

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR.
JUSTICE A. J. GOODMAN

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THURSDAY, THE 3RD DAY
OF OCTOBER, 2024

BETWEEN:



CITY OF HAMILTON

Applicant

- and -

PERSONS UNKNOWN

Respondents

ORDER

THIS MOTION, made by the City of Hamilton without notice, was heard this day at the John Sopinka Courthouse, 45 Main Street East, Hamilton, Ontario.

ON HEARING the submissions of the Applicant, and reading the materials filed,

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*, Rule 40.01 of the *Rules of Civil Procedure*, and section 101 of the *Courts of Justice Act*.

3. **THIS COURT ORDERS** that that all persons are hereby restrained and enjoined from directly or indirectly, by any means whatsoever:

- a. breaching the City of Hamilton By-law No. 22-235, Being a By-law to Regulate Nuisance Parties in the City of Hamilton (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 zones outlined in the maps attached to this Order as "Appendix A".

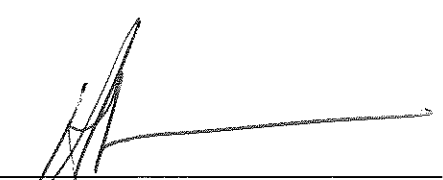
4. **THIS COURT ORDERS** that this Order be directed to the Sheriff for the City of Hamilton for enforcement.

5. **THIS COURT AUTHORIZES** the Hamilton Police Service ("HPS") to assist the Sheriff in the enforcement of this Order and authorizes the HPS to arrest and remove any person who has knowledge of this Order and who the HPS have reasonable and probable grounds to believe is contravening or has contravened any provision of this Order. The HPS shall retain 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 HPS 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 City of Hamilton 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 Hamilton 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 McMaster University via e-mail to its students and staff, and/or by posting a copy of the Order on its website;
 - 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 City of Hamilton, the Sheriff for the City of Hamilton, or the HPS.
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 hours' notice to the City of Hamilton and the Court.
9. **THIS COURT ORDERS** that the terms of this Order shall remain in force until varied, or until Monday, October 7th, 2024, at 11:59 PM, whichever occurs first.



(Signature of Judge)

Issued and entered electronically by

Local Registrar
45 Main St East
Hamilton, ON
L8N 2B7

Appendix "A"



CITY OF HAMILTON
Applicant

-and-

PERSONS UNKNOWN
Respondents

Court File No. CV-24-00087165-0000

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
HAMILTON

ORDER

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