

Paliare Roland

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File # 102678

July 30, 2025

VIA EMAIL

The Honourable Justice Gibson
Superior Court of Justice
85 Frederick Street
Kitchener, Ontario N2H 0A7

Your Honour:

Re: Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained
Court File Number: CV-25-00000750-0000 – Request for Case Management Conference

We represent the Regional Municipality of Waterloo ("Region"). We write to request a brief case management conference to take place before the injunction motion hearing on August 8, 2025. I estimate that no more than 15 minutes is needed.

The issues are set out in the attached exchange of correspondence. They are: (1) length of Region's factum, (2) whether the intervention motions (for the hearing on November 19-21) can proceed in writing, and (3) time allocations for the August 8 hearing.

I do not believe that the 2nd issue is contentious, as all parties including the prospective intervenors would prefer that the motion be dealt with in writing. The Region is delivering its factum in response to the intervention motions today and takes no position on whether leave to intervene should be granted, but seeks some standard terms if it is. Any dispute on the intervention motions is therefore narrow.

Yours very truly,
Paliare Roland Rosenberg Rothstein LLP



Andrew Lokan
Encl.

- c. Ashley Schuitema, Joanna Mullen, Shannon Down, Waterloo Region Community Legal Services
Mercedes Perez, Perez Procope Leinveer LLP – *Amicus Curiae*
Karen Steward, Barrister & Solicitor – *Amicus Curiae*
Jen Danch, Swadron Associates – *Amicus Curiae*
Andrea Bolieiro, Sara Badawi, Ministry of the Attorney General of Ontario – Intervenor

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Asha James, Erin McMurray, Falconers LLP – Proposed Intervenor, Aboriginal Legal Services
Professor *emerita* Martha Jackman, Faculty of Law, University of Ottawa – Proposed Intervenors,
The Charter Committee on Poverty Issues, The National Right to Housing Network
Kristen Allen, Simone Truemner-Caron, Ursel Phillips Fellows Hopkins LLP – Proposed Intervenor,
The Canadian Civil Liberties Association

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File # 102678

July 25, 2025

Via Email

Ms. Ashley Schuitema
Executive Director
Waterloo Region Community Legal Services
450 Frederick Street, Unit 101
Kitchener, ON N2K 2Ps

Ms. Mercedes Perez
Perez Procope Leinveer LLP
55 University Ave, Suite 1100
Toronto, ON M5J 2H7

Ms Andrea Bolieiro
Ministry of the Attorney General
Civil Law Division | Constitutional Law Branch
720 Bay Street, 4th Floor
Toronto, ON M7A 2S9

Dear Ms. Schuitema, Ms. Perez, and Ms. Bolieiro:

Re: The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained, Court File No. CV-25-00000750-0000

I write with respect to some logistical matters for the upcoming injunction hearing.

1. Length of factums

On review of the Moving Parties and *Amicus* factums (collectively, 57 pages) we estimate that we will need up to 45 pages to respond properly. I have spoken to counsel for the Attorney General who estimates that they will need up to 15 pages for their factum.

The moving parties have the right to file a reply factum under the schedule. I suggest 10 pages for this.

Please advise whether you agree with these limits. I attach a draft order that addresses these and the other matters set out below.

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2. Intervention Motions to be Heard in Writing

The prospective intervenors have indicated that they were not able to file their motions as motions to be heard in writing because the previous case management order did not expressly provide for this. I believe that this was His Honour's intent. The attached draft fixes this.

3. Time Allocation at Hearing

Four parties will be making submissions. I suggest the following time allocation and order (subject to the discretion of the Motion Judge):

Moving Parties	1 hour 10 minutes
Amicus	1 hour
Region	1 hour 50 minutes
Attorney General	30 minutes
Reply if any	10 minutes

Please advise as to your position on these issues at your earliest convenience.

Yours very truly,
Paliare Roland Rosenberg Rothstein LLP



Andrew Lokan
AL:SB

c. counsel list

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE

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)

FRIDAY, THE 25th
DAY OF JULY, 2025

B E T W E E N:

(Court Seal)

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*

ORDER

THIS MOTION was read this day at 85 Frederick Street, Kitchener ON, N2H 0A7.

1. **THIS COURT ORDERS** that the parties shall be permitted to file factums on the injunction motion scheduled for August 8, 2025, of the following revised lengths:

- a. The Responding Factum of the Applicant shall be no longer than 45 pages;
- b. The Intervenor Factum of the Attorney General of Ontario shall be no longer than 15 pages; and

- c. The Reply Factum, if any, of the Moving Parties, shall be no longer than 10 pages.

2. **AND THIS COURT ORDERS** that the oral submissions of the parties at the August 8, 2025 hearing of the injunction motion will proceed according to the following time allocations and order (subject to the discretion of the Motion Judge):

- a. Moving Parties – 1 hour and 10 minutes;
- b. Amicus – 1 hour;
- c. Applicant – 1 hour and 50 minutes;
- d. Attorney General of Ontario – 30 minutes; and
- e. Reply, if any – 10 minutes.

3. **AND THIS COURT ORDERS** that the motions for leave to intervene on the Application shall be heard in writing.

Date of issuance

(Signature of judge, officer or registrar)

THE REGIONAL MUNICIPALITY OF WATERLOO
Applicant

-and-

Court File No. CV-25-00000750-0000
PERSONS UNKNOWN AND TO BE ASCERTAINED
Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
WATERLOO REGION

ORDER

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Lawyers for the Applicant,
The Regional Municipality of Waterloo



July 28, 2025

Andrew Lokan
Paliare Roland Rosenberg Rothstein LLP
155 Wellington Street West, 35th Floor
Toronto, ON M5V 3H1

Via Electronic Mail

andrew.lokan@paliareroland.com

Dear Mr. Lokan,

RE: The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained, Court File No. CV-25-00000750-0000

I write to reply to your correspondence of July 25, 2025 regarding logistical matters related to the upcoming injunction hearing.

1. Length of Factums

We do not agree to the Region having 45 pages for their factum. We agreed that we would all have 30 pages and it is unfair for the Region to get more. There are matters that are duplicative in the Moving Parties and *Amicus* factums, it is not a full 57 pages that the Region is required to respond to. We understand the Region may seek another case conference for leave to file a factum that is 45 pages.

We consent to the Attorney General having 15 pages for their factum.

2. Intervention Motions to be Heard in Writing

We consent to the draft order as it relates to this issue.

3. Time Allocation at Hearing

We disagree with your time allocations suggested. As the moving party we have the burden of rebutting the presumption that favours the Region, and also the requirement to



set out all the facts and ought to have more time to do this. We have proposed the following:

- a. Moving Parties – 1 hour and 20 minutes;
- b. Amicus – 1 hour;
- c. Applicant – 1 hour and 30 minutes;
- d. Attorney General of Ontario – 30 minutes; and
- e. Reply, if any – 20 minutes.

Please advise as to your position on these issues at your earliest convenience.

Sincerely,

WATERLOO REGION COMMUNITY LEGAL SERVICES

Ashley Schuitema
Executive Director