



SPECIAL BOARD MEETING MEETING MINUTES

JULY 13, 2020
JULY 14, 2020 (Reconvened)

A Special Park Board meeting was held on Monday, July 13, at 6:01 pm, at the Park Board Office and via videoconference. The Special Park Board meeting was reconvened on Tuesday, July 14, 2020 at 6:27 pm.

PRESENT:	Commissioner Tricia Barker Commissioner John Coupar Commissioner Dave Demers, Vice-Chair Commissioner Camil Dumont, Chair Commissioner Gwen Giesbrecht Commissioner John Irwin Commissioner Stuart Mackinnon
GENERAL MANAGER'S OFFICE:	Shauna Wilton, Acting General Manager Steve Jackson, Acting Deputy General Manager Cheryl Chan, Manager, Executive Office and Board Relations Carol Lee, Meeting Clerk Jessica Kulchyski, Meeting Assistant

ACKNOWLEDGEMENT

The Chair acknowledged that the meeting is taking place on the traditional territory of the Musqueam, Squamish and Tsleil-Waututh First Nations. The meeting is being held on the land respectfully and with honour to each other, the land and the communities that the Commissioners serve. The Chair invited Commissioners to join him in committing to actions of reconciliation in their deliberations and decisions.

1. Parks Control By-law Updates – Temporary Shelter in Parks

The Chair reviewed the protocol for registered speakers to participate in the virtual meeting.

Shauna Wilton, Acting General Manager, Park Board, led the review of a presentation on the proposed amendments to the Parks Control By-law to allow temporary shelter in parks and highlighted:

- The current Parks Control By-law regarding overnight sheltering in parks is unconstitutional and is not being enforced by Park Rangers
- Several BC municipalities have updated their by-laws to allow for temporary overnight shelter in parks:
 - The proposed amendments to the Parks Control By-law are consistent with the updated municipal by-laws
- The rationale for the proposed changes
- New definitions of homelessness, natural areas and temporary shelter are being introduced to the Parks Control By-law
- Recommended amendment to Sections 3(b), 10 and 11 of the Parks Control By-law

- Factors considered in the identification of areas where temporary shelters will not be permitted
- Factors considered in the determination of the time that temporary shelters would be permitted to be in parks
- Criteria for temporary shelters that are permitted
- Next steps.

Ms. Wilton, along with Amit Gandha, Acting Director of Parks, Park Board, responded to questions from the Board. There was discussion on:

- The rationale for allowing temporary shelters to be erected at dusk rather than at 8:00 pm, similar to the City of Victoria's by-law
- Request for confirmation that the Dr. Sun Yat-sen Classical Chinese Garden would be included in the definition of "public monument" where temporary shelters would not be permitted
- Circumstances where the General Manager could grant an exception to the proposed amendment to Section 11
- The specific length of time that a temporary shelter would be considered as being left unattended has not yet been defined
- The rationale for the Port of Vancouver being granted an injunction on their lands, given that it was subsequent to the precedent set by the Abbotsford case
- Suggestion that skateparks be included in the definition of "playground" where temporary shelters would not be permitted
- Confirmation that there are no proposed amendments to Section 4(a) of the Parks Control By-law
- Concern that the approximate 2,000 homeless people will have access to 26% of the parks, while the remaining population of the City of Vancouver (City) would have unimpeded access to 74% of parks:
 - Confirmation that the homeless population would only have access to the 26% of the park areas between dusk and dawn
- Suggestion to request assistance from the City to implement the amendments to the Parks Control By-law
- Whether the public could expect changes to the Strathcona Park encampment as a result of the Parks Control By-law update
- Whether the Province has indicated if it will take action on the Strathcona Park encampment
- Confirmation that operational staff was consulted on the proposed amendments
- The current complement of Park Rangers:
 - Request for information on the number of full time equivalents (FTEs) of Park Ranger staff
- Suggestion to include dialogue with the Elders of the Musqueam, Squamish, Tsleil-Waututh and urban Indigenous peoples as part of the next steps in the implementation of the updated Parks Control By-law.

The Board was advised that from July 6, 2020 to 3:00 pm on July 13, 2020, the General Manager’s Office received the following correspondence:

Topic	Oppose	Neutral	Support	Total
Parks Control By-law Updates – Temporary Shelter in Parks	57		3	60
Correspondence Related to the Topic				
Not a Park Board issue (Provincial/Federal Government issue)		6		6
Opposed to shelter in all parks – Prefer dedicated sites		3		3
E-mail campaign – Opposed to overnight only, site restrictions and “homelessness” definition	142			142
E-mail campaign – Opposed to camping in parks	40			40
Total	239	9	3	251

All correspondence has been sent directly to Commissioners.

Recess

The meeting recessed at 6:47 pm and reconvened at 7:07 pm.

The Board heard from 24 speakers, of which nine spoke in support and 15 spoke in opposition to the staff recommendation. The speakers provided the following comments and sentiments and responded to questions from the Board:

- Request that the Park Board immediately address the disadvantages with respect to park areas and community facilities in the Strathcona area
- Displacing homeless people daily is cruel
- Suggestion to request the Province lease hotel rooms for two years to house the homeless while permanent social housing is being constructed
- The task of managing the Strathcona Park encampment is beyond the Park Board’s mandate and resources
- Public parks cannot be used as a solution to the broader issue of homelessness
- Concern with the decline in public safety as a result of the crime that is attracted to encampments and the behaviour of campers
- Suggestion that the Park Board cede jurisdiction of Strathcona Park immediately to the City or the Province to address the homelessness issue
- The need for the provincial and federal governments to address homelessness
- The need to respect the constitutional rights of all residents of Vancouver
- The need for safe and equitable access to parks by all user groups
- The negative impact of encampments on residents and businesses
- The need to consider the health and safety of all residents of the Strathcona area
- Concern regarding the unintended consequences of requiring the Strathcona Park campers to leave the encampment daily
- The need to support the most vulnerable population in Vancouver by providing them with a safe and secure space to reside in Strathcona Park

- Recommendation that the proposed Parks Control By-law amendment be paused during the COVID-19 pandemic and until there is meaningful consultation with stakeholder groups
- Damage has been inflicted on Stanley Park by homeless encampments
- The need to provide tools to Park Rangers to remove encampments from environmentally sensitive areas, particularly in Stanley Park
- The need to include additional areas where temporary shelters would not be permitted in the Parks Control By-law
- The Parks Control By-law amendment will be unenforceable
- Suggestion to restrict overnight camping in parks in densely populated urban areas

Recess

The meeting recessed at 8:51 pm and reconvened at 9:07 pm.

- Disappointment that Park Board staff have indicated that quick action will not be taken to remove the Strathcona Park encampment
- The Strathcona Park encampment punishes the precariously housed, children and families in the area
- Concern that the experience of Oppenheimer Park will be replicated in Yaletown parks if overnight camping is permitted
- Suggested amendments:
 - Increase the width of the buffer zone identified in Section 11B (a) i around playgrounds and schools to protect children
 - Strengthen the definition of “in, on or within” in Section 11B (a) ii
 - Clarify the definition of “dusk” in Section 11B (b)
 - Delete the ability for the General Manager to allow exceptions to Section 11
 - Include the sale of stolen goods, business and commercial activities, alcohol and open drug use, smoking, defecation and urination, sexual acts and littering in the list of prohibited activities in Section 11(B) h
 - Clarify the definition of “homelessness” to allow Park Rangers to effectively enforce the Parks Control By-law
 - Include residences, businesses and places of religion in Section 11B (a) i
- The requirement for daily displacement further impinges upon the Charter rights of the homeless
- Suggestion to recognize the homeless as internally displaced persons
- The Park Board does not have the financial resources to support the initiative of solving the homelessness issue
- Suggestion that the Park Board consider donating a community centre or other Park Board asset to create housing for people who are experiencing homelessness
- Concern that the amendments to the Parks Control By-law will result in entrenched opposition to the potential creation of supported urban campgrounds or a tiny house village, which may be viable solutions to homelessness.

Recess

The meeting was recessed at 9:54 p.m.

Meeting Reconvened

The Chair reconvened the Special meeting of the Vancouver Board of Parks and Recreation on Tuesday, July 14, 2020 at 6:27 pm.

ACKNOWLEDGEMENT

The Chair acknowledged that the meeting is taking place on the traditional territory of the Musqueam, Squamish and Tsleil-Waututh First Nations. The meeting is being held on the land respectfully and with honour to each other, the land and the communities that the Commissioners serve. The Chair invited Commissioners to join him in committing to actions of reconciliation in their deliberations and decisions.

1. Parks Control By-law Updates – Temporary Shelter in Parks (Continued)

The Chair reviewed the protocol for registered speakers to participate in the virtual meeting.

The Board heard from 30 speakers, of which three spoke in support, 26 spoke in opposition and one who was neutral to the staff recommendation. The speakers provided the following comments and sentiments and responded to questions from the Board:

- The proposed Parks Control By-law amendments need to do more to address the needs of the homeless population
- Suggestion that the Park Board work with the City to develop a government sanctioned camp to return access to parks to residents
- Suggestion to include daycares in the list of facilities around which a barrier zone is to be provided
- Suggestion to investigate the tent city models used in Portland, Seattle and Hawaii
- Suggestion that the Park Board simply state that parks cannot be used as a solution to homelessness and call on other levels of government to take action on homelessness in the City
- The need to augment the resources available to Park Rangers to monitor and enforce the Parks Control By-law amendments before proceeding
- The decision will define the role of the Commissioners to protect unceded lands and its stewardship
- The need to protect the health of the most vulnerable population from the spread of COVID-19 by allowing individuals to stay in the Strathcona encampment to maintain the connection with public health care providers
- The amended Parks Control By-law is the only way available to regulate the Strathcona Park encampment
- Suggestion to defer the Parks Control By-law amendment until there is consultation undertaken with those who have lived experiences in homelessness and to implement an interim policy of non-displacement
- Displacement is an unacceptable approach to homelessness and leads to isolation and depression
- The need to uphold the rights of Indigenous peoples who are over-represented in the homeless population
- The Parks Control By-law amendment is contrary to the Park Board's declared intention to address reconciliation and decolonization

- Suggestion that the Park Board join the voices calling to defund the Vancouver Police Department (VPD) and to reallocate the funds to address social issues
- Concern that those who currently camp in the Mount Pleasant neighbourhood will be displaced
- Vancouver is experiencing a triple public health crisis of COVID-19, opioid overdose and homelessness
- Suggestion to follow the recommendation of Dr. Bonnie Henry, BC Public Health Officer, to allow people to shelter in place in encampments during the COVID-19 pandemic
- The increase health and safety risks faced by those who are experiencing homelessness
- The prohibition against sheltering during daylight hours is a violation of an individual's constitutional rights
- Suggestion to change the speaker registration process to prioritize those with lived experience in homelessness
- Forcing people to move daily is a violation of an individual's constitutional rights
- The area where temporary shelters will be permitted is 5% of the area of downtown parks
- Permitting temporary shelters in all parks will negatively impact the entire City

Recess

The meeting recessed at 7:53 pm. and reconvened at 8:09 pm.

- Many of the proposed amendments are impractical for those living in tents and does not recognize the fact that a tent is the home of those who are otherwise homeless
- Homeless people should be considered experts on their own survival and should be consulted on any amendment to the Parks Control By-law
- The number of calls to the VPD is not a valid indicator of the crime rate
- The Park Board has no jurisdiction to control lands in the unceded and traditional territory of the Musqueam, Squamish and Tsleil-Waututh First Nations
- Suggestion to develop an advisory board with representation from those who are currently, or were, homeless to ensure the effectiveness of community plans developed to address the needs of homeless people
- The mandate of the Park Board is to protect the parks for the enjoyment of all people, not homelessness or Indigenous issues
- The Park Board does not have the human or financial resources to clean the parks after the temporary shelters are removed each day and to enforce the Parks Control By-law
- The comfort of privileged housed people cannot be prioritized over the safety of individuals who are homeless
- The trauma created by continuous displacement
- Homeless people will lose the potential to better their lives if they are displaced on a daily basis
- The ongoing process of colonial displacement is at the root of the homelessness issue
- The statement that the Park Board is required to permit temporary shelters in parks to comply with the Canadian Charter of Rights and Freedoms is fallacious
- Request that community gardens be included in Section 11B.(a) ii
- Suggestion to provide a permanent solution for recreational vehicles and camper vans that are used as homes

- The intention of the Strathcona Park campers to replace the grass in the running oval with native Indigenous plants and plants for food and to use the fieldhouse to prepare food
- Request that the Park Board reframe the homelessness problem as a housing crisis

Extension of Meeting

MOVED by Commissioner Demers
SECONDED by Commissioner Dumont

THAT the Park Board extends the meeting beyond 10:00 pm.

CARRIED

In favour: Barker, Coupar, Demers, Dumont, Giesbrecht
Opposed: Irwin, Mackinnon

Recess

The meeting recessed at 9:43 pm. and reconvened at 10:01 pm.

- Suggestion to require the General Manager to immediately designate an area for a stable 24/7 encampment while the homelessness issue is being resolved
- Homeless people only have access to a tiny portion of public land on which to conduct their daily survival activities
- This is an opportunity for the City to work toward justice and human rights issues rampant in society
- The debate over how the parks should be used goes against the public nature of parks
- The use of parks for recreation and shelter are not mutually exclusive
- Concern regarding the impact to parks if overnight camping is permitted.

Main Motion

MOVED by Commissioner Demers
SECONDED by Commissioner Mackinnon

BE IT RESOLVED THAT:

- A. THAT the Vancouver Park Board approve amendments to the Parks Control By-law regarding temporary shelter in parks as set out in Appendix A of this report; and
- B. FURTHER THAT the Director of Legal Services be instructed to immediately bring forward a by-law for enactment by the Board generally in accordance with Appendix A.

Motion to Defer

MOVED by Commissioner Giesbrecht

SECONDED by Commissioner Irwin

THAT the decision on the motion be deferred to the first Regular Board meeting in September 2020.

DEFEATED

In favour: Dumont, Giesbrecht, Irwin, Dumont

Opposed: Barker, Coupar, Demers, Mackinnon

Amendment to the Main Motion

MOVED by Commissioner Irwin

SECONDED by Commissioner Giesbrecht

THAT Item A be amended, and Item C be added as follows:

- A. THAT the Vancouver Park Board approve amendments to the Parks Control By-law regarding temporary shelter in parks as set out in Appendix A of this report, with the following revisions:
 - i. In Section 11B, a), ii, H., the term “picnic area” be revised to “designated picnic site”;
 - ii. A new provision be added for washrooms to be made available overnight in locations where temporary shelters are commonly set-up; and
 - iii. A new provision be added that, notwithstanding 11B, the General Manager make every reasonable effort and accommodation to designate outdoor space for persons experiencing homelessness; and

- C. THAT staff consult with residents of encampments around relocation options.

Question on the Amendment

MOVED by Commissioner Coupar

SECONDED by Commissioner Barker

THAT the question on the amendment be called.

CARRIED

In favour: Barker, Coupar, Dumont, Mackinnon

Opposed: Demers, Giesbrecht, Irwin

Commissioner Irwin requested that the amendment be separated into distinct propositions.

Question on Amendment Item A i

- A. THAT the Vancouver Park Board approve amendments to the Parks Control By-law regarding temporary shelter in parks as set out in Appendix A of this report, with the following revision:
- i. In Section 11B, a), ii, H., the term “picnic area” be revised to “designated picnic site”.

CARRIED

In favour: Demers, Dumont, Giesbrecht, Irwin

Opposed: Barker, Coupar, Mackinnon

Question on Amendment Item A ii

- A. THAT the Vancouver Park Board approve amendments to the Parks Control By-law regarding temporary shelter in parks as set out in Appendix A of this report, with the following revision:
- ii. A new provision be added for washrooms to be made available overnight in locations where temporary shelters are commonly set-up.

DEFEATED

In favour: Demers, Giesbrecht, Irwin

Opposed: Barker, Coupar, Dumont, Mackinnon

Question on Amendment Item A iii

- A. THAT the Vancouver Park Board approve amendments to the Parks Control By-law regarding temporary shelter in parks as set out in Appendix A of this report, with the following revision:
- iii. A new provision be added that, notwithstanding 11B, the General Manager make every reasonable effort and accommodation to designate outdoor space for persons experiencing homelessness.

DEFEATED

In favour: Giesbrecht, Irwin

Opposed: Barker, Coupar, Demers, Dumont, Mackinnon

Question on Amendment Item C

- C. THAT staff consult with residents of encampments around relocation options.

DEFEATED

In favour: Dumont, Giesbrecht, Irwin

Opposed: Barker, Coupar, Demers, Mackinnon

Question on the Main Motion, as Amended

BE IT RESOLVED THAT:

- A. THAT the Vancouver Park Board approve amendments to the Parks Control By-law regarding temporary shelter in parks as set out in Appendix A of this report, with the following revision:
 - i. In Section 11B, a), ii, H., the term “picnic area” be revised to “designated picnic site”; and
- B. FURTHER THAT the Director of Legal Services be instructed to immediately bring forward a by-law for enactment by the Board generally in accordance with Appendix A.

CARRIED

In favour: Demers, Dumont, Giesbrecht, Mackinnon

Opposed: Barker, Coupar, Irwin

The Board adjourned on July 15, 2020 at 12:08 am.

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Shauna Wilton
Acting General Manager

Commissioner Camil Dumont
Chair