

Report To:	Regional Chair and Members of Regional Council
From:	Alex Sarchuk, Commissioner, Social and Community Services
Date:	November 22, 2023
Report No:	SS-26-23
Re:	Update on Homelessness and Encampment Responses in Halton Region

RECOMMENDATION

THAT Report No. SS-26-23 re: "Update on Homelessness and Encampment Responses in Halton Region" be received for information.

REPORT

Executive Summary

- This report updates Regional Council on homeless encampments in Halton and collective efforts to respond to them.
- The Community Safety and Well-Being (CSWB) Housing and Homelessness Action Table is developing a Region-wide approach to encampment response. This is a collaboration between Halton Region, the four local municipalities, the Halton Regional Police Service, Ontario Health Teams and health, social service and justice sector partners.
- Action Table work is guided by a recent Ontario Superior Court decision that focuses on a human-rights based approach to encampments on public property. In most cases, the removal of an encampment must first consider availability and accessibility of shelter and other supports. The Region has no authority to require individuals to accept a shelter bed.
- Halton Region has taken steps to enhance all services assisting persons residing outside/living in encampments by:
 - Increasing emergency shelter capacity and accessibility for individuals, single women, couples and families;

- Continuing to make available temporary boarding for pets and funding transportation needs;
 - Increasing Halton Housing Help Street Outreach capacity – this team meets individuals wherever they reside and makes active offers of support that individuals may voluntarily choose to accept; and,
 - Increasing staff and partner agency expertise in working with individuals with mental health and addictions challenges.
- Enforcement mechanisms vary depending on who owns the property where the encampment is located. Private landowners initiate enforcement through the Halton Regional Police Service. Local municipal staff assume this responsibility on municipally owned property. Halton Region assumes this responsibility on Region owned property.

Background

An encampment is as an outdoor location with a visible structure where one or more individuals are seeking shelter. Homelessness and encampments are a by-product of a number of intersecting issues, including income insecurity, vacancy rates, housing costs, and mental health and addictions challenges, notably opioid misuse. The lack of available specialized supportive housing for individuals with complex mental health and addictions is also a key driver of encampments.

Rising Cost of Housing

According to the Canada Mortgage and Housing Corporation (CMHC) the vacancy rate for rental apartments in Halton Region decreased to 1.2% in 2022 from 1.4% in 2021. According to [Rentals.ca](https://www.rentals.ca), Oakville and Burlington are amongst the most expensive municipalities to rent an apartment in Canada. The average rent for a one bedroom apartment in Oakville is currently \$2,502 and \$2,217 in Burlington.¹ Rental apartments in Milton and Halton Hills have experienced similar increases. Private market (non-subsidized) rental apartments are generally unattainable for individuals experiencing homelessness in Halton.

Incomes Not Keeping Pace with Housing Costs

Incomes have not kept pace with rising housing costs. A single individual receiving Ontario Works (OW) is entitled to a maximum of \$733 per month for their basic needs and shelter. An individual receiving the Ontario Disability Support Program (ODSP) is entitled to a maximum of \$1,308 total per month. Effective October 1st, 2023, an individual working 40 hours a week earning minimum wage (\$16.55 per hour) receives approximately \$2,648 monthly before deductions.

The cost of food and basic goods have also risen significantly. According to Feed Ontario's 2022 Hunger Report, food-bank use in Ontario has increased 42% over the past three years. One-third of these visitors were using food banks for the first time. In

Oakville, Kerr Street Mission reports serving approximately 1,000 individuals weekly, which is double the volume they served in 2020. Food for Life's Mountainside Market in Burlington has similarly served 63% more households in the last year. For more information on the impact of food insecurity on low income households in Halton, see Report No. MO-22-23 re: "Ontario Nutritious Food Basket Survey - 2023 Results".

Opioid Misuse

According to Halton Region Public Health, between January 1st and September 30th, 2023, there were 101 visits by Halton residents to an emergency department in Ontario for a confirmed opioid overdose. During this same time period, Halton Region Paramedic Services responded to 131 calls for suspected opioid overdoses in Halton. The most recent data available shows there were six confirmed opioid-related deaths among Halton residents between January and March 2023. While the rate of Emergency Department visits for confirmed opioid overdoses was 30.7 visits per 100,000 people in Halton in 2022 which is much lower than the Ontario average of 71.6 per 100,000 in 2019 (Public Health Ontario, 2023), homeless individuals tend to be over represented in opioid misuse as compared with the general population.²

Supportive Housing Required for Individuals with Complex Needs

The Region is required by the federal government to enumerate homelessness in Halton. The most recent homelessness enumeration in Halton occurred in 2021 per Report No. SS-02-22 re: "Allocation of Community Homelessness Prevention Initiative (CHPI) Funding in 2022-2023 and Provincially Funded Homelessness Initiatives Update." Sixty-five percent (65%) of individuals self-reported a serious mental health issue. A further forty-three percent (43%) reported having a substance use issue.

Individuals with complex mental health and/or addictions challenges who experience homelessness often struggle to reside in congregate shelter environments and secure permanent housing. As identified in Report No. SS-20-23 re: "Comprehensive Housing Strategy Update: 2014 – 2024 Annual Progress Report", supportive housing for individuals with complex mental health and addictions challenges remains the most significant gap in Halton's housing system.

Insufficient supply of supportive housing for individuals with high support needs (who require 24/7 on-site supports) is a driver of homelessness and encampments in Halton. Supportive Housing is a shared responsibility across all levels of government. It is imperative that the federal and provincial governments provide capital and operational funding to create additional supportive housing capacity in Halton.

Staff continue to closely monitor shelter use and homelessness. As of October 1st, 2023:

- 172 individuals were receiving emergency shelter from the Region.
- 270 additional individuals experiencing homelessness were residing in temporary transitional housing awaiting an offer of permanent housing.

- Between 10-25 individuals sleep outside in Halton on a given night. Most of these individuals are actively working with the Street Outreach Team to secure permanent housing.

Discussion

This report updates Regional Council on homeless encampments in Halton. It also informs Regional Council of collective efforts being taken to respond to them.

Community Safety and Well Being Action Table - Encampments

Through the CSWB Plan, Halton has re-activated a Housing and Homelessness Action Table to specifically focus on encampments and to strengthen responses to them.

This Action Table has representation from Halton Region's Housing Services Division and Public Health Department, local housing and homelessness service providers, the Halton Region Police Service (HRPS), local municipalities and health, social service and justice sector partners.

The Action Table is creating a unified process across all four local municipalities for responding to encampments. The Action Table is identifying roles and responsibilities between Halton Region, the Street Outreach Team, the HRPS and local municipalities with respect to individuals residing in encampments.

Context for Responding to Encampments - Region of Waterloo Court Decision

The legal framework related to encampments in Ontario continues to evolve. In January 2023, the Ontario Superior Court of Justice rejected an application from The Regional Municipality of Waterloo to evict individuals living in an encampment on a Region-owned property. The judge ruled that a Region of Waterloo by-law that prohibits erection of any structure, including a tent, on Region-owned property, violated the *Canadian Charter of Rights and Freedoms* rights to life, liberty and security of the person of the encampment residents. The judge declared that the by-law was inoperative in relation to the encampment residents to the extent that there remains insufficient accessible shelter spaces in Waterloo Region.

This Ontario Superior Court of Justice decision highlights the importance of using a human rights based approach to housing when responding to encampments. The case reaffirms the relevance of the Canadian Charter of Rights and Freedoms in situations where municipalities seek to enforce by-laws affecting individuals experiencing homelessness. This decision demonstrates that balancing the rights of individuals experiencing homelessness with the responses to encampments on municipal property is a complex challenge that requires consideration of factors such as access to shelter, safety concerns and the protection of rights.

Existing processes to respond to encampments are being refined by the CSWB Action Table based on learnings flowing from the Waterloo court decision. Halton Region has made considerable investment into homelessness prevention and is well positioned to respond to shelter needs.

Current Homelessness / Encampment Responses

As part of the CSWB Action Table, Halton Region has taken a number of proactive steps to mitigate homeless encampments and support vulnerable residents. New services available to individuals living in encampments include:

- A Street Outreach Team (operated by Halton Housing Help, a contracted third party service provider) that works exclusively with those living in encampments or in their vehicles. This team's staff complement was enhanced in 2023 to meet increased demand.
- Implementation of a six-person multidisciplinary mental health and addictions team dedicated to supporting Halton residents in emergency shelters, encampments or transitioning into permanent housing:
 - A community agency, Support House, has allocated one additional Ministry of Health funded addictions nurse to support this work.
 - Halton Alcohol Drug and Gambling Assessment Prevention and Treatment Services (ADAPT) has also provided access to one Ministry of Health funded addictions specialist.
 - This new mobile team works alongside the Street Outreach Team to provide homeless populations with mental health and addictions support.
 - This new mental health and addictions capacity is primarily funded through the Federal Reaching Home program.

The Halton Housing Help Street Outreach Team is responsible for meeting with individuals who live in encampments and making active offers of emergency shelter. The Outreach team effectively collaborates with and receives considerable support from the HRPS. Individuals in shelter receive intensive support with housing navigation, meals, transportation and storage. Individuals with pets are supported with free boarding through the Oakville and Milton Humane Society during their shelter stay. They are provided with complementary transportation to visit their pets regularly.

A human rights based approach to street outreach often takes time. Building rapport and trust is imperative when offering individuals emergency shelter and other supports. When individuals accept offers of emergency shelter, immediate transportation is arranged and wrap-around supports are provided.

If support is declined, Halton Region does not have the authority to require an individual to access shelter. In these cases, the Street Outreach Team continues to meet with individuals and makes continued offers of shelter. The Street Outreach Team works with these individuals to develop a customized housing plan wherever they are located in Halton.

As well, Halton Region Public Health works alongside the Street Outreach Team to provide mobile harm reduction services to individuals experiencing homelessness with complex substance use issues. The Exchange Works Program helps to reduce the spread of HIV/AIDS and other blood-borne illnesses, such as Hepatitis B and C, by providing clean supplies for safer injection and inhalation of drugs. They also distribute nasal naloxone, a drug that temporarily reverses opioid overdose until emergency services arrive. Public Health's harm reduction program distributed 369 naloxone kits from January 1st to August 1st, 2023. Community partners also distributed 634 kits over the same time period.

When an individual is in immediate crisis, the Crisis Outreach and Support Team (COAST) administered by the Canadian Mental Health Association-Halton (CMHA-Halton) is available to meet impacted individuals and provide support. The COAST Mobile Team is a partnership between CMHA-Halton and the HRPS.

These collective efforts are yielding positive results. In 2022, two hundred and five (205) individuals moved from some form of unsheltered homelessness into emergency shelter, with one hundred and nineteen (119) of these individuals directly supported by the Street Outreach Team. Between January 1st and October 1st, 2023, two hundred and twenty (220) individuals have moved from some form of unsheltered homelessness into emergency shelter, with ninety-nine (99) of these individuals directly supported by the Street Outreach Team.

Supportive Housing Requirements

Integral to the homelessness and encampment responses in Halton is the need for supportive housing for individuals who require a range of specialized services to live safely in the community. Individuals experiencing homelessness in Halton are presenting with mental health, addictions, cognitive and mobility challenges. There are currently limited permanent housing options available in Halton for individuals who require intensive 24/7 support.

As noted in Regional Council report SS-20-23, at least 120 units of supportive housing are required in the near-term to prevent increases in encampments in Halton. Some progress is being made with 53 purpose built supportive housing units currently in development. Consistent feedback from the CSWB Action Table has presented permanent supportive housing as the most cost effective, dignified and effective solution to preventing encampments.

Supportive Housing is a shared responsibility across all levels of government. It is imperative that the federal and provincial governments provide adequate capital and operating funding to ensure this need is met. The lack of supportive housing for individuals with high needs is a direct contributor to encampments in Halton.

Enforcement Responses to Visible Homelessness / Encampments

Halton Region is utilizing a human rights approach when supporting individuals in encampments. The use of enforcement mechanisms are at the decision of property owners. Enforcement mechanisms include the use of by-laws or the *Trespass to Property Act*. Such actions should be informed by the Waterloo Court decision.

Regional Property

When an encampment is located on a Regionally owned property, the decision to proceed with enforcement is the responsibility of Halton Region as property owner. The Street Outreach Team generally extends multiple offers of shelter and other supports before enforcement is considered. Enforcement would be carried out with the support of the HRPS.

Municipal Property

When an encampment is located on property owned by a local municipality, the decision to proceed with enforcement is the responsibility of the local municipality as property owner.

Should a decision on enforcement be made by a local municipality, the Street Outreach Team and the HRPS remain available to local municipal staff to provide support to individuals in encampments. The Street Outreach Team will continue to meet regularly with individuals impacted to extend offers of emergency shelter wherever they are located.

Private Property

When encampments are located on private property, it is the responsibility of the property owner to request enforcement directly from the HRPS. When a request is made, the police work closely with the Street Outreach Team to ensure offers of safe and accessible shelter remain immediately available for individuals when removed from private property.

Provincial Property

Some encampments in Halton have been established on lands owned by Provincial bodies like the Ministry of Transportation (highway exit ramps) and Metrolinx (Go Stations).

Only the Province, as the property owner, can initiate enforcement measures for any encampments on land it owns in Halton. CSWB Action Table members continue to meet with representatives from the Province to educate them on Halton's encampment mitigation approach. Staff continue to seek a more formalized collaboration with Provincial ministries to resolve encampments on Provincial lands in Halton.

Next Steps

The CSWB Action Table on encampments will continue to meet regularly. Smaller working groups have been established in each of the four local municipalities to support Action Table priorities.

The legal framework on encampments in Ontario continues to evolve. Staff are closely monitoring and adapting Halton's approach as required. Staff will return to Regional Council with a comprehensive update on homelessness in Halton Region in 2024.

FINANCIAL/PROGRAM IMPLICATIONS

There are no financial implications associated with this report.

Respectfully submitted,



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Alex Sarchuk
Commissioner, Social and Community
Services

Approved by



Jane MacCaskill
Chief Administrative Officer

If you have any questions on the content of this report,
please contact:

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Attachments: None

¹ September 2023 National Rent Report – Municipal Overview. [Internet] Retrieved Oct 12. <https://rentals.ca/national-rent-report#municipal-overview>

² Substance-related poisonings and homelessness in Canada: a descriptive analysis of hospitalization data. [Internet] Retrieved October 12. <https://www.canada.ca/en/health-canada/services/opioids/hospitalizations-substance-related-poisonings-homelessness.html>