

February 25, 2021

My remarks on receiving an Honorary Doctor of Laws, honoris causa (LLD) from the Law Union of Ontario.

Thankyou Treasurer and Benchers,

This is a great honour because I feel that in so many ways my work has been boosted through engagement with people in the legal profession.

I'm going to give you several examples in the themes of ***death, disease and human rights*** – because I came across them in my career in that order.

First death. It didn't take me long as a young street nurse to realize that I was going to too many funerals.

But when the three **1996 freezing deaths** took place in Toronto within a matter of days the entire country reeled in shock. The men's' names were —Eugene Upper, Irwin Anderson, and Mirsalah-Aldin Kompani.

That's when The Toronto Coalition Against Homelessness was formed, and we demanded and won an inquest. We got standing and lawyer Peter Rosenthal represented us. Peter, described as a 'bull in a china shop' took full advantage of the 5-week inquest, as we did to advocate, put forward evidence and recommendations.

This inquest was a perfect marriage of a legal process and activism. For five weeks we worked on the outside: sponsoring a daily lunch outside the courtroom for attendees including homeless people, holding media conferences outside on the sidewalk, filling the courtroom, and issuing a media update statement nightly that had titles such as:

“Presiding coroner angrily demands:

Don't use the h*** word anymore!”** The expression “justice delayed is justice denied’ rung through this inquest. The presiding coroner literally would not allow the word housing to be said, nor evidence on housing. Fortunately, the jurors didn’t listen to him.

We won significant victories: the court of public opinion, recommendations on funding and policy including a managed alcohol program in a shelter. Now known as harm reduction. The jury did use the ‘h’ word and made a strong recommendation on housing.

Over the years there were many more inquests: Edmund Yu, Grant Faulkner, Brad Chapman.

This is where I come to the issue of disease. In 2001 we saw deaths due to an old disease that reared its ugly head in unhealthy shelters. The disease? Tuberculosis - a direct result of poverty, crowding and gov’t neglect to provide housing. An inquest was held into Joseph Teigesser’s death. This time, a new coalition, the TB Action Group had standing, represented by Peter Rosenthal and Kike Roach, and we won provincial funding, for enhanced public health measures. But conditions overall worsened without investment in housing. Today’s horrific COVID situation bears witness to that.

In between those years and today there were other health justice/human rights related efforts:

- 1) We knew that Canada had signed the UN International Covenant on Civil and Political Rights that affirmed the right to housing. So, we put on a mock trial in a drop-in centre. We took the province and federal gov’t ‘to people’s court’. The judges were played by Rotarian John Andras and Gian Mura a homeless advocate.

Evidence came from homeless people and frontline workers on shelter conditions and the housing shortage.

- 2) Direct actions also took place including setting up tents on the lawn of Queen's Park on National Housing Day to make the point they should be funding housing. Several people, including myself were arrested that day.
- 3) And, the 10-year charter challenge on the right to housing that involved Bruce Porter, Leilani Farha, numerous lawyers including those from the Centre for Equality Rights in Accommodation, Advocacy Centre for Tenants Ontario, Colour of Poverty/Colour of Change Network and so many more. There were people with lived experience around the table at all of those meetings.

The brave applicants were Brian DuBourdieu, Jennifer Tanudjaja, Ansar Mahmood, and Janice Arsenault.

While this case was thrown out of court, despite over 10,000 pages of evidence, it set the stage for the ongoing campaign for the right to housing which is now included in Bill C-97, the 2019 National Housing Strategy Act, although it certainly is not providing an ounce of protection, even in a pandemic.

Which brings me to a closing story to share with you on human rights.

I used to always say that the action I was most proud of in my career was the 1998 declaration that homelessness was a national disaster. It resulted in a new federal homelessness program worth billions.

But then COVID hit, and I was stunned when Toronto's Medical Officer of Health, and Ontario's Chief Medical Officer chose to ignore numerous recommendations in a public letter signed by 300 doctors

and nurses last April. Our most basic request was that the Medical Officers, use their powers in a pandemic and order 2 metres of physical distancing between shelter beds/cots/mats and discontinue use of bunk beds.

Toronto's Dr. de Villa responded by stating there is "no merit or need for an order to be given" and that her preference was for voluntary action.

We heard nothing from the province.

I knew that inaction would be a death sentence in a pandemic.

What I am proud of today is that I appealed for help. I went to a homelessness google group and called for legal help. Help came. No surprise it came from the grassroots: Neighbourhood Legal Services responded and literally within days we pulled together a legal coalition: the Canadian Civil Liberties Association, Goldblatt Partners, Aboriginal Legal Services, Advocacy Centre for Tenants Ontario, Black Legal Action Centre, HIV Aids Legal Clinic Ontario and Sanctuary Toronto. I had the privilege of working with Andrew Porter and being a consultant to the group. The coalition took the City of Toronto to the Ontario Superior Court. Judge Sossin presided. An agreement happened quickly on the 2-metre physical distancing and bed bunk issue although we are still technically not done the case as we argue over - is it 2 metres head-to-head or 2 metres around the entire sleeping space – if you can imagine.

I would like to say I've seen the end of court rooms to achieve health justice but that's clearly not the case. Today we prepare to support carpenter Khaleel Seivwright who is being taken to court by the City of Toronto for building tiny wooden shelters for people forced to live outdoors in Toronto in a shelter and housing crisis and in a pandemic.

So, thank you for all your good work which I have some appreciation for and thank you especially for this great honour.