

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

(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 MICHELE KEMPSTER

I, Michele Kempster, of the City of Waterloo, in the Province of Ontario, MAKE OATH
AND SAY:

1. I am the Childcare Manager at the Duke Street Childcare Centre operated by the YWCA Kitchener-Waterloo. Our childcare centre is less than 200 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. The Neighborhood before the CTS Opened

3. The Duke Street Childcare Centre operated by the YWCA Kitchener-Waterloo is located at 111 Duke Street West, Kitchener. We are located on the second floor of Kitchener City Hall. The windows of our childcare centre look out onto the back of City Hall and we can see across the street to the CTS located at 150 Duke Street. Our outdoor play area is on the second floor overlooking Duke St.

4. I have worked for the YWCA for 35.5 years and have been the Childcare Manager at the Duke Street Childcare Centre for 31.5 years. There are 9 other staff members that report to me. We are a licenced childcare centre providing services to approximately 39 children under the age of 5 years old.

5. Prior to the opening of the CTS, we would regularly see people slumped over and passed out on the benches behind City Hall. This was a daily occurrence. Parents would also often report to me that they saw people passed out in the City Hall public washroom downstairs. I would often have to call security and advise that a parent had reported someone passed out in the City Hall washroom.

6. When the weather is nice my staff will take the preschool aged children out for a walk. They will walk to the Kitchener Public Library or to Victoria Park. Prior to the opening of the CTS, staff would report to me that they observed needles and drug paraphernalia in the bushes, or

shrubs along their route. Staff would also express concerns about having to take the children into the washroom at the library during their outings, as there were often people passed out in the library washroom from drug use.

B. The CTS began to operate in 2019

7. I was aware of the consultation and opening of the CTS in 2019 and that it was being operated by Sanguen. I was invited to and have participated in a neighbourhood advisory group facilitated by the Region of Waterloo in relation to the operation of the CTS. The group includes nearby business owners, places of worship, neighbours and other community organizations. Through this group neighbours have been invited to express any concerns they have about the CTS. Sanguen, the operator of the CTS, has always been very responsive to working with the community to address any concerns. I was impressed by how thorough and thoughtful Sanguen was about operating this site. I was encouraged that the service also offered peer counselling, drug testing and other health services to try to prevent hospital visits.

8. Once the CTS opened there was a pretty quick change in what I noticed happening outside City Hall. I noticed that there were no longer people slumped over or passed out outside City Hall on a regular basis. I still see this on occasion but it does not happen nearly as often as it used to. My staff have reported a difference in that they are no longer seeing needles and drug paraphernalia on their walks with the preschool children, and they no longer see people passed out in the washrooms at the library. Parents are no longer reporting to me that they have found people passed out in the City Hall washrooms.

9. Many of my staff park their vehicles west of the CTS and have to walk past the CTS to get to work. Many of my staff have told me that they feel safe walking past the CTS and have no issues

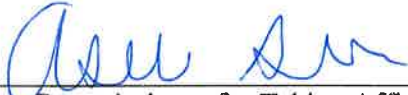
or safety concerns around the CTS. I have never observed the police at the CTS or any behavior outside of the CTS that gave me cause for concern.

C. Conclusion

10. The neighbourhood is better off now than it was before the CTS opened. The families and children that use our Daycare Centre are better served by this vital service. I have had parents express to me their worry about if the CTS is forced to close. I worry about the increased number of people using and possibly overdosing on the streets if this service is forced to close. I worry for my staff being exposed to people overdosing on the street, and how challenging that will be if it happens while they are out with the children on a walk. I worry about my staff coming across needles and drug paraphernalia on their walks. I worry about my staff feeling hesitant to take the children to the public library because people will be passed out in the washrooms there if the CTS is forced to close. The CTS is a vital service that has made our community better and made our daycare safer. It is a shame that it is at risk of closing.

11. I affirm this affidavit in support of the Applicant's application and for no further or other 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)



MICHELE KEMPSTER

ASHLEY SCHUITEMA,
a Commissioner, etc.,
Province of Ontario,
while a Barrister and Solicitor.
LSO #68257G

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Court File No. CV-24-00732861-0000

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Proceeding commenced at TORONTO

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