



Ombudsman  
Toronto

March 24, 2023

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# Ombudsman Toronto Investigation Report

Investigation into  
the City's Clearing of  
Encampments in 2021

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# Land Acknowledgment

Ombudsman Toronto acknowledges that we are on the traditional territory of many nations, including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples, and that this land is now home to many diverse First Nations, Inuit, and Métis peoples. We also acknowledge that Toronto is covered by Treaty 13 signed with the Mississaugas of the Credit, and the Williams Treaties signed with multiple Mississaugas and Chippewa bands.

We are here because this land has been colonized, and we recognize the ongoing harm done to Indigenous communities by this colonial system, including the effects of broken treaty covenants. At Ombudsman Toronto, we know we have a responsibility to uphold and ensure fairness in the city's local government. We understand that this must be done with a respectful and culturally responsive approach, and we commit to ongoing learning, engagement, and relationship-building in order to do so.

## **Ombudsman**

Kwame Addo

## **Deputy Ombudsman**

Ciarán Buggle

**Ombudsman's Note:** This investigation involved an immense number of complaints and required extraordinary efforts by staff in all parts of our office. From the Investigations Team who did the systemic work and reviewed all evidence (led by the Lead Investigator, Firas Ayoub, and former Investigator, Laura Spaner), to the dedicated team of Complaints Analysts who received and handled complaints, to the Investigations Counsel, as well as research, communications, and operations staff, it was a joint effort. The entire office made this report possible.



Ombudsman  
Toronto

*Listening. Investigating. Improving City Services.*

# OMBUDSMAN TORONTO INVESTIGATION REPORT

## INVESTIGATION INTO THE CITY'S CLEARING OF ENCAMPMENTS IN 2021

March 24, 2023



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# EXECUTIVE SUMMARY

## Overview of Encampments in the City of Toronto in 2021

Toronto is experiencing a sharp increase in homelessness and housing precarity; more and more people are struggling to live with dignity and security. These issues are directly connected to the shortage of affordable housing.

The COVID-19 pandemic only heightened the issue. Since the start of the pandemic in March 2020, there has been a significant increase in the number, size, and visibility of encampments in Toronto. It is unrealistic to think they are going away soon.

The City is responsible for treating its residents fairly, and has a particularly high duty of care towards its most vulnerable, including people experiencing homelessness. It is against this backdrop that my office initiated an investigation into the clearing of three encampments in the summer of 2021 in Trinity Bellwoods, Alexandra, and Lamport Stadium Parks.

Our investigation focused on how the City's planned the encampment clearings, engaged stakeholders, and communicated with the public, as well as looking at the policies and procedures that guided its actions.

On July 14, 2022, I released an Interim Report in which we found issues with key City policies and processes that are fundamental to the City's work in encampments. This report builds on those findings and recommendations, and completes our investigation.

## What We Did

Through interviews and document analysis, we conducted an extensive review of evidence gathered from the City and the public. We conducted 50 interviews over the course of approximately 100 hours, including 37 interviews with City staff from 10 divisions and 13 interviews with community workers who assist individuals experiencing housing precarity and homelessness. We spoke to 43 people with lived experience of encampments and being homeless, and received 54 complaints and submissions from members of the public. During the course of our investigation, we also reviewed over 11,000 documents from the City, including more than 4,600 staff emails.



## **What We Found**

The City owes a particularly high duty of fairness to those living in encampments. Our investigation found that the City chose expediency over the needs of the individual: its focus on enforcement meant that it discounted the experiences of and impact on individuals in encampments. As a result, the City caused undue confusion and harm.

The overall result was significant unfairness in how the City planned, engaged stakeholders, and communicated about the encampment clearings. The City showed a lack of commitment to honouring its pledge to a human rights approach and to serving this vulnerable population with the dignity and respect they deserve.

## **How the City Planned the Encampment Clearings**

Planning for the clearing of encampments began after senior City leadership decided that people living in encampments were not being removed from those spaces quickly enough. City leadership decided to clear the encampments based on what they said were public safety reasons. In an effort to facilitate an interdivisional response, the City chose the Office of Emergency Management (OEM) to coordinate the clearings. However, OEM had no prior experience in encampments or encampment clearing encampments, and, by its own admission, is not an expert in shelter and housing. There was also no evidence to suggest that encampments were in fact an emergency requiring such an urgent level of response.

The Deputy City Manager noted that the development of the City's encampment response was an interdivisional effort and that all divisions had to sign off on their roles. However, City staff told us that once OEM became involved, it stopped sharing information between divisions and no longer asked other staff for their input. For example, while the operational plans focused on articulating steps to be followed on the day of the clearings, there was no mention of the duty to support the mental health needs of those living in encampments. During our investigation, we heard of the adverse impact the clearings had on the mental health of those individuals living in the encampments.

## **How the City Engaged Stakeholders**

We found that the City does not have a clear definition of engagement, including for staff working with people experiencing housing precarity and homelessness. While the City is aware of the importance of meaningful engagement, the actions of City staff are bound to be inconsistent without a clear definition and viable objectives.





It was also clear from many of our interviews that the relationship has broken down between the City and community groups who provide support to people living in encampments. This is in part because some community groups are diametrically opposed to the City's views on encampments. However, the City must also bear its responsibility for the erosion of this relationship, and for failing to engage meaningfully and transparently during the consultation, planning, and execution of the encampment clearings.

## **How the City Communicated with the Public**

We found that there was little publicly available information about the City's encampment clearing process. Furthermore, the ways in which the City communicated to the public, and especially to people living in encampments, was not accessible and showed a significant lack of understanding about their reality.

When the City communicated with the public about its response to encampments, we found it to be unclear, confusing, and lacking in transparency. For example, the City had no consistent and dedicated onsite resource during the clearings for people in encampments to speak with, even though the City knew they had questions. It is notable that many of these questions went unanswered.

The City often provided important updates through news releases—including when it decided not to enforce a clearing date—even though it is doubtful that people living in the encampments were receiving those news releases. We also found that the City has no dedicated process for handling complaints from the public about encampments, raising concerns about transparency and accountability.

## **Dufferin Grove Park: A Different Approach**

Following the clearings at Trinity Bellwoods, Alexandra, and Lamport Stadium Parks in June and July 2021, the City took a different approach in response to the Dufferin Grove encampment. It provided residents with comprehensive and innovative supports, including mental health and social services. While the Dufferin Grove approach has not been made permanent, the feedback from the City and the residents living in the encampment has been encouraging.

Led by SSHA, many of the elements that should have been included in the City's planning of the Trinity Bellwoods, Alexandra, and Lamport Stadium Parks clearings were incorporated into the Dufferin Grove initiative, including the provision of mental and physical health supports,



meaningful engagement, building trusting relationships, and providing opportunities for feedback.

The approach at Dufferin Grove addresses many of the fairness issues we found with the City's approach to the clearings in Trinity Bellwoods, Alexandra, and Lamport Stadium Parks, and learnings from this approach should be adopted as a best practice moving forward.

## Recommendations We Made

Clearing encampments is disruptive and traumatizing to the people living in them. How the City plans, engages with, and communicates to people in Toronto—especially those living in encampments—must be consistent, transparent, and done with empathy, care, and respect.

Addressing encampments, and supporting those living in them, is complex and challenging. I acknowledge these challenges and the efforts of many City staff who care for individuals who are experiencing homelessness.

In addition to the eight recommendations made in our interim report, I have made an additional 23 recommendations in this final report. While my recommendations will not solve the problem of encampments, it is my hope that they will increase the fairness, transparency, and accountability of the City's processes and decision-making.

These recommendations address specific issues in how the City planned, engaged, and communicated about the encampment clearings, including recommending that the City should:

- Ensure that the City division or group tasked with clearing encampments is properly resourced, has the required social services expertise needed to properly support people living in encampments, and works collaboratively with divisional partners.
- Ensure that, if it decides it is necessary to clear an encampment, it prioritizes the needs of those living in the encampment, including providing vital social services to help with the transition.
- Create a detailed plan outlining how the City will support access to physical and mental health services for those living in encampments.
- Create a strategy for engaging with people living in encampments, including specific strategies for Indigenous communities, as well as Black, racialized, and equity-deserving groups. These strategies should include a clear definition of engagement. They should also seek and incorporate feedback from people living in encampments.



- Proactively work to repair its relationships with community workers for the benefit of those living in encampments.
- Provide the public with clear information about its response to encampments, including, but not limited to, the clearing process, the roles of City staff involved, how much notice will be provided, and the supports and services available to those living in encampments. If the City changes its mind about a clearing's compliance date, it should share that information with the people living in the encampment before the date listed on the Trespass Notice. If the City still plans to clear the encampment, it should inform those living in the encampment of the new date as soon as possible.
- Communicate with encampment residents in clear, accessible, and plain language, and provide a dedicated resource for those living in encampments to ask questions or raise concerns with the City.
- Use multiple communications channels and methods to ensure people living in encampments are informed in a timely way.
- Finalize its review of the Dufferin Grove Park initiative and make it public as soon as possible, in order to make the initiative permanent.

## **The City's Response and Follow Up**

In response to our report, the City administration says that it supports and accepts our recommendations and will undertake to implement all of them. The City will update our office on the status of its implementation of our recommendations by June 30, 2023 and then quarterly thereafter. Ombudsman Toronto will follow up until we are satisfied that the City has implemented our recommendations.



## INTRODUCTION

1. Toronto is experiencing sharp increases in homelessness and housing precarity in which more and more people are struggling to live with dignity and security. The origins of the current housing crisis can be traced back to the reduction of federal involvement and investment in the 1990s, which was exasperated by the downloading of social housing by provincial governments to the municipal level.<sup>1</sup>
2. These issues are directly connected to the shortage of affordable housing in Toronto. According to the City's 2021 Street Needs Assessment, “access to safe, supportive and affordable housing” is a key solution to homelessness, particularly given the impact of the COVID-19 pandemic.<sup>2</sup>
3. The Canada Mortgage and Housing Corporation defines housing as affordable when a household spends less than 30% of its gross income on housing.<sup>3</sup> According to the 2021 Toronto’s Vital Signs Report, Toronto “now has one of the most unaffordable housing markets in the entire world.”<sup>4</sup>
4. It is unrealistic to expect the City of Toronto to solve the housing crisis, and by extension homelessness, on its own. It is readily acknowledged that the housing system is complex with numerous moving parts at all levels of government. The issue of encampments is not going away. It will remain an ongoing concern.
5. Real solutions will require all levels of government—federal, provincial, and municipal—to commit to funding and working together to address this crisis.
6. The City, however, remains responsible for treating its residents fairly, and has a particularly high duty of fairness towards its most vulnerable, including people experiencing housing precarity and homelessness.

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<sup>1</sup> Suttor, Greg. *Still Renovating; A History of Canadian Social Housing Policy*. Kingston. 2016

<sup>2</sup> City of Toronto, *Street Needs Assessment 2021 Results Report*. 2021. <https://www.toronto.ca/legdocs/mmis/2021/ec/bgrd/backgroundfile-171729.pdf>. Accessed February 13, 2023.

<sup>3</sup> City of Toronto, *Housing + Homelessness Service Glossary*. 2019. <https://www.toronto.ca/wp-content/uploads/2019/10/9522-housing-homelessness-services-glossary.pdf>. Accessed February 13, 2023.

<sup>4</sup> Toronto Foundation, *Toronto’s Vital Signs 2021 Report*. 2021. <https://torontofoundation.ca/wp-content/uploads/2021/10/TF-VitalSigns2021-FULL-FINAL-TAGGED-ua.pdf#page=146>. Accessed February 13, 2023.



7. The housing crisis and associated presence of encampments form a clear danger to individuals' lives, economic security, health, and well-being.
8. The scarcity of adequate shelter disproportionately affects those who already face systemic discrimination and disadvantage, including Indigenous peoples, racialized communities, people with disabilities, 2SLGBTQ+ individuals, women, and those with little or no incomes.
9. More specifically, there are between 742<sup>5</sup> and about 1,000<sup>6</sup> people living on the streets in Toronto. When they are forcibly removed, they often have nowhere to go.<sup>7</sup>
10. In 2019, the HousingTO 2020-2030 Action Plan<sup>8</sup> set out a blueprint for the City to improve housing outcomes for residents across the housing continuum. Not only are the goals to improve shelters and homelessness services but they are also to provide supports such as mental health and substance use services.
11. The adoption of the Toronto Housing Charter<sup>9</sup> commits the City to advance the progressive realization of the right to adequate housing and to work towards a human rights-based approach to housing.<sup>10</sup>
12. Many parts of the City's public services touch on housing. In 2022, the City's Housing Secretariat took the lead on housing policy, delivery of affordable housing, and the

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<sup>5</sup> City of Toronto, *Street Needs Assessment 2018 Results Report*. 2018. <https://www.toronto.ca/wp-content/uploads/2018/11/99be-2018-SNA-Results-Report.pdf>. Accessed February 13, 2023.

<sup>6</sup> Tsang, Amie, "Recognizing the human right to housing for people living in encampments." Maytree, April 27, 2021, <https://maytree.com/stories/recognizing-the-human-right-to-housing-for-people-living-in-encampments/>. Accessed February 15, 2023.

<sup>7</sup> These numbers are educated guesses as many people who are homeless are driven underground as a strategy to avoid displacement.

<sup>8</sup> City of Toronto, *HousingTO 2020-2030 Action Plan*. December 2019. <https://www.toronto.ca/wp-content/uploads/2020/04/94f0-housing-to-2020-2030-action-plan-housing-secretariat.pdf>. Accessed February 10, 2023

<sup>9</sup> City of Toronto, *Toronto Housing Charter – Opportunity for All*. <https://www.toronto.ca/wp-content/uploads/2022/02/948f-Toronto-Housing-Charter-2020.pdf>. Accessed February 16, 2023.

<sup>10</sup> The federal government, through the National Housing Strategy, has committed to the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights. The City of Toronto has also committed to the progressive realization of the right to adequate housing that is recognized in international law, through the Toronto Housing Charter. More information is available in the *HousingTO 2020-2030 Action Plan* (see above).



implementation of the ten-year housing plan, along with ten other divisions and two corporations carrying housing mandates.

13. The COVID-19 pandemic has only heightened housing precarity. Since the start of the pandemic in March 2020, there has been a significant increase in the number, size, and visibility of encampments in Toronto.
14. In addition, Toronto has faced an opioid crisis with a dramatic increase in the number of opioid-related overdoses and deaths since the beginning of the COVID-19 pandemic, including related deaths in shelter settings.<sup>11</sup>
15. It is against this backdrop that my office initiated an investigation into the clearing of three encampments across the city.
16. On September 28, 2021, my office launched an investigation into the City's clearing of encampments in Trinity Bellwoods Park, Alexandra Park, and Lamport Stadium Park. My office had received numerous complaints that raised concerns about the City's approach to clearing encampments. The investigation has focused on the City's planning surrounding the encampment clearings, how it engaged stakeholders and communicated with the public, as well as the policies and procedures that guided its actions.
17. On July 14, 2022, I released an Interim Report in which we found issues with key City policies and processes that are fundamental to the City's encampments work. In particular, we found that the City's Interdepartmental Service Protocol for Homeless People Camping in Public Spaces (the "IDP"), one of the City's primary documents outlining its approach to responding to encampments, was outdated and inconsistently followed, and that the City did not have a detailed plan to update it. We also found that the City had not clearly defined the mandate of its "Encampment Office"<sup>12</sup> or made this information available to the public.
18. Based on these findings, we made eight recommendations in the Interim Report. The City has updated my office on its progress in implementing these recommendations. It has started the process of updating the IDP and creating and implementing a work plan

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<sup>11</sup> Tableau Public, "Toronto Overdose Information System." [https://public.tableau.com/app/profile/tphseu/viz/TOISDashboard\\_Final/ParamedicResponse](https://public.tableau.com/app/profile/tphseu/viz/TOISDashboard_Final/ParamedicResponse). Accessed February 16, 2023.

<sup>12</sup> In the late summer of 2020, the City created an "Encampment Office." The Encampment Office was created with the intention that it would coordinate the City's response to encampments. Currently, the Encampment Office sits within OEM. The Encampment Office serves as a "key coordination piece" for SSHA in addressing the shelter and housing needs of people living in encampments.



in order to undertake a functional review of the Encampment Office. The City will continue to update my office on a quarterly basis until we are satisfied that they are complete.

19. I am now tabling our final report on this matter.

## THE VOICES OF PEOPLE LIVING IN ENCAMPMENTS

### What We Heard

20. We interviewed 43 people with lived experience of encampments and being homeless. We also interviewed community groups and community workers who assist individuals experiencing housing precarity and homelessness.
21. People who have lived in encampments told us that they believe the City has a responsibility to treat them humanely and compassionately when it chooses to clear an encampment. We also heard that the City should put more resources into helping people find housing rather than devoting so many resources to shelters.
22. The reasons why someone ends up living in an encampment are unique and varied — everyone’s story is different—but some trends emerged as common experiences.
23. Job loss due to the pandemic and a lack of affordable housing<sup>13</sup> were among the most common reasons for living in encampments given by individuals experiencing homelessness. One person told us that they moved into an encampment when they were no longer able to afford market rent for their unit. This person believed that living in an encampment would allow them to better manage their complex health needs rather than staying in a shelter. They also said that finding housing to suit their specific needs made them a “difficult customer” for City staff trying to assist them but felt that “the answer isn’t kicking me out of the park.”

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<sup>13</sup> Toronto is ranked as one of the most unaffordable places to live in Canada. For example, a February 8, 2023, *Globe and Mail* article states that a two-bedroom rental in Toronto now costs an average of \$3,200 per month, up almost 20 percent from a year ago: The Editorial Board, “Soaring housing costs are turning cities into citadels for the rich.” *The Globe and Mail*, February 8, 2023, <https://www.theglobeandmail.com/opinion/editorials/article-soaring-housing-costs-are-turning-cities-into-citadels-for-the-rich/>. Accessed February 10, 2023.



24. One individual told us they preferred living in an encampment rather than a shelter because they felt that there was more privacy in an encampment. Several individuals told us that some of the rules and regulations for shelters, such as prohibitions on visitors or requirements to “check in” to your room at a certain time, made it feel like they were “in a jail.”
25. We also heard from many people that they preferred living in encampments because they felt unsafe in shelters due to incidents of theft and physical and sexual violence. One person who had lived in a shelter told us that “there are fights every day, non-stop.” We heard that, for many, it felt safer to live outdoors rather than inside at a shelter.
26. Some people informed my office that staying in an encampment gave them peer and community support they would not get if they stayed in a shelter. A community worker told us that even with the challenges of living in an encampment, there are “friendships that happen and people looking after each other ... there was an opportunity to be in community if you wanted.” One individual in an encampment told us that, in their experience, encampments offered people a social network—something that they believed was unlikely to be available in a shelter.
27. Researchers have also emphasized the importance of community in encampments in their report findings. For example, the MAP Centre for Urban Health Solutions' 2022 report on encampment outreach supports (MAP Report) states that many people in encampments “...felt a sense of community and engaged in activities to support each other, such as watching others’ possessions, connecting others to medical care, or responding to overdoses.”<sup>14</sup> A 2022 Canadian Human Rights Commission report on encampments also mentions a “...deepened sense of community within the encampments.”<sup>15</sup>
28. For some people living in encampments, we heard that they had “roots” in the neighbourhoods in which they were encamped, with friends, family, and service

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<sup>14</sup> Boucher LM, Dodd Z, Young S, Shahid A, Khoee K, and Norris K (co-lead authors), Brown M, Warsame K, Holness L, Kendall C, Mergarten D, Pariseau T, Firestone M, Bayoumi AM. MARCO *Evaluation of Encampment Outreach Supports during COVID-19* Final Report. Toronto, Ontario: MAP Centre for Urban Health Solutions, St. Michael’s Hospital. October 2022. [https://maphealth.ca/wp-content/uploads/Encampments\\_finalreport.pdf](https://maphealth.ca/wp-content/uploads/Encampments_finalreport.pdf). Accessed February 10, 2023. p. 44.

<sup>15</sup> Flynn, A., Hermer, J., Leblanc, C., MacDonald, S-A., Schwan, K., Van Wagner, E. 2022. *Overview of Encampments Across Canada: A Right to Housing Approach*. The Office of the Federal Housing Advocate. [https://www.homelesshub.ca/sites/default/files/attachments/Overview%20of%20Encampments%20Across%20Canada\\_EN\\_1.pdf](https://www.homelesshub.ca/sites/default/files/attachments/Overview%20of%20Encampments%20Across%20Canada_EN_1.pdf). Accessed February 10, 2023. p. 26.





providers nearby. This made it difficult for them to accept space in a shelter if it wasn't located close to their support networks.

29. We also heard from people who had lived in both shelters and encampments about supports that were offered to them. They told us that, in their experience, there were no housing supports offered in shelter-hotels.<sup>16</sup> A representative of a community group told us that some of their clients left shelters to return to encampments because, based on their experience, they believed it would be easier to get connected with a housing worker while living in an encampment.
30. Another person informed us they had been in and out of the City's shelters for over a decade, and in all that time, they had not received any assistance in filing their taxes or obtaining government identification, both of which are required to apply for a rent-geared-to-income subsidy.<sup>17</sup> They told us that it was not until they moved to the Dufferin Grove Park encampment that the City helped them file their taxes and obtain identification.<sup>18</sup>
31. While some individuals we interviewed acknowledged that encampments could provide supports and community, others spoke about the dangers of living there, and the impact of the opioid crisis on people in encampments. One person commented on the substance use they had observed:

Drug use happens within homeless communities because how else do you survive it? Especially for those who are new to homelessness – it is really hard to adjust to a tent. The only heat is body heat. The only bedding, if you are lucky, is a sleeping pad. Most will use numbing agents – beer or harder substances that are so readily available.
32. People who had lived in encampments told us about finding the bodies of other encampment residents in their tents after an overdose. One person told us that they believe that the kinds of substances that are used by people living in encampments are

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<sup>16</sup> During the pandemic, the City opened temporary emergency shelter sites to meet the Ontario Ministry of Health guidelines for physical distancing in congregate living settings and provide safe indoor space for people living outdoors. Some of these temporary shelters were in hotels, and have been referred to as shelter-hotels.

<sup>17</sup> More information on the Rent-Geared-to-Income Subsidy: <https://www.toronto.ca/community-people/employment-social-support/housing-support/rent-geared-to-income-subsidy/> Accessed February 10, 2023.

<sup>18</sup> A September 2020 report on encampments in Toronto also commented that it has been “reported” that people who lived in encampments in the downtown core returned to encampments because they were unable to access “formal and informal” supports while in shelter hotels located in the inner suburbs. Right to Housing Toronto, *Encampments Rights Review*. 2020. <https://right2housingto.ca/wp-content/uploads/2020/09/R2HTO-Encampments-Rights-Review-final.pdf>. Accessed February 10, 2023. p. 11.



so dangerous that they accept anyone they know who uses them will soon die accidentally.

33. People we spoke with also remarked on what they perceived as a high death rate amongst shelter residents, particularly for people with substance use challenges.<sup>19</sup> We heard that “going into shelters is a death sentence” and that shelters are seen as a “relapse trap for addicts.” The MAP Report states:

Some encampment residents noted that they had many friends who had overdosed and died in the shelter hotels and sometimes in other shelter settings. They were sometimes harassed by shelter staff, which led to dangerous ways of using (e.g., rushing injection, using alone and hiding after).<sup>20</sup>

34. We also heard from a community worker who shared concerns about the worsening of the opioid crisis. They noted that:

[Opioid-related] deaths have doubled over this period in 2019 to now. Despite City insisting indoor space is safe, some deaths are inside in shelter hotels and [we've seen the] tripling of violence in shelters from 2016 to 2021.

35. The MAP Report also recommended that the City “work to address the significant capacity and conditions issues in the shelter system” by implementing systems “for better addressing the safety and security concerns of clients.”<sup>21</sup>

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<sup>19</sup> Information on Shelter Resident Deaths compiled by SSHA: <https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness-research-and-reports/deaths-of-shelter-residents/>. Accessed February 10, 2023.

Toronto Public Health dashboard on Deaths of People Experiencing Homelessness: <https://public.tableau.com/app/profile/tphseu/viz/DeathsofPeopleExperiencingHomelessness/HomelessDeathsFinal?publish=yes>. Accessed February 10, 2023.

<sup>20</sup> “Evaluation of Encampment Outreach Supports during COVID-19”, above, at p. 33.

<sup>21</sup> The City's 'Toronto Shelter Standards' document, which outlines its health and safety standards and procedures for all City-operated shelters, is publicly available on the City's website. <https://www.toronto.ca/community-people/community-partners/emergency-shelter-operators/toronto-shelter-standards/>



## What the City Has Heard

36. In February and March 2021, the City surveyed 106 people living in encampments. The City stated in their survey documents that the purpose of these surveys was to “give a voice” to people living in encampments and identify the needs, supports, and services they believed would help them get housing. Materials we reviewed stated that the collected information would be used to inform the development and improvement of programs for people living in encampments and to help them find housing.<sup>22</sup>
37. The City’s February 2021 survey managed by the City’s Encampment Office included results from 20 people who were living in the Moss Park, Trinity Bellwoods Park, Alexandra Park, and Lamport Stadium Park encampments. The survey found that people living in encampments want to come “indoors” when “the right options are presented to them.” The survey results showed that people living in encampments believe that there is a “significant amount” of violence in shelters, and that this stops people from accepting a shelter space.
38. The City’s March 2021 Streets Needs Assessment Survey issued by the City’s Shelter, Support and Housing Administration division (SSHA) polled 86 individuals living in encampments, people who had moved from encampments to shelter-hotels, and individuals who had moved from encampments to permanent housing. Among the primary reasons individuals gave for living in encampments were the sense of community and belonging, the ability to live with partners, friends, and family, and a preference for an encampment over a shelter due to discrimination, harassment, and violence they experienced while living in shelters.

## PERSPECTIVES ON ENCAMPMENTS FROM THE GENERAL PUBLIC

39. In 2021, 311 Toronto received 2,891 calls about encampments. The Encampment Office also received many calls and emails from members of the public.
40. Some calls were about the City’s treatment of people living in encampments, which they characterized as heavy-handed. Others raised concerns about public health

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<sup>22</sup> Information received during this Investigation included a February 2021 Encampments Office survey and a March 2021 Fifth Streets Needs Assessment survey.



issues, such as substance use, fire safety, and problems with waste, debris, and increased pests and vermin.

41. At some parks, people felt that the number of structures and tents made amenities unusable. At Alexandra Park, a summer camp was cancelled because of an encampment. At Randy Padmore Park, the wading pool could not be used because tents were placed on top of it. One person wrote to the City with concerns about people living in encampments being the victims of crime, and the impact that this has on the broader community. They wrote:

You have some of the most vulnerable people that come with specific challenges and needs in terms of support. You also have a group of people who are preying on them, some from within and outside the encampment, and there is an adverse effect for everyone who lives around the community.

42. Our office also heard from members of the public. One individual we spoke with told us that Alexandra Park had become inaccessible due to “fires, overdoses, human faeces everywhere, piles of garbage, needles hidden in the grass, [and] hundreds of rats,” and that it was “distressing” to watch individuals in encampments “try to survive” through winter.
43. While we heard from members of the public who had issues with the presence of encampments, we also heard from individuals who told us they felt people in encampments had a right to be there. Others told us that the City’s handling of the clearings eroded the trust they had in the City.
44. Some members of the public who contacted our office also told us about their efforts with friends and various community groups to support people in encampments, by providing food, water, blankets, and other supports.
45. We heard from Encampment Office staff that complaints from housed people in neighbourhoods surrounding encampments would be dealt with as they came in, and usually by one of their staff members who was dealing with many other issues. They told us they spent a significant amount of their time speaking with residents from neighbourhoods, neighbourhood groups, and Business Improvement Areas (BIAs).



# THE CITY'S PLANNING OF ENCAMPMENT CLEARINGS

## City Encampment Work Before the Office of Emergency Management's Involvement

46. In April 2020, the City created the Interdivisional Encampment Working Group (Working Group)<sup>23</sup> given the rapid growth and size of encampments that summer and as a means to coordinate City efforts to respond to encampments.
47. The Working Group, made up of key staff from divisions – Shelter Support and Housing Administration (SSHA), Parks, Forestry & Recreation (PFR) and Corporate Security – would meet three times a week. Encampment Office<sup>24</sup> staff who oversaw the Working Group told us its focus was on “operational troubleshooting” where discussions were focused on such topics as risks of specific individuals in encampments, vulnerabilities, and barriers to service as a means to work collectively to resolve them.
48. In May 2020, the City also created the Encampments Steering Committee, made up of heads of divisions who worked on the encampments and chaired by the Deputy City Manager for Infrastructure & Development Services. According to the former Interdivisional Encampment Lead, the Steering Committee's role was to provide strategic decision-making and direction to the COVID-19 encampment response, including resourcing, space availability, policy and legal issues.
49. The Steering Committee met as needed and when issues arose. They also provided direction on specific items flagged to them by the Working Group and other staff. Part of their work involved reviewing relevant encampment information, including data that the Encampment Office provided to them (e.g., the number of tents in an encampment, or how many parks were currently occupied). Informed by the data, the Steering Committee would then provide direction on specific issues and the Working Group would in turn determine how to apply that instruction.

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<sup>23</sup> Appendix B: List and Description of City Divisions and City Groups Involved in Managing Encampments

<sup>24</sup> Appendix B



## The City's Decision to Clear Encampments

50. The City Manager told us that prior to June 2021, the City had a “considerable amount of success in getting people indoors” from encampments without facing significant issues or resistance, and without any noticeable assistance from the Toronto Police Service. For example, in May 2021, the City cleared George Hislop Park, Barbara Hall Park, and the medians of University Avenue. Various City staff reported that these smaller clearings were relatively uneventful, compared to the clearings in June and July 2021.
51. However, with the advent of the COVID-19 pandemic, the number and scale of encampments rose dramatically, with a large increase in the number of individuals living in City parks over a very short period. One Streets to Homes staff member told us that the growth in encampments from March to April 2020 was of a size and scale they had not seen in the 20 years they had worked for the City.
52. The City cleared Trinity Bellwoods Park on June 22, 2021, Alexandra Park on July 20, 2021, and Lamport Stadium Park on July 21, 2021. It had earlier cleared a portion of the east side of Lamport Stadium Park on May 19, 2021. At that time, it was met with a large number of protestors, causing staff to stop the clearing. The City told us this was due to safety concerns for their staff, individuals in the encampment, and members of the public.
53. The City's position on encampments in parks is that they are illegal and unsafe. City Council has passed by-laws making it illegal to camp on City property, including parks, and the City can take steps to enforce the by-laws.<sup>25</sup> The City has also stated that it is their view that encampments pose not only health and safety issues but include crime-related activities and fire hazards. Further, the City has also said that encampments are not an “indefinite solution to unsheltered homelessness.”<sup>26</sup>
54. When we asked senior officials why the City decided to clear the encampments in the summer of 2021, we were informed they were concerned about health and safety issues, including fires and criminal activity. The Director of the Office of Emergency Management (OEM)<sup>27</sup> also told us about the large number of complaints received from

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<sup>25</sup> City of Toronto By-law No. 854-2004, Chapter 608-13 “Camping and lodging” and By-law No. 375-2012, Chapter 743-9.Q “Fouling and obstructing streets.”

<sup>26</sup> City of Toronto continues to support people experiencing homelessness through immunization, enhanced infection prevention, and safe inside space,” above.

<sup>27</sup> Appendix B



residents unhappy about not being able to use the parks. Regarding the decision to clear encampments, a Deputy City Manager told us that although they did update the Mayor's office, the decision to clear the encampments was made by the City Manager, with the City's Senior Leadership Team providing oversight throughout the process.

## The Pathway Inside Program

55. A Deputy City Manager told us that the City's decision to proceed with clearing these large encampments was made after the City had attempted other means of moving people indoors from encampments, such as the Pathway Inside Program (PIP).<sup>28</sup>
56. In a June 1, 2021, staff report from the City Manager, PIP is described as follows:
- The Pathways Inside Project, initiated in March 2021, is a coordinated and enhanced approach to addressing encampments that is modeled on work in other North American jurisdictions that have had success in resolving encampments. This approach mitigates the health and safety risks associated with large encampment sites by providing enhanced services and supports to assist individuals in accessing alternative indoor spaces. The Pathways Inside Project focuses outreach and service efforts on four large priority downtown encampment sites – Moss Park, Trinity Bellwoods, Alexandra Park and Lamport Stadium, as well as other priority encampment locations based on need.<sup>29</sup>
57. Outreach under PIP was focused on people living in encampments at four sites that the City identified as “priority”: Moss Park, Trinity Bellwoods Park, Alexandra Park, and Lamport Stadium Park.<sup>30</sup>

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<sup>28</sup> The City created the PIP in March 2021 to help move people indoors from encampments at four parks identified as “priority”: Moss Park, Alexandra Park, Trinity Bellwoods Park and Lamport Stadium Park. City of Toronto, “City of Toronto supporting people living in encampments with safe, supportive indoor space.” News Release of March 16, 2021. <https://www.toronto.ca/news/city-of-toronto-supporting-people-living-in-encampments-with-safe-supportive-indoor-space/>. Accessed February 10, 2023. Also Murray, Chris, “COVID-19 Response Update: Protecting People Experiencing Homelessness and Ensuring the Safety of the Shelter System.” June 1, 2021. <https://www.toronto.ca/legdocs/mmis/2021/cc/bgrd/backgroundfile-167471.pdf>. Accessed February 10, 2023. p. 12.

<sup>29</sup> “COVID-19 Response Update: Protecting People Experiencing Homelessness and Ensuring the Safety of the Shelter System,” above.

<sup>30</sup> “COVID-19 Response Update: Protecting People Experiencing Homelessness and Ensuring the Safety of the Shelter System,” above, p. 12



58. The City used shelter-hotels it had opened in February 2021, including a shelter-hotel at 45 The Esplanade (which had more than 250 rooms available), to work with individuals living in the encampments named above to transition to an indoor space.<sup>31</sup>
59. The City told us that the Esplanade shelter-hotel had been opened in response to encampment resident feedback highlighting the need for indoor space that provided access to single-occupancy hotel rooms, on-site harm reduction supports, and a service location that is downtown and close to existing encampment community supports.<sup>32</sup>
60. Services and supports that were offered at Moss Park, Alexandra Park, Trinity Bellwoods Park, and Lamport Stadium Park through PIP included staff from the City's Toronto Employment and Social Services division (TESS) who ran tax clinics to help people living in encampments to file their taxes, 'ID clinics' to assist individuals in obtaining identity documents, and fire safety education sessions. Staff told us that the City posted schedules on a weekly basis at the parks to let individuals living in the four encampments know when services and supports would be offered each week.
61. City staff working at PIP also told us that the program was an effective way to use outreach services to remove barriers for individuals in obtaining permanent housing. A Deputy City Manager told us that another focus of PIP was on intensive relationship building between City staff and individuals in encampments.
62. On March 19, 2021, Municipal Licensing and Standards (MLS) By-law Enforcement Officers posted and handed out Trespass Notices at Moss, Trinity Bellwoods, Alexandra, and Lamport Stadium Parks. The Notices included a cover letter, which stated a compliance date of April 6, 2021. My office was informed that Encampment Office staff were present to answer any questions individuals had.
63. PIP had its own Encampments Steering Committee made up of staff from key divisions who met regularly to discuss the coordination of services and supports, as well as the progress on bringing individuals indoors. Senior City Leadership advised us that encampment clearings were always outlined in PIP as a potential step the City may decide to take if individuals living in encampments refused offers of indoor space.
64. PIP and the Encampments Steering Committee both ended as soon as the encampment file was transferred to OEM in May 2021.

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<sup>31</sup> "City of Toronto supporting people living in encampments with safe, supportive indoor space," above.

<sup>32</sup> "COVID-19 Response Update: Protecting People Experiencing Homelessness and Ensuring the Safety of the Shelter System," above, p. 12.





65. According to a Deputy City Manager, they had taken PIP “as far as [they] could” before the City started to consider operational plans to clear the encampments at Trinity Bellwoods, Alexandra, and Lamport Stadium Parks. The message conveyed by senior staff was that despite PIP, the number of people in encampments were not being cleared out quickly enough.
66. The Deputy City Manager advised that the clearings required a lot of coordination across multiple City divisions. They also reported that while the City was able to move large numbers of individuals indoors from encampments, there were certain individuals who were “more entrenched” and unwilling to move.

## The Office of Emergency Management

67. OEM, previously operating within Toronto Fire Services but currently with the Deputy City Manager's office, Infrastructure and Development Services portfolio, is responsible for coordinating the City's emergency planning and management, in accordance with municipal and provincial legislation.<sup>33</sup> It is also responsible for preparing Toronto's Emergency Plan.
68. In May 2021, the City Manager transferred responsibility for coordinating the clearing of large encampments at City parks to OEM.
69. The City provided several reasons for moving the responsibility of encampments to OEM:
  - OEM had experience in coordinating emergencies in an interdivisional manner, which the City said is what was needed for the encampments file.
  - Moving the file to OEM provided an opportunity to add “structure” to the file and draw on OEM's background in incident management, which the City said would allow it to “coordinate multiple divisions and multiple moving parts.”
  - Due to the rapid growth in encampments over the pandemic, the City said the issue required a high-level response that only OEM could provide.
70. Once the City moved the encampment file to OEM, the City's senior leadership developed a “three pillar” response to assist individuals experiencing homelessness. The first “pillar” was to increase vaccination rates for those experiencing homelessness, the second was to decrease outbreaks in shelters, including increasing Infection

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<sup>33</sup> Section 4.0 of Toronto's Emergency Plan. <https://www.toronto.ca/community-people/public-safety-alerts/emergency-preparedness/torontos-emergency-plan/>. Accessed February 10, 2023.



Prevention and Control Canada (IPAC) measures and the third, assigned to OEM, was to coordinate a plan to move people from encampments to shelters.

71. One senior City staff member told us the focus was on ensuring the City was offering as many vaccines as possible to individuals going into shelters in order to reduce the number of COVID-19 shelter outbreaks. The City said this meant when it was telling individuals to move inside, that the space was actually “safe.”
72. We asked senior City staff whether they were looking into other safety issues that individuals living in encampments, media, and members of the public had raised about shelters and shelter-hotels, including an increase in violence and opioid-related deaths. The response was that safety issues beyond dealing with the first two “pillars” related to managing COVID-19 outbreaks were not their focus in this context.
73. City officials told us that they did various things to address additional health and safety concerns, which continue today, including bringing medical and social services to shelters and conducting regular inspections of shelters and shelter-hotels.
74. On May 6, 2021, in an email titled “Encampment Project,” the City’s Acting Fire Chief and General Manager for Emergency Management wrote that the City Manager had directed them and the Director of OEM to show “weekly visible progress on the [encampment] project we have been assigned to lead for the City.” We reviewed emails exchanged between the City’s senior leadership team that confirmed that the City concentrated its efforts on moving individuals living in encampments indoors to reduce their “footprint” in the parks.
75. One email between senior staff states, “the [City Manager’s Office] is more resolved to remove the following four [encampments] in expeditious order ... [and to] clear no later than the end of June ... at war-time speed.”
76. It appears that the instructions to show “weekly visible progress” was also communicated to the Streets to Homes team. In a May 27, 2021 email, a Streets to Homes manager sent an email letting key staff know they had just finished a call with OEM and that, “[t]he City Manager wants the 4 sites cleared and is working toward that goal.”
77. Once the encampments file was moved to OEM, the Encampments Steering Committee meetings stopped, but the Working Group meetings continued, and were directed by senior OEM staff.
78. Senior staff informed us that all divisions signed off and approved their roles in the operational plans. In contrast, we heard from staff that once OEM began coordinating the City’s encampment response, the function and mandate of the Working Group



became unclear. One staff member who was integrally involved in the City's response to encampments commented that the instruction to the Working Group appeared to be ad-hoc and based on requests from the senior leadership team and OEM to inform the planning of their clearings.

79. The City Manager said that the City cleared large encampments at Trinity Bellwoods, Alexandra, and Lamport Stadium Parks after it had ensured that there were “alternatives” for people who were living in encampments. Specifically, this meant making sure that there was space in shelters, and that the City had taken steps to ensure that shelters were safe from COVID-19 outbreaks, through vaccinations and increased IPAC measures. In their opinion, safe alternatives were available when the City decided to clear the larger encampments in the summer of 2021.
80. Various community workers and individuals in encampments disagreed that shelters at that time were “safe alternatives” to encampments. One community worker told us:

The City can't say whether a space is safe. It's highly contextual. The City did not consider why people were saying that they did not feel safe inside. For some it was COVID, for others it was lack of autonomy and control, the rise in violence in shelters, etc. It's a one-sided argument.
81. The City Manager also referred to an October 21, 2020, court decision supporting the City's position that it could enforce its by-law prohibiting camping in City parks.<sup>34</sup> In addition, they spoke about how there was an expectation from the public that the City's parks would be available for use by “everyone.” They told us that “[P]arks aren't a home,” as well as “the situation was solvable in that [they] had alternatives for people.”
82. In the City's news releases about its efforts to respond to homelessness and encampments, the City said that “[I]llegal encampments are not an indefinite solution to unsheltered homelessness and the health outcomes for people who stay outside are complex and serious. The City will enforce bylaws at encampments after exhausting all tools and options available to help people in encampments to safer, indoor spaces.”<sup>35</sup>

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<sup>34</sup> *Black et al. v. City of Toronto*, 2020 ONSC 6398.

City of Toronto, “City of Toronto statement on Parks Bylaw injunction decision.” News Release of October 21, 2020. <https://www.toronto.ca/news/city-of-toronto-statement-on-parks-bylaw-injunction-decision/>. Accessed February 10, 2023.

<sup>35</sup> City of Toronto, “City of Toronto continues to support people experiencing homelessness through immunization, enhanced infection prevention, and safe inside space.” News Release of May 20, 2021. <https://www.toronto.ca/news/city-of-toronto-continues-to-support-people-experiencing-homelessness-through-immunization-enhanced-infection-prevention-and-safe-inside-space/>. Accessed February 10, 2023.



## The Office of Emergency Management's Role in the City's Process for Clearing Encampments

83. During our interviews with City staff, we were told that OEM's role was to engage City divisions to coordinate a multi-divisional response to planned or unplanned incidents using Ontario's "Incident Management System" (IMS).<sup>36</sup>
84. The IMS is a response system used to manage all stages of an incident, including overseeing personnel, facilities, equipment, procedures, and communications. The IMS operates within a common organizational structure. It is used for emergencies, such as fires or public safety incidents (e.g., the 200 Wellesley St. fire in 2010), planned events, such as parades (e.g., Toronto Caribbean Carnival), and official events, such as the 2017 Invictus Games.
85. The former City Manager told us that OEM was asked to coordinate the clearing of encampments because encampments were a "multi-disciplinary and timely problem" that required coordination across City divisions, which was within OEM's skill set.
86. Senior leadership believe that the IMS is a flexible tool that can be used to organize resources for any type of situation. They advised that it was used to manage the COVID-19 pandemic in Toronto.
87. Staff whose work was mainly focused on encampments, reported that IMS was used for a specific event, and not for a people-focused response to homelessness. One example was the absence of mental and physical health supports. Staff reported it was difficult to understand encampment clearings as an "event," given they dealt with people's and lives being changed in dramatic ways. In contrast, senior City leadership told us that the IMS could be used for people-focused events/emergencies.
88. A senior SSHA staff stated that the IMS structure, described as very "top down and hierarchical", might have caused some staff to feel uncomfortable in providing feedback to OEM.
89. City staff informed my office that prior to tasking OEM with coordinating the clearing of encampments, OEM had never been involved in responding to encampments.
90. OEM's Director reported that OEM is not an expert on shelter and housing and that it was only tasked with coordinating the clearing of encampments. It relied on the

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<sup>36</sup> Government of Ontario, Incident Management System (IMS) Guidance: version 2.0. <https://www.ontario.ca/document/incident-management-system-ims-guidance-version-2>. Accessed February 10, 2023.



expertise of staff in the Encampment Office and SSHA to coordinate the shelter and housing needs of people living in encampments.<sup>37</sup> This understanding was confirmed by one OEM staff member we interviewed, who told us that, because of its “social services focus,” the encampment file did not “fit into the emergency response box ... of prevention, preparedness and response/recovery” work.

91. A Deputy City Manager stated that, in their opinion, OEM might have a role to play in future encampment activities, but that it should be a logistical function, and not work that requires a social and human services focus.
92. OEM developed “operational plans” for clearing the encampments at Trinity Bellwoods Park, Alexandra Park, and Lamport Stadium Park.<sup>38</sup> The plans provided information about timelines, deployment of staff, and descriptions of the roles and responsibilities of each division or agency. They also included descriptions of each operational step in the clearing, including monitoring people as they packed their belongings, coordinating their removal from the parks, the storage of their belongings, and cleaning the park after the clearing.
93. Senior leaders at the City advised that OEM included all the City divisions that were involved in the clearings in its operational planning. They stressed that divisions signed off and approved their roles in the plan. A Deputy City Manager noted that everyone worked together to move people into what the City said was a safe space with a people first approach. City staff had a different perspective, however.
94. According to several staff in other divisions, OEM stopped sharing information between divisions, and ceased asking for input. One Corporate Security staff told us that their involvement before and after was “night and day.”
95. My office also heard from several staff members that the City “constantly needed reminders” that the encampments work was about people and not just about structures and “footprints.” Conversely, senior leadership emphasized that the operation put people first and that this was constantly communicated to all staff, including during the drafting of the operational plans.
96. Staff with social services experience informed my office that OEM did not seek their input or ask about key learnings they had gained working onsite at encampments.

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<sup>37</sup> Interim Report. <https://www.ombudsmantoronto.ca/Investigative-Work/Investigative-Reports/Investigation-Reports/Report-Folder/Early-Recommendations-to-Improve-City-Response-to.aspx?ext=.pdf>. Accessed February 10, 2023. p. 27.

<sup>38</sup> Although Moss Park was initially part of the four “priority” parks slated for clearing, it was ultimately left off the City’s encampment clearing plans. The focus shifted to the remaining three parks: Trinity Bellwoods, Alexandra, and Lamport Stadium Parks.



Instead, they told us that OEM only asked questions related to the logistics of the operational plans, and to the clearing itself.

97. One staff member noted that the “vulnerability lens and principles” that guided all their work in the social services sector appeared not to have been the focus once OEM was in charge. They found the experience disempowering.
98. Several staff members we interviewed stated that OEM’s approach to coordinating the removal of encampments was different than the City’s previous attempts. We were informed that, unlike the City’s previous responses involving the Encampments Working Group, OEM’s approach to planning the clearing of encampments was not “collaborative.” One senior SSHA staff member told my investigators about the concerns they heard with OEM’s approach. They acknowledged that there might have been “different work cultures” at play.

## Planning for Mental Health Supports

99. According to City staff we interviewed, many people living in encampments have significant mental health issues. The MAP Report also noted that people living in encampments considered their mental health to be worse than their physical health, with 62% of respondents rating their mental health as “fair or poor.”<sup>39</sup>
100. During their interview with investigators, one manager told us that a “big challenge” for the team was getting mental health supports to people living in encampments, and that the Encampment Office needed more funding and resources.
101. We also heard from community workers that encampment clearings were a “traumatizing experience” and that the mental health of people in encampments “really suffered” as a result of the clearings. One community worker told us that the scale of the clearing, along with telling people they had two hours to pack their belongings, exacerbated people’s mental health challenges.
102. Staff from the Encampments Office, PFR, and Corporate Security told OEM that working with individuals to accept indoor space and pack their belongings takes time. They said that people cannot be rushed when they pack their belongings and that there should be no time limit. One community worker told us the following:

It was overwhelming to be asked to pack your belongings in two hours, as you had to go through all of your belongings and figure out what you can carry out ... It’s a lot when you are staring down a bulldozer as well.

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<sup>39</sup> “Evaluation of Encampment Outreach Supports during COVID-19”, above, p. 31.



103. Despite suggestions to provide individuals more time to pack, OEM's operational plans show that it allocated individuals two hours to pack and decide if they wanted to accept indoor space. An Encampment Office staff member told us that senior OEM staff at the clearings did have discretion to allow some residents more time if needed.
104. One PFR staff member suggested a "softer" approach in advance of the Trinity Bellwoods Park encampment clearing, given the complex vulnerabilities of the individuals in encampments. In an email dated June 10, 2021, which was forwarded to senior OEM leadership, they provided a proposal for Trinity Bellwoods Park. This proposal included many recommendations, including the following:
  - Starting the day with a circle debrief with encamped individuals, outlining the day's goals and the supports in place, which would allow people to ask questions and process the information being provided.
  - Provide a warm breakfast and coffee with information and pictures of the shelter-hotel space being offered.
105. Senior OEM leadership responded later that same day via email thanking the staff member for their input.
106. When commenting on a draft operational plan for the Trinity Bellwoods Park clearing, a senior SSHA staff member told OEM staff that "[m]any at the [encampment] have reported mental health challenges. The ability to provide crisis support and appropriate time for de-escalation interventions will be important. Occupants may respond in crisis to the scale of this operation..."
107. The same individual told us that when planning for mental health supports, the City had to account for the fact that "a lot of people delivering mental health services would not be coming to support the City [at the clearings]." They told us this was because they objected to the City's decision to clear the encampment.
108. On request, City staff provided OEM with personal data about individuals in encampments, along with observations of their behaviours. The City said these observations related to potential safety concerns that staff might encounter on the day of the clearing, and how individuals might react. This included a June 16, 2021, email from one staff member which stated that multiple residents had "complex mental health issues," and "no understanding for not being able to stay in the park."
109. In response to the City's collection of information about individuals living in encampments that had been identified for clearing, a Deputy City Manager provided the following comment:



We needed to know who we were dealing with and what their needs were. We need to take a census of sorts so that we can know if we need more mental health or disability supports. We need to know who we have and how it can inform a potential housing plan. Who are the people, what are their circumstances, how do we make sure we're addressing those needs to the best that we can while we are trying to move them from that park and into a place that makes sense.

110. The Deputy City Manager told us that despite collecting mental health information on individuals living in the encampment, planned mental health resources were not provided at the clearings. They said the following:

One of our struggles was that [Multi-Disciplinary Outreach Team]<sup>40</sup> should have been on site, and potentially reaching out to hospitals ... I don't think we actually got anyone on site ... I remember being pissed off that people in the mental health sphere weren't there the day of.

111. We asked OEM staff about their efforts to incorporate mental health supports into their planning for the clearings. One staff member who led the drafting of the operational plans told us that there wasn't anything in the plans about providing mental health supports for people living in encampments. They said that the Toronto Police Service's Mobile Crisis Intervention Teams (MCIT) was a resource the City could "tap into," but they were not sure if MCIT was on site.<sup>41</sup> The Director of OEM told us that the City was able to arrange one MCIT team "around for situations," but couldn't remember if MCIT was present at the Trinity Bellwoods, Alexandra and Lamport Stadium Park clearings.
112. A Deputy City Manager advised my office that they attempted to secure mental health support for individuals in the encampment on the day of the clearings, but those efforts were not successful because providers did not wish to be associated with the operation.
113. The Deputy City Manager stated that the operational plans had included mental health supports and that, during the clearings, the City had Streets to Homes staff available to assist individuals who wanted indoor space.

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<sup>40</sup> Toronto North Support Services' Multi-Disciplinary Outreach Team (M-DOT) "is a specialized team of providers from various organizations that delivers services to the most vulnerable individuals on the street and in shelters. The team is made up of Outreach Workers, Case Managers, a Registered Nurse, a Housing Worker and part-time Psychiatrists who connect with people on the streets and in the ravines. The team helps their clients find housing and meet other basic needs such as receiving medical attention, income supports, or addictions services." Toronto North Support Services, "Multi-Disciplinary Outreach Team (M-DOT)." <https://www.tnss.ca/the-access-point/multi-disciplinary-outreach-team-m-dot/>. Accessed February 13, 2023.

<sup>41</sup> The mobile crisis intervention teams (MCITs) are a collaborative partnership between Michael Garron Hospital and Toronto Police Service (TPS). The program partners a mental health nurse from Michael Garron Hospital and a specially trained police officer to respond to situations involving individuals experiencing a mental health crisis. Michael Garron Hospital, Mobile Crisis Intervention Team (MCIT)." <https://www.tehn.ca/programs-services/mental-health-addiction/mobile-crisis-intervention-team-mcit>. Accessed February 13, 2023.





114. We reviewed the operational plans for the three clearings. During the Trinity Bellwoods clearing, for example, Streets to Homes had staff located in the community centre in the north end of the park. While they were not part of the clearing, they were available to assist individuals who expressed an interest in accepting an indoor space.
115. My office found no specific reference in the operational plans for the provision of mental health supports.

## Analysis and Findings

116. The City made a decision to clear the encampments based on what they identified as public safety reasons. Initially, it attempted a “softer” approach to move people indoors. However, the City did not believe that it had achieved its objective and the City Manager determined that people living in encampments were not being removed quickly enough. As a result, they directed OEM to coordinate the clearings.
117. It is evident that the operational plans were thorough from a logistical standpoint.
118. It is difficult to conceive how the City thought involving OEM was going to address the myriad of complex needs of a highly vulnerable population. OEM’s role was to coordinate the clearings. That is understood. While it may have played a valuable role, OEM does not have expertise with people who are vulnerable and often face systemic discrimination. In the final analysis, the City as a whole is responsible for what took place over the summer of 2021.
119. We reported in July 2022 that City staff we interviewed stated the presence of encampments was one of the most complex challenges they had worked on. No one disputes that assessment.
120. Encampments are a complex and intractable problem that is not going away. There are multi-faceted systemic hurdles and structural changes to address, but the process by which the City evicted people was unacceptable. There was insufficient regard for people’s social location<sup>42</sup> and all that is associated with that term.
121. Clearing an encampment is not an event; it is a complex process that requires careful planning and a variety of approaches that centre people living in the encampments in the planning and execution of the clearings.

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<sup>42</sup> A person's social location is understood as a combination of factors including gender, race, social class, age, ability, religion, sexual orientation, and geographic location. Social location is specific and different for each person.



122. OEM was given the mandate to clear the encampments. That is not in dispute. Indeed, I recognize that the public service was under pressure, that it had to act and do so with dispatch. However, the City's direction to clear the encampments quickly meant that OEM did not have the time to complete its task with the necessary care it required.
123. The City Manager instructed that the encampments be dealt with “in expeditious order ... clear no later than the end of June ... at war-time speed.” There was no mistaking this message. The speed of these clearings became problematic as illustrated by the evidence.
124. While the City maintains that OEM was inclusive in the planning process, City staff tell a different story. They talk about feeling disempowered, and that their feedback was ignored. They told us that the principles that guide their work “appeared not to have been the focus of OEM.” We heard this view from a variety of individuals working in different divisions. It is also evident that relationships that many staff had taken a long time to build with people on the ground were irreparably harmed.
125. The absence of mental health supports was a serious gap and must form a central component in the future. The demographics and social location of people living in encampments must be central to the City’s planning. It should have a single point of accountability that understands the people involved and is able to lead the implementation efficiently and effectively.
126. A new leadership model is needed for planning and working with individuals living in parks. The City already has two examples it can use as a catalyst for improvement. Dufferin Grove is a prime example of how to execute clearings properly. The Dufferin Grove initiative is a progressive leadership model. The City should examine those best practices and apply them in the future.
127. The other resource the City can use for guidance is SPIDER, an interdivisional approach to address unresolved complex health and safety risks involving vulnerable residents.<sup>43</sup> It is the coordination of the response to these difficult problems that allows SPIDER to achieve mutually satisfactory outcomes. I have therefore recommended that the City establish an interdivisional working group to lead the work surrounding encampments.
128. The work of encampments must be done by the City with a Human Rights focus, including the acquisition of appropriate mental health supports and other contributors to render safer and more humane clearings.

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<sup>43</sup> More information: <https://www.toronto.ca/community-people/public-safety-alerts/community-safety-programs/spider/>



129. Clearing encampments is highly controversial, complex, disruptive, and traumatizing for the people living in them. The City owes a particularly high duty of fairness to those residents.

### **Recommendation 1**

The City should formalize an inter-divisional Encampment Working Group to lead the work surrounding encampments, including planned clearings. This group should consist of a multi-disciplinary team (e.g., SPIDER) with expertise from all services involved in supporting encampments, including but not limited to housing, social services, emergency preparedness, public health (including mental health), security, Parks personnel, Fire, and EMS.

### **Recommendation 2**

The City should ensure that the Encampment Working Group is led by expertise that is grounded in a human rights approach, has an understanding of people who are homeless and living in housing precarity, and that can balance enforcement with a human rights lens on people who are vulnerable and living with complex needs.

### **Recommendation 3**

The Encampment Working Group should be properly resourced and led by a Chair who is both senior in the public service (such as a General Manager or Executive Director) and provided with dedicated time to lead this work.

### **Recommendation 4**

If the City determines it is necessary to clear an encampment, it should ensure that on the day of the clearing, the needs of those living in encampments are prioritized including the provision of supports and services vital to assist with the required transition. This should include a detailed plan outlining how people in encampments will be supported to access health services, including mental health services.



## Recommendation 5

As part of its encampment clearing planning, the City needs to ensure that it works collaboratively with its divisional partners and provides sufficient time for input to be considered and discussed.

# ENGAGEMENT WITH PEOPLE LIVING IN ENCAMPMENTS

## What Does the City Mean by ‘Engagement’?

130. Many of the City’s public communications about its response to encampments referred to the City’s practice of “engaging” with people living in encampments. For example, on June 18, 2021, the City sent out a news release to discuss its COVID-19 vaccination efforts for shelter residents and people experiencing homelessness. The City stated that, “Since July 2020, the City’s Streets to Homes and partner agency staff have engaged more than 20,000 times with people living outside, including those staying in encampments—listening to and understanding their needs on a daily basis with care and compassion, and offering them safe inside space with supports and referrals to permanent housing.”<sup>44</sup>
131. No definition of engagement was provided. The same messaging highlighting the “more than 20,000 engagements” was repeated in seven separate additional news releases between June 22, 2021, and August 13, 2021.<sup>45</sup>

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<sup>44</sup> “City of Toronto continues to take significant action to assist and protect people experiencing homelessness and ensure the safety of the City’s shelter system,” above.

<sup>45</sup> City of Toronto, “City of Toronto continues to support people experiencing homelessness.” News Release of August 13, 2021. <https://www.toronto.ca/news/city-of-toronto-continues-to-support-people-experiencing-homelessness/>. Accessed February 10, 2023.

City of Toronto, “City of Toronto continues to help and support people experiencing homelessness.” News Release of July 23, 2021. <https://www.toronto.ca/news/city-of-toronto-continues-to-help-and-support-people-experiencing-homelessness-3/>. Accessed February 10, 2023.

City of Toronto, “City of Toronto enforcing trespass notice at Lamport Stadium park while continuing to help people experiencing homelessness.” News Release of July 21, 2021. <https://www.toronto.ca/news/city-of-toronto-enforcing-trespass-notice-at-lamport-stadium-park-while-continuing-to-help-people-experiencing-homelessness/>. Accessed February 10, 2023.



132. A June 2021 staff report to City Council with information about the City’s response to encampments further noted that “[m]eaningful engagement with people experiencing homelessness is a key principle of a human rights approach to housing, and the City will continue to engage with those staying in encampments to understand their needs, and to improve shelter and housing services.”<sup>46</sup>
133. With respect to ensuring “meaningful engagement and effective participation” with individuals in encampments, the former UN Special Rapporteur on the right to adequate housing states the following:
- [Encampment] [r]esidents are entitled to meaningful participation in the design and implementation of policies, programs, and practices that affect them. Ensuring meaningful participation is central to respecting residents’ autonomy, dignity, agency, and self-determination. Engagement should begin early, be ongoing, and proceed under the principle that residents are experts in their own lives. The views expressed by residents of homeless encampments must be afforded adequate and due consideration in all decision-making processes. The right to participate requires that all residents be provided with information, resources, and opportunities to directly influence decisions that affect them.<sup>47</sup>
134. Although we heard about and saw multiple references to the City’s practice of “engaging” with people living in encampments, we did not see any plans or procedures describing what engagement is, how it is tracked, or when and how it occurs. One staff member from the City’s Encampment Office who was very involved in the City’s

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City of Toronto, “City of Toronto restoring Alexandra Park while continuing to help people experiencing homelessness.” News Release of July 20, 2021. <https://www.toronto.ca/news/city-of-toronto-restoring-alexandra-park-while-continuing-to-help-people-experiencing-homelessness/>. Accessed February 10, 2023.

City of Toronto, “City of Toronto continues to help and support people experiencing homelessness.” News Release of June 30, 2021. <https://www.toronto.ca/news/city-of-toronto-continues-to-help-and-support-people-experiencing-homelessness-2/>. Accessed February 13, 2023.

City of Toronto, “City of Toronto continues to help and support people experiencing homelessness.” News Release of June 25, 2021. <https://www.toronto.ca/news/city-of-toronto-continues-to-help-and-support-people-experiencing-homelessness/>. Accessed February 10, 2023.

City of Toronto, “City of Toronto restoring Trinity Bellwoods Park while continuing to help people experiencing homelessness.” News Release of June 22, 2021. <https://www.toronto.ca/news/city-of-toronto-restoring-trinity-bellwoods-park-while-continuing-to-help-people-experiencing-homelessness/>. Accessed February 10, 2023.

<sup>46</sup> “COVID-19 Response Update: Protecting People Experiencing Homelessness and Ensuring the Safety of the Shelter System,” above.

<sup>47</sup> Farha, Leilani, and Schwan, Kaitlin, *A National Protocol for Homeless Encampments in Canada*. April 30, 2020. <https://researchcentres.wlu.ca/centre-for-research-on-security-practices/assets/documents/national-proposal-for-homeless-encampments-in-canada>. Accessed February 13, 2023. p. 2.



encampment response told us that the City does not have an official definition for “engagement.”

135. City staff we interviewed gave us different understandings of what they thought engagement meant. A Streets to Homes employee said that if they tried to speak with someone living in an encampment, and that person is “not responsive,” then they will not count the interaction as an engagement. Another Streets to Homes worker told us that they record every interaction with someone living in an encampment, even if the person refuses to speak with them.
136. A City staff member from PFR told us that they understood engagement to include greeting an individual, but not necessarily receiving a response. Conversely, another employee with extensive experience responding to encampments gave us a broad definition: “It’s about who’s there, understanding the needs of people who are there ... knowing who the players are, the wider community, and the supports.”
137. Community workers we interviewed spoke about their confusion regarding the City's use of the term 'engagement', telling us that the City has not been clear or consistent. According to one community outreach worker, the City “has never said what an engagement is. Is it just handing someone a bottle of water or is it a meaningful interaction?” Another worker commented that the City’s repeated references to 'engagement' do not explain what an engagement is and usually consist of “a ridiculous amount of information about interactions between [Streets to Homes] and [encampment] residents.”
138. The former Interdivisional Encampment Lead provided us with the following definition of engagement, which focused on how to engage with a variety of stakeholders:

Engagement is around different goals. Number 1 is knowing who is in the space and for what reason they are there. Number 2 is understanding the workers who are in the space. Some of the workers are also encamped people. Who’s in the space. The next component is what’s happening in the space, from a health and safety perspective. ... Get to know people so you can understand where they’re coming from and what their triggers are because you’re about to uproot their whole existence. You want them to be successful if they do decide to take a step. You also want to engage their neighbours around the space, so [we] spent lots of time trying to call or see the complainants and let them know they knew it was messed up. Engage with other service providers, with the advocate groups. Engagement is about who’s there, understanding the needs of people who are there, the politics surrounding the space. There’s a political structure within each encampment, like a Mayor. Knowing who the players are, the wider community, and the supports. It’s really to assess how you can best work in the situation. [We are] very on the ground with this kind of work, and [we were] out in these spaces every day.
139. This understanding seems to be more in line with the accepted definition of meaningful engagement described by practitioners and other experts who work with individuals



experiencing homelessness. This approach to engagement was inconsistently understood by staff we interviewed.

140. Several staff also told us that their engagement interactions changed over time. In the early days of the pandemic, there were more opportunities to build relationships with people living in encampments that were not solely focused on bringing them inside. As the encampments grew and the City became more focused on clearing, engagement interactions then became shorter, due to a lack of resources. Staff told us they had more success in convincing people to come inside when they were able to engage more frequently. However, as the encampment grew, they were only able to “engage” about once a week. According to the MAP Report, the City’s goal of clearing the encampments also negatively impacted the City’s efforts to engage with individuals in encampments:

A fundamental issue that outreach workers and volunteers identified was their belief that the City had different goals than they did – namely, a focus on getting encampment residents indoors and out of the parks at any cost, regardless of the outcome for residents, rather than on building relationships and supporting residents ‘where they’re at’.<sup>48</sup>

## Engagement: A Human Rights Perspective

141. The City states its commitment to taking a housing first and human rights-based approach as part of its HousingTO 2020-2030 Action Plan.<sup>49</sup>
142. Researchers who have reviewed various responses to encampments from a human rights perspective say that any viable engagement strategy should consider people living in encampments as “rights holders,” whose human rights and human dignity should be upheld.<sup>50</sup>
143. They have also noted several best practices that governments should consider when engaging with people living in encampments. This includes creating an engagement

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<sup>48</sup> “Evaluation of Encampment Outreach Supports during COVID-19”, above.

<sup>49</sup> “HousingTO 2020-2030 Action Plan,” above, pp 5 & 23.

<sup>50</sup> “A National Protocol for Homeless Encampments in Canada,” above, at p. 12.

McCartan, Delaney, Graham, Lauren, Van Wagner, Estair, Schwan, Kaitlin, and Flynn, Alexandra, *Trespassing on the Right to Housing*. December 2021. <https://ejscclinic.info.yorku.ca/files/2021/12/trespassing-on-the-right-to-housing-city-of-toronto-report-20-december-2021.pdf?x86560> Accessed February 10, 2023. p. 61.

“Encampments Rights Review,” above, at p. 14.



framework that ensures the views of people living in encampments are considered in key decision making, such as the design and implementation of programs and policies that affect them.<sup>51</sup> Additionally, experts note that “meaningful engagement” should start early and be ongoing,<sup>52</sup> and that people living in encampments should be provided with information and resources, including relevant laws and information on their rights, in part to eliminate the power imbalance between governments and people living in encampments.<sup>53</sup>

144. It is recommended by researchers and experts that governments “establish meaningful and ongoing engagement” with people living in encampments in the development of any relocation plans, including exploring alternative housing and shelter options that are acceptable to people living in encampments.<sup>54</sup>
145. Researchers also recommend that a “community engagement agreement” be created between people living in encampments, government actors, and other stakeholders, including community organizations. They say the agreement should include information on when and how people living in encampments will be engaged. Participation of third-party mediators is also suggested to “protect against power imbalances that may lead to breakdown in negotiations.”<sup>55</sup>

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<sup>51</sup> “A National Protocol for Homeless Encampments in Canada,” above, at p. 12.

<sup>52</sup> “A National Protocol for Homeless Encampments in Canada,” above, at p. 12. “Trespassing on the Right to Housing,” above, at pp. 42 and 68.

<sup>53</sup> “A National Protocol for Homeless Encampments in Canada,” above, at p. 16.

Flynn, A., Hermer, J., Leblanc, C., MacDonald, S-A., Schwan, K., Van Wagner, E. 2022. *Overview of Encampments Across Canada: A Right to Housing Approach*. The Office of the Federal Housing Advocate. [https://www.homelesshub.ca/sites/default/files/attachments/Overview%20of%20Encampments%20Across%20Canada\\_EN\\_1.pdf](https://www.homelesshub.ca/sites/default/files/attachments/Overview%20of%20Encampments%20Across%20Canada_EN_1.pdf). Accessed February 10, 2023. p. 38.

<sup>54</sup> “A National Protocol for Homeless Encampments in Canada,” above, at p. 21.

<sup>55</sup> “A National Protocol for Homeless Encampments in Canada,” above, at p. 17.





## Engaging with Vulnerable Communities

146. Certain vulnerable communities are overrepresented in people experiencing homelessness in Toronto. Researchers have noted that these vulnerable groups are overrepresented based on a number of factors including discrimination, barriers to housing, and criminalization, among others.<sup>56</sup>
147. For example, First Nations, Inuit, and Métis people are overrepresented amongst people experiencing homelessness in Canada. This is also true in Toronto. According to the 2021 Street Needs Assessment, “Indigenous people represent up to 2.5% of the Toronto population, yet 15% of people experiencing homelessness. This is even more significant for Indigenous people staying outdoors (23%).”<sup>57</sup>
148. When creating an engagement strategy for Indigenous peoples living in encampments, researchers recommend an approach that is grounded in Indigenous cultural practices, is trauma-informed, acknowledges their unique relationship to the land, and recognizes the distinct rights of Indigenous Peoples, as outlined in the United Nations Declaration on the Rights of Indigenous Peoples, as well as other international human rights covenants and treaties.<sup>58</sup> The Canadian Observatory on Homelessness states the following:
- When considered through Indigenous worldview, homelessness “is not simply a lack of accommodation” but “a web of relationships that involves connections to human kinship networks; relations to animals, plants, spirits, and elements; relationship to the Earth, lands, waters, and territories; and connection to traditional stories, songs, teachings, names, and ancestors. All these aspects of the circle of interconnectedness are known as ‘home’ in Indigenous societies and worldviews.”<sup>59</sup>
149. Researchers also note that the ongoing experience of colonization and systemic racism are essential to understanding Indigenous homelessness,<sup>60</sup> and that Indigenous

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<sup>56</sup> Canadian Observatory on Homelessness, “Racialized Communities.” <https://www.homelesshub.ca/about-homelessness/population-specific/racialized-communities>. Accessed February 10, 2023.

<sup>57</sup> “Street Needs Assessment 2021 Results Report,” above.

<sup>58</sup> “A National Protocol for Homeless Encampments in Canada,” above, at p. 28; “Overview of Encampments Across Canada,” above, at p. 38; “Encampments Rights Review,” above, at p. 8.

<sup>59</sup> Canadian Observatory on Homelessness, “Indigenous Peoples.” <https://www.homelesshub.ca/about-homelessness/population-specific/indigenous-peoples>. Accessed February 13, 2023.

<sup>60</sup> *Abbotsford (City) v. Shantz*, 2015 BCSC 1909



Peoples may experience homelessness differently from others because of intergenerational trauma and separation from traditional land.<sup>61</sup>

150. Racialized people, particularly those who identify as Black, are also disproportionately represented among those experiencing homelessness in Toronto.<sup>62</sup>
151. One research group cites the City's 2021 Street Needs Assessment where nearly 60% of respondents were members of racialized groups, with 31% identifying as Black.<sup>63</sup>
152. The unique circumstances of other diverse groups should also be considered. This includes but is not limited to women, members of the 2SLGBTQ+ community, young people, seniors, families, people experiencing mental health challenges, people with substance use challenges, those impacted by violence, veterans, immigrants, and refugees.
153. Research shows that for women, girls, and gender-diverse people experiencing homelessness, gender-based violence is a real threat. For this group, violence can be "both the cause and consequence of homelessness."<sup>64</sup> Women who are experiencing homelessness are more likely to have had experienced assault and young women experiencing homelessness are at a higher risk of sex-trafficking.<sup>65</sup>
154. The City should engage with all of these (often overlapping) groups with particular care so that interactions with the City take into consideration their particular circumstances.

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<sup>61</sup> Gaetz, S.; Barr, C.; Friesen, A.; Harris, B.; Hill, C.; Kovacs-Burns, K.; Pauly, B.; Pearce, B.; Turner, A.; Marsolais, A. (2012) *Canadian Definition of Homelessness*. Toronto: Canadian Observatory on Homelessness Press. <https://www.homelesshub.ca/sites/default/files/COHhomelessdefinition.pdf>. Accessed February 13, 2023.

<sup>62</sup> "Street Needs Assessment 2021 Results Report," above.

<sup>63</sup> "Overview of Encampments Across Canada," above, at p. 23.

<sup>64</sup> Schwan, K., Versteegh, A., Perri, M., Caplan, R., Baig, K., Dej, E., Jenkinson, J., Brais, H., Eiboff, F., & Pahlevan Chaleshtari, T. (2020). *The State of Women's Housing Need & Homelessness in Canada: A Literature Review*. Hache, A., Nelson, A., Kratochvil, E., & Malenfant, J. (Eds). Toronto, ON: Canadian Observatory on Homelessness Press. <https://womenshomelessness.ca/wp-content/uploads/State-of-Womens-Homelessness-Literature-Review.pdf>. Accessed February 13, 2023.

<sup>65</sup> "The State of Women's Housing Need & Homelessness in Canada," above.



## The City's Engagement with Encamped Indigenous Individuals and Community Groups

155. We heard that it is important for the City to have a unique and well-planned engagement strategy for Indigenous people living in encampments. Senior staff from the City's Indigenous Affairs Office (IAO) and one researcher we spoke with told us that in engaging with Indigenous people, the City needs to consider their unique legal and land rights and the impact of forced removal from encampments into the shelter system which can exacerbate intergenerational trauma around institutional settings like residential schools and the foster care system.
156. We heard from City staff, advocates, and community groups that the City does not have a consistent definition of engagement or an engagement strategy in dealing with Indigenous individuals living in encampments or community groups who support them.
157. IAO staff also raised issues with the City's approach to engagement and planning the clearings. On June 18, 2021, a staff member from the IAO sent an email to the former City Manager and other senior City staff involved in the encampments as they had just learned about the upcoming planned clearing for Trinity Bellwoods Park. They stated that:

I am worried about increased negative impact to the many Indigenous people in the camps because of the findings in Kamloops, Manitoba and Saskatchewan. Beginning the clearing a day after National Indigenous People's Day and continuing with the other camps means it will reach to Canada Day. This feels like such a fraught time and I worry about amplifying the negative impact. I am not sure if further delay is possible. Staff have suggested engaging Elders or Knowledge Keepers at minimum to possibly conduct ceremony for the land and the people. I am going to reach out to Indigenous leaders who have been active in encampments...to see if they think this would help or make it worse...
158. IAO staff told us that no one from the City followed up on their June 18, 2021 email. Based on our review, it does not appear that these suggestions were incorporated into the planning documents.
159. Just prior to the Trinity Bellwoods Park clearing, Indigenous community workers told the senior IAO staff member that that the City needed to engage with Indigenous individuals in encampments to find out what their needs were and to figure out how to support them. They said this included understanding the role of Elders and sacred fires, and making sure these were respected.
160. The City does recognize the importance of working with Indigenous organizations as part of its 2022-2032 Reconciliation Action Plan. In the Action Plan, the City states that the work under its 2021 SSHA Homelessness Services Plan will include providing



support to Indigenous organizations who assist people living in encampments in order to "develop a human-centred, trauma-informed approach" to its encampment response, including "harm reduction initiatives."<sup>66</sup>

## Engagement with Community Groups and Workers

161. Throughout our investigation, we found that the relationship between the City and community workers had become strained. Both City staff and community workers informed us of the difficulty they experienced engaging with one another on the issue of encampment clearings.
162. In late 2020, the City created the 'Encampment Discussion Table' (Discussion Table) chaired by an external mediator. The Discussion Table held three meetings before it was ended by the City. Both City staff and the community groups and workers<sup>67</sup> involved in the Discussion Table told us that further meetings did not take place because neither party could agree on fundamental issues, including how individuals in encampments would participate. One senior City staff wrote in an email that the "core difference" between the parties was that the community groups "see encampments as communities with residents and the City does not."
163. We interviewed representatives from housing community groups. A variety of statements were made to investigators with a representative sample below:
- The sticking point was our insistence that they had to have people with lived experience in or from encampments as a part of key decisions and we told them we would negotiate on any other point but this one. We would bring people to those virtual meetings or give them the link.
- Involving people with lived experience in key decisions is a key part of UN protocol, that people have to have some say to what is happening to them. This is where negotiations in Jan-March broke down, would not include people with lived experience.
- So we would talk to the negotiator, and the City side would talk to the negotiator, and we never got to where we could sit down together because of the sticking point of people with lived experience being part of the decision making. City would not budge on this.
164. A Deputy City Manager reported that including people who had lived experience was not the issue. Rather, the issue was that the community groups wanted a commitment

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<sup>66</sup> City of Toronto, *2022-2032 Reconciliation Action Plan*. <https://www.toronto.ca/wp-content/uploads/2022/04/8d83-City-of-TO-Reconciliation-Action-Plan-for-web.pdf>. Accessed February 13, 2023.

<sup>67</sup> The Discussion Tables were attended by prominent community groups and workers who support people living in encampments, including members of Sanctuary, Encampments Support Network, and Sandra Campbell (Toronto Urban Native Ministry Pastoral Care Worker).



that there would be no clearing and wanted the City to consider sanctioning encampments, which the Deputy City Manager said staff had no authority to act on. They stated that community groups refused to meet with the City unless it gave this commitment.

165. Notwithstanding initiatives such as the Discussion Table, the City does not appear to have an engagement strategy in place to work with community groups. This despite the important role they play in supporting people in encampments.
166. We heard from City staff that they need the support of community groups in order to carry out their encampment response. One staff member commented that “encampments are challenging to deal with and require the expertise of community partners ... [and that] engaging community groups and advocates about our work and approaches is necessary.”
167. A number of staff members acknowledged that community groups filled an important service gap, distributing water, food, and harm reduction supplies, among other items. They said the City provided some of these, but not on a daily basis the way that community groups did.
168. The former Interdivisional Lead for Encampments told us the following:

How the City looks at vulnerability is the gap between someone’s risk factors and the services that they require, with a focus on taking all measures to reduce that vulnerability and that a variety of tools would need to be leveraged, including harm reduction and health supports, outreach, engagement, and coordinated wellness checks that could only be achieved with the assistance of community partners.
169. We also heard from City staff that in some cases community groups and workers assisted the City staff in connecting individuals to various services, such as supports for mental health or substance use challenges.
170. The role community groups played in assisting City staff and individuals living in encampments was often very helpful. However, several community workers told us that, in many cases, the City reacted negatively toward certain community groups in a way that inhibited meaningful engagement with them.
171. One City staff member reported that some community groups were distrustful of the City and operated within an "us vs. them" framework. They also said community groups posted criticism that was personally directed at staff. Several staff also reported being verbally attacked and threatened with physical violence, both in person and online. One staff whose work focused heavily on encampments told us that their name and the names of other staff were spray-painted on park walls with expletives, blaming them for the encampment clearings, while another staff member told us they were



followed home by some people who were opposed to the City's response to encampments.

172. Several City staff told us these people obstructed some of their work. For example, a Streets to Homes staff wrote to their colleagues on July 7, 2021 that a specific community group was “detering [individuals in the Lamport Stadium Park encampments] from accepting rooms that are shared spaces and out of downtown locations.”

## The Role of Streets to Homes

173. Streets to Homes was created in 2005 with a mandate to assist people experiencing homelessness and sleeping outdoors in finding, and keeping, housing.
174. Streets to Homes outreach staff are an integral part of the City's strategy for helping people living in encampments to get connected with health and support services, and with helping to address their shelter and housing needs. According to information on the City's website, Streets to Homes staff “focus on establishing supporting relationships as a first step in addressing an individual's immediate health and safety needs.”<sup>68</sup>
175. During our investigation, we reviewed documentation suggesting that Streets to Homes' mandate to support people living in encampments was being compromised by asking its staff to collect information about people living in encampments to be used for planning the encampment clearings.
176. In a June 2021 email, a Streets to Homes staff member wrote to a senior OEM staff member with concerns about collecting data about people living in encampments. The Streets to Homes staff member wrote that they believed this was contrary to Streets to Homes' mandate. They explained:

Streets to Homes are often asked to blur their mandate ... [and] need to be removed from all encampment clearing activity as it hurts our relationship building with clients ... The data collection required of us [suggests] that we are surveillance as opposed to a supportive figure and does not establish a positive relationship-building experience.
177. In an August 2021 email, another Streets to Homes staff member wrote about the challenges they faced in establishing trust with people living in encampments after the City cleared the encampment at Trinity Bellwoods Park. This staff member commented

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<sup>68</sup> More information: <https://www.toronto.ca/community-people/housing-shelter/homeless-help/streets-to-homes-street-outreach-support-program/>. Accessed February 10, 2023.



that the people living in encampments are much less open to interacting with Streets to Homes staff “to the extent that some [Streets to Homes] staff are avoiding wearing their uniforms ... [which is] making it very difficult to engage with clients.” The staff person went on to suggest that Streets to Homes staff should not wear any clothing with the Streets to Homes logo and that staff should somehow “get the word out” that Streets to Homes is not involved in clearing encampments.

178. We heard from one senior SSHA staff member that, for Streets to Homes and other staff, it is key that the City “separate the enforcement aspect of this work from the social service component of this work, [as it is] very difficult to be seen as a social worker and an enforcer at the same time.”
179. In response, Senior City Leadership advised that the role of Streets to Homes was not to facilitate the clearing, but rather to assist in understanding the needs of the individuals. According to Senior City Leadership, the mandate of Streets to Homes was not compromised. The sharing of information with divisional partners was for the purposes of delivering better service.
180. The MAP Report also comments on this conflict in Streets to Homes’ role supporting people in encampments while also being involved in the City’s enforcement efforts:

Outreach workers and volunteers also highlighted a key issue around the duality and complexities of the City’s role as both supporter and evictor (especially Streets to Homes), and how these conflicting roles confused and harmed residents.<sup>69</sup>
181. A senior City staff member told us that a number of Streets to Homes staff “consistently” said they wanted to be “separate and away” from the City’s enforcement activities of clearing encampments.<sup>70</sup> It was this senior City staff member’s impression that when the City clears an encampment, “all City staff get painted with the same brush,” and that this was particularly challenging for Streets to Homes staff to address, given their mandate to develop rapport and trust with people living in encampments.
182. Individuals in encampments also raised issues with Streets to Homes’ role. One individual told us that their experience with Streets to Homes was limited to staff showing up to let people living in encampments know that police or PFR staff would be coming shortly to clear individuals and their belongings.

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<sup>69</sup> “Evaluation of Encampment Outreach Supports during COVID-19”, above.

<sup>70</sup> We understand that although S2H staff were required to be present on the day of the large encampment clearings, the OEM allowed them to be “offsite”, but nearby, the park.



## The Role of Parks Ambassadors

183. The City created the Parks Ambassador Program in 2003. According to information on the City’s website, the role of Parks Ambassadors is to make sure City parks are safe, ready for “permitted activities,” and to “resolve conflicts where they arise.” Parks Ambassadors can also perform safety checks and supply water to people living in City parks, clean litter and debris left behind from encampments, and refer people living in encampments to Streets to Homes.<sup>71</sup>
184. We heard from staff at PFR—including current Parks Ambassadors—that the role of Parks Ambassadors in responding to encampments in City parks changed over time, particularly during the COVID-19 pandemic.
185. PFR staff told us that before the pandemic, Parks Ambassadors were involved in enforcement activities for clearing encampments, such as posting Notices of Advice on tents and structures in parks before the City cleared an encampment.<sup>72</sup> The City’s website states that one of the roles of Parks Ambassadors is to work with by-law enforcement officers and the Toronto Police Service to “identify and manage illegal park use.”<sup>73</sup>
186. A senior PFR official told us that during the early days of the pandemic, Parks Ambassadors switched their “focus” from enforcement actions to providing support for people living in City parks. They told us this support included providing water, socks, and other warm items, and focused on connecting individuals in encampments to Streets to Homes staff for referrals to indoor space.
187. We understand that during the pandemic, PFR decided Parks Ambassadors would no longer be involved in enforcement actions for encampments. A PFR Director told us that there was no specific date as to when this decision was made, rather, it happened “organically.”

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<sup>71</sup> City of Toronto, “Encampment Safety & Clearing Protocols.” <https://www.toronto.ca/community-people/housing-shelter/homeless-help/encampment-outreach-response/encampment-safety-clearing-protocols/>. Accessed February 13, 2023.

<sup>72</sup> The Notice of Advice informs an individual that they are violating City of Toronto Municipal Code Chapter 608, which includes Section 608-14 which states that, “Unless authorized by permit, no person shall place, install, attach or erect a temporary or permanent tent, structure or shelter at, in or to a park.”. The Notice of Advice told them they had to leave, usually within 72 hours of the notice being posted.

<sup>73</sup> “Encampment Safety & Clearing Protocols,” above.





188. A June 2021 City Manager report to City Council said that Parks Ambassadors, as well as Streets to Homes staff, are not involved in clearing activities or posting notices at encampments in City parks.<sup>74</sup> The report also said that Parks Ambassadors, along with Streets to Homes staff, perform “outreach” activities at encampments, including wellness checks with people living in encampments, and sharing information about washroom access, shower facilities, and vaccine clinics.
189. People living in encampments raised issues with these “wellness checks.” One individual told us they felt that Streets to Homes and Parks Ambassadors staff were “trying to build a case against them.” This individual also spoke about a sense of “surveillance” on the part of City staff.
190. According to some of the PFR staff that we spoke with, the City’s clearing of encampments “hurt” the relationship between people living in encampments and Parks Ambassadors. The former manager of the Encampment Office told us that they recalled hearing concerns from Parks Ambassadors about how being involved in clearing encampments was “muddying their role.”
191. Two community workers we interviewed stated that individuals in encampments perceived Parks Ambassadors as conducting “surveillance.” One of those community workers told us that Parks Ambassadors were perceived as “para-police” because their focus was on “surveillance and enacting bylaws.”
192. The MAP Report commented on the “conflicting roles” of City workers. On the one hand, they had support roles in helping people gain access to housing, on the other they were responsible for enforcement. The report said that people living in encampments found these “dual relationships” caused confusion and distrust. The report quoted an outreach worker referring to Parks Ambassadors “with one hand handed you a water, with the other hand handed you an eviction notice.”<sup>75</sup>
193. As noted above, the City Manager’s report states that “neither Streets to Homes or Parks Ambassadors staff are involved in enforcement activities or posting of notices.”<sup>76</sup>
194. The issue of collecting information resulted in a media inquiry to the Information and Privacy Commissioner of Ontario (the IPC) asking whether the IPC had concerns that

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<sup>74</sup> “COVID-19 Response Update: Protecting People Experiencing Homelessness and Ensuring the Safety of the Shelter System,” above.

<sup>75</sup> “Evaluation of Encampment Outreach Supports during COVID-19”, above, at p. 55.

<sup>76</sup> “COVID-19 Response Update: Protecting People Experiencing Homelessness and Ensuring the Safety of the Shelter System,” above.



the City's collection of information from individuals who lived in the encampment at Trinity Bellwoods Park was contrary to the privacy provisions found in the *Municipal Freedom of Information and Protection of Privacy Act* (the Act or MFIPPA).<sup>77</sup>

195. The City advised the IPC that it collected information from the individuals who lived in the Trinity Bellwoods Park encampment for two types of operations: the provision of City services to individuals residing in park encampments and enforcement of Municipal By-law provisions<sup>78</sup> that regulate or prohibit aspects of the park encampments.
196. In a letter dated December 5, 2022 to the City, the IPC informed the City that it was satisfied that no further review of the matter was warranted. Based on its review, the IPC stated that it appeared the City's collection and use of the information was permitted under the Act.

## Analysis and Findings

197. My office was not provided with an operational definition of engagement for working with people experiencing housing precarity and homelessness. While the City is aware of the importance of meaningful engagement, without a clear definition and articulated objectives, engagement will be inconsistent – and in some cases, insufficient. It is key that people who are experiencing homelessness be heard and listened to—meaningful and consistent engagement is a necessary part of ensuring that happens.
198. The literature and City documents relating to “best practice” engagement are plentiful. It is surprising that the City has not adopted a clear strategy and means of effective engagement.
199. The City committed to taking a housing-first and human-rights-based approach as part of its Housing Charter and HousingTO Plan. Part of that is to ensure the progressive realization of the right to adequate housing. Key components to meaningful engagement include building rapport, equity, respect, and empathy. These elements were conspicuously absent during the clearings.
200. In developing an engagement strategy, the City should also consider the specific circumstances and needs of racialized and equity-deserving groups, including but not limited to, Indigenous people, Black people, members of the 2SLGBTQ+ community,

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<sup>77</sup> Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, c. M.56 (the Act or MFIPPA)

<sup>78</sup> City of Toronto Municipal Code Chapter 608, Parks, i.e. the "Parks By-law"



people experiencing mental health challenges, people with substance use challenges, immigrants, and refugees.

201. It was clear from many of our interviews that the relationship between the City and community groups had fractured. The failure of the Encampment Discussion Table is a prime example. Undoubtedly most City staff realize the important role community groups and workers play in assisting people experiencing homelessness. Nonetheless, an unhealthy relationship has evolved between the parties. This is in part because some community groups are diametrically opposed to the City's response and approach.
202. Community groups are looking for permanent housing solutions. The City, on the other hand, is focused on bringing people indoors and clearing the encampments. These differing goals came into sharp focus during the encampment clearings.
203. In sum, the City must bear its responsibility in improving engagement and transparency. It needs to bridge the gap and find common ground to engage as respectful partners in addressing a highly charged and complex problem.
204. Streets to Homes outreach staff are integral to the City's strategy. The role and services provided by Streets to Homes and Parks Ambassadors in facilitating relationship-building and engagement are invaluable.
205. While the collection and use of the information was permitted under *the Act* for the provision of services and the enforcement of the City Parks by-law, there were some City staff and individuals living in encampments who felt it negatively impacted the role of Streets to Homes staff and Parks Ambassadors.
206. When these service providers are perceived as conducting enforcement measures, it creates an adverse effect on the relationships between staff and those living in encampments. That results in an environment of distrust.
207. My investigation found that, upon request, City staff provided OEM with personal information about individuals living in the encampments. This included information about their mental health challenges and anticipated behaviours during the park clearings. SSHA staff have a role with their clients that includes understanding their mental health needs. Several of them told us how uncomfortable they were sharing this information with to OEM staff.
208. I acknowledge that City officials executing enforcement measures need to know if there are any safety issues or anticipated challenging behaviours. However, this must be balanced and carefully managed.



209. When it came time to clear the parks, we were informed that Parks Ambassadors and Streets to Homes staff were not involved. A June 1, 2021, report from the City Manager to City Council affirmed this. Is it reasonable to assert that people living in encampments would see or believe this separation? At this point, all City employees became part of an operation to clear the encampments, whether that was technically the case or not.
210. Relationships between City staff and people experiencing homelessness are built slowly, over time, and do not exist in the vacuum of a single day or solitary encounter. For the City, building and maintaining trust with people experiencing homelessness is essential to the successful provision of support and services. When service providers are perceived to play the role of enforcer, trust is eroded, and the value of those staff diminished.

### **Recommendation 6**

The City should develop a comprehensive strategy for engaging with people living in encampments. The plan should be communicated and understood by all staff involved with the City's encampment response. It should include a clear definition of "engagement," including what "meaningful engagement" should look like, the purpose of engaging with people living in encampments, and how the City will incorporate the feedback it receives.

### **Recommendation 7**

The City's engagement approach concerning Indigenous peoples living in encampments should be based on Indigenous cultural practices that have been endorsed and supported by advice from the Indigenous Affairs Office. It should be trauma-informed, acknowledge their unique relationship with the land, and recognize the distinct constitutional rights of Indigenous Peoples.

### **Recommendation 8**

The City's engagement strategy should outline how it will engage with people living in encampments specific to their social location and social determinants of health.

### **Recommendation 9**

The City should be proactive in repairing those relationships with key community groups that were damaged during and after the clearings by facilitating engagement that can build confidence between the players with an abiding focus on those living in encampments. This



engagement should be a continuing process to build trust with a clear focus on the realization of adequate housing as a human right.

### **Recommendation 10**

The City should review its current policies and procedures for encampments and ensure that the role and function of Streets to Homes staff are clearly understood and communicated.

### **Recommendation 11**

The City should find a way to report personal data in the aggregate for purposes of planning and anticipating needs.

### **Recommendation 12**

The City should ensure that programming reviews to support vulnerable persons using the City's park system are assessed for alignment with current expectations, policies and procedures, training, and enforcement activities. If it is determined that staff delivering this type of park programming should not be involved in enforcement activities, it should ensure that policies and procedures for encampments reflect this.

### **Recommendation 13**

The City should ensure that the role and mandate of divisions delivering outreach and social service supports to people living in encampments are included in the updated Interdepartmental Service Protocol for Homeless People Camping in Public Spaces (IDP).

## **THE CITY'S COMMUNICATIONS ABOUT ENCAMPMENTS**

### **Providing the Public with Information about the City's Process for Clearing**

211. While the City provides information on Encampment Safety and Clearing Protocols on its website, the information focuses on the City's legal authority to clear encampments, safety concerns about encampments, the role of different City divisions, and reducing the footprint in parks and public spaces. We recognize the City's need to consider



security and safety, but we note that it does not provide general public information about its approach or process for clearing encampments.<sup>79</sup>

212. We heard from Encampments Office staff that in 2021, they received complaints from members of the public about encampments and the City's response to encampments from a variety of sources including 311, City Councillors, and City staff who received complaints by email and phone.
213. Encampments Office staff told us that they addressed the complaints they received from members of the public and businesses in a variety of ways, including through phone calls and in-person meetings. They also told us that they worked with Strategic Communications to develop “key messages” to incorporate into “boilerplate” responses which they could use to respond to different categories of public complaints.
214. Further, Encampments Office staff said that in 2021, they conducted about 15 complaint meetings a week, both by phone and in-person, which included meetings with neighbourhood Business Improvement Associations (BIAs) and resident groups.
215. However, when asked, they told us there is no formal process for managing or tracking encampment-related complaints. As of the time of this report, this appears to still be the case.
216. The City listed 311 and its [encampments@toronto.ca](mailto:encampments@toronto.ca) email address on the June 2021 Trespass Notices as a way for individuals in encampments to contact the City with any questions. However, the [encampments@toronto.ca](mailto:encampments@toronto.ca) email address and any additional contact information for the Encampment Office was not listed on the City's website or in any other public communications. Encampment Office staff told us that the [encampments@toronto.ca](mailto:encampments@toronto.ca) account is currently used for complaints from the public.
217. Based on our review, there is currently no information posted on the City's website to instruct the public on who to contact about their concerns with encampments. There is also no information provided about the City's escalation process, should a member of the public be dissatisfied with the City's initial response to their complaint. Under the section on “Who to call for Questions or Concerns,” the City lists 311, Police Non-Emergency, Toronto Fire Services General Inquiries, and 911 as contacts, but there is no explanation as to who the public should call about a specific concern.<sup>80</sup>

## Giving a Date for Enforcement

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<sup>79</sup> “Encampment Safety & Clearing Protocols,” above.

<sup>80</sup> “Encampment Safety & Clearing Protocols,” above.



218. A September 2020 City document titled “Encampments During COVID-19 Pandemic” (Encampments Document) outlines the City’s plans for responding to encampments during the pandemic. At the time, it noted that the City’s “current direction” was that it must offer indoor space to someone living in an encampment prior to taking enforcement action to clear the encampment. The document stipulates that the City “will do its best” to support people living in encampments, but that if offers of indoor space are not accepted, as a last resort, the City will “move with the eviction and clearing of encampments.”
219. The same document states that, when required, a Notification of Advice or a Notice of Violation would be issued to enforce the City’s by-laws. The notices would “inform individuals that camping is to be discontinued and that personal goods, debris and structures are to be cleared from a public space or right of way upon the identified deadline.”
220. The City told us that a Notice of Advice is issued by PFR staff, whereas a Trespass Notice is typically issued by MLS by-law enforcement officers and Corporate Security staff. The Trespass Notice states that it may be “...enforced in accordance with the provisions of the Trespass to Property Act, R.S.O. 1990 c. T21 and/or by any other legal means available to the City.”
221. On March 16, 2021, as part of the Pathway Inside Program (PIP), staff from the City’s Encampment Office posted and handed out Trespass Notices at encampments at Moss, Trinity Bellwoods, Alexandra, and Lamport Stadium Parks. The notice said:
- [I]n early April people will not be allowed to stay overnight and these encampment sites will undergo a parkland restoration process. Encampments are not permitted in City parks as per Chapter 608 of the Parks municipal code and people are not permitted to erect tents and other structures on City property as per Chapter 743 of the Streets & Sidewalks, municipal code.
222. Three days later, by-law enforcement officers from MLS posted and handed out Trespass Notices with a cover letter at the same four parks. Staff from the Encampment Office were onsite to answer questions from people living in the encampments.
223. In the cover letter, in a section titled *Compliance expected*, it said that the City:
- [I]s hopeful that persons encamped in the Park [sic] will co-operate by bringing themselves into compliance with applicable laws immediately and accept indoor spaces, however **the City expects those individuals camped in the park to remove any and all of their structures and other belongings from the park no later than April 6, 2021 at 8:00 am.**
- Be advised that the Notice will be enforced in accordance with the provisions of the *Trespass to Property Act*, and/or by any other legal means available to the City of Toronto. Any unauthorized property that remains in the Park after **April 6, 2021 at 8am**, may be removed and/or disposed of



by the City at any time. [*emphasis in original*]

224. In the end, the City did not take enforcement action to clear the Moss, Trinity Bellwoods, Alexandra, and Lamport Stadium Parks encampments, as it stated it would. City staff told us that it did not take any enforcement action because there were COVID-19 outbreaks in the shelters where people living in the encampments were supposed to be moved.
225. In an April 1, 2021, news release, the City explained that the notices it had posted in the parks:
- ...identified a date of April 6 to guide peoples' decision making regarding offers of shelter, housing and other supports being offered ... No enforcement action to vacate parks will occur on April 6 while the City continues to focus its efforts on offering the necessary means to keep people safe and support voluntary referrals into indoor space...<sup>81</sup>
226. On April 3, 2021, following the City's news release, media reported that the City had "paused" its plans to clear encampments.<sup>82</sup> One of the people living in an encampment spoken to by CBC expressed relief at the City's announcement.
227. On June 12, 2021, the City once again served Trespass Notices to people living in the encampments at Moss, Trinity Bellwoods, Alexandra, and Lamport Stadium Parks (Appendix A). The cover letter to the Trespass Notices said that the City had already issued notices at those parks.<sup>83</sup> However, unlike those earlier notices, the document did not include a deadline for individuals to comply. Instead, the notices said that that the City "is hopeful" that people will comply with the notice "immediately."
228. The MAP Report noted that workers and volunteers supporting people living in encampments "expressed immense stress over the lack of communication on the part of the City," and that "[n]ot knowing when evictions were going to occur was a constant source of stress for encampment residents, workers and volunteers."<sup>84</sup>

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<sup>81</sup> City of Toronto, "Pathway Inside program continues to house and support people experiencing homelessness." News Release of April 1, 2021. <https://www.toronto.ca/news/pathway-inside-program-continues-to-house-and-support-people-experiencing-homelessness/>. Accessed February 10, 2023.

<sup>82</sup> Draaisma, Muriel; Roddekopp, Lorenda, "Toronto Pauses plans to clear encampments after COVID-19 outbreak declared at shelter hotel." *CBC News*, April 3, 2021, <https://www.cbc.ca/news/canada/toronto/city-pauses-plan-clear-encampments-covid-19-outbreak-shelter-hotel-pathway-inside-1.5974886>. Accessed March 15, 2023.

<sup>83</sup> "Evaluation of Encampment Outreach Supports during COVID-19", above, at p. 55.

<sup>84</sup> "Evaluation of Encampment Outreach Supports during COVID-19", above, at p. 55.





229. A Deputy City Manager involved in the planning and coordination of the City’s response to encampments told us that “one of the biggest discussion points” amongst City staff was whether to include a compliance date on the City’s June 2021 notices.
230. The Deputy City Manager recalled that there was a discussion about the “pros and cons” of listing a date, including the importance of being transparent, but also the importance of ensuring the safety and security of both the individuals living in encampments and City staff. They said that the City ultimately decided not to include a compliance date for the Moss, Trinity Bellwoods, Alexandra, and Lamport Stadium Parks encampments out of concern for the safety of those living in encampments, City staff, and the general public. This was in part due to the large number of protestors the City thought would show up on the clearing days if a compliance date was specified in the notice.
231. The Deputy City Manager also commented that, even when the City had previously issued notices that included a date for compliance, the City was criticized for creating “stress and duress” for people living in encampments. Overall, the Deputy City Manager said that, for legal reasons, the City has to issue a notice before it takes enforcement action, regardless of whether a date for compliance is included.
232. It is important to note that neither the Parks by-law<sup>85</sup> nor the *Trespass to Property Act*<sup>86</sup> require the date on which enforcement is to take place to be included in a notice. The Parks by-law, however, does require a date of compliance that is no less than 72 hours from the date of the notice.

## Providing Relevant and Clear Information

233. The City’s Encampment Document says that formal enforcement notices given to people living in encampments will provide “relevant and clear communication to the individual about eviction.”
234. The same Deputy City Manager involved in the City’s response to encampments told us that they were “keenly aware” of the vulnerabilities of people living in encampments and knew that the City had to make the notices “understandable.”
235. The Deputy City Manager explained that, for them, it was the ongoing “person-to-person” conversations between City staff and people living in encampments about

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<sup>85</sup> "Parks By-law," above

<sup>86</sup> Trespass to Property Act, R.S.O. 1990, C. T.21



what the notice meant that was critical, “rather than just a piece of paper that we have to post.” They noted that, while the notice must include specific language to meet legal requirements, the most important part for City staff was to make sure that people understood what the notices said. “If it weren’t for this person-to-person notice,” they told us, “I don’t think the notice would be reasonable.”

236. Documents we reviewed showed that the City received questions and concerns from people living in encampments, as well as community workers, about the City’s notices and its plans for enforcement if there was no compliance.
237. After the March 16, 2021 Notice of Advice was issued, staff from the Encampments Office sent an email to several senior City staff members. The email included questions and concerns from community workers and people living in encampments about the notice. These included:
  - What happens to individuals who decline services?
  - If someone is actively working with a housing worker but does not receive housing, what will occur?<sup>87</sup>
  - How much notice will be given before belongings needs to be cleared?
  - What does enforcement look like?
  - Who will take part in enforcement?
238. None of the available information we reviewed indicated that the City took steps to respond to these questions.
239. We also heard from individuals in encampments that the City’s process for providing notice was unclear. One individual told us that the City needs a better procedure for informing people about what would happen on the clearing day and that “there needs to be more communication about what the consequences are if you stay.”

## Communications about Police Involvement

240. We heard from various stakeholders, including people living in encampments, community support workers, and some City staff, that the City’s communications about

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<sup>87</sup> In December 2022, the City told us that if people living in encampments are “voluntarily complying” and working with the City on addressing health and safety issues and accepting an indoor space, then the City would not enforce compliance with a notice that has already been issued. However, if someone stops cooperating with the City, then the City would then issue another notice and seek compliance.



the encampment clearings did not include information about the extent of the Toronto Police Service's (TPS) involvement.

241. In their September 30, 2021 response to former City Councillor Kristyn Wong-Tam's Administrative Inquiry about the City's clearing of encampments at Trinity Bellwoods, Alexandra, and Lamport Stadium Parks, the former City Manager responded to questions about the extent of Toronto Police Service's involvement at the encampment clearings.
242. They stated that the TPS attended the encampment clearings to "ensure the safety of staff, encampment occupants and the general public," and that the City's response was developed by the TPS "based on their assessment of risk."
243. Responding to a question about what process and operational improvements City staff were considering for future encampment clearings, and whether those improvements would "reduce the heavy presence of armed police officers," the City Manager answered:

Since January 2021, the City has facilitated the voluntary clearing of more than 1000 encampments which did not require the involvement of the Toronto Police Service ... Where circumstances necessitate it, a more coordinated effort including the Toronto Police Service is determined based on risk and threat assessments.

...

City staff are committed to a continuous improvement approach to delivering services and will continue to adapt our response to the specific circumstances and context in each situation, as well as in providing services, housing and shelter options to meet the specific needs of the individuals experiencing homelessness. The focus of our street outreach continues to be on establishing supportive relationships as a first step in addressing an individual's immediate health and safety needs, as well as providing supports to move into available shelter and housing opportunities.<sup>88</sup>

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<sup>88</sup> Murray, Chris, "Re: Administrative Inquiry Regarding the Clearing of Encampments." Letter dated September 30, 2021. <https://www.toronto.ca/legdocs/mmis/2021/ia/bgrd/backgroundfile-171485.pdf>. Accessed February 10, 2023.



## Analysis and Findings

244. There is no information on the City's website or elsewhere describing its encampment clearing process. A letter that accompanied the Trinity Bellwoods, Alexandra, and Lamport Stadium Parks Trespass Notices describes what is deemed to be an unauthorized use of park space, and states that failure to comply with the Notice may result in the removal and disposal of any unapproved property. Questions raised by individuals living in encampments and community workers about the clearing process went unanswered by the City. As one individual living in an encampment noted, the City needs to do a better job of informing people about what will happen on the clearing day and what will happen if they do not comply.
245. It was reported to my office that people living in the encampment did not take the threat of eviction seriously because the City failed to enforce earlier Trespass Notices in March.
246. While the City issued a news release explaining why it was suspending that enforcement action, what was missing from the approach was strategic and consistent communications across encampments to ensure everyone was aware that the clearing would not take place. Multiple and accessible communication channels need to be employed to convey important public information.
247. This oversight only served to heighten the stress among those living in the encampments. Individuals did not know if, or when, the City would arrive to clear the encampments. My office found that the City's process for notifying individuals in encampments about planned clearings was unclear, confusing, and lacking in transparency, and showed a significant lack of understanding about their reality. It is reasonable to assume that this mixed messaging led vulnerable residents to be caught off guard when clearings occurred in June and July 2021.
248. My office also found that the City has no articulated process for handling complaints from the public about encampments and the City's response to them. It provides contact information for 311, Toronto Fire Services, and Toronto Police Services on its website, but to whom the public should go with a specific complaint is unclear.
249. The City's [encampments@toronto.ca](mailto:encampments@toronto.ca) email address is provided to individuals who have been issued a Trespass Notice, and those individuals can submit any questions or comments they may have regarding the notice. The Encampment Office also told us that the [encampments@toronto.ca](mailto:encampments@toronto.ca) email address is currently used to receive complaints from the public. However, the email address appears not to have been widely shared with the public, as no reference to it can be found on the City's website.



250. While the Encampments Office did significant work in addressing complaints in 2021, it appears it did so on an ad-hoc basis. There is no system in place to track complaints, record resolutions, or analyze complaints data to enable the office to identify trends and emerging issues or make improvements.

#### **Recommendation 14**

The City should provide public information about its general approach to clearing encampments, including, but not limited to, the clearing process, the role of City officials, the notice period provided, and the supports and services available to those living in encampments. (The City reserves the right to maintain security aspects confidential.)

#### **Recommendation 15**

The City should establish a complaints process where the public, including individuals living in encampments, can submit complaints about the City's encampment response. The complaints process should outline each step, including timelines and who has responsibility for addressing the complaint.

#### **Recommendation 16**

When the City issues a notice for clearing an encampment, the notice should specify the compliance date and, should it decide not to proceed with a clearing, the City should inform individuals living in the encampment before the date specified on the Trespass Notice. Should the City then plan to clear the encampment in the future, it should issue a new Trespass Notice with a new compliance date as soon as possible.

#### **Recommendation 17**

If the City decides to clear an encampment, the Trespass Notice should be accompanied by a letter providing individuals living in the encampment with information about their options and what they can expect from the City as part of the clearing process. This information should be clear, accessible, and in plain language.

#### **Recommendation 18**

The City should use a variety of communication channels and methods to ensure that people living in encampments are informed of the City's plans in a clear and timely way.



## Recommendation 19

The City should create a dedicated City resource for individuals living in encampments to contact if they have questions or concerns about the planned clearing. This contact information should be made public and could be housed with 311.

# DUFFERIN GROVE PARK: A DIFFERENT APPROACH TO ENCAMPMENTS

251. At the time of the release of our Interim Report, the City was reviewing the findings from a program for encampments at Dufferin Grove Park (Dufferin Grove) to consider how the approach used there, or aspects of the initiative, could be implemented at future encampments.
252. We reviewed a March 2022 staff report (the Report) about the City’s response to the Dufferin Grove encampment, called “A Housing First Approach for Encampments: Preliminary Findings from Dufferin Grove Park.” The Report has not been made public.
253. The Report explains that the City’s response to the Dufferin Grove encampment was one of using a “Housing First”<sup>89</sup> approach that involved bringing “comprehensive social and health service supports directly to the park to reduce service barriers and promote client self-determination.” Unlike the encampment clearings in June and July 2021, which were led by OEM, the Dufferin Grove initiative was led by SSHA with support from the Encampment Office.<sup>90</sup> According to senior City leadership, Encampment Office staff assisted in the coordination of cleaning, working with individuals in encampments on their needs, and facilitating services.
254. The Report states that the “underlying philosophy” of the housing-first approach “is that people are more successful in moving forward with their lives if they first have housing.” A housing-first approach includes offering “individualized, person-centred supports” that are trauma-informed, “grounded” in a harm reduction philosophy, and

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<sup>89</sup> Housing First focuses on helping people to find permanent housing as quickly as possible, with the supports they need to live as independently as possible, without any preconditions such as accepting treatment or abstinence. The underlying philosophy of Housing First is that people are more successful in moving forward with their lives if they first have housing. “HousingTO 2020-2030 Action Plan,” above, p. 35.

<sup>90</sup> In our “Interim Report,” above, the former City Manager told investigators that the Dufferin Grove Park initiative was led by SSHA. Paragraph 60.



that promote self-sufficiency. The Report emphasizes “that [a] person-centred approach enabled trust and relationship building which was key to improved outcomes for those staying in the encampment.”

255. The Report notes that, although the issue of homelessness and encampments is not new, encampments have “increased noticeably” during the pandemic. It goes on to say that the City had “adapted its response to the current context and scale of encampments,” but that, as a result of a June 8, 2021 City Council motion,<sup>91</sup> and because of criticism directed at the City for its handling of encampment clearings in June and July, a different “approach” was developed to respond to large encampments:

In light of this renewed direction, which emphasized the importance of the Housing First approach, and the public criticism regarding the encampment clearings in June and July 2021, a new multi-pronged approach was developed. Cornerstones of this approach were taking the necessary time to build trust with encamped individuals and expediting access to housing and other supports, without the use of enforcement.

256. The initiative had several objectives:

- To increase engagement in housing plans by building trust and rapport between individuals in encampments and service providers.
- To meet the immediate needs of individuals living in the park through the mobile provision of health and social supports.
- To connect individuals living in the park to safer indoor spaces including permanent housing that met their needs.
- To localize encampment response strategies for greater impact.<sup>92</sup>

257. The Report also identified seven “Key Learnings” from the Dufferin Grove initiative:

- Housing uptake increases when access to permanent housing options are expanded, streamlined, and based on an individual's needs and preferences. Given limited housing availability, more resources are required to be able to effectively scale this approach.

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<sup>91</sup> The City Council motion directed staff to work with individuals in encampments to develop individual and culturally appropriate housing plans on an accelerated basis regardless of whether the individual accepts a placement in an indoor space. City of Toronto, City Council Decision of June 8, 2021. “CC34.1 – COVID-19 Response Update: Protecting People Experiencing Homelessness and Ensuring the Safety of the Shelter System.” <https://secure.toronto.ca/council/agenda-item.do?item=2021.CC34.1>. Accessed February 10, 2023.

<sup>92</sup> City of Toronto, *A Housing First Approach for Encampments: Preliminary Findings from Dufferin Grove Park*. Unpublished. p. 4.



- Trust, rapport, and relationship-building between individuals in the encampment and service providers was critical to the success of the initiative, as was dedicated staffing resources onsite.
- Deployment of onsite intensive multi-disciplinary staffing resources ensured connections to housing workers and other supports that best met people's needs.
- Continuous and transparent engagement with all stakeholders was key to the success of the approach.
- The encampment was used as social and community building space in addition to a place to sleep. Increasing other uses of the park by removing non-sleeping tents was therefore possible without reducing shelter options in the park.
- A synchronous maintenance strategy mitigated the growth of the encampment and enhanced the feasibility of other uses of the park.
- Measuring outcomes and increasing mechanisms for meaningfully engaging people living outdoors is important to shaping and evaluating impacts of a successful response<sup>93</sup>

258. The Report discusses the mental health supports provided at Dufferin Grove, which included services provided by psychiatrists from Inner City Health Associates' (ICHA) Street Clinical Outreach for Unsheltered Torontonians (SCOUT) team.<sup>94</sup> A Multi-disciplinary Outreach team (M-DOT) was mobilized to provide physical and mental health services in the park.<sup>95</sup> In addition, the Dufferin Grove initiative ran regular pop-up clinics and healthcare supports that could be accessed through text and calls from clients and community workers.<sup>96</sup>

259. The document concludes with the statement that the success of the Dufferin Grove initiative “has significant implications for the future of the City of Toronto’s approach to the encampment response and the reshaping of key City policy on the issue.”

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<sup>93</sup> “A Housing First Approach for Encampments: Preliminary Findings from Dufferin Grove Park,” above, p.1.

<sup>94</sup> Inner City Health Associates, “SCOUT.” <https://www.icha-toronto.ca/programs/scout>. Accessed February 13, 2023.

<sup>95</sup> Toronto North Support Services, “Multi-Disciplinary Outreach Team (M-DOT),” above.

<sup>96</sup> “A Housing First Approach for Encampments: Preliminary Findings from Dufferin Grove Park,” above, p. 5.





260. During their interview with investigators, the current General Manager of SSHA told us they felt the Dufferin Grove initiative could potentially be used as the “blueprint” for the City’s future responses to encampments.
261. We also asked people in the Dufferin Grove encampment what they thought about the initiative. One individual told us that when they moved to Dufferin Grove, this was the first time they had been “treated well.” Another individual told us that this was the first time the City ever assisted them with obtaining an ID or with completing the Rent-Geared-to-Income process.<sup>97</sup> The same individual told us that the Dufferin Grove initiative should be part of the City’s “permanent approach.”
262. At its July 19, 2022, meeting, City Council directed the General Manager of SSHA and the City’s Encampment Office to “further develop and implement the support model piloted at Dufferin Grove.”<sup>98</sup>
263. In December 2022, OEM’s Director told us that the City’s current approach to encampments at Allan Gardens and the Church of St. Stephen-in-the-Fields was based on the “Dufferin Grove approach.”

## Analysis and Findings

264. The City took a “different approach” in response to the Dufferin Grove encampment. It provided residents with comprehensive and innovative supports, including mental health and social services. This is in stark contrast to the City’s clearings of Trinity Bellwoods, Alexandra, and Lamport Stadium Parks.
265. While the Dufferin Grove approach has not been formally adopted, the feedback from the City and those living in the encampment has been encouraging. A General Manager informed my office that the initiative could be used as the blueprint for future encampment responses.
266. Much of this investigation has focused on what was missing from the City’s planning, engagement, and communication regarding the clearings in the summer of 2021. It should be noted, however, that the City performed well with its Dufferin Grove initiative.

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<sup>97</sup> More information on the Rent-Geared-to-Income Subsidy: <https://www.toronto.ca/community-people/employment-social-support/housing-support/rent-geared-to-income-subsidy/> Accessed February 10, 2023.

<sup>98</sup> City of Toronto, City Council Decision of July 19, 2022. “CC47.2 – Ombudsman Toronto Interim Report: Investigation into the City’s Processes for Clearing Encampments in 2021.”



267. Many of the elements that should have been included in the City's planning of the Trinity Bellwoods, Alexandra, and Lamport Stadium Parks encampment clearings, including mental and physical health supports, meaningful engagement, relationship building, and opportunities to provide feedback were incorporated into the initiative.
268. One significant change that bears mentioning is that the Dufferin Grove initiative was led by SSHA with support from the Encampment Office. This should not be seen as an indictment of OEM, but rather a recognition that the City should establish a formal inter-divisional Encampment Working Group to lead the work surrounding encampments including planned clearings. This group should consist of a multi-disciplinary team with expertise from all services involved in supporting encampments (e.g., SPIDER).
269. I strongly encourage the City to formalize the Dufferin Grove initiative and make it the blueprint for the City's encampment response. The key learnings are invaluable to the City's encampment responses in the future.

### **Recommendation 20**

The City should finalize its review and make the Dufferin Grove Park initiative a best practice as soon as possible.

### **Recommendation 21**

The City should utilize a continuous learning and evaluation process to consider best practices beyond the Dufferin Grove Park initiative.

### **Recommendation 22**

The City should make its evaluation of the Dufferin Grove Park initiative public as soon as possible.

## **CONCLUSION**

270. The housing continuum, from homelessness to affordable housing, is complex and involves many actors, including numerous City of Toronto divisions, every level of government, and the private sector.
271. The housing crisis and the associated presence of encampments form a clear danger to individuals' lives, economic security, health, and well-being.



272. But we know that encampments are not going away.
273. People who are experiencing homelessness occupy outdoor spaces for a myriad of reasons, including concerns about safety in shelters, and almost universally live outside not by choice, but by necessity. People living outside are often unable to secure safe shelter, have little to no income, are in need of mental health supports, and are dealing with countless other challenges. They are de facto some of the most vulnerable communities in the city. This same population is marginalized by virtue of their social location—they are often racialized, Indigenous, female, young, seniors, facing mental health challenges, and members of 2SLGBTQ+ communities.
274. We know that people in Toronto have a right to park space and that by-laws enacted by City Council give public servants the authority to ensure that parks are available for everyone, including those living in encampments, to use and enjoy. This makes for a very difficult set of pressure points which the City must balance
275. It is within those parameters that I conducted my investigation. We examined how the City planned the encampment clearings, interacted with communities of interest, and communicated its intentions to the public generally and residents in encampments specifically. My office did this within the context of the City's stated commitment to fairness and a human rights-based approach to housing.
276. My investigation found the City's protocol for dealing with encampments was outdated and inconsistently followed. The mandate of its under-resourced Encampment Office was never defined.
277. This raised concerns about inconsistencies in the planning of encampment clearings and in the City's ability to take a larger systemic view of its response to encampments.
278. While the City maintains that OEM was inclusive in the planning process, some City staff tell a different story. They talk about feeling disempowered, and that their feedback and expertise were ignored.
279. The absence of mental health support on the day of the clearings was a serious gap and it must form a critical part of any future planning. The City knew that people in encampments had complex mental health needs, yet they failed to include plans to address them.
280. Directing OEM to coordinate the clearings was a decision made by the City Manager. The rationale appears to have been one of needing an emergency response to the situation, yet we found no evidence to suggest that this level of urgency was needed. The speed at which the clearings occurred played a role in how events unfolded, and serious consequences resulted from this decision.



281. Conversely, the more gradual approach employed at the Dufferin Grove Park allowed City staff to take the necessary time to build trust with people living in the encampment, including “expediting access to housing and other supports without the use of enforcement.”
282. The City’s public communications refer to its practice of “engaging” with people, yet no clear definition of "engagement" was provided. Additionally, there was no consistent objective in its engagement efforts—the goals were not properly articulated and staff were unclear and confused. As a result, the City's engagement with people living in encampment was inconsistent and at times inadequate.
283. Overall, the office found that the City did not encourage meaningful engagement with people living in encampments—a central tenet of a housing-first and human-rights approach to housing.
284. The lack of information provided by the City and scale of the operation caused confusion and harm to those living in encampments. Importantly, individuals in encampments had basic questions about the clearing process which the City never answered. Regard for the people that the City was moving out of the park on the day of the clearings was insufficient.
285. The City's belief that the people in encampments would have access to news releases or the internet also showed a significant lack of understanding about their realities and social location. The City had no systematic or organized method for informing people in encampments about important updates.
286. In March 2021, the City issued Trespass Notices requesting individuals to clear encampments by April 6<sup>th</sup>, 2021. Due to a COVID-19 outbreak in its shelter system, the City suspended those enforcement efforts. However, it failed to adequately inform people living in those encampments about the change.
287. Individuals living in the encampments complained of having to deal with the added stress of not knowing when the clearing would happen. Then, when a subsequent Notice was issued there was no date for compliance. It is reasonable to assume that this mixed messaging led vulnerable residents to be caught off guard when clearings occurred in June and July 2021.
288. While I acknowledge some aspects of the operational plans must remain confidential for safety purposes, it is not a carte blanche for the City to be secretive about its plans.
289. The City owes a high duty of fairness to those living in encampments. However, the cumulative impact of our findings amounts to significant unfairness in how the City planned, engaged stakeholders, and communicated about the encampment clearings.



The City showed a lack of commitment to honouring its pledge to a human rights approach and to serving this vulnerable population with the dignity and respect they deserve.

290. Clearing encampments is disruptive and traumatizing for the people living in them. How the City plans, engages with, and communicates to people in Toronto—especially those living in encampments—must be consistent, transparent, and done with empathy, care, and respect.
291. Addressing encampment clearings, and supporting those living in them, is complex and challenging. I acknowledge these challenges and the efforts of many City staff to care for individuals who are experiencing homelessness and facing housing precarity.
292. While my recommendations will not solve the challenges of encampments, it is my hope that they will increase the fairness, transparency, and accountability of the City's processes and decision-making

## RECOMMENDATIONS

### Recommendation 1

The City should formalize an inter-divisional Encampment Working Group to lead the work surrounding encampments, including planned clearings. This group should consist of a multi-disciplinary team (e.g., SPIDER) with expertise from all services involved in supporting encampments, including but not limited to housing, social services, emergency preparedness, public health (including mental health), security, Parks personnel, Fire, and EMS.

### Recommendation 2

The City should ensure that the Encampment Working Group is led by expertise that is grounded in a human rights approach, has an understanding of people who are homeless and living in housing precarity, and that can balance enforcement with a human rights lens on people who are vulnerable and living with complex needs.



### **Recommendation 3**

The Encampment Working Group should be properly resourced and led by a Chair who is both senior in the public service (such as a General Manager or Executive Director) and provided with dedicated time to lead this work.

### **Recommendation 4**

If the City determines it is necessary to clear an encampment, it should ensure that on the day of the clearing, the needs of those living in encampments are prioritized, including the provision of supports and services vital to assist with the required transition. This should include a detailed plan outlining how people in encampments will be supported to access health services, including mental health services.

### **Recommendation 5**

As part of its encampment clearing planning, the City needs to ensure that it works collaboratively with its divisional partners and provides sufficient time for input to be considered and discussed.

### **Recommendation 6**

The City should develop a comprehensive strategy for engaging with people living in encampments. The plan should be communicated and understood by all staff involved with the City's encampment response. It should include a clear definition of "engagement," including what "meaningful engagement" should look like, the purpose of engaging with people living in encampments, and how the City will incorporate the feedback it receives.

### **Recommendation 7**

The City's engagement approach concerning Indigenous peoples living in encampments should be based on Indigenous cultural practices that have been endorsed and supported by advice from the Indigenous Affairs Office. It should be trauma-informed, acknowledge their unique relationship with the land, and recognize the distinct constitutional rights of Indigenous peoples.

### **Recommendation 8**

The City's engagement strategy should outline how it will engage with people living in encampments specific to their social location and social determinants of health.



### **Recommendation 9**

The City should be proactive in repairing those relationships with key community groups that were damaged during and after the clearings by facilitating engagement that can build confidence between the players with an abiding focus on those living in encampments. This engagement should be a continuing process to build trust with a clear focus on the realization of adequate housing as a human right.

### **Recommendation 10**

The City should review its current policies and procedures for encampments and ensure that the role and function of Streets to Homes staff are clearly understood and communicated.

### **Recommendation 11**

The City should find a way to report personal data in the aggregate for purposes of planning and anticipating needs.

### **Recommendation 12**

The City should ensure that programming reviews to support vulnerable persons using the City's park system are assessed for alignment with current expectations, policies and procedures, training, and enforcement activities. If it is determined that staff delivering this type of park programming should not be involved in enforcement activities, it should ensure that policies and procedures for encampments reflect this.

### **Recommendation 13**

The City should ensure that the role and mandate of divisions delivering outreach and social service supports to people living in encampments are included in the updated Interdepartmental Service Protocol for Homeless People Camping in Public Spaces (IDP).

### **Recommendation 14**

The City should provide public information about its general approach to clearing encampments, including, but not limited to, the clearing process, the role of City officials, the notice period provided, and the supports and services available to those living in encampments. (The City reserves the right to maintain security aspects confidential.)



### **Recommendation 15**

The City should establish a complaints process where the public, including individuals living in encampments, can submit complaints about the City's encampment response. The complaints process should outline each step, including timelines and who has responsibility for addressing the complaint.

### **Recommendation 16**

When the City issues a notice for clearing an encampment, the notice should specify the compliance date and, should it decide not to proceed with a clearing, the City should inform individuals living in the encampment before the date specified on the Trespass Notice. Should the City then plan to clear the encampment in the future, it should issue a new Trespass Notice with a new compliance date as soon as possible.

### **Recommendation 17**

If the City decides to clear an encampment, the Trespass Notice should be accompanied by a letter providing individuals living in the encampment with information about their options and what they can expect from the City as part of the clearing process. This information should be clear, accessible, and in plain language.

### **Recommendation 18**

The City should use a variety of communication channels and methods to ensure that people living in encampments are informed of the City's plans in a clear and timely way.

### **Recommendation 19**

The City should create a dedicated City resource for individuals living in encampments to contact if they have questions or concerns about the planned clearing. This contact information should be made public and could be housed with 311.

### **Recommendation 20**

The City should finalize its review and make the Dufferin Grove Park initiative a best practice as soon as possible.





### **Recommendation 21**

The City should utilize a continuous learning and evaluation process to consider best practices beyond the Dufferin Grove Park initiative.

### **Recommendation 22**

The City should make its evaluation of the Dufferin Grove Park initiative public as soon as possible.

### **Recommendation 23**

The City should provide my office with a status update on the implementation of these recommendations by June 30, 2023, and quarterly thereafter.

## **THE CITY'S RESPONSE TO OUR RECOMMENDATIONS**

293. As a matter of procedural fairness, we shared a draft of this report with City leadership and their legal advisors. We also met with them to give them an opportunity to make representations on our findings and recommendations.
294. In response to our report, the City administration says that it supports and accepts our recommendations and will undertake to implement all of them. The City will update our office on the status of its implementation of our recommendations by June 30, 2023, and then quarterly thereafter.
295. A copy of the City Manager's letter of March 15, 2023 is attached as Appendix D.



## OMBUDSMAN TORONTO FOLLOW-UP

Ombudsman Toronto will follow-up with the City quarterly until we are satisfied that the implementation of our recommendations is complete.

(Original Signed)

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Kwame Addo  
Ombudsman

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## Appendix A: June 11, 2021 Trespass Notice and Cover Letter



Chris Murray  
City Manager

City Hall  
100 Queen Street West  
4<sup>th</sup> Floor, East Tower  
Toronto, Ontario M5H 2N2

June 11, 2021

VIA HAND DELIVERY

To Whom It May Concern  
Encampment Site in City Park – Alexandra Park

**RE: Notice under the *Trespass to Property Act***

Since at least March 2020, there has been ongoing unlawful camping and disturbances at various City parks, including specifically, Alexandra Park (the "Park"). Camping is prohibited by the Toronto Municipal Code, and is not permitted at any time in City Parks. Today, being June 11, 2021, a Notice under the *Trespass to Property Act*, R.S.O. 1990 c. T21, is issued to you in respect the prohibited activities at one or more of the Parks. The Notice and this covering letter (together, the "June 11<sup>th</sup> Notice"), advise you of your obligations to comply with the City's various requirements, including the requirement that you observe the City's bylaws. The City has issued prior notices at this Park on March 19, 2021 directing encamped individuals to comply with all relevant laws including City by-laws.

Through a variety of programs managed by the City of Toronto and other outreach partner agencies, the City has been working to assist those in the Park to transition to safer spaces inside, including spaces at hotels and other housing options. In the past few weeks, the City has engaged you and others camped in the Park and has supported numerous people camped onsite to access safer spaces, sanitation services and programming inside. The City will continue to provide this service.

While the majority of people in encampments have accepted the City's assistance in finding indoor spaces; in some cases, people have refused all such offers. The offer to move people to safe spaces continues to remain open for those who wish to accept services. To-date, you have refused to accept the City's offers.

*City concerns re tents/structures in the Park*

Given the unprecedented health emergency that is the COVID-19 coronavirus pandemic, the City is increasingly concerned about serious health and safety issues connected to the unlawful encampments, including but not limited to, the lack of adequate distancing and sanitizing measures present in the Parks and the increased risk of fire and criminal activity.

Encampments in City Parks are not safe. Tragically, on Wednesday, February 17, 2021, one person died in an encampment fire that involved a wooden structure. There were several other fires involving wooden structures: one in February 2021 at a Power Street encampment site, one in December 2020 at Moss Park and one in January at Holy Trinity Church. On May 22, 2021 a fire



broke out in a wooden structure at Allan A. Lamport Stadium Park. In 2020, Toronto Fire Services responded to 253 fires in encampments – a 250% increase over the same period in the previous year. So far this year, there have been at least 95 fires in encampments. Fires in encampments pose a danger to those living in encampments, to first responders, and the broader community.

The City is increasingly concerned about current encampments and the installation of new structures in Parks, including tents, sleeping pods and wooden structures. Any structure installed on City property without authorization is contrary to the *Toronto Municipal Code*. In addition to the City's safety concerns, structures on site in encampments are substantially interfering with the public's use of the Parks and with the City's rights as owner and occupier.

The Parks are a common recreational space and must be shared as such, in a fair way. The City has received numerous complaints, including from local residents, regarding the activities at the Park. Some of the activities of concern to the City include, but are not limited to, the presence of propane tanks, generators, and other flammable hazards near to open fires, as well as complaints of noise, drug paraphernalia, and waste in the Park.

In light of the above, the City expects that persons encamped in the Park immediately bring themselves into compliance with the following requirements:

1. Unless authorized by permit, no person shall dwell, camp or lodge in a park. [See s. 608-13 of Chapter 608 of the Toronto Municipal Code (the "Parks Bylaw")]
2. Unless authorized by permit, no person shall place, install, attach or erect a temporary or permanent tent, structure or shelter at, in or to a park. [See s. 608-14 of Chapter 608 of the Parks Bylaw]
3. While in a park, no person shall: (1) light, build, use or stoke an open fire, bonfire, bake oven or tandoor oven unless authorized by permit; (2) use any portable barbecues. [See s. 608-10B of Chapter 608 of the Parks Bylaw]
4. Unless authorized by a parks access agreement, no person shall access or occupy a park for non-recreational uses, or to access an adjacent property. [See s. 608-9A of Chapter 608 of the Parks Bylaw]
5. Unless authorized by permit, no person shall use, enter or gather in a park between the hours of 12:01 a.m. and 5:30 a.m. [See s. 608-9B of Chapter 608 the Parks Bylaw]
6. No person shall create a nuisance or in any way interfere with the use and enjoyment of the park by other persons. [See s. 608-3(A)(4) of Chapter 608 of the Parks Bylaw]
7. All persons should maintain adequate physical distancing. In particular, regard should be had for the directives of the City and Province in terms of recommended and/or mandated measures aimed at reducing the spread of COVID-19.



8. No person shall impede or obstruct any City staff or other official from carrying out any responsibilities, including maintenance, monitoring, security, and/or inspection activities in or in respect of the Park, as authorized by law.
9. No heating or cooking equipment is permitted.

Persons encamped in the Park should also be aware of, and immediately comply with, all laws that may be relevant to their activities, including but not limited to, provisions in the Parks Bylaw and the *Toronto Municipal Code* relating to amplification devices, noise, signs, waste, and markings on property.

#### *Housing resources*

The City of Toronto both manages and funds a number of programs and services to support unsheltered individuals in finding and accessing safe indoor spaces.

City of Toronto staff and partner outreach agencies have attended the Park and have provided program information and supports to persons camped in the Park to offer access to safer space inside. Increased housing outreach services have also be onsite throughout this month to offer inside space to individuals residing in the Park. To the extent any of the persons camping overnight at the Park do not have alternative housing, please be advised that the City has a variety of shelter resources available. Any persons requiring housing can contact the Streets to Home Program by calling 311.

#### *Compliance expected*

The City is hopeful that persons encamped in the Park will co-operate by bringing themselves into compliance with applicable laws immediately and accept indoor spaces.

Be advised that this letter serves as notice of the above noted prohibited activities at all City of Toronto Parks. This Notice will be enforced in accordance with the provisions of the *Trespass to Property Act*, and/or by any other legal means available to the City of Toronto. Any unauthorized property that is left in any City of Toronto park in contravention of the by-law or this notice may be removed and/or disposed of by the City at any time.

If you have any questions or comments, please do not hesitate to contact the City at [encampments@toronto.ca](mailto:encampments@toronto.ca) or by calling 311.



## TRESPASS NOTICE

Notice under the *Trespass to Property Act*, R.S.O. 1990 c. T21

Date: Friday June 11, 2021

Park: Alexandra Park, 275 Bathurst St.

### PROHIBITED ACTIVITIES

You and your property/things/items are on City of Toronto property.

The City of Toronto believes you are engaged in activities prohibited under Chapter 608 of the *Toronto Municipal Code* (the "Parks By-Law") and/or activities which are listed as prohibited in this Notice. Some of the prohibited activities which you appear to be engaged in include:

- Dwell, camp, or lodge in the Park
- Place, install, attach, erect tent, structure, or shelter in the Park
- Use, enter, gather in the Park between 12:01 a.m. and 5:30 a.m.
- Impede or obstruct any person from accessing, using, and/or passing through the Park
- Create nuisance or in any way interfere with the use and enjoyment of the Park by other persons

The City expects compliance with this Notice and with all relevant laws, including the Parks By-Law.

### ENFORCEMENT

The City's enforcement steps may include removal and/or disposal of any personal property in the Park in contravention of this Notice.

Be advised that any personal property and/or things in the Park that form part of any unlawful dwelling, camping, and/or lodging in the Park and/or that are left in the Park between the hours of 12:01 a.m. and 5:30 a.m., including but not limited to tents, will be considered to be property or things unlawfully placed, installed, attached, and/or erected in the Park ("Unauthorized Property") and may be removed and/or disposed of by the City.

The City expects you to remove any and all Unauthorized Property immediately. Any Unauthorized Property that remains in the Park, may at any time be removed and/or disposed of by the City.



**This Notice may be enforced in accordance with the provisions of the *Trespass to Property Act*, R.S.O. 1990 c. T21 and/or by any other legal means available to the City of Toronto. Under the *Trespass to Property Act*, every person who engages in an activity in the Park that has been prohibited under the Act, is guilty of an offence and is liable, on conviction, to a fine of not more than \$10,000.**

### **THE FOLLOWING ACTIVITIES ARE PROHIBITED AT THE PARK**

*Pursuant to Chapter 608 - Parks of the Toronto Municipal Code, some of the below-listed prohibited activities may be permitted with a valid permit for same. Unless and until a valid permit has been issued by the City, the activities are prohibited.*

1. No person shall dwell, camp, or lodge.
2. No person shall place, install, attach, or erect temporary or permanent tent, structure, or shelter at, in, or to the Park or Park property.
3. No person shall use, enter, or gather in the Park between the hours of 12:01 a.m. and 5:30 a.m.
4. No person shall access or occupy the Park for non-recreational uses.
5. No person shall light, build, operate, or use any fire, candle, torch, heating equipment, portable barbeque, or cooking equipment within the limits of the Park, except as permitted under the Parks By-Law. Light sticks and flashlights are permitted.
6. No person within the Park shall remain, for longer than an incidental period, within 2 metres of any other person who is not a member of the same household, except where lawful exceptions apply.
7. No person shall operate or use a generator. No person shall possess or use any kind of propane or gas.
8. No person shall impede or obstruct any person from accessing, using, and/or passing through the Park. No person shall engage in riotous, violent, threatening, illegal conduct, create a nuisance, or in any way interfere with the use and enjoyment of the Park by other persons.
9. No person shall impede or obstruct any City staff or other official from carrying out any responsibilities, including maintenance, monitoring, security, and/or inspection activities in or in respect of the Park, as authorized by law.
10. No person shall remove, disturb, climb, alter, relocate, damage, or destroy any Park structure, property, fixture, installation, lifesaving equipment, and/or protective fencing or barriers. This includes a prohibition on attaching, in any manner, any object or thing to any tree, structure, or other park property.



***This Trespass Notice is issued to you and should be read in conjunction with the letter delivered to you dated June 11, 2021.***

***In addition to the above, members of the public should be aware of, and comply with, all laws that may be relevant to their activities in City parks, including but not limited to the Toronto Municipal Code.***

***This Notice may be enforced in accordance with the provisions of the Trespass to Property Act, R.S.O. 1990 c. T21 and/or by any other legal means available to the City of Toronto. Any unauthorized property, including tents and other structures, that remain in the Park may at any time be removed and/or disposed of by the City without further notice.***

***The City of Toronto recognizes the rights of any group or individual to participate in lawful expression and gatherings. The requirements of this Notice do not prevent any person from engaging in lawful gatherings and protests.***

***The City of Toronto has been working to assist those in the Park to transition to safer spaces inside. The offer to move people to safe spaces remains open for those who are accepting services and the City's Streets to Homes program will continue to engage in its outreach efforts. The City has a variety of shelter resources available. Any persons requiring housing can contact the Streets to Homes Program by calling 311.***

***If you have any questions or comments, please do not hesitate to contact the City at [encampments@toronto.ca](mailto:encampments@toronto.ca) or by calling 311.***





## Appendix B: List and Description of City Divisions and City Groups Involved in Managing Encampments

Various City divisions, partners, and programs are involved in the City's response to encampments, including:

- **Encampment Office:** In the late summer of 2020, the City created an “Encampment Office.” The Encampment Office was created with the intention that it would coordinate the City’s response to encampments. City staff told us that the Encampment Office began as a responsive action and was formalized over time given the rapid growth of encampments. Currently, the Encampment Office sits within the Office of Emergency Management. The Encampment Office serves as a “key coordination piece” for the Shelter, Support and Housing Administration in addressing the shelter and housing needs of people living in encampments.
- **Encampments Working Group:** In the summer of 2020, the City created the Interdivisional Encampment Working Group (Working Group) given the rapid growth and size of encampments that summer and as a means to coordinate City efforts to respond to encampments. The Working Group, made up of key staff from divisions, including Shelter Support and Housing Administration, Parks, Forestry & Recreation, and Corporate Security, focused on “operational troubleshooting” where discussions were focused on such topics as risks of specific individuals in encampments, vulnerabilities, and barriers to service as a means to work collectively to resolve them.
- **Encampments Steering Committee:** In March 2020, the City created the Encampments Steering Committee. The Committee was made up of heads of divisions who worked on the encampments and was chaired by the Deputy City Manager for Infrastructure & Development Services. The Committee’s role was to provide strategic decision-making and direction to the COVID-19 encampment response, including resourcing, space availability, policy, and legal issues. Staff told us the Committee stopped meeting once the Office of Emergency Management became involved in May 2021.
- **Office of Emergency Management (OEM):** As of May 2021, OEM coordinates the interdivisional response to encampments.
- **Shelter, Support and Housing Administration (SSHA):** SSHA manages housing and homelessness services, including shelters, shelter-hotels, and respite sites.
- **Streets to Homes (S2H):** Streets to Homes conducts outreach in parks and helps people experiencing homelessness and those sleeping outdoors to find a temporary inside space or permanent housing.



- **Corporate Security:** Corporate Security supports the safe delivery of City services and helps to enforce the Trespass to Property Act.
- **Parks Forestry and Recreation (PFR):** PFR ensures the City's parks are ready and safe for "permitted use."
- **Park Ambassadors:** Park Ambassadors regularly visit the parks to conduct safety checks, offer water and socks to people experiencing homelessness, connect people experiencing homelessness to support services and S2H, and to track the number and location of structures in City parks. They also clean litter and debris from parks and work with City by-law enforcement and Toronto Police to identify and manage illegal park use.
- **Municipal Licensing and Standards (MLS):** MLS enforces City by-laws, including parks by-laws, and responds to related complaints. Other than serving the trespass notices prior to the clearings, MLS's role in encampment clearings was minimal.
- **Solid Waste Management:** Solid Waste Management helps clean the area once encampment sites have been abandoned or cleared.
- **Toronto Fire Services:** Toronto Fire Services conducts health and safety assessments and education on fire prevention. It also responds to calls for service or fires in encampments.
- **Toronto Paramedics Services:** Toronto Paramedics Services works with Inner City Health Associates (ICHA) and street nurses doing outreach in parks and provides medical care and advice to those in encampments.
- **Toronto Police Services (TPS):** TPS helps with enforcement when illegal activity is suspected. It can also help the City to enforce Trespass to Property Act.
- **Transportation Services:** Transportation Services responds to encampments on the City's right-of-way (e.g., under bridges) and can help refer people experiencing homelessness to support services and S2H. It also provided transportation support on the days of the clearings.
- **Strategic Communications:** Strategic Communications manages communications with the public and other external parties (e.g., media). When it came to encampments, Strategic Communications kept SSHA and the Encampment Office apprised of emerging issues and helped keep the public informed about City programs, services, and issues of interest. On the day of the clearing, this team monitored and provided social and traditional media updates to OEM.



## Appendix C: List and Description of Parks within the Scope of this Investigation

### Trinity Bellwoods Park

Trinity Bellwoods Park is a large, popular urban park in Toronto's downtown core, bordered by Queen Street West on the South, Dundas Street on the North, Crawford Street and partially Shaw Street on the West, and Gore Vale Avenue on the East.



Source: City of Toronto Maps

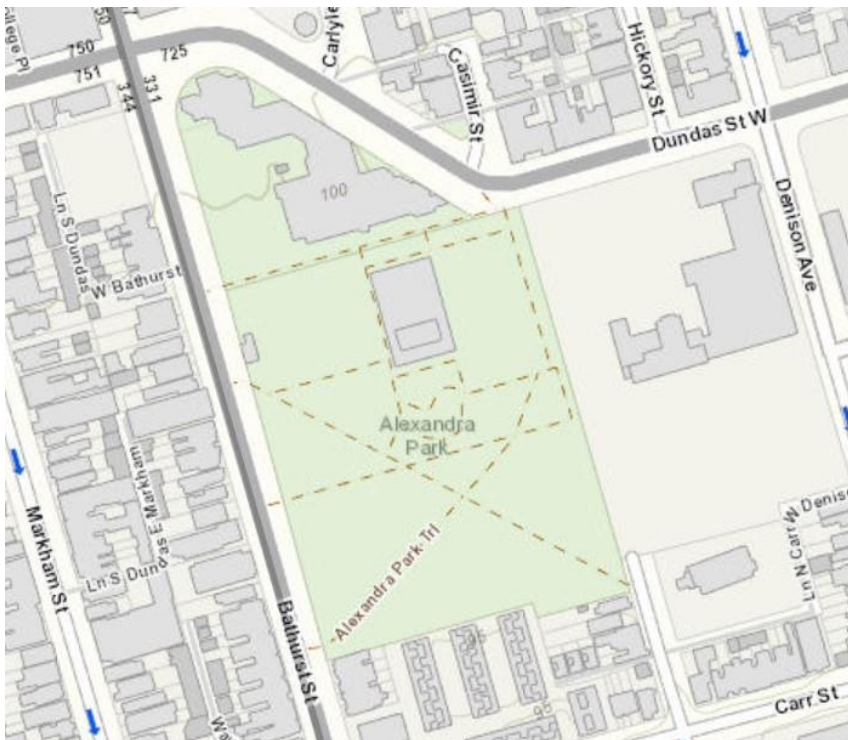
#### Encampment:

- Two different locations within the park at the North and South ends
- City estimated that there were 72-74 structures as of June 21, 2021 (the day before the clearing)



## Alexandra Park

Alexandra Park is located in the Kensington-Chinatown neighbourhood near Toronto Western Hospital, bordered by Dundas Street West on the North, Queen Street West on the South, Spadina Avenue on the East, and Bathurst Street on the West. It is home to Scadding Court Community Centre.



Source: City of Toronto Maps

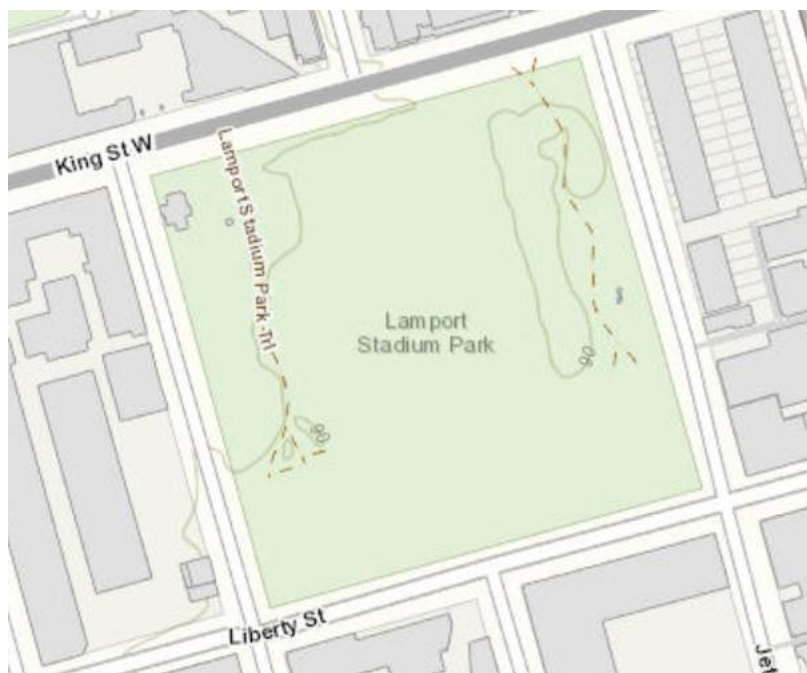
### Encampment:

- City estimated 67-69 encampment structures (including tents, wooden sheds, and pods) and 26 individuals living in this 2.7 hectare park before it cleared the encampment on July 20, 2021.



## Allan A. Lamport Stadium Park

Lamport Stadium Park is located next to the stadium of the same name, at 1155 King Street West in the Liberty Village neighborhood.



Source: City of Toronto Maps

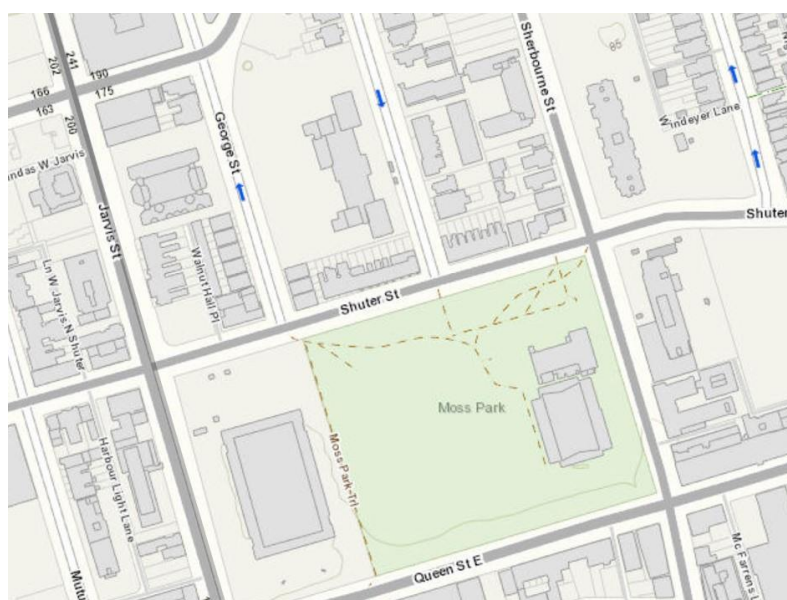
### Encampment:

- Two different encampment locations within the park, on its East and West sides.
- City estimated that there were 28 encampment structures and 11 individuals living in the park before it was cleared on July 21, 2021.



## Moss Park

Moss Park is a 3.4 hectare park located in the City's downtown, bordered by Shuter avenue on the North, Queen Street East on the South, Sherbourne avenue to the East, and the Moss Park Armoury to the West. It is located near several service providers including Moss Park CTS (operated by the South Riverdale Community Health Centre) and Anishnawbe Health Foundation as well as St Michael's Hospital.



Source: City of Toronto Maps

### Encampment:

- The Moss Park encampment was outside the scope of our investigation, and, although the City did issue Trespass Notices, it was ultimately not cleared by the City in the timeframe we investigated. As such, the City did not provide us with estimates of the number of structures and people living in the encampment.



## Appendix D: City Manager's March 15, 2023 Response to Ombudsman



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City Manager

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March 15, 2023  
Mr. Kwame Addo  
Ombudsman  
City of Toronto

Dear Mr. Addo,

Thank you for providing an opportunity to review and provide feedback to your draft report, "Investigation into the City of Toronto's Processes for Clearing Encampments in 2021." We look forward to receiving the final report and I appreciate the efforts of you and your team in conducting this review and providing the opportunity to comment.

We support and accept the recommendations made in the report. I assure you that City staff will undertake to implement all of these recommendations to continue our efforts to improve and ensure fairness and transparency in the delivery of our services.

I want to thank you, once again, for your report, as well as the entire Toronto Public Service for their tireless commitment to the public they serve.

Sincerely,

Paul Johnson  
City Manager