

January 24, 2025

**CL 2- 2025, January 23, 2025**

***DISTRIBUTION LIST***

***SENT ELECTRONICALLY***

**Motion Respecting Use of the Notwithstanding Clause to Remove Encampments**

Regional Council, at its meeting held on January 23, 2025, passed the following motion:

**WHEREAS** mayors from several Ontario municipalities have recently petitioned the Premier of Ontario to invoke the notwithstanding clause for the removal of encampments, where no housing or shelter space exists or any action or enforcement for such eviction or displacement thereby undermining and violating the very rights that Canada's Charter of Rights and Freedoms is in place to protect;

**WHEREAS** the application of Section 7 of the Charter to issues concerning encampments and individuals living in temporary shelters was affirmed in the decision of Justice Valente in *The Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained*, 2023 ONSC 670;

**WHEREAS** The Regional Municipality of Niagara has declared a state of emergency on homelessness, housing and mental health and addictions;

**WHEREAS** The Regional Municipality of Niagara recently endorsed a motion supporting the Big City Mayors' "Solve the Crisis Campaign", which thoughtfully outlined a path forward including the appointment of ministry and Minister who would be responsible with the appropriate funding and powers as a single point of contact to address the full spectrum of housing needs as well as mental health, addictions and wrap around supports;

**WHEREAS** individuals who remain unhoused are experiencing trauma, mental health challenges, and may be experiencing substance use disorders are among the most vulnerable members of our society, deserving of protection and support rather than further marginalization; and

**WHEREAS** the resources to remove encampments will have a significant impact on our budget and all financial resources should be directed to housing supports.

NOW THEREFORE IT BE RESOLVED:

1. That Niagara Regional Council **SUPPORTS** Section 7 of the Canadian Charter of Rights and Freedoms and upholding the values presented therein;
2. That The Regional Municipality of Niagara **AFFIRMS** that all individuals, regardless of their housing status or personal circumstances, are entitled to the full protection of their Charter rights;
3. That The Regional Municipality of Niagara **RECOGNIZES** that addressing homelessness, mental health issues, and addiction requires trauma-informed, evidence-based solutions that respect the dignity and rights of all individuals;
4. That The Regional Municipality of Niagara **CALLS** upon the provincial government to work collaboratively with municipalities, health experts, and community organizations to develop comprehensive strategies that address the root causes of homelessness, mental health challenges, and addiction, while upholding the Charter rights of all citizens; and
5. That The Regional Municipality of Niagara **COMMITTS** to advocating for increased funding and support for affordable housing, mental health services, and addiction treatment programs as more effective and humane alternatives to encampment evictions and that this motion be shared with all local area municipalities, Ontario Big City Mayors, local MPP's and the Honourable Doug Ford. Attorney General, Doug Downey, the Minister of Children, Community and Social Services, Michael Parsa, the Finance Minister, Peter Bethlenfalvy and the Minister of Health, Sylvia Jones.

Yours truly,



Ann-Marie Norio  
Regional Clerk

:kl

CLK-C 2025-002

Distribution List:

Premier of Ontario  
Minister of the Attorney General  
Minister of Children, Community and Social Services  
Minister of Finance  
Minister of Health  
Local Members of Provincial Parliament  
Ontario Big City Mayors  
Local Area Municipalities