

Adams Law

BARRISTERS & SOLICITORS

Paula V. Adams PC
219 Oxford Street West
Suite 303
London, ON N6H 1S5
Tel: 519.438.6077
Fax: 519.438.0817

Paula V. Adams, B.A (Hons), LL.B
paula@pvadamslaw.ca

Brandon A. Roach, B.A (Hons), J.D.
brandon@pvadamslaw.ca

VIA EMAIL:

Jasmine Hall: jahall@london.ca
Councillor E. Peloza: epeloza@london.ca

May 8th, 2024

City of London
Planning & Development
300 Dufferin Ave.
London, ON N6B 1Z2

Attention: Mayor Josh Morgan, City Councillor Elizabeth Peloza (Ward 12) and the Council of the City of London

Dear Mayor Morgan and Members of City Council

**Re: Zoning By-Law Amendment Application
743 Wellington Road
File #: Z-9720**

I represent a business owner, among the many directly impacted by the proposed zoning amendment for 743 Wellington Road (the “Property”). This letter, and accompanying Appendices, is intended to articulate the Community’s opposition to adding the additional uses, “...being ‘*Emergency Care Establishments*’ and ‘*Clinics*’, to the [Property]’s list of permitted uses.”ⁱ

While the Community recognizes the urgent need to address the homelessness crisis in London, as well as the unique vulnerability of those experiencing homelessness, the Property is an unsuitable location for an additional homeless ‘*Hub*’ (hereinafter referred to simply as ‘*Hub*’) for the following reasons:

1. Proximity to Elementary Schools:

The *London’s Health & Homelessness Response: Proposed Hubs Implementation Plan* (the “Implementation Plan”) imposes a limit that “Hubs *should not be* located in close proximity to [e]lementary schools.”ⁱⁱⁱ

Determining the meaning of “close proximity” is a context specific exercise and, unfortunately, no guidance is provided by the Implementation Plan. For the purposes of this letter, as well as brevity, only elementary schools within a two-kilometer (2km) radius are considered:

Proximity to Elementary Schools		
School	Distance from 743 Wellington	Enrollment
<i>St. George Etienne Cartier</i>	1.2km	280 ⁱⁱⁱ
<i>Cleardale</i>	1.3km	418 ^{iv}
<i>Nicholas Wilson</i>	1.5km	278 ^v
<i>Rick Hansen</i>	1.7km	380 ^{vi}
<i>Sir Arthur Carty</i>	1.8km	580 ^{vii}
<i>St. Francis</i>	2.0km	407 ^{viii}
TOTAL:		2,343

Should the Property be converted into a ‘Hub’, two thousand three hundred forty-three (2,343), ranging from Kindergarten to Grade 8, would be within a two-kilometer (2km) radius of the ‘Hub’. If the “proximity” radius were increased by five hundred meters (500m), the number of elementary aged students in proximity to the proposed ‘Hub’ would be four thousand four hundred sixty-two (4,462), as *Ashley Oaks*,^{ix} *Wilton Grove*,^x and *White Oaks*^{xi} Public Schools would be captured.

The vulnerability of those experiencing homelessness is undeniable. However, there is a reason why the Implementation Plan imposes the restriction that “Hubs **should not** be located in close proximity to elementary schools”. Young children are themselves uniquely vulnerable, and are entitled to an equal degree of care and consideration. Further, we expect schools and educators to both teach our children and foster a safe environment for them. Converting the Property into a ‘Hub’ only complicates this duty.

2. Proximity to Dearness Home Service:

Neither addressed in the Implementation Plan or the Zelinka Letter is the fact that the Property is located approximately four hundred fifty (450) meters from Dearness Home Service, a Long-Term Care (“LTC”) facility. Seniors, relegated to LTC facilities, are themselves a vulnerable community, often times suffering from physical and/or mental impairment.^{xii} Further, LTC facilities have been, and continue to be, in need of reform, as they are chronically underfunded and understaffed.^{xiii} Unfortunately, the Implementation Plan, the Zelinka Letter, as well as all publications I am aware of on this matter utterly fail to address the potential complications that could arise from the intersection of these uniquely vulnerable communities.

3. Harm Reduction Approach:

The Implementation Plan references “harm reduction” sixteen (16) times, defining the approach as “...a continuum of supports that focuses on mitigating the potential harms of substance use...” and that “[a]t Hubs, this is enacted through the substance use continuum

of care from **distribution of harm reduction equipment** to referrals for evidence-based treatment and support programs. It emphasizes dignity of the individual, accepting them where they're at [*sic*], avoiding judgment and working to challenge existing systems and policies that create more harm (**e.g., criminalization of drug use**).^{xxiv} [*emphasis added*]

While the Implementation Plan goes on to describe the broad strokes of “harm reduction” in laudable terms, it falls short of stating a core component of harm reduction, permitting and facilitating the use of psychoactive substances.^{xv} Attached to this letter is a handout offered by Interior Health, a British Columbian publicly funded health authority, intended to provide visual form to “harm reduction equipment”. It is worth highlighting the recent collapse of one B.C.’s harm reduction policies, a little over one-year into the three-year pilot project due to concerns for community safety.^{xvi}

The Implementation Plan and Zelinka Letter fail to consider the legitimate safety concerns that the “harm reduction” approach could have on the broader community.

4. Economic Impact:

Converting the Property into a ‘*Hub*’ will undoubtedly impact the economic heart of the Community, particularly in light of permissive use of psychoactive substances. For example, an article in the Journal of Experimental Criminology found that there was a fifty-six percent (56%) increase in property crimes, such as thefts, breaking into vehicles, and vandalism, within the immediate vicinity of a homeless shelter.^{xvii}

Further, Greater Saskatoon Chamber of Commerce CEO Jason Aebig estimated that businesses, and particularly larger businesses, are forced to add ten (10%) to fifteen (15%) to their budget for “...added security just so that you can maintain a safe environment for everybody.”^{xviii}

Finally, a survey conducted by the Penticton and Wine Country Chamber of Commerce for businesses within the vicinity of the local homeless shelter found that:

- 62% of neighbouring businesses had found people sleeping in their doorways or on their property;
- 45% had to deal with human waste on or around their business premises;
- 44% had complaints from their staff;
- 40% had to call police; and
- 38% had customers and/or staff harassed.^{xix}

There are a number of other considerations that could be listed, such as property values, health and safety concerns, and proximity to existing ‘*Hubs*’, but this letter has already exceeded its scope.

Before concluding, it is prudent to preemptively address the counterclaim, recently voiced by both Sean Warren^{xx} and Matt Feldberg,^{xxi} that there is no cause for concern as “...there’s no plan to go there.”^{xxii} Such counterclaim is disingenuous on two grounds.

Firstly, it directly contradicts the intent expressed in the “Planning Justification Letter” submitted by Zelinka Priamo Ltd., quoted below:

The subject lands are intended to become a potential “Hub” location as a part of the “London’s Health & Homelessness Response: Proposed Hubs Implementation Plan”. This plan intends to help the most marginalized Londoners move safely inside, become stabilized, supported, and connected to the right housing resources to help them stay housed. Permitting “Emergency Care Establishments” and “Clinics” through the proposed Zoning By-Law Amendment **will allow for the existing building to become equipped with the necessary facilities to appropriately serve London’s community members currently experiencing homelessness.**^{xxiii}

Secondly, it amounts to an argument over semantics, as “there’s no plan to go there” takes on a very different mean when truthfully expressed as ‘there’s not yet the funds to go there.’^{xxiv}

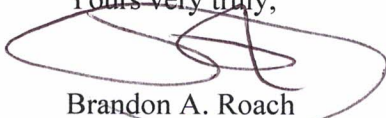
It is undeniable that homelessness is a significant issue that requires urgent attention and comprehensive solutions. However, the proposed location for the ‘Hub’ raises legitimate concerns about the safety and well-being of both the residents in the vicinity and the individuals seeking shelter. As members of the City Council, and fiduciaries of this City, the Community trusts that you share the responsibility of ensuring the welfare and security of all residents of our city.

The Community, as evidenced by the enclosed petition, urges you to consider alternative locations and solutions that more holistically address all residents of this City, such that support can be provided without compromising the safety and tranquility of surrounding neighbourhoods. Moreover, the Council and its subsidiaries are encouraged to engage with a multitude of community stakeholders, including residents and local businesses, to identify solutions that are mutually beneficial and address the root causes of homelessness in a compassionate and effective manner.

The Community respectfully requests that you reject the proposed re-zoning application for the establishment of a homeless ‘Hub’ at the Property. Let us work together to find alternative solutions that uphold the dignity and rights of all individuals while maintaining the integrity of our neighbourhoods.

Thank you for your time and consideration.

Yours very truly,



Brandon A. Roach
On behalf of the Wellington/Southdale Community.
Encls.

ⁱ Zelinka Priamo Ltd., “Planning Justification Letter” [03/14/2024], *Olde School Professional Properties Inc.*, p. 1 of 11. [*Zelinka Letter*].

-
- ⁱⁱ Saving Lives, Alleviating Suffering & Building a Healthy, Strong & Safe Community for All, “London’s Health & Homelessness Response: Proposed Hubs Implementation Plan”, *Schedule 1*, p. 48 of 70 / p. 41 of 63 PDF, https://ehq-production-canada.s3.ca-central-1.amazonaws.com/ebf256bc17d535b7aef469f4f74c94d79d3cf553/original/1690399917/30070cce402496988c5acf06fc119bfc_Hubs_Implementation_Plan_GetInvolved.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNOAKIOR7VAOP4%2F20240417%2Fca-central-1%2Fs3%2Faws4_request&X-Amz-Date=20240417T143119Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=0e45c4c2661f95716088459a1e2dd8a14c4446320e0ee3fe4e6762b0748f36fb
- ⁱⁱⁱ City-Data, “Sir George Etienne Cartier Public School in London, Ontario”, <https://www.city-data.com/school/sir-george-etienne-cartier-public-school-on.html>.
- ^{iv} City-Data, “Cleardale Public School in London, Ontario” <https://www.city-data.com/school/cleardale-public-school-on.html>.
- ^v City-Data, “Nicholas Wilson Public School in London, Ontario”, <https://www.city-data.com/school/nicholas-wilson-public-school-on.html>.
- ^{vi} Ministry of Education, Ontario, “Elementary School Profile, Rick Hansen Public School”, https://www.app.edu.gov.on.ca/eng/sift/schoolProfile.asp?SCH_NUMBER=481017.
- ^{vii} Sir Arthur Carty Catholic School, “About Us”, retrieved [04/16/2024], https://crt.lcdsb.ca/apps/pages/index.jsp?uREC_ID=1077839&type=d&pREC_ID=1360670.
- ^{viii} City-Data, “St. Francis Catholic School in London, Ontario” <https://www.city-data.com/school/st-francis-school-1-on.html>.
- ^{ix} Ashley Oaks Public School, “About US – General School Description”, retrieved [04/16/2024], <https://ashleyoaks.tvdsb.ca/en/our-school/about-us.aspx>.
- ^x Wilton Grove Public School, “About Us”, <https://wiltongrove.tvdsb.ca/en/our-school/about-us.aspx>.
- ^{xi} White Oaks Public School, “About Us”, <https://whiteoaks.tvdsb.ca/en/our-school/about-us.aspx#:~:text=White%20Oaks%20enrolment%20is%20currently%20at%201089%20FTE>.
- ^{xii} See, for example, Catherine Hawes, “Elder Abuse in Residential Long-Term Care Settings: What is Known and What Information is Needed?” [2003] *The National Academies: National Institutes of Health*, <https://www.ncbi.nlm.nih.gov/books/NBK98786/>, in which Dr. Hawes rightly indicates that the vulnerability of those in Long-Term Care stems from the fact that “most suffer from several chronic diseases that lead to limitations in physical and cognitive functioning and are dependent on others.” P. 446 / P. 462 PDF.
- ^{xiii} See for example, Laura Neilson Bonikowsky, “Long-Term Care in Crisis”, [2020] *Sage: National Association of Federal Retirees*, Vol: 28, p. 22 of 48.
- ^{xiv} The Implementation Plan, *supra* note ii, p. 27-28 of 70 / p. 20-21 of 63 PDF.
- ^{xv} *Ibid*, p. 40 of 70 / p. 33 of 63 PDF.
- ^{xvi} Spencer Van Dyk, “Federal government grants B.C.’s request to recriminalize hard drugs in public spaces” [05/07/2024] *CTV News*, <https://www.ctvnews.ca/politics/federal-government-grants-b-c-s-request-to-recriminalize-hard-drugs-in-public-spaces-1.6876913>.
- ^{xvii} Sara-Laure Faraji, Greg Ridgeway & Yuhao Wu, “Effects of emergency winter homeless shelters on property crime” [01/11/2018] *Journal of Experimental Criminology*, Vol. 14, p. 129.
- ^{xviii} Keenan Sorokan, “‘We can do this better’: Downtown business owners meet with province about shelter services” [08/17/2022] *CTV News Saskatoon*, <https://saskatoon.ctvnews.ca/we-can-do-this-better-downtown-business-owners-meet-with-province-about-shelter-services-1.6031361>.
- ^{xix} Joe Fries, “Homeless shelter hard on nearby businesses” [05/31/2021] *Penticton Herald*, https://www.pentictonherald.ca/news/article_be364f94-c240-11eb-b4ff-b3646c5c73d0.html.
- ^{xx} Care Facilitator at London InterCommunity Health Centre and a “hubs” plan co-ordinator.
- ^{xxi} Director of Municipal Housing Development – City Hall.
- ^{xxii} Randy Richmond, “No, another homeless hub isn’t planned for Wellington Road: City officials”, [04/07/2024], *The London Free Press*, <https://lfpres.com/news/local-news/no-another-homeless-hub-isnt-planned-for-wellington-road-city-officials>.
- ^{xxiii} *Zelinka Letter*, *supra* note i.
- ^{xxiv} Daryl Newcombe, “City praises owner of former radio station for seeking to rezone it for a homeless hub – urges others to follow” [04/10/2024] *CTV News London*, <https://london.ctvnews.ca/city-praises-owner-of-former-radio-station-for-seeking-to-rezone-it-for-a-homeless-hub-urges-others-to-follow-1.6840743>.