



# PARKS CONTROL BY-LAW UPDATES

## Temporary Shelter in Parks

Park Board Special Meeting

Monday, July 13, 2020

Reconvened Tuesday, July 14, 2020





# Purpose of Presentation

The purpose of this presentation is to outline proposed amendments to the Parks Control By-law regarding temporary shelter in parks for the Board's consideration.







Background

- Canada is experiencing a homelessness crisis;
- Rising need for affordable housing & limited availability of low barrier shelter options;
- A series of British Columbia court decisions have established that people experiencing homelessness have a constitutional right to erect temporary overnight shelters on public lands;
- Park Board staff were directed to review the Parks Control By-laws and report back with proposed amendments:
  - to address the constitutional rights of those experiencing homelessness;
  - to allow for more effective management of shelters and encampments in parks.

- Vancouver's rise in social issues has significantly impacted the use, safety, and cleanliness of many urban parks;
- Growing numbers of temporary structures combined with urban densification putting more demands on limited park space;
- Increased use of space conflicts requiring more attention from Park Rangers;
- Currently about 85% of available ranger resources go to monitoring and managing homeless shelter activity in parks;



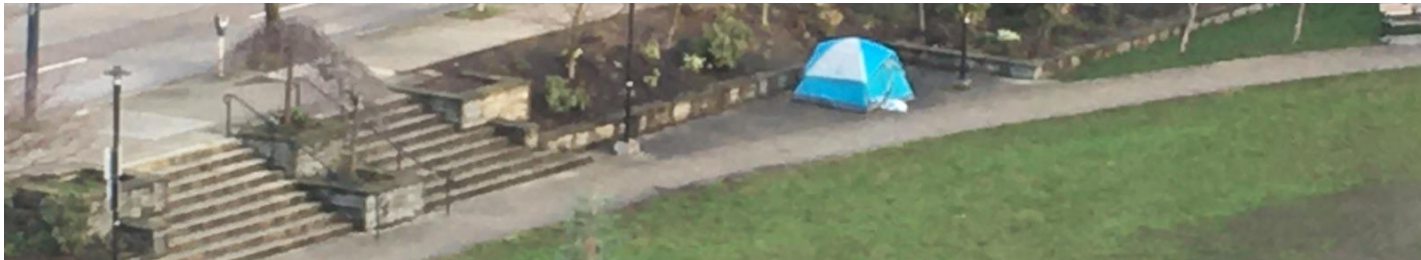


# Discussion of Proposed Changes



- Several BC municipalities have updated their bylaws to allow for temporary overnight shelter in parks;
- Consistent across most of the by-law updates were provisions for:
  - areas that temporary structures providing shelter may, or may not be, erected;
  - hours when the structures providing shelter may be erected; and
  - regulations around fire, alcohol use, litter, and smoking.
- Based on this research, staff are proposing several amendments to the Parks Control By-law regarding temporary shelters in parks.

- Preventing a person experiencing homelessness from erecting a temporary structure to provide overnight shelter is a breach of their constitutional rights.
- Sections of the Vancouver Park Board's by-laws that are currently unconstitutional include the provisions that prohibit:
  - remaining in a park after posted hours (section 3b);
  - taking up temporary abode overnight (section 10); and
  - erecting any tent or shelter without permission (section 11).





- Three new definitions:

“**HOMELESSNESS**” means the state of having no access to permanent or temporary housing, accommodation, or shelter.

“**NATURAL AREAS**” are those areas of parks that are managed to retain their natural ecosystem attributes, are relatively undisturbed in an urban context, contain native or naturalized non-native plant species, and provide wildlife habitat, stormwater retention, and other ecosystem services; these include forests, ponds, wetlands, stream riparian zones, coastal environments, meadows, treed areas without mown understory, and unmanicured sections of golf courses.

“**TEMPORARY SHELTER**” means a tent or other temporary structure that provides shelter to a person experiencing homelessness and that is capable of being dismantled and moved, but does not include a vehicle.

Revisions to Sections 3b, 10 & 11 to support the recommended two new temporary shelter sections:

- **Section 11A** – allows a “person experiencing homeless to take up temporary abode in a park” as long as the shelter complies with the provisions outlined in Section 11B.
- **Section 11B** - outlines where temporary shelters are prohibited, when they can be erected, what restrictions apply, and how the space can be used.



## Revision to **Section 3(b)**

- Currently states:

“No person shall enter or remain in a park except during the hours posted”.

- **Recommended amendment:**

“Except as provided in section 11A, no person shall enter or remain in a park except during the hours posted.”

- Section 11A – allows a “person experiencing homeless to take up temporary abode in a park” as long as the shelter complies with the provisions outlined in Section 11B.



## Revision to **Section 10:**

- Currently states:

“No person shall... take up a temporary abode overnight in any place on any portion of any park...”

- **Recommended amendment:**

“except as provided in section 11A” be added after “or take up a temporary abode in any place on any portion of any park”.

- Section 11A – allows a “person experiencing homeless to take up temporary abode in a park” as long as the shelter complies with the provisions outlined in Section 11B.

## Revision to **Section 11**

- Currently states:

“No person shall erect, construct or build or cause to be erected, constructed or built in or on any park any tent, building, shelter, pavilion or other construction whatsoever without the permission of the General Manager”

- **Recommended amendment:**

Add at the end “, except that this provision does not apply to a temporary shelter that complies with the provisions of this by-law”.

Due to Vancouver's vast & diverse park system, staff identified the following types of places and areas **where temporary shelters would not be permitted (11B)**:

- within 25 metres of a playground or school; or in, on or within a:
  - A. beach, pond, lake or dock;
  - B. trail, bridge, seawall, roadway or park entrance;
  - C. natural area;
  - D. flower bed or horticultural display area;
  - E. pool or water park;
  - F. sports field, sports court or golf course;
  - G. community centre or fieldhouse;
  - H. bleacher, stage, gazebo, public monument, picnic area, picnic shelter or washroom;
  - I. designated off-leash dog area; or
  - J. designated special event area for which permission has been given in accordance with this by-law;



Some of the factors considered when determining what areas would not be suitable for erecting temporary shelters included:

- Mitigating risk to children & youth - safe access to play areas free from debris;
- Protecting sensitive natural environments - trampling of forest undergrowth can cause significant harm to these important ecosystems;
- Reducing risk of fire and injury - fire detection & emergency access challenging in remote areas;
- Protecting gardens & horticultural displays - require regular maintenance; can be easily damaged;
- Supporting parks & recreation for all - keeping access to facilities, amenities, and entry points unimpeded;

Based on a GIS area review:

- **3,320.4 acres** of total park and green spaces:
  - **867.1 acres (26%)** are allowable space for temporary shelters according to the proposed criteria;
  - **2,453.3 acres (74%)** parkland would be protected and not permitted for temporary shelters according to the proposed criteria;

Staff recommend that shelters only be erected overnight and that they be removed each morning (dusk to 7am). Factors considered included:

- shelters that remain in place for extended periods can:
  - impede public access to parks and facilities,
  - cause damage to fields, gardens, and natural areas, and
  - result in an accumulation of waste and debris;
- setting-up in the dark can be challenging.





## Additional considerations included:

- an hour buffer (to 8am) is provided to allow for packing-up in the morning; and
- a provision has been added to provide the General Manager with authority to designate areas for temporary daytime shelter on a situational basis if needed.



# How Temporary Shelters are Allowed

To minimize impacts to park use & access, staff recommend that temporary shelter sites:

- be contained within a 3 metre by 3 metre area (including belongings);
- not impede access to or use of a park or facility;
- not present a public safety or health risk (no open flames, lanterns, stoves, etc.);
- not be left unattended.







Conclusion

- Presenting by-law amendments for Board enactment;
- Developing plans to operationalize new by-laws, including consideration of:
  - monitoring and wrap-around services;
  - health, safety, and support needs (clean water, washrooms, storage, etc.).
- Reviewing Park Rangers role in encampment monitoring, management, and by-law enforcement (with report back to Board);
- Continuing to work with community and government partners to support ongoing efforts to address the homelessness crisis in Vancouver.



The proposed amendments to the Parks Control By-law will:

- Protect the rights of those seeking overnight shelter in parks; and
- Provide a clearer framework for staff to deliver on the Board's mandate to provide, preserve, and advocate for parks and recreation services to benefit all people, communities, and the environment.



- 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.

- 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”;
- 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;







