

CITY OF HAMILTON

MOTION

General Issues Committee: Wednesday, January 15, 2025

MOVED BY COUNCILLOR M. SPADAFORA

SECONDED BY COUNCILLOR T. JACKSON.....

Rescinding of City of Hamilton Encampment Protocol

WHEREAS, Justice James Ramsay, Ontario Superior Court Judge, issued a ruling on December 23, 2024 dismissing the claim of fourteen applicants that the City of Hamilton’s bylaw preventing encampments in City parks was a violation of the applicants’ Canadian Charter of Human Rights and Freedoms;

WHEREAS, in his ruling, Justice Ramsay wrote:

“I was reminded by counsel for the applicant that while the legislature represents the will of the people, the court holds the moral compass that is often the only protection for the most vulnerable. I observe that the most vulnerable includes not only the homeless but also the elderly person and the child who want to use a sidewalk or a city park without tiptoeing through used needles and human feces.”

“The life, liberty, and security of the applicants are not put at risk by enforcement of the by-law. They are put at risk by homelessness. Encampments contribute to this risk. They are lawless, dangerous, and unsanitary.”

“Encampments are a symptom, not a solution. The City is trying to find a solution to homelessness in consultation with numerous others. It has attempted to address the problem with the old protocol, the encampment process and the new protocol. It has limited resources and a duty to its housed constituency. I think I am well advised to leave them to it without interference. Micro-management by judges will not be productive.”

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton Encampment Protocol be rescinded;
- (b) That Housing Services staff be directed to work with local social agencies to find shelter space for those living in encampments;

- (c) That Municipal Law Enforcement (MLE) and Parks staff be directed to dismantle all encampments as well as clean and restore parks to the inviting, safe, and green recreational spaces they once were, to be enjoyed by City of Hamilton taxpayers and their families;
- (d) That the General Managers of Healthy and Safe Communities, Planning & Economic Development, and Public Works, report back at the February 5, 2025 GIC meeting with the necessary resources and staffing needed to transition from the current Encampment Protocol to the City of Hamilton Parks Bylaw.