



Mayor Guthrie & City Councillors
Guelph City Hall
1 Carden St.
Guelph, ON
N1H 3A1

24 November 2023

Dear Mayor Guthrie and City Councillors,

We write this letter today as the Global Director of The Shift and the Executive Director of the Women's National Housing & Homelessness Network (a resident of Guelph). The Shift is an international human rights organization focused on housing and homelessness, headquartered in Canada. The Women's National Housing & Homelessness Network is a national organization focused on preventing and ending homelessness for women and gender-diverse people in Canada.

We are writing to express concern regarding Mayor Guthrie's Nov. 16th proposed motion "Encampments within the Downtown," and his revised motion Nov. 22nd motion, "Encampments and Safe Spaces for All" ([posted on X](#)). It is our opinion that this motion – focused on developing a policy pathway for prohibiting the erection of encampments and facilitating encampment evictions from City and County lands within the downtown BIA – is not in keeping with a right to housing approach.

The Shift and WNHHN urge the City of Guelph to use national and international human rights obligations in the development of its policy responses to encampments with a view to ensuring the implementation of the human right to housing. This is in keeping with the federal government of Canada's housing policy which, as stated in the *National Housing Strategy Act*, recognizes that housing is a fundamental human right as found in international human rights law.

For your convenience, we have laid out some of the most pressing human rights standards below that should be considered before taking any further action. These standards are outlined in greater detail in [A National Protocol for Homeless Encampments in Canada](#) (Farha & Schwan, 2020) and in the [Municipal Guidance on Encampment Engagement](#) (National Working Group on Homeless Encampments, 2023).

Human Rights Standards for Consideration:

1. According to international human rights law, homelessness is a *prima facie* violation of the right to housing because it undermines dignity interests, as well as personal safety and security. As such, it must be addressed on an urgent and priority basis, including through the development of solutions in consultation with people living in homelessness and their advocates.
2. The involuntary removal of encampments constitutes a violation of the human right to housing. International human rights law does not permit governments to forcibly evict people from their homes nor does it permit governments to destroy those homes, even if those homes are made of

improvised materials and established without legal authority. While encampments will rarely be human rights compliant, they must be understood as an expression of residents' claim to their right to life and the right to housing.

3. Relocation of encampment residents is only permitted if all alternatives to eviction have been explored in consultation with encampment residents and deemed unviable. Encampment residents must agree to the relocation site/s without fear of criminalization or reprisal for refusal to accept relocation. The alternative site must be fully compliant with human rights, including the provision of basic services.
4. Prohibiting the erection of encampments, or facilitating the eviction of encampment residents, criminalizes people living in homelessness simply for attempting to survive. This was echoed in a [recent decision](#) by the Ontario Superior Court of Justice, which concluded that “the ability to provide adequate shelter for oneself is a necessity of life that falls within the right to life protected by section 7 of the Charter.” [par. 96]
5. While Guelph's BIA and business community may have concerns about encampments within Guelph's downtown core, the City of Guelph must understand the legal reality that the human rights of encampment residents eclipse such concerns. It is critical that the City of Guelph find ways to engage these concerns in ways that uphold the rights and dignity of people who are unhoused, rather than further entrenching their marginalization and criminalization. Importantly, the law requires that governments take urgent steps to realize the right to housing of encampment residents, using the maximum of available resources to discharge these obligations.

It is our understanding that the City of Guelph has made some important progress towards addressing the needs of unhoused residents in recent years. On [Oct. 17th](#), Guelph City Council unanimously adopted the following motion: “That the City of Guelph adopts a human rights-based approach to housing, including a Housing First philosophy, to align with the National Housing Strategy.” This commitment has been reflected in a range of actions taken by the city in recent years, including: advancement of supportive housing projects through funding contributions and fast-tracked planning, updating the City's housing affordability strategy and hiring new staff to operationalize it, contributing land for a transitional housing project being built by Wellington County, and contributing \$500k per budget into an affordable housing reserve.

These are not insignificant steps. It is our opinion that it is not only inconsistent with the right to housing to evict or relocate encampments, it may also undermine some of the City's progress to date. At this important juncture, the City of Guelph should realign its actions with its own commitment to a rights-based approach to housing.

In this regard, we also urge the City to focus on working with encampment residents, outreach workers, advocates, and Wellington County to secure long-term affordable, dignified housing for people who are homeless in Guelph.

We suggest that should a motion be put forward, it should centre on developing a municipal approach to encampments grounded in human rights as outlined in the document referenced above. This motion should make an explicit commitment not to forcibly evict encampment residents, but rather to work with them to find suitable long-term solutions within a specified timeframe that is communicated to the broader community. We also encourage the City to call on other levels of government to secure the necessary resources to facilitate this.

The Shift and WNHHN remain at the City of Guelph's disposal to discuss any matters raised in this letter and to assist the City in any way possible to rectify its policies so that they may comply with international and human rights law.

We look forward to a timely response to this letter. Please note, in the coming days we may share this letter publicly.

Sincerely,

A handwritten signature in black ink, reading "Leilani Farha". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Leilani Farha
Global Director, The Shift
Former United Nations Special Rapporteur on the right to housing
leilani@maketheshift.org

A handwritten signature in black ink, reading "Kaitlin Schwan". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Kaitlin Schwan
Executive Director, Women's National Housing & Homelessness Network
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