



## City Will Appeal BC Supreme Court Decision

Date: Thursday, October 16, 2008

For Immediate Release

VICTORIA, BC — City Council has decided to appeal Tuesday's Supreme Court of British Columbia's ruling that the City cannot prohibit the erection of temporary shelter in City parks and public spaces.

"This issue is not about the right to camp or the right to sleep in parks; it's about one's right to shelter. And no one will argue that everyone should have a roof over their head," said Acting Mayor Dean Fortin. "But the answer to not having enough shelter beds and supported housing is not opening up our parks and public spaces for camping."

In addition to passing a motion to appeal the ruling, City Council also passed a bylaw enforcement policy outlining how the City of Victoria will administer and enforce the *Parks Regulation Bylaw* and the *Streets and Traffic Bylaw* in a manner that is consistent with the Supreme Court decision.

Noting instances of camping in a children's playground and in areas of sensitive ecosystems in the first 48 hours since the judgment was made, Acting Mayor Fortin added, "Our primary objective is to ensure our parks are safe and people living in our parks introduce new hazards that we cannot control. This new policy is an interim measure to regulate the use of temporary shelters in public spaces and gives our Police tools to enforce the Parks bylaw."

A meeting has been scheduled between the City of Victoria and BC Housing officials for Tuesday, October 21. The City of Victoria will be looking to the Federation of Canadian Municipalities and the Union of BC Municipalities for support in the appeal process.

The appeal process is expected to take approximately one year.

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Attached: Bylaw Enforcement Policy for Erecting Temporary Shelter in Public Spaces

### For More Information:

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## **Bylaw Enforcement Policy** **Erecting Temporary Shelters in Public Spaces**

The Supreme Court of British Columbia has ruled that certain provisions in the City's *Parks Regulation Bylaw* and *Streets and Traffic Bylaw* that prohibit homeless people from erecting temporary shelters in Parks and other public places violates section 7 of the Charter of Rights. The ruling takes issue with the extent to which the bylaw prohibits the erection of temporary overhead protection when there are not enough shelter beds available to the homeless. The purpose of this policy is to outline how the City will administer and enforce the *Parks Regulation Bylaw* and the *Streets and Traffic Bylaw* in a manner that is consistent with the Supreme Court decision.

### **Policy Statements**

- This policy shall be in effect at all times when the number of homeless persons in Victoria exceeds the number of available shelter beds.
- The erection and overnight use of Temporary Overhead Protection in Public Spaces is restricted to Homeless Persons.
- When this policy is in effect, homeless persons will be permitted to erect Temporary Overhead Protection in Public Spaces between the hours of 9:00pm of one day and 7:00am of the following day.
- Permanent camps or tent cities are not permitted in any Public Spaces.
- Temporary Overhead Protection may be erected and used only between the hours of 9:00pm of one day and 7:00 am of the following day. All such temporary structures must be removed by 7:00am along with any associated chattels.
- City Staff will remove temporary shelters remaining in Public Spaces after 7:00am in accordance with standard City enforcement policy.
- Temporary Overhead Protection may only be erected and used in Public Spaces.
- Erecting temporary shelters on Streets, Sidewalks and Boulevards is prohibited.
- Cooking, campfires and fire pits are prohibited.
- Persons who erect and use Temporary Overhead Protection as permitted by this policy must comply with all other provisions of the *Parks Regulation Bylaw*.

## **Enforcement Policy**

- The City may remove Temporary Overhead Protection remaining in a Public Space after 7:00am in accordance with standard City enforcement policy.
- Homeless Persons who erect or use Temporary Overhead Protection in a location other than a Public Space will be requested to move to a Public Space where such activities are permitted by this policy.
- If permanent camps and/or tent cities are erected or established those persons occupying the encampment will be requested to dismantle the camps and move on. Where the occupants of an encampment refuse to comply, the City may take all appropriate enforcement action.
- The City may enforce all other provisions of the City's *Park Regulation Bylaw* and the *Streets and Traffic Bylaw* that are not impacted by the BC Supreme Court ruling.

## **Definitions**

- "Temporary Overhead Protection" is defined to be a tent, overhead tarp or other temporary means of shelter that may be readily assembled and dismantled.
- "Public Spaces" are defined to be grassy areas in City Parks or unoccupied City lands that are not environmentally sensitive and are not already designated for a particular use (i.e. soccer fields, playgrounds, cricket pitches, lawn bowling, etc.).