ONTARIO SUPERIOR COURT OF JUSTICE

BETWEEN:

(Court Seal)

THE NEIGHBOURHOOD GROUP COMMUNITY SERVICES, JEAN-PIERRE AUBRY FORGUES and KATHARINE RESENDES

Applicants

and

HIS MAJESTY THE KING IN RIGHT OF ONTARIO

Respondent

APPLICATION UNDER Rule 14.05 of the Rules of Civil Procedure

AFFIDAVIT OF NATHAN STRETCH

I, Nathan Stretch, of the City of Kitchener, in the Province of Ontario, MAKE OATH AND SAY:

- 1. I am a long time resident of downtown Kitchener. My house is 400 meters from the Consumption and Treatment Site ("CTS") that is operated by Sanguen Health Centre and located at 150 Duke Street West, Kitchener.
- 2. As such I have knowledge of the matters contained in this affidavit. Where I do not have direct knowledge of a matter, I have stated the source of my information and belief and verily believe that information to be true.

A. My Neighborhood before the CTS Opened

- 3. I moved into my home in 2015. My spouse and I live intergenerationally in a duplex with our two young children aged 7 and 9 and my elderly parents who are both in their mid-70s.
- 4. The neighbourhood I live in has always been a mixed-use neighbourhood with some residential properties, some social service agencies and some businesses.
- 5. When we first moved into the neighbourhood prior to the opening of the CTS the drug using population was very visible. I would walk to work and I remember noticing people that were visibly intoxicated, people that were bent at the waist and slumped over in unnatural ways. My employment at the time was for an organization that supported the unhoused population. I worked at this organization for over a decade and coordinated supportive housing projects in the community. I was keenly aware of the depth of the opioid crisis and the housing crisis that were rapidly unfolding in our community.
- 6. Prior to the opening of the CTS, we would regularly see needles in public spaces, including on the streets and in the parks near our home. We would also see other drug-related litter in our community.
- 7. I was aware of the consultation and opening of the CTS, both in my role as a community member and through my work at a social service agency. There were a number of locations that were being considered and they were all within walking distance from my house. I attended at least one community consultation in and around 2016 or 2017, and was very supportive of this initiative. At the time some people at the consultation voiced concerns about what the CTS could mean for families in the neighbourhood with young children. Even though I had young children, I

felt very strongly that the CTS would be the solution to many of the problems that were cropping up in our neighbourhood.

B. The CTS began to operate in 2019

- 8. Sanguen began to operate the CTS in 2019 at its current location. Attached hereto and marked as **Exhibit "A"** to my affidavit is a print-out of a CBC news article dated October 4, 2019 and titled "Here's what Kitchener's consumption treatment site looks like".
- 9. The Kitchener CTS is not inside a community health centre or co-located with any other agency. It operates in a building on its own. When the location was chosen and the site began to operate there was a community advisory group that would meet to discuss any issues that may come up with community members and neighbourhood agencies. This really helped to foster trust and a strong relationship between the CTS and the community.
- 10. From the outside there were no visible changes to the building when the CTS began to operate, and the same remains true today. The site is very understated. You would not know that Sanguen operated the CTS out of that location if you did not know otherwise. On occasion I have noticed some people hanging around outside the building. I have never witnessed any suspected criminal behavior outside the CTS and have not witnessed anything outside the CTS that would give me cause for concern.
- 11. Over the course of some time after the CTS opened, I started to note that there was less drug paraphernalia around our neighbourhood. I noticed fewer needles and fewer instances of people using drugs in the parks near my house. Prior to the CTS opening I had found the occasional needle in our front garden and I don't see that kind of paraphernalia or drug garbage around my

home anymore. My spouse and I even reinvested in our community and purchased a rental house on the same street as our house because we feel safe and comfortable in this community.

12. Unfortunately, there has been an increase in people experiencing homelessness in our community. In a recent Point in Time Count in Waterloo Region it is estimated that more than 2,300 people are experiencing homelessness in our community. Attached hereto and marked as **Exhibit "B"** to my affidavit is a printout of a CBC news article dated November 26, 2024 and titled "More than 2,300 people are homeless in Waterloo region, new point-in-time count finds". Recently we have noticed more people living outside, more people who look like they are using or have used drugs, and more people who generally look unwell. We have also more recently noticed some occasional drug paraphernalia, that was absent for few years. However, I do not think this has anything to do with the services offered at the CTS and believe the issues should not be conflated.

C. Conclusion

I feel safer in our community because of the services offered by the CTS. My spouse and I allow our children to play in the yard on their own and to go a short distance down the street to a local café. My elderly parents have commented to me that they feel safe in our neighbourhood and enjoy living here. This is in part because of the services offered by the CTS. I worry about what will happen to people when the services offered at the CTS are no longer available. I do not want to have to worry about needles or always be hyper vigilant about my children playing in parks or in our front garden. Additionally, in 2023 the CTS reported to Waterloo Regional Council that they have reversed over 900 overdoses since they opened. Attached hereto and marked as **Exhibit "C"** to my affidavit is a print-out of The Record news article dated March 5, 2023 and

titled "A starting-over place': Kitchener's supervised drug consumption site has reversed 900 overdoses since opening in 2019". I do not want to worry about my children witnessing someone having a drug poisoning in our local parks because they are using untested drugs.

- 14. I think it is very helpful that there is a space like the CTS that offers support and services for people with substance use disorder. The CTS offers a space that is appropriate and welcoming for people that have no other place to go in the community. It fills an essential gap in service provision that will be sorely missed. I currently work for an organization that operates in a public space, when there are not dedicated spaces for people that struggle with mental health and addictions those people will go to public spaces that are less appropriate, including emergency rooms and other public facilities like city halls and libraries. That is not helpful for our community.
- 15. Our community has already experienced a significant increase in Code Red incidents where ambulances have not available. Attached hereto and marked as **Exhibit "D"** to my affidavit is a print-out of The Record news article dated April 12, 2023 and titled "Waterloo Region paramedic chief says 'perfect storm' of increased 911 calls, shortages of paramedics and hospital staff leads to off-load delays". I worry that this will only get worse if Sanguen is no longer offering drug testing and people do not have a safe place to inject drugs. We will very likely see an increase in opioid poisonings and ambulance calls. With aging parents this matters to me and could be avoided in allowing the CTS to continue to operate.
- 16. I hope the CTS can remain open. For all the reasons listed above and also because I do not want to see more people die. Our Region has always ranked above the provincial average in overdose deaths (As reported in **Exhibit A** above). The services that are offered there contribute

- 16. I hope the CTS can remain open. For all the reasons listed above and also because I do not want to see more people die. Our Region has always ranked above the provincial average in overdose deaths (As reported in **Exhibit A** above). The services that are offered there contribute to my sense of safety and wellbeing in my community. I would even like to see its services expanded to include inhalation instead of being limited to injectable drugs only.
- 17. I affirm this affidavit in support of the Applicant's application and for no improper purpose.

AFFIRMED REMOTELY by video conference from the City of Kitchener, in the Province of Ontario (Location of the Deponent), before me at the City of Kitchener, in the Province of Ontario (Location of the Commissioner), on February 6, 2025, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Commissioner for Taking Affidavits (or as may be) NATHAN STRETCH

ASHLEY SCHUITEMA,

a Commissioner, etc., Province of Ontario, while a Barrister and Schotter LSO #68257G

THIS IS **EXHIBIT "A"** REFERRED TO IN THE AFFIDAVIT OF NATHAN STRETCH AFFIRMED THIS 6^{TH} DAY OF FEBRUARY, 2025

ASHLEY SCHUITEMA,

a Commissioner, etc., Province of Ontario, while a Barrister and Solicitor. LSO #68257G Kitchener-Waterloo · Photo gallery

Here's what Kitchener's consumption treatment site looks like

The facility at 150 Duke St. in Kitchener is set up for its first visitors on Oct. 15

CBC News · Posted: Oct 04, 2019 5:00 AM EDT | Last Updated: October 4, 2019



There are two booths in the consumption room, where people can inject drugs with the supervision of a nurse. (Julianne Hazlewood/CBC)

An interim consumption and treatment site in downtown Kitchener is ready for its first visitors later this month.

"We're ready," said Violet Umanetz, director of harm reduction and overdose prevention services with Sanguen Health Centre.

The site at 150 Duke St. is set to open on Oct. 15. The permanent site at the same location is expected to open in Feb. 2020, although the provincial government is still reviewing the application, meaning funding from the province hasn't come through yet.

There will be at least five workers at the interim site, including a social support worker, security and a nurse who will oversee a consumption room where people can inject their drugs.

The nurse is available to help people who are having trouble injecting, and is also there to respond to overdoses.

So far in 2019, there have been 48 suspected opioid overdose deaths in the Waterloo Region, according to the Region of Waterloo Public Health and Emergency Services.

There were 61 deaths because of opioid overdoses in 2018. The region has consistently ranked above the provincial average for overdose deaths and currently has the eighth highest rate of 36 regions in the province.

The site also includes a room where people can sit after consuming drugs.

"They will be further monitored for overdose at that point by a social support worker who will also talk to them about referrals ...and really have some conversations about what's next," said Umanetz.

While in the post-consumption room, people are also offered harm reduction supplies and naloxone kits, she said.

No buffer zones

Some consumption sites across Canada have a buffer zone around them, where police are more relaxed about drug infractions.

Waterloo Regional Police Service Insp. Mark Crowell said police decided against the idea in Kitchener, after researching what other cities have done.



Waterloo Regional Police Service Insp. Mark Crowell says police will take a balanced approach around the new consumption site. (Julianne Hazlewood/CBC)

"We will ensure that we allow people who are accessing this site to do so unencumbered. But there will be no free zone and buffer zone where criminal activity or other social disorder or public nuisance activity will be permitted," said Crowell.

The Region of Waterloo and Sanguen Health Centre say the number of people using the site will likely be low at first, but they expect the response will grow as the community becomes familiar with the services.

A permanent site would include more services, including trauma counselling and matching people with housing and income support.



Violet Umanetz, director of harm reduction and overdose prevention services with Sanguen Health Centre, said supplies are in place at the new site and staff are being trained for the Oct. 15 start date. (Julianne Hazlewood/CBC)

Hide caption 1 of 7

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ASHLEY SCHUITEMA,

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while a Barrister and Solicitor.
LSO #68257G

Kitchener-Waterloo

More than 2,300 people are homeless in Waterloo region, new point-in-time count finds

Chronic homelessness increasing at average rate of 28% year-over-year since 2020: Report

Kate Bueckert · CBC News · Posted: Nov 26, 2024 5:01 PM EST | Last Updated: November 26, 2024



A new point-in-time count done on Oct. 22 found 2,371 people are experiencing homelessness in Waterloo region. That's an increase from 1,085 in September 2021. (Kate Bueckert/CBC)

In three years, the number of people who are homeless in Waterloo region has doubled a new report says.

A point-in-time count completed on Oct. 22 found 2,371 individuals said they were experiencing homelessness in Waterloo region.

That's up from $\underline{1,085}$ people who were homeless when a point-in-time count was done in September 2021.

The numbers are in a report that is part of the agenda for the region's community services committee meeting set to be held next Tuesday.

The report says the fourth point-in-time count took place over a 24-hour period and was completed by regional staff and with help from more than 40 community agencies. It notes chronic homelessness in the region has been increasing at an average growth rate of 28 per cent year-over-year since 2020.

"Homelessness has most certainly and critically risen in numbers and visibility, exacerbating existing difficulties for individuals experiencing homelessness and the services within the system," the report says. "This trend warrants careful analysis to understand the underlying factors and implications faced in our region."

Mayors ask premier for action to clear encampments

The report comes as local municipal leaders grapple with how to handle encampments. Cambridge Mayor Jan Liggett has joined some other city mayors, including Guelph Mayor Cam Guthrie, in signing a letter requesting Premier Doug Ford use the notwithstanding clause to help cities clear encampments.

The mayors say the clause is necessary because of a <u>court ruling that said the Region of Waterloo could not use a bylaw to clear an encampment on regional property in Kitchener until there were enough shelter beds for everyone in the encampment.</u>

To do so would violate Section 7 of the Canadian Charter of Rights and Freedoms because it went against the rights to life, liberty and security of the person for those living in the encampment, the ruling said.

The <u>notwithstanding clause</u> is in Section 33 of the Charter and allows governments to temporarily override other sections of that document.

Last week, Ford stopped short of saying he would use the notwithstanding clause, <u>but</u> did say the province would stand behind mayors who cleared encampments.

In response to the letter from the mayors, more than 40 municipal councillors issued their own letter calling for the mayors to rescind their request and for Ford to ignore it.

Cleared encampments make helping people difficult: Health agency

On Nov. 13, encampments were cleared in both <u>Guelph</u> and Cambridge. Julie Kalbfleisch is the director of communications for Sanguen Health which has a community health van that travels around the region and Guelph to help people who are homeless by providing medical attention.

She says moving people out of encampments makes it difficult for advocates and health-care providers to find them again and ensure they have what they need.

"Anytime an encampment's closed, it creates a whole lot of trauma and chaos," Kalbfleisch told CBC K-W's *The Morning Edition* host Craig Norris on Tuesday.

"From a service provider standpoint, we're often in there providing health care to folks who are living in encampments. We have nurses that go in weekly to help with wounds, help with other chronic illness. And so it's essentially like taking our patient load and just dispersing it all over," she said, adding more needs to be done to ensure people can have a roof over their heads.

"We need to be looking at shifts in policy. We need more housing. We need deeply supportive housing to help these folks."

LISTEN | Guelph, Cambridge advocates give updates 2 weeks after encampments cleared:





The Morning Edition - K-W 8:25

Guelph, Cambridge advocates give updates 2 weeks after encampments cleared

It's been two weeks since encampments were cleared in Guelph and Cambridge. Advocates who work in Guelph and Waterloo region talk about the impact that has had and offer their thoughts on comments by Premier Doug Ford who said he supports efforts to clear encampments.

Region continues to discuss budget

Regional council has previously passed a staff plan to end chronic homelessness in the community, which emphasizes investment is needed from both private and public sectors and requires all levels of government to respond, the staff report says.

Efforts cannot just be focused on immediate strategies, but must also include planning for long-term solutions, the report adds.

As well, the 2025 draft operating budget for the region includes \$60.9 million for homelessness initiatives. Regional councillors are set to discuss the budget in two meetings on Wednesday. A strategic planning and budget committee meeting is set to begin at 9 a.m.

A second meeting is scheduled for Wednesday evening where people will be able to provide their feedback on the budget during public consultations. There are currently 25 people listed to speak to councillors during that meeting.

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'A starting-over place': Kitchener's supervised drug consumption site has reversed 900 overdoses since opening in 2019

But Cambridge regional councillor Doug Craig says many more use elsewhere and are dying

March 15, 2023 🔲 💣



The consumption and treatment services site at 150 Duke St. W. in downtown Kitchener.

2/4/25. 10:40 AM

By Liz Monteiro Record Reporter

WATERLOO REGION — In just over three years, Kitchener's consumption and treatment services site has reversed almost 900 overdoses, the site's manager told regional councillors.

"The number is staggering to consider, in terms of the lives we could have lost," Violet Umanetz, manager of the downtown CTS site, told regional councillors at a recent committee meeting.

The Duke Street location is a place of safety where people who use drugs are treated with dignity, respect and care, said Umanetz, who added that community-based health care "removes a heavy load" from hospitals and paramedic services.

"The site is not a starting place, but a starting-over place for many people who have felt lost, hopeless, disconnected and shamed," she said.

Umanetz and other drug strategy advocates presented an update to councillors on the site's operation. The region's first site is run by Sanguen Health Centre in partnership with the Region of Waterloo.

It is a <u>harm reduction program</u> that allows people to consume drugs on site under supervision to prevent deaths.

Cambridge is set to have a consumption and treatment services site in downtown Galt.

Umanetz said she always viewed recovery as the end goal but now accepts "incremental change is huge."

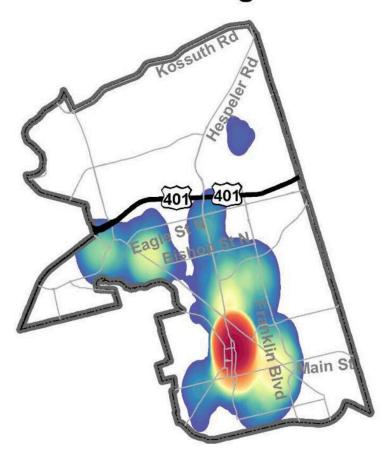
Often at someone's first visit, the individual is scared and nervous, and it can take months to build the trust that would make the person feel comfortable offering a name, she said.

"The biggest success are those moments when someone comes in and we don't know them and they are a complete stranger, and several months later we know their name, we know their story, we know what their hopes, their goals and their dreams are," she said.

Coun. Sue Foxton praised the work of staff at the CTS site.

"Imagine what would happen to society if you weren't here?" she said. "I know it bears on your soul but you're making a difference."

Cambridge



Heatmap of drug overdose paramedic service calls in Cambridge in 2022.

Region of Waterloo Public Health

The Kitchener site opened in 2019. It faced restrictions during the pandemic but in 2022 it returned to full capacity, Umanetz said. On average, it helps 1,000 individuals a month, with last December seeing the highest number of visits at 1,310.

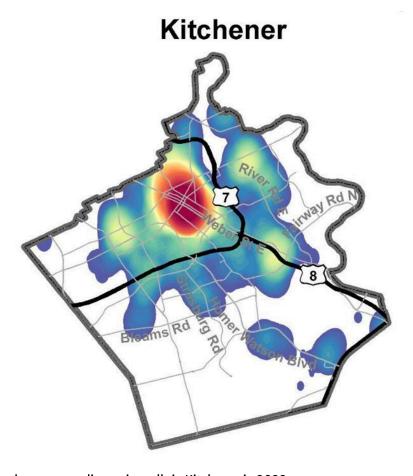
"This speaks not only of the services, but also the relationships, the trust and care that's provided," she said. Many have said they feel "human" and valued at the site, she added.

Sanguen Health Centre in partnership with The Working Centre, offers a <u>safe</u> supply program pilot in the region.

The program, funded by the federal government, offers a regulated supply of opioids to those who have experienced barriers to other forms of treatment, said Lindsay Sprague, director of program development at Sanguen. About 150 people use the program, she said.

"We have lineups of people waiting to access our safe supply program every month, and we have to turn them away," said Sprague, who added the program has funding until 2024.

Coun. Doug Craig applauds consumption and treatment sites but says a CTS site sees a small fraction of the people using drugs. He doesn't support setting up a CTS site in downtown Cambridge.



Heatmap of drug overdose paramedic service calls in Kitchener in 2022.

Region of Waterloo Public Health

"I'm not condemning CTS sites because I often get labelled with that," he said in an interview Wednesday.

"I'm not casting aspersions on what they're doing and how they're helping people."

"Of course no one is dying there. They're dying everywhere else outside the CTS site and we're not reaching those people," he said.

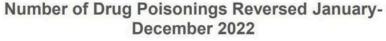
In the last five years, 600 people have died of overdoses and "if 600 people died at roundabouts there would be a big, huge outcry in the region. No question about it," Craig said.

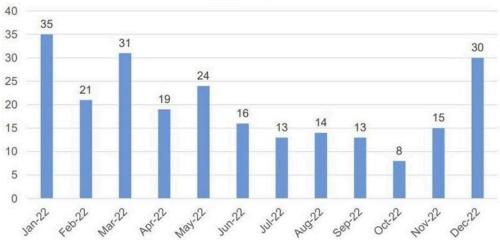
Craig told councillors that he questions whether a consumption and treatment site is the most effective in helping users. He wants to see more detox beds and rehabilitation programs.

A study by the region in 2018 showed there were about 2,000 people injecting daily, and the CTS site in Kitchener serving about 30 people a day, he said.

"So my concern is: how we deal with this issue of the 2,000 people? How do we deal with the people, who are the majority, dying in residences?" he said.

Consumption and Treatment Services (CTS) Site





Statistics from the Consumption and Treatment Services site show the agency assists with reversing drug overdoses and saving lives.

Waterloo Region Integrated Drugs Strategy

The CTS site could help more people if it was open 24 hours a day, Umanetz said.

Expanding services to include inhalation, meaning individuals smoking crystal meth, should be added, she said.

"The overdose risk from inhaling substances from smoking is the same as injection," she said.

One of the biggest barriers is stigma. "What we've heard from people is, 'I don't want people to know that I'm using drugs so I use them alone in my bathroom."

This story was edited to clarify information about Sanguen Health Centre's safe supply program.



Liz Monteiro is a former reporter focusing on crime for the Record.

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'We're more alike than not': Waterloo Region harm reduction groups drive conversation on overdose crisis

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WATERLOO REGION

Waterloo Region paramedic chief says 'perfect storm' of increased 911 calls, shortages of paramedics and hospital staff leads to off-load delays

Paramedic chief plans to meet with hospital managers to come up with 'innovative' solutions

April 12, 2023 🔲 🗂



John Riches, chief of Region of Waterloo Paramedic Services, plans to meet with hospital officials to address the off-load delays that are tying up ambulance crews in emergency departments.

David Bebee / Waterloo Region Record

By Liz Monteiro Record Reporter

WATERLOO REGION — The region's paramedic chief plans to meet with local hospital administrators in the coming weeks to work together on easing escalating off-load delays, which has paramedics waiting in hospitals with patients instead of in ambulances in the community.

"Off-load delays are not a paramedic services-generated problem," said John Riches, chief with the region's paramedic services, in an interview Tuesday.

"It is something we experience because of patient flow issues in the hospitals and the overwhelming stress that they are under because they have staffing challenges," he said.

Off-load delays occur when paramedics take a patient to an emergency department and are forced to stay with a patient until a bed is available.

Often the delays can last hours, Riches said. Paramedic services is currently losing more than three 12-hour ambulance shifts per day to off-load delays, he said.

"That's a lot of time where our resources are in the hospitals, not out in the community able to respond to 911 calls," he said.

The provincial government in its recent budget said it has committed to continue funding the <u>dedicated off-load nursing program for hospitals</u> which has an extra staff person in the emergency department dedicated to managing patients who would otherwise be on off-load delay with paramedics.

Paramedic services wants to partner with hospitals "trying to collaborate on innovative solutions" to address off-load delays, Riches said.

A combination of factors is also putting immense pressure on the system, Riches said. This includes a growing population with an increasing number of 911 calls, staffing shortages in hospitals as well as in paramedic services, all of which can contribute to off-load delays, he said.

"You add all these things together and what you get is a system that is under a significant amount of stress," Riches said. "You kind of get a perfect storm."

Riches said he also worries about his staff and system pressures that impact their work/life balance.

"We can get (regional) council or the province to give us a bunch of shiny brand new ambulances and equipment," but it is not as important as having "good paramedics in the seats, actually responding to the calls," he said.

Paramedic services employs 268 paramedics, and on any given day at peak deployment such as around 4 p.m., there are 33 units on the road to respond to 911 calls.

Call volumes are also contributing to escalating pressures, Riches said. Call volumes grew by 11 per cent last year and that increase isn't sustainable, he said.

If call volumes continue to increase at "unprecedented rates," it means more staff and more ambulances are needed, Riches said.

In 2015, call volumes were at 46,200 and have steadily increased to 64,000 by 2021. Then the number of calls jumped to 70,600 in 2022.

Last October, regional council approved three new <u>ambulances</u> with 12-hour shifts, adding 15 full-time paramedics.

The <u>2023 regional budget</u>, approved in February, included a total of \$63 million for paramedic services, adding four new ambulances with 12-hour shifts and 20 more paramedics by July.

The paramedic master plan calls for four more ambulances next January and another four in July 2024.

In addition to mounting call volumes, Waterloo Region paramedics have been coping with increasing numbers of "Code Reds," when no ambulances are available to respond to emergency calls.

In 2021, there were 42 Code Red incidents totalling 11.3 hours. That jumped to 210 incidents last year totalling 75.9 hours.

Many low-acuity patients who aren't critically ill but experiencing chronic health problems such as diabetes or high blood pressure are calling 911, he said.



Liz Monteiro is a former reporter focusing on crime for the Record.

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Court File No. CV-24-00732861-0000

Applicants

Respondent

ONTARIO

SUPERIOR COURT OF JUSTICE

Proceeding commenced at TORONTO

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