaret Chee, sworn May 13, 2025
- y. Affidavit of Jacara Droog, sworn June 4, 2025

- z. Affidavit of Aaron El Sabrout, sworn July 7, 2025 Affidavit of Angela Allt, sworn June 20, 2025
- aa. Affidavit of David Alton, sworn June 23, 2025
- bb. Affidavit of Laura Pin, sworn July 9, 2025
- cc. Affidavit of Sarah Magdalen Helwig, sworn July 2, 2025
- dd. Affidavit of Sara Escobar, sworn June 23, 2025
- ee. 2<sup>nd</sup> Affidavit of Sara Escobar, sworn July 7, 2025
- ff. Affidavit of Lynn Kubis, sworn July 7, 2025
- gg. Affidavit of Dr. Stephen Hwang, sworn May 6, 2025
- hh. The affidavits of others to be sworn;
- ii. The pleadings, as filed; and,
- jj. Such further and other evidence as the lawyers may advise and this Honourable Court may permit.

July 14, 2025

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and

**THE REGIONAL MUNICIPALITY OF  
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Respondents

Court File No.: CV-25-\_\_\_\_\_

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at KITCHENER

**NOTICE OF APPLICATION**

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PERSONS UNKNOWN AND TO BE ASCERTAINED  
Respondents

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT  
WATERLOO REGION

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