



Committee of the Whole Report For the Meeting of March 13, 2025

To: Committee of the Whole
Derrick Newman, Director of Parks, Recreation and Facilities

From: Adam Sheffield, Manager, Operations, Bylaw Services
Tom Zworski, City Solicitor

Subject: Sheltering in Parks and the *Parks Regulation Bylaw*

RECOMMENDATION

That Council instruct the City Solicitor to bring forward the necessary bylaw amendments to the *Parks Regulation Bylaw* to:

- a. replace the definition of “homeless person” with “person experiencing homelessness” that better conforms to recent court decisions,
- b. define “temporary overnight shelter” to expressly limit it, in accordance with court decisions, to overhead protection used by persons experiencing homelessness to prevent exposure to the elements,
- c. clarify the existing regulations related to temporary overnight sheltering by persons experiencing homelessness,
- d. increase the distance between playgrounds and locations of temporary overnight shelters from 8 metres to 15 metres,
- e. expressly prohibit sheltering in all parks, except in the limited circumstances as directed by court decisions in the following parks:
 - i. Alexander Park,
 - ii. Alston Green,
 - iii. Banfield Park,
 - iv. Barnard Park,
 - v. Begbie Green,
 - vi. Begbie Parkway,
 - vii. Blackwood Green,
 - viii. Bushby Park,
 - ix. Chapman Park,
 - x. Charles Redfern Park,
 - xi. Clawthorpe Avenue Park,

- xii. Clover Point,
- xiii. Ernest Todd Park,
- xiv. Fisherman's Wharf Park,
- xv. Gonzales Beach Park,
- xvi. Gower Park,
- xvii. Holland Point Park,
- xviii. Jackson Street Park,
- xix. Johnson Street Green,
- xx. Lime Bay Park,
- xxi. Mary Street Park,
- xxii. Mayfair Green/Tolmie Park,
- xxiii. Oaklands Park,
- xxiv. Olive Street Green,
- xxv. Oswald Park,
- xxvi. Pemberton Park,
- xxvii. Redfern Park,
- xxviii. Rupert Terrace Green,
- xxix. Scurrah Green,
- xxx. Selkirk Green,
- xxxi. Shelbourne Green,
- xxxii. Sitkum Park,
- xxxiii. Songhees Hillside Park, and
- xxxiv. William Stevenson Memorial Park

- f. expressly prohibit any local government or public authority from directing any person experiencing homelessness to shelter in a park or transferring or transporting any person experiencing homelessness or at risk of homelessness to Victoria without first securing for them accessible shelter or housing.

EXECUTIVE SUMMARY

As requested by Council, this report provides a comprehensive overview on the status of overnight sheltering in City parks and makes recommendations for updates to the *Parks Regulation Bylaw* provisions dealing with overnight sheltering by persons experiencing homelessness. The recommendations seek to balance the competing uses and policy objectives around the City's limited parks and open spaces.

The report is divided into the following subsections, with appendices containing more detailed information.

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PURPOSE

The purpose of this report is to respond to Council’s December 5, 2024 motion directing staff to report back on the status of overnight sheltering in City parks and make recommendations for updates to the *Parks Regulation Bylaw* provisions dealing with overnight sheltering by persons experiencing homelessness in light of the City’s experience during the past 15 years.

BACKGROUND

i. Introduction

We are in a homelessness crisis. Chronic homelessness is a reality affecting our community, the province and the country. Homelessness has many causes – poverty, addiction, mental health issues, inadequate health care, diminishing social cohesion, fading collective compassion, personal and intergenerational trauma, abusive relationships within households, rising rent, income inequality and increasing disparity between groups, particularly Indigenous and disabled populations who are far more likely to experience homelessness than the general population.

Local governments cannot address the health, economic and social root causes of homelessness, nor are they able to provide housing for all who need it. However, municipalities are on the frontlines of this crisis, managing its effects on housed and unhoused residents. Most persons experiencing homelessness live within municipal boundaries and shelter, as best as they can, on municipally-owned property. Provincially and federally-owned properties have been perceived or actively rendered as off-limits for this activity.

In 2008, the BC Supreme Court declared that the City’s absolute prohibition on erection of shelters in parks and other public places contravened the constitutionally protected rights of persons experiencing homelessness.¹ As a result, the City amended its *Parks Regulation Bylaw* to provide an exception for “homeless persons” from the general prohibition on erection of overnight shelters in the parks. Following these amendments, sheltering in City parks increased significantly. This increase in sheltering had a profound effect on our park system as a whole and on City operations and budgets.

ii. Impact of the *Adams* decision on approach to homelessness

Sheltering in parks is not a solution to homelessness. Sheltering in parks limits homeless persons’ access to health and social services and exposes them to the health hazards associated with sheltering outdoors. No one should have to sleep outside. Over the past 16 years since the *Adams* decision, City staff have had countless interactions with persons sheltering in City parks. What is clear from those interactions is that adequate health services and social supports, in addition to indoor shelters and housing, are critical components towards a solution to the homelessness crisis in our parks.

Unfortunately, following the 2008 court decision in the *Adams* case, many viewed sheltering in City parks as an answer to homelessness. While not an official policy or strategy, a common response of many other local governments and public agencies, when confronted with persons experiencing homelessness, appears to have been: “let them shelter in Victoria parks”. This attitude continues to be prevalent to this day.

¹ *Adams v Victoria (City)*, 2008 BCSC 1363

Although no formal statistics are available, there are numerous examples of this in practice, including the following incidents in the last several months:

1. City staff encountered individuals getting off a bus and seeking directions to Beacon Hill Park. In the course of the subsequent conversation, it was revealed that they had been sent by another local government, with brand new luggage and one-way tickets, from an encampment in the Lower Mainland, and directed to shelter in a Victoria park;
2. Patients with ongoing medical conditions have been released from hospital care to a Victoria park and provided with a doctor's note directed to Bylaw Services requesting that the *Parks Regulation Bylaw* prohibition on daytime sheltering not be enforced against them because of their ongoing medical conditions; and
3. Individuals experiencing homelessness, upon being released from care or custody in neighbouring municipalities have been transferred to Victoria parks to shelter there.

There has been inadequate effort by responsible levels of government to address the true causes of homelessness or to implement effective strategies to address homelessness. As a result, the City must manage the impacts of homelessness on the community and its park system.

iii. Regulation and management of sheltering in Victoria

Since the amendments to the *Parks Regulation Bylaw* following the *Adams* decision, Council has engaged in regular review of the bylaw for the purpose of balancing the practically incompatible uses of parks for traditional park purposes (e.g., recreation, sports, children's play areas, environmental preservation, etc.) and parks as overnight sheltering sites. For ease of reference, an index of amendments that have been made to the bylaw since 2009 is attached as Appendix 1.

Prior to the pandemic, the number of individuals seeking temporary overnight shelter in Victoria was relatively stable. Prior to the declared state of emergency related to COVID-19 on March 18, 2020, there were approximately 24 to 35 shelter structures in City parks on a regular basis.

In 2020, in response to the state of emergency and related social distancing and self-isolation advisories, the City suspended enforcement of the prohibition on daytime sheltering.

By April 2020, the number of temporary shelters in City parks had increased to an estimated 465.

In May 2020, Council resolved that structures used for outdoor sheltering were not required to be removed during the day in City parks where sheltering was not prohibited. On September 14, 2020, Council adopted amendments to the *Parks Regulation Bylaw* which authorized daytime sheltering in parks, subject to certain limitations with respect to size, distancing, etc.

Over the spring and summer of 2020, 334 people who were previously sheltering outdoors were provided with indoor shelter by BC Housing.

On February 20, 2021, Bylaw staff performed a count of shelter structures in City parks and identified 182 such structures. On March 28, 2021, Bylaw staff identified that there were 165 individuals experiencing homelessness and sheltering in a City park or public place. Most of these people were sheltering in City parks.

On April 24, 2020, the Minister of Public Safety and Solicitor General issued Ministerial Order M128, ordering the evacuation of Topaz Park and Pandora Avenue between Blanshard Street and Chambers Street, as well as Oppenheimer Park in Vancouver. The Order stated in the preamble that “the Province of British Columbia has developed a comprehensive plan in consultation with the Cities of Vancouver and Victoria, associated police, fire and other agencies, non-government organizations and other stakeholders, to provide adequate alternative living arrangements and other health and social supports for persons currently residing in the Encampments, including the care of their personal property”.²

On March 11, 2021, David Eby (then the Attorney General and Minister of Housing) announced that the Province had secured a sufficient number of temporary indoor housing and shelter spaces for all people sheltering outside in Victoria. On March 18, 2021, Council resolved to repeal the suspension of the daytime sheltering prohibition.

As part of a coordinated effort with BC Housing, peer support workers and other community partners, as of May 21, 2021, all 165 people identified by Bylaw staff as experiencing homelessness and sheltering in a City park or public place had been offered an indoor living space.

Between January and May of 2021, more than 220 people moved indoors from nine City parks. In total, in the approximately 12-month period between spring/summer 2020 and May 2021, the total number of individuals moved from outdoor sheltering to indoor housing was 564.

The COVID-19 provincial state of emergency ended on July 1, 2021. On July 20, 2021, there were 11 shelter structures in City parks.

In 2023, in an attempt to balance use of public parks between those who shelter in them and those who use them for recreation, physical activity or social pursuits, Council adopted amendments to the *Parks Regulation Bylaw* that had the effect of prohibiting temporary overnight sheltering at:

- Beacon Hill Park
- Central Park
- Stadacona Park
- Regatta Park
- Hollywood Park
- Topaz Park
- Regatta Point Park

In 2024, Council adopted amendments to the *Parks Regulation Bylaw* which prohibited temporary overnight sheltering in Irving Park and Victoria West Park.

² Ministerial Order M 128/2020: https://www.bclaws.gov.bc.ca/civix/document/id/mo/hmo/m0128_2020
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iv. **Impacts of Temporary Overnight Sheltering**

1. Impact on the parks system and all users of the parks

At the time of the *Adams* decision, it was assumed by the Court that overnight sheltering would not interfere with other uses of the parks:

If, on the other hand, a piece of park property is used for someone to sleep at night with shelter, this does not mean that it cannot be used by others for other recreational uses during the day. There is simply no evidence that there is any competition for the public “resource” which the homeless seek to utilize, or that the resource will not remain available to others if the homeless can utilize it.³

The City’s experience since 2008 shows that this assumption is incorrect. In a vast majority of cases, sheltering activity is incompatible with other park uses. This is because in most instances, even if overnight shelters are taken down during the day, unsheltered individuals and their belongings continue to occupy the park to the exclusion of others. This is particularly of concern in areas such as playgrounds where young park users are present. Bylaw and Parks staff have received numerous complaints related to conflicts associated with sheltering activities in proximity to playgrounds.

City staff regularly witness (and are usually the first responders to) situations or conflicts in public spaces, involving those sheltering outdoors, many of which are distressing to the general public, City staff and those experiencing homelessness, including:

- Individuals who are in significant personal mental distress or crisis, including threats of self-harm or harm to others, erratic behaviour, throwing objects, yelling or screaming;
- Overdose;
- Physical assault, including intimate partner violence;
- Threats of violence against Bylaw officers, the public or other unsheltered individuals;
- Unsafely discarded sharps, including syringes and broken glass;
- Hazardous waste, including human waste and other bodily fluids;
- Hazardous items, including drug paraphernalia, improperly sealed or secured fuel containers, unsafe electrical connections;
- Open drug dealing and open drug consumption; and
- Antisocial behaviour, including inappropriate or foul language, fighting and nudity.

Parks and open spaces have inevitably declined with ongoing damage to the landscape and infrastructure due to impacts from overnight sheltering activities. These impacts have made the parks less attractive and accessible to other users, with areas closed for repairs or due to the unsafe conditions created.

The damage sustained in parks varies. More significant damage includes:

- small fires deliberately lit in park washrooms and small buildings;
- melted security panels;
- electrical boxes and lamp posts tampered with;

³ *Adams*, para. 130

- live wires exposed;
- cut locks, doors, fences to access secure areas;
- cut park fences into private property;
- vandalism including human feces spread on sport court facilities, paint dumped on a variety of infrastructure;
- smashed and stolen irrigation systems;
- extensive damage to ecological sensitive sites undergoing restoration efforts;
- damage to landscapes including ripped, cut and broken branches on trees, shrubs and dug up plants; and
- stolen materials including split rail wood fencing, electricity, tools and equipment.

A summary of incidents with photos occurring over the past two years is included in Appendix 2. This significant damage is in addition to the large volumes of garbage and debris left behind when sheltering sites are abandoned, such as hazardous litter (e.g., feces, toilet paper and sharps), graffiti, digging and other more minor impacts.

2. Budgetary impacts

The financial impact of managing temporary overnight sheltering in parks has escalated significantly over the years, affecting multiple City departments, including Bylaw Services, Parks and Public Works. The City has committed substantial direct funding, operational resources and investments to address the operational needs for individuals experiencing homelessness in the community.

A review of the financial impacts shows that the City has spent more than \$10.8 million since 2023 to support the management of impacts associated with sheltering.

Bylaw Enforcement Costs

Since 2020, sheltering-related enforcement has increased dramatically, with approximately 80 per cent of Bylaw officer time now dedicated to managing sheltering in public spaces— more than three times higher than pre-pandemic levels, when roughly 20 per cent of officer time was spent on these calls.

This shift has significantly strained resources for both VicPD and Bylaw Services, making it increasingly difficult to meet service demands related to sheltering enforcement in parks and public spaces. As a result, the City’s capacity to respond to other bylaw-related matters has been impacted.

Bylaw officers play a critical role in responding to complaints about blocked sidewalks, individuals sheltering in parks or sleeping in public spaces and incidents of social disorder. This expanded role continues to place greater strain on enforcement capacity, further impacting efficiency and operational costs.

Sheltering related operating & maintenance costs

The City has borne a significant financial burden due to the sustained impact of sheltering in parks and public spaces, resulting in damage to infrastructure, environmental degradation and ongoing maintenance costs.

To keep up with rising demands for repairs, maintenance and waste management related to sheltering, the City is spending approximately \$1.5 million per year on additional operating costs in parks, boulevards and streets.

Extreme Weather Warming and Cooling Centres

The City has allocated resources to support extreme weather warming and cooling centres, ensuring that vulnerable residents, including persons experiencing homelessness, have access to safe refuge during severe temperature fluctuations. Between 2023 and 2024, the City directed \$163,026 towards the operation of these centres. These facilities provide temporary shelter during extreme heat or cold, offering basic amenities such as seating, hydration and access to washrooms.

Sheltering Related Costs (2023-2024)

Category	
Bylaw Enforcement Sheltering Related Costs	\$ 7,035,007
Repairs, Maintenance and Waste Disposal	\$ 3,689,270
Extreme Weather Warming and Cooling Centres	\$ 163,026
Total (2023-2024)	\$ 10,887,303

v. City initiatives to support unsheltered community

1. City Funded Initiatives to Support Unsheltered Community

The City has made significant financial contributions to initiatives supporting unsheltered individuals, including direct funding, tax exemptions and capital investments. These initiatives aim to provide immediate relief while supporting long-term solutions for housing and social services.

A review of the funding shows that the City has invested nearly \$12.5 million in recent years to address various short- and long-term investments to support the unsheltered community in Victoria. The \$12.5 million is comprised of the following initiatives.

Funding for Social Service Providers

- The City has allocated approximately \$3.07 million in direct funding (2023-2024) for operational support for non-profits, including:
 - Funding \$730,000 towards the operation of the Dowler Place “access hub” where unsheltered individuals can be connected with resources including daily needs, health care, housing and addictions treatment.
 - Partnering with Pacifica Housing to fund a Parks Relocation Coordinator program, which successfully assisted in relocating individuals from encampments into indoor shelter and housing.
 - Funding a non-profit to operate and manage a daytime warming shelter on Pandora Avenue in 2024.

Permissive Tax Exemptions

- The City has granted permissive tax exemptions for non-profits serving the unhoused in the amount of \$537,171 since 2023.
- Ten-year property tax exemptions for organizations building non-market affordable rental housing and to developers providing market rental housing, through the Affordable Rental Housing Revitalization Tax Exemption Bylaw, adopted in 2024.

930 Pandora Avenue Property Acquisition for Affordable Housing

- Use of City-owned land at 930 Pandora Avenue, acquired in 2020 for a purchase price of \$8.885 million, for the construction of 205 non-market homes, including affordable units and supportive housing units, with construction funded by BC Housing, the Capital Region Housing Corporation and the City.

City-Funded Initiatives to Support Unsheltered Community

Category	
Funding for Social Service Providers (2023)	\$ 936,911
Funding for Social Service Providers (2024)	\$ 2,131,677
Permissive Tax Exemptions (Since 2023)	\$ 537,171
930 Pandora Ave. Property Acquisition for Affordable Housing (2020)	\$ 8,885,000
Total	\$ 12,490,759

2. Parks Relocation Coordinator

In August 2023, the City contracted Pacifica Housing Advisory Association (“Pacifica”) to provide a “Parks Relocation Coordinator”, for the express purpose of assisting individuals sheltering in parks with obtaining indoor shelter or housing. Staff are not aware of any other municipality in Canada that independently funds such a service. For reference, Pacifica’s July 28, 2023 initial proposal related to the Parks Relocation Coordinator position is attached to this report as Appendix 3, and Pacifica’s December 5, 2024 Extension Proposal is Appendix 4.

Pacifica is one of the largest affordable housing operators on Vancouver Island. It owns or operates 19 properties with subsidized housing units in Greater Victoria and Nanaimo, as well as over 250 units of supportive housing designated for individuals who have faced homelessness or who are at risk of being homeless due to mental health and/or substance use disorders and also operates the Downtown Outreach and Housing Resource Services program.

The Parks Relocation Coordinator role is filled by two Pacifica Outreach Workers (“PRCs”). The PRCs engage in encampment outreach with a housing focus. This is “a systematic approach whereby assessments and referrals are primarily related to finding suitable housing for vulnerable individuals, while connecting them to the supports and resources needed to maintain long term stability”.

Some of the services the PRCs provide are:

- Assisting with intake, community outreach to specialized populations, referrals and paperwork for basic needs and services, and referrals to community resources;

- Providing advocacy, support, and guidance, including crisis intervention;
- Housing referral services such as contacting and meeting landlords, assisting with housing;
- Applications for market rent, subsidized and supportive housing;
- Interim non-medical case management services during the period of assessment and placement into housing; and,
- Ongoing support services in areas such as financial, personal and home care.

Outreach, including:

- Directly engaging with clients where they are situated;
- Completing intake, consent form and assessment of each client;
- Offering a support plan for each client;
- Referring clients to appropriate housing options;
- Referring clients to income assistance and support services as identified by their individualized support plan;
- Providing clients with a rental supplement, where appropriate;
- Providing tenancy support and skills training to support housing stability and independence; and,
- Providing follow-up and ongoing support to residents as appropriate for a period of three months, once housed.

In late 2023 and early 2024, the PRCs succeeded in connecting everyone sheltering at Topaz Park, Regatta Point Park, Stadacona Park and Hollywood Park with indoor shelter in advance of the closure by Bylaw, of those parks to temporary overnight sheltering.

During spring and summer of 2024, the PRCs succeeded in connecting everyone who was sheltering at Irving Park and Victoria West Park as of April 18, 2024 (the date of the decision to move forward in closing the parks to temporary overnight sheltering) with indoor shelter.

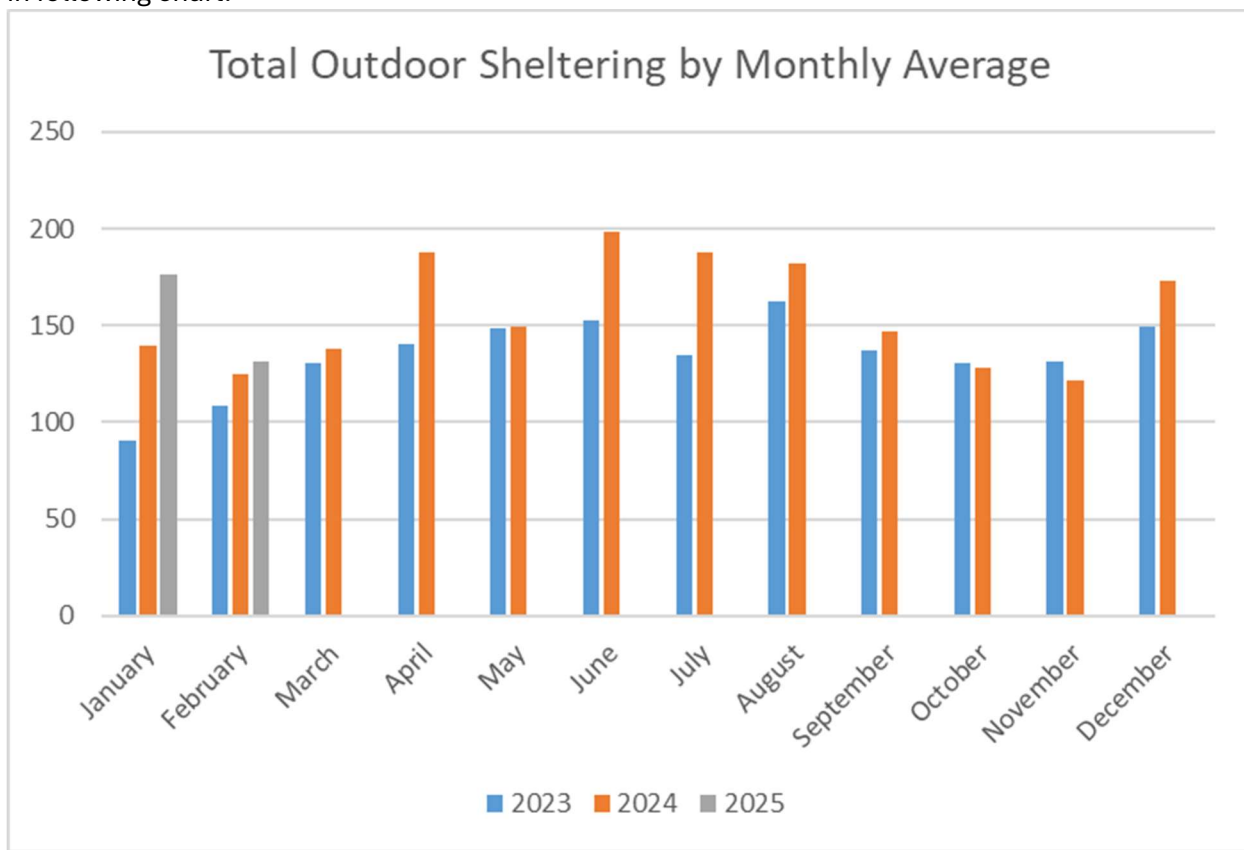
vi. Current sheltering activity

The City has developed its own methods for monitoring and documenting sheltering activity in public places. While the number of structures fluctuates due to weather conditions, time of day and location, these observations provide valuable and meaningful metrics for tracking trends over time. Although our methodology has evolved over the years, it continues to serve as an important tool for understanding seasonal patterns and identifying areas of increased sheltering activity.

Recent observations illustrate these fluctuations:

- December–January: Warmer-than-usual winter weather resulted in a higher-than-anticipated number of individuals remaining outdoors.
- February: A prolonged cold weather period activated Emergency Weather Response measures, leading to a decline in structure counts as more individuals moved into temporary indoor shelters.
- Spring–Summer Trends: As warmer weather approaches, sheltering activity is expected to increase, with individuals migrating back outdoors as seasonal conditions improve.
- Long-Term Outlook: Despite ongoing efforts to expand indoor shelter capacity, demand for public space sheltering is expected to persist and increase throughout the spring, summer and fall.

Sheltering activity observations are also influenced by park size, route and duration, and time of the month. Current areas of increased sheltering are observed at Oaklands Park. There is a lower, albeit consistent, sheltering observed at: Pemberton Park, Gonzales Park, Beacon Hill Park and Holland Point Park but is not limited to parks and includes increased levels of sheltering along the Pandora corridor, Queens/Princess area and 500 block of Ellice Street. A summary of sheltering data is provided in following chart.



ISSUES & ANALYSIS

i. Authority and responsibility for support for the unsheltered population

Homelessness is a national and provincial crisis, but its consequences are most visible, distressing and damaging at the municipal level. There is widespread confusion among members of the public with respect to the level of government which is ultimately responsible for addressing homelessness and the factors that lead to homelessness. Fortunately, the answers are found within the relevant statutes and have in many instances been confirmed by the courts.⁴

1. Provincial authority and responsibility

Health Care

A 2023 report⁵ prepared by the Homelessness Services Association of BC and funded by the Province, summarized the findings from 27 Point in Time counts from across the province, including the Victoria Census Metropolitan area⁶. Of those surveyed:

- 68% reported living with an addiction issue;
- 33% reported living with an acquired brain injury (meaning a brain injury that occurred after birth);
- 54% reported living with a mental health issue;
- 27% reported a learning disability or cognitive impairment;
- 47% reported living with an illness or medical condition; and
- 41% reported a physical disability.

The Province is responsible for the provision of health care, including care for mental health conditions and substances use issues. The Province has acknowledged this clearly, through the establishment of the Ministry of Health, which is responsible for the Provincial Health Services Authority. The PHSA operates the BC Mental Health & Substance Use Services program and oversees the Island Health Authority, which itself offers mental health and substance use services including treatment, recovery and rehabilitation services.

The regional health authorities also provide complex care housing, which is housing for adults with “significant mental health, addictions, or concurrent issues, as well as functional needs related to acquired brain injury, chronic illness, or physical, intellectual or developmental disabilities” who are

⁴ See *Maple Ridge (City) v Scott*, [2019 BCSC 157](#) at paragraph 22, “... it is the province that is responsible for providing housing and social support, although the cooperation of [the municipality] is essential.;

⁵ Available at: <https://www.bchousing.org/sites/default/files/media/documents/2023-BC-Homeless-Counts.pdf>

⁶ Note that the “Victoria Census Metropolitan Area covers a geographic footprint larger than the entire CRD. See page 30 for further information.

“at risk of, or experiencing, homelessness” and whose “current needs are not met by existing housing options.”⁷

Housing

In the 2023 Greater Victoria Point in Time (“PiT”) count, 56.1 per cent of respondents indicated that high rents were a barrier to housing; 48.9 per cent identified a lack of available housing options as a barrier and 16.3 per cent identified “poor housing conditions.”

In addition to the complex care housing provided under the oversight of the Ministry of Health, the Province is responsible for the provision of social-benefit housing in B.C., including subsidized housing, supportive housing and transitional housing. This has been acknowledged through the establishment of the Ministry of Housing and Municipal Affairs.

The Ministry of Housing directs BC Housing, which operates or funds several programs to support people who are experiencing homelessness or at risk of homelessness, including: the Emergency Shelter program, the Extreme Weather Response program, Encampment & Homelessness Response (HEART & HEARTH), the Homeless Outreach program and the Homelessness Prevention program.

The Province has also committed to provide \$291 million in funding for “Rapid Response to Homelessness” in the form of ~2,000 modular supportive housing units, with placement priority to unsheltered individuals, or individuals sheltering in emergency shelters.⁸

Income Assistance

Nearly 25 per cent of those surveyed in the 2023 Greater Victoria Point in Time count reported that they did not have enough income to pay for housing.⁹ High rents and insufficient income were reported as the top two barriers to housing, identified by 56.1 per cent and 52.9 per cent of respondents, respectively.

The Ministry of Social Development and Poverty Reduction provides “homeless people with assistance and support services”, largely in the form of financial support (previously described as “welfare”) delivered through the BC Employment and Assistance program. The BCEA program prescribes specific, expedited protocols for homeless applicants. Presently, income assistance for a single person, under the age of 65 and with no minor dependents, who is presently or recently homeless and lives with a health condition that impedes their ability to obtain employment¹⁰, is set at \$610 per month, with an additional “shelter allowance” of up to \$500 per month towards rent.¹¹

⁷ <https://www2.gov.bc.ca/gov/content/health/managing-your-health/mental-health-substance-use/complex-care-housing>

⁸ <https://www.bchousing.org/projects-partners/Building-BC/RRH>

⁹ See page 30 for discussion regarding the limitations of the Greater Victoria Point in Time count.

¹⁰ See “Persons with Persistent Multiple Barriers” criteria at:

<https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/eppe/persons-with-persistent-multiple-barriers>

¹¹ See rate table at: <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual/bc-employment-and-assistance-rate-tables/income-assistance-rate-table>

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Homelessness

The Province has acknowledged its responsibilities with respect to homelessness in a plan entitled “Belonging in BC: a collaborative plan to prevent and reduce homelessness”, introduced by the Minister of Housing on April 3, 2023 and attached to this report as Appendix 5. In this plan, the Province committed to an ambitious, inter-ministerial response to homelessness, involving the ministries of Health, Housing and Municipal Affairs (which were separate ministries at the time), Social Development and Poverty Reduction, Children and Family Development, Mental Health and Addictions (which has since been rolled into Health), as well as Public Safety and Solicitor General.

The Belonging in BC plan sets three goals: “prevention”, “immediate response” and “stability and integration”.

The Belonging in BC plan budgeted \$633 million over three years (2022 – 2025) and includes, among other things:

- \$4 million for “encampment supports, including site management, engagement and support for food, sanitation, storage, and the safety of people in the encampments and as they move to indoor spaces”, funding the plan described as “in progress, ongoing”;
- \$170 million in “Homelessness Supports” to “increase health supports, housing access, social inclusion and system navigation in the Homelessness Plan that build and expand over time; including a new program wrap-around support rent supplement program to help 3,000 people access market housing by 2024/25 and the Integrated Support Framework”, to be delivered through the Ministry of Health and the Ministry of Housing in “early 2023”; and
- \$218 million in funding, through the Homeless Encampment Action Response for Temporary Housing (HEARTH), for emergency housing, shelter options and immediate coordinated supports to assist people in encampments or sheltering in public spaces”, which the plan anticipated would be delivered in 2023; and
- \$1.7 billion to “increase health supports, housing access, social inclusion and system navigation in the homelessness plan that build and expand over time”. The timeline for this investment states “more info to come”.¹²

The Belonging in BC plan’s goals are intended to address the following objectives:

Prevention:

- Reducing the number of people experiencing homelessness for the first time, particularly from communities that are overrepresented in the homeless population
- Increasing the number of affordable and supportive housing units
- Reducing the number of people discharged from health and correctional facilities to homelessness
- Reducing the number of new income assistance clients with no fixed address

¹² Belonging in BC, Appendix A

Immediate Response:

- Reducing the number and size of large, complex encampments
- Reducing police/justice interactions with people experiencing or at-risk of homelessness
- Reducing harm/death for those experiencing homelessness and in encampments
- Increasing Indigenous housing and supports options
- Increasing system capacity and readiness for warm weather encampment response
- Increasing the number of complex care housing spaces for adults with complex mental health and substance use needs

Stability and Community Integration:

- Reducing chronic homelessness
- Increasing connections to income supports and community-based navigators
- Increasing health supports to those experiencing or at-risk of homelessness
- Reducing drug toxicity deaths related to unstable housing and homelessness
- Reporting back to Persons with Lived Experience on performance measures and impacts, and course correcting based on iterative feedback

The Belonging in BC plan also includes a commitment by the Province to “track the actions and impacts of multiple ministries against the Plan’s three goals” in order to “help establish baseline data and ensure ongoing accountability”, as follows:

- Measuring outputs: e.g., the number of people supported, housed
- Measuring distinct impacts: e.g., the reduction of Indigenous homelessness
- Reporting on social impacts, personal journeys
- Developing a Performance Measurement Framework and reporting on progress annually

Staff have been unable to locate any reporting, measurements, or other indicia relating to the real-world impacts of the Belonging in BC plan.

Common phraseology

Higher levels of government have made the clear policy decision to communicate in language rooted in “partnership” rather than responsibility. While this may be effective in deflecting political pressure, it is neither an accurate nor helpful portrayal of the role of the public and private-sector bodies which are involved in responding to homelessness.

When the Province employs the term “partner”, it is referring to either First Nations governments or agencies (only to the extent that those entities wish to engage or cooperate with the Province), or entities which are under the direction of, or subject to regulation by, the Province. Most often, these “partners” are:

- BC Housing, a government-controlled public-sector agency responsible for fulfilling the directives of the Minister of Housing;
- A subservient level of government which has no lawful authority to interfere with provincial objectives (municipalities); or
- A private-sector organization which contracts with the Province or its agencies to receive money in exchange for the provision of a service. For instance, contracted service providers for BC Housing’s Homeless Outreach Worker program include the Victoria Native Friendship Centre, Threshold Housing Society, Burnside Gorge Community Services and Pacifica Housing.

The constitutional reality is that the Province has no “partner” in the responsibility to provide housing, health and financial supports to unsheltered individuals. While it may do so in whatever lawful manner it so chooses, including through contracts and exercise of legislative power, the responsibility to provide supports related to housing, poverty reduction, and health care, rests with the Province alone.

2. Federal authority and responsibility

Health care funding

The federal government has powers over public debt and a general taxing power (it can raise money by any mode or system of taxation). While the provinces are responsible for the direct delivery of most medical services, the federal government finances health care through the *Canada Health Act* and establishes conditions by which the province must comply to continue to receive federal money.

Housing

Through its general financing powers and other residual powers to address matters of national concern, the federal government has traditionally played a role in providing funding for housing. The federal government delivers its housing policy and funding through the Canada and Mortgage Housing Corporation (CMHC).

3. Municipal authority and responsibility

Unlike federal and provincial governments, municipal government does not have any constitutional status. Municipalities are “creatures of the province”; they exist only because provincial legislatures decided to legislate them into existence. While the federal and provincial governments may exercise “residual powers” to fill perceived gaps in authority in their respective spheres, municipal governments may only exercise the authority which is granted to them by provincial statute, either explicitly or through necessary implication.

Areas of municipal authority are set out in section 8 of the *Community Charter*. These include the broad authority to “provide any service that the council considers necessary or desirable”, as well as the power to adopt bylaws in relation to specifically enumerated spheres of authority, including the following spheres that are most relevant to regulation of parks:

- Municipal services;
- Public places;

- Trees;
- The health safety or protection of persons or property in some limited circumstances; and
- The protection and wellbeing of the community, in relation to nuisances, disturbances and other “objectionable situations”.

Municipal role in respect to homelessness

Section 2(2)(b) of the *Community Charter* states that the provincial government must not assign responsibilities to municipalities without making provision for the resources required to fulfill the responsibilities. With respect to the factors most related to homelessness – namely, health care, social housing and poverty reduction – the Province has not assigned responsibility, nor the resources required to fulfill such responsibilities, to municipalities.

It is well established that municipal governments do not have the authority, resources or expertise to address the major factors which lead to homelessness and chronic homelessness. As discussed above, responsibility with respect to these matters rests with the Province.

However, the courts have found that local governments have an obligation to cooperate with provincial initiatives in these areas, insofar as they are impacted by municipal decision making. Such cooperation most often relates to land use decisions (e.g., temporary use permits, rezoning approvals, building permits, etc.).

Courts have found that municipalities do not have any obligation or responsibility to provide services or amenities in relation to the s. 7 *Charter* right for an unsheltered individual to erect temporary overnight shelter when none is otherwise accessible. The current state of the law on this issue is discussed further below in the section entitled “Status of the law with respect to temporary overnight sheltering”.

City support for Provincial initiatives

The City has a long history of investing its support and resources for provincial initiatives to address homelessness.

In 2017, the City joined BC Housing and community partners in a pilot project focused on assisting individuals in encampments with securing indoor housing. Through this initiative, the City participated in the Housing Action Response Team (“HART”) – an integrated outreach team offering supports and information to people sheltering outdoors.

The HART team included, at various times, the City’s Bylaw staff, Victoria Police Department, Pacifica Downtown Outreach Service, the Ministry of Social Development and Poverty Reduction, BC Housing, Beacon Community Services, Island Health and other community partners.

The HART program continues to this day and formed the basis of the “HEART” portion of the current provincial HEART & HEARTH initiative. The City joined the HEART & HEARTH initiative pursuant to a Memorandum of Understanding signed in February 2024, which is attached as Appendix 6.

The HEART & HEARTH initiative in Victoria involves:

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- Provincial funding for 30 tiny home units at 940 Caledonia Street on approximately 18,000 square feet of City-owned land.
- Provincial funding for 73 transitional shelter beds at 1240 Yates Street, which is owned by the City, of which 19 new beds are funded by HEARTH & HEARTH and 54 existing beds are funded under other BC Housing funding programs.
- The entire City-owned building and land at 1240 Yates Street is now being used for the transitional sheltering project.

ii. **Role of urban parks**

Municipal parks and open spaces are a vital part of the urban fabric. They are foundational to healthy communities, offering inclusive amenities and opportunities for recreation, socialization and nature-based experiences that contribute to physical and mental wellbeing. Parks are built infrastructure serving important community purposes. They are not a “left-over” or undeveloped space in an otherwise built-up environment. A considerable amount of planning and resources goes into the design, construction and maintenance of every urban park – it is a deliberate investment into the community’s wellbeing, no different than construction and operation of a community centre, swimming pool or a library. This is reflected in the special legal status of parks under the *Community Charter*.

1. Municipal responsibility in relation to parks

The purposes of a municipality are set out at section 7 of the *Community Charter* and include “providing for stewardship of the public assets of its community”. Among the many public assets a municipality may steward, municipal parks are granted unique status, through both the *Community Charter* and the *Local Government Act*. The importance of parks is clear from the provisions pertaining to their use and disposition. For instance:

- Property owners wishing to subdivide municipal land into more than three properties are required to provide either parkland “of an amount and in a location acceptable to the local government”, or payment to the municipality in an amount comparable to the value of that parkland: *Local Government Act*, s. 510
- Money received by a local government, either from the sale or disposition of parkland, or through the provision of parkland upon subdivision (as described above), may only be placed in a reserve fund for the purpose of acquiring parklands: *Community Charter*, s. 188(2)(b)
- A bylaw reserving or dedicating property as a park requires the approval of 2/3 of council members. A bylaw removing the reservation or dedication of a park requires the assent of the electors: *Community Charter*, s. 30(2) and (3)
- Municipal parkland may only be disposed of with the approval of the electors, and in exchange for other suitable parkland or in exchange for funds which must be placed in a reserve fund for the purpose of acquiring parkland: *Community Charter*, s. 27(2)
- Bylaws adopted, or works undertaken by a council which directly affect a park must be consistent with park purposes: *Community Charter*, s. 30(5)

Taken together, these provisions ensure that parkland cannot be depleted as the result of financial, political or other pressure or incentive. No other category of municipal public asset is subject to restrictions of this nature.

The word “park” is not defined in the *Community Charter* but has been interpreted to align with the broad understanding of the word: that is, public land which is “devoted to public recreation”.¹³

2. The importance of parks in urban and community planning

The benefits of parks and green spaces, particularly in dense urban environments, have been the subject of extensive academic research, a portion of which is summarized below.

Benefits to public health

Exposure to greenspace is associated with wide-ranging public health benefits, including statistically significant associations with reduced blood pressure, heart rate, cortisol, incidence of type II diabetes and stroke, all-cause and cardiovascular mortality, as well as health-denoting associations with pregnancy outcomes, heart rate variability, and HDL cholesterol, osteoporosis, depression, premature death and self-reported health.^{14 15} Even short-duration visits to urban parks result in an increase in subjective wellbeing. A park visit of slightly over 20 minutes results in reduced cortisol levels.¹⁶

Simply spending time in parks, regardless of activity, contributes to lower levels of stress and higher levels of self-reported life satisfaction, happiness and feelings that life is worthwhile. Park exposure has been shown to reduce incidences of psychological distress, depression, anxiety and PTSD, as well as decreased mood disorder medication use and increased attention.¹⁷ Urban greenspace accessibility, maintenance status and perceived security are associated with higher quality of life metrics and lower anxiety and depression levels.¹⁸

The main predictors of lower-level stress in relation to parks are a higher number of urban greenspaces and easier accessibility, higher tree density and the possibility of performing leisure activities (both physical and intellectual). In particular, higher number and easier accessibility were associated with lower levels of stress in both adolescents and seniors. The latter also benefited from a lower level of depression.¹⁹

¹³ *St. Vital v. Winnipeg*, 1945 CanLII 414 (Supreme Court of Canada)

¹⁴ See Appendix 7: Twohig-Bennett C., Jones A. 2018. *The health benefits of the great outdoors: A systematic review and meta-analysis of greenspace exposure and health outcomes*. J. Environ. Res. 166:628-637. doi:10.1016/j.envres.2018.06.030.

¹⁵ See Appendix 8: Wilson, J, Xiao X. 2023. *The Economic Value of Health Benefits Associated with Urban Park Investment*. Int. J. Environ. Res. Public Health 2023, 20, 4815. doi.org/10.3390/ijerph20064815

¹⁶ See Appendix 9: Yuen HK, Jenkins, GR. 2020. *Factors associated with changes in subjective well-being immediately after urban park visit*. Int. J. Environ. Health Res 2020 Apr; 30(2) :134 145. doi:10.1080/09603123.2019.1577368.

¹⁷ Wilson, J and Xiao, X, supra

¹⁸ See Appendix 10: Gianfredi, V., Buffoli, M., Bebecchi, A., Croci, R., Oradini-Alacreu, A. Stirparo, G., Marino, A., Capolongo, S., Signorelli, C. *Association Between Urban Greenspace and Health: A systematic Review of Literature*. Int J Environ Res. Public Health 2021, 18, 5137. doi.org/10.3390/ijerph18105137

¹⁹ Ibid.

Main predictors of enhanced physical activity are the presence of urban greenspaces in a 0.5 to 1 kilometre radius from the subjects' homes; the total number of urban greenspace in the neighbourhood; and their accessibility through public transport. Different types of parks (small and large, developed and undeveloped, with various amenities) are important to ensure that various citizen groups can take advantage of a range of health benefits.²⁰

Both mental and physical health outcome improve substantially with the exposure to well-kept urban greenspaces. The main predictors of urban greenspace use are proximity, quality and maintenance. The mere presence of urban greenspace is not enough to secure the desired health outcomes. Important elements that need to be considered and reinvigorated are maintenance, access and perceived security.²¹ Well-maintained parks increase the perception of safety, which increases the likelihood that a park will be used.²²

Benefits to environment

From an environmental and climate perspective, parks preserve and restore natural habitats, supporting a wide range of plant and animal species and promoting biodiversity. Natural spaces in parks help mitigate urban heat island effects, improve air quality and contribute to carbon sequestration. Park landscapes also play a significant role in managing stormwater runoff, reducing the risk of flooding, and improving water quality through natural filtration processes.

Restoring ecosystems within parks not only enhances biodiversity but also revitalizes the ecological health of impaired areas. This process creates opportunities for community engagement and experiences that deepen collective understanding and appreciation of these cherished spaces. These benefits underscore the importance of parks in enhancing the quality of life for individuals and communities while also contributing to environmental sustainability.²³

Benefits to densification targets

Parks are also vital to responsible densification. A publication from the City Parks Forum of the American Planning Association notes that “Many residents oppose high density because they believe it will consume open spaces, exacerbate parking and traffic issues, or threaten the existing quality of life. A strong policy promoting parks and greenspace can play a crucial role in addressing these concerns. As many now understand, density is less the issue than design and amenities. A recent study in Texas found that people are twice as likely to accept smaller residential properties if there is a park nearby.”²⁴

3. Recent Canadian statistics regarding parks

The 2024 Canadian City Parks Report, which included a survey of over 2,500 urban-dwelling residents, found as follows:

- 67% of residents feel that parks have a role to play in advancing equity and racial justice.

²⁰ See Appendix 11: City Parks Forum, American Planning Association, Briefing Paper 07

²¹ Ibid.

²² See Appendix 12: City Parks Forum, American Planning Association, Briefing Paper 04

²³ See Appendix 13: Sadeghian, M., Vardanyan, Z. 2013 *The Benefits of Urban Parks, a Review of Urban Research*. J. Nov. App. Sci. 2013-2-8/231-237 ISSN 2322-5149

²⁴ See Appendix 14: City Parks Forum, American Planning Association, Briefing Paper 10

- 95% of residents believe parks play a positive role in their physical health.
- 93% believe parks play a positive role in their mental health.
- 67% of residents visit parks 2-3 times per week or more.
- 56% of residents said they are unsatisfied with the amount of time they currently spend in parks and would like to spend more time in parks.
- 65% of residents consider their city’s parks and green spaces to be well cared for. In 2021, this figure was 78%.
- 85% of city residents would like to see more public funding invested in improving city parks and green spaces.
- 86% of residents are interested in becoming more involved in their local park(s).
- 26% of residents feel they have a voice or the ability to influence decision making about their local parks, while 54% do not. The figures last year were 34% and 43%, respectively.
- 40% of respondents said that parks have a role to play in addressing homelessness.

The top three park priorities for residents were native plant gardens and naturalized spaces (75%), year-round washrooms in parks (66%) and benches and seating (54%). Of the 35 cities that participated in the Canadian City Parks Report, Victoria ranked third in the number of park washrooms relative to population. This number does not include portable toilets in parks.

In response to the question “what type of parks do you visit most?”, the responses were as follows:

Local or neighbourhood parks (small to medium in size)	77.71%
Trails	40.82%
Naturalized or “wild” parks or green spaces	36.42%
Beaches/waterfronts	33.29%
Destination parks (larger, more programming/amenities)	33.17%
Informal green spaces (school yards, hydro corridors, laneways, etc.)	19.52%
Other (please specify)	7.40%
Plazas or more “grey” public spaces	7.32%

In the same report, a survey of parks staff from 35 Canadian cities found that:

- 92% of cities agree with the following statement: “In recent years, our parks department is facing increased pressure to address issues beyond “traditional” parks issues.”
- Only 25% of cities feel “well-equipped” to respond to these pressures

iii. **Parks in Victoria**

1. Victoria's parks and open spaces system

Victoria's parks and open spaces are a vital element of the city's character, culture and vibrancy. Serving residents and visitors alike, they offer opportunities for socializing, relaxation, play, learning and connecting with nature. Parks and open spaces are an important contributor to quality of life and support the physical, social, ecological and economic health of the city and its residents.

The Victoria park system is made up of 138 parks and open spaces, totalling 254 hectares spread across 19.47km²; or 13 per cent of total City land area. Included in this inventory is 53 hectares of natural areas including endangered remnant Garry oak ecosystems, rocky outcrops and coastal bluffs; and 201 hectares of actively maintained park and green space including playgrounds, sport fields and sport courts, urban forest canopy, community gardens and fitness areas.

Through significant planning and investment, Victoria parks provide an extensive system of amenities serving a diverse, urban population. These amenities include:

- multi-use sport fields;
- tennis, basketball and pickleball courts;
- skate parks, bike parks and all-wheels facilities;
- areas for public events and performances;
- playgrounds;
- splash pads;
- outdoor fitness equipment;
- picnicking facilities, benches and seating;
- washroom facilities;
- walking and cycling trails;
- natural areas, including areas of critically endangered Garry oak ecosystem;
- community gardens;
- off-leash dog areas;
- horticultural displays; and
- public art.

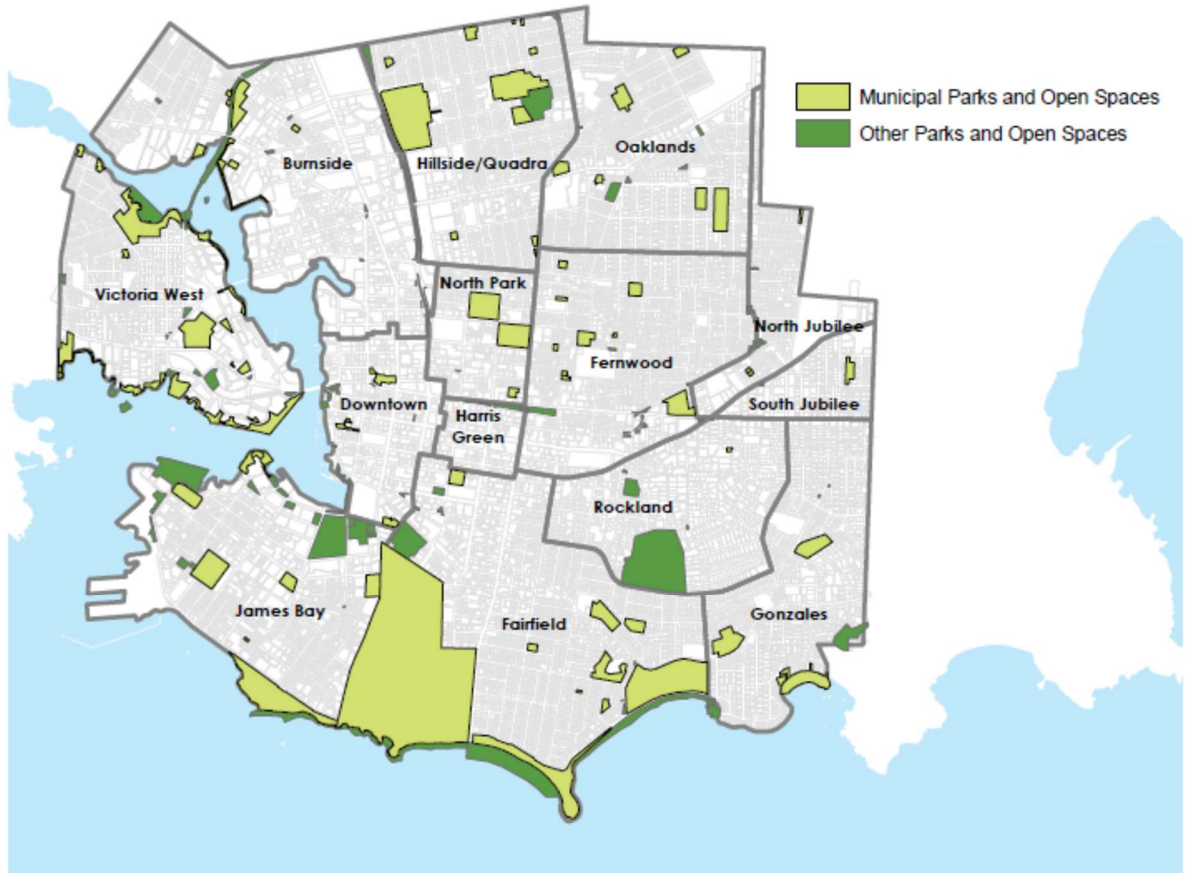
2. Guiding policy

Parks and Open Spaces Master Plan

Informed by other City plans and policies, including the 2012 Official Community Plan, the Parks and Open Spaces Master Plan was approved in 2017 and is a strategic roadmap to help guide the planning and management of, and investment in, the City's parks system over the next 25 years.

The Parks and Open Spaces Master Plan sets out a vision, goals and guiding principles and is used as a tool to inform the more detailed planning work that takes place through Local Area Plans, creation of individual park management or improvement plans and specific park design and development projects. It is a strategic-level document that informs and guides park development and improvement.

The plan prioritizes four key areas including: protecting the environment, fostering engaging experiences for everyone, celebrating Victoria and strengthening partnerships.



Victoria's Parks and Neighbourhoods, Image from Parks and Open Spaces Master Plan.

Urban Forest Master Plan

The Urban Forest Master Plan supports the Official Community Plan (OCP) vision and several of its goals, notably that “Victoria’s urban environment, including urban forests, and public and private green spaces support healthy and diverse ecosystems.” The comprehensive sustainability emphasis of the OCP is supported through the integration of Placemaking, Land Management and Development, Infrastructure, Environment, Parks and Recreation, and Climate Change and Energy objectives throughout the Urban Forest Master Plan.

The Urban Forest Master Plan provides guidance on the management and enhancement of treed environments throughout the City of Victoria. It is a high-level plan that provides direction to help the municipality invest in and safely maintain its urban forest for the next 20 years and beyond.

3. Park Development

The City is continually investing in parks and working to improve parks, trails and park amenities and to restore sensitive ecosystems to ensure they meet current and future community needs.

Park development and park improvements are major, long-term projects, informed by other City plans and policies and furthers the City’s strategic directions and goals. In developing parks or improvement plans, staff review a variety of guiding documents which may include the Official Community Plan, the Parks and Open Spaces Master Plan, Create Victoria Arts and Culture Master Plan and the Urban Forest Management Plan. The creation of each of these plans represents the results of extensive public engagement to identify key priorities and directions for the City.

Many other planning inputs, in addition to guidance from these documents, inform the creation of a park improvement plan, as illustrated by the figure below:



Park development and improvement require a thorough review of all existing and intended park uses, down to details including hours of anticipated play on sports fields in various seasons to estimate the life expectancy and maintenance costs of various field construction methods.

Park capital improvement projects range in scale from individual playground replacements to small neighbourhood park renewals to large, complex park and recreation projects that occur over multiple years. Public engagement informs the planning and design of these projects by helping identify community needs and interests. The Parks and Open Spaces Master Plan is attached as Appendix 15. Priority actions identified within the Parks and Open Spaces Master Plan are included in the Executive Summary of the plan.

To see an example of the extensive planning park improvements, the Topaz Park Improvement Plan is attached as Appendix 16. This Park Improvement Plan²⁵ was approved by Council in 2018. In the time since the plan was approved, substantial investments have been made including expanding and updating the artificial turf field and construction of a new all-wheel skate park and pump track; the next phase of construction will begin spring 2025 and will introduce 11 new pickleball courts, a new outdoor fitness area, a central gathering space, a misting station and connecting pathways.

²⁵ See Appendix 16

iv. Status of the law with respect to temporary overnight sheltering

1. Recognition that under some circumstances municipalities cannot prohibit all overnight sheltering by persons experiencing homelessness

The law with respect to temporary overnight sheltering in parks was established through two related decisions: *Victoria (City) v. Adams* 2008 BCSC 1363 (“*Adams BCSC*”), which was heard by the BC Supreme Court, and *Victoria (City) v. Adams* 2009 BCCA 563 (“*Adams BCCA*”), which was heard by the BC Court of Appeal.

In both *Adams* decisions, the Courts identified the circumstances that create a limited right for unsheltered individuals to erecting a temporary shelter overnight in public spaces “free from municipal interference”. This right flowed from s. 7 of the *Charter of Rights and Freedoms*, which guarantees the right to “life, liberty and security of the person”. The Courts found that prohibiting an unsheltered person from putting up some form of overhead shelter in all public areas, when there is no indoor shelter available, interferes with that person’s right to security of the person.

The Courts also acknowledged that municipalities are responsible for protecting public places for the benefit of the entire community. In *Adams BCCA*, the Court stated that:

The claims of the homeless people recognized by the trial judge have a narrow compass in absolute terms – they are the right to cover themselves with the most rudimentary form of shelter while sleeping overnight in a public place, when there are not enough shelter spaces available to accommodate all of the City’s homeless. The City, on the other hand, bears the responsibility to the public to preserve public places for the use of all, and of necessity focuses on the wide public impact of any use of public places for living accommodation.²⁶

The two *Adams* decisions found that, so long as there is insufficient indoor shelter space in a municipality, a complete ban on the erection of temporary overnight shelters in all public spaces causes an unjustifiable breach of s. 7 of the *Charter*.

It is important to note that the s. 7 right recognized in the *Adams* decisions is not a right to shelter during the day, or a general right to shelter. The courts have been asked to recognize such rights over the years but has declined to do so. Neither *Adams BCCA* nor subsequent decisions have recognized:

- a right to shelter²⁷,
- an obligation on the part of a municipality to provide shelter, or
- an obligation to provide any ancillary amenities or supports such as washrooms, property storage facilities, hygiene facilities, medical or mental health care, or food.²⁸

²⁶ *Adams BCCA* at para. 4

²⁷ See *Johnston v. Victoria (City)*, 2011 BCCA 400 at paras. 9-12

²⁸ See *Shantz* at para. 123 and *Adams BCCA* at para. 95

The Court in *Adams BCCA* specifically clarified that the *Adams* decisions did not “impose positive obligations on the City to provide adequate alternative shelter, or to take any positive steps to address the issue of homelessness.”²⁹

Courts have consistently followed *Adams BCCA* in decisions adjudicating the *Charter* rights of unsheltered individuals, and have provided further direction relating to outdoor sheltering and related municipal responsibilities and authority, including as follows:

- There are no positive obligations on local government to provide shelter or resolve homelessness;³⁰
- There is no recognized *Charter*-protected right to shelter during daytime hours in a park;³¹
- The right not to be deprived of temporary overnight shelter does not include a right to erect shelter in any public location of choice;³²
- Decisions regarding the parks and the locations within parks in which temporary overnight sheltering will be permitted is a legislative choice made by municipal government, and not one the courts may properly direct;³³ and
- The government action triggering the right to life, liberty and security of the person relates to temporary overnight shelter only, and specifically not to the other deprivations associated with the state of being unhoused or unsheltered.³⁴

2. Availability of accessible shelter space

In the 2015 decision of *Abbotsford (City) v. Shantz*, the Court determined the availability of shelter spaces by assessing not only the number of available shelter spaces, but also whether those spaces were practically accessible to the affected unsheltered individuals including, as the circumstances may require, that such shelter be “low-barrier”.³⁵ “Accessible” shelter means shelter that a person can access “as they are” in relation to gender, age and sobriety.

Individuals who have access to accessible indoor shelter are not “homeless” within the meaning of the law. This principle was set out in *Adams BCCA* (in which the injunction to clear the park was conditional upon housing being made available to individuals camping there):³⁶

Sections 14(1)(d) and 16(1) of the *Parks Regulation Bylaw* No. 07-059 are inoperative insofar and only insofar as they apply to prevent homeless people from erecting temporary overnight shelter in parks when the number of homeless people exceeds the number of available shelter beds in the City of Victoria.

²⁹ *Adams BCCA* at para. 95

³⁰ *Adams BCCA* at para. 95

³¹ *Vandenberg* at paras. 123 - 125

³² *Vancouver Fraser Port Authority v. Brett*, 2020 BCSC 876 (“*Brett*”) at para. 109

³³ *Shantz* at para. 277

³⁴ *Adams BCCA* at para. 88

³⁵ *Shantz* at paras. 51, 60, 74, and 222 - 223

³⁶ *Adams BCCA* at para. 166

[emphasis added]

In *Adams BCCA*, the bylaw was found to be overly broad because the purpose of the bylaw was the preservation of parks, yet the ban on temporary overnight shelter applied to all public places.

As presently adopted, the *Parks Regulation Bylaw* is entirely different from the City's pre-*Adams* Parks Bylaw as it does not contain a blanket prohibition, but rather, prohibits overnight sheltering in only 24 out of the City's 138 parks. In other words, the *Charter* right identified in *Adams* can be lawfully exercised in the majority of City parks.

Since the Supreme Court of Canada's decision in *Bedford v. Canada (Attorney General)*³⁷, courts adjudicating similar claims as those in the *Adams* decisions have focused the analysis on "gross disproportionality" of bylaws:³⁸

[204] Gross disproportionality describes state actions or legislative responses to a problem that are so extreme as to be disproportionate to any legitimate government interest. This principle is infringed if the impact of the restriction on the individual's life, liberty or security of the person is grossly disproportionate to the object of the measure. As with overbreadth, the focus is not on the impact of the measure on society or the public, which are matters for s. 1, but on its impact on the rights of the claimant.

....

[224] I conclude that the effect of denying the City's homeless access to public spaces without permits and not permitting them to erect temporary shelters without permits is grossly disproportionate to any benefit that the City might derive from furthering its objectives and breaches the s. 7 *Charter* rights of the City's homeless.

By expressly prohibiting temporary overnight sheltering in only 24 of the City's 138 parks, the *Parks Regulation Bylaw* as presently adopted does not, in the view of staff, raise issues of gross disproportionality when compared to the benefits the City derives by furthering the objective of preservation and stewardship of parks. As noted below, an abundance of lawful overnight sheltering sites are presently available in Victoria for individuals who have no choice but to shelter outdoors.

3. Legislative authority to select parks for overnight sheltering

As well as balancing community access to parks, Council must also balance the allocation of resources dedicated to park maintenance. Overnight sheltering in parks has been shown to place a significant financial burden on municipalities.³⁹ The management of these costs, including the number

³⁷ 2013 SCC 72

³⁸ *Shantz* at paras. 192, 204 and 224

³⁹ See for instance *Shantz* at para. 220: The sustainable use of publicly owned property requires that there be some constraints on the way in which it is used. The evidence establishes that activities of people camping in City parks can and has caused damage to that property, with the consequences being shifted onto the City and ultimately taxpayers.

and location of parks where temporary overnight sheltering is not prohibited, is an appropriate consideration for Council in its management of City finances and responsibility to the City's taxpayers.

In acknowledging that municipalities are empowered to designate specific parks for temporary overnight sheltering, the court in *Vancouver Fraser Port Authority v Brett*, 2020 BCSC 876 found that “... the use of public parks by the homeless [does] not afford the homeless a licence to choose wherever they wish to set up an encampment, nor permit encampments which are unsafe”.⁴⁰

The Court in *Adams BCCA* identified that “The City ... bears the responsibility to the public to preserve public places for the use of all, and of necessity focuses on the wide public impact of any use of public places for living accommodation”.⁴¹ In *Shantz*, the court explicitly confirmed that it is within the legislative authority of municipalities to determine which park areas are made available for overnight sheltering.⁴²

Parkland preservation remains an important municipal purpose and benefit to the public interest, as recently identified by the Ontario Superior Court of Justice⁴³:

In all this we must not lose sight of the countervailing interest of preserving public parks. It was an important enough public interest that in the Toronto encampment injunction case Schabas J. found that it decided the balance of convenience in favour of the city notwithstanding the risk of irreparable harm: *Black v. Toronto (City)*, 2020 ONSC 6398.

....

[85] Encampments are a symptom, not a solution. The City is trying to find a solution to homelessness in consultation with numerous others. It has attempted to address the problem with the old protocol, the encampment process and the new protocol. It has limited resources and a duty to its housed constituency. I think I am well advised to leave them to it without interference. Micro-management by judges will not be productive.

Subject to the *Charter* constraints established in *Adams* and subsequent decisions, the selection of where to prohibit temporary overnight sheltering is a legislative decision of the City.⁴⁴ Proximity to existing, third-party services (i.e., overdose prevention sites, meal-provision services) has been a relevant consideration of the courts with respect to the location of temporary overnight sheltering and encampments,⁴⁵ but this consideration is not determinative. It also does not impose a positive obligation upon a municipality to create or maintain services.⁴⁶ Victoria is of such a small geographic size compared to other municipalities in which “proximity to services” has been considered that there is some question of whether it would be a consideration at all.

⁴⁰ *Brett* at para. 109

⁴¹ *Adams BCCA* at para. 4

⁴² *Shantz* at para. 278

⁴³ *Heegsma* at paras. 77, 85

⁴⁴ *Shantz* at para. 277

⁴⁵ *Prince George (City) v. Stewart*, 2021 BCSC 2089 at paras. 93 - 95

⁴⁶ *Adams BCCA* at paras. 95 – 96; *Shantz* at para. 148

4. No positive obligation upon municipalities to provide supports

The *Charter* does not create an obligation on the part of municipalities to provide public washroom facilities or any other amenity in a particular location, or at all. In *Maple Ridge (City) v Scott*, 2019 BCSC 1150, the Court concluded that there is no jurisdiction for the courts to determine which amenities or services a municipality must allow on city property.⁴⁷

[49] Whatever one might think of Maple Ridge’s priorities and approach, or of the social utility of the purposes for which access is sought, it is not for me in the context of this proceeding to tell the City who else it must allow onto its property. I have no jurisdiction to do so, and the defendants concede as much. As Chief Justice Hinkson observed in *Abbotsford v Shantz*, 2015 BCSC 1909 at para 123,

It is not for this Court to wade into the political arena to assess the City’s reaction to the need for housing, including what was described by DWS as a “Dignity Village” or services, such as a Sobering Centre, or needle exchange for its homeless.

Despite the absence of any positive obligation at law to do so, the City provides 23 washrooms for public use in various locations throughout the city.

5. International law

The law pertaining to section 7 rights to erect temporary overnight shelter have been informed by international law since its inception in *Adams BCSC* and is has been revisited by the court in subsequent proceedings. Put shortly, international law does not form part of Canadian law. International law can only be used as an “interpretive aid” to the *Charter*.⁴⁸

v. Assessing quantitative need for temporary overnight shelter in parks

Data with respect to homelessness in Victoria is drawn primarily from two sources: the Greater Victoria Point in Time Counts (“PiTs”) and data generated internally, informed primarily by reporting from public-facing staff (primarily in the Bylaw, Parks and Engineering & Public Works departments).

1. Point in Time Counts (“PiT counts”)

PiT counts are led by the Capital Regional District and coordinated by the Community Social Planning Council of Greater Victoria. They are an important indicator for assessing need across the region but must be referenced with caution for two primary reasons. Firstly, the PiT counts are conducted across a geographic area far larger than the City of Victoria. Secondly, the definitions of homelessness adopted by the PiT counts differs from how that term is used in the court decisions reviewed above and, therefore, cannot be used to establish the margin by which the number of unsheltered individuals exceeds the number of accessible indoor shelter spaces.

⁴⁷ *Scott* at para. 49

⁴⁸ *Shantz* at para 173

Geographic area

The PiT counts are conducted every three years, on two consecutive days in March, across the entire “Victoria Census Metropolitan Area”, which is defined as the 13 Vancouver Island CRD municipalities and First Nations Reserves located within the geographic borders of those municipalities, and part of the Juan de Fuca Electoral Area.

The Victoria Census Metropolitan Area spans a geographic area of approximately 700 km². Within that, the City of Victoria covers 19.45 km²; less than three per cent of the geographic area of the broader VCMA. Victoria is home to approximately 23 per cent of the VCMA’s total population, which is slightly less than 400,000 people.

While the PiT count is an important indicator of the homeless population south of the Malahat, it is important to note that the PiT data does not distinguish the number of unsheltered individuals in each municipality. As such, this data does not provide an accurate snapshot of homelessness in the City of Victoria.

Categories of homelessness

The PiT counts identify five categories of homelessness:

1. Unsheltered – people who are sleeping in “a public space, park, tent, vehicle or other place not intended for human habitation”
2. Emergency sheltered – people who are sleeping in emergency shelters, seasonal shelters, youth shelters or shelters providing emergency accommodation to victims of domestic violence
3. Couch surfing – people who are sleeping at the home of a family member, friend, stranger or hotel/motel
4. Housed in public systems/facilities – people who are sleeping in public system settings, and do not have a stable home to return to, such as correctional “halfway houses”, hospitals and treatment centres
5. Transitionally housed – people living in transitional housing, which is a longer term (but still temporary) accommodation intended to bridge the gap between homelessness and permanent housing.

As discussed further below, the limited section 7 right to erect temporary overnight shelter is only engaged when a person cannot access any shelter. In other words, this right would generally be engaged with respect to individuals identified in the PiT counts as “unsheltered”. As a result, some caution is required when balancing the PiT count numbers with the number of available outdoor shelter sites in the city.

The following table reflects the most recent PiT counts. Only individuals falling within the first category may have a s. 7 *Charter* right to shelter overnight in designated City parks:⁴⁹

⁴⁹ Note that this does not include individuals whose housing status was “unknown”.

	Unsheltered	Emergency sheltered	Couch surfing or hotel/motel	Transitional housing or Institution
2018	235	359	95	836
2020	270	350	145	743
2023	242	282	85	1011

2. Structure Counts by the City

In late 2022, following a steady increase in outdoor sheltering in Victoria, Bylaw Services initiated weekly counts of structures in parks and public places. Data from these counts should be used as a rough guideline only, as it may be affected by factors including the vantage point of the officers performing the count, poor visibility as the result of rain or fog and the time of day at which the count was conducted.

Additionally, data from the counts is not a precise indicator of the number of people sheltering in the park; some structures are shared, some are single occupancy and some are used for storage or food preparation rather than overnight sheltering.

Over the course of 2023, the average number of structures observed in parks was 35 and the average number in other public spaces (e.g., sidewalks, boulevards, etc.) was 88, for a total annual average of 123 structures in Victoria’s public places. Between March 5 and 12, staff observed an average total of 116 structures in parks and public spaces.

In 2024, the average number of structures observed in parks was 25 and the average number in other public spaces was 110, for a total annual average of 135 structures in Victoria’s public places.

vi. **Assessing Current Capacity**

1. Indoor Shelters

Due to several factors, including the absence of any centralized communications system accessible to the public or municipalities, an accurate inventory of available temporary indoor shelter spaces is notoriously difficult to establish.

Staff have obtained the following information directly from the operators of local shelters. It is included to provide a general idea of the present status of emergency and transitional housing in the city and should be regarded as approximate.

Operators noted in particular that availability of emergency shelter beds on any given night is extremely difficult to estimate for various reasons, including that some shelters allow guests to use their allocated bed for up to 30 consecutive nights.

Additionally, all available spaces will not be accessible to all unsheltered individuals, as some shelter and housing facilities impose conditions to entry based on factors such as age, gender, substance abstinence, etc.

With those caveats, staff have ascertained that:

- As of February 28, 2025, there were 404 emergency shelter beds in the city.
- In addition, there are over 1,440 units of transitional and/or supportive housing within Victoria.⁵⁰ These housing options are not “walk-in” and are available through BC Housing and/or community outreach workers or through application to individual housing providers.

A breakdown of the number and location of beds is available as Appendix 17.

2. Lawful outdoor temporary shelter space

Ascertaining the park systems capacity to accommodate sheltering by persons experiencing homelessness is extremely difficult for a number of reasons. First, urban parks were not designed to provide temporary overnight shelter and, in many instances, are not suitable for overnight sheltering due to their topography, vegetation or layout. Secondly, there are a number of regulations under the existing *Parks Regulation Bylaw* limiting where temporary overnight shelters can be erected, including things like distance from playing fields, environmentally sensitive areas, playgrounds, etc. Finally, by their very nature, most overnight sheltering activity is beyond the City’s control. Because the *Parks Regulation Bylaw* imposes separation between shelters, an inefficient placement of one shelter may greatly limit the number of other overnight shelters that can be lawfully erected in a park. Therefore, any estimation of sheltering capacity in a park is inevitably only an approximation.

Methodology Used

Parks staff utilized the City’s geographic information system (VicMap) to analyse all parks considered potentially suitable for sheltering. The restrictions under the *Parks Regulation Bylaw* were then superimposed onto each park to exclude areas where temporary overnight sheltering is prohibited under the bylaw. In addition, practical barriers to sheltering, such as sloped terrain, densely treed areas, ecological restoration sites and adjacency to infrastructure which would make a site unsuitable or undesirable for sheltering were also excluded. That left the areas which are potentially available for temporary overnight sheltering. Applying the maximum sheltering site size from the bylaw (nine square metres for each shelter), staff were then able to generate the potential sheltering capacity for each park.

Beacon Hill Park has been excluded from this exercise because under the terms of the trust pursuant to which the City owns that park, overnight sheltering is not permitted – a conclusion recently confirmed by the BC Court of Appeal.⁵¹

Sheltering capacity

A total of 55 parks have been identified where temporary overnight sheltering is functionally feasible and a detailed summary of each of those parks is included in Appendix 18.

The total potential capacity for temporary overnight shelters in the park system is estimated at 1,259 shelter sites. This number is a conservative estimate and based on methodology summarized above

⁵⁰ Although transitional and supportive housing are technically defined differently, each service provider does operate slightly differently so a general guideline of ‘housing with supports’ has driven this data.

⁵¹ *British Columbia v. Friends of Beacon Hill Park*, 2023 BCCA 177

and explain in more detail in Appendix 18. The actual sheltering capacity realized at each location may vary depending on how shelters are set up relative to another shelter and immediate environmental conditions. The existing bylaw prohibits all sheltering in 24 parks, which further reduces the number of lawful overnight sheltering capacity in the park system to approximately 773 shelters.

vii. Conclusions on Need & Capacity

As of March 2023, the PiT count indicated that there are 524 people who are either unsheltered or emergency sheltered in the Victoria Census Metropolitan Area. In the two weeks on either side of the PiT count, Bylaw Officers observed an average of 116 structures in City parks and public spaces. Even assuming double occupancy in every structure observed (for a hypothetical total of 232 people), and allowing for a wide margin of error with respect to both the PiT counts and City data, the discrepancy between the two strongly suggests that unsheltered people in the Victoria Census Metropolitan Area are not entirely concentrated within the geographic boundaries of Victoria.

Excluding parks where sheltering is prohibited at all times, there is capacity to accommodate 763 lawful overnight shelters in City parks.

Even if the City were to accept the extremely unlikely proposition that all 524 people who are unsheltered or emergency sheltered are all within the geographic boundaries of Victoria, and that none of them is able to access emergency indoor shelter, the number of potential shelter spaces in the park system exceeds the need. Therefore, the City can continue to limit the number of parks where temporary overnight sheltering is permitted.

viii. Role of City Regulations

Victoria's experience since the *Adams* decision has been that prolonged overnight sheltering in public parks is not compatible with urban park purposes. The court decisions are clear that an absolute prohibition on overnight sheltering is not constitutionally valid while there is inadequate indoor shelter space available. However, they are equally clear that municipalities retain the authority to manage and regulate their parks.

Council has also heard from the public, including the advocates for the unsheltered community – most recently at the evening meeting of Council on February 13 – that packing up possessions every morning is challenging for some individuals sheltering outdoors, and that full-time encampments are preferable for some individuals. However, this is contrary to City and provincial policy and is not supported by the case law.

Speaking at an event in 2025, Premier Eby summarized the provincial rationale, stating that “Encampments are not safe. They are not a safe place to live. People die in fires. In the encampments along Hastings [in Vancouver], 100 per cent of the women surveyed in that encampment reported being assaulted.” Similarly, the City's experience with full-time encampments in Victoria is that they are unsafe, particularly for more vulnerable encampment residents.

Ultimately, it is the role of the City to steward public assets, such as parks, and to promote community wellbeing by ensuring that parks are available to the entire community for the purposes that they were constructed: sports, recreation and enjoyment. This must be balanced with the needs of the unsheltered members of the community who, due to the lack of adequate health and social supports

and housing, are forced to shelter in public parks. While sheltering in parks is not an answer to homelessness, it is an unfortunate reality that some sheltering in parks is unavoidable until adequate resources and land are provided by other levels of government to address the causes of chronic homelessness.

Council, through the *Parks Regulation Bylaw*, must balance these competing demands on the parks network and create a system of regulations which best maintains this critical public asset while preserving adequate temporary overnight shelter capacity for persons experiencing homelessness when there are no other alternatives available.

OPTIONS & IMPACTS

At the present time, the *Parks Regulation Bylaw* regulates where in a park a shelter may be erected by a homeless person and includes a list of 24 parks where sheltering is prohibited at all times. This leaves 114 parks where overnight sheltering is not prohibited by the *Parks Regulation Bylaw*. However, many of those 114 parks are not suitable for sheltering because they are either too small, are primarily environmentally-sensitive areas or sport fields or, due to their topography, are considered unsuitable for sheltering.

A careful review of all the parks has identified 55 parks, not including Beacon Hill Park, where sheltering is considered potentially feasible. Information about each of those parks, including each park's potential sheltering capacity, is included in Appendix 18. If sheltering is permitted in all these parks (including the parks where it is currently prohibited), approximately 1,259 shelters could be accommodated in the parks system. This greatly exceeds the estimated number of persons forced to shelter outdoor in Victoria, which is estimated to be less than 500.

Exempting a limited number of parks from the general prohibition on erection of temporary overnight shelters by persons experiencing homelessness, as long as the park provides adequate potential sheltering capacity, would allow Council to control where overnight sheltering occurs while respecting the court decisions regarding the rights of unsheltered persons to protect themselves from the elements when no other alternatives are available.

In the course of determining in which parks temporary overnight sheltering should be allowed as an exception to the general prohibition on erection of structures in a park, Council may maintain or modify the current list of parks where sheltering is prohibited at all times, provided that there is sufficient potential sheltering capacity in Victoria to accommodate the anticipated demand by persons experiencing homelessness.

Option 1: Amend the *Parks Regulation Bylaw* (recommended)

A number of amendments to the *Parks Regulation Bylaw* provisions dealing with sheltering by persons experiencing homelessness is recommended to address the issues discussed above. Specifically, it is recommended that Council:

1. Replace the definition of “homeless person” with a new definition of “person experiencing homelessness” that uses a more appropriate terminology and better reflects court decisions regarding who may be entitled to a constitutionally protected right to erect overnight shelter in

a public park under certain circumstances. The new definition would exclude persons who can utilize accessible shelters or housing but choose to shelter in a park instead;

2. Introduce a definition of “temporary overnight shelter” which makes it clear that the exception to the general prohibition on erecting shelters in public parks applies only to temporary shelters erected overnight by persons experiencing homelessness for the purpose of sheltering from the elements to prevent the risk of hypothermia. In other words, it is intended as a last resort when no other options remain;
3. Update the language of the existing regulations regarding sheltering by persons experiencing homelessness to provide greater clarity, while preserving the substance of existing regulations;
4. Increase the buffer zone between playgrounds and sheltering locations from eight metres to 15 metres to reduce potential conflicts between these very distinct park uses, especially younger children;
5. Expressly prohibit sheltering in all parks except a limited number of parks specifically listed in the bylaw. This will make it easier for everyone to understand in which parks temporary overnight shelters are permitted and will clarify that sheltering in parks is an exception rather than a strategy for responding to homelessness. The specific list of the parks is included in the recommended motion but is ultimately for Council to determine based on Council’s view of how to best balance the need to ensure there is sufficient space within the city to accommodate temporary overnight sheltering by persons experiencing homelessness, and maintaining parks for their intended purpose for the use and enjoyment of the community as a whole; and
6. Prohibit any local government or public authority from directing or encouraging a person experiencing homelessness to shelter in a park or transporting or transferring such persons to Victoria without first securing for them indoor shelter or housing. This provision would discourage the current practice by some public authorities to actively promote or facilitate sheltering in Victoria parks as an answer to homelessness.

These amendments will clarify the language of the applicable regulations and provide for a reasonable balance between the needs of a variety of park users, protection of an important municipal infrastructure and the needs of persons experiencing homelessness as clarified in various court decisions discussed above. Most significantly, they reflect the position that sheltering in parks is not an answer to homelessness and must only be utilized as an absolute last resort when no other alternatives are available.

The parks proposed for inclusion in the bylaw as locations where temporary overnight shelters are permitted are considered to be more than adequate to accommodate the current number of persons experiencing homelessness in Victoria. Therefore, this option is recommended.

Option 2: Maintain the status quo

The current regulatory scheme is considered legally valid and enforceable, therefore, Council can take no action and leave the existing bylaw unaltered. However, as noted above, the current regulations are complicated and potentially confusing and do not entirely reflect the more recent court decisions

regarding sheltering in public parks by persons experiencing homelessness. Specifically, the current bylaw includes a general prohibition, with an exception for “homeless persons”, which then includes various exceptions from that exception. As such, it is both challenging to read, explain and enforce, as well as potentially creating an incorrect impression that parks are intended to serve as a sheltering answer to homelessness crisis. Therefore, this option is not recommended.

2023 – 2026 Strategic Plan

The recommended option is consistent with a number of Strategic Plan objectives, including:

- “Support a range of civilian, bylaw and policing crisis response and prevention services.”
- “Support innovative, well-being solutions to reduce harm for housed and unhoused people living in neighbourhoods where there are shelters.”
- “Work with partner agencies and governments to create life opportunities for unhoused people.”

Financial Impacts

As outlined within this report, the financial burden of managing sheltering in public spaces has escalated significantly, costing the City over \$10.8 million since 2023 across multiple departments, including Bylaw Services, Parks and Public Works. While the City has taken proactive measures to support individuals experiencing homelessness, these costs continue to grow, straining resources needed for core municipal services.

Despite not having the mandate or resources to address homelessness at its root cause, the City has continued to invest in supportive initiatives, with nearly \$12.5 million in recent years on various investments to support the unsheltered community in Victoria.

Official Community Plan Consistency Statement

Updating the *Parks Regulation Bylaw* is consistent with the following objectives outlined in the City’s Official Community Plan:

- 9(a) That a network of parks and open spaces meets citywide and local area needs including at least one park or open space within walking distance (400 metres) of 99 per cent of households
- 9(c) That parks, open spaces and facilities contribute to the enhancement and restoration of ecological functions
- 9(d) That a diversity of inclusive facilities, services and programming enables broad community access and participation in an active lifestyle
- 9(e) That parks and recreational facilities are designed to achieve multiple benefits and accommodate a diversity of people and activities

CONCLUSIONS

Managing sheltering in public spaces, including parks, that were never intended or designed for this use is challenging, costly and interferes with the proper functioning of those spaces. The end goal is to ensure that no Victoria resident is forced to shelter outdoors and parks remain available to all

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residents to enjoy for their intended and designed purposes. Staff have provided the comprehensive information in this report to enable Council to make an informed decision as to the path forward towards balancing the needs of the community, while accommodating sheltering activity in limited circumstances as directed by court decisions.

Respectfully submitted,

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Derrick Newman
Director of Parks, Recreation, and Facilities

Tom Zworski
City Solicitor

Report accepted and recommended by the City Manager

List of Attachments

Appendix 1 - List of Amendments to *Parks Regulation Bylaw*
Appendix 2 - Parks Sheltering Damage Report
Appendix 3 - Proposal from Pacifica Housing
Appendix 4 - Extension Proposal from Pacifica Housing
Appendix 5 - Belonging in BC
Appendix 6 - MOU HEART & HEARTH
Appendix 7 - Twohig-Bennett Article
Appendix 8 - Wilson Article
Appendix 9 - Yuen Article
Appendix 10 - Gianfredi Article
Appendix 11 - APA Parks Improve Public Health Paper
Appendix 12 - APA Parks Create Safer Neighborhoods Paper
Appendix 13 - Sadeghian Article
Appendix 14 - APA Parks for Smart Growth Paper
Appendix 15 - Parks and Open Spaces Master Plan
Appendix 16 - Topaz Park Improvement Plan
Appendix 17 - Emergency and Transitional Housing Capacity in Victoria
Appendix 18 - Park Overviews
Appendix 19 – Washroom Map