

Waterloo Region Record

Ford's encampment remarks draw legal rebuke

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A landmark Charter ruling on a Kitchener homeless encampment sparked an outburst from the premier — and a formal warning from lawyers about judicial independence. A spokesperson for the premier says court decisions “are not immune from scrutiny,” and warns province may step in if region doesn’t appeal.

By Robert Williams, Reporter

May 26, 2026

A group of Ontario lawyers is calling on Attorney General Doug Downey to publicly repudiate comments made by Premier Doug Ford about a judge following a landmark court ruling that found [Waterloo Region’s removal of a Kitchener homeless encampment unconstitutional](#).

In a letter dated May 26, the signatories — including University of Ottawa law professor emerita Martha Jackman and several lawyers involved in the case — say Ford’s reported remarks represent “a serious attack on the constitutional principle of judicial independence” and raise “profound concerns regarding judicial security and the administration of justice in Ontario.”

Ford is [quoted as saying about Justice Michael Gibson](#): “I wish I could get that guy’s address. I’ll send 50 encampments in his backyard and see how he likes it. The craziest decision I’ve ever heard.”

On Sunday, Ford followed up with an email to PC party membership outlining his objections to the ruling — and [linking to the video comments that lawyers have since condemned](#).

The lawyers say that any suggestion involving “disclosure or use of a judge’s personal residential information” crosses “an important constitutional boundary” — and may place the judge and his family at risk. While elected officials may legitimately criticize court decisions, they write, judges “must be free to decide cases without fear of intimidation, retaliation or personal targeting.”

Shannon Down, a signatory of the letter and former executive director of Waterloo Region Community Legal Services, said the remarks could reverberate beyond this case, creating a “chilling effect on other judges” even if most are steadfast in their independence.

“If I were a judge and the premier was saying he’d like to find my address, that would be very concerning to me personally,” she said.

Down also warned that inflammatory rhetoric about finding someone’s home address could inspire others to act on it.

“You can imagine there are any number of internet sleuths out there who might actually take action on that suggestion,” she said.

Pointing to Downey’s role as “chief law officer of the Crown and guardian of the administration of justice,” the signatories argue the remarks require “a prompt and clear institutional response.”

They are asking the attorney general to publicly reaffirm judicial independence, repudiate any suggestion of personal targeting and confirm that steps are being taken to ensure the safety of the judge and the broader judiciary.

A spokesperson for Ford pushed back on those concerns. Hannah Jansen said the premier respects judicial independence but that court decisions “are not immune from scrutiny or from the impacts they have on people and communities across the province.”

Jansen added that the government hopes Waterloo Region appeals the ruling, and warned that, if it does not, the province “will not hesitate to look at every tool available” to respond.

The ruling that sparked the premier's remarks came Thursday, when Gibson released an 88-page decision finding that Waterloo Region's bylaw governing the removal of people camped at the corner of Weber and Victoria streets in Kitchener violates the Charter of Rights and Freedoms and cannot be enforced.

The region owns the gravel lot, earmarked to store construction vehicles and supplies for a planned transit hub.

But Gibson found it is the only place in the region where homeless people may legally shelter outdoors — what he called “the only remaining safety valve” for a population that vastly outnumbers available shelter spaces.

About 40 people currently live on the site, some since 2021. The region has unsuccessfully sought court permission to clear the encampment since 2023, and has since provided basic services, including toilets and waste disposal.

Gibson left open the possibility the region could return to court to clear the site, but only if it first designates alternative land where people may legally shelter. London and Thunder Bay have both established lawful encampment zones. Waterloo Region, Gibson noted, has stated it will not permit homeless people to shelter outdoors on any regional property if the current site is cleared.

“The homeless are not Other. They are Us,” Gibson wrote. “They are rights bearers no less entitled than any other Canadian citizens to the full benefits and protections of the Charter.”