

**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

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Motions for Leave to Intervene

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PART I: OVERVIEW

1. The Regional Municipality of Waterloo (the “Region”) states in its factum on the Motion for Leave to Intervene that it does not oppose the intervenor motions *per se*, however the limits proposed by the Region amount to essentially what is opposition to the motion of Aboriginal Legal Services (“ALS”) and the Charter Committee on Poverty Issue/The National Right to Housing Network (“CCPI/NRHN”).
2. If the Court were to grant the interventions subject to the terms sought by the Region, it would essentially amount to a rejection of the CCPI/NRHN’s intervention.
3. As an opposed motion, the issues should be argued in an oral motion before the Honourable Justice Gibson.

PART II. LAW AND ARGUMENT

ALS

4. The Region states that ALS is relying on materials not in the evidentiary record before the court and that the “factual evidentiary record before the court is essentially closed as of July 31, 2025”¹
5. However, the court ordered timetable provides that the Respondents may file expert affidavits on August 15, 2025. The evidentiary record is not closed and there will be additional expert evidence filed by the Respondents in support of their *Charter* arguments. Additionally, the Respondents have filed their own counter-Application and no time-table was set for when that evidentiary record would be tendered. This is a complex Charter case and the parties need the ability to provide the most fulsome evidentiary record to advance

¹ Factum of the Applicant (Motions for Leave to Intervene), para 8.

their arguments and support the court in making the complex determinations required in by this case.

CCPI/NRHN

6. The Region has attempted to narrow the issues before the Court in arguing that CCPI/NRHN are expanding the issues before the court. Specifically, the Region argues that the issue of positive rights is not contained within the parties' pleadings, nor is the issue of analogous grounds. The Region also states that "CCPI/NRHN 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."²
7. The Region has broadly asked the Court to determine whether the site-specific By-Law complies with the Charter. The Region stated in its application that the site-specific By-law that is before the court:
 - a. Is intended to respect the Charter rights of those persons who were residing at the Encampment as of the date that public notice of the By-Law was provided;
 - b. Is accompanied by a plan to provide accessible shelter facilities to the Existing Residents in a manner consistent with the Region's Plan to End Chronic Homelessness.
8. The issue of determining the Region's obligations under the Plan to End Chronic Homelessness in a manner that is compliant with the Charter is exactly the issue before the Court, as is clear from the Region's Notice of Application as well as the Notice of Application of the Respondents (the "Counter-Application").

² Factum of the Applicant (Motions for Leave to Intervene), para 12.

9. The Region's Plan to End Chronic Homelessness specifically references issues related to the right to adequate housing, adoption of a human rights based approach to homelessness and compliance with national and international human rights law.³
10. The Respondents' have pled violations of their *Charter* rights under s. 7 and 15, as well as violations of International human rights obligations. To narrow the scope of these arguments at this stage by effectively limiting the participation of CCPI/NRHN as intervenor would be unfair. This is not akin to an intervenor party usurping control of the litigation, as discussed in *R. v. McGregor*, 2023 SCC 4. These are exactly the complex Charter issues that the Region and the Respondents have asked the court to grapple with. Additionally, unlike *McGregor*, this is not an appeal where there is not a full evidentiary record and the court is being asked to reason in the abstract, these issues are squarely before the court in this application.
11. The CCPI/NRHN in its motion to intervene are not widening the issues. The novel issue before the Court is raised by the Region itself by proposing that the By-Law and the plan to close the Encampment is consistent with positive obligations set out in the Plan to End Chronic Homelessness. This logically raises the issues of whether By-Law and the plan are compliant with a human rights' based approach to homelessness and the right to adequate housing.

PART III: ORDER REQUESTED

1. The Respondents respectfully request that leave to intervene be granted on the terms contained in the Orders filed by the Moving Parties.

³ (Application Record, paragraph 2 on p.067, Exhibit 'A' to the Affidavit of Peter Sweeney, affirmed June 6, 2025).

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 31ST day of July 2025.

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Lawyers for the Respondents (Moving Parties)

**THE REGIONAL MUNICIPALITY OF
WATERLOO**
Applicant (Responding Party)

and

**PERSONS UNKNOWN/TO BE
ASCERTAINED**
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Court File No.: CV-25-00000750-0000

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SUPERIOR COURT OF JUSTICE
Proceeding commenced at KITCHENER

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(MOVING PARTIES)**

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