



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, March 4, 2021

6TH FLOOR BOARDROOM, CAPITAL REGIONAL DISTRICT, 625 FISGARD STREET, VICTORIA, B.C.

To be held immediately following the Committee of the Whole Meeting

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

Due to the COVID-19 Pandemic, public access to City Hall is not permitted. This meeting may be viewed on the City's webcast at www.victoria.ca

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B. APPROVAL OF AGENDA

C. READING OF MINUTES

D. PROCLAMATIONS

*E. UNFINISHED BUSINESS

*E.1. Rise and Report

*E.1.a. From the Closed Meeting held February 25, 2021

Addendum: New Item

Land - 940 Caledonia and 953 and 963 Green Street - Temporary Transitional Shelter Project Update and Direction

1. That Council authorize the Coalition to End Homeless (Coalition) to apply for a Temporary Use Permit in relation to up to 36,000 sq ft of the Royal Athletic Park parking lot at 940 Caledonia Avenue and 953 and 963 Green Street for temporary purpose-built transitional housing on the Site.

F. REPORTS OF COMMITTEE

F.1. Committee of the Whole

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F.1.b. Report from the March 4, 2021 COTW Meeting

Pending approval at the March 4, 2021 COTW meeting

*F.1.b.a. 940 Caledonia Avenue: Temporary Use Permit Application No. 00017 and Development Permit with Variances Application No. 000591 (North Park)

G. BYLAWS

*G.1. Bylaw for Parks Regulation Amendment Bylaw

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Addendum: Report and Attachments

A report regarding the proposed amendment bylaw regarding the repeal of the temporary daytime sheltering allowance.

H. CLOSED MEETING

MOTION TO CLOSE THE MARCH 4, 2021 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

Section 90(2) A part of a council meeting may be closed to the public if the subject matter being considered relates to one or more of the following:

- Section 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

I. APPROVAL OF CLOSED AGENDA

J. READING OF CLOSED MINUTES

K. UNFINISHED BUSINESS

L. CORRESPONDENCE

M. NEW BUSINESS

M.1. Intergovernmental Negotiations - Community Charter Section 90(2)(b)

N. CONSIDERATION TO RISE & REPORT

O. ADJOURNMENT

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD FEBRUARY 25, 2021

For the Council meeting of March 4, 2021, the Committee recommends the following:

D.1 Neighbourhood Boundaries

1. That Council direct staff to report back on these motions by the end of September at least.
2. That Council direct staff to engage with the North Park Neighbourhood Association, Fernwood Community Association, the Downtown Residents Association, and the Downtown Victoria Business Association regarding the potential of the east side of Cook Street from Fort Street to Pandora Avenue as part of the downtown neighbourhood requesting comment from those associations.

D.2 Interim Design Options for Parking and Pedestrian Space in Clover Point Park

That Council direct staff to proceed with option 2 for Clover Point Park:

1. Complete modifications to increase the pedestrian priority space in Clover Point Park, as illustrated in Attachment B, with an allocation of up to \$275,000 in the 2021 Financial Plan, to be funded from the Buildings and Infrastructure Reserve.
2. That the painting budget be restricted to delineating pedestrian trails and bike trails versus passive space.
3. That a location be found downtown for the “follow the pod” public art feature.
4. That staff be in consultation with immigrants and immigrant associations, ethno-cultural groups and the seniors’ advisory committee, youth council and City of Victoria youth council and that their views are considered.

E.1 330-336 Michigan Street: Revised Victoria Housing Reserve Fund Grant Application (James Bay)

That Council:

1. Revise the Victoria Housing Reserve Fund (VHRF) grant approved April 2, 2020 to the Capital Region Housing Corporation for the Michigan Square project located at 330-336 Michigan Street from \$1,020,000 to \$620,000 to reflect the applicant’s request to no longer seek funding for moderate income units and the total number of one bedroom very low income units being increased from 12 to 16 units;
2. Authorize \$310,000 to be payable to the applicant upon execution of the Housing Fund Grant Agreement and legal agreements securing the (VHRF-funded) affordable units and bedroom unit sizes in a form to the satisfaction of the City Solicitor, with the remaining balance of \$310,000 to be payable to the applicant once the City has issued all required occupancy permits for the project; and
3. That the passage of this resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City, until and unless all agreements are fully executed by the City.

F.2 Neighbourhood Association Coordinator Funding

That Council:

1. Approve the criteria as outlined in this report, to be incorporated into a policy, for the neighbourhood coordinator pilot project in the identified neighbourhoods.
2. That prior to awarding of the grant, each neighbourhood submit a basic strategy for the use of the funds that is subject to staff review and approved by the City Manager.



Council Report For the Meeting of March 4, 2021

To: Council **Date:** February 18, 2021
From: Thomas Soulliere, Director of Parks, Recreation and Facilities
Subject: Parks Regulation Bylaw, Amendment Bylaw (No. 10) Amendment Bylaw No. 20-114

RECOMMENDATION

1. That Council adopt the *Parks Regulation Bylaw, Amendment Bylaw (No. 10) Amendment Bylaw No. 20-114*.
2. That Council instruct the City Solicitor to bring forward bylaw amendments necessary to continue the permanent prohibition on sheltering in Centennial Square and Central Park in time for adoption prior to March 31, 2021.
3. That Council instruct the City Solicitor to bring forward bylaw amendments necessary to continue the temporary regulations regarding location, size, and distancing of shelters to continue until the end of the pandemic in time for adoption prior to March 31, 2021.

EXECUTIVE SUMMARY

Since 2009, the *Parks Regulation Bylaw* (Attachment A) has allowed for individuals experiencing homelessness in Victoria to shelter from dusk to dawn in the City's parks. In the Spring of 2020, based on public health recommendations, the City suspended enforcement of the prohibition on daytime sheltering in parks to allow sheltering in place. Given the COVID-19 pandemic's serious health risks, sheltering in place was seen as a necessary measure to promote physical distancing, reduce health risks and maintain connections with service providers.

In September 2020, Council amended the *Parks Regulation Bylaw* to temporarily allow shelters in municipal parks during daytime hours subject to certain specific rules regarding size, distancing, and location. These temporary provisions (section 16B) are set to expire 30 days after the end of the provincial state of emergency related to COVID-19 pandemic. There are approximately 180 to 200 shelters in City parks currently.

In November 2020, Council passed a multi-part motion (Attachment B) focused on finding temporary and long-term housing solutions by March 31, 2021 for people sheltering in parks. Council directed staff to bring forward amendments repealing the temporary daytime sheltering provisions in the *Parks Regulation Bylaw* (section 16B) effective March 31, 2021.

At Council direction, staff brought forward *Parks Regulation Bylaw, Amendment Bylaw (No. 10) Amendment Bylaw No. 20-114* (Attachment C) for Council consideration on November 26, 2020.

The proposed bylaw amendment sets the repeal of the temporary daytime sheltering allowance to March 31, 2021. Council postponed consideration of the amendment bylaw to the first daytime Council meeting in March 2021, at which point it would have clearer understanding of whether the temporary and long-term housing solutions deadline was going to be met on schedule.

Over the past several months, the City has worked closely with the Province and other partners towards the goal of securing indoor housing options for everyone sheltering in parks. The Province has now confirmed that indoor housing options will be available for everyone currently sheltering in parks by March 31, 2021.

Notwithstanding the proposed repeal of the temporary daytime sheltering effective March 31, it is proposed that the regulations regarding the maximum shelter size, spacing of shelters, and distance from pathways and other areas be maintained at least for the duration of the pandemic. Therefore, the Director of Parks, Recreation and Facilities recommends that Council instruct the City Solicitor to bring forward amendments that would keep those temporary regulations at least until the end of the Provincial state of emergency.

As part of the temporary adjustments to the *Parks Regulation Bylaw*, Centennial Square and Central Park have been added to the list of parks where sheltering is prohibited at all times. However, both these parks are scheduled to be automatically removed from that list at the same time the other temporary provisions are set to expire (i.e., 30 days after the expiry of the provincial state of emergency or, if Bylaw 20-114 is adopted, on March 31, 2021). Council has requested that staff bring forward the long-term sheltering recommendation for these two parks as part of this report. As described in previous staff reports (Attachments D and E), staff recommend having Centennial Square and Central Park continue to be areas where sheltering is permanently prohibited. Therefore, it is recommended that Council instruct the City Solicitor to bring forward bylaw amendments necessary to achieve that.

Upon Council adoption, staff will communicate to those still sheltering in parks that the bylaw will be changing as of March 31, 2021. This information will also be shared with service providers, public safety partners, neighbourhood associations and other stakeholders.

CONCLUSION

The City, in partnership with the Province and many external service providers, has made significant progress towards the goal of securing indoor housing options. Achieving this goal is a significant step towards providing more effective access to necessary assistance and services for unhoused individuals than they can receive when sheltering in parks. With the Province set to offer housing options for all individuals experiencing homelessness by March 31, 2021, staff propose adding Central Park and Centennial Square to the list of areas permanently prohibited from sheltering and continuing rules regarding location, size and distancing of shelters until the end of the pandemic.

Respectfully submitted,

Navdeep Sidhu
Assistant Director

Thomas Soulliere
Director

Report accepted and recommended by the City Manager.

List of Attachments

Attachment A: Parks Regulation Bylaw

Attachment B: Council Motion re: finding temporary and long-term housing solutions for people sheltering in parks

Attachment C: Parks Regulation Bylaw, Amendment Bylaw (No. 10) Amendment Bylaw No. 20-114

Attachment D: September 3, 2020 Committee of the Whole Report - City Response to Sheltering During the Pandemic

Attachment E: January 21, 2021 Committee of the Whole Report - Proposed Updates to Parks Regulation Bylaw



PARKS REGULATION BYLAW

BYLAW NO. 07-059

This consolidation is a copy of a bylaw
consolidated under the authority of
section 139 of the *Community Charter*.
(Consolidated on September 22, 2020
up to Bylaw No. 20-102)

This bylaw is printed under and by
authority of the Corporate Administrator
of the Corporation of the City of Victoria.

NO. 07-059

PARKS REGULATION BYLAW**A BYLAW OF THE CITY OF VICTORIA**

(Consolidated to include Bylaws No. 09-014, 09-021, 09-030, 09-052, 09-074, 10-021, 10-074, 16-012, 16-049, 17-099, 18-044, and 20-102)

The purpose of this Bylaw is to consolidate, clarify, and modernize the Parks Regulation Bylaw.

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Under its statutory powers, including sections 8(3)(b), 62, and 64 of the *Community Charter*, the Council of The Corporation of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

- 1 This Bylaw may be cited as the “PARKS REGULATION BYLAW”.

Definitions

- 2 In this Bylaw, unless explicitly defined in another way,

“boulevard”

means a portion of a street or highway that has been seeded, sodded, or otherwise improved and maintained by the City;

“Clover Point Park”

means the park that is legally described as those parts of Section 82, Fairfield Farm Estate, Victoria City, Plan 13, that are shown outlined in red on Plan 524 OS;

“culturally sensitive area”

means any part of a park that is

- (a) a heritage site as defined in the Heritage Conservation Act whether designated or not; or
- (b) identified in a plan, map or City bylaw as having historical or cultural significance to British Columbia or an aboriginal people;

“Director”

means the City’s Director of Parks, Recreation & Community Development, or that person’s designated representative;

“environmentally sensitive area”

means any part of a park that has any of the following characteristics:

- (a) areas or landscape features identified in *Sensitive Ecosystems Inventory for Eastern Vancouver Island and the Gulf Islands*, published by the British Columbia Ministry of the Environment;
- (b) areas or landscape features identified in a plan, map or City bylaw as environmentally significant, an environmental protection area, a development permit area for protection of the environment, or for another similar purpose that is compatible with the conservation of ecological features and functions of the site;

“footpath”

means a way, thoroughfare, street, road, or sidewalk within a park that is set apart and improved by grading, gravelling, or other means for the use of pedestrians;

“Franklin Green”

means the park, located on Mason Street, that is legally described as Lot 1, Suburban Lot 15, Victoria City, Plan 9091;

“homeless person”

means a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis;

“Moss Rocks Park”

means the park that

- (a) is legally described as Lot 1, Fairfield Farm Estate, Victoria City, Plan 3649, except those parts in Plans 7726 and 9553, and
- (b) was formerly described as Remainder Lot 1, Fairfield Farm Estate, Victoria City, Plan 3649;

“occupy”

means to remain in the same location or leave one’s belongings in the same location;

“park”

includes

- (a) a public park, playground, square, green, footpath, beach, road in a park, and other public place that is not a street and that is under the custody, care, and management of the Director, and
- (b) Bastion Square and Centennial Square;

“Pioneer Square”

means the park and cemetery that is

- (a) marked as “Cemetery” on the Official Plan of the City of Victoria, and
- (b) bounded
 - (i) on the north by Meares Street,
 - (ii) on the east by Lot 2005, Victoria City, Plan 35C,
 - (iii) on the south by Rockland Avenue, and
 - (iv) on the west by Quadra Street;

“remote controlled model aircraft”

- (a) means a scale model aircraft that is controlled by means of a radio control system or a fixed line control system;
- (b) includes
 - (i) model aircraft that are propeller or jet fan driven, and
 - (ii) gliders;

“same location”

means the area within 100 metre radius of the location previously occupied;

“vehicle”

- (a) means a conveyance that is for transporting a person or thing, and that is powered by mechanical, muscular, animal, or other means, and
- (b) includes bicycles and tricycles;

Victoria Youth Park

means that area set out in the plan in Schedule F.

Application

- 3 This Bylaw does not apply to those who are performing their duties as the City's employees, or to volunteers working under the direct supervision of a City Officer or employee.

PART 2 – PERMITTED USES OF PARKS

Games

- 4 (1) A person may play at a game in a park only if that game is played
- (a) in or on a portion of the park that is specially designated for that purpose;
 - (b) in accordance with rules and times that are posted in the park.
- (2) A person may play at a game on a tennis court or bowling green in a park only
- (a) if that person is wearing rubber soled shoes without heels, and is otherwise suitably equipped for that game, and
 - (b) in accordance with the rules and times that are posted at that court or green.
- (3) Before engaging in a game or organized play of any kind in a park, including practice for a game, a person must obtain from the Director a Park Facility Permit for that purpose.
- (4) A Park Facility Permit must be in the form set out in Schedule A of this Bylaw and is subject to the terms and conditions in that Schedule.
- (5) An applicant for a Park Facility Permit under this section must pay the applicable fee set out in the Recreation Facilities Admission Fees Bylaw.

Processions, races, concerts, special events

- 5 (1) The following events may be held in a park only with the prior express permission of the Director:
- (a) processions, parades, rallies, demonstrations, marches, drills, and races;
 - (b) performances, concerts, weddings;
 - (c) ceremonies, street or other dances, festivals, block parties in a street, community or other fairs, exhibitions, gatherings, meetings, or other special events.
- (2) Permission required under this section must be in the form set out in
- (a) Schedule B for an event referred to in subsection (1)(a) [*Parade/Race Permit*],

- (b) Schedule C for an event referred to in subsection (1)(b) *[Performance/Concert Permit]*, and
 - (c) Schedule D for an event referred to in subsection (1)(c) *[Special Event Permit]*.
- (3) An application for a Parade/Race Permit or a Special Event Permit must be made at least 30 days before the event for which the application is made.
 - (4) An application for a Special Event Permit must be made at least 45 days before the event for which the application is made if a beer garden is proposed in connection with the event.
 - (5) After receiving an application for permission under this section, the Director may consult with Council or any other person or body in relation to the application.
 - (6) The Director may refer an application under this section to Council for Council's consideration and determination.
 - (7) If the Director refuses an application for permission under this section, the person seeking permission may request that Council reconsider the Director's decision.
 - (8) A request for reconsideration under subsection (7) must be submitted in writing to the Corporate Administrator within seven (7) days of the Director's refusal.
 - (9) Permission given under this section is subject to the terms and conditions set out in Schedule B, C, or D.
 - (10) An applicant for a Performance/Concert Permit must pay the applicable fee set out in the Recreation Facilities Admission Fees Bylaw.

Political expression in a park

- 5A (1) Except as authorized by a permit issued under section 5 or this section, a person must not
 - (a) erect a sign or another structure in a park; or
 - (b) occupy the same location in a park in excess of six hours in a 24 hour period;
 as part of a protest, demonstration, or other political expression.
- (2) The Director must issue the permit referred to in subsection (1) for a sign or another structure that conveys political expression unless the sign or another structure
 - (a) obstructs or interferes with:
 - (i) the use of a road or a pathway in a park;

- (ii) an irrigation system, a utility, or existing structure lawfully in a park; or
 - (iii) the use of a bench, playground apparatus, or another object placed in a park and intended to be used by park patrons;
 - (b) would obstruct:
 - (i) sightlines along any intersection in or adjacent to a park; or
 - (ii) the use of a playground or a sport field.
 - (c) measures more than:
 - (i) 1.6 metres in height at the highest point;
 - (ii) 1.6 metres in width at its widest point; or
 - (iii) 1.0 metres in depth at its deepest point;
 - (d) has a base area that is larger than 1.6 metres square;
 - (e) contains moving parts, electrical or electronic components, or lights;
 - (f) is, in the opinion of the Director, unsafe or unstable; or
 - (g) was at the same location or in the same park within the previous seven days.
- (3) The Director must issue a permit referred to in subsection (1) for a protest, demonstration, or other political expression unless, in the Director's opinion, issuance of the permit would result in interference with
- (a) another approved event;
 - (b) scheduled maintenance, renovation, or other repair work in the park; or
 - (c) the use of a playground or a sports field.
- (4) A holder of a permit granted under subsection (2), or his or her authorized representative, must
- (a) attend at the sign or other structure for a minimum of six non-consecutive hours between the hours of 8 a.m. and 8 p.m. daily;
 - (b) remove the sign or other structure between the hours of 8 p.m. and 8 a.m. daily; and
 - (c) keep the sign or structure safe and in good repair at all times.
- (5) Subsection (4)(b) does not apply to a homeless person sheltering in a park pursuant to section 16A.

- (6) The holder of a permit issued under subsection (2) or (3) must not use or permit the use of:
- (a) electronic signs;
 - (b) electric or gas lighting or appliances;
 - (c) extension cords; or
 - (d) open flames, propane tanks, gas or electric heaters, or barbeques
- at or near the sign or other structure authorized by the permit.
- (7) The holder of a permit issued under subsection (2) or (3) must not use or promote the use of expression which:
- (a) is obscene;
 - (b) promotes hatred or violence;
 - (c) is defamatory; or
 - (d) contains commercial content.
- (8) A permit granted under subsection (2) or (3) is valid for seven days and the Director must not issue
- (a) more than two consecutive permits for the same location;
 - (b) more than six non-consecutive permits for the same location per year; and
 - (c) a permit to an applicant who is the current holder of such a permit.
- (9) The Director may cancel a permit if the permit holder has failed to comply with any provision of this Bylaw.
- (10) Notwithstanding subsection (1)(a), a permit is not required for a table used to convey political expression if
- (a) it is no larger than 1 metre in depth by 1.8 metre in width and .75 metres in height;
 - (b) it is placed in a park for no more than seven consecutive days;
 - (c) it is removed from a park between the hours of 8 p.m. and 8 a.m. daily;
 - (d) it is attended at all times by the permit holder or authorized representative;

- (e) no more than one table is placed at the same location;
- (f) the name of the sponsoring person or organization is clearly displayed on the table;
- (g) it does not obstruct or interfere with:
 - (i) pedestrian or vehicular traffic;
 - (ii) an irrigation system, a utility, or existing structure lawfully in a park;
 - (iii) the use of a bench, playground apparatus, or another object placed in a park and intended to be used by park patrons; or
 - (iv) the use of a playground or a sport field;
- (h) it contains no moving parts, electrical or electronic components or lights;
- (i) it is structurally safe and stable;
- (j) it is not used in association with any object referred to in subsection (6); and
- (k) it is not used to promote any of the matters referred to in subsection (7).

Swimming and beaches

6 A person

- (a) may enter or bathe in water in or adjoining a park only at a bathing beach or pool set aside for that purpose;
- (b) may enter or bathe in water in or adjoining a park only if that person is not contravening provisions of the *Criminal Code* (Canada) concerning public nudity and indecent exposure;
- (c) may undress or dress in or adjacent to a bathing beach or swimming pool in a park only in places specially provided for that purpose;
- (d) may enter a portion of a building in a park that is designated by sign for the use of a specified sex of person only if the person entering is of that sex;
- (e) may play a game on a beach in a park only if that does not interfere with or become a nuisance or a hazard to the general public;
- (f) may use a boat, or other device for travel on or in water, in the immediate vicinity of a bathing beach in a park only if that does not endanger, disturb or otherwise interfere with the free use of the water for bathing and swimming;

- (g) must not interfere with or obstruct the carrying out of the duties of a person that is supervising or instructing swimming, bathing or aquatic games at a beach in a park;
- (h) must not deposit or leave, or cause to be deposited or left, any thing on any beach in a park or in the adjacent water;
- (i) must not do anything that does, or tends to, endanger, annoy, or disturb swimmers or bathers in or around a beach or pool in a park;
- (j) must not drive, ride or exercise a horse, donkey, or mule on a beach in a park;
- (k) must not permit a dog or other animal to swim in water in a park;
- (l) must not, without the prior written consent of the Director, operate a saw with an internal combustion engine;
- (m) must not excavate, dig a cave in, or in any other way cut open the natural terrain in a park.

Model aircraft

- 7 (1) In this section, “approved area” means the area shown on the map in Schedule E to be used for operating remote controlled model aircraft.
- (2) A person may operate a remote controlled model aircraft in a park only
 - (a) in the approved area,
 - (b) if that person is a member of the Model Aeronautics Association of Canada or its local branch,
 - (c) if the Model Aeronautics Association of Canada or its local branch of which that person is a member has obtained a permit from the City for the operation of remote controlled model aircraft in the approved area,
 - (d) when that person and the City are included as additional insureds under a Model Aeronautics Association of Canada insurance policy for at least \$3,000,000.00 general liability coverage, and
 - (e) if that person has received a League of Silent Flight Level 1 Certification or an equivalent certification from the Model Aeronautics Association of Canada.
- (3) A person must not operate a remote controlled model aircraft in the approved area between sunset of one day and sunrise of the next day.
- (4) Immediately before a person operates a remote controlled model aircraft in the approved area, the person must erect around the perimeter of the area, excluding the perimeter bounded by the dense brush and the edge of cliff shown on the map in Schedule E,

- (a) at least 5 signs, each of which has a display face that
 - (i) is visible from outside the area,
 - (ii) measures at least 27 cm by 21 cm, and
 - (iii) contains the following words in letters covering as nearly as is possible the entire face: "Model Aircraft Flying in Progress. For Safety and Insurance Reasons, PLEASE DO NOT CROSS LINE", and
 - (b) a yellow 1 cm diameter rope that is approximately 45 cm above the ground.
- (5) When a person is operating a remote controlled model aircraft in the approved area, the person must
- (a) maintain signs and rope in accordance with subsection (4), and
 - (b) act in accordance with the Model Aeronautics Association of Canada's
 - (i) Safety Guidelines for Field Operations, and
 - (ii) Etiquette Code.
- (6) A person must remove the signs and rope required under subsection (4) immediately after that person has finished operating a remote controlled model aircraft in the approved area.
- (7) The Council may suspend, cancel, or refuse to renew a permit for the operation of a remote controlled model aircraft if a person, who is a member of the Model Aeronautics Association of Canada or its local branch to which the permit has been issued, has been found to be guilty of an offence because of a contravention of subsection (4) or (5).

Commercial sales in park only by permit

- 8 A person may conduct business, sell things, and expose things for sale or gift in a park only if that person first obtains the express permission of the Director.

Closing Hours

- 9
- (1) A person must not cause a vehicle to be in Clover Point Park between 11:00 p.m. of one day and 6:00 a.m. of the next day.
 - (2) A person must not use the road leading to the lookout in Beacon Hill Park, known as Checkers Pavilion, between one-half hour after sunset of one day and one-half hour before sunrise of the next day.
 - (3) A person must not enter or remain in any of the following parks between one hour after sunset of one day and one hour before sunrise of the next day:

- (a) Moss Rocks Park;
 - (b) Franklin Green;
 - (c) Pioneer Square.
- (4) A person must not enter or remain in Victoria Youth Park between 10:30 p.m. of one day and 7:00 a.m. of the following day.
 - (5) Between 10:30 p.m. of one day and 7:00 a.m. of the following day a person must not bring into, leave in, or have in their possession in, Victoria Youth Park, a basketball, in-line skates, roller-skates, a skateboard, or a bicycle.

Temporary Closures

- 9A (1) The Director may order any park, or part of a park, to be closed to the public and may cause notices to be posted at the entrances to the park, or part of a park, indicating that it is closed to the public if the closure is necessary
 - (a) for maintenance, renovation, or other work in the park; or
 - (b) for the safety of park users or staff due to construction activity or existence of hazardous conditions.
- (2) A person must not enter or remain in any park, or part of the park, that has been closed under subsection (1).
- (3) The closure under subsection (1)(a) may not be in effect for more than 21 consecutive days.
- (4) If the closure under subsection (1)(b) exceeds, or is expected to exceed, 21 days, the Director must report on the closure to Council.

Research

- 10 (1) A person wishing to do research or collect specimens in a park must first obtain from the Director a Research Permit in the form set out in Schedule G.
- (2) There is no set fee for a Research Permit, but an applicant must pay to the City its costs incurred in surveying, examining and inspecting the area affected by the application.

PART 3 – GENERAL REGULATIONS

Fire and firearms

- 11 A person must not do any of the following activities in a park:
 - (a) discharge a firearm, air gun, air rifle, air pistol, spring gun;

- (b) discharge a bow, as defined in the *Wildlife Act*;
- (c) fire or explode any combustible or other explosive material, other than the discharge of fireworks as permitted under the Fire Prevention and Regulation Bylaw;
- (d) carry or make a fire unless
 - (i) that person has the Director's prior written consent, and
 - (ii) the fire is placed within a lawfully authorized fire pit;
- (e) throw or place upon the ground any lighted match, cigar, cigarette or other burning substance.

Traffic and parking

- 12 (1) A person may do any of the following activities in a park only if that person has received prior express permission under section 5:
- (a) ride or drive a horse or other animal or drive or propel any vehicle in, on or along any road at a rate of speed not consistent with safety, having due regard to all other traffic;
 - (b) fail to bring his horse, animal or vehicle to a stop upon the request or signal from any person lawfully directing any traffic within any park, or from any person in charge of any horse or other animal, or stop whenever any horse or other animal shows signs of fright or getting out of control;
 - (c) ride or drive any horse or other animal or drive any vehicle in any direction other than the direction as designated by signs erected in the park;
 - (d) park any vehicle in or along any road between the hours of sunset and sunrise without parking lights or reflectors being prominently displayed on such vehicle at all times during such parking;
 - (e) drive or allow or permit a vehicle to be driven on a surface that is not a hard surfaced portion of established roads;
 - (f) park a vehicle in an area that is not set apart and posted for the parking of vehicles;
 - (g) park in a parking space on a parking lot that is clearly marked as reserved for some other person;
 - (h) park a vehicle in a park for longer than 3.5 hours between 7:00 a.m. and 6:00 p.m. of any day from Monday to Friday;
 - (i) park a vehicle for a purpose other than visiting the park;
 - (j) leave a vehicle parked when that person is not within the park;

- (k) park a vehicle in a park for the purpose of sleeping overnight in the vehicle;
 - (l) sleep overnight in a vehicle in a park;
 - (m) clean a vehicle;
 - (n) ride or operate a bicycle other than on a road or footpath designated for that purpose by signage, and in the direction designated by signage.
- (2) A person may drive a commercial vehicle transport through a park on a road other than Dallas Road, Douglas Street, Heywood Avenue, or Park Boulevard, only if that person has received the Director's prior written consent.
- (3) A person may ride or drive a horse or other animal in a park only
- (a) on a road provided for that purpose, and
 - (b) in the direction of travel that is designated by sign.
- (4) A person must not drive an animal on a footpath that is designated by sign to be used only by pedestrian traffic.
- (5) A person must not use skates, skateboards, rollerblades or any similar apparatus in a park other than
- (a) on a road on which vehicular traffic is permitted,
 - (b) on a footpath designated for that purpose by signage,
 - (c) in an area designated for that purpose by signage, or
 - (d) with prior express permission of the Director under section 5.
- (6) A person using skates, skateboards, rollerblades or any similar apparatus in a park in accordance with subsection (5)(a) or (b) must
- (a) comply with the requirements of section 43A of the Streets and Traffic Bylaw, and
 - (b) travel in the direction of traffic or as designated by signage.

Damage to environment, structures

- 13 (1) A person must not do any of the following activities in a park:
- (a) cut, break, injure, remove, climb, or in any way destroy or damage
 - (i) a tree, shrub, plant, turf, flower, or seed, or

- (ii) a building or structure, including a fence, sign, seat, bench, or ornament of any kind;
- (b) foul or pollute a fountain or natural body of water;
- (c) paint, smear, or otherwise deface or mutilate a rock in a park;
- (d) damage, deface or destroy a notice or sign that is lawfully posted;
- (e) transport household, yard, or commercial waste into a park for the purpose of disposal;
- (f) dispose of household, yard, or commercial waste in a park.
- (2) A person may deposit waste, debris, offensive matter, or other substances, excluding household, yard, and commercial waste, in a park only if deposited into receptacles provided for that purpose.
- (3) The Director may erect or post signs or maps within a park for the purpose of identifying the boundaries of one or more environmentally sensitive areas.

Nuisances, obstructions

- 14 (1) A person must not do any of the following activities in a park:
- (a) behave in a disorderly or offensive manner;
 - (b) molest or injure another person;
 - (c) obstruct the free use and enjoyment of the park by another person;
 - (d) take up a temporary abode over night;
 - (e) paint advertisements;
 - (f) distribute handbills for commercial purposes;
 - (g) place posters;
 - (h) disturb, injure, or catch a bird, animal, or fish;
 - (i) throw or deposit injurious or offensive matter, or any matter that may cause a nuisance, into an enclosure used for keeping animals or birds;
 - (j) consume liquor, as defined in the *Liquor Control and Licensing Act*, except in compliance with a licence issued under the *Liquor Control and Licensing Act*.
- (2) A person may do any of the following activities in a park only if that person has received prior express permission under section 5:
- (a) encumber or obstruct a footpath;

- (b) drive a motor vehicle in contravention of the Noise Bylaw,
 - (c) drive a motor vehicle in a manner that constitutes a nuisance or danger to pedestrians, animals or property;
 - (d) operate, drive or propel a vehicle for the specific purpose of displaying or broadcasting advertisements;
- (3) A person may remove from a park material or debris only if
- (a) that person has received prior express permission under section 5, or
 - (b) it is not a fallen tree, it has been determined by the Director to be unnecessary for municipal purposes, and it contains a sign advising that the material or debris may be removed.
- (4) A person may enter an enclosure used for keeping animals or birds only if that is authorized by the Director.
- (5) The Council or a person employed by it, may remove or cause to be removed from a park any obstruction or thing placed there contrary to the provisions of this Bylaw, and recover the costs and expenses of the removal from the owner of the obstruction or thing.
- (6) Despite subsection (1)(e) and (g), section 74(1) of the Streets and Traffic Bylaw, and section 3 of the Property Maintenance Bylaw, a person may place an advertisement in a park, other than Beacon Hill Park, if
- (a) that person obtains prior written permission, from the Director, for the advertisement and its location,
 - (b) that person abides by the terms of the City's rental agreement for this purpose,
 - (c) the advertisement is placed only on bags authorized by the City, and on the City's structures that dispense them, for the purpose of disposing of animals' feces, and
 - (d) the advertisement complies with all laws other than those from which it is specifically excepted above.

No interference with City employees

- 14A (1) A City employee engaged in clean-up, maintenance, renovation, or other work in a park may request any person in the park to move to another part of the park or to leave the park if it is necessary for the performance of the employee's duties.
- (2) A person requested to move under subsection (1) must promptly comply with the request and remove all of his or her property as directed by the City employee.

- (3) A person must not obstruct, or interfere in any way with, a City employee's performance of his or her duties in a park.
- (4) A person must not interfere with a bylaw officer in issuing a ticket or bylaw notice or otherwise carrying out his or her duties in accordance with this Bylaw.

Uses prohibited by signs

- 15 A person must not do any of the following activities contrary to signs posted in a park:
 - (a) climb, walk, or sit on a wall, fence, or other structure in a park or boulevard;
 - (b) cross, travel on, or use grassed areas.

Construction

- 16 (1) A person may erect or construct, or cause to be erected or constructed, a tent, building or structure, including a temporary structure such as a tent, in a park only as permitted under this Bylaw, or with the express prior permission of the Council,
- (2) A person may erect or construct, or cause to be erected or constructed, a temporary building or structure, including a tent, in a park for the purpose of an event permitted under section 5(1), only in accordance with the terms of the permit for that event.

Overnight Shelter

- 16A (1) Sub-section (2) applies despite the general prohibitions under section 14(1)(d) and section 16(1) of this Bylaw.
- (2) A homeless person must not place, secure, erect, use, or maintain in place, in a park, a structure, improvement or overhead shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard or other rigid or non-rigid material:
 - (a) subject to sub-section (b), except between the hours of:
 - (i) 7:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is not in effect; and
 - (ii) 8:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is in effect,
 - (b) at any time, in
 - (i) a playground, sports field, footpath or road within a park,
 - (ii) Bastion Square,

- (iii) Haegert Park,
- (iv) Cridge Park,
- (v) Kings Park,
- (vi) Arbutus Park,
- (vii) Reeson Park,
- (viii) Quadra Park,
- (ix) Coffin Island,
- (x) Summit Park,
- (xi) Moss Rocks Park,
- (xii) MacDonald Park,
- (xiii) South Park,
- (xiv) Robert Porter Park,
- (xv) David Spencer Park,
- (xvi) an environmentally or culturally sensitive area, community garden, or horticultural area, or
- (xvii) any area within a park that has been designated for an event or activity under
 - (A) a valid and subsisting permit issued under the authority of this Bylaw, or
 - (B) a lease, licence, or other agreement authorized by Council.

Sheltering during Pandemic

- 16B (1) Despite section 16A(2)(a), a homeless person may place, erect, maintain, or use a shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard, or any other rigid or non-rigid material, in a park at any time, provided that they comply with subsections (2) and (3).
- (2) A person must not place, erect, maintain or use a shelter in a park at any time
- (a) in any area listed in section 16A(2)(b),
 - (b) within 8 metres of a playground,

- (c) within 4 metres of any area listed in section 16A(2)(b),
 - (d) within 4 metres of any other shelter that is placed, erected, maintained or used in accordance with section 16A or this section,
 - (e) within 50 metres of a school as defined in the *School Act*, or
 - (f) that, including all associated objects or possessions, exceeds 9 square metres in size.
- (3) A person must not keep, store, or use in a park
- (a) a barbeque, stove, heater, or any other open flame appliance, or
 - (b) a propane tank, gasoline container, or any other flammable gas or liquid.

Animals at large

- 17 A person having the control of an animal may allow it to run at large or feed in a park only if that is permitted under the Animal Control Bylaw.

PART 4 – GENERAL

Offence

- 18 A person who contravenes a provision of this Bylaw is guilty of an offence and is liable on conviction to the penalties imposed by this Bylaw and the *Offence Act*.

Impounding

- 19
- (1) The Director, or a person authorized by the Director, bylaw officer, or a police officer, may remove, seize, and impound or cause the removal, seizure or impoundment of any property, matter or thing that unlawfully remains, or has been unlawfully placed or left in a park.
 - (2) After the seizure, removal or impoundment of an object referred to in subsection (1), the object must be made available to be claimed by a person entitled to its possession, in accordance with subsection (3), within six hours of it being removed, seized or impounded.
 - (3) After the seizure, removal or impoundment of an object referred to in subsection (1), a person entitled to its possession may obtain its release by attending at the Bylaw and Licencing Services office during regular business hours.
 - (4) The Director of Parks may cause a detained object to be sold, by public auction, to the highest bidder if

- (a) the person entitled to the possession of the object, within 30 days of its detention, including the date of detention, does not satisfy the requirements of subsections (2) and (3), and
 - (b) it appears to the Director of Parks that the object has market value.
- (5) The Director of Parks must cause a detained object to be discarded as garbage if
 - (a) the person entitled to the possession of the object, within 30 days of its detention, including the date of detention, does not satisfy the requirements of subsections (2) and (3), and
 - (b) it appears to the Director of Parks that the object has no market value.
- (6) The City's Corporate Administrator must apply the proceeds of an auction sale held under this section in the following manner:
 - (a) firstly, deduct the costs of the auction;
 - (b) secondly, deduct the fees payable to the City under subsection (3);
 - (c) finally, pay the surplus, if any, to the person entitled if that person's identity and location are known.
- (7) The Corporate Administrator must apply the surplus referred to in subsection (6)(c) in the following manner if the identity or location of the person entitled to the surplus is not known:
 - (a) hold the surplus for one year from the date of the auction;
 - (b) pay the amount of the surplus into the City's General Revenue if the surplus is not claimed within one year from the date of the auction.
- (8) An amount paid into General Revenue under subsection (7)(b) is forfeited to the City.

Penalties

- 20 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the *Offence Act* if that person
 - (a) contravenes a provision of this Bylaw,
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw,
 - (c) neglects or refrains from doing anything required by a provision of this Bylaw, or
 - (d) obstructs or interferes with a bylaw officer in the enforcement of this bylaw.

- (2) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

Repealed

21 [Repealed]

Repealed

22 [Repealed]

Severance

22A If any section, sub-section, sentence, clause, or phrase of this Bylaw is for any reason found to be invalid by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

Repeal

23 Bylaw No. 91-19, the Parks Regulation Bylaw, is repealed.

READ A FIRST TIME the	12th	day of	July	2007
READ A SECOND TIME the	12th	day of	July	2007
READ A THIRD TIME the	12th	day of	July	2007
ADOPTED on the	9th	day of	August	2007

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“ALAN LOWE”
MAYOR

Schedule A
Park Facility Permit
(Parks Regulation Bylaw)

This Permit licences the Permit Holder to use that Facility in a park in the City of Victoria that is named below.

This Permit is subject to all of the terms and conditions stated below.

Permit Holder: _____

Names, addresses,
telephone numbers, &
titles of Permit Holder's
Representatives: _____

Facility permitted
to be used: _____

Type of use: _____

Special conditions
of use: _____

Date and time of use (include set-up and finish time): _____

Charges: _____

Beer Garden requested: _____ (yes) _____ (no)

The Permit Holder's Representative

- (a) confirms that the Representative has legal authority to represent the Permit Holder by signing this Permit,
- (b) on behalf of the Permit Holder has read and agrees to comply with the terms and conditions of this Permit, and
- (c) confirms that the Representative has and will exercise the authority and power to legally obligate the Permit Holder to comply with the terms and conditions of this Permit.

Signatures of Permit Holder's Representatives:

Terms and Conditions
(Park Facility Permit)

1. The City does not make any warranties or representations about the suitability, for the Permit Holder's purposes, or about the condition of the Facility for which this Permit is issued. In particular, the City's sports fields do not receive daily care or inspection. It is the Permit Holder's responsibility to inspect all sports fields that are part of the Facility permitted for which this Permit is issued and to ensure that those fields are suitable and safe for the Permit Holder's purposes.
2. The Permit Holder
 - (a) may use only the Facility named in this Permit;
 - (b) must not allow another person to use the Facility;
 - (c) must exercise the greatest care in using the Facility;
 - (d) must immediately report to the City's Department of Parks, Recreation, and Community Development all damages to the Facility that the Permit Holder causes;
 - (e) must compensate the City for all damages that the Permit Holder causes to the Facility;
 - (f) must leave the Facility in a clean and tidy condition after using it, or compensate the City for the cost of doing that;
 - (g) may place an object in or on a grass field only after consulting with and following the directions of the City's Department of Parks, Recreation, and Community Development for the purpose of avoiding damage to underground irrigation systems;
 - (h) must notify the City's Department of Parks, Recreation, and Community Development to cancel this Permit if the Permit Holder does not intend to use the Facility for which this Permit is issued;
 - (i) may allow liquor to be present at a Facility for which this Permit is issued only if that is allowed by a permit issued under the Liquor Control and Licensing Act;
 - (j) for the preparing and serving of food, and the operation of a food concession, must
 - (i) obtain and comply with a permit for a catered function from the Vancouver Island Health Authority;
 - (ii) comply with the *Health Act*.
3. The Permit Holder agrees to use the Facility, for which this Permit is issued, at its own risk and to indemnify and save harmless the City and its officers, employees, agents, and contractors from all claims, including proceedings and expenses, that arise directly or indirectly in connection with the use of the Facility by the Permit Holder.
4. The Permit Holder will maintain commercial general liability insurance coverage for the purposes of indemnifying the City on the following bases:
 - (a) the City will be covered as an additional named insured;

- (b) the insurance policy will contain a cross liability clause;
 - (c) the insurance policy will be written on a comprehensive basis with inclusive limits of not less than \$2 million per occurrence, including \$2 million for bodily injury and death to one or more persons, or for property damage, occurring on, in, or about the Facility during the time for which this Permit is issued;
 - (d) the insurance policy will contain a clause providing that the insurer will give to the City 30 days prior written notice of a cancellation of insurance and of any important change to the coverage;
 - (e) the Permit Holder will give to the City an executed copy of a Certificate of Insurance as evidence of the coverage.
5. The Permit Holder understands that the City may revoke or cancel the Permit with cause.

Schedule B
Parade/Race Permit
(Parks Regulation Bylaw)

This permit allows the Permit Holder to hold the event named below in the City of Victoria at the locations and times shown below.

The Permit Holder must complete the following matters if the Event for which this Permit is a major event:

- (a) show proof of \$2 million liability insurance,
- (b) conduct a pre-event course inspection, and
- (c) before the Event for which this Permit is issued, must obtain the consent of all participants to a waiver of all claims against the City for liability for injury, death, or damage that arises directly or indirectly in connection with the Event.

Permit Holder:

Address &
telephone number
of Permit Holder:

Type of Event
permitted:

Location or route
of Event (include map):

Date and Time of Event:

Approximate number
of participants, bicycles,
and vehicles involved in
the Event:

Notice given by Permit
Holder to residents &
businesses potentially
affected by the Event:

____ (yes) ____ (no)

Other details:

Comments:

Police Department
(Traffic):

Engineering (Traffic):

Engineering (Parks):

Fire Department:

Schedule C
Performance/Concert Permit
(Parks Regulation Bylaw)

This Permit licences the Permit Holder to use that Facility in a park in the City of Victoria that is named below.

This Permit is subject to all of the terms and conditions stated below.

Permit Holder: _____

Names, addresses,
telephone numbers, &
titles of Permit Holder's
Representatives: _____

Facility permitted
to be used: _____

Type of use: _____

Date and time of use,
including arrival &
departure: _____

Services and structures
to be provided by the
City at its expense: _____

Services and structures
to be provided by the
Permit Holder at its
expense: _____

Fee: _____

The Permit Holder's Representative

- (a) confirms that the Representative has legal authority to represent the Permit Holder by signing this Permit,
- (b) on behalf of the Permit Holder has read and agrees to comply with the terms and conditions of this Permit, and
- (c) confirms that the Representative has and will exercise the authority and power to legally obligate the Permit Holder to comply with the terms and conditions of this Permit.

Signatures of Permit Holder's Representatives:

Terms and Conditions
(Performance/Concert Permit)

1. This Permit is not valid until the Permit Holder signs and returns the copies of the Permit with the fee payment.
2. Part of a fee paid as a damage deposit for the Permit Holder's use of the Facility may be applied by the City to a claim made against the City as a result of that use.
3. The City may deduct an administration fee from part of a fee paid as a damage deposit for the Permit Holder's use of a Facility if the Permit Holder cancels this Permit.
4. The Permit Holder's Representatives must be present at the event for which this Permit is issued.
5. The Permit Holder
 - (a) may use the Facility only for the type of use stated in this Permit;
 - (b) must not assign any of the rights held under this Permit to another person;
 - (c) must not allow another person, other than a spectator, to use the Facility;
 - (d) must take all reasonable steps to ensure that participants do not violate any law;
 - (e) must not allow its performers, employees, and agents to produce excessive sound and will comply with all of the City's requirements in connection with minimum and maximum sound levels permitted for the purpose of limiting nuisance to neighbouring residents and park users;
 - (f) must pay all amounts owed to its performers, employees, and agents for the purpose of using the Facility for which this Permit is issued;
 - (g) must pay all royalties and fees of authors, publishers and composers that become payable as a result of the Permit Holder's performances
 - (h) must pay all assessments and taxes that are lawfully imposed by a government;
 - (i) may place a structure, or cause it to be placed, in or on the Facility only after obtaining the written consent of the Director;
 - (j) must not place posters, concerning the Facility or the Permit Holder's event in the Facility, on a sidewalk, a street, or a structure that is in or on a sidewalk or street, other than a cylinder or board provided for that purpose by the City;
 - (k) must acknowledge, on all of its promotional material, all applicable co-sponsorship by the City for an event for which this Permit is issued,
 - (l) must allow its concerts to be open to the public free of charge, and may accept donations only if the Permit Holder has paid a rental fee to the City;
 - (m) must maintain the Facility in a clean and tidy condition when using it;
 - (n) must not allow confetti to be used for weddings or any other event;
 - (o) must leave the Facility in a clean and tidy condition after using it, or compensate the City for the cost of doing that;
 - (p) must remove all of its property on or before the end of the time for which this Permit is issued;

- (q) must ensure the safety of all equipment and other property owned by the City in the Facility;
 - (r) must immediately report to the City's Department of Parks, Recreation, and Community Development all damages that the Permit Holder causes to the Facility;
 - (s) must compensate the City for all damages and loss that the Permit Holder causes to the Facility and the City's equipment and other property at the Facility, including damages and loss resulting from riot but excluding damages and loss resulting from natural disasters, hostile acts against the Crown, and acts or omissions of the City's officers and employees.
6. The Permit Holder agrees to use the Facility, for which this Permit is issued, at its own risk and to indemnify and save harmless the City and its officers, employees, agents, and contractors from all claims, including proceedings and expenses, that arise directly or indirectly in connection with the use of the Facility by the Permit Holder.
 7. The Permit Holder will maintain comprehensive public liability insurance coverage for the purposes of indemnifying the City on the following bases:
 - (a) the City will be covered as an additional named insured;
 - (b) the insurance policy will contain a cross liability clause;
 - (c) the insurance policy will be written on a comprehensive basis with inclusive limits of not less than \$2 million per occurrence, including \$2 million for bodily injury and death to one or more persons, or for property damage, occurring on, in, or about the Facility during the time for which this Permit is issued.
 8. In connection with the Cameron Bandshell in Beacon Hill Park, a Permit Holder
 - (a) must not carry on or allow any commercial promotion or activity,
 - (b) may use the pathway adjacent to the Bandshell only for the purposes of loading and unloading equipment
 - (c) must not park or cause or allow the parking of vehicles on the pathway adjacent to the Bandshell when they are not being used for the purposes of loading and unloading equipment;
 - (d) must obtain a Special Event Permit from the City for additional parking on Douglas Street soccer field if an event for which this Permit is issued is expected to have more than 2,000 spectators,
 - (e) must ensure that concerts are performed only at times between 9:30 a.m. and 9:30 p.m. of the same day,
 - (f) must ensure that concerts are not longer than 3 hours and that the Permit Holder's concert does not start earlier than 2 hours after another Permit Holder's concert at the Bandshell.
 9. A Permit Holder
 - (a) must not park or cause or allow the parking of vehicles anywhere in Centennial Square, and
 - (b) must not place equipment, structures, or any other thing on the grassed area of Centennial Square.

Schedule D
Special Event Permit
(Parks Regulation Bylaw)

This permit allows the Permit Holder to hold the event named below in the City of Victoria at the locations and times shown below.

Permit Holder: _____

Address &
telephone number
of Permit Holder: _____

Type of Event
permitted: _____

Location of Event: _____

Date and Time of Event: _____

Approximate number
of people and vehicles
involved in the Event: _____

Notice given by Permit
Holder to residents &
businesses potentially
affected by the Event: _____ (yes) _____ (no)

Beer Garden requested: _____ (yes) _____ (no)

Other details: _____

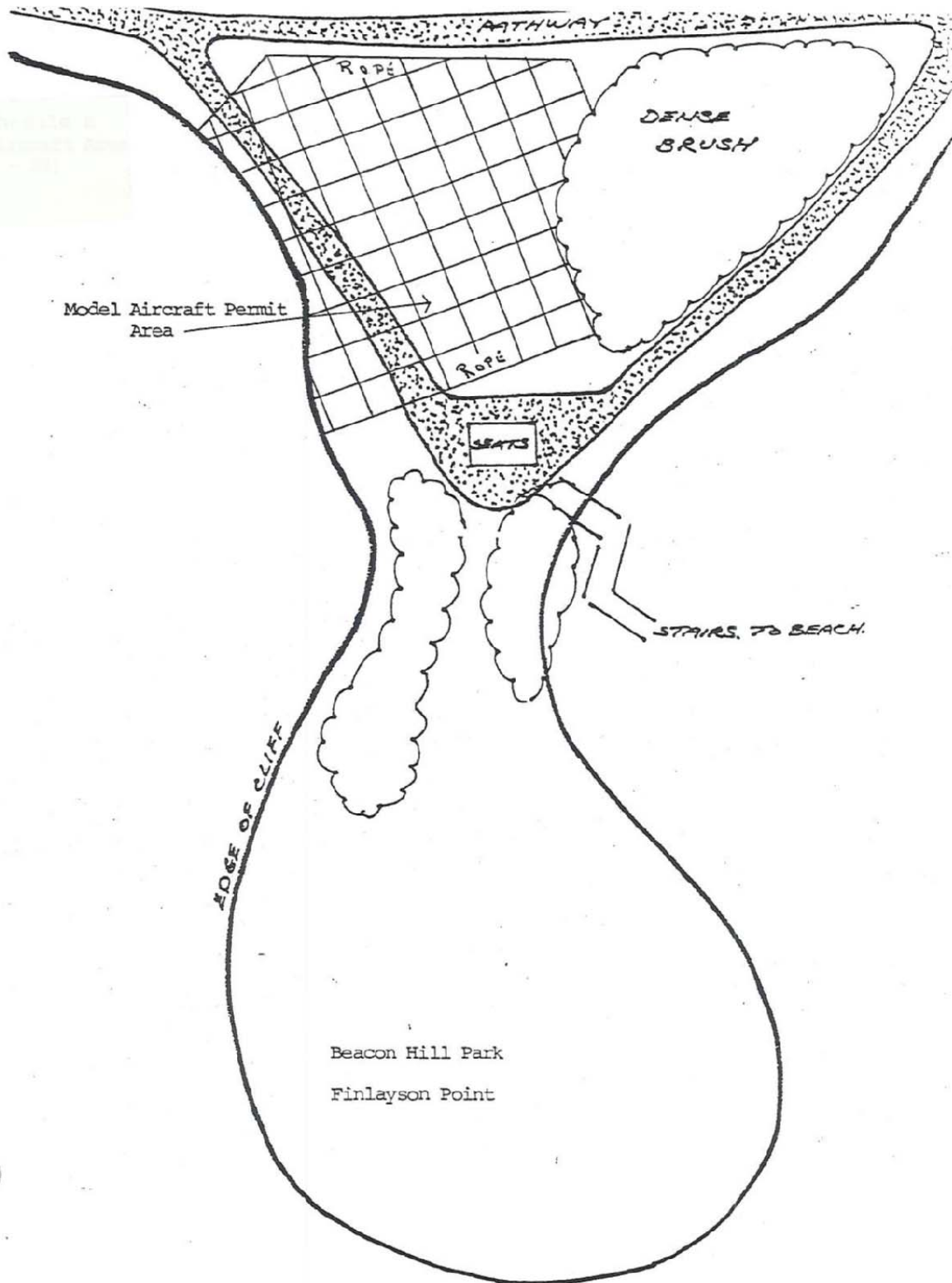
Comments:
Police Department
(Traffic): _____

Engineering (Traffic): _____

Engineering (Parks): _____

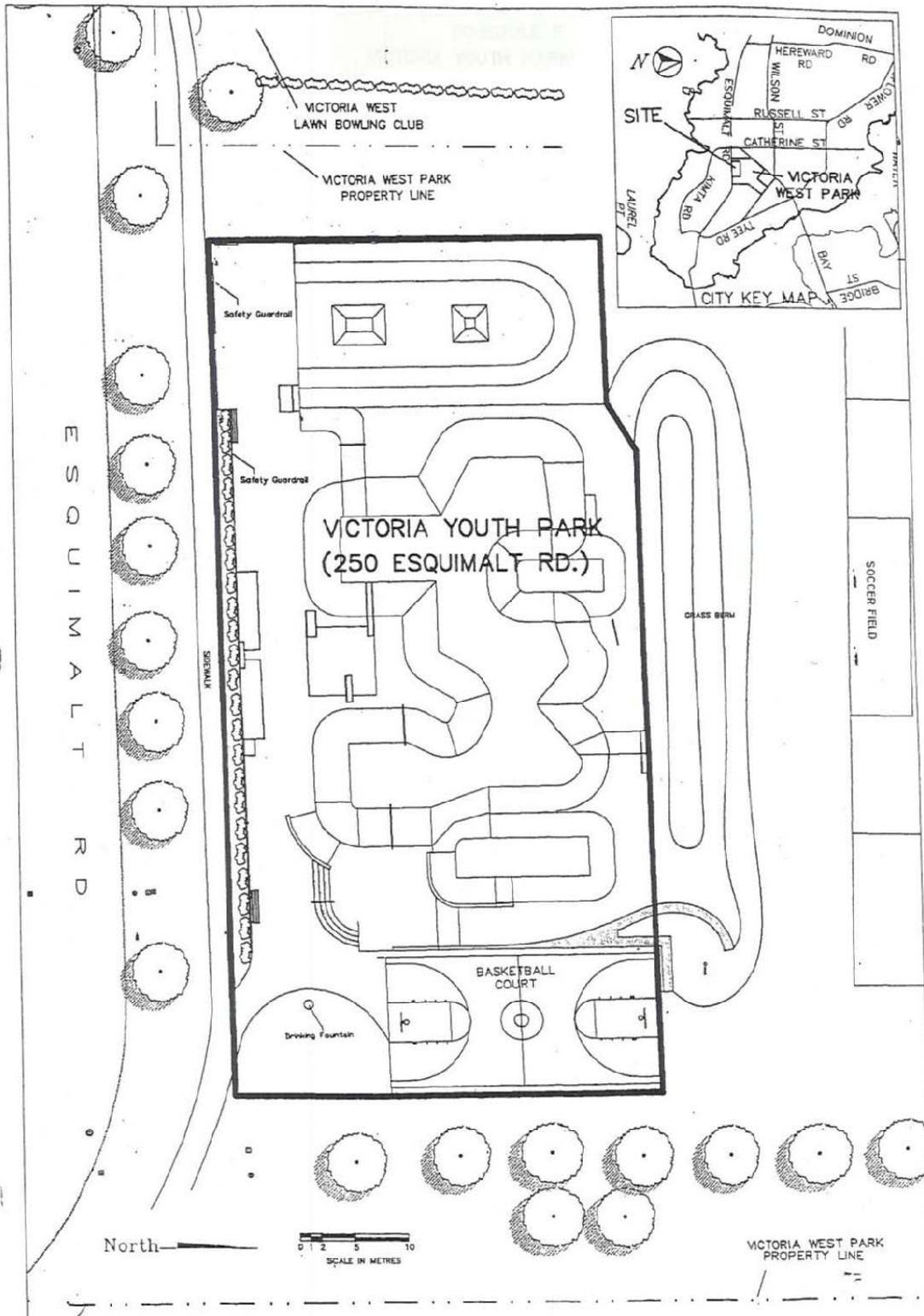
Fire Department: _____

Schedule E
Model Aircraft Area



Schedule F

Victoria Youth Park



Schedule G**Research Permit**

Application for a Research and Collection Permit in City of Victoria Parks

APPLICANT INFORMATION

COMPANY/SOCIETY/INDIVIDUAL NAME: _____

MAILING ADDRESS: _____

CITY / TOWN: PROV / STATE: _____

POSTAL / ZIP CODE: _____

BUSINESS PHONE NUMBER (AREA CODE): _____

FAX NUMBER (AREA CODE): _____

NAME OF CONTACT: _____

E-MAIL ADDRESS: _____

BUS. PHONE NUMBER (AREA CODE): _____

FAX NUMBER (AREA CODE): _____

CELLULAR PHONE NUMBER (AREA CODE): _____

NAME OF PARK(S): _____

PERIOD OF USE (INCLUSIVE): _____

FROM: _____ TO: _____

List all activities to be undertaken:

Collection of Specimens____ Survey/Inventory____ Research____ Monitoring____

Educational____ Other(s)(specify):_____

Please attach a proposal that addresses the following:

A. Project description, including:

1. Purpose of research or educational activity;
2. Geographic location(s) of the activity (provide maps to an appropriate scale);
3. Scope and objectives of the research or educational activity;
4. Proposed methodology;
5. Detailed schedule for the project from start to completion with major benchmarks. Indicate how sensitive this schedule is to change (delays in approval, weather, etc.);
6. Resources required to undertake and manage the project, including all costs, proposed funding sources and other resources (equipment, supplies etc.);
7. Relevance of the proposal to the conservation and education mandate and objectives of the City
8. The reason for, type, number and intended use for each specimen collected;
9. Effects on vegetation, wildlife, species and ecosystems at risk and other protected area values;
10. What actions will be undertaken to mitigate impacts on protected area values resulting from the proposed research or educational activity; and
11. What report type(s) (thesis, publication, etc.) are anticipated and when will they be produced.

B. Project researcher(s), including:

1. Academic qualifications;
2. Duties with respect to the project;

Fees: Park use or permit fees are not charged for research and education activities. However, the applicant must pay the City for its costs incurred in surveying, examining and inspecting the area affected by the application.

THE APPLICANT HEREBY CERTIFIES THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND CORRECT.

The Permit Holder agrees to use the Facility, for which this Permit is issued, at its own risk and to indemnify and save harmless the City and its officers, employees, agents, and contractors from all claims, including proceedings and expenses, that arise directly or indirectly in connection with the use of a park under this Permit.

Date:_____

Signature of Applicant or Authorized Representative

Send completed application and proposal description to:

City of Victoria

Park Division
 #1 Centennial Square
 Victoria BC V8W 1P6

Project proposal reviewed by: _____

Date: _____

Revisions requested: _____

Project approved by: _____

Date: _____

Research Permit Guidelines

Permits are not issued for activities, which in the Director's opinion will adversely affect:

- conservation, recreation, or cultural values
- character and aesthetics of the protected area
- red/blue-listed species or ecosystems, species at risk,
- biogeoclimatic representation, etc
- critical or geographically unique characteristics
- public health and safety
- traditional use of the area by First Nations
- the local community
- recreational use or enjoyment of the park (regardless of the intended benefits of the proposed activities)

Permits do not allow the applicant:

- to operate vehicles off of roads within the parks
- to operate power equipment within the parks
- to carry on any activity that will disturb protected wildlife in the parks
- to damage or collect any species listed as endangered, threatened or of concern in the parks

Special permission is required to:

- interview park users or staff
- leave equipment unattended in the parks
- interfere with the use and enjoyment of the parks by park users
- interfere with the maintenance of parks by parks staff

The permit holder will be responsible for:

- ensuring personal and public safety during research activities
- any damage or injury to resources or property in the parks resulting from research activities
- compliance with all City bylaws governing the use of parks and public places

Permits are not transferable.

The City reserves the right to revoke any permit upon notice to the permit holder.

If the research results in the production of a publication or thesis, the researcher is required to forward a copy to the City of Victoria Parks division.

F.1.b.d Council Member Motion: Immediate Temporary and Long Term Housing Solutions for People Sheltering in City Parks and Repealing Temporary Amendments to the Parks Regulation Bylaw

Moved By Mayor Helps

Seconded By Councillor Alto

It was requested that the numbered items within the motion be voted on separately.

1. That Council direct staff to work with a private land owner or use city-owned land for the construction of temporary tiny home clusters of no more than 30 units beginning with one pilot project in Q1 of 2021 subject to the availability of one year of operating funding from BC Housing.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Potts, Councillor Loveday, Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (6 to 1)

2. That Council allocate a portion of the City's federal-provincial restart money to help fund solutions that will move people indoors.

CARRIED UNANIMOUSLY

3. That the City request the Province immediately open Oak Bay Lodge to people 55 years and older who are currently living in City parks and/or shelters until the vacant building is demolished for redevelopment.

CARRIED UNANIMOUSLY

4. That the City indicate to the Province that it supports the use of the two sites recently purchased by the Province on Yates Street and Meares Street for affordable, supportive housing and encourages the Province to begin construction of modular housing on those sites as soon as possible, respecting the City's design guidelines.

FOR (6): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Potts, Councillor Loveday, Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (6 to 1)

5. That the City of Victoria works with the Province and other partners to offer housing or indoor shelter with a path to permanent housing for everyone currently sheltering in City parks by March 31st 2021 and directs staff to bring forward amendments to the Parks Regulation Bylaw so that the temporary measures including 24/7 camping expire on March 31st 2021. Final adoption of these amendments are to be scheduled once it is clear that adequate housing and shelter space will be made available by the March 31st deadline.

FOR (5): Mayor Helps, Councillor Alto, Councillor Potts, Councillor Loveday, Councillor Thornton-Joe

OPPOSED (2): Councillor Dubow, Councillor Young

CARRIED (5 to 2)

6. That the City supports partner agencies in engaging people currently sheltering in City parks to determine their housing and support needs, to inform the operation of shelter and housing facilities and ensure access to safe and adequate housing for all.

CARRIED UNANIMOUSLY

To: Committee of the Whole **Date:** August 31, 2020
From: Jocelyn Jenkyns, City Manager
Subject: City Response to Sheltering During the Pandemic

That Council

1. Direct the City Solicitor to prepare amendments to the Parks Regulation Bylaw, to the satisfaction of the Director of Parks, Recreation and Facilities, which include
 - a. the following temporary adjustments;
 - i. no prohibition on daytime sheltering in accordance with Council direction of May 21, 2020;
 - ii. Limitation on maximum size of a shelter (limit footprint of sheltering site);
 - iii. Spacing requirements for prevention of fire spread, access for emergency services, and maintain physical distancing to reduce spread of infection;
 - iv. Restrictions on possession of open flame appliances and combustible materials;
 - v. Creation of a buffer around areas where sheltering is prohibited in parks, as well as schools; and
 - vi. A clause repealing the amendments 30 days after the last extension of the Provincial state of emergency; and
 - b. the following permanent adjustment;
 - i. Adding *community gardens* and *horticultural areas* to the list of areas where sheltering is not permitted; and
 - ii. Adding *Summit Park, Moss Rocks Park, MacDonald Park, South Park, Robert Porter Park, David Spencer Park, and Centennial Square* to the list of parks where sheltering is prohibited.
2. Authorize the expenditure of up to \$165,000 in 2020 funded from contingencies for additional Bylaw Services resources, and direct staff to include ongoing annual budget of \$491,000 in the draft 2021 Financial Plan funded by 2021 new property tax revenue from new development.
3. Move to the daytime Council meeting of September 3, 2020.

EXECUTIVE SUMMARY

Homelessness is one of the most pressing urban issues and its impacts in Victoria continue to affect citizens across the community. This situation is further complicated by the devastating effects of the growing opioid crisis and the COVID-19 pandemic.

Responding to the needs of individuals experiencing homelessness requires the contributions of several stakeholders. While the ultimate responsibility for supportive housing lies with other levels of government, the City is an active player in the local response, working collaboratively with representatives of the B.C. government, regional health authority and many community service agencies.

The City has witnessed a marked increase in the volume of outdoor sheltering activity in public space over the past year. At present there are an estimated 275 people living outside. As the level of street homelessness has grown, concerns relating to safety in parks have also increased. There has been a high frequency of incidents over the past several months, including conflicts between individuals sheltering and other citizens as well as additional hazards for City staff. To-date the City has taken several actions to increase health and safety, such as updating signage in parks, expanding access to basic services (i.e. washrooms, water fountains, waste removal), sharing information about community services with individuals sheltering, conducting risk assessments and updating safe work procedures for staff, and enhancing security.

As outlined in this report, staff have noted a suite of potential amendments to the Parks Regulation Bylaw, which would add clarity and help to reduce risks of personal injury and property damage. In addition, staff are proposing to increase the resourcing for Bylaw Services to assist with managing the significantly higher demand for support.

PURPOSE

The purpose of this report is to provide Council with advice regarding the City response to impacts associated with sheltering in public parks during the current pandemic and seek approval for additional funding for Bylaw Services resources. A long-term plan for addressing these issues will be developed and reported on separately.

BACKGROUND

Greater Victoria has been undergoing a homelessness crisis for many years. The number of people experiencing homelessness has consistently exceeded the number of supported and affordable housing and shelters available for them. As a result, individuals have been forced to shelter in municipal parks which has caused local governments to deal with issues that are beyond their ability to resolve. The negative impacts of a growing number of people experiencing homelessness include issues such as, property damage in parks, conflicts between housed and unhoused residents, perceived or actual increases in crime, increased debris, and hazards in public spaces. In the context of a pandemic, the potential for virus transmission is a serious additional risk.

Since the beginning of the pandemic emergency the City has worked collaboratively with a wide range of stakeholders on appropriate assistance for vulnerable members of the community, especially those who are unhoused and, therefore, not able to shelter at home as directed by public

health authorities. Members of the City leadership team have joined representatives of BC Housing and various Provincial ministries, Island Health, the Coalition to End Homelessness, Aboriginal Coalition to End Homelessness, Dandelion Society, Pacifica Housing, Salvation Army, Our Place, Cool-Aid Society, Portland Hotel Society, Mustard Seed, AVI, SOLID, PEERS, Poverty Kills, and University of Victoria to share information and support efforts to address issues relating to street homelessness, on a weekly basis. This investment of time on both short and long-term solutions is valuable and will continue for the foreseeable future.

The provincial government, through BC Housing, has secured temporary housing for most occupants of the previous encampments at Topaz Park and Pandora Green. Unfortunately, the number of people sheltering in parks and other public spaces has continued to increase over the summer.

Earlier this year, based on advice from the public health authorities, the City suspended enforcement of the prohibition on daytime sheltering in the parks. This has allowed for persons experiencing homelessness to shelter in place, assisting them in maintaining physical distancing as recommended by public health authorities. However, it has also contributed to a certain entrenchment of shelters, increased accumulation of possessions, and increased damage to public parks.

ISSUES & ANALYSIS

It is important to note that municipal parks are not designed nor managed with the intention of being used for sheltering. Although sheltering has occurred in limited numbers for years, the volume has grown substantially in recent months. The number of temporary shelters in City parks and other public spaces has more than doubled between June and August and currently totals approximately 275.

The significant increase in sheltering activity during the pandemic has led to various impacts, including,

- Debris and hazardous material such as hypodermic needles, broken glass, and biological hazards
- Conflicts between various other user groups and persons sheltering
- Damage to property
- Incidents of violence and harassment towards City staff
- Criminal activity
- Risk of fire due to open burning for heat, cooking, drug manufacturing and consumption and presence of combustibles, such as gas cans, propane tanks, acetylene torches, and gas-powered equipment
- Damage to natural assets, such as trees, vegetation, garden beds, through cutting, digging, burning, and staking

City staff, primarily Bylaw Officers, have been attempting to deal with the most problematic behaviours, with limited success. The inability of Bylaw Officers to achieve voluntary compliance with rules such as those relating to the protection of environmentally sensitive areas, illustrates the challenge of managing sheltering activities in public parks.

As part of an enhanced response, two immediate term actions are presented below, to assist with mitigating some of the main risks and impacts of this crisis. In addition, staff acknowledge that the City also requires a longer-term strategy which will provide clarity of direction and dedicated resources to more efficiently manage this highly complex issue, in collaboration with the various

partners and those experiencing homelessness.

Bylaw Amendments

The Parks Regulation Bylaw provides an exemption for homeless persons from the general prohibition on erecting shelters in public parks. That exemption is limited to overnight shelters only and includes other limitations as to locations where sheltering is absolutely prohibited. For convenience, a copy of section 16A of the bylaw is attached as Appendix A.

On May 21, 2020, Council directed staff not to enforce the prohibition on homeless persons erecting or maintaining shelters in the parks during daytime to facilitate homeless persons sheltering in place. This direction was consistent with the advice received from public health authorities and subsequent circular to local governments from BC Public Health Officer, Dr. Bonnie Henry, which specifically advised that:

Local governments can help support people experiencing homelessness to reduce health risks and to improve access to essential services, supplies and supports. This may include looking at any bylaws that require people experiencing homelessness to move or leave safe shelter, be that a park or vehicle. Clearing or moving encampments without providing shelter or housing immediately can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread and may lead to isolation, which also poses health and safety risks to vulnerable people.

Unfortunately, suspending enforcement of prohibition on daytime sheltering has resulted in a number of adverse effects, such as enlargement and entrenchment of encampments, which increases the risks of fire and other health impacts to occupants. In addition, large and congested sheltering sites are causing damage to landscaping, fences, trees and other property.

The Parks Regulation Bylaw does not contain any specific rules regarding shelters erected by persons experiencing homelessness beyond the time and location restrictions. As a consequence, the City does not have effective means of managing shelters to mitigate the negative impacts that can be associated with uncontrolled growth of such shelters while the daytime sheltering prohibition is not being enforced. Therefore, it is recommended that the Parks Regulation Bylaw be amended to include the following temporary provisions:

1. No prohibition on daytime sheltering in accordance with Council direction of May 21, 2020;
2. Limitation on maximum size of a shelter (limit footprint of sheltering site);
3. Spacing requirements for prevention of fire spread, access for emergency services, and maintain physical distancing to reduce spread of infection;
4. Creation of a buffer around areas where sheltering is prohibited in parks, as well as schools;
5. Restrictions on possession of open flame appliances and combustibles; and
6. A clause repealing the amendments 30 days after the last extension of the Provincial state of emergency.

Based on the experiences with the organized sheltering site at Topaz Park, operated through BC Housing in the spring, staff have developed recommendations for the physical spacing and size of shelters. Applying a shelter space of up to 3m by 3m (10' by 10') will reduce the impacts on park property and allow for a typical tent footprint. The application of a spacing requirement of 4m between shelters in Topaz Park helped to ensure access for emergency services and reduce the risk of fire spread and virus transmission. Staff have explored both a 2m and 4m spacing between

Attachment B provides an illustration of the difference between these two options for Central Park. Staff recommend applying a minimum buffer of 4m.

In recent weeks, concerns have been raised in the community about the impacts of sheltering on local school operations. At South Park School, issues relating to property damage, human waste and hazardous debris that would pose risks to students, faculty and volunteers have been the focus of staff from both the School District and City. To mitigate against these types of issues, staff recommend applying a prohibition on temporary sheltering in parks within 50m of a school. In the example of South Park School, this limitation would result in a “shelter-free” zone across Douglas Street in Beacon Hill Park (miqan).

Staff are also recommending a restriction on the possession of open-flame appliances and combustibles as a means to reduce the risk of fire and personal injury in parks. Over the past several weeks the Fire department has reinforced the need to address this issue, particularly critical as the density of sheltering activity has increased in certain locations.

Additionally, staff recommend other permanent amendments to the Parks Regulation Bylaw for consideration, including:

1. Adding *community gardens* and *horticultural areas* to the list of areas where sheltering is not permitted; and
2. Adding specific parks to the list of locations where sheltering is prohibited.

The following parks are specifically recommended to be immediately added to the list in Section 16A.2.b,

- Summit Park (Hillside-Quadra)
- Moss Rocks Park (Fairfield)
- MacDonald Park (James Bay)
- South Park (James Bay)
- Robert Porter Park (Fairfield)
- David Spencer Park (Oaklands)
- Centennial Square (Downtown)

Summit Park and Moss Rocks Park are each comprised almost entirely of environmentally sensitive areas. The areas currently available for sheltering are limited, however staff note the potential damage to rare and endangered ecosystems due to sheltering activity, as a high priority consideration for this change.

There are four City parks which also serve as the primary play spaces for local schools, namely MacDonald Park, South Park, Robert Porter Park, and David Spencer Park. These parks contain a variety of play features, sport courts, and open green spaces that students use daily pursuant to a long standing licence agreement between the City and School District 61. The potential impacts of sheltering in this space include debris or hazards where children are playing, and therefore staff recommend permanently prohibiting sheltering in these parks.

Finally, staff recommend that Centennial Square be added to the list of prohibited sites. This prominent urban plaza is primarily comprised of pathways and infrastructure to support public events. The small green spaces available have frequently become congested and heavily damaged by sheltering activity, and conflicts between individuals sheltering have led to serious incidents.

The proposed amendments are anticipated to result in positive outcomes such as, increased clarity for individuals sheltering and overall safer conditions, by aligning the bylaw with guidance from public health authorities during the pandemic, as well as addressing risk of personal injury or property damage posed by fire hazards. The specific bylaw amendments will be developed based on Council directions and submitted for Council's consideration in the near future.

Additional Bylaw Resources

The demand for Bylaw Services over the past year has increased substantially. There has been an increase of more than 50%, in calls-for-service between 2019 and 2020. Further, the average number of cases per officer has increased by 80%. The combined increase for both reactive and planned work is far exceeding the capacity of the existing team.

Since the pandemic began the primary focus for Bylaw Services has been focused on issues associated with homelessness. The result is that many other regulatory bylaws are not being investigated and complaints are going unanswered.

Between May 9 and August 3, the City received some additional temporary support to address some of the increased demand for services funded through EMBC. This provided valuable additional capacity for the City to address the increase in sheltering activity directly related to COVID-19. These resources made it possible to conduct enforcement activity at every sheltering area daily and conduct some level of enforcement. Without those additional three CRD officers on each shift, that same level of service would not have been possible. To regain this lost capacity, staff are seeking approval for the equivalent of five permanent (full-time-equivalent) Bylaw Officers who would replace the shifts that were being provided by the CRD officers.

Finally, it is important to note that these resources will enable Bylaw Services to maintain the current level of service as it directly relates to issues of disorder and concerns associated with public sheltering sites, but will not likely address the backlog in other service demands. The demand for Bylaw Services support is likely to remain high for the foreseeable future.

OPTIONS & IMPACTS

The proposed response to sheltering in the parks recognizes the reality that persons experiencing homelessness need to shelter in the parks and that, during the pandemic, sheltering in place is necessary. However, to better mitigate the problems associated with sheltering in parks, new rules would be introduced to properly govern the sheltering activity and address the most significant side-effects of sheltering. Specifically, the proposed bylaw amendments would include limits on the size of the shelters, mandate minimum distances between shelters, establish buffer zones, and prohibit fire hazards such as open flame appliances and propane tanks. These amendments would be temporary, and the bylaw would include an automatic repeal clause which would come into effect 30 days after the last extension of the Provincial state of emergency that was initially declared on March 18, 2020.

Creation of clear rules for sheltering in the parks alone is not sufficient. Adequate resources, in the form of additional Bylaw Officers, to enforce these rules are also necessary. It is important to note here that "enforcement" in the context of municipal bylaws involves a graduated approach, starting with education and warnings, intended to achieve voluntary compliance, and progresses to more coercive enforcement, such as tickets, etc., only if voluntary compliance cannot be achieved.

Financial Impacts

The financial impact of the proposed new resources for Bylaw Services is \$491,000 annually. This funding is inclusive of five full-time equivalent positions, as well as other required operational expenses. Should Council authorize additional resources, the funding need for 2020 is approximately \$165,000 and could be funded by the remaining 2020 contingency budget. The recommended ongoing funding source starting in 2021 is new property tax revenue from new development. The amount of new property tax revenue from new development in 2021 is still unknown, but it is anticipated that it will be sufficient to fund these additional resources.

This comprehensive and integrated approach is considered the most likely to achieve positive results and is recommended. If Council is not supportive of the recommended approach, direction on an alternative approach is required.

CONCLUSIONS

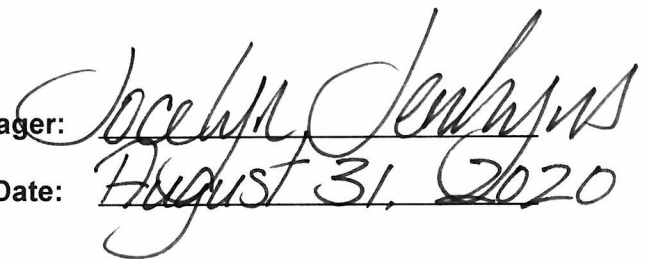
There is no simple solution for addressing the complex issue of homelessness in the city. The current pandemic and growing opioid crisis have exacerbated pre-existing circumstances relating to homelessness, and the impacts are being felt in nearly every corner of the community. Staff recommend that Council support the immediate response to some of the key pressures, as described in this report.

Respectfully submitted,

Jocelyn Jenkyns
City Manager

Report accepted and recommended by the City Manager:

Date:


August 31, 2020

List of Attachments

Attachment A – Section 16A of the Parks Regulation Bylaw
Attachment B – Buffer Zone Illustration

To: Committee of the Whole **Date:** January 9, 2021
From: Thomas Soulliere, Director of Parks, Recreation and Facilities
Subject: Proposed Updates to Parks Regulation Bylaw

That Council direct staff to prepare the following amendments to Section 16A of the *Parks Regulation Bylaw*;

- A. Prohibit sheltering within parks in areas with high-risk of flooding or other environmental hazards, and
- B. Add Central Park to the list of parks where sheltering is prohibited.

The purpose of this report is to present Council with information regarding the mitigation of impacts relating to sheltering in City parks.

For years municipal parks have been used by individuals experiencing homelessness for overnight sheltering. In the years prior to 2020, the volume of sheltering was appreciably lower than the current level. Largely in response to the impacts associated with the COVID-19 pandemic, certain parks, including Central Park, have experienced a significant increase in sheltering activity. At its peak last year, there were more than 100 tents and other temporary structures erected in Central Park, the primary green space for the North Park neighbourhood.

In September 2020, Council amended the *Parks Regulation Bylaw* (the *Bylaw*) to temporarily allow homeless persons to maintain shelters in public parks during daytime hours. Following the introduction of further regulations to address health and safety risks, the number of structures in Central Park was gradually reduced to less than 40. In response to the 24-hour park use, the City invested in portable toilets, handwashing stations, site security, as well as expanded park cleaning and waste collection programs.

Municipal parks and other public places are not designed for sheltering and are often susceptible to the seasonal impacts of extreme weather, including pooling of rainwater and tree failures. The impacts of severe rainfall events were evident in the past month where large portions of Central Park experienced flooding (as outlined in Attachment A). The City warned people sheltering in Central Park about these risks. Despite that, the effects of heavy rainfall on people sheltering and property was considerable. In response, the City collaborated with various community stakeholders to establish a new temporary sheltering site for individuals who were living in Central

Park, in a City-owned parking lot at 940 Caledonia Avenue. On January 5, Central Park was temporarily closed so that staff could assess the damage caused by the combination of extreme weather and sheltering activity in the park and to develop a remediation plan.

The City does not permit sheltering in all of its 137 parks, and conditions under which sheltering may occur are listed within the *Parks Regulation Bylaw* (Section 16A). Through this bylaw, the City has established a list of designated areas within parks as well as entire parks where overnight sheltering is prohibited. To-date, Council has adopted an incremental approach to evaluating whether a park should be available for sheltering or not, considering the risk factors of each case.

As outlined in this report, Director of Parks, Recreation and Facilities recommends two amendments to the *Parks Regulation Bylaw*, to allow the City to better manage the risks relating to the use of parks for sheltering. The rationale for the proposed changes relates to environmental hazards and the availability of infrastructure to support sheltering needs.

PURPOSE

The purpose of this report is to present Council with information regarding the mitigation of impacts relating to sheltering in City parks.

BACKGROUND

People have been sheltering in Victoria parks for decades, despite the fact that it was prohibited under City bylaws until 2009. In that year, the City's *Parks Regulation Bylaw* (Attachment B) was amended to allow homeless persons to shelter overnight in municipal parks. This was done because of a court decision (*Victoria (City) v. Adams*, 2008), which struck down the *Bylaw's* absolute prohibition on erection of shelters as contrary to section 7 of the *Canadian Charter of Rights and Freedoms*.

The responsibility for addressing the root causes of street homelessness does not lie with municipalities, but rather at the provincial and federal levels of government. However, it is municipal parks and other public places that are most immediately impacted when there is inadequate housing or indoor shelter space available. Even though local parks are not designed to accommodate sheltering, they are the most easily accessible locations for sheltering in urban areas. As a result, the City is forced to mitigate the health and safety risks of all park users and impacts to park amenities that are associated with sheltering by people experiencing homelessness.

Central Park, on the northern edge of downtown in the North Park neighbourhood, is a highly utilized urban greenspace serving a wide range of community needs. The park is comprised of various sport and recreation facilities, including sport courts, a playground, fitness area, playing fields and picnic areas under an extensive tree canopy. The Crystal Pool and Fitness Centre is also located within the park, which is bordered on three sides by residential buildings.

ISSUES & ANALYSIS

As outlined in this report, the Director of Parks, Recreation and Facilities recommends two amendments to the *Parks Regulation Bylaw*, based on factors relating to environmental conditions and infrastructure to support sheltering needs. Although there may be other important considerations to be factored into assessments about where sheltering is accommodated, the items below are the most relevant and urgent given recent experiences.

Environmental Conditions

According to the *Climate Projections for the Capital Region* report (CRD 2017), extreme precipitation events are expected to become more frequent and intense as the climate changes over the coming decades, particularly in fall, winter, and spring. Fall rainfall is projected to increase 11% and the wettest day of the year will see an average of 20% more rain by the 2050s. The City of Victoria's *Hazard, Risk, and Vulnerability Analysis Report* (2017) identifies that flooding will increase in frequency and severity into the future. Further, the *Climate Change Vulnerability and Risk Assessment* completed in 2019, identified the following impacts:

- Heavy rainstorms leading to overland flooding either from pooling in low lying areas or rainfall exceeding the capacity of the drainage system (Medium risk)
- More frequent and intense storms negatively impacting City assets and services (Medium risk)

As observed this winter, there are areas within parks where sheltering is not prohibited that are at risk of environmental hazards such as tree failures, contact with utility lines, or flooding, which may cause serious harm. For example, staff have observed extensive pooling water in some areas of Beacon Hill Park, Victoria West Park, and Central Park. The challenges associated with effectively managing the drainage of heavy rainwater are complex, often requiring significant intervention and cost. Over time the City may invest in various methods of addressing this issue and the potential use(s) of these public areas would be a primary consideration in the investigation of options.

The composition of Central Park includes both hardscape (sport courts, pathways, and play areas), as well as softscape (primarily grassy spaces for both passive use and organized activities). In accordance with the *Parks Regulation Bylaw*, sheltering in the park is limited to softscape areas, the majority of which lies in the middle portion of the park, shown in Attachment A. This area is also where flooding may occur during periods of heavy rainfall. As illustrated in the attached map, there are very few other locations that are on higher ground available for sheltering in the park. If the middle area is designated as a prohibited area for sheltering, as recommended in this report, and if the current temporary measures relating to spacing between tents and park amenities remain in place, the result would be very limited capacity for this activity.

Support Infrastructure and Services

Another consideration is the infrastructure required to support individuals sheltering in public spaces, to meet basic health and hygiene needs. The City maintains public washrooms throughout the municipality, including 18 within parks. Of the 12 parks where sheltering typically occurs, only Central Park lacks a permanent public washroom available to park users. In response to the continuous sheltering activity during the current pandemic, the City made significant investments in this park, adding temporary facilities, including four portable toilets, a handwashing station, and expanding the park cleaning and waste collection program. The monthly cost for these services is approximately \$22,000. Based on recent experience, the estimated capital cost to construct a new public washroom would be approximately \$400,000.

If sheltering were to continue to be allowed in Central Park, with either the current or more limited capacity, City investments in temporary infrastructure and services would need to remain.

OPTIONS & IMPACTS

Option 1 (Recommended) - That Council direct staff to prepare the following amendments to Section 16A of the *Parks Regulation Bylaw*;

- A. Prohibit sheltering within parks in areas with high-risk of flooding or other environmental hazards.**
- B. Add Central Park to the list of parks where sheltering is prohibited**

Prohibition of sheltering in areas within parks which are susceptible to flood risk or other hazards relating to the physical environment (i.e. potential tree failure, contact with utilities, etc.), will help to mitigate the risk of injury or property damage. While primarily intended to protect persons sheltering in parks, it would also reduce impacts on the parks themselves. Recent experience relying on verbal communication with individuals sheltering in parks about environmental concerns, such as flood risks and tree hazards, has proven unsuccessful. Amending the *Bylaw* to formally prohibit sheltering in these areas would provide the City with the ability to address such issues in a timely manner. Areas covered by this prohibition would be identified on a basis of technical review and signage would be erected to clearly identify such areas.

The Director of Parks, Recreation, and Facilities also recommends that Central Park be added to the list of parks where sheltering is prohibited. The park is currently closed, and the remediation investment will be informed by whether this activity will be permissible or not upon re-opening.

The City has adopted a “de-centralized” approach to managing the risks associated with homelessness in parks. Prohibiting sheltering in Central Park will mitigate health and safety hazards and is not expected to substantially affect the overall capacity of possible shelter locations elsewhere in the park inventory.

It is recommended that the proposed bylaw amendments take effect upon adoption.

Option 2 – Make no changes to the *Bylaw*.

The City does not have to amend the *Bylaw* as recommended. However, unless the *Bylaw* is amendment, when Central Park re-opens, it is likely that some persons experiencing homelessness will return to shelter in that park. This is undesirable because:

1. The softscape areas of Central Park are susceptible to flooding during significant rainfall events, as demonstrated last month, exposing persons sheltering there to significant health risk and to loss or damage of property;
2. There is no appropriate permanent infrastructure to address the basis health and hygiene needs of persons sheltering in Central Park;
3. People sheltering in other parks in areas that are subject to environmental hazards, such as flooding, are also at increased risks;
4. Flooding combined with sheltering activity causes significant damage to the parks, requiring costly remediation work before a park area can be returned to its intended use.

For these reasons, this option is not recommended.

Accessibility Impact Statement

Although there are no direct impacts on accessibility, it has to be acknowledged that sheltering activity in park areas susceptible to flooding and other severe environmental risks can cause significant damage to park infrastructure. Such damage, if not properly remediated, would disproportionately affect persons with mobility challenges by restricting their ability to access certain park areas even long after the environmental event or sheltering ends. Furthermore, resources allocated to remediate damaged areas impacts delivery of other projects that are proactively aimed at improving accessibility in our parks.

Impacts to Financial Plan

The operating costs associated with the use of Central Park for sheltering has been factored into the draft 2021 Financial Plan. If sheltering is prohibited in Central Park, but remains available at 940 Caledonia Avenue, there would not be an impact on the Financial Plan. Pending further details on the remediation plan for Central Park, staff will advise Council if any investments that may be required which cannot be addressed within the approved budget.

Unless the Bylaw is amended as recommended, it is likely that sheltering will continue to occur in areas susceptible to severe environmental risks, such as flooding. That is likely to result in repeated damage to the park infrastructure beyond what would normally be expected due to severe weather events and will require further expense to remediate. Thus, while it is impossible to accurately predict at this point the full magnitude of the increased costs, unless the recommended amendments are implemented, future Financial Plans will need to accommodate additional costs.

CONCLUSIONS

The City's continued effort and investment of time and resources in mitigating the impacts of homelessness are substantial. One of the key tools available for risk management in parks is the Parks Regulation Bylaw. The Director of Parks, Recreation and Facilities recommends Council adopt the amendments proposed above to further improve the City's ability to provide safe, healthy and quality parks for all citizens.

Respectfully submitted,

Thomas Soulliere
Director

Report accepted and recommended by the City Manager.

List of Attachments

Attachment A – Central Park Sheltering Map with Areas of Flood Risk
Attachment B – Parks Regulation Bylaw

Central Park Sheltering Map with Areas of Flood Risk

