

Subject: Motion Encouraging the Use of the Notwithstanding Clause by the Province of Ontario

13 November 2024

Dear Mayor Horwath and Hamilton City Councillors

I write to you in this open letter regarding our urgent and dire concern about the motion being put forward today by Councillor Matt Francis to "formally request that the Province consider any tools available to the Province that would not permit encampments in parks and public spaces, including but not limited to the use of *the Notwithstanding Clause*".

Put bluntly, every use of the Notwithstanding clause to override the Charter rights and freedoms of the most marginalized peoples in our society is a direct and immediate threat against the wellbeing and safety of all of us. We know that Premier Doug Ford is winding this situation up—alongside others like Mayors Jan Liggett, Patrick Brown, and Cam Guthrie—to fundamentally attack unhoused people, drug users, and disabled Ontarians. The question before you then is simple: what do you value more—the rights of all Ontarians and Hamiltonians or the comfort of business owners, home owners, and NIMBYs.

This reactionary motion is part of a wider campaign against the rights and safety of those already targeted and isolated by society—that much is clear. But also, in supporting the use of this Constitutional sledgehammer, you also would be limiting your own ability as a municipality to effect change and give over all power to Doug Ford. At what point does this precedent not also threaten the ability of cities like Hamilton to govern themselves effectively and not become rubber stamps for Provincial mandates? I would hope you value the rights of Hamiltonians and your ability to represent them more than appeasing the Premier.

To solve the interlocking crises of our current moment, we need vision, clarity, and a commitment to building up our social system—from accessible housing to social assistance and everything in between. This motion, instead, cedes possibility to those who would engage in far-right policy and action. This motion, instead, gives energy to those who would attack unhoused folks, drug users, migrants, and disabled folks. We cannot be idle in the face of possible repression and blatant action which will create harm against so many if Doug Ford is able to proceed.

Disability Justice Network of Ontario is a Disability organization founded in Hamilton and led by Disabled People focused on building a world where Disabled people are free to be. Our work intersects around issues of education, incarceration, and care throughout various systems in Ontario. We also know that the vast majority of unhoused folks in this Province are themselves Disabled and are a part of our community that is consistently failed by all levels of government.

This motion is counter to everything we stand for and we hope Council firmly rejects it. There can be no freedom for any Disabled people to be where the Notwithstanding Clause is used to threaten us and our communities.

Respectfully,



Brad Evoy,
Executive Director, Disability Justice Network of Ontario