

# ***THIS TENT IS A HOME, AND IS PROTECTED BY THE CHARTER OF RIGHTS AND FREEDOMS***



On January 27, 2023, at The Regional Municipality of Waterloo, in the ONTARIO SUPERIOR COURT OF JUSTICE, as found in court file #CV-22-717, Justice M.J. Valente J. ruled as follows:

[154] For all of the above reasons:

[155] I decline to declare that the homeless individuals living in the Encampment on the Property are in breach of the By-Law.

[156] I dismiss the Region's requested injunctive relief pursuant to section 440 of the Municipal Act. 2023 ONSC 670 (CanLII)

[157] I declare pursuant to section 52(1) of the Constitution Act, 1982, that the By-Law violates section 7 of the Charter in that it deprives the homeless residents of the Encampment of life, liberty and security of the person in a manner not in accordance with the principles of fundamental justice and is not saved by section 1 of the Charter.

[158] I declare that the By-Law is inoperative insofar, and only insofar, as it applies to prevent the residents of the Encampment from living on and erecting temporary shelters without a permit on the Property when the number of homeless persons exceeds the number of available accessible shelter beds in the Region.

[159] Finally, I order that the Region may apply to terminate my declaration upon it being in a position to satisfy this Court that the By-Law no longer violates the section 7 rights of the Encampment residents.