



FORCED EVICTIONS FROM HOMELESS ENCAMPMENTS ON PUBLIC LAND:

Legal Interpretations & Shelter Provider Perceptions of *Adequate & Sufficient* Shelter



Katie Brousseau, BSW, MPlan

2025 Housing Symposium: From Crisis to Commitment

October 20, 2025

Halifax, NS

Introduction

- Born and raised in Timberlea, Nova Scotia
- Policy Strategist, Turner Drake & Partners Ltd.
- Dalhousie Bachelor of Social Work (2017)
- Dalhousie Master of Planning (2025)
- Experience across non-profit & private sectors in NS, ON, & BC
- Social Work → looking back at systemic drivers of poverty
- Planning → looking ahead toward equitable growth

As we look to the future and plan for growth, who are we leaving behind?



In the absence of **adequate** and **sufficient** shelter, it is a human rights violation to enforce the eviction of a homeless encampment on public land.

(Victoria (City) v Adams, 2009)

(Abbotsford (City) v. Shantz, 2015)

“Everyone has the right to **life, liberty** and **security of the person** and the right not to be deprived thereof except in accordance with the principles of fundamental justice”

(Canadian Charter of Rights and Freedoms, Section 7).

Research Purpose

This **comparative, thematic analysis** investigates how Canadian courts have interpreted legal standards of “adequate” and “sufficient” shelter in the context of forced evictions from homeless encampments on public land.

This research further aims to understand how shelter providers **define “adequate shelter” and track “sufficiency” (number of) available shelter beds**. This may serve to inform future policy or amend existing policies directly impacting the rights of Canadians experiencing homelessness.

Research Questions

- Which laws, policies, and/or authorities define “adequate housing”?
- How have Canadian courts interpreted standards of adequate and sufficient shelter? Are these interpretations consistent?
- How do frontline shelter providers understand what it means for shelter to be adequate and sufficient?
- Do emergency shelters have sufficient capacity to meet current demand?

In other words:

What does the **law** say about adequate shelter?

What do the **courts** say?

What do **shelter providers** say?

And are they all saying the same thing?

(They are not).

Here's the problem...

- Case law **uses adequacy as a test** for determining human rights compliance without a consistent definition of what adequacy means.
- While courts assess whether there are **sufficient** (enough) shelter beds, they fail to consider whether those beds are truly **adequate**.



So, what *is* “adequacy”?

“There is no ‘**bright line**’ test to determine whether resources to shelter the homeless in Victoria are sufficient [...]

We consider that the appropriate manner of dealing with this problem is to allow the City [...] to demonstrate [to the Court] that the conditions that make the Parks Regulation Bylaw unconstitutional have ceased to exist”

(Victoria (City) v Adams, para. 165, 2009).

“While adequacy is determined, in part, by **social, economic, cultural, climatic, ecological**, and **other factors** [...] it is nevertheless possible to identify certain aspects of the right [to adequate housing]”

(ICESCR, General Comment No. 4, 1991).

Adequate housing includes:

- The right to not be forcibly evicted (this right extends to those in encampments);
- availability of services, infrastructure, and facilities;
- affordability;
- habitability;
- accessibility;
- location; and
- cultural adequacy

International Standards of *Adequacy*

International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)

The right to adequate housing = the right to live with security, dignity, and peace. Housing must include privacy, space, infrastructure, safe location, and affordability; states must ensure tenure security, eliminate homelessness, and prohibit unprotected evictions.

General Comment No. 4 (1991)

Adequate housing is the right to live in dignity, with secure, affordable, safe, accessible, and culturally appropriate shelter.

General Comment No. 7 (1997)

Adequate housing means having secure tenure and protection from eviction, and that no one should be rendered homeless. Evictions must always result in relocation to *adequate* alternative housing consistent with dignity and human rights.

UN Guidelines on the Implementation of the Right to Adequate Housing (2020)

Provides framework to operationalize/realize the right to adequate housing.

Federal

Canadian Charter of Rights and Freedoms (1982)

Section 7: *right to life, liberty, and security of the person.*

National Housing Strategy Act (2019)

"It is declared to be the housing policy of the government of Canada to recognize that **the right to adequate housing is a fundamental human right** affirmed in international law".

Upholding dignity and human rights: the Federal Housing Advocate's review of homeless encampments

(Office of the Federal Advocate, 2024)

In the absence of adequate, affordable and accessible housing alternatives, **all governments must recognize that people have a right to live in encampments.**

Federal Obligations and Encampments: Security of Tenure in Canada

(Office of the Federal Advocate, 2024)

The right to **security of tenure** and, by extension, **freedom from forced evictions**, "should not be restricted to those with formal title or contractual rights to their land and housing" but **must also be extended to those living in homeless encampments**

What do the courts say?

"The decision to live in an encampment appears to be *a personal choice or preference* in most circumstances, based on the evidence adduced before me. While I can accept that there are important, even fundamental considerations that contribute to such a decision, *it is simply not the same as a situation where there is physically not enough shelter space, or the space that is available is not viable*"

(Poff v. City of Hamilton, para. 236, 2021).

“While [...] some people experiencing homelessness continue to *distrust, or fear, the shelters* [...] the evidence does not support those concerns”

(Black v. City of Toronto, para. 149, 2020).

"If the available spaces are impractical for homeless individuals, either because the shelters do not accommodate couples, are unable to provide required services, impose rules that cannot be followed due to addictions, or cannot accommodate mental or physical disability, they are not low barrier and accessible to the individuals they are meant to serve"

(Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained, para. 93, 2023).

“[...] it is not just the *number* of available indoor sheltering spaces that frames the right but also whether those spaces are *truly accessible* to those sheltering in parks”

(Regional Municipality of Waterloo v. Persons Unknown and to be Ascertained, para. 15, 2023).

Case Law Analysis

Methodology

- Thematic content analysis of 13 legal cases from ON & BC
 - Coded for terms: *adequate, sufficient, suitable*
 - Coded for themes: AI-gen. word frequency list (adjectives & nouns)
- Compared cases by:
 - Jurisdiction (ON or BC)
 - Applicant (the State vs. Individual living in encampment)
 - Outcome (eviction permitted vs. prohibited)

Tools

- Excel case law matrix
- ChatGPT (for generating word frequency + adjectives/nouns)
- Manual PDF review (Ctrl+F) to verify contextual use of key terms
- Color-coded thematic system to track adequacy-related language across cases

Health
Disability/accessibility
Services, supports, & funding
Legal
Personal Need & Agency
Infrastructure + amenities
Demographics + Stakeholders
Risks & Safety

13 Cases

ONTARIO (n=6)

- *Black et al. v. City of Toronto*, 2020 ONSC 6398
- *Church of Saint Stephen et al. v. Toronto* 2023 ONSC 6566
- *City of Kingston v. Doe*, 2023 ONSC 6662
- *Heegsma v. Hamilton (City)*, 2024 ONSC 7154
- *Poff v. City of Hamilton*, 2021 ONSC 7224
- *Regional Municipality of Waterloo v. Persons Unknown + to be Ascertained*, 2023 ONSC 670

BRITISH COLUMBIA (n=7)

- *Abbotsford (City) v. Shantz*, 2015 BCSC 1909
- *Bamberger v. Vancouver (Board of Parks and Recreation)*, 2022 BCSC 49
- *British Columbia v. Adamson*, 2016 BCSC 1245
- *Matsqui-Abbotsford Impact Society v. Abbotsford (City)*, 2024 BCSC 1902
- *Prince George (City) v. Stewart*, 2021 BCSC 2089
- *Vandenberg v Vancouver (City) Fire & Rescue Services*, 2023 BCSC 2104
- *Victoria (City) v. Adams*, 2009 BCSC 1043

Cases were categorized into two groups:

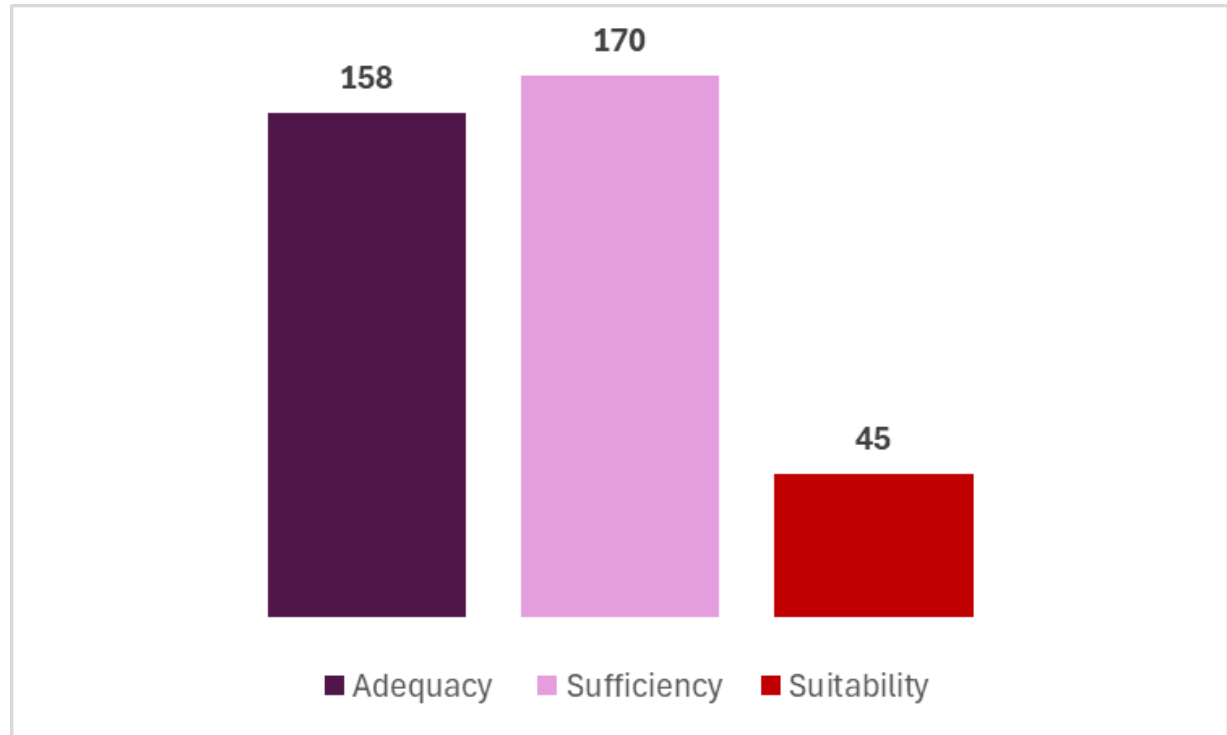
Encampment eviction *prohibited*

- *Regional Municipality of Waterloo v. Persons Unknown (2023)*
- *City of Kingston v. Doe (2023)*
- *Abbotsford (City) v. Shantz (2015)*
- *Victoria (City) v. Adams (2009)*
- *Bamberger v. Vancouver (2022)*
- *Prince George (City) v. Stewart (2021)*
- *Vandenberg v Vancouver (City) (2023)*
- *Matsqui-Abbotsford Impact Society v. Abbotsford (City) (2024)*

Encampment eviction *permitted*

- *Black et al. v. City of Toronto (2020)*
- *Poff v. City of Hamilton (2021)*
- *Church of Saint Stephen et al. v. Toronto (2023)*
- *British Columbia v. Adamson (2016)*
- *Heegsma v. Hamilton (City) (2024)*

Total references
to *adequacy*,
sufficiency, and
suitability



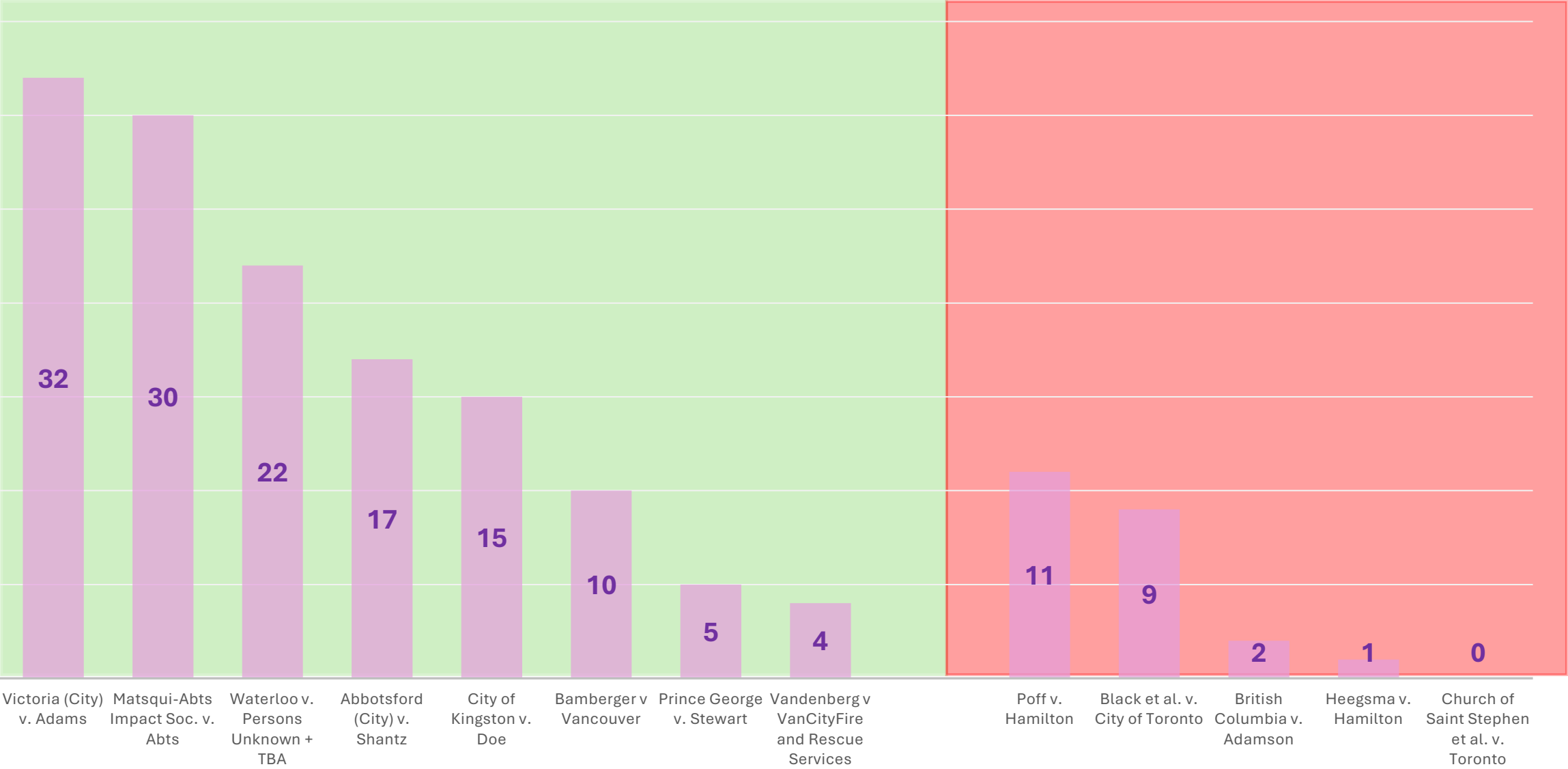
In cases where eviction was *prohibited*:

- The word “adequacy” (and its variants) appeared an average of **16.9** times/case.
- The word “sufficiency” (and its variants) appeared an average of **17.4** times/case.

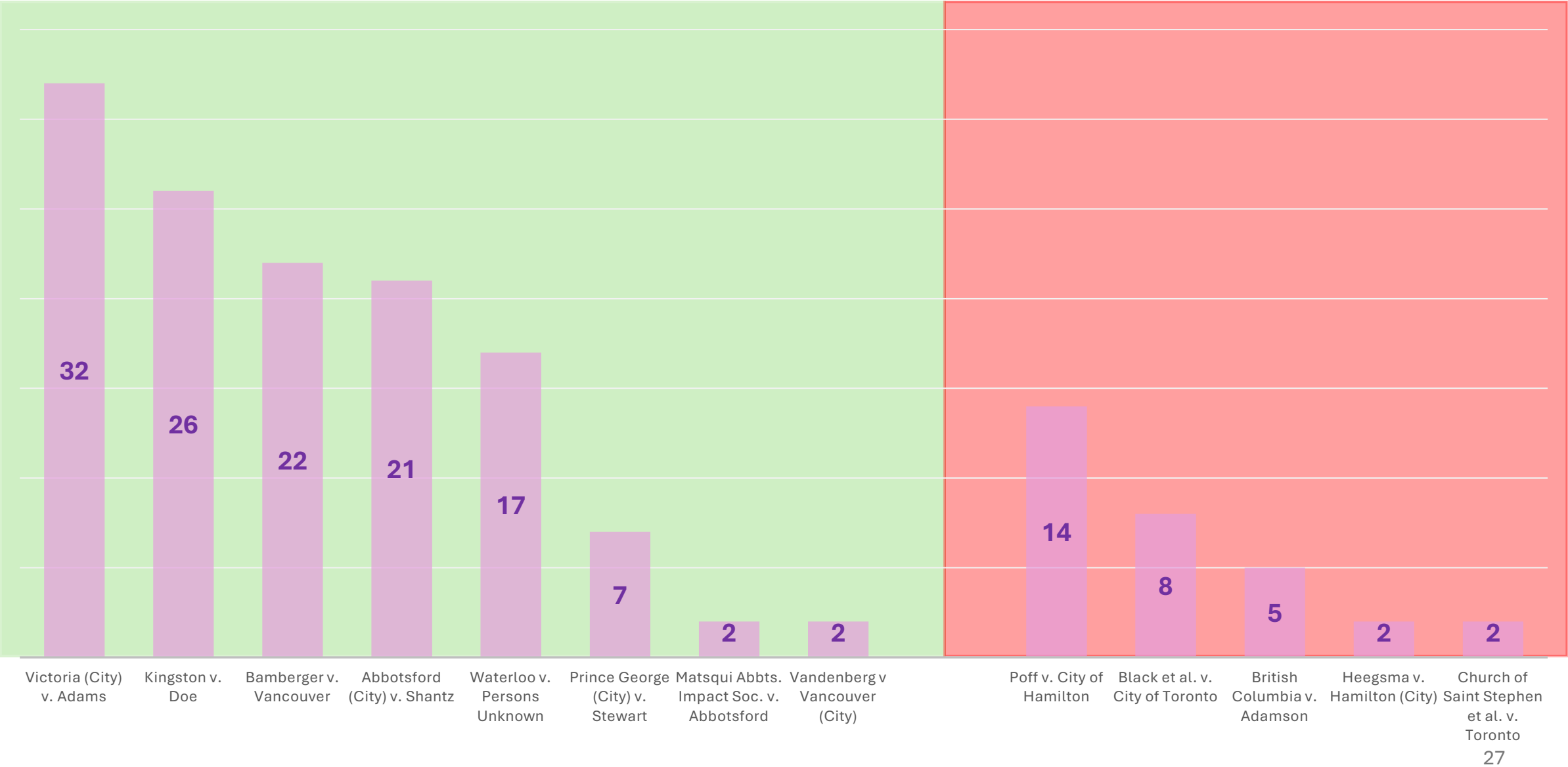
In cases where eviction was *permitted*:

- The word “adequacy” (and its variants) appeared an average of **4.6** times/case.
- The word “sufficiency” (and its variants) appeared an average of **6.2** times/case.

Total References to “Adequacy”, by Case & Outcome



Total References to “Sufficiency”, by Case & Outcome



Summary of Case Law Findings

- Interpretations of “**adequate shelter**” widely vary – both in definition and “weight”.
- Decisions tend to reference **quantity** (sufficiency) of shelter beds more frequently and with more weight than **quality** (adequacy).
- Cases that reference adequacy **more** → eviction less likely.
- Cases that reference adequacy **less** → eviction more likely.

"A law that prevents the homeless from avoiding
[injury or death] by erecting shelter overnight [...] is a
law that has lost sight of its purpose"

(*City of Kingston v Doe*, para. 160, 2023).

What do shelter providers say?

Shelter Provider Surveys

Methodology

- Surveyed 51 emergency shelter staff in NS, ON, & BC
- Mixed-method online survey (quantitative + qualitative)
- Topics included:
 - Perceptions of “adequate shelter”
 - Shelter capacity and access criteria
 - Shelter Bed tracking practices
- Inductive thematic coding to qualitative responses
- Ethics approval required

Tools

- SurveyMonkey Premium
- Excel
- Manual thematic coding of open-ended responses to identify recurring themes
- Descriptive statistics for quantitative analysis (e.g., % of shelters at full capacity)

Safe sleeping quarters, access to safe food and city services, Trauma informed care.
cleanliness, adequate sleeping space, lower barriers.
Access to a bed, blanket, pillow, washroom, warm
Sufficiently providing shelter and bedding at a given notice
They should be able to provide basic needs of a clean environment, water to shower, clean beds, a solid building (with no mould/mice)
This needs to be defined by the individual

100% of respondents reported their shelter was full
at some point in the past year.

93% of respondents reported their shelter was full
76-100% of the past year.

***“In your opinion, what does it mean for shelter to be ‘adequate’?
Please be as specific as possible”.***

“[...] having a safe place to sleep that allows you to *brush your teeth, wash yourself, your clothing, get a meal in the morning and feel capable to be mentally present* the next day so you can strive to improve your situation the following day when you wake up”

(Survey Respondent, 2024).

“Shelter must provide not only a roof and bed, but **dignified safe space**, be **trauma-informed**, have **harm-reduction** and **anti-oppressive policies** in place”

(Survey Respondent, 2024).

“This needs to be defined by the individual”

(Survey Respondent, 2024).

***“In your opinion, what does it mean for shelter to be ‘adequate’?
Please be as specific as possible”.***

***Qualities* of Adequate Shelter**

Safe
Privacy
Dignified
Trauma-informed
Clean
Warm
Low-barrier
Comfortable
Accommodating
Accessible
Anti-oppressive

***Amenities* of Adequate Shelter**

Meals
Services
Storage
Support
Amenities
Case management
Laundry
Programming
Housing support
Personal care products

Summary of Shelter Provider Survey Findings

- Shelters are **overcapacity**.
- Many shelters are **inaccessible** to individuals living in encampments due to restrictions like sobriety rules, age limits, not pet-friendly, etc.
- Shelter providers tend to define adequacy qualitatively: **safety, dignity, harm-reduction,** and **trauma-informed care** are seen as essential.
 - Shelter provider's perceptions of adequacy closely aligned with UN standards of adequacy (privacy, dignity, space, security, services, culturally-appropriate).

Drivers & Impacts of Homelessness

Purpose

- To explore the *system-level drivers* of homelessness in HRM using local housing and economic data.
- This analysis helps illustrate how **population**, **affordability**, and **economic pressures** move together with homelessness, showing broader systemic, not individual/personal, drivers of homelessness.

Limitations:

- Unbalanced samples: far fewer respondents with homelessness experience.
- Single explanatory variable: other influencing factors not controlled for.
- Results should therefore be interpreted as indicative patterns, not definitive estimates.

Data sources: Statistics Canada, CMHC, and HRM By-Name List Data (AHANS, 2010–2025)

Variables analyzed: population, unemployment, rent, home prices, shelter beds, and housing starts

Method:

- log-linear regression to identify how changes in each variable are *associated* with homelessness
- Applied logistic regression to estimate how a singular past experience of homelessness affects the likelihood of key socioeconomic and health outcomes.
- Binary outcomes (e.g., “Yes/No” for home ownership, education, income) were modeled as a function of whether respondents had ever been homeless.

Interpretation: correlation, not causation! These factors move *together* with homelessness but don’t directly “cause” it.

Social & Economic Impacts of Homelessness in Atlantic Canada

Outcome	Never Homeless (%)	Ever Homeless (%)	Social & Economic “Cost”
Home Ownership	80.2	15.0	Smaller property tax base, higher demand for housing supports
Income ≥ \$50,000 (before tax)	35.9	1.0	≈ \$12,000–\$15,000 lost income tax revenue per person/year
Post-secondary Education	60.9	17.5	≈ \$300,000 lower lifetime earnings potential
Marital Status (married, common-law)	69.9	16.7	Greater risk of social isolation; higher service needs
Medication for depression/sleep	22.7	76.9	Increased healthcare use and public health cost (~\$2,000–\$4,000/year)

Source: General Social Survey, StatsCan (2019)

*Results highlight significant differences between those who have never experienced homelessness and those who had – illustrating how even one experience of homelessness can shape and inform an individual’s life outcomes.

**Limitations: 1) Unbalanced samples: far fewer respondents with homelessness experience. 2) Single explanatory variable: other influencing factors not controlled for. Results should therefore be interpreted as *indicative patterns*, not definitive estimates.

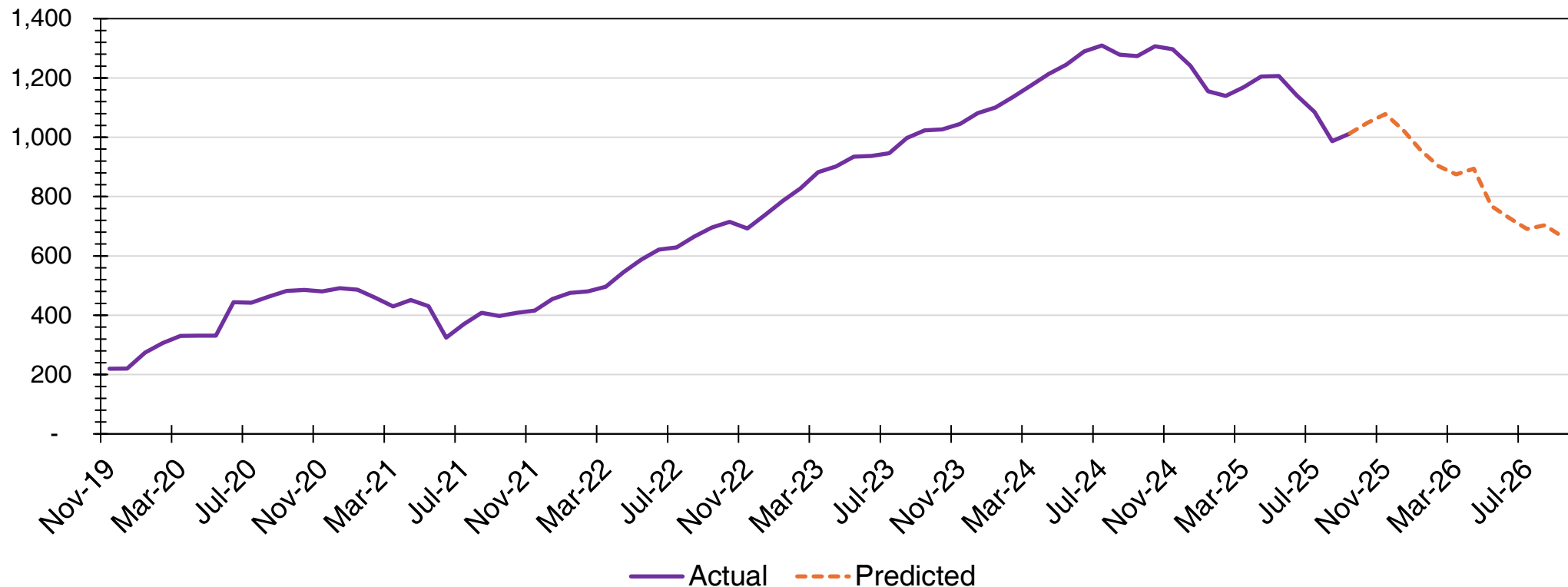
Drivers of Homelessness in HRM

Driver	Approx. Impact on Homelessness (per 1% increase)
Population Growth	+8.3%
Home Prices	+0.6%
Shelter Beds	+0.7%
Unemployment	+0.55%
Housing Starts	+0.06

**Important to note that what this is modelling illustrates *correlation*, not *causation*. In other words, these “drivers” tend to move *together* with homelessness, but we can’t say one *directly causes* the other. E.g. population growth is not a cause of homelessness, but increases pressure on housing and services, which makes homelessness more likely.

The data suggests that population growth is the biggest driver of homelessness in HRM — meaning that if we plan for growth without planning for housing, *we're planning for homelessness.*

Predicting Active Homelessness in HRM



*Scenario is based on the assumption that certain trends will continue, at conservative rates, over the next 12 months. Assumptions include: population growth slows, unemployment falls, and affordability improves. Based on these assumptions, data suggests we could see fewer people actively homeless in HRM over the next 12 months.

**This scenario is not a definitive estimate — the model tells us what's *possible*, not guaranteed. But it does suggest that conditions are improving.

Recommendations

- **Expand** capacity of low-barrier, trauma-informed shelter.
- **Standardize** metrics/definitions of adequacy (in direct consultation with lived experience and shelter providers).
- **Automate** “real-time”, periodic tracking of available shelter beds.
- **Target** immediate investment in affordable housing across all sectors (including provincial public housing) as long-term response to homelessness.
- **Align** population and housing planning to ensure new development includes adequate, appropriate, and affordable housing stock that meets needs driven by population growth.
- **Legislate** “discernible governmental obligations” aiming to uphold the right of all to “a secure place to live in peace and dignity, including access to land as an entitlement” (United Nations, 2023).

We must continue to ensure alignment across policies informing housing, human rights, and growth.

Thank you!

Katie Brousseau

kbrousseau@turnerdrake.com