

Thursday, February 24, 2022 | For Immediate Release

Court Advises Beacon Hill Park Trust Prohibits Sheltering in the Park

VICTORIA, BC — In response to a question posed by the City of Victoria as trustee, the Supreme Court of B.C. has advised that sheltering in Beacon Hill Park by people experiencing homelessness is not consistent with the terms of the trust under which the City holds the park.

The City asked the Court for its opinion, advice, and direction on whether Beacon Hill Park, held by the City in trust, can be used by people experiencing homelessness for temporary sheltering.

In its ruling issued today, Mr. Justice Punnett said that the terms of the trust prohibit sheltering in Beacon Hill Park. In doing so, the Court made it clear that it is providing advice to the City but made no orders on any action that the City must take. It is for the City, as the trustee, to decide what, if any, action is required in light of the court's decision.

"We are grateful to the court for its opinion and advice to clarify this question and the nature of the trust for the City and the community," said Mayor Lisa Helps. "Today's ruling brings clarity on how this deeply valued park can be used by the public and how it should be managed and operated by the City. It is important for the City to have a definitive answer to this question once and for all."

"Sheltering in parks is not a solution to homelessness and we are working closely with the Province and our partners to achieve functional zero homelessness in the Capital Region," said Helps.

The City is reviewing the Court decision and it is not expected to have any immediate effect on Beacon Hill Park because in 2021 Council amended the Parks Regulation Bylaw to prohibit all sheltering in the park.

Beacon Hill Park is held in trust by the City under an 1882 Crown grant by the Province.

The City filed the petition under the Trustee Act in March 2021 asking the court to clarify how it should manage and operate the park. In its decision, the Court noted that it was making no ruling on the validity of any City action or bylaw but merely providing advice to the City as trustee.

People and organizations with an interest in the issue participated in the proceedings.

For more information on sheltering in parks, visit victoria.ca/sheltering.

For More Information:

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