

PANDEMIC ENCAMPMENTS:
A CASE STUDY OF TORONTO'S HOMELESS ENCAMPMENTS (THROUGH
A HUMAN RIGHTS-BASED APPROACH) DURING THE COVID-19
PANDEMIC

By

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ABSTRACT

Cities across North America have seen an increase in groups of people experiencing unsheltered homelessness together. The City of Toronto specifically is experiencing one of the deepest housing crises to date. Before the COVID-19 pandemic, many people lived in encampments. However, they were largely invisible as they were pushed out of sight by law-enforcement and criminalized by municipal legislation. The City's response to encampments during the pandemic has demonstrate systemic violence, criminalization, and displacement of unhoused residents. This paper aims to analyze the role of homeless encampments through a human rights-based approach to housing by analyzing encampments during the COVID-19 pandemic. Through this paper, I aim to establish that encampments are sites of resistance to state violence and insufficient interventions. The resistance of unhoused residents and sites of encampments offers a radical change in perspective to housing and a call to action— one that is based in human rights.

Key words: housing; homelessness; encampments; human rights-based approach; evictions; gentrification; neoliberalism; Toronto; COVID-19 pandemic

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Dedication

For my pillars, my dear parents, Muhammad Anwar Edhi and Nasreen Anwar.

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Executive Summary

Canada and infamously its most populous city, Toronto, is experiencing one of the deepest housing crises to date. Homeless encampments are one of the most observable manifestations of Toronto's housing crisis. It is estimated that 1500 people sleep outside in Toronto as the result of a housing crisis that saw 102,049 households waitlisted for social housing in 2019 and over 9000 people homeless (ESN, 2021). Before the COVID-19 pandemic, many people lived in encampments. However, they were largely invisible as they were pushed out of sight by law-enforcement and criminalized by police ticketing. The COVID-19 pandemic exposed the "need for safe, decent, and affordable housing to be recognized as a human right, social good, and social determinant of individual and public health" (Wilson et. al., 2020, p. 9). As encampments increasingly emerge across Toronto, and in large North America, there is an urgent need for governments to interact with them in a manner that upholds human rights.

This research paper employs the qualitative research method of a case study to analyze homeless encampments during the COVID-19 pandemic in the city of Toronto. First, a literature review was conducted to help define what a human rights-based approach to housing and encampments entails as well as the historical systems and inequities that contribute to becoming unsheltered. To ground the location of the case study, Ontario and Toronto-specific legislation and by-laws related to homelessness were analyzed. Lastly, City of Toronto's policies, programs, and actions were analyzed in responding to the encampments and the response of encampment residents and housing activists acting in resistance to state sanctioned violence. The case study is concluded by recommending employing human rights approach to housing and endorsing Scott Leon's four-pronged collective approach of: Address, Prevent, Focus and Fund.

1.0 Introduction

Cities, suburban communities, and rural areas across North America have seen an increase in groups of people experiencing unsheltered homelessness together. The term “encampment” is widely used to describe these groups of people. More specifically, it speaks to the public spaces unhoused residents occupy such as underway freeway overpasses, on vacant lots and streets, and in parks. Encampment is also termed as tent cities, homeless settlements, and homeless camps.

Toronto, along with many other major urban centres across Canada, is experiencing one of the deepest housing crises to date. This ongoing housing crisis has created some of the deepest inequalities throughout the city. It deepens class divides, erases Indigenous treaties, perpetuates systems of inequality, and maintains precarious territory. Homeless encampments are one of the most observable manifestations of Toronto’s housing crisis. It is estimated that 1500 people sleep outside in Toronto as result of the housing crisis that saw 102,049 households waitlisted for social housing in 2019 and over 9000 people homeless (ESN, 2021).

Before the COVID-19 pandemic, many people lived in encampments. However, they were largely invisible as they were pushed out of sight by law-enforcement and criminalized by police ticketing. While there was a temporary ban on encampment evictions, Toronto Mayor John Tory lifted the ban as the city began to “open up for business”. The municipality of Toronto, hereon forth known as ‘the City’, began targeting Toronto’s main encampment sites: Moss Park, Alexandra Park, Trinity Bellwoods, and Lamport Stadium (Macklin, 2021). These sites were selected because of their health and safety hazards, including encampments fires and overdoses (Macklin, 2021). This motivated and provided cause for the City to begin evicting people from encampments and moving them into different temporary living situations. With COVID-19, the public health argument for policies of non-displacement has grown even louder.

Increasingly, the effectiveness of the traditional approaches to providing services to those experiencing homelessness has been questioned by scholars and policymakers (Phillips, 2016). Studies have shown that investing in homeless prevention costs less than it does to keep someone on the streets (Gaetz, 2012), by providing more permanent housing solutions.

1.1 Human Rights-Based Approach to Housing

In December 2019, the City took the historic step of recognizing housing as a human right in its *HousingTO 2020-30 Action Plan*. Academic analysis of homeless encampments has largely not been addressed through a human rights-based approach. While no proof or endorsement is needed to support this statement, both the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR) establish states' obligations to respect and secure the realization of housing rights, within the framework of an adequate standard of living (McCartan et. al., 2021). There are obligations on states in the context of public international law to take steps, individually and through international assistance and cooperation, to the maximum of their available resources, to progressively achieve the full realization of the rights involved, by all appropriate means, including the adoption of legislation (McCartan et. al., 2021). Therefore, states become accountable to the international community, to other states which have ratified the same texts, and to their own citizens.

Fulfilling these human rights entails making sure each person could live with dignity. This approach is not an abstract ideal. Instead, it starts with a commitment to human rights principles. Leilani Farha and Dr. Kaitlin Schwan (2020) in *A National Protocol for Homeless Encampments in Canada* layout 8 principles to guide governments and other stakeholders in adopting a rights-based response to encampments:

1. Recognize Residents of Encampments as Rights Holders
2. Meaningful Engagement and Effective Participation of Encampment Residents
3. Prohibition of Forced Evictions of Encampments
4. Explore All Viable Alternatives to Eviction
5. Ensure that any Relocation is Human Rights Compliant
6. Ensure Encampments Meet Basic Needs of Residents Consistent with Human Right
7. Ensure Human-Rights Based Goals and Outcomes, and the Preservation of Dignity for Encampment Residents
8. Respect, Protect, and Fulfill the Distinct Rights of Indigenous Peoples in all Engagement with Encampments

In considering the City's human rights obligations as it pertains to encampments, it is important to understand that encampments are not an acceptable response to homelessness and the housing crisis. "In fact, the very existence of encampments is indicative of the failure to respect, protect, and fulfill the human right to adequate housing. However, in the context of this failure, encampments represent residents' best effort to claim their rights to self-determination, security of the person, and dignity within a range of deeply inadequate options" (R2HTO, 2021, p. 5).

1.2 Toronto Homeless Encampments during COVID-19 Pandemic

As mentioned, the city of Toronto has been in a housing and homelessness crisis for years which was further worsened by the COVID-19 pandemic. According to the 2021 Street Needs Assessment, approximately 7,347 people experience homelessness daily in Toronto (City of Toronto, 2021g). This number is likely to be undercounted as cases of hidden homelessness often goes unnoticed. Homelessness is expected to continue to rise due to ongoing job losses, rising costs of rent, and evictions during the pandemic and beyond. An insufficient affordable housing

stock has increased the scale of housing insecurity resulting in deepening housing precariousness and further marginalization of already vulnerable populations.

Efforts to aid and alleviate homelessness through increased temporary shelter and services were insufficient. Shelter spaces were often limited and subject to deteriorating amenities and unsafe conditions with multiple COVID-19 outbreaks (McCartan, 2021; R2HTO, 2020). Lack of social distancing and limited space led unhoused residents to feel safer on the streets and in encampments for an alternative form of shelter (McCartan, 2021). In the context of a global pandemic, encampments became a key survival mechanism for Toronto residents who did not have access to adequate housing, safe shelter, or sufficient service and resources.

The City's approach to encampments has included policies, programs, and by-laws that criminalize and displace unhoused people. After a brief moratorium in 2020, the City of Toronto began to enforce parks by-laws that prohibit sheltering in parks (McCartan, 2021; R2HTO, 2020). Trespass notices were issued, and the City began to forcibly remove residents and dismantle residents' shelters and tents through militarized policing measures. While some residents relocated to shelter spaces and shelter-hotels, and in rare cases some were provided with housing, many did not. Since then, many people have chosen to return to encampments from city provided shelter due to COVID-19 outbreaks, safety and security concerns and/or to be surrounded by preferred supports and services (McCartan, 2021; R2HTO, 2020). The City followed a similar eviction process in summer of 2021 with the evictions of Trinity Bellwoods, Alexandra Park, and Lamport Stadium. Encampment residents, supporters, and activists were met with harsh persecution, excessive use of force to remove residents, and state sanctioned violence from the City of Toronto's militarized police enforcements to dismantle encampments. Supporters arrested are still facing charges and fines related to the evictions (McCartan, 2021;

R2HTO, 2020) whilst working through the physical and psychological trauma inflicted by the state.

Housing is not a privilege. “Having no place to live means being excluded from all that is associated with having a home, a neighbourhood, and a set of established community networks. It means being exiled from the mainstream patterns of day-to-day life. Without a physical place to call “home” in the social, psychological and emotional sense, the hour-to-hour struggle for physical survival replaces all other possible activities.” (Hulchanski, 2003, p. 6-8). Police violence, penalization, and criminalization of unhoused people and housing advocates are contrary to the rights-based approach to housing to which Toronto has committed to.

1.3 Purpose

This paper aims to analyze the role of homeless encampments through a human rights-based approach to housing by analyzing encampments during the COVID-19 pandemic. While the pandemic is ongoing at the time of writing this paper, this context in time aims to provide a deeper analysis of the systemic violence, harassment, and deprivation unhoused residents have faced at the hands of governmental interventions in one of history’s toughest times. Through this paper, I aim to establish that encampments are sites of resistance to state violence and a call to action. The resistance of unhoused residents and sites of encampments offers a radical change in perspective to housing – one that is based in human rights.

2.0 Method

This research paper employs the qualitative research method of a case study to analyze homeless encampments during the COVID-19 pandemic in the city of Toronto. I began the research process by outlining the following research questions:

1. What factors are influencing the creation of encampments? And, how can a human rights-based approach help to resolve the problems of housing encampments?
2. How has the COVID-19 pandemic exacerbated the ongoing housing crisis and more specifically, encampments? How has the pandemic amplified the call to a human rights-based approach to housing?
3. How does space and power operate in public and private space? What role does Municipal resources, policies, and programs play in establishing and/or mitigating power and homelessness?
4. How do aspects of race and class inform and/or rupture the white spatial imaginary of safe public spaces?

To answer these questions, I begin with an analysis of theoretical frameworks to explore the structural factors influences causing homelessness and housing policy in Canada to define the existing literature surrounding homeless encampments. This literature will also help to define a human rights-based approach to housing and encampments. To ground the location of the case study, Ontario and Toronto specific legislation and Municipal by-laws' influence on the rise homelessness and unfair treatment of unhoused individuals will be analyzed. Lastly, I examine the City of Toronto policies, programs, and actions to determine whether they are in line with a human rights-based approach to housing. The case study is concluded by offering some recommendations and steps the city officials could potentially take to ensure encampment residents' rights are protected and long-term affordable housing strategies are employed.

3.0 Literature Review

To develop a holistic understanding of homeless encampments in Toronto, it is vital to ground analysis in two spheres: 1) larger structural systems and 2) individual and personal factors. The following exploration looks at the role of capitalism and neoliberalism in the creation of homelessness, the role of public spaces, and lastly the personal factors around who and why individuals reside in encampments.

3.1 Influence of Capitalism and Neoliberalization on Housing and Private Markets

Although modern homelessness is often understood to be a function of housing, it is primarily a function of how the capitalist political economy operates, the logic of capital accumulation and capital circulation in the built environment (Mitchell, 2020). Homelessness is a class struggle within capitalism. It is not an attribute of individuals but is rather a condition of society (Mitchell, 2020). Homelessness is not a status of being without a shelter, but it is both an effect and a determinant of the circulation of capital and divisions of labour it requires (Mitchell, 2020). Capitalist processes require impoverishment of a significant, and growing, number of people to function, while also requiring indigent people to function just enough to participate in labour (Mitchell, 2020).

To more easily understand capitalist inequalities with relation to homelessness, gentrification is a simple yet powerful means to capture the injustices created by capitalist urban land markets and policies. Gentrification is a process where residential rehabilitation occurs in often low-income racialized spaces which ultimately leads to the displacement of locals being priced out of their own neighbourhoods. It is ultimately a “profit-driven racial and class reconfiguration of urban, working-class and communities of color that have suffered from a history of

disinvestment and abandonment” (Slater, 2021, p. 58). Neil Smith’s rent gap theory states that the greater the gap between the potential land value and the rent charged by landlords in a location, the more attractive it is to invest capital in the place for land development or redevelopment (Slater, 2021). Eventually gentrification occurs when the gap is wide enough that developers can purchase land for cheap, develop the land for revitalization, and then sell the property for a much higher sale price providing lucrative profits (Slater, 2021). These practices, upheld by neoliberal principles and legislation in western and increasingly global parts of the world, has resulted in low-income population being priced out of the market increasingly settling further away from the city to maintain some affordability or are led into further disenfranchisement towards homelessness.

Neoliberalism is used to describe the 20th century resurgence or 19th century ideas associated with free market capitalism. The prevailing philosophy of neoliberalism is influential for the rise of homelessness in Canada’s urban centres over the recent decades (Donnan, 2014).

Neoliberalism refers to an economic concept advocating the promotion of free market and the reduction of state intervention (Buccieri, 2012). Geographer David Harvey (2005) in *A Brief History of Neoliberalism* defines it as "a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade" (p. 12).

While Harvey's definition touches on the capitalist project of transferring wealth and power from rich to the poor, other definitions incorporate governmentality and citizenship. Donnan (2014) describes it as "a significant change in state form guided by political consensus as a "regime change", a transition to corporate rule, and as a reversion to modernizations theories'

assumptions that increased productivity and economic growth will enhance human well-being" (p. 586). Breitkrueze's description of neoliberalism outlines "moving Canada from a model of social citizenship, where all citizens are entitled to a base level of benefits, to a model of market citizenship, where citizenship entitlement is contingent upon a person's attachment to the labour market" (Donnan, 2014, p.586). Neoliberalism must be understood as a shift in governance itself as witnessed through policy changes in the late 20th century in Canada.

Until the mid-1980s, Canada and much of Western nations had a welfare housing regime with notable state interventions in housing supply in the form of public housing funding managed by governments and community housing sustained through federal funding (Zhu et. al., 2021). Residualization refers to the process whereby publicly subsidized rental housing moves towards a position where it provides a safety net for low-income households. The period between 1986 and 1993 saw the residualization of social housing and increasing policy priority for promoting homeownership (Zhu et. al., 2021). This policy change demonstrated the shift of federal commitment to fund social housing supply to a market-oriented housing system. Where previously, the government was responsible for housing anyone in need, the private market became responsible for filling the void of rental housing. Social housing residualization was in line with the neoliberal view that a liberal market is imperative in fair housing distribution, and social housing is a remedy to market imperfections (Zhu et. al., 2021). Housing production became largely privatized. Meanwhile, access to mortgages was expanded and various homeownership assistance programs were rolled out (Zhu et. al., 2021). The year 1993 signified a strengthened neoliberal housing regime as it pushed for the elimination of housing subsidies such as the federal Affordable Housing Program and instead shifted their policies towards homeownership (Donnan, 2014). The decades from mid-1990s and 2000s marked the start of

housing financialization in Canada, whereby housing became to be considered more as a commodity and a financial instrument instead of a basic human right (Zhu et. al., 2021). Neoliberalism ultimately deepened marginalization for specific segments of the Canadian population, whereby low-income, racialized, and gendered populations have been completely priced out of the market, unable to access housing at even the lowest of costs. Ultimately, as demonstrated by Zhu and colleagues (2021) “those with stronger purchasing power can climb up the housing ladder and build up asset-based welfare, [whereas] low-income households find themselves trapped in precarious housing conditions” (p. 6). The historical collapse and implications of this philosophy in national context are further outlined below in Section 4.0 Governmental Housing Policy Framework in Canada.

While the distinctions and depth of neoliberalism go beyond the scope of this paper, this case study of homeless encampments reveals how these analyses prove useful in understanding the predominance of neoliberal ideology in Canada. Neoliberalism goes beyond political and economic theory and instead has clear urban implications with often harmful consequences on the most vulnerable individuals living in the city (Dassé, 2019). In respect to this case study, these harmful consequences can be witnessed in access to basic human rights, employment and social inequality, public spaces and exclusion determining who has right to the city, and the treatment of individuals based on the different intersections that make up their lived experience (i.e. gender, race, class disability, sexual orientation, and colonial identity).

3.2 Parks, Public Space, and Public Realm: Who does it belong to?

The pandemic has brought to light and further emphasized what the unhoused population already knew: Public parks are a welcome refuge for city dwellers, providing physical and mental health benefits, and serving as a gathering place (Mullenback, 2022).

Historically, individuals experiencing homelessness and housed residents have increasingly been at conflict over the use of public spaces often resulting in a battle over who has the right to public space. This reoccurring battle has been witnessed at multiple tent cities in the past decades (Por, 2014), and most recently seen in Toronto's homeless encampments in 2021.

3.2.1 Right to the City

Marxist thinker and philosopher, Henri Lefebvre sheds light on the link between urban planning and sociology. He demonstrated the way cities are laid out can be used as a means of social control by segregating individuals (Dassé, 2019). He coined the term the "Right to the City" (in French: "droit a la ville") to counter the notion of socio-spatial segregation. This expression helps us understand that while streets and parks are commonly referred as public spaces that all can access (both colloquially and legally), in actuality not everyone equally possesses these rights. Cultural Geographer Don Mitchell expands on this concept and interrogates the ways that dominant legal tools and narratives exclude the voices and interests in those who occupy urban space (King, 2018). Harvey (2008) brings a Marxist, anti-capitalist, and revolutionary meaning to the 'right to the city, which he argues is an 'empty signifier': a right whose meaning is yet to be defined. He sees the concept as a collective struggle by everyone that participates in the city and creates life in it, to claim the right to decide what kind of urbanism they want.

The Right to the City concept sheds light on historical notions of colonial exclusionary practices and racial bodies' access to space. From the Toronto Purchase, the sale of lands in Toronto from Indigenous nations to the British crown, to the current housing crisis, the erasure of Indigenous people, relations and treaties from urban space and policy have created a false notion of 'Terra Nullius', or "empty/unoccupied" land (Mark, 2021). This myth of empty or

unoccupied land has been the central principle in allowing settler states such as Canada to justify its presence and dominance of space erasing Indigenous histories and bodies who until this day have claims to their land (Mark, 2021). Intergenerational trauma resulting from colonialism and present-day colonial continuities along with structural inequalities have contributed to high rates of Indigenous People being unhoused (Christensen and Andrew, 2016). Despite their sovereign claim to the land dating back centuries, Indigenous bodies are dispossessed and have become homeless in their own lands (Christensen and Andrew, 2016).

Just as Indigenous people are excluded and displaced from their lands, racialized communities are denied a right to the city, freedom of movement, and access to certain spaces designated as public. Racialized individuals comprise 60% of unhoused people with Black Torontonians making up 31% (City of Toronto, 2021g). Additionally, Black renters are twice as more likely to experience an eviction in Toronto because of systemic anti-Black racism which further contributes to their chances of becoming unhoused (Leon and Iveniuk, 2020). The disproportionate representation of Black, Brown and Indigenous bodies in seeking and utilizing space is explained by Margaret Ramírez (2020) in *City as borderland* outlining the concept of “borderlands”. She describes bordering and exclusionary practices of gentrification servicing as frontiers of violent urban transformation. These transformations as described occur through forces of rapid capitalist extraction of land and racialized dispossession primarily affecting Black, Indigenous, and People of Colour (BIPOC). The reservation of space as supported by colonialism and profit-driven approaches to land and housing determines ones access to public space and rights to the city to be designated only for those that embody the qualities of whiteness and subsequently, (white) property owners. These series of structural inter-connected

relationships of colonialism and capitalism contribute to the dispossession of lands, one-sided historical narratives, and cycles of homelessness affecting the poor racialized populations.

3.2.2 Public Spaces and Democracy

Public spaces such as parks also have a large role in democracy in making sure a common space is available to all. Democracy suggests access for everyone to a neutral, free, and accessible place, where individuals could express themselves (Dassé, 2019). Most often under tyrannical, authoritarian regimes, demonstrations in public spaces are forbidden. In places such as this, public spaces provide more of a symbolic function than one practicing, the letter of the law, where public does not actually refer to access to all, as demonstrated in Section 3.2.1. Dassé (2019) speaks further to Don Mitchell's work outlining who regulates public space:

"According [to] Don Mitchell, "the regulation of public space necessarily regulates the nature of public debate: the sorts of actions that can be considered legitimate, the role of various groups as members of the legitimate public and so forth" (Mitchell 2003: 182). By regulating behavior considered as "acceptable," the authorities also regulate who should be allowed in public spaces. Mitchell described how anti-homeless laws aim at creating a "world in which a whole class of people simply cannot be, entirely because they have no place to be." By criminalizing insignificant misdemeanors that pose no threat to others, anti-homeless laws endanger core principles of tolerance rooted in democratic societies: they question individuals' and groups' very right to exist." (p.14).

In maintaining public space that is authentically available to everyone regardless of social status, civil liberties must be upheld. However just like public space, civil liberties are a social construct and can have their legal definitions altered to fit a state agenda. True civil liberties emerge from collective action of individuals (Dassé, 2019) as opposed to legally defined legislation and bylaws. The dialogue of public space, who it includes or excludes, how it is controlled, and why it operates the way it does is to emphasize the interconnected notions of power within and between individuals and nation states. This spatial power imbalance reveals

“city spaces [as] divided and violently restructured through forces of racial capitalist dispossession” as witnessed in gentrification, displacement, and evictions processes upheld by the Canadian state (Ramírez, 2020, p. 149).

3.2.3 Where do the unhoused belong?

To reiterate when conducting this analysis, we must ask: who has right to the public parks of Toronto or Canada in this 21st century? Who do these spaces exclude? How are these prohibitions maintained in practice? Lastly, what are the underlying logics that maintains these policies? The answer seems to refer to only those who comply with state-informed standards and can afford a roof over their head (Dassé, 2019).

Housed individuals have come to characterize unhoused residents as threats to the tranquillity of public parks synonymous with criminal activity, littering, and bluntly put – an eyesore (Addo, 2018). With this conditioning, access to public parks has come to be defined by behaviours. Behaviours that are antithetical to local norms results in the exclusion from public space (Reuben, 2018). These behaviours include sitting, lying, sleeping, eating, camping, feeding people, and begging/panhandling in public (Darrah-Okike et. al., 2017).

This fabricated view of unhoused individuals’ actions has led local authorities to enact policies to exclude unhoused individuals from using public spaces and redefined public spaces as preserved for only those who possess properties (Addo, 2018), primarily privileging white property owners. Such policies, which are tools of socio-spatial control, form part of an enduring trend in the privatization of public space and result in social exclusion and dispossession (Darrah-Okike et. al., 2017; Dassé, 2019). Socio-spatial control policies employ coercive policing and power enforced by the state to regulate spatial location of basic life activities (Darrah-Okike et. al., 2017). Notions of public access have been challenged with efforts to

regulate and expel homelessness from the visible vicinity (Addo, 2018). These exclusionary policies have led to increased surveillance of public spaces by security personnel, monitoring devices such as CCTVs, and nearby property owners (Addo, 2018; Darrah-Okike et. al., 2017; King, 2018). However, unlike housed residents who have access to private space for shelter and daily activities, unhoused residents have no alternative but to use public spaces for daily activities.

3.3 Encampments and Residents

The term encampment has connotations of both impermanence and continuity. People are staying in temporary structures or enclosed places that are not intended for long-term occupancy. Encampment residents may be a core group of people who are known to one another and who move together to different locations when necessary, or they may be an alternating group of people who change in and out of a location (Cohen et. al, 2019). The physical structures that make up encampment can take different shapes including tents on pallets and shanties, or lean-to-shacks built with scavenged materials (Cohen et. al, 2019). People experiencing homelessness in encampments may also stay in groups of cars or vans or in underground tunnels and naturally occurring caves (Cohen et. al, 2019). The living arrangements of an encampment is distinct and varies per person.

This section aims to provide insights on the individual level of encampment residents' experience. The following section covers the factors that influence where unhoused residents choose to live, the social structures of encampments sites, and the role of "sweeps" or evictions and displacements of unhoused residents.

3.3.1 Factors Influencing Where to Live

As demonstrated in the previous sections, researchers have come to the consensus that homelessness is the result of severe shortages of affordable housing due to a steady decline of the welfare state and neoliberalization of housing combined with a lack of political will to dedicate sufficient resources to address the problem (Cohen et. al., 2019; Phillips, 2016; Gaetz, 2014; Layton, 2008; Donnan, 2014). Encampments are a response to the lack of other, desirable options for shelter.

There are several factors which influence where unhoused residents choose to reside. The first is that the shelter system falls short (Cohen et. al., 2019; 80 Cities, 2021). Shelters are often at full capacity. If they are available, shelters often have regulations for certain requirements to be met resulting in unused beds. Security is also a concern in shelters due to thefts and increased physical violence. Personal safety was further extended in the pandemic to include health-related safety where residents chose to remain outdoors to minimize their risk in contracting the COVID-19 virus. Multiple outbreaks in shelters across Toronto led many unhoused individuals to avoid shelters and remain outdoors out of fear they would contract the virus if they utilized the shelter system (Jenkinson and Hwang, 2021). Lastly, shelters have barriers to entry such as sobriety requirements and entry fees and can be “inhospitable”, “alienating” and “demeaning” with little support or case management to find permanent housing (Cohen et. al., 2019).

The second factor is that people who stay in encampments may view them as offering more security and protection from police harassment and aggression (Gordon and Byron, 2021) and from assaults or the theft of belongings (Cohen et. al., 2019). An example of this is how in Toronto, the number of violent incidents in shelters have more than doubled from 120 incidents in 2016 to 368 in January 2021 (Jenkinson and Hwang, 2021). The third factor that influences

encampment living is the desire for autonomy and privacy. Staying in encampments allows one to come and go at their pleasure to exercise autonomy and freedom of movement (Cohen et. al., 2019). Lastly, residents may choose to remain in encampments to engage in substance uses (Cohen et. al., 2019) While there is not enough evidence in the literature to suggest that most or many encampments are where people gather to support their addictions, the freedom to participate without scrutiny and stigma provides encampments as a compelling alternative option.

3.3.2 Social Structure and Motivations of Residents

The internal organization and motivation of residents also vary among encampments. Some have a strong social structure and organization with oversight or assistance from the community such as activists and support networks, and charitable or faith-based groups (Cohen et. al., 2019). Residents may acquire responsibility to conduct day-to-day operations, such as security patrols and other duties. Residents may also vote in governance decisions and are expected to attend weekly resident meetings in line with an encampment-wide code of conduct (Cohen et. al., 2019). Other encampments may have less cohesion and more informal rules and structures which can result in friction and conflict among residents (Cohen et. al., 2019). Larger encampment communities may be less integrated.

Motivations of encampment residents may differ as well. Some residents are eager to access services and permanent housing. Others vacate in advance of a “sweep” or clearing of encampments, even if the sweep is meant to provide them with access to services (Cohen et. al., 2019). These motivations of residents ultimately go back to the factors that influence where residents choose to live and why, and their lived experience up until the present day.

3.3.3 Sweeping of Encampments

Encampment residents are accustomed to the clearing, evictions, or “sweeps” led by city officials and police. These techniques whereby the state removes, seizes, or destroys life-sustaining necessities to decrease the visibility of encampments and designate the space for other uses. Sweeps are both a strategy of governance and an occurrence where infrastructural networks became spaces of contestation (Gordon and Byron, 2021). These procedures regulate the belonging and behaviour of people experiencing homelessness under the guise of maintaining “safe” and “healthy” environments (Gordon and Byron, 2021). The true intent of these policies is to help invisibilize homelessness and to keep the failures and harms of the colonial-capitalistic system out of sight. This reaction was witnessed in the summer of 2021 where City of Toronto officials and police spent nearly \$2 million to clear three homeless encampments and subsequently repair the parks (Rocca, 2021) supported through the City’s Parks By-law (City of Toronto, 2021d).

Instead of addressing structural conditions that make informal spaces such as encampments a necessary tool for survival, sweeps target the material representation (tents, tarps, and makeshift houses) to solve or hide the problem. According to Gordon and Byron (2021), “sweeps are both a strategy of governance and a viscerally felt phenomenon in which the maintenance of city infrastructure becomes a means through recurring violence is enacted” (p. 856). This can be seen through the various municipal codes passed in Toronto which make it illegal to camp or rest on streets and street infrastructures such as benches, which are then enforced through extortionate fines and removal to maintain public safety (Gordon and Byron, 2021) (See Section 5.2).

Encampments are not long-term options. People cannot live in public parks indefinitely. However, the forceful removal of people from encampments destroys trust with City and service

providers making it more difficult to convince people to move into other housing solutions.

Literature demonstrates that sweeps of encampments do little to increase shelter usage or otherwise resolve the problems of unhoused residents (Cohen et. al, 2019). Individuals simply move elsewhere to other parts of the city, still outside, remaining unhoused (Cohen, et. al, 2019).

The goal of encampments acting in resistance is to acquire stable housing. Furthermore, encampments are also a form of resistance to the colonial capitalist land relations which help to make housing unaffordable and easily evict those unable to afford shelter. As established, encampments are a result of a national housing and affordability crisis upheld by neoliberal systems prioritizing turning profits leading to growing residential evictions. To eliminate encampments, all levels of government must work collectively to create permanent affordable housing solutions.

4.0 Governmental Housing Policy Framework in Canada

4.1 Federal and Provincial Framework

Homelessness in Canada is contextualised by several factors: the growing numbers of people experiencing homelessness, the lack of affordable housing, increasing unaffordability in the rental market, and governments that are withdrawing from the housing policy envelop (Phillips , 2016). While there are several causes leading to homeless and encampments (as established in the literature review), simple housing affordability is a major factor. Many argue that homelessness has a very simple solution: just build more affordable housing (Phillips, 2016).

The ongoing housing crisis can be understood through both policy decisions and a failure of intergovernmental relations (Phillips, 2016). The structure of the Canadian federal network has led municipalities to be largely responsible for the service delivery of housing and homelessness (see Figure 1 for housing jurisdiction breakdown) (Phillips, 2016). The downgrading of federal responsibilities was further supplemented by operationalizing programs and procedures to also be downloaded to arms-length agencies such as the Toronto Community Housing Corporation (TCHC).

The focus of the federal role in housing has been exclusively on the ownership sector. The availability and cost of residential land and the cost of housing in each market area is made by what happens in the central part of the housing system – the homeownership sector (Hulchanski, 2003). The recent decades have demonstrated a growing gap between rich and poor Canadian households. Increasingly this gap is further manifested through the housing system where home ownership has simply and completely become unaffordable and unattainable for mid-to low-income class people. The federal government’s concentration of efforts entirely on ownership

has largely ignored policy discussions around improving the housing system and demonstrates the need for more tenure neutral policies.

Efforts to fill the gap and provide diverse tenure including affordable housing also fall short on federal governmental initiatives. Non-profit organization Blueprint conducted a study analyzing the affordable housing supply created by the unilateral National Housing Strategy (NHS) programs (Beer et. al., 2022). Findings demonstrate that the Rental Construction Financing Initiative has produced very limited purpose-built rental units (3%) that could be considered affordable by low-income households. Instead rents for units were well above market rent in the areas in which they were located to be counted as affordable (Beer et. al, 2022). Instead of designing for affordability, the federal government has offered private developers a form of corporate welfare that ultimately only furthers private-profits and leaves affordable housing out of the market.

The rental tenure was further made precarious through provincial legislation changes in the past two decades. In 1997, the Ontario government replaced the Rent Control Act (1992) by the Tenant Protection Act (TPA) (Truemner, 2009). The TPA introduced “vacancy decontrol” and Above Guideline Increase (AGI), both of which allowed for rent hikes on vacant units and units having undergone renovations resulting in unchecked rent increases across the city. The TPA was nicknamed the “Tenant Rejection Act” widely being criticized for weakening tenant rights (Truemner, 2009). In 2007, the government introduced the Residential Tenancies Act (RTA) to replace the TPA. The RTA further eroded tenant protections by not bringing back rent control and enhancing power imbalance between landlords and tenants (Truemner, 2009) later exacerbated through Bill 184 (2020). As discussed in detail below, these changes to legislation

and introduction of policies ultimately contributed to advance homelessness through the displacement and eviction of low-income and racialized bodies.

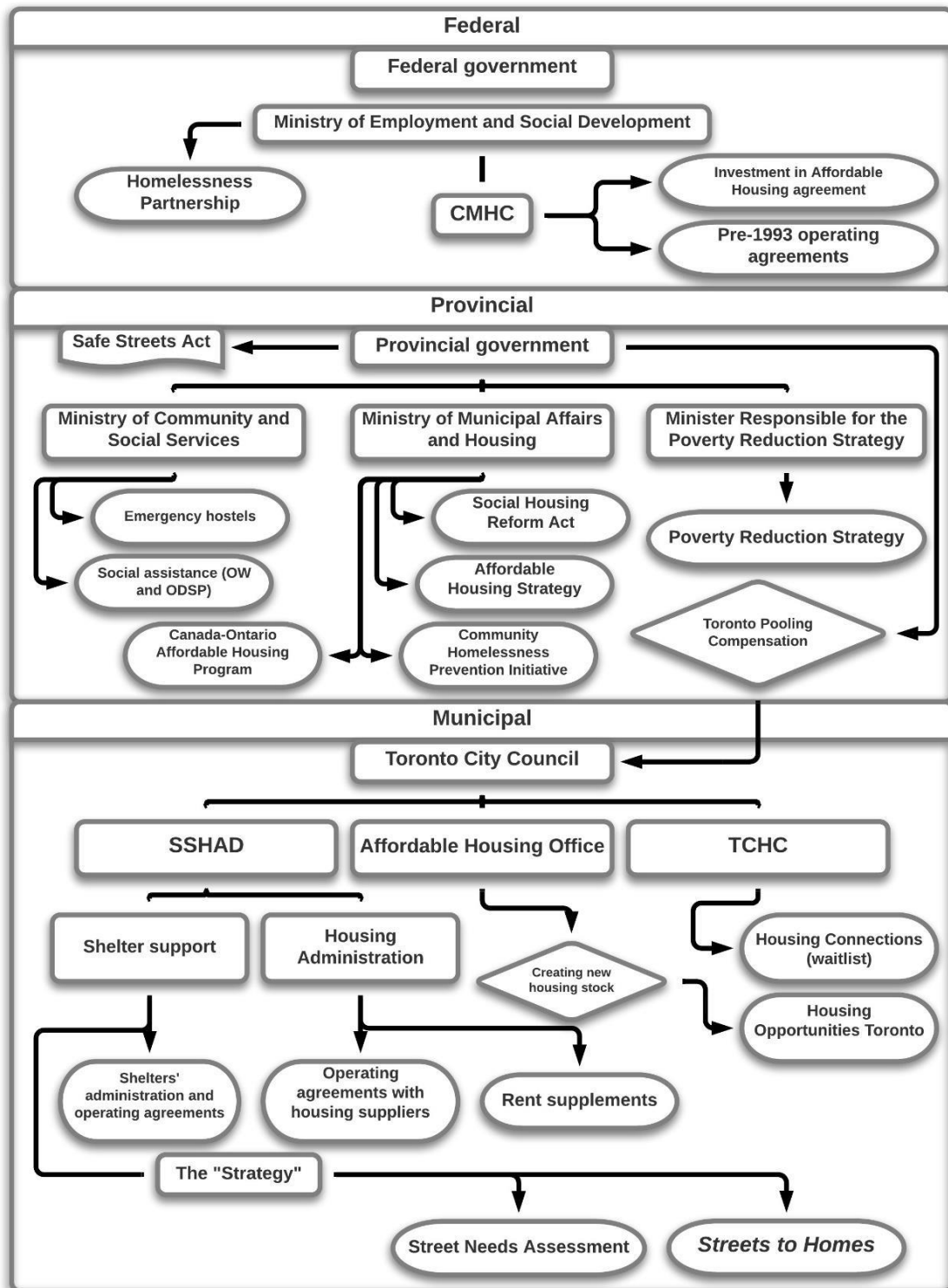


Figure 1: Housing and homelessness programs by jurisdiction (Phillips, 2016)

4.1.1 Housing Policy Retrenchment

To understand the current landscape, it is necessary to think of 1993 as a turning point in Canadian housing policy. Federally, the Canadian government shifted away from the more universalist Keynesian welfare state that characterized the post-war period (Hulchanski, 2003). In the mid-1990s, both federal and provincial levels of government began their divestment from social housing and largely left municipalities to deliver programs and services without offering any additional revenue tools to maintain existing levels of service or create new affordable homes (Sutor, 2016). Scholars argue that it was at this time that rates of homelessness increased (Layton, 2008). The housing that was built prior to 1993 which receives ongoing federal funding through operating agreements, composed of 544,000 units, is coming to an end (Phillips, 2016). The conclusion of these agreements will further contribute to housing unaffordability by taking 544,000 units off the affordable market.

At the time when the federal government stopped funding housing construction, the province did the same. Soon after Mike Harris's Progressive Conservative government elected in 1995 cancelled the construction of 17,000 units of rent-geared-to-income (RGI) housing, along with any funding earmarked for future construction, representing a further loss of 54,000 units (Phillips, 2016; Hulchanski, 2003). It was also at this time that rent controls were removed on vacant privately owned rental units (Phillips, 2016) and vacancy decontrol was introduced. Vacancy decontrol refers to when there are no limits put on rent increases when a unit is vacated allowing landlords to charge an increasingly higher rent (ACTO, 2021). According to Phillips (2016), the governments proclaimed "their withdrawal from the rental housing market would foster private sector construction of affordable housing, or that the construction of new, "luxury" units would have a "trickle-down effect" and increase affordability at the lower end of the

market” (p. 15). Instead of providing government housing through social welfare, the government removed themselves to be accountable and let the “market” dictate the needs of the people. This change provided financial incentive for landlords to frequently evict tenants in order to charge as much as possible for their units (ACTO, 2021). By increasing rents and churning tenants, landlords contribute to a never-ending price increase making affordability unattainable.

It would be a mistake to say that the government has had no commitment to end homelessness. Both federal and provincial governments have had initiatives come and go in the past two decades including the Homelessness Partnership Strategy (1999; 2013), Investment in Affordable Housing (2011, 2014), Community Homelessness Prevention Initiative (2012), and Canada-Ontario Investment Affordable Housing Agreement (2011, 2014) (See Figure 2 for breakdown of initiatives). Whilst these developments are positive, Gaetz and colleagues (2014) emphasize that per capita spending on social housing has declined by almost half since 1989. Federal cuts in spending are only exacerbated by the province’s inability to meet its funding commitments.

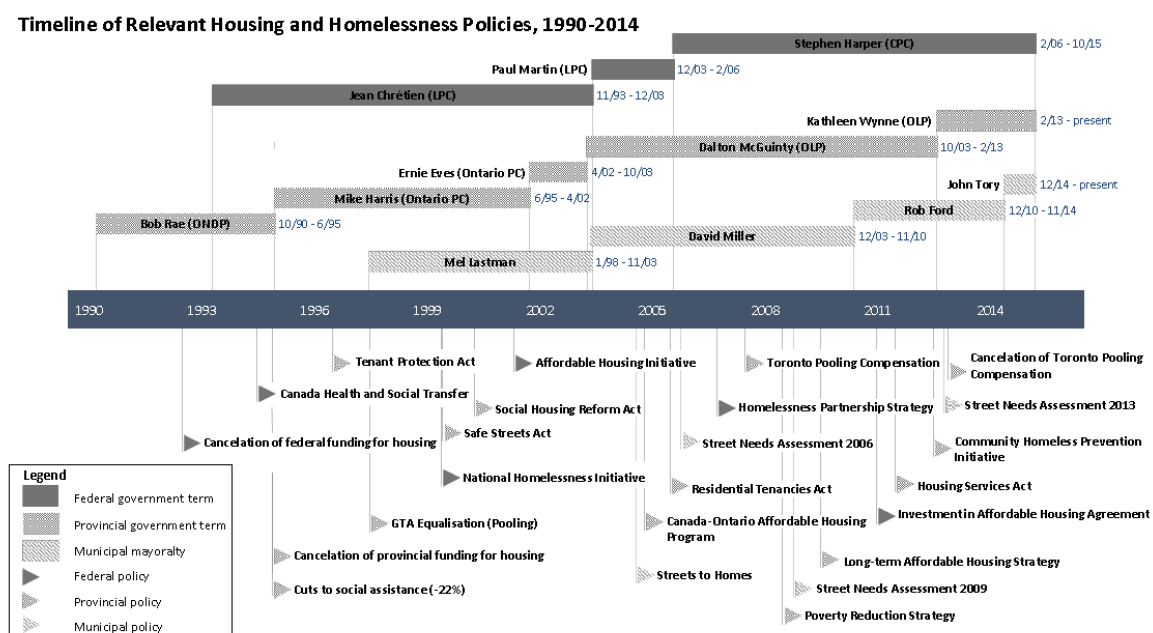


Figure 2: Timeline of relevant housing and homelessness policies (Phillips, 2016)

The housing crisis, deregulation, and welfare state retrenchment provided the ideal environment for attracting private investors to fill the gaps in the housing market. Canadian legislation enabled the creation of Real Estate Investment Trusts (REITs) (August and Walks, 2018). REITs are companies that own or finance income-generating real estate assets (August and Walks, 2018). Therefore, the absence of public investment led tenants across Ontario, and largely Canada, to rely on the private rental market for new supply of affordable rental, which has failed to keep pace with the growing demand (Lewis, n.d.). According to Lewis (n.d.), this has resulted in the “ideal market for institutional landlords to secure lucrative returns on their investments”.

As briefly mentioned, in 1997 the Ontario government introduced the Tenant Protection Act replacing the 1992 Rent Control Act, which further supplemented the affordability crisis for tenants and provided opportunity for institutional investors to accumulate more profits from their investment in the private rental sector. A crucial part of the Act was the introduction of “vacancy decontrol” which allowed landlords new powers to raise rents on a vacant unit by any amount (August and Walks, 2018). This incentivized landlords to capitalize on the rent gap which emerged between lower rents paid by longstanding tenants, and attracting higher rents. The Act also introduced Above Guideline Increase (AGI) which made rental housing even more inviting for REITS and institutional investors. AGI allowed landlords to make improvements or renovations to units in order to justify rent increases and pass along the cost of capital expenditure to tenants (Lewis, n.d.). As such, buyers have become increasingly institutionalized with financialized landlords making up a large share of acquisitions in recent years (Lewis, n.d.).

Additionally, the housing policy and programs in the backdrop of the pandemic did not alleviate housing insecurity. In 2020, the provincial government introduced Bill 184 or the

Protecting Tenants and Strengthening Community Housing Act, which is said to remove the “inefficiencies” in resolving disputes between landlords and tenants (Lewis, n.d.). The provincial government proclaims the new Act will strengthen tenant protection by giving tenants and landlords additional resources such as repayment agreements to assist with disputes, rather than resorting to evictions (Lewis, n.d.). Instead, it further promotes insecurity as the Act allows tenants to no longer have the option of formal hearings at the Landlord and Tenant Board (LTB) in the event of a breach of the rent repayment agreement made with the landlords. The new rules instead aid financialized landlords in their quest to supplement returns by driving up rents upon turnover, which in turn, accelerates the loss of affordable rentals (Lewis, n.d.).

Bill 204, the Helping Tenants and Small Businesses Act, instated a temporary rent freeze until the end of 2021 was also introduced by the provincial governments to provide financial relief to tenants in the pandemic (Lewis, n.d.). Yet at the same time, the Act permitted landlords to apply for AGIs, which were likely used to counterbalance the lost revenue from annualized rent increases (Lewis, n.d.). While the policy provided some temporary relief, it failed to improve housing affordability or prevent the rapid loss of affordable rental housing in the long-term.

Although different levels of governments in the past two decades have put forward various initiatives, ranging from piecemeal funding solutions to regulatory changes to address Ontario’s housing affordability crisis, the extremely limited supply of affordable housing, lack of protection of existing affordable units, and tight restrictions around funding have severely reduced the success of the programs (Lewis, n.d.; Phillips, 2016). With spending on social housing declined by almost half since 1989, federal cuts in spending are only exacerbated by the province’s inability to meet its funding commitments (Gaetz et. al, 2014; Phillips, 2016). The impacts of these policies and legislation have disproportionately affected racialized households,

immigrants, single-parent families, and seniors – all of whom are more likely to rent and to live in high-rise towers (August and Walks, 2018). Therefore, it is largely the political decision to act or not that best captures the federal and provincial government’s response to issues of housing security over the last two decades (Phillips, 2016).

4.2 Municipal Framework

At the municipal level, cities across the GTHA have introduced several policies and initiatives in support of affordable housing and transitional housing for unhoused residents. Some initiatives include the *HousingTO 2020-2030* program which allocates \$23.4 billion for the construction of 40,000 affordable housing units over the next 10 years in Toronto (City of Toronto, 2019a). Another program the City of Toronto and Toronto Community Housing introduced was the *Rapid Rehousing Initiative* in April 2020 (City of Toronto, 2021a). This effort helped identify vacancies to be made available immediately to people experiencing homelessness in Toronto. Phase 1 of the initiative helped 459 people move into 300 units of permanent and fully furnished housing. An additional 450 units were aimed to be made available in 2021 as part of phase 2, and as of May 2021, more than 160 households have moved into these units (City of Toronto, 2021a). Another program launched to alleviate homelessness was *Pathway Inside*. In March 2020, the City of Toronto converted a downtown hotel into an indoor shelter for those experiencing homelessness. The program, *Pathway Inside*, offered a secure space in a 250-room downtown city hotel to the residents of the four encampments (City of Toronto, 2021c). Other programs offered by the city to reduce homelessness and curb evictions include *Eviction Prevention, in the Community (EPIC)*, *Streets to Homes*, Shelter supports and Modular Housing. The City of Toronto budgeted to spend \$663.2 million on homelessness and

Housing First services and supports in 2021, almost double the amount spent in 2019 at \$365.8 million (City of Toronto, 2021b).

While it is an achievement for the City of Toronto programs to move almost 1,670 people from encampments to indoor spaces, only nine percent of those people have been moved to stable housing (Jenkinson and Hwang, 2021). The programming was also not met with open arms. The hotels utilized as part of the program are already in the process of being decommissioned (Fox, 2022). The *Pathway Inside* Program was designed to target, clear, and evict the residents of the four encampment sites: Moss Park, Alexandra Park, Trinity Bellwoods, and Lamport Stadium. These sites were selected because of their health and safety hazards, including encampment fires and overdoses (Macklin, 2021). In criticism of these initiatives, Macklin (2021) states:

“[While] Pathway Inside may be a step up from the City’s attempt to put encampment residents in large, congregated shelters described as “glass cages” – with COVID-19 outbreaks, no privacy, prohibited substance use and far from their support systems – these hotel rooms still do not work for many, who see them as expansions of the shelter system in which they have experienced violence and discrimination in the past. Trust has not been established with the City, and many would rather stay outside with their supportive community”.

To effectively utilize municipal resources, there needs to be a better understanding of how they are being allocated. The human right to adequate housing comes with certain freedoms, including protection against forced evictions and the arbitrary destruction and demolition of one’s home. Unfortunately, these freedoms are not always taken as seriously as civil and political rights.

4.3 State-led Austerity, Evictions, and Uneven Distributions and Disposessions

Homelessness tends to recur. Even short-term periods of homelessness can have long-term health consequences, contribute to job loss, and negatively impact children and youths' success in education (Donnan, 2014). The distribution of deprivation is complex and unevenly experienced across the Canadian population. Social structures of gender, race, disability, and colonialism are shaping who becomes homeless (Donnan, 2014). Neoliberalism has polarized income levels in Canada and has placed thousands of members of disadvantaged groups so far to the margins that basic human needs can no longer be met (Donnan, 2014).

Income polarization is especially exacerbated in the two most recent financial collapses in the past two decades. See Lars Osberg (2021) for a historical analysis outlining income inequity over the last 75 years. From 1997 to 2007, the richest 1% of Canadians took home about 32% of all growth income gained here while growth in average income collapsed (Donnan 2014). Whereas a year into the COVID-19 pandemic, Canadian billionaires' wealth went up by \$78 billion (Hemingway, 2021). As of 2016, the richest 1% control 26% of Canada's wealth (Hemingway, 2021). Meanwhile, 5.5 million Canadian workers lost their jobs or had more than half of their hours cut at the pandemic's peak (Hemingway, 2021). This gross display of income inequality was supported through deep cuts to government's social supports and off-loading responsibilities to lower tier governments. The roll out of neoliberal policies accompanied massive cuts to government expenditures for various social programs to improve the lives of Canadians.

Donnan (2014) states that "Over the last fifteen years, the national governments frequently used "stealth strategies" in which the rhetoric of new, insubstantial programs disguised further cuts and undermining of social service supports" (p. 591). For the most part, short-term

neoliberal thinking led to more short-term and hands-off strategies. These short-term strategies have led to the dispossession of the most disenfranchised in society.

Racialized and Indigenous people are significantly over-represented relative to their population in the group of growing unhoused residents. City of Toronto's (2021g) *Streets Needs Assessment 2021* report demonstrates that unhoused residents are largely made up of Indigenous, racialized, and non-binary, transgender and Two-Spirited populations. Indigenous people continue to be overrepresented among people experiencing homelessness making up 15% of the unhoused population while only representing 2% of the Toronto population (City of Toronto, 2021g). As mentioned, racialized individuals represent 60% of people experiencing homelessness, with the largest percentage identifying as Black (31%) (City of Toronto, 2021g).

Donnan (2014) states that "these patterns echo the social structures of inequality in Canadian society which neoliberal theory fails to acknowledge with its presumptions of fair competition and deserving rewards as characteristics of the labour market" (p. 593).

Therefore, with just and reasonable expectation of human rights and governance, we must demand better policy outcomes than what capitalist neoliberalism produces in Canada. As stated by Lewis (n.d.) "access to affordable housing should never be a static goal of any government, rather an ongoing strategy supported by sustained capital investments and relevant policies. In fact, limiting the response to a single point in time suggests the struggle for affordable housing is only temporary and does not require an active review of laws and policies to strengthen affordability in the rental market".

5.0 Legislation's Effect on Reducing Homelessness Visibility

Separate from the legislation already discussed around affordable housing and landlord/tenant protections, this section aims to discuss policies that are directed towards homeless and street-engaged population and encampment sites. The three legislations covered are the provincial Safe Streets Act, Section 743 and 608 of Toronto's Municipal Code, and the City of Toronto Parks and Recreation Policy on Homelessness and People Living in Poverty (2005).

5.1 Safe Streets Act

In 1999, the Progressive Conservative government led by Mike Harris passed the Safe Streets Act (SSA). The Act was designed to reprimand three perceived offences: 'aggressive panhandling', 'squeegeeing' (washing car windshields for money), and the unsafe disposal of condoms and needles (Ontario, 1999). Much of the language in the Act is vague, providing law enforcement officials broad discretion in its application (Homeless Hub, n.d.). "Aggressive" behaviour is perceived aggression and allows any behaviour an unhoused person engages in to be categorized as hostile. Similarly, "panhandling" is unclear, implying that merely being destitute and living on the street can be subject to provocation from the state (Phillips, 2016).

While the Act does not target unhoused people specifically, it targets the behaviours and activities they may engage in as a means of survival (Homeless Hub, n.d.) such as panhandling to obtain entry fees needed to access certain shelters. Furthermore, the act is suggestive of neoliberal social policy's inclination to punish those who are seen as undeserving or deviant. This is indicated through 67,338 tickets issued between 2000 and 2010 (Homeless Hub, n.d.). The total value of the tickets in 2009 was \$781,380 and over eleven years more than \$4 million (Homeless Hub, n.d.). As unhoused individuals most often cannot afford to pay the fines, they accumulate further punitive measures resulting in convictions against driving records, job loss,

and jail. Individuals sentenced to more than 30 days in jail lose any social assistance they would normally receive for housing and can be evicted from temporary and short-term accommodations forcing people back on the street. While panhandling and squeegeeing has been in decline for a decade, the number of tickets issued in Toronto continues to rise (Homeless Hub, n.d.). This further demonstrates how SSA's main purpose is to decrease the visibility and status of people who experience homelessness, punish unhoused people through ticketing, and certify that unhoused individuals do not belong.

5.2 Toronto Municipal Code – Section 743 and 608

The Toronto Municipal Code is a compilation of by-laws which are primary legislative instruments utilized by the municipality of Toronto to exercise its power. Section 743 discusses the use of streets and sidewalks. Section 608 outlines by-laws pertaining to parks.

Section 743 has multiple by-laws associated with prohibiting encroachments. The city defines encroachments as “any device, equipment, object, structure or vegetation that is located on, over, along, across, under or in a street, or any portion thereof, but excluding any vegetation planted or any device, equipment, object, or structure installed and maintained by the City” (City of Toronto, 2019b, p. 743-12). More specific to encampments, Section 743's prohibition on encroachment includes remedial action, such as giving written notice, impounding, and disposing of seized objects. Section 608-13 and 14 prohibit camping, dwelling, lodging, tents and structures in parks.

Both by-laws aim to outlaw and criminalize being homeless. As established, unhoused residents living on streets and encampments have no choice but to sleep outside utilizing public spaces such as streets and parks. By upholding these policies, the City of Toronto denies the personhood of unhoused individuals. In efforts to beautify the streets for tourism, global

investment, housed residents' concerns around lowering property values, or in the name of health and safety, government structures inherently and systemically reject the existence of unhoused people and their right to the city (Cervantes, 2016).

Baeten and Listerbon (2020) refer to the concept of 'banishment' to describe socio-spatial policies that remove the poor from (inner) cities. Banishment, unlike 'displacement' and 'evictions', is utilized as a "threatening discursive instrument" which does not have the same forceful effect but the pressure from the activity creates lasting consequences for those banned (p. 118). The SSA and section 743 and 608 by-laws utilize banishment techniques to remove homelessness from the vicinity, regulate space, and dictate which people have access. Ultimately, banishment does nothing to fight the actual problem of homelessness, and instead pushes poor and marginalized populations physically to the outskirts of the city unseen to the public. Furthermore, banishment leads unhoused resident away from their established communities and their access to already limited resources.

5.3 Parks and Recreation Policy on Homelessness and People Living in Poverty

The Municipal Code provisions are enforced by by-law officers and police through punitive measures. Whereas the City of Toronto Parks and Recreation Division's Policy on Homelessness and People Living in Poverty (2005) utilize City Staff and programs to provide information and supports to residents prior to enforcement and disciplinary actions.

The policy identifies opportunities for shelter, improving access to community services, and promotes safe environments for unhoused people (R2HTO, 2020). It promotes and delivers human services prior to enforcement activities, with services aimed to be delivered on a case-by-case basis with a site-specific approach (R2HTO, 2020). The policy ensures that the Shelter, Support, and Housing division's outreach staff accompany enforcement officers to be a source of

support to individuals who have refused outreach when public space enforcement activities are initiated by the City (R2HTO, 2020). The policy highlights training for staff and volunteers aiming to develop sensitivity to issues relating to homelessness and people living in poverty (R2HTO, 2020). Parks and Recreation has also implemented a Parks Ambassador program in 2003 which aims to make sure city parks are accessible, equitable, and safe places for all (R2HTO, 2020).

While the essence of the law provides a supportive approach, the letter of the law continues to reinforce punitive measures to ensure encampments and unhoused residents are cleared from the sites. Parks Ambassador training is focused around the managing of unhoused people (Factcheck Toronto, 2021a). The trainings include learning protocols for dismantling every encampment Ambassadors engage with (Factcheck Toronto, 2021a). Figure 3 and 4 outlines the decision tree ambassadors need to follow when encountering encampment all of which lead to the clearing of the site.

City documents from 2017 and 2020 obtained through Freedom of Information (FOI) requests made by housing activist A.J. Withers, Factcheck Toronto – a group of individuals amending City of Toronto’s misleading public statements about homelessness and housing, and Osgoode Hall Law School’s Environmental Justice and Sustainability Clinic show that encounters between Park Ambassadors and encampment residents more than doubled from 319 in 2017 to 725 in 2019 (Mastroianni, 2021). The FOI documents also include materials instructing ambassadors on how to use an app to track and document existing encampments. The app allows park ambassadors to input the location of an encampment and then mark its status. Options include “Clearing Approved,” “Site Cleared” and “Urgent Removal Site” (Mastroianni, 2021).

Ultimately, the goal of the Homelessness and People Living in Poverty policy is to provide opportunities for shelter and services, however the programs it utilizes to work with encampments further exacerbate the conditions of encampment residents. While Park Ambassadors have no official authority, they act as parapolice – police-adjacent forces which continue the criminalization of unhoused people (Factcheck Toronto, 2021a). As Factcheck Toronto (2021a) outlines “Parks Ambassadors’ training makes it evident that their jobs involve a disproportionate focus on policing the activities of unhoused people (as compared with other park users), which makes parks less equitable. The enforcement of laws that criminalize activities that are necessary for unhoused people’s basic survival makes parks unsafe for unhoused people and less accessible to them. Unhoused people are disproportionately members of marginalized groups, which makes their criminalization by parks ambassadors especially inequitable”.



Figure 4: Slide from Parks Ambassador program training materials (Factcheck Toronto, 2021a)

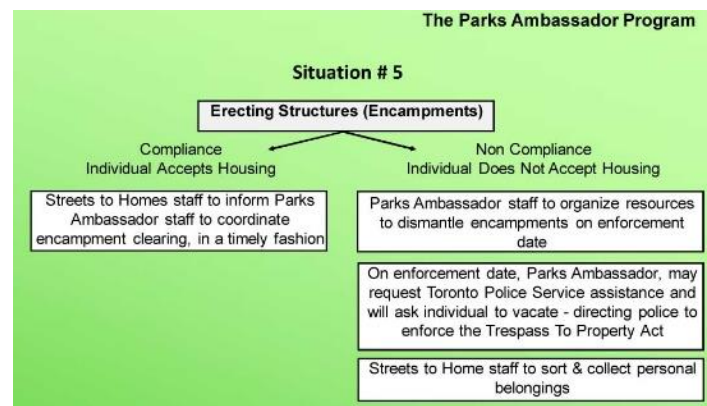


Figure 3: Slide from Parks Ambassador program training materials (Factcheck Toronto, 2021a)

6.0 The City of Toronto's Actions and Violations of Human Rights Based Approach to Housing

Since March 2020, the number and visibility of encampments has considerably increased in both the downtown and inner suburbs of Toronto. Early in the pandemic, in accordance with broad public health guidance from U.S. Centres for Disease Control, the City issued a moratorium on encampment clearances. However, the moratorium was quickly lifted in May 2020 (NLIHC, 2020). The City announced plans to provide residents with temporary housing in hotels and apartments buildings, as well as offering some permanent affordable housing (R2HTO, 2020).

The COVID-19 Interim Shelter Recovery Strategy adopted by the City's Planning & Housing Committee in September 2020 recommended a human-rights based approach to housing which addressed: 1) safety threats, racism, transphobia, and other issues; 2) ensuring safety and survival of encampment residents; 3) creating a transparent and accountable plan to move residents into housing; and 4) recognizing encampments residents as rights-holders, and measure to ensure their ongoing meaningful engagement and participation in decision regarding encampments (R2HTO, 2020).

The following section describes how City programs, resources, and actions have poorly demonstrated their commitment to providing shelter through a human rights-based approach. Instead, the City has employed evictions, displacement, and ultimately state sanctioned violence.

6.1 Action's by the City to Fulfill Right to Housing and Human Rights Principles

The onset of the pandemic began with a claim to an intergovernmental and sectoral response to COVID-19 involving the city, provincial/federal government, provincial healthcare sector, and community non-profits. The City established an interdivisional working group and steering

committee to assess the factors of the encampment's sites including the need for social distancing, access to facilities and drinking water, size of sites, and fire risks (R2HTO, 2020).

The City also conducted engagement with community-based organization to address the issues in the encampments and how to work with people living in encampment sites (R2HTO, 2020). This involved the deployment of outreach workers, fire service, and Parks Ambassadors to perform wellness checks at sites (R2HTO, 2020). Outreach workers focused on cleaning and garbage removal, screening for COVID-19 symptoms, information of social distancing strategies for encampments, and provision of hygiene kits and information to prevent COVID transmissions (City of Toronto, 2021e).

The City further prioritized health and safety by deploying Toronto Fire Services for public education and prevention measures, such as education around smoking in tents and flammable materials, negotiating surrender of fuel sources, and working with encampments to reduce fire risks (City of Toronto, 2021e). The City also opened facilities with showers, washrooms, and drinking waters (City of Toronto, 2021e).

Lastly, the City provided opportunities for residents to utilize temporary and emergency shelters. The Streets to Home outreach team worked with community partners to provide individuals residing outdoors with offers to alternative safer housing options such as spaces in shelters, temporary sites included hotel programs, respite sites, community centres and/or permanent housing (City of Toronto, 2021e). According to the City "encampments [were] only cleared once everyone has been offered safer, inside space and notice has been provided with time to go through belongings." (City of Toronto, 2021e).

Since the pandemic began, the City has referred more than 1680 individuals living outside to safer, inside spaces with supports. Between April 2020 and May 2021, the City referred almost

5,800 people experiencing homelessness into permanent housing. Over the past 10 years, the City helped 6,000 individuals sleeping outside to secure permanent housing of which 80 percent remained housed after one year (City of Toronto, 2022e). This is accomplished through 27 temporary shelter sites in Toronto, including 23 hotels or motels (Fox, 2022).

6.2 Temporary and Emergency Shelter are not Housing

The City of Toronto's claim to fulfilling human rights obligations to housing were primarily offered through temporary and emergency shelter options. The increase in shelter spaces and temporary hotel programs, such as Streets to Homes and Pathways Inside, created during the pandemic are a positive interim support for those experiencing homelessness. However, they are not a substitute for providing adequate and affordable housing programs to precariously unhoused residents.

Shelter hotels and indoor spaces are designed to be temporary and do not provide security of tenure for residents. Alexandra Flynn and Amelia Thorpe (2021) describes these temporary measures as 'pandemic pop-ups' which are hasty, real-time, and temporary changes to the use and regulation of public space. These pop-ups, while beneficial and innovative in certain cases, such as the CafeTO (outdoor patio) program, have significant implications for democratic urban governance including inclusive and participatory decision making (Flynn and Thorpe, 2021). Pandemic pop-ups imply a limited temporality to respond to the COVID crisis and become a set of measures which respond only to a subset of pandemic needs (Flynn and Thorpe, 2021). In relation to encampments sites, as of March 2022, the onset of hotel leases expiring begins in the spring of 2022. With this pop-up program designed to be short-term, the City is planning to decommission up to five temporary homeless shelters in a wider plan to eventually close all hotels and motels set up during the pandemic (Fox, 2022). The decommissioning of two sites

would result in a loss of 231 beds (Fox, 2022). The City claims to ensure nobody will be put out on the street through the decompression process, and that there will be an increase in occupancy in remaining sites (Fox, 2022).

The City owns the Toronto Community Housing Corporation, which is the largest social housing provider in Canada and the second largest in North America. As of 2021, there are more than 79,000 names on waiting lists for affordable housing units (McCartan et. al., 2021). The waitlist for bachelor units is at least seven years long (McCartan et. al., 2021). With the systemic cuts to social housing by the Federal and Provincial governments, the City of Toronto heavily relies on the private sector and temporary shelter system to meet its housing needs (McCartan et. al., 2021). As analyzed in Section 4, the downgrading of federal and provincial responsibilities with the neoliberal over reliance on the private sector to fill the gaps has created a monstrous cycle of poverty and homelessness managed through these temporary programming and service provision. These measures subsequently displace unhoused individuals to continuously move from one part of the city to another with no functional strategy of securing permanent affordable housing solutions.

6.3 Lack of Support, Security and Safety

The City of Toronto has repeatedly promised safe, high-quality shelters to reassure unhoused residents to seek refuge in these spaces. However as demonstrated the safety of spaces in the shelter system, especially during the COVID-19 pandemic, is not a given. Unhoused people could experience many threats to their safety in the shelter system, including physical violence/assault, risk of contracting disease, theft, sexual assault, risk of overdosing, and trauma (FactCheck Toronto, 2021b).

Throughout the pandemic, many housing advocates and encampments residents have argued that the Toronto shelter system does not offer adequate support, security, and safety to many residents (McCartan et. al., 2021). Encampment residents and advocates pointed to a lack of harm reduction services, which is especially needed when individuals are constantly relocated away from care providers and social supports. McCartan and colleagues (2021) demonstrate how these individuals undergo vast amounts of psychological stress from abrupt changes to their living situation, often isolated in their hotel room without access to resources from support staff and their support systems. These situations can easily lead to fatal drug overdoses without the infrastructure and peer support necessary to provide meaningful harm reduction services (McCartan et. al., 2021).

Unhoused individuals have also faced a dramatic rise in violence in shelters in recent years. Between March 2016 and February 2021, more than 10,000 incidents of violence were reported in the shelter system (FactCheck Toronto, 2021c). In 2016, shelters reported under 3% of incidents related to violence (approximately 120 incidents per month), whereas in 2021 reports of violence increased to 5% (approximately 370 incidents per month) (Casey, 2021). The drastic increase in violence is another reason individuals chose to remain outside or seek shelter in encampments.

Throughout the pandemic, unhoused residents have also been uncomfortable with the prospect of moving to a shelter setting to avoid contracting COVID-19. Research demonstrates that people experiencing homelessness are particularly vulnerable to respiratory illnesses due to risk factors such as a high prevalence of chronic health conditions which increases risk of morbidity in this population (Perri et. al., 2020). Individuals are also distrusting of “healthcare workers due to past negative experiences and systemic problems with services, which often take

the form of “emergency services...characterized by overcrowding [and] congregate living”” (McCartan et. al., 2021, p. 58). While the City repeatedly made claims that shelter space is available, many advocates and encampments residents disputed otherwise and voiced their concerns regarding the lack of space and increasing COVID cases in shelters (McCartan et. al., 2021). This led to residents taking their chances being outside to avoid contracting the COVID-19 virus in many over-crowded and at-capacity shelters.

The lack of appropriate support, increasing violence, and escalating health risks compound the lack of existing shelter space in Toronto. Ultimately, the City of Toronto created conditions where unhoused individuals felt remaining outside with their support systems in proximity was a safer and better alternative than utilizing City created facilities and resources.

6.4 From Outreach and Engagement to Displacement and Evictions

As mentioned, the City applauded itself on its engagement efforts to ensure outreach works were interacting with unhoused and encampment residents to ensure they knew the resources available to them, educating them on tent living safety, and offers to move to indoor shelters. However, within each outreach and engagement effort, the City contributed to the displacement of unhoused residents ultimately leading to an eviction of encampments.

The City funded Streets to Homes program in 2005 with the aim to help transition people experiencing homelessness into permanent housing. The program has been found to have significant success in moving unhoused persons into indoor housing (McCartan et. al., 2021). However, the program has been critiqued as part of broader efforts to facilitate gentrification and remove homelessness from downtown public spaces and public view, while leaving economic and social relations which cause homelessness unaddressed (McCartan et. al., 2021). The City states that the Street to Home program has engaged with unhoused individuals including

encampment residents “more than 19,000 times” and secured permanent housing for 400 people (City of Toronto, 2021b). Despite their efforts, advocacy groups and unhoused residents claim the program failed to establish a consistent presence in encampments before evictions took place (Lavoie, 2020). The outreach workers would have sporadic encounters with unhoused residents, making it difficult to establish relationships. The impressive number of 19,000 visits is broken down into 5 visits a day across a very large city. These minimal outreach efforts highly limit the City staffs’ ability to match residents with housing options to their individual needs (McCartan et. al, 2021).

The inconsistent presence of outreach workers at encampment sites also caused confusion and distress among unhoused residents. Often residents were offered housing with little to no warning which forced them to make significant life decisions based on very limited information under tight deadlines (McCartan et. al, 2021). Advocates have also noted that Streets to Homes workers sometimes used coercive tactics in attempting to convince residents to leave encampments (McCartan et. al, 2021). There were also multiple instances of Streets to Homes workers attending encampments with police or private security officers (McCartan et. al, 2021). The presence of police fostered more distrust between encampment residents and the City as the residents felt threatened and treated with hostility while being at risk of facing violence. Ultimately the outreach interactions did lead to decampment notices served which resulted in violence and displacement of hundreds of unhoused and encampment residents

6.4.1 Eviction Process

Evictions are a violation of civil and political rights. When evictions do occur, efforts must be taken to make sure encampments residents are treated as rights holders, have been properly engaged with, and have been provided options for adequate and affordable housing.

McCartan and colleagues (2021, p. 61) outline the procedure by which residents become evicted:

“One of the key procedural issues associated with by-law enforcement is the notice a city must provide prior to initiating an encampment eviction. Under the Toronto Municipal Code, police must tell someone when they have violated a by-law. This extends to encampment residents violating park by-laws. Following police notice, people who have violated the by-law are usually given time to comply with the by-law, and “compliance” usually requires dismantling shelters and leaving the encampment site. Although time periods may vary, in Toronto individuals are usually given at least 72 hours to comply with police orders: the Municipal Code states that compliance is expected “no sooner than 72 hours after the notice is given.” Once this period is over, the Parks and Recreation Department will usually issue a “Trespass to Property Act Police Letter.” This letter is issued under the provincial Trespass to Property Act, which, in part, sets out police powers to respond to people ‘trespassing’. Under sections 2(1)(a)(ii) and 9 of the Trespass to Property Act, police may act against anyone they believe on “reasonable and probable grounds” to be engaging in prohibited activities on the premises. Under a Trespass to Property Act Police Letter, police are empowered to “remove people in contravention” of the Trespass to Property Act on behalf of the City.”

While a 72-hour notice period is required under City by-laws, some residents were given much less time. On July 15, 2020, residents at the Moss Park encampment received a notice from the City threatening to forcibly remove their belongings if residents had not voluntarily removed them by 1 p.m. on July 16, 2020 (Jabakhanji, 2020). Lorraine Lam, an outreach worker at Sanctuary, noted that while there were some exceptions, for the most part, residents were given a couple of hours to pack their belongings and leave the park (McCartan et. al., 2021).

With the announcement of the Pathway Inside program in March 2021, a service designed to secure safe space inside hotels focusing on four priority sites (Moss Park, Alexandra Park, Trinity Bellwoods, and Lamport Stadium), the City erected signs that the camps will be cleared on April 6, 2021 for a parkland restoration process. Although the City provided more than 72-hour notice on camp clearing, the communication remained inconsistent as just days before on

April 1, 2021, the City indicated that “[n]o enforcement action to vacate parks will occur on April 6” and that the posted notices “identified a date of April 6 to guide peoples’ decision making regarding offers of shelter, housing and other supports being offered.” (City of Toronto, 2021f). Furthermore, on March 19, 2021, trespass notices were issued according to the Trespass to Property Act around encampments sites and distributed to residents in Trinity Bellwoods Park. The notices were provided by Streets to Homes workers who were accompanied by nine Toronto corporate security officers in uniform (McCartan et. al., 2021). The City justified the use of officers as a way to efficiently deliver City services such as providing water and outreach, however the police and security presence only provided to intimidate residents. Despite their claims that no enforcement will take place, the City proceeded to forcibly carry out evictions utilizing militarized police and private security, heavy equipment, and fencing off encampment sites in the spring and summer of 2021. Under the guise of moving unhoused residents into shelter, littering and waste disposal by-laws, safety concerns and fire code regulations, the City weaponized their by-law policies to legally ground evictions and carry out state sanctioned violence for non-compliance.

6.5 Militarized State Violence

Policing measures have always played a role in disrupting and extinguishing encampments – these efforts are often known as sweeps. However, in the summer of 2021, the City of Toronto conducted one of its most brutal and expensive sweeps in Toronto history in what can only be characterized as ‘militarized state violence’. Precluded by signs of park restoration and trespass notices warning encampments residents of fines of up to \$10,000, the City got to work by dismantling encampments over the spring. These sweeps led to the three most violent clearings of the Trinity Bellwood, Alexandra Park, and Lamport Stadium encampments.

On June 22, 2021, over 200 police officers and private security swooped in to evict a small group of approximately 24 encampment residents at Trinity Bellwoods. The Toronto police tactical units, some on horseback and others equipped with drones and facial recognition technology, joined private security and city staff to set up a large fence barricading the encampments at the park (NOW Staff, 2021) (Figure 5 and 6). Advocates and activists rushed to the scene and formed a human chain around the tents and tiny shelters to prevent the police force from accessing residents. Supporters bought residents more time to collect their belongings before being evicted (McCartan et. al., 2021). Police used pepper spray, mounted on horses, and fenced residents and supporters in a confined area, prohibiting re-entry upon exiting the fenced perimeter (NOW Staff, 2021). City officials said they offered residents indoor accommodation with meals, showers, laundry, harm reduction, physical and mental health support and a housing worker. Six people out of the 24 accepted the accommodations (NOW Staff, 2021).



Figure 5: Police force carrying out Trinity Bellwoods encampment eviction (NOW Staff, 2021)



Figure 6: Trinity Bellwoods encampment fencing (NOW Staff, 2021)

The next sweep took place on July 20, 2021 at Alexandra Park. Like Trinity Bellwoods, Toronto police were on the scene supporting city staff with the clearing of the encampment (Ritchie, 2021a). The clearing resulted in the removal of 26 people from their encampment residence (Ritchie, 2021a). Eleven people accepted spots in either a shelter or a hotel program

and 15 declined referrals (Ritchie, 2021a). Workers removed 68 structures from the park including propane tanks and gasoline canisters used to cook and keep encampment residents warm (Ritchie, 2021a). In a statement posted on social media, the Encampment Support Network's Scadding Court committee (ESN), an activist organization, states that Alexandra Park encampment residents did not want a large public response while being relocated (Ritchie, 2021a). To respect their wishes, a demonstration took place nearby at Ryerson University and Queen Street West. Despite the limited resistance from the public and encampment residents, 9 people in total were still arrested for public intoxication and trespassing (Ritchie, 2021a).

One day after the Alexandra Park clearing, a third encampment got cleared by the City on July 21, 2021. At Lamport Stadium, the police, private security and city staff arrived early morning to enforce trespass notices to evict 14 to 18 encampment residents and employed fencing to block access to the encampment. Observing a call from the ESN and other activists, a crowd of supporters arrived at the park near King Street and Dufferin Street, to surround the tents and other structures with linked arms. They provided food and humanitarian relief and resorted to throwing things over the fence to give encampments residents access (CBC News, 2021). ESN on behalf of the residents stated that the "clearing took place without proper consultation or due respect for the human right to shelter" (Ritchie, 2021b).

Freelance photojournalist Martin Reis stated that everything was calm until supporters attempted to dismantle the temporary orange fencing on Fraser Avenue surrounding the encampment area (Ritchie, 2021b). Things turned violent with the police officers utilizing extreme measures including beating, pepper spraying, and violently arresting advocates. Freelance photographer Nick Lachance, who was at the scene and pepper-sprayed stated (Ritchie, 2021b):

“As the tactical police began moving through the camp clearing its residents, supporters outside the fencing attempted to breach the zone of exclusion. They were met with an aggressive response from private security and the police, as people were shoved and hit with batons”

One advocate, Ollie D’Agostino along with four other who have filed a lawsuit against the City, Toronto police and the Toronto Police Services Board describes, their experience as

“suddenly and without warning violently grabbed and pulled” by a police officer identified as Officer McGhee, “smash[ed] their face into a wood pallet” and “strike[d] them in the arm with a steel baton while Mx. D’Agostino was otherwise pacified.” (Dimatteo, 2021).

Skyler William, also filing a lawsuit, claimed to be struck in the face with a steel baton and Callista Durose-Moya was “was dragged behind a line... and tossed violently to the ground, striking her head on the concrete” and later denied medical attention by the police (Dimatteo, 2021).

This violent display of police brutality resulted in 26 arrests with advocates and residents in bruises, concussions, broken bones, and multiple people in the Emergency Room (McCartan et. al., 2021; CBC News, 2021). Seven arrests were charged with assault with a weapon, assaulting a police officer, and obstructing police and the 19 others were charged with trespassing (Ritchie, 2021b).



Figure 7: Police Officers on Horses at Lamport Stadium encampment eviction (Reis, 2021)



Figure 8: Demonstrators attempting to topple a fence are pepper sprayed by Toronto police officers (CBC News, 2021)

Toronto Mayor John Tory commented that the large police presence and private security utilized was necessary to keep city workers safe as they tried to persuade the people to leave the parks and move to a shelter. In keeping city workers safe, Mayor Tory subjected the vulnerable unhoused population that is historically more likely to be marginalized, racialized, and Indigenous, experience police brutality (McCartan et. al., 2021), to psychological and physical trauma and violence. To keep city workers safe, Mayor Tory robbed the stability, security, community, and autonomy encampments offered its city residents. In the guise of protecting city staff and city property, the City (and in large the Canadian state) ultimately failed to protect the encampment residents/advocates and utilized military-like tactics to violate human rights, subjugate freedom, uphold state violence, and waste tax-payers' dollars.

6.5.1 The Cost of the Sweeps

The City of Toronto spent nearly \$2 million to clear the three encampments and subsequently repair the parks (Rocca, 2021). The cost to enforce trespass notices in Trinity Bellwoods Park, Alexandra Park, and Lamport Stadium Park alone totaled \$840,127 (Rocca, 2021). Other costs included policing and Star Security – an independently owned Canadian Security Agency, fire, paramedics, transportation services, waste management for debris removal, as well as “other operational costs” including buses and personal protective equipment (Rocca, 2021). The costs included removing almost 30 metric tonnes of material and almost 25 metric tonnes of contaminated grass, soil and sand from Trinity Bellwoods Park. Officials cleared 19.5 metric tonnes of debris at Alexandra Park and nine metric tonnes at Lamport Stadium Park (Ritchie, 2021c). The total cost to put up fencing was approximately \$357,000 (Ritchie, 2021c).

In this militarized removal, where over 40 people were arrested between the three evictions, the City further wasted tax payer's dollars through its processing costs of the arrested advocates

and residents. City Councillor Josh Matlow tweeted in response to the clearing “For the same cost, Toronto (could have) provided stable housing for 58 of these people in bachelor units at the CMHC average” (Vincent, 2021).

6.5.2 Another Face of Colonial Violence in Canada

The City cannot police and arrest its way out of homelessness. This gross display of state aggression, violence, and possession over Indigenous land now categorized as ‘public space’ replicates histories of Canadian colonial violence. Toronto parks from which encampment residents are being evicted are situated on historic “park lots”. These were “land allotments carved up during British settlement of the city and distributed on preferential terms to wealthy industrialists and military leaders – a colonial subsidy for the privileged” (Kanji and Wither, 2021). Much like the past, encampment residents have faced neighbourhood complaints by park users and residents regarding violence, drug trafficking, noise at all hours, garbage and harassment in the parks (McCartan et. al., 2021). These complaints offer two perspectives: 1) the City is not providing adequate resources and facilities for encampment residents to be able to sufficiently stay in an outdoor space, and/or 2) property owners and residents, in other words - wealthy privileged settlers, demand preferential treatment and access to what they deemed as their public space and not the unhoused.

As previously discussed, the possession and access of land is only possible for certain people. White bodies and property owners are automatically reserved the right to space, the right to move freely, and the right to belong. Unhoused residents, made up of racialized and Indigenous people, living in encampments lose their right to the city as the state chooses to protect its land accumulated through dispossession and genocide, and protect people that uphold property ownership. Azeezah Kanji and AJ Withers (2021) in *Encampment evictions: Another face of*

colonial violence in Canada explains that the violence of Indigenous erasure underlying Canada's colonial sovereignty has given the state the right to evict and exclude lands which were governed by Indigenous nations for thousands of years. Therefore "encampment evictions are one expression of the colonial power relation that has turned ancestral Indigenous territories into zones of extraction, exploitation, impoverishment and death" (Kanji and Withers, 2021). Ruth Wilson Gilmore observes that "the state's "organized violence" and "organized abandonment" are two sides of the same coin: both of which are overwhelmingly borne in Canada by the colonised, the racialized and the economically marginalized" (Kanji and Withers, 2021).

Ultimately, the brute physical violence witnessed in the sweeping of the encampments is a means to defend the property regime and eliminate notions that challenge the legitimacy of the colonial neoliberal state of Canada. The state's spatial organization and push for evictions serves private and business interest to help enhance profits. The City's goal is to attract a homogenous middle class, made up of passive consumers who contribute to the local economy (Dassé, 2019). Achieving this requires mobilizing the entrepreneurial identity of the city which does not feature hundreds of people sleeping in parks and sidewalks (Dassé, 2019). While encampment residents stood in the face of violence to defend their right to sleep, the City prioritized the concerns of homeowner residents to protect land values and uphold the country's neoliberal colonial interest (Dassé, 2019).

7.0 Advocacy and Activism

Throughout the pandemic, encampment residents, together with housing activists and advocates, have strongly and bravely resisted the City's, and at large the state's, push for evictions and relocation of unhoused individuals. Encampment Support Network (ESN), a volunteer-run grassroots organization, was a major player in advocating against encampment evictions. While the main group disbanded in early 2022, location specific sites such as ESN Parkdale, ESN Trinity Bellwoods, ESN Scadding Court, ESN Moss Park and others are still in operation (ESN, 2021). ESN along with other activist groups and individuals have taken to the streets and reached out to their city representatives including the mayor and council members to adopt a rights-based response to encampments. Multiple statements and letters of recommendations were directed to the city leaders of Toronto by grassroots organization outlining a human rights-based approach in engaging with unhoused people (ESN, 2021). The letter *A Path Forward* created by the Toronto Drop-In Network received support from over 200 organization (TDIN, 2021) and petition signatures from over 3200 supporters (McNally, 2021).

ESN and advocates have also provided material support by providing unhoused residents with basic supplies such as water, tents, ice, sleeping bags, fire safety equipment, and food (ESN, 2021). Advocates and organizations also provided support through centering encampment residents' voices by collecting and compiling feedback to pressure the City officials in developing solutions catering to and sought by unhoused residents (ESN, 2021).

7.1 Encampment Resident's Resistance

In the toughest of times, during a global pandemic, encampments residents with the support of their community, demonstrated resistance to insufficient City programming and stood their ground in the face of state sanctioned violence. In their resistance and solidarity, encampment

residents reclaimed their rights as city dwellers including their right to space, to belong and to their own power. Furthermore, the resistance of unhoused and encampment residents demanded a call to action which advocated for nothing less than permanent and safe affordable housing solutions (Figure 9).

Encampment residents demonstrated their right to space by taking a public park and turning it into a home. As previously discussed, unhoused residents' participation in utilizing parks becomes criminalized through a range of laws and ordinances, from trespassing, loitering and camping to disorderly conduct statutes and vagrancy laws (Gordon and Byron, 2021). Public parks are often planned through defensive design and hostile architecture which actively discourage unhoused residents from sitting, sleeping or interacting with the space for long periods of time (Pelley, 2019). Defensive design includes rigid benches, metal spikes, spikes on fountains, concrete barriers, and other forms of built environment (Pelley, 2019).

People sleeping in streets and parks often have no remaining choices to engage in shelter elsewhere. By remaining in parks and creating a home out of their own materials, encampments residents demonstrate their right to belong by making it their own. Supporters also provided residents with aid. One advocate, Khaleel Seivwright used his own money, along with donations, to build approximately 100 tiny shelters for unhoused people to be able to survive the harsh Toronto winters (McCartan et. al., 2021) (Figure 10). The City of Toronto filed an application of injunction against Seivwright stating that the tiny shelters were undermining City efforts to move residents into indoor housing and also claiming tiny homes as unsafe (McCartan et. al., 2021).

In response, Seivwright states:

“These shelters are not a replacement for the city’s shelter system. They are an alternative for individuals who a) are unable to obtain a shelter bed, b) do not feel safe staying in a shelter (due to COVID or other reasons), or c) have been kicked out of a shelter/hotel and have no other options” (Crowe, 2021).

Rather than working with Seivwright and unhoused residents to ensure the tiny homes were safe, the City put an end to an effort that had more support from residents than the suggested City efforts of short-term housing. As residents took efforts into their own means, they reclaimed their own power to seek out solutions that work for them instead of relying on state measures.

Residents also claimed their right to belong by merely existing and resisting state violence as members of marginalized populations. As demonstrated, unhoused residents are one of the most vulnerable members of our society significantly made up of Indigenous, racialized, and non-binary, transgender and Two-Spirited populations (City of Toronto, 2021g). The devaluation of low-income, racialized and gendered bodies is largely represented among the Toronto unhoused populations. City legislation designed to push unhoused residents to the outskirts of the city to make them invisible, the determination to remain in encampments surrounded by the community and resources they valued ultimately demonstrated encampments’ residents’ right to belong and space. Their resistance and determination remained a persistent and recurrent call to action.



Figure 9: Signs at encampments advocating for permanent housing (ESN, 2021)



Figure 10: Khaleel Seivwright’s housing for encampment residents (Crowe, 2021)

7.2 Resident's Call to Action

Unhoused and encampment residents have been clear in their demands from the beginning of the pandemic: to access safe, long term and permanent housing solutions. This call to action is not new to the pandemic and has been tirelessly spelled out across all places and spaces experiencing homelessness. However, the pandemic brought temporary emergency measures which demonstrated that reprieve is possible. Measures such as temporarily halting residential and encampment evictions, introducing rent freezes, and providing financial aid through the Canada Emergency Response Benefit (CERB) are actions that still hold significant value and should be continued to prevent more people from becoming homelessness.

Instead, Ontario legislation continues to uphold above-guideline rent increases whereby tenants' rents are exponentially increased to cover capital expenses of building repairs/renovations (Lewis, n.d.). Furthermore, Doug Ford's Conservative government enacted legislation which scrapped rent control on new units built or occupied by a tenant for the first time after 2018 (Hale, 2018). This measure helped lay the ground for unprecedented and unaffordable rent increases by predatory corporate landlords (Hale, 2018). At the local level, there have been several forms of community organizing and activism to not only fight the waves of eviction but actively calling out for more permanent housing affordability solutions. Movements such as Keep Your Rent are urging tenants to not pay rent if they simply cannot afford to (Keep Your Rent, n.d.) (Figure 11). Other organizing in Toronto includes several formations of tenant unions across the GTA including the East Scarborough Tenants Union, East York Tenants Union, ACORN CAPREIT Tenant Union and many others (Figure 12). Activists and tenants have protested outside of their landlord's homes, issued phone zaps and public letters demanding they work with tenants to organize reasonable repayment plans and rent relief

(Miller, 2020). Appealing to Toronto Mayor John Tory, activists have pushed him to use the mayor's emergency powers to protect tenants and unhoused residents by instituting a local eviction ban for the duration of the pandemic (Wilson et. al., 2020).



Figure 11: Keep your home sign (Keep your Rent, n.d.)



Figure 12: East Scarborough Tenants Union twitter (ESTU, n.d.)

The growth in eviction has pushed individuals into a steep and irreversible spiral towards housing insecurity (Soederberg, 2018). Soederberg (2018) states that situating housing within capitalism helps confront and explain the structural violence that it observes in displacing lives. Miller (2020) in *Toronto renters facing crisis amid ongoing eviction blitz* quotes a tenant saying “Homeless shelters in Toronto are full. When people are evicted from their homes, they are often forced to move in with family members or friends. Evictions destroy working class lives and tear communities apart”. In an age of a pandemic, structural violence is exacerbated where the racialized, working class are bearing the brunt of disease, homelessness, starvation, and death. Community led movements and the brave resistance of tenants and unhoused residents have been imperative in ensuring the most vulnerable of Toronto’s population are not left further disenfranchised. However, for systemic change to occur in providing permanent housing affordability for all, institutional policy and planning interventions must be enacted.

8.0 Recommendations

Based on the analysis of international, federal, and provincial human rights obligations, as well as City Council-approved commitments, this case study concludes that the City of Toronto did not uphold its commitment to human rights-based approach to housing. The City has the necessary legal powers and political tools to create policies and enact legislation to adopt and implement a rights-based approach to housing.

There are countless pieces of literature, institutional reports, and endless resources guiding and providing strategies to end homelessness. Therefore, what is offered in this paper is not anything new; rather a reiteration of a call to action demanding an end to the systemic structures and practices upholding one of the most exploitative and violent treatments of our most vulnerable members of society. The City must take concrete steps in ending homelessness, providing affordable housing solutions, and approach housing through a human rights-based model.

To begin I recommend the City to employ Leilani Farha and Dr. Kaitlin Schwan's (2020) principles in *A National Protocol for Homeless Encampments in Canada: A Human Rights Approach* which provide clear direction on upholding the rights of people living in encampments. To reiterate, the principles ask to 1) recognize residents of encampments as rights holders; 2) ensure meaningful engagement and effective participation of encampment residents; 3) prohibit the forced evictions of encampments; 4) explore all viable alternatives to evictions; 5) ensure that any relocation is human rights compliant; 6) ensure encampments meet basic needs of residents consistent with human rights; 7) ensure human rights-based goals and outcomes, and the preservation of dignity for encampment residents; and 8) respect, protect, and fulfill the distinct rights of Indigenous Peoples in all engagement with encampments. To engage with each

principle in depth and understand the strategies associated, see McCartan et. al. (2021), R2HTO (2020) and Farha and Schwan (2020) for more details. These principles must not only be upheld but also underlie the City's programming to avoid any violation of human rights.

Having set the foundation through a human rights-based approach to housing, I endorse Scott Leon's (2021) four collective approach in *A new normal for ending homelessness*. These four approaches include: Address, Prevent, Focus, and Fund. Collectively these approaches allow us to move from a crisis-oriented support system to working upstream to prevent homelessness by providing safe and affordable housing:

Address – The main way to end homelessness is to provide a home. Encampment residents have repeatedly asked for safer and more permanent housing options. The Housing First approach centers on quickly moving unhoused residents into independent and permanent housing and then providing additional supports/services as needed. This approach has been widely studied and gained success across the globe. It moves the community away from focusing on shelter and temporary emergency measures to investing resources into permanent housing.

Prevent – This method involves addressing the underlying causes before homelessness starts. Prevention considers larger structural implication of race, gender, class' effect on poverty and why certain bodies are more likely to end up on the streets. Prevention actively looks to retain, maintain, and develop more affordable and supportive housing. To prevent, income security programming such as direct financial assistance to low-income Canadians, including social assistance, Canada Child Benefit, Old Age Security, and the Guaranteed Income Supplement must be provided. Institutional reform is necessary so that no one is discharged into homelessness from prisons, hospitals, or the children's aid system. Prevention also includes

abolishing legislation and bylaws that criminalize and penalize people experiencing homelessness and/or contribute to housing unaffordability.

Focus – As there is no one standardized solution, there needs to be a focus on priority populations with targeted interventions. This includes working with groups such as youth, racialized and Indigenous populations, families with children, and people with serious mental illness and addictions. Targeted responses need to be conducted in trauma-informed community engagement practices with care and direction provided by people experiencing homelessness themselves to speak to their needs (880 Cities, 2021). Centering unhoused residents' perspective means letting encampment residents remain in their make-shift homes until the option they preserve is better for their needs is presented to them. It ensures letting people remain in encampments until something better is provided.

Fund – Ending homelessness requires adequate funding supplemented by intergovernmental resources and collaboration. There needs to be an active reinvestment from the federal and provincial government as it has the power to pursue and finance programs with greater intensity to fix the unaffordability caused by its retrenchment policies. Further to the role of intergovernmental alliance, Leon (2021) states:

“‘The National Housing Strategy’ and ‘Reaching Home’ [initiatives in] their current magnitudes are insufficient to even meet the stated goal of reducing homelessness by 50 percent by 2028. The provinces, with their expertise and capacity in the health and social service sector, have a role to play in providing the support services and dollars required to assist people transitioning out of homelessness and staying housed. Our cities have land, can expedite development approvals, can waive property taxes, and can focus their energy on non-profit development over private for-profit housing.”

Ultimately, addressing the homelessness and housing affordability crisis will require radical policy measures to preserve and develop more affordable housing in Toronto where

individualistic neoliberal policies are given no platform to disenfranchise people in to homelessness.

8.1 Takeaway for Urban Planners

While there is an abundant of city planning initiatives in Toronto, as discussed, the success of these programs is limited by several features including: their temporary nature; lacking human rights-based approaches to housing; insufficient use of tax payer's dollars; lack of intergovernmental response to housing; and the criminalization of unhoused individuals through oppressive legislation and by-laws. The urban planners' role is to actively challenge these limitations by advocating for longer term solutions that do not uphold neoliberal capitalist revenue seeking projects known to disenfranchise BIPOC people.

It is a planner's job to be an intermediary between different stakeholders and interests. Instead 21st century planners are complicit, passive, and responsible for creating/upholding harmful policies leading to displacement and disenfranchisement of BIPOC people into homelessness. Public interest, as demonstrated, "traditionally meant the interest of white homeowners" (Jeganathan, 2021). This interest has been supported throughout the pandemic through NIMBY attitudes of pushing unhoused individuals out of parks. Urban planning requires a change in approach which supports resistance by unhoused residents, housing activists, and anyone affected by the housing crisis. Cheryl Case advocates that a human rights approach "can change planning process that have discriminated against women, [people with disabilities and BIPOC populations]. The legacy of applying this approach to improve health, equity, and inclusion shows that planning is a "powerful space" that can make cities better places to live" (Jeganathan, 2021).

9.0 Conclusion

The objective of this paper was to critically analyze homeless encampments during one of the world's most unprecedented times. The COVID-19 pandemic exposed the “need for safe, decent, and affordable housing to be recognized as a human right, social good, and social determinant of individual and public health” (Wilson et. al., 2020, p. 9). As encampments increasingly emerge across Toronto, and in large North America, there is an urgent need for governments to interact with them in a manner that upholds human rights.

Housing can mean different things to different people. For many, it is not simply a roof over their heads. While simple solutions exist, the success of providing permanent affordable housing is not possible without the collaboration of the community and an intergovernmental response in Canada. Local jurisdictions such as Toronto must put a stop to rudimentary approaches of sweeping encampments. This response of clearance has resulted largely in disruptions and trauma for encampment residents and does little to resolve the problem (Cohen et. al., 2019). Instead, it pushes individuals to the outskirts of the city further away from their support systems and nearby services/resources. Data shows that the clearing of the three Toronto encampments resulted in minimal changes of unhoused residents securing housing and instead led them to re-establish encampments in new locations (McCartan et. al., 2021).

Canada can no longer afford a high incidence of homelessness. A paradigm shift is required because if left unattended, the crisis will become worse for many of those currently homeless, thereby creating deeper inequalities. As demonstrated homelessness does not simply cost the individual but also contributes to the costs of everyone around them through public expenditure on health care, social services, and policing. Further neglect of this crisis will result in housing insecurity continue to spread across Canada, fueling the creation of more encampments,

homelessness, accelerating urban decay, and, in the face of record-setting housing prices, eroding the economic well-being of millions of Canadians.

Toronto's housing crisis demonstrates that affordable housing is not only a public health concern but also a racial injustice targeting marginalized and working-class populations. To ensure health and well-being of minority groups facing the worst of the pandemic, any intervention must respect the self-determination of the people served (Collins and Kohomban, 2020). Transformative change occurs by responding to the peoples' needs and preferences and including them in the decision-making process. Housing insecurity must be analyzed through historical social relations of class-based power rooted in capitalism and colonialism (Soederberg, 2018). This analysis allows us to critique the different avenues of violence inhabiting housing, ranging from exploitation to eviction, to homelessness (Soederberg, 2018).

While there are considerable challenges in managing a shift from a response to homelessness based on the continuum of care mode to one focused on providing long term permanent solutions, the benefits extend beyond individuals experiencing this violent form of poverty. As homelessness disrupts families, neighbourhoods and communities, it is vital to reintegrate people through housing and promote family reunification. As our cities and communities turn toward recovery from COVID-19, our public spaces must embody a commitment to creating healthy places where everyone belongs (8 80 Cities, 2021) and has the right to their space. Ultimately, addressing homeless encampments needs to be approached through compassion which focuses on trust building, individualized support, and access to safe, affordable permanent housing (8 80 Cities, 2021).

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