

COURT OF APPEAL FOR ONTARIO

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SHERRI OGDEN, JAHMAL PIERRE, and LINSLEY GREAVES**

Appellants

- and -

CITY OF HAMILTON

Respondent

- and -

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ASSOCIATION, THE CANADIAN CENTRE FOR HOUSING RIGHTS, CANADIAN
CIVIL LIBERTIES ASSOCIATION, THE CORPORATION OF THE CITY OF
KINGSTON, WOMEN'S LEGAL EDUCATION AND ACTION FUND,
ONTARIO HUMAN RIGHTS COMMISSION and CITY OF TORONTO**

Interveners

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January 9, 2026

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PART I – OVERVIEW

1. The Canadian Civil Liberties Association (“CCLA”) intervenes as a friend of the court to make submissions in respect of the s. 7 *Canadian Charter of Rights of Freedoms* (“*Charter*”) issues before this Court on this appeal. Specifically, the CCLA submits that a purposive analysis of the s. 7 *Charter* rights to liberty and security of the person must consider the autonomy and dignity of unhoused encampment residents, such as the Appellants, as informed by relevant international human rights standards.

2. Canadian courts have previously considered and applied international instruments to aid in the interpretation of the meaning and scope of rights under s. 7 of the *Charter* and the principles of fundamental justice in the context of forced evictions such as those experienced by the Appellants. The CCLA submits that this Court ought to do the same explicitly, particularly in light of the passage of the *National Housing Strategy Act*, [S.C. 2019, c. 29, s. 313](#), in which Canada specifically codified its existing international legal obligations with respect to the right to shelter into domestic law.

PART II – FACTS

3. The CCLA accepts the facts as summarized by the parties.

4. The Appellants seek to overturn the decision of Ramsay J. affirming the constitutionality of municipal practices by which the Respondent City of Hamilton effected evictions of many unhoused people from the City’s public spaces between August 2021 and August 2023. The Appellants had sought a declaration that these by-law enforcement actions infringed upon the Appellants’ s. 7 *Charter* rights to liberty and security of the person and their s. 15 *Charter* equality

rights, giving rise to a corresponding entitlement to compensatory damages pursuant to s. 24(1) of the *Charter*.

5. The application called for the application judge to weigh the appropriate balance between the civil liberties of unhoused encampment residents and the competing interests inherent in the regulation of public space. The application judge concluded, *inter alia*, that the Appellants' s. 7 rights were not engaged by the Respondent's enforcement of its by-laws because any harms the Appellants suffered were attributable to their homelessness and not to the actions of the Respondent. The applicant judge did not consider the scope of the s. 7 *Charter* rights to liberty and security of the person in light of international law.

6. The unhoused individuals who resided in the municipal encampments at issue represent some of the most vulnerable and marginalized members of our society.¹ As was demonstrated by the evidence in the underlying application, members of marginalized groups are disproportionately represented in municipal encampments, including women, Indigenous peoples, racialized individuals, people who identify as 2SLGBTQIA+, and persons with mental health illness and disabilities, including substance users.² Members of such groups face unique vulnerabilities that can be exacerbated by evictions and/or dispossession, and their consequent ability to access shelter spaces can be further compromised by those same vulnerabilities.³

¹ *Victoria (City) v Adams*, 2009 BCCA 563 at para 75.

² Affidavit of Kaitlin Schwan sworn June 13, 2022 ["Schwan Affidavit"], at Exhibit C, *The State of Women's Housing Need & Homelessness in Canada: Literature Review*, "Key Finding 6: Indigenous women, girls, and gender diverse peoples experience the most egregious housing conditions throughout Canada and remain the most underserved in both the VAW and homelessness sectors," Appellant's Appeal Book and Compendium ["ABC"] Volume 9, at Page 143, "Chapter 6: Child Welfare," ABC Volume 9, at page 214; Affidavit of Ameil Joseph sworn June 14, 2022 at paras 4 -13, ABC Volume 8 at pp. 849-853; Affidavit of Stephen Gaetz sworn June 14, 2022 at paras 21-22, ABC Volume 8, page 18.

³ For description of the unique vulnerabilities of the marginalized groups and consequent challenges accessing shelter spaces, see Schwan Affidavit, at paras 5-32, ABC Volume 9, pp 8-20; Affidavit of Olivia Mancini sworn October 4, 2021, at paras 7-8, 10, 15 and 17, ABC Volume 6, pp 148-149, 151-152; Affidavit of Medora Uppal, sworn July 17,

PART III – ISSUES AND THE LAW

7. The CCLA submits that, in determining whether state-enforced removal of shelter is constitutional, a purposive analysis of s. 7 of the *Charter* must consider the autonomy and dignity of unhoused encampment residents, and that such consideration must be informed by relevant international human rights standards.

8. International human rights law conceives of the right not to be deprived of shelter as involving more than the physical or emotional well-being of encampment residents; crucially, it also conceives of shelter in public spaces as an exercise of autonomy in the face of limited choices resulting from sustained and serious human rights violations against unhoused community members.

9. An analysis that recognizes and considers the effect of state actions on the autonomy and dignity of unhoused people is the only interpretation of s. 7 that is consistent with the principles set out in international human rights law – principles that were previously adopted into domestic law by ratification of the relevant international instruments and have now been explicitly codified into domestic law.

(a) International law influences the interpretation of Charter rights

10. Courts possess a well-established ability to consider international legal sources in delineating the breadth and content of *Charter* rights. As set out below, while the *force* of international legal instruments are indexed to the instruments' status under domestic Canadian

2023, at paras 9-58, ABC Volume 7, pp 8-16; Appellant's Appeal Book and Compendium, Affidavit of Dr. Kate Hayman at paras 7, 10, 11, 12, 16-17, ABC Volume 8, pp 555-556, 558-559, 565-566.

law, an interpretation of *Charter* rights that excludes consideration the effect of international human rights law risks falling into error.

11. Specifically, the principle of conformity demands that the provisions of the *Charter* are interpreted to provide protection *at least* as great as that afforded by the provisions of Canada's international legal obligations and commitments.⁴ As it is the *Charter* that gives life to Canada's binding commitments to international human rights law—as contained in the international legal instruments and conventions to which Canada is a party—an assessment of the obligations to which Canada has bound itself via international instruments is a determinative factor in *Charter* interpretation.⁵ Failure to inquire whether the principle of conformity is satisfied by any interpretation of *Charter* rights risks reaching a judicial conclusion that fails to uphold international obligations by which Canada is bound.

12. Additionally, international human rights law sources, even if non-binding, can be a relevant and persuasive interpretive tool to confirm a court's *Charter* analysis.⁶ The Supreme Court has repeatedly relied on international human rights law, including commentary from United Nations experts on the international obligations of states, to inform its interpretation of *Charter* rights as such international legal sources may provide illustrations of how norms engaged in the *Charter* analysis are understood and interpreted around the world.⁷

⁴ *Quebec (Attorney General) v 9147-0732 Québec inc*, [2020 SCC 32](#) at [para 31-32](#); *Ktunaxa Nation v British Columbia (Forests, Lands and Natural Resource Operations)*, [2017 SCC 54](#) at [para 65](#); *India v Badesha*, [2017 SCC 44](#) at [para 38](#); *Divito v Canada (Public Safety and Emergency Preparedness)*, [2013 SCC 47](#) at [para 25](#). See also recent consideration by the British Columbia Court of Appeal in *Gitxaala v. British Columbia (Chief Gold Commissioner)*, [2025 BCCA 430 \(CanLII\)](#) at [paras 60-62](#), quoting LeBel J. in *R. v. Hape*, [2007 SCC 26 \(CanLII\)](#) at [para 53](#).

⁵ *Reference re Public Service Employee Relations Act (Alberta)*, [\[1987\] 1 SCR 313](#) at [para 59](#); *Quebec (Attorney General) v 9147-0732 Québec inc*, [2020 SCC 32](#) at [para 31](#).

⁶ *Quebec (Attorney General) v 9147-0732 Québec inc*, [2020 SCC 32](#) at [paras 36-44](#).

⁷ *Reference Re Public Service Employee Relations Act (Alta.)*, [\[1987\] 1 SCR 313](#) at [paras 57-60](#); *Health Services and Support - Facilities Subsector Bargaining Assn. v British Columbia*, [2007 SCC 27](#), at [paras 69-79](#); *Saskatchewan Federation of Labour v Saskatchewan*, [2015 SCC 4](#), at [paras 62-74](#); *Ktunaxa Nation v British Columbia (Forests,*

13. Finally, the Supreme Court has emphasized that international human rights covenants, *ratified by Canada or not*, that pre-date the *Charter* can illuminate the framing of enumerated rights and protections because they constituted “the best models of rights protection” in existence at the time of the *Charter*’s drafting and can be presumed to have informed its origins.⁸ In other words, regardless of Canada’s status vis-à-vis older international instruments, “it is entirely proper and relevant” to consider the relevant concepts as important historical context when determining the scope of a *Charter* right.⁹

14. While non-binding instruments do not trigger the “presumption of concordance” that attaches to binding international legal instruments, this is not a rejection of the tradition of purposive interpretation, firmly entrenched in Canadian *Charter* jurisprudence.¹⁰ Rather, the purposive interpretation of the *Charter* must commence with a careful reading of the text. Such a starting point is not antithetical to purposive analysis, but is, in fact, in keeping with established *Charter* jurisprudence. Further, this analysis does not exclude consideration of the historical origins of *Charter* rights, or consideration of international or comparative law.¹¹

15. International human rights instruments that recognize adequate shelter as a fundamental right, which would include international covenants ratified by Canada, interpretive comments by UN committees, and commitments made at UN conferences, can thus properly inform the scope and content of s. 7 as well as a court’s understanding of the principles of fundamental justice.¹²

Lands and Natural Resource Operations), [2017 SCC 54](#) at [paras 64-67](#); *Quebec (Attorney General) v 9147-0732 Québec inc.*, [2020 SCC 32](#) at [paras 19-47](#).

⁸ *Quebec (Attorney General) v 9147-0732 Québec inc.*, [2020 SCC 32](#) at [para 41](#); *Reference Re Public Service Employee Relations Act (Alta.)*, [\[1987\] 1 SCR 313](#) at [para 57](#).

⁹ *Quebec (Attorney General) v 9147-0732 Québec inc.*, [2020 SCC 32](#) at [para 41](#).

¹⁰ See e.g. *R v Advance Cutting & Coring Ltd.*, [2001 SCC 70](#) at [para 12](#), and cases cited therein.

¹¹ *Quebec (Attorney General) v 9147-0732 Québec inc.*, [2020 SCC 32](#) at [para 16](#).

¹² *Victoria (City) v Adams*, [2008 BCSC 1363](#) at [paras 85-100](#), *aff’d Victoria (City) v Adams*, [2009 BCCA 563](#) at [paras 33-35](#).

Here, international human rights instruments can specifically support and confirm this Court's findings about the autonomy and dignity of encampment residents as protected s. 7 interests in the context of state-enforced removal of shelter.

(b) International law protects the autonomy and dignity of residents in temporary encampments

16. The autonomy and dignity of encampment residents must be a fundamental consideration, given the liberal and purposive lens through which the *Charter* is to be interpreted.¹³ Within Canadian jurisprudence, autonomy and dignity are most immediately reflected in the s. 7 concept of liberty, which protects a sphere of personal autonomy involving inherently private choices going to the core of what it means to enjoy individual dignity and independence.¹⁴ Canada is a signatory to several human rights instruments that recognize adequate shelter as a fundamental right for the preservation of autonomy and dignity.

17. Giving effect to such inalienable dignity within the right to shelter means interpreting it as “the right to live somewhere in security, peace and dignity” rather than within the narrow sense of shelter as merely a roof over one’s head.¹⁵

18. The International Covenant on Economic, Social and Cultural Rights (the “ICESCR”) expressly situates the right to establish an adequate standard of living, including sheltering, within

¹³ *Doucet-Boudreau v Nova Scotia (Minister of Education)*, [2003 SCC 62](#) at [para 23](#); *Figueroa v Canada (Attorney General)*, [2003 SCC 37](#) at [para 20](#); *Eldridge v British Columbia (Attorney General)*, [\[1997\] 3 SCR 624](#) at [para 53](#); *R. v Big M Drug Mart Ltd.*, [\[1985\] 1 SCR 295](#) at [paras 116-117](#).

¹⁴ *Association of Justice Counsel Appellant v Attorney General of Canada Respondent*, [2017 SCC 55](#) at [paras 49-52](#); *R. v Malmo-Levine*, [2003 SCC 74](#) at [para 85](#); *Blencoe v British Columbia (Human Rights Commission)*, [2000 SCC 44](#) at [para 49](#); *Godbout v Longueuil (City)*, [\[1997\] 3 SCR 844](#) at [paras 66-67](#).

¹⁵ Applicant’s Motion Record, Affidavit of Leilani Farha sworn June 15, 2022, Exhibit B, “CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11(1) of the Covenant,” adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on December 1991, at para 7 [Affidavit of Leilani Farha].

the inherent dignity of the human person.¹⁶ As both an international legal instrument to which Canada is bound as a state party, and an instrument which was enacted prior to the *Charter*, the ICESCR sets out the minimum level of protection which Canadians must be afforded under the *Charter*.¹⁷ At Article 11.1, the ICESCR declares:

The State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The State Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent. (emphasis added)¹⁸

19. In 1991, the Committee on Economic, Social, and Cultural Rights issued General Comment #4, which specifically identified “legal security of tenure” as a necessary element of “adequate housing” as guaranteed under the ICESCR, and that “legal security of tenure” requires a “degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.”¹⁹ Additionally, General Comment #4 plainly declares that forced evictions are incompatible with the requirements of the Covenant.²⁰

20. The *Declaration of Human Rights*, GA Res. 217(III), UN GAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948) 71 (“UDHR”), also expressly recognizes the right to adequate shelter as a fundamental right. Article 25(1) reads:²¹

¹⁶ [ICESCR](#), 19 December 1966, 993 U.N.T.S. 3 (entered into force 3 January 1976); [UDHR](#), UNGA, 3rd Sess, UN Doc A/810 (1948).

¹⁷ *Quebec (Attorney General) v 9147-0732 Québec inc*, [2020 SCC 32](#) at [para 41](#).

¹⁸ [ICESCR](#), 19 December 1966, 993 U.N.T.S. 3 (entered into force 3 January 1976); [UDHR](#), UNGA, 3rd Sess, UN Doc A/810 (1948) at Article 11.1.

¹⁹ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), [E/1992/23, 13 December 1991](#), [accessed 10 November 2025] [*“General Comment #4”*] at para 8a.

²⁰ See [General Comment #4](#) at para 18 which reads: “In this regard, the Committee considers that instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law.”

²¹ Universal Declaration of Human Rights, GA Rs. 217(III), U.N. GAOR, (3d) Sess., Supp. No. 13, U.N. [Doc. A/810 \(1948\) 71](#), at Article 25(1).

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (emphasis added)

Additional passages of the UDHR and ICESCR explicitly endorse a broad, generous conception of the rights contained within and the obligations of parties to work to achieve those rights.²²

21. Although the UDHR is a declaration and not an agreement to which Canada is formally a party through ratification, Canada has committed to supporting the principles outlined within the UDHR. In addition, the UDHR is an instrument which pre-dates the *Charter*, it sets out a “common standard of achievement for all people and all nations”, and it is recognized as persuasive in Canadian law.²³

22. State action that violates the autonomy and dignity of unhoused persons, and that fails to meet the minimum level of protection set out in these binding international instruments, is therefore not compliant with a fully realized formulation of the s. 7 right to liberty.

(c) Other courts have recognized the effect of international law in respect of the right to housing

23. Courts in British Columbia have previously recognized that forced evictions of encampment residents may contravene the protections of s. 7, and that the scope and content of

²² See discussion in *Victoria (City) v Adams*, [2008 BCSC 1363](#) at [paras 86, 88](#), aff'd *Victoria (City) v Adams*, [2009 BCCA 563](#) at [paras 33-35](#).

²³ *Quebec (Attorney General) v 9147-0732 Québec inc.*, [2020 SCC 32](#) at [para 30](#), quoting Dickson J. in *Reference re Public Service Employee Relations Act (Alberta)*, [\[1987\] 1 SCR 313](#) at [para 57](#). See also *Victoria (City) v Adams*, [2009 BCCA 563](#) at [paras 33-35](#).

the protections afforded by s. 7 of the *Charter* in respect of forced evictions must be informed by reference to Canada's international legal obligations.²⁴

24. In *Victoria (City) v. Adams*, the British Columbia Court of Appeal specifically endorsed Ross J.'s consideration and application of international instruments to aid in the interpretation of the meaning and scope of rights under s. 7 of the Charter and the principles of fundamental justice.²⁵ In her reasons, Ross J. had considered and applied Article 25(1) of the *Declaration of Human Rights*, and Article 11.1 of the *International Covenant on Economic, Social and Cultural Rights*, to reach the conclusion that the forced eviction of encampment residents constituted a violation of the residents' s. 7 rights which was unjustified by s. 1.

25. In assessing Ross J.'s consideration of international legal instruments in her analysis, the British Columbia Court of Appeal concluded, pointedly:²⁶

There is no issue raised on the appeal with respect to the trial judge's reference to international instruments as an aid to interpreting the Charter. Nor could there be. The use of international instruments to aid in the interpretation of the meaning and scope of rights under the Charter, and in particular the rights protected under s. 7 and the principles of fundamental justice, is well-established in Canadian jurisprudence.

(d) The *National Housing Strategy Act*

26. At the time that *Adams* was decided (and affirmed), the British Columbia courts concluded that the various international instruments should inform the interpretation of the

²⁴ *Victoria (City) v Adams*, [2008 BCSC 1363](#) at [paras 85-100](#); affirmed in *Victoria (City) v Adams*, [2009 BCCA 563](#) at [paras 33-35](#).

²⁵ *Victoria (City) v Adams*, [2009 BCCA 563](#) at [para 35](#).

²⁶ *Victoria (City) v Adams*, [2009 BCCA 563](#) at [para 35](#).

Charter, particularly the scope and content of s. 7, despite not forming part of the domestic law of Canada.²⁷ That is no longer the case.

27. In 2019, with the passage of the *National Housing Strategy Act*, S.C. 2019, c. 29, s. 313, Canada specifically codified its existing international legal obligations with respect to the right to shelter into domestic law. Although the obligations which flow from the UDHR and the ICESCR are clear with respect to Canada's duty at international law to respect the right to housing, the unambiguous wording of the *NHSA* leaves no room to suggest that this duty does not also flow from domestic legal instruments. The *NHSA* at Sections 4(a) and 4(b) reads:²⁸

Declaration

4. It is declared to be the housing policy of the Government of Canada to

(a) recognize that the right to adequate housing is a fundamental human right affirmed in international law;

(b) recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities; [...]

28. The *NHSA* also established the office of the Federal Housing Advocate. In keeping with its statutory mandate, and in recognition of the significant rise in encampment residents across the country, the Federal Housing Advocate undertook a systemic review of encampments in Canada. In the Final Report, the Advocate called on the federal government to act immediately to establish a new National Encampments Response Plan, for all levels of government to work together to support municipalities, and, *inter alia*, to *end the forced evictions of encampments altogether*.²⁹

²⁷ *Victoria (City) v Adams*, 2008 BCSC 1363 at para 100.

²⁸ *National Housing Strategy Act*, S.C. 2019, c. 29, s. 313, s 4.

²⁹ The Office of the Federal Housing Advocate, 2024. *Upholding dignity and human rights: the Federal Housing Advocate's review of homeless encampments – Final Report*; Ottawa: Office of the Federal Housing Advocate, pp 3-5.

29. The recommendation of the Advocate to end forced evictions of encampment residents was an explicit recognition that forced encampment evictions make people more unsafe and expose them to greater risk of harm and violence, and that forced evictions by the state – particularly those on public lands – are a violation of s. 7 rights as contained in the *Charter* and at international law.³⁰

(e) Contextualizing the prohibition on forced evictions of unhoused people

30. To the extent that Canada’s international and domestic legal obligations afford encampment residents protection against forced eviction, this protection ought properly to be understood as a reprieve against any actions of the state that have the effect of depriving encampment residents of what little shelter or protection they might possess. The law affords these individuals the right to be free of deprivation at the hands of the state, other than in accordance with s. 7 and s. 1 of the *Charter*.

31. The CCLA makes no submission on the questions of whether Canada’s international legal obligations require any universal minimum standard of housing and the applicability to the Appellant’s claims. However, to the extent that any suggestion is made that the CCLA’s position is merely a “positive right” wolf dressed in the clothes of a “negative right” sheep, the CCLA notes that this argument was proffered in *Adams*, and was summarily rejected: the BC Court of Appeal upheld Ross J.’s finding in this regard, confirming that, although the finding of deprivation in contravention of s. 7 and s. 1 was predicated on the city’s insufficient shelter

³⁰ The Office of the Federal Housing Advocate, 2024. [Upholding dignity and human rights: the Federal Housing Advocate’s review of homeless encampments – Final Report](#); Ottawa: Office of the Federal Housing Advocate, p 3.

resources, this was not sufficient to transform the residents' claim that they had suffered deprivation at the hands of the state into a claim of a positive right to city-run shelter.³¹

PART IV – ORDER SOUGHT

32. The CCLA takes no position on the outcome of this appeal. The CCLA submits that, on a principled basis, a purposive analysis of the s. 7 *Charter* rights to liberty and security of unhoused persons must include consideration of individual autonomy and dignity, as informed by relevant international human rights standards and set out above.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 9th day of January, 2026.

January 9, 2026



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³¹ *Victoria (City) v Adams*, [2009 BCCA 563](#) at [paras 90-97](#).

SCHEDULE “A”

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| JURISPRUDENCE | | |
| 1. | <i>Association of Justice Counsel Appellant v Attorney General of Canada Respondent</i> , 2017 SCC 55 | 49-52 |
| 2. | <i>Blencoe v British Columbia (Human Rights Commission)</i> , 2000 SCC 44 | 49 |
| 3. | <i>Divito v Canada (Public Safety and Emergency Preparedness)</i> , 2013 SCC 47 | 25 |
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| 18. | <i>Saskatchewan Federation of Labour v Saskatchewan</i> , 2015 SCC 4 | 62-74 |
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I certify that I am satisfied as to the authenticity of every authority.

Note: Under the Rules of Civil Procedure, an authority or other document or record that is published on a government website or otherwise by a government printer, in a scholarly journal or by a commercial publisher of research on the subject of the report is presumed to be authentic, absent evidence to the contrary (rule 4.06.1(2.2)).

Date: January 9, 2026



SCHEDULE “B”

Canadian Charter of Rights and Freedoms

Legal Rights

Rights and freedoms in Canada

1 The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Life, liberty and security of person

7 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.

Equality Rights

Equality before and under law and equal protection and benefit of law

15 (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Affirmative action programs

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability

Enforcement

Enforcement of guaranteed rights and freedoms

24 (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

[National Housing Strategy Act, S.C. 2019, c. 29, s. 313](#)

Housing Policy Declaration

Declaration

4 It is declared to be the housing policy of the Government of Canada to

- (a) recognize that the right to adequate housing is a fundamental human right affirmed in international law;
- (b) recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities;
- (c) support improved housing outcomes for the people of Canada; and
- (d) further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights.

HEEGSMA, et al
Appellants

-and-

CITY OF HAMILTON
Respondent

Court File No. COA-25-CV-0166

COURT OF APPEAL FOR ONTARIO

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