



## **Key Facts - Coalition for Justice and Human Rights Ltd. v City of Edmonton**

### **RE: COALITION FOR JUSTICE AND HUMAN RIGHTS' INJUNCTION APPLICATION AGAINST THE CITY WILL BE HEARD ON JANUARY 11, 2024**

**Thursday November 2, 2023**

#### Update:

The Coalition for Justice and Human Rights' (the "Coalition") application for a temporary injunction stopping or restricting the City of Edmonton's encampment displacement policy has been scheduled for **January 11, 2024**.

The City of Edmonton has filed preliminary applications in response to the Coalition's lawsuit, which will be heard on **January 10, 2024**.

The City is applying to:

1. Challenge the Coalition's public interest standing to bring this lawsuit on behalf of Edmontonians who live in encampments. The City argues that either a directly impacted individual should be bringing the lawsuit, or an organization with more resources. Unhoused people who are being displaced are poorly situated to litigate this issue, because they are busy trying to survive. No wealthier organization has stepped forward to advance this litigation. We are disappointed that the City is attempting to raise this procedural roadblock. If the City is successful, they will have shielded the legality of their encampment displacement policy from court review;
2. Strike the affidavits of Edmontonians with lived experience of encampment displacements who have not been questioned because they reside in encampments that the City and EPS frequently displace and co-counsel for the Coalition has been unable to find them again;
3. Strike portions of the Coalition's Statement of Claim; and
4. Strike the affidavits of two of the Coalition's five experts:
  - Dr. Kaitlin Schwan, Assistant Professor in the Faculty of Social Work at the U of T, Senior Researcher at the Canadian Observatory on Homelessness, and Executive Director of the Women's National Housing & Homelessness Network.
  - Dr. Andrea Sereda, a physician at the London InterCommunity Health Centre in London, Ontario.

The Chief of Police for the Edmonton Police Service was granted limited intervenor status in the Coalition's injunction application by consent of all parties.

#### Questioning of Unhoused Witnesses:

On September 27 and 28, 2023, the City of Edmonton questioned five of the Coalition's ten unhoused witnesses on their affidavit evidence. Additional questioning of unhoused witnesses was scheduled for October 13, 2023, but counsel for the Coalition could not locate any witnesses that day. The witnesses do not have consistent access to



phones or wi-fi and they live in encampments, which the City and EPS frequently displace. These realities make it difficult to maintain contact with the witnesses.

Questioning is typically conducted in a law office or other formal environment, and can be a stressful and confrontational situation. To make the experience more comfortable and accessible for the unhoused witnesses, co-counsel for the Coalition, Avnish Nanda and Chris Wiebe, attended at the witnesses' encampments and at a community service provider with a laptop to allow counsel for the City to question them virtually.

Despite these questionings being scheduled in advance by counsel for the City, the City and/or EPS displaced encampments from City-owned land along 96 Street on September 28 and October 13. These displacements may have disrupted the Coalition's attempts to locate some unhoused witnesses for questioning, and occurred after counsel for the Coalition requested that no displacements occur on dates when questioning was scheduled. Despite this disruption caused by the City and/or EPS' actions, the City is applying to strike the affidavits of the remaining five unhoused witnesses who have not been located again.

The City has also questioned four of the Coalition's five expert witnesses.

#### Coalition Affidavit Evidence:

For the first time, the Coalition is publicly releasing eight of the affidavits filed in support of its injunction application: three of the ten affidavits from witnesses with lived experiences of encampment displacements, four of the five affidavits from expert witnesses, and one affidavit with relevant, public records. These affidavits are available at [nandalaw.ca/encampments](http://nandalaw.ca/encampments).

Here's what some of the Coalition's witnesses have to say:

Affidavit of Lisa Wemp, affirmed July 13, 2023:

- "Before I began staying outside, I spent some time staying in shelters in Edmonton, including at Hope Mission and E4C Women's Emergency Accommodation Shelter ("WEAC"). I no longer stay at shelters, because at shelters I have nowhere to store my property, I cannot stay with my boyfriend, and I fear I will get lice or bed bugs." (para 7).
- "When the City of Edmonton and/or Edmonton Police Service have displaced my encampments, they make us throw away some of our personal property. In the past, they have disposed of my propane tents and blankets.

Sometimes, before the City of Edmonton and/or Edmonton Police Service displace my encampment, they give no notice before the displacement. When that happens, I am unable to pack up and take with me all my personal belongings. My belongings that I have been unable to pack and carry because I received insufficient notice, the City of Edmonton has disposed of and I have never recovered." (paras 4 - 5)

- "Every time I have seen the City of Edmonton displace encampments, they take any propane tanks they find." (para 11)

Affidavit of Raymond Neal Shirt-Yellowbird, affirmed July 13, 2023:

- “I have stayed at Hope Mission a couple times when it was -40 degrees Celsius. I did not like staying at Hope Mission because of bed bugs and I had my phone stolen.” (para 10)
- “For about the past month, I have had a tee pee. I have been displaced four times since I’ve had my tee pee. Every time I have lost property. Since I became homeless, I have lost my dog kennel, a bike, a tent, my I.D. and other property to encampment displacements.

I have seen three or four people leave their encampment to get breakfast only to have the City of Edmonton and/or Edmonton Police Service take their stuff while they’re getting breakfast.

Losing property to encampment displacements causes psychological injury, including depression and trauma.” (para 5 - 7)

Affidavit of Joshua Bell, affirmed July 13, 2023:

- “I have been unhoused since about February 6, 2022. At first, I stayed at the Hope Mission shelter for...about two months. I stopped staying at Hope Mission partially because I had some personal belongings stolen when I stayed there.

After I stopped staying at Hope Mission, I started staying outside in encampments. I have stayed in encampments for over one year.

I have been displaced four times in the last three weeks.” (paras 1 - 2a)

Affidavit of Dr. Damian Collins, affirmed August 29, 2023:

- “Given the number of people experiencing *unsheltered homelessness* in Edmonton (672 in August 2023), and the absence of any excess capacity in the Edmonton shelter system (which is operating at or above its capacity of 793 beds in August 2023), it is clear that shelters have very limited potential to accommodate people displaced from camps.” (para 49, emphasis in the original)
- “Even if more beds were available in the shelter system, increasing its capacity, they may not be ‘practically available’ and fail to meet the needs of Edmonton’s unsheltered population for the reasons set out above.” (para 51, footnote omitted)
- “Camp closures and the resulting displacement may be harmful and even traumatic for campers, as they involve the loss of the various benefits that can accrue from camping, including a sense of (relative) security, privacy and autonomy - and potentially community, in the case of group encampments.

Where campers do not enter the shelter system or a form of housing - whether due to choice or lack of system capacity - they are highly likely to establish another encampment. This can lead to a cycle of enforcement and displacement, involving frequent moves that involve dismantling shelters and moving belongings, before setting up again. This can exacerbate feelings of hopelessness, stress and alienation.

Decampment often involves the loss of personal belongings, which may be variously left behind, seized by city officials, or disposed of as garbage or debris. These possessions can include supplies that are

essential for surviving outdoors, including tents, tarpaulins, warm clothing, and sleeping bags.” (paras 53 – 55, footnotes omitted)

Affidavit of Dr. Sandy Dong, affirmed September 15, 2023:

- “Based on my personal experience and expertise and the affidavits and other information I have reviewed, I believe it is likely the City of Edmonton’s encampment displacement policy causes increased risk of injury and death from exposure to cold among unsheltered Edmontonians when there is inadequate, accessible shelter and housing available in Edmonton.” (para 12)
- “...I believe that the City of Edmonton’s encampment displacement policy, if continued, would contribute to less than 24.4% but greater than 0% of additional deaths among unsheltered Edmontonians living in encampments who use drugs over a 10-year period.” (para 14)

Affidavit of Dr. Yale Belanger, affirmed September 21, 2023:

- “Contemporary Indigenous homelessness is directly [linked] to government institutions such as the reserve system and the *Indian Act*, which officials continue to deploy to help constrain individual and group rights, prohibit ceremonies, and promote urbanization...

In response, Indigenous people create ‘new and distinct communities while concomitantly creating new cultural norms, adapting, as we have always done, to the material circumstances around us.’

The difficult task of community building remains aggravated by being unwelcome in one’s own lands.

[...]

Encampments in this context, notably, still pose a threat to the settler psyche, for they offer Indigenous homeless individuals permanency through community building efforts, within traditional lands Edmonton is sited on.” (at paras 187 – 189 and 191, emphasis added)

#### Next Steps:

- The City and the Chief of Police of the Edmonton Police Service have until end of day November 10, 2023 to file and serve their evidence.
- The Coalition has agreed to an extension of the deadline for the City’s Statement of Defence until after the Coalition’s injunction application is heard on January 11, 2024.

#### Other Updates:

[Recent reporting by Le Devoir](#) has shown that the frequency with which the City of Edmonton displaced encampments in 2022 and 2023 so far was greater than Toronto, Montreal, Calgary, and Ottawa.

[The City says](#) there will soon be 1,727 emergency shelter beds available in Edmonton, but Jim Gurnett, spokesperson for the Edmonton Coalition on Housing and Homelessness, [told Lauren Boothby of the Edmonton Journal](#) that, “what’s being offered is not nearly adequate for what lies ahead.”

[According to Homeward Trust Edmonton](#), as of October 30, 2023:



- 3,206 Edmontonians were unhoused, including 723 unsheltered Edmontonians
- There were 777 available emergency shelter beds, but 866 people used emergency shelters.

The Coalition is [collecting donations](#) to help pay for its legal action.

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