

From: Wade Poziomka

Sent: Tuesday, September 1, 2020 8:10 PM

To: Bordin, Michael <Michael.Bordin@gowlingwljg.com>

Cc: Sharon Crowe (HCLC) <crowes@lao.on.ca>; Nadine Watson (HCLC) <menezen@lao.on.ca>; Jennifer Zdriluk <jzdriluk@rossmcbride.com>; Nick Papageorge <NPapageorge@rossmcbride.com>

Subject: HAMSMaRT et al. v. City of Hamilton

Dear Mr. Bordin:

Thank you for speaking yesterday evening. As always, I appreciate your professionalism and willingness to engage (even on short notice). I have asked my client to refrain from sharing an open letter at this point and holding a press conference on this issue as I understand there is a General Issues Committee meeting on Wednesday of next week. We are prepared to enter settlement discussions with the following framework if we can achieve a mutually agreeable resolution:

1. We would be prepared to mutually agree which individuals from each side would take part in these discussions;
2. We would be prepared to remove the injunction as part of an agreement;
3. We would be prepared to withdraw the application as part of an agreement;
4. We would be prepared to discuss agreed upon site(s) and are particularly interested in the Victoria, B.C. model. To be clear however we are willing to discuss this issue generally to see if we can build consensus;
5. We are prepared to discuss criteria and decision-making in terms of who, in the encampment system, does not have reasonable alternatives available to them; and
6. The ultimate goal would be the elimination of the large and growing encampments within the City of Hamilton.

I am surprised by the position the City of Hamilton has taken that it will not enter into settlement dialogue. This extreme position is unreasonable given that there are two groups (my clients and the City of Hamilton) who want to protect vulnerable Hamiltonians and provide the support necessary for health and safety. If we have a common objective, I am not sure why the City of Hamilton would be unwilling to discuss how we get there. Certainly my clients, which include a group of front line physicians working with Hamilton's most vulnerable, have something to offer to that discussion. My fear is that perhaps the City of Hamilton's position is based on a misunderstanding of a select group of Councillors, who may have influenced the remainder of the Councillors. I hope that is not the case – but even if it is, dialogue will help set our position straight.

Given the recent event where an individual in mental health crisis struck a garbage truck driver, we believe it is important to cooperate to assist the residents in encampments in terms of their sense of security and more importantly, their relationship with City of Hamilton employees. We would note however that these incidents have always occurred - for individuals sleeping rough, in shelters, and in hotels. Mental health issues are prevalent in all of these areas and tragic events will certainly occur in the future. This is not a result of encampments. Research shows that people experiencing mental illness and/or homelessness are more likely to be the victims of violence than the perpetrators.

I understand that the City of Hamilton has received significant correspondence from residents, with the majority of it being in favour of not removing the encampments – at least on a temporary basis. Our goal is not, and never has been, to have “tent cities” throughout Hamilton. Rather we are concerned about residents whose needs are not being met with community support as they currently are and their ability to erect a shelter to protect themselves from the elements when living rough.

We do not view litigation as the preferred route. Not only will it waste taxpayer dollars (which are presumably in short supply these days), it will also result in an extreme situation – either encampments cannot be dismantled or presumably the City would clear the two larger encampments immediately. We see harm and/or undesired results either way. We propose a solution where we work together with the ultimate goal of eliminating the need for encampments by offering adequate supports to all residents and working together to ensure they receive that support in a way that does not contribute to trauma. When we eliminate the need, we can eliminate the large encampments. This should not be a knee-jerk reaction either way – but careful and deliberate cooperation and planning to build confidence in the process amongst encampment residents and ultimately transition them out of the encampments.

I hope reason will prevail. Our doors and telephones are always open to you and your clients.

Sincerely

Wade Poziomka

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