

STATEMENT

HOMELESS ENCAMPMENTS + THE CITY OF TORONTO'S TRESPASS NOTICES AND PENDING ENFORCEMENT

The Shift is concerned as tensions mount in the City of Toronto. A new round of trespass notices were issued on 12 June 2021 to four homeless encampments, affecting an estimated 400 residents. The issuing of these notices comes on the heels of the City's attempted clearing of Lamport Stadium where a standoff ensued, and two advocates defending against the action were arrested. The notices did not stipulate a date of enforcement and have exacerbated fear and anxiety for encampment residents. Advocates and community members are mobilizing to defend residents from the City's intentions to displace them from the parks.

The issue of encampments is a flashpoint: city officials and advocates seem prepared for further escalation, with deep divisions forming that may be difficult to overcome and mend. These divisions have also emerged at Toronto City Council, with a series of encampment related motions and countermotions having been tabled. Motions calling for a meaningful engagement process with residents and the provision of basic services failed to pass, while those calling for a 'zero-encampment policy' succeeded.

This rise in tension, the breakdown in constructive communication between the different stakeholders and the potential escalation of behaviour could very well erupt into violence, as witnessed in the Lamport Stadium clearing. Tensions of this sort make life even harder for those who have the most to lose: encampment residents.

With a city divided, it is imperative to look for common ground. All parties agree that no one should live on a long-term basis in a park, putting in peril their human dignity, safety, and security. Ensuring access to adequate, secure, affordable housing for this population must therefore be an end goal.

Homelessness is a violation of the human right to housing. Forcibly removing people from their homes is also a violation of the right to housing under international law. The right to housing was recognized by the City of Toronto on 10 December 2019 in its HousingTO Plan and was recognized by the Federal Government in the National Housing Strategy Act of 21 June 2019.

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This means that the City of Toronto – like all governments in Canada – has an obligation to urgently address encampments in a human rights compliant manner and to ensure that all those living in encampments are recognized as rights holders, on a path to secure, permanent housing. The right to housing is subject to progressive realization. This means the City must take continual steps using all means and resources available toward reaching the end goal as quickly as possible: securing adequate, affordable secure housing for those living in homelessness. They must take urgent measures to ensure access to basic necessities for survival, and access to adequate temporary accommodation. The City’s plans, decisions and actions in this regard must only be taken if done through meaningful consultation with encampment residents, so that they might influence the outcome.

Through a recognition of a common understanding that no one should live in parks, and by employing a human rights framework, the escalating tensions in Toronto may be quelled and meaning will be brought into the City’s commitment to the right to housing.

To do so, all parties must firstly recognize that human rights are only realizable from a place of dialogue and engagement, and never through violence.

De-escalating the current standoff and prioritizing the human rights of encampment residents will require the following:

- i. Acknowledgement from all parties that living in encampments is not a long-term, viable solution. To live in homelessness and in an encampment is to experience a human rights violation, which the City has an obligation to remedy in a manner that is compliant with international human rights law.
- ii. City recognition that homelessness and encampments must be addressed as a priority, with meaningful engagement and participation of residents of encampments.

In this regard, an urgent good-faith consultation process must be carried out directly with residents of encampments with the following conditions agreed upon:

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- The consultations will be chaired by an agreed upon facilitator;
- No encampments will be cleared whilst consultations are ongoing, but city staff may continue to work with residents to find suitable accommodations and resolve empty structures;
- Upon engaging in consultations, there is no pre-determined outcome by any party;
- Residents of encampments are equal participants in all discussions;
- Residents may invite individuals to support them, or where needed, may appoint a representative to attend;
- The City and the residents may each elect 2 third-party observers to attend the consultations;
- City Councilors of the wards with encampments represented at the consultations may also be observers;
- All discussions are aimed at: (i) ensuring residents have adequate and dignified emergency accommodation in the short term; and (ii) the development of an agreed upon, reasonable, human rights compliant housing plan for the medium and long-term. Residents must be genuinely engaged in the development of these short and long-term plans so that they can help shape their outcomes.

iii. Public understanding that interim measures may be required as the City works to secure permanent, supportive housing for those living in encampments.

iv. Every effort should be made by the City to ensure that individuals in a situation of homelessness residing in parks can do so in an orderly and safe manner (through the provision of necessary services such as generators and storage bins, etc), while also ensuring access to green spaces and park amenities for local residents.

Should the City decide to proceed with the clearing of encampments contrary to its human rights obligations, The Shift proposes the establishment of a small team of observers to attend these removals and to document proceedings. Subsequently, the observers will write a report outlining the actions taken by all actors, the human rights impact of these clearings, and recommendations. Their findings shall be presented to Toronto City Council.

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