

# Statement from a Coalition of Municipal and Regional Councillors On the Use of the Notwithstanding Clause to Clear Encampments

On October 31, the Mayors of 13 Ontario municipalities publicly released a letter to Premier Doug Ford regarding provincial support for action on encampments.

This letter requests that the Premier use the Notwithstanding Clause to “[intervene] on any courtcase that restricts the ability of municipalities to regulate and prohibit encampments” — even when there is nowhere else for people to go. In 2023, the Ontario Superior Court of Justice struck down a Region of Waterloo encampment By-Law. The presiding Justice Michael J. Valente found that the By-Law violated encampment residents’ Charter-protected right to life, liberty, and security of the person (Section 7) as a result of a lack of adequate shelter beds.

As individual Councillors in our respective municipalities, we know that Ontario municipalities are facing a humanitarian crisis that is affecting all of us. We see it every day in our communities. But no municipality should be above the law, and we are sworn to uphold democracy and human rights as Councillors.

We are also concerned that Councillors in the 13 municipalities named — now expanded to 15 — were not consulted prior to this letter being made public. We are elected by our constituents to represent their interests, but we cannot do this without the opportunity for input and democratic debate at the municipal level.

We also note that this letter represents a break among the 29 municipalities that comprise the Ontario Big City Mayors (OBCM) caucus. The caucus did not support the use of the notwithstanding clause in the final draft of its motion requesting support for addressing homelessness and encampments from the Premier. As well, the Association of Municipalities of Ontario (AMO) — which represents 444 municipalities — released policy recommendations advocating for evidence-based and effective solutions that address the root causes of homelessness, including investing in deeply affordable and supportive housing. They did not name the use of the notwithstanding clause.

We request that this letter be rescinded, and that our municipal Councils support evidence-based solutions to homelessness and the Charter to ensure that the democratic will of our constituents and human rights are respected.

*Signed,*

Alejandra Bravo, Councillor, Toronto, Ward 9 — Davenport

Alex Bierk, Councillor and Co-Chair of Housing and Homelessness, City of Peterborough, Town Ward

Alex Wilson, Councillor, Hamilton, Ward 13 — Dundas and Flamborough

Alysson Storey, Councillor, Chatham-Kent, Ward 6

Amber Morley, Deputy Mayor, Toronto, Ward 3 — Etobicoke-Lakeshore

Amy Courser, Councillor, City of Barrie, Ward 4

Ariel Troster, Councillor, Ottawa, Ward 14 — Somerset

Ausma Malik, Deputy Mayor, Toronto, Ward 10 — Spadina-Fort York

Brandon Tozzo, Councillor, City of Kingston, Kingscourt-Rideau

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## *Signatures (Continued)*

Caleb Ratzlaff, Councillor, St. Catharines, Ward 4 — St. Patrick's

Cameron Kroetsch, Councillor, Hamilton, Ward 2

Catherine Kiewning, Councillor, Dryden

Cathy Downer, Councillor, Guelph, Ward 5

Chantal Huinink, Councillor, Regional Municipality of Waterloo

Chris Moise, Councillor, Toronto, Ward 13 — Toronto Centre

Colleen James, Councillor, Region of Waterloo, Kitchener

Conny Glenn, Councillor, City of Kingston, Sydenham District

David Baughman, Councillor, Central Elgin, Ward 5

David J. Ferreira, Councillor, London, Ward 13

Debbie Chapman, Councillor, City of Kitchener, Ward 9

Erin Caton, Councillor, Guelph, Ward 1

Glen Gower, Councillor, Ottawa, Ward 6 — Stittsville

Gord Perks, Councillor, Toronto, Ward 4 — Parkdale-High Park

Greg Miller, Councillor, St. Catharines, Merritton

Greg Ridge, Councillor, City of Kingston, King's Town District

Hadleigh McAlister, Councillor, London, Ward 1

Haley Bateman, Councillor, Niagara Region, St. Catharines

Janet-Lynne Durnford, Councillor, Orillia, Ward 4

Jay Fallis, Councillor, Orillia, Ward 3

Jeff Leiper, Councillor, Ottawa, Ward 15 — Kitchissippi

Jennifer Shaw, Deputy Mayor, Arran-Elderslie

Joel Loughead, Councillor, Grey Highlands

John Thompson, Councillor, Town of Goderich

Kari Williams, Councillor, Region of Waterloo, Kitchener

Kathryn Desrosiers, Councillor, Aylmer

Kelly Spencer, Councillor, Tillsonburg

Kelsie Van Belleghem, Councillor, Kenora

Kieran McKenzie, Councillor, Windsor, Ward 9

Laine Johnson, Councillor, Ottawa, Ward 8 — College

Leah Noel, Deputy Mayor, Town of Goderich

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## *Signatures (Continued)*

Leanne Caron, Councillor, Guelph, Ward 5

Lindsay Koch, Councillor, Kenora

Lindsay Wilson, Deputy Mayor, Ingersoll

Liz Petrie, Councillor, Town of Goderich

Lori Lococo, City Councillor, Niagara Falls

Lukas Oakley, Councillor, County of Brant, Ward 2

Marty Carr, Councillor, Ottawa, Ward 18 — Alta Vista

Michael Bondy, Councillor, Chatham-Kent, Ward 6

Morgaine Griffin, Councillor, Central Elgin, Ward 2

Nadia Dubyk, Councillor, Grey Highlands

Nrinder Nann, Councillor, Hamilton, Ward 3

Pam Wolf, Councillor, Region of Waterloo, Cambridge

Paul Ainslie, Councillor, Toronto, Ward 24 — Scarborough-Guildwood

Phil Allt, Councillor, Guelph, Ward 3

Randy Carroll, Councillor, Town of Goderich

Reece Van Breda, Councillor, Sioux Lookout

Rhonda Jubenville, Councillor, Chatham-Kent, Ward 4

Robert Deutschmann, Councillor, Regional Municipality of Waterloo

Rory Nisan, Deputy Mayor and Regional Councillor, Region of Halton, City of Burlington

Ross Earnshaw, Councillor, City of Cambridge, Ward 4

Sam Trosow, Councillor, London, Ward 6

Sarah Good, Councillor, City of Cornwall

Scott Hamilton, Councillor, Cambridge, Ward 7

Sean O'Meara, Regional and Town Councillor, Oakville, Ward 1

Sheri Roberts, Councillor, Cambridge, Ward 5

Skylar Franke, Councillor, London, Ward 11

Stephanie Stretch, Councillor, City of Kitchener, Ward 10

Tammy Hwang, Councillor, Hamilton, Ward 4

Tara McCaulley, Councillor, St. Thomas

Trevor Bazinet, Mayor, Town of Goderich

Vincent Cinanni, Councillor, Kingston, Williamsville District