

Warden and Northumberland County Councillors,
c/o County Clerk
Northumberland County Headquarters
555 Courthouse Road
Cobourg, ON K9A 5J6

December 5, 2025

Dear Council,

Thank you again for allowing me to speak at the Social Services Committee.¹ I was struck by Chance Brown's delegation immediately after mine, in two ways: first, I know Chance just well enough to be able to say that he did not look well at all; and second, that his request was very simple, "just let me sleep."

I've begun to do some research into that request. Our warming room has a policy of not allowing users to sleep, and so far as I've been able to find, it is the only warming room anywhere with such a policy. Councillor Cleveland became quite passionate when it was suggested that it was Cobourg's Emergency Care Establishment by-law that prompted this policy; he insists that it is the provincial Fire Code, and that any claim otherwise is misinformation. But while the ECE violation that was issued against the warming hub at 310 Division Street earlier this year (April 10th) referenced a Fire Code violation due to people sleeping in a room not designated for sleep, no Fire Marshal weighed in on that alleged violation; the County requested that Cobourg's Fire Marshal do so, and they declined, as they had not issued the ticket. By-Law declined the County's request for a review, so the County sought a judicial review. Ultimately, the judicial review was withdrawn, and the subsequent press release indicated that "County Council has no interest in prolonged and expensive public disputes, and will therefore pursue no further legal action pertaining to this order. As from the beginning, the County remains fully committed to working with the Town of Cobourg to ensure 310 Division Street continues to operate in a manner that meets the highest standards of safety and care. While we may not always agree on interpretation of the ECE By-law for this purpose, we share a commitment to the health, safety, and well-being of all residents, and strengthening our community."

¹ Recording available at <https://pub-northumberland.escribemeetings.com/Meeting.aspx?Id=5061db7e-e12b-4ff1-9ed4-77f9361d08c9&Agenda=Agenda&lang=English>

The magnanimous and constructive approach the County chose to pursue was and is morally laudable, but the outcomes we've seen since are not. In deciding not to pursue legal conflict with the Town of Cobourg, County Council has subsequently changed the model of the shelter to one that is "higher barrier", requiring sobriety for admission and removing the warming hub altogether. The Town of Cobourg refused to issue another ECE license for any other warming hub located in Cobourg unless it was on County property, and even once it was established in Committee Room A at 555 Courthouse Road, it was with the rule that nobody using the warming hub would be allowed to sleep. The comfortable committee chairs that I enjoy when I attend meetings in Committee Room A are wheeled out each evening and replaced with hard plastic chairs; and when people succumb to exhaustion anyway, the on-duty security guards are required to prod them awake again or remove them from the premises. This is done to avoid another ECE by-law complaint, and the possibility of losing yet another warming room.

I've been trying to determine if this is a matter of interpretation of the Fire Code, or a matter of selective enforcement of the Fire Code, because I cannot find any other jurisdiction that enforces the Fire Code on warming rooms or shelter operations in this way. Logically, I lean toward it being a matter of interpretation: though Councillor Cleveland maintains that allowing people to sleep in a staffed and monitored facility that was not built for sleeping would be unsafe, I find it hard to believe that every other warming room in the country is simply looking the other way. While residents of Cobourg in favour of the ECE by-law often refer to Durham for their model of shelter services, it is worth noting that the new warming hub in Ajax is being called a "sleep space."² I have asked around, and fire professionals from other jurisdictions refuse to comment on matters outside their own jurisdiction; fair enough. But Cobourg's Fire Marshal has also not commented, as they did not issue the April ticket, so I cannot find *any* Fire Marshal willing to agree with Councillor Cleveland's claim that the ECE by-law is merely enforcing the Fire Code. Perhaps it is, but we're being asked to take his word for it without the support of any actual Fire Code experts or professionals. With the withdrawal of the judicial review, no legal experts have settled the matter either. But it is a very serious matter, and I have heard that Human Rights complaints have been filed on the basis of the warming room's policy being, in effect, enforced sleep deprivation.

² https://www.durhamregion.com/news/not-officially-a-shelter-durham-region-plans-to-open-a-crisis-care-centre-in-downtown/article_5d9478d7-c222-5b71-ac84-307f0a5ec72c.html, accessed December 5 2025.

If you google “sleep deprivation in international law,” the first few hits are for a paper aptly titled “[Sleep Is a Human Right, and Its Deprivation Is Torture](#).”³ The paper explores case law from various jurisdictions around the world in which sleep deprivation has been ruled as torture or cruel and unusual punishment. While the authors note that the effects of sleep deprivation can vary greatly from one person to another, “poor sleep hygiene is associated with cardiovascular disease, inattention, learning difficulties, mental health disorders, and numerous other medical problems in adults and children.” Notably, sleep deprivation was one of the methods of torture used at Guantanamo Bay against Omar Khadr.⁴

I searched for the effects of sleep deprivation, and while the flood of hits made finding good sources challenging, Wikipedia has a [well-referenced page](#)⁵ that points out, among many other things, that:

- just 21 hours of sleeplessness creates effects in the body comparable to a .08% blood alcohol level;
- sleep deprivation can cause mental health disorders such as depression, and depression can in turn cause chronic insomnia;
- sleep deprivation can reduce someone’s ability to fall asleep - which is to say, depriving someone of sleep now will deprive them of more sleep later;
- sleep quality is directly related to immunity levels, and sleep deprivation reduces the body’s ability to heal;
- sleep deprivation is related to massively increased risk of cardiovascular disease and type-2 diabetes;
- in extreme cases, sleep deprivation can lead to hallucinations, memory loss and confusion, seizures, mania, psychosis, and violent behaviour.

I respect Councillor Cleveland’s dedication to upholding the safety of the users of the warming hub, and of the community more broadly. But the current policy of the warming room, which *is* in place specifically to avoid having its ECE license revoked, is putting the most vulnerable residents in our community not just at risk of harm, but in direct harm. Its effects on their bodies and minds are in some ways equivalent to the drugs these residents are required to

³ Caitlyn Tabor, JD, MBE and Katherine R. Peeler, MD, MA, “Sleep Is a Human Right, and Its Deprivation Is Torture”, *AMA Journal of Ethics*, October 2024. <https://journalofethics.ama-assn.org/article/sleep-human-right-and-its-deprivation-torture/2024-10>, accessed December 5 2025.

⁴ <https://macleans.ca/politics/ottawa/yes-sleep-deprivation-is-torture/>, accessed December 5 2025.

⁵ https://en.wikipedia.org/wiki/Sleep_deprivation, accessed December 5 2025.

abstain from if they are to have access to a bed at the emergency shelter. In the name of doing good, we are doing lasting harm.

On that basis, I urge County Council to call an emergency meeting and use whatever powers it has to change this policy. If it is possible to comply with the ECE by-law through a zoning change or declaration of emergency that removes the question of Fire Code compliance, I urge you to do so immediately. But please do not wait for Cobourg's go-ahead to stop this harm. The desire to prevent discord between the County and Cobourg must not trump the rights and health of our residents, and it is preferable to violate a by-law than to violate human rights. We are well over the line of actively perpetrating harm against our own residents because of this policy. Please act immediately.

Sincerely,

Jeff Wheeldon