

For Immediate Release

Legal clinics across Ontario decry recent municipal approaches to homeless encampments evictions, saying they are cruel and unconstitutional

Toronto, ON – August 16th, 2023 – In an open letter to all Ontarian municipal leaders, a coalition of community and specialty legal clinics are calling recent attempts at encampment evictions both cruel and unconstitutional.

The recent ruling of the Ontario Superior Court in *The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained, 2023 ONSC 670* (the *Waterloo* decision), held that the proposed encampment evictions were unconstitutional because they violated the Charter. The Charter dictates that unless and until encampment residents are provided with truly accessible accommodation, evictions should not occur. Forcibly removing encampment residents without judicial oversight in this way is both unethical and unconstitutional, as set out in *Waterloo*.

“Encampment evictions are unconstitutional, cruel, and achieve nothing. The courts have been clear – evictions are unconstitutional if residents are not provided genuine indoor alternatives. Evictions seek to deny the basic human right to seek shelter from the elements. Once encampment residents are evicted, they will simply find somewhere else to rest and sleep, as is their right,” says Sujit Choudhry of Hāki Chambers, who is Counsel on Hamilton’s encampment litigation, Heegsma et al.

Municipalities should instead use a human rights based approach to encampments

Encampments are the manifestation of long-standing system failure. Decades of policy decisions from all levels of government have forced increasing numbers of people into extreme poverty and homelessness.

Instead of forcibly evicting encampment residents, municipalities must lead with a rights based framework. Municipalities should approach encampment residents as rights holders and work with them to find equitable solutions that work to alleviate the situation. Municipalities have to consider whether or not their existing shelter systems actually meet the needs of their residents, and if they do not, alternatives must be developed.

“Governments at all levels need to turn the focus to addressing the systemic issues that lead to encampments. Encampment evictions do nothing to solve the root problems around homelessness and are contrary to a human rights approach. People who are living in encampments do not choose to do so; the reality is that they have been left with no other options,” says Shannon Down, Executive Director of Waterloo Legal Services.

About Advocacy Centre for Tenants Ontario

The Advocacy Centre for Tenants Ontario (ACTO) is a specialty community legal clinic with a province-wide mandate to advance and protect the interests of tenants living with lower incomes. ACTO specializes in housing issues related to tenants. ACTO also provides legal information and assistance to self-represented tenants appearing at the Landlord and Tenant Board through the Tenant Duty Counsel Program (TDCP).

For more information, including interviews with coalition representatives, please contact:

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