

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE GIBSON

THURSDAY, THE 6TH DAY OF
MARCH, 2025

BETWEEN:

THE CORPORATION OF THE CITY OF WATERLOO

Applicant

–and–

PERSONS UNKNOWN

Respondents

ORDER

THIS MOTION, made by The Corporation of the City of Waterloo without notice, was heard this day at the Waterloo Region Courthouse, 85 Frederick Street, Kitchener, Ontario.

ON READING the materials filed, and on hearing the submissions of the Applicant,

1. **THIS COURT ORDERS** that the time for service, filing, and confirmation of the Notice of Motion, Motion Record, and motion materials is hereby abridged *nunc pro tunc*, so that this motion is properly returnable today.
2. **THIS COURT ORDERS** that an interlocutory statutory injunction, and an interlocutory *quia timet* injunction, is granted pursuant to section 440 of the *Municipal Act*, Rules 37, 40.01 and 40.02 of the *Rules of Civil Procedure*, and section 101 of the *Courts of Justice Act*.
3. **THIS COURT ORDERS** that all persons are hereby restrained and enjoined from directly or indirectly, by any means whatsoever:
 - a. breaching section 2.1 of the City of Waterloo’s By-law No. 2011-125, Being a Bylaw to Prohibit or Regulate Public Nuisances within the City of Waterloo (the “By-law”); and
 - b. attending and/or participating in a “Nuisance Party,” as that term is defined in the By-law,

within the confines of the zone outlined in the map attached to this Order as “Appendix A”, further described as the geographic area contained within the following boundary, inclusive of the streets listed:

Beginning at the intersection of Weber Street North and Bridgeport Road East, and following Bridgeport Road East in a westerly direction until it intersects with King Street North, then following King Street North in a southerly direction until it intersects with Erb Street West, then following Erb Street West in a westerly direction until it intersects with Father David Bauer Drive, then following Father David Bauer Drive in a westerly direction until it intersects with Westmount Road North, then following Westmount Road in a northerly direction until it intersects University Avenue West, then following University Avenue West in a northerly direction until it intersects with Phillip Street, then following Phillip Street in a northerly direction until it intersects with Columbia Street West, then following Columbia Street West in an easterly direction until it intersects with Albert Street, then following Albert Street in a northerly direction until it intersects with Cardill Crescent, then following the east-west portion of Cardill Crescent in an easterly direction and over private property until it intersects with Hazel Street, then following Hazel Street in a northerly direction until it intersects with Tamarack Drive, then following Tamarack Drive in a southerly direction until it intersects with Austin Drive, then following Austin Drive in an easterly direction until it intersects with High Street, then following High Street in a southerly direction until it intersects with Holly Street, then following Holly Street in a southerly direction until it intersects with Columbia Street West, then following Columbia Street West in an easterly direction until it intersects with Weber Street North, and then following Weber Street North in a southerly direction until returning to the intersection of Weber Street North and Bridgeport Road East.

4. **THIS COURT ORDERS** that this Order be directed to the Sheriff for the Regional Municipality of Waterloo for enforcement.

5. **THIS COURT AUTHORIZES** the Waterloo Regional Police Service (“WRPS”) to assist the Sheriff in the enforcement of this Order and authorizes the WRPS to arrest and remove any person who has knowledge of this Order and who the WRPS have reasonable and probable grounds to believe is contravening or has contravened any provision of this Order. The WRPS shall have the discretion:

- a. as to the timing and manner of enforcement of this Order, and specifically retain discretion as to the timing and manner of arrest and removal of any person pursuant to this Order;
- b. to detain and release any person without arrest who the WRPS have reasonable and probable grounds to believe is contravening, or has contravened, any provision of this Order, upon that person agreeing to abide by this Order; and
- c. to lay any charges or take any other lawful action.

6. **THIS COURT ORDERS** that notice of this Order shall be given by The Corporation of the City of Waterloo issuing a digital press release with a link to the Order. Additional notice of this Order may be given by:

- a. creation of a URL on the City of Waterloo website whereby this Order can be viewed and downloaded;
- b. posting copies of this Order in or around the zones outlined in the maps attached to this Order as “Appendix A”;

- c. having a copy of the Order distributed internally by Wilfrid Laurier University, University of Waterloo, and Conestoga College via e-mail to its students and staff, and/or by posting a copy of the Order on their websites;
- d. reading the Order to any person, including but not limited to reading the Order over an amplification system; and
- e. any other manner deemed appropriate by The Corporation of the City of Waterloo, the Sheriff for the Regional Municipality of Waterloo, or the WRPS.

7. **THIS COURT ORDERS** that this Order shall not apply to persons acting in the course of or in the exercise of a statutory duty, power, or authority.

8. **THIS COURT ORDERS** that a party wishing to set this Order aside may bring a motion to do so with at least 24 (twenty-four) hours' notice to The Corporation of the City of Waterloo and the Court.

9. **THIS COURT ORDERS** that the terms of this Order shall remain in force from Friday, March 14, 2025 at 12:00 AM until varied, or until Monday, March 17th, 2025 at 11:59 PM, whichever occurs first.



Justice M.R. Gibson

Date of issuance
(to be completed by registrar)

(Signature of judge, officer or registrar)

Appendix "A"

