



December 19, 2024

Submission to Toronto Board of Health

Dear Members of the Toronto Board of Health,

**Re: Special meeting of the Board of Health in relation to the Superior Court Application bearing Court File No. CV-24-00732861-0000**

We write on behalf of the HIV Legal Network, a Toronto-based non-profit organization that works to promote the human rights of people living with HIV or AIDS and other populations disproportionately affected by HIV, punitive laws and policies, and criminalization, in Canada and internationally. For many years, we have analyzed legal issues related to supervised consumption services (SCS) and have advocated, on both public health and human rights grounds, for greater access to these life-saving services.

**Today, we urge the Toronto Board of Health to request the Medical Officer of Health or Acting Medical Officer of Health to immediately support the legal challenge introduced by The Neighbourhood Group Community Services (TNGCS) against the Ontario *Community Care and Recovery Act*.**

The Act, adopted on December 4, 2024, will force the closure of at least 10 SCS across the province. In Toronto alone, it will affect at least five SCS including the Works (which is run by Toronto Public Health), as well as municipally supported Urgent Public Health Need Sites (UPHNS), often embedded in shelter services.

The Act will have additional and colossal ramifications for Toronto's ability to respond to the toxic drug crisis by preventing municipal authorities, including local boards of health, from operating new SCS or renewing their exemptions (including for UPHNS) unless they receive provincial approval. Similarly, the municipalities will not be able to support other SCS applying or renewing their federal exemption without provincial approval. The Act will also prohibit local initiatives to decriminalize personal drug possession in Ontario and prevent municipalities or local boards from seeking federal funding for safe supply programs without the approval of the provincial government.

The Government of Ontario decided to pass this Act knowing, *from advice presented by their own experts*, that there is high risk it will increase emergency department visits, overdoses, overdose deaths, and other negative health impacts as well as public use, and disproportionately harm Indigenous, Black, and low-income people in Ontario.

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On December 10, 2024, TNGCS and Ms. Katherine Resendes, both based in Toronto, along with another applicant, Kitchener-based Jean-Pierre Aubry Forgues, brought an application seeking an order from the Ontario Superior Court of Justice that the Act violates the *Canadian Charter of Rights and Freedoms* or, in the alternative, that it is otherwise unconstitutional because it encroaches on Canada's exclusive jurisdiction over criminal law.

The HIV Legal Network and other organizations are applying to intervene. **The deadline to file the applicant record and register as an intervener is January 10, 2025.**

The City of Toronto is directly affected by the Act and can provide invaluable evidence about the anticipated impact of the Act on Toronto residents, especially the most marginalized, and emergency services, as well as on the City's ability to respond to the deadly drug toxic crisis.

**With a sense of great urgency, we ask the City of Toronto to join efforts to challenge the unjustifiable and deadly constraints imposed by the Act.**

In particular, we urge that:

- 1. The Board of Health and the Medical Officer of Health (or Acting Medical Officer of Health) take action in support of the legal challenge by January 10th in order to avoid delaying proceedings in court.**
- 2. The Board of Health and Medical Officer of Health (or Acting Medical Officer of Health) take a position regarding the *Community Care and Recovery Act* and make clear to the public the harms to individual and public health and the impacts to the Board of Health's ability to succeed in its mandate.**
- 3. The Board of Health and Medical Officer of Health (or Acting Medical Officer of Health) invest the necessary resources in order to provide the comprehensive evidence that is required in order for the courts to make an informed decision.**

We are grateful for your prompt attention to this urgent issue.

Sincerely,



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