

Pilon, Janet

Subject: Opposition to homeless advocate registry

From: Joshua Weresch

Sent: May 27, 2023 12:32 PM

To: Ward 1 Office <ward1@hamilton.ca>; Ward 2 <ward2@hamilton.ca>; Office of Ward 3 City Councillor Nrinder Nann <ward3@hamilton.ca>; Ward 4 <ward4@hamilton.ca>; Ward 8 Office <ward8@hamilton.ca>; Ward 12 Office <ward12@hamilton.ca>; Ward 13 <ward13@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Beattie, Jeff <Jeff.Beattie@hamilton.ca>; Tadeson, Mark <Mark.Tadeson@hamilton.ca>; Spadafora, Mike <Mike.Spadafora@hamilton.ca>; McMeekin, Ted <Ted.McMeekin@hamilton.ca>

Cc: clerk@hamilton.ca; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; info@hesn.ca

Subject: Re: Opposition to homeless advocate registry

To the councillors and mayor of Hamilton, Ontario's council:

Hope this finds you well.

I write to follow the line of my earlier letter to Council, dated 26 May 2023, to implore you to direct municipal law enforcement to cease issuing trespass notices to unhoused and encamped residents. This fact was reported in the Hamilton Spectator's article by Teviah Moro, "Bylaw issue trespass notices to people encamped behind Hamilton city hall" (26 May 2023 [<https://www.thespec.com/news/hamilton-region/2023/05/26/bylaw-issue-trespass-notices-to-people-encamped-behind-hamilton-city-hall.html>]; accessed 27 May 2023). In early May, as reported, by-law officers issued voluntary compliance notices to unhoused residents in encampments, an act also opposed by many residents in this city.

Now the city has increased its unjust actions and issued trespass notices. These trespass notices do nothing to address the violence, health, and safety concerns present at these encampments. Violence, health, and safety issues will not be addressed by trespass notices moving peoples in a mass to another location in the city that is equally shorn of compassion, safety, and dignity. Too, it is to be asked whether unhoused and encamped peoples are, truly, trespassing as the principle of 'colour of right' enshrined in s. 2(2) of the provincial Trespass to Property Act sets aside the idea that any trespass occurred; to be sure, unhoused people in encampments have a more than reasonable belief that they have an interest in the land that entitle them to do the complained-of act (though title obviously belongs to the sovereign Indigenous nations, not to the Crown), especially given the over-flowing shelters and the lack of public housing and the precedent in law that the provincial divisional courts have ruled that evictions cannot occur without shelter or housing available.

Only safe, dignified, public housing can begin to do that good work of healing violence, mending health, and ensuring safety and that housing can only be gained by the mass expropriation of all available housing in the city, empty and waiting for purchasers, newly-built condominiums and other places suited for humane dwelling-places. A 6-storey condominium, for example, is being built at the corner of Inverness Avenue and Upper Wellington Street, courtesy of LiUNA's unionized workers and Fengate Management, which purchases property for LiUNA's pension fund; such newly-built condos should be expropriated when finished as emergency public housing, especially as it's on the corner of 3 converging public-transit routes down the Jolley Cut to John Street South.

Again, please act to end all encampment evictions, voluntary compliance and, now, trespass notices, and provide by way of mass expropriation safe, dignified, and public housing for those most in need. Thank you for your time and attention in these regards; I look forward to your humane actions as a council of this city.

Regards,

Joshua Weresch, OCT, M.Div.