

Resolution No. COU-2024-114

Moved by Councillor Jeff Wheeldon

Seconded by Councillor Anne Butwell

Whereas Ontario is experiencing a housing crisis, with housing costs far exceeding affordable levels by any standard, including in Northumberland County; and

Whereas the prevalence of homelessness is quickly increasing beyond the capacity of local governments to create new emergency, transitional, or affordable housing; and

Whereas residents who are experiencing homelessness understandably seek shelter that meets their needs, and refuse shelter that does not meet their needs; and

Whereas it is increasingly common for such residents to seek shelter and community together, in what is commonly called “encampments”; and

Whereas the UN Special Rapporteur on the right to adequate housing has noted that “Governments may not remove residents from encampments without meaningfully engaging with them and identifying alternative places to live that are acceptable to them. Any such removal from their homes or from the land which they occupy, without the provision of appropriate forms of legal protection, is defined as a ‘forced eviction’ and is considered a gross violation of human rights. The removal of residents’ private property without their knowledge and consent is also strictly prohibited”; and

Whereas the Ontario Superior Court ruled that evicting homeless encampments violates a resident’s Charter rights unless there is an adequate alternative shelter that meets their needs, in what has become known as “the Waterloo decision”; and

Whereas it is currently common for municipalities at both the upper and lower tier levels to evict homeless encampments from public land in accordance with their own bylaws, which mostly predate the Waterloo decision; and

Whereas there is precedent in Canada for municipalities to exempt people experiencing homelessness from enforcement of loitering and encampment bylaws in respect of their Charter rights and international law;

Therefore, be it resolved that Council direct staff to perform a systematic review of bylaws and bylaw enforcement policies related to homeless individuals and encampments to determine their constitutionality, and make recommendations for changes in bylaws and policies to ensure that the Charter rights of all residents are respected in the operations and governance of the Municipality of Brighton; and

Be it further resolved that this resolution be shared to all Northumberland municipalities.

Carried