
City Council

Notice of Motion

MM36.25	ACTION			Ward: All
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Judicial Inquiry into Encampment Clearings - by Councillor Josh Matlow, seconded by Councillor Mike Layton

** Notice of this Motion has been given.*
** This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Josh Matlow, seconded by Councillor Mike Layton, recommends that:

1. City Council request the City Clerk to request a judge of the Superior Court of Ontario to hold a public inquiry into the City of Toronto’s engagement with the Toronto Police Service, and its role in the encampment clearings of the summer of 2021, including but not limited to:
 - a. the process by which the Toronto Police Service was engaged in the clearings;
 - b. the use of force and violence against unhoused people and their advocates;
 - c. the decision to ban and arrest journalists from covering the encampment clearings;
 - d. the Toronto Police Service’s continued pursuit of advocates and unhoused residents in connection to this summer’s encampment evictions; and
 - e. recommendations to ensure a human rights approach is prioritized when engaging with encampment residents and other unhoused people to ensure violent interactions with vulnerable people and their advocates do not reoccur.

Summary

Many Toronto residents were shocked and concerned by the actions taken during the encampment clearings in parks this summer across the City. The videos and images that circulated in the media showed a use of force that is unprecedented and unacceptable. There is a critical need to examine what happened during those encampment clearings, and the impact on vulnerable Torontonians and housing advocates.

A tent in a park is not the solution to providing permanent, safe, affordable housing. However, forcibly and violently removing encampment residents is not a human rights approach to

housing. This approach traumatized many already vulnerable unhoused residents and pushed many who did not want to accept shelter spaces out of one park and into another park, underneath a bridge, or onto a sidewalk or laneway.

As Councillors, we have a duty to ensure that never again are vulnerable people subjected to violence for simply not having a home. While the Ombudsman is investigating the City's role in the clearings, the Toronto Police Service is not within this accountability officer's purview.

The role of the police deserves a thorough investigation that can only be achieved through an external party. That's why this Motion recommends that Council request a Judicial Inquiry into this matter Section 215(1)(b) of the City of Toronto Act, 2006, which provides allowance for a municipality to request a judge of the Superior Court to "inquire into any matter connected with the good government of the City".

In Volume 3 of the Toronto Computer Leasing Inquiry Report, Justice Bellamy cites previous case law on the utility of Judicial Inquiries:

"[Section 274(1) of the Municipal Act] reflects a recognition through the decades that good government depends in part on the availability of good information. A municipality, like senior levels of government, needs from time to time to get to the bottom of matters and events within its bailiwick. The power to authorize a judicial inquiry is an important safeguard of the public interest...."

Other Ontario municipalities have ordered judicial inquiries into hosting a gala (Mississauga), the sale of a 50 percent stake in a power distribution company (Collingwood), and a land swap (Sarnia).

As the governing body of this City, we have a responsibility to provide Torontonians with answers to lingering questions stemming from the Toronto Police Service's role in encampment clearings, including; what process was followed in the request of the Toronto Police Service's presence at the clearings? Why was force and violence used against unhoused people and their advocates? Why were journalists barred from covering the encampment clearing and in two cases, arrested? Most importantly, what protocols can be implemented to ensure better outcomes in the future?

In her Report, Justice Bellamy also reflects on her hopes for the broad power of an inquiry to "...engage the citizens of Toronto in a discourse about their municipal government and the kind of city in which they wish to live." In the midst of a housing crisis that is only predicted to worsen, there are few topics more worthy of a civic conversation than how we law enforcement interacts with unhoused Torontonians.

Background Information (City Council)

Member Motion MM36.25