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November 3, 2015

City of Victoria
1 Centennial Square
Victoria, BC
V8W 1P6
[via email]

ATTN: Mayor and Council

To Whom It May Concern:

RE: Consistency of Parks Regulation Bylaw (Bylaw No. 07-059) and Canadian Charter of Rights and Freedoms

We write to urge Mayor and Council to support the motion on the subject for Consistency of the Parks Regulation Bylaw and *Canadian Charter of Rights and Freedoms*.

In our office we see the fallout of the homelessness crisis in Victoria every day; we see the struggle and the peril within which people live, and the hardship they face as a result of sleeping rough. The court's findings of fact in *Abbotsford (City) v. Shantz*, 2015 BCSC 1909 (*Shantz*), reflect our own on the ground experience. Of particular relevance is Honorable Chief Justice Hinkson's statement regarding displacement tactics:

"constant movement of the homeless exacerbated their already vulnerable positions, as it inhibited the ability of the service providers who endeavoured to help the City's homeless to actually locate them and provide help. I thus find that the evidence supports a finding that the Impugned Bylaws have had a serious effect on the psychological or physical integrity of the City's homeless." [para 209]

Displacement tactics in Victoria compromise the health and wellness of the homeless and curtail the effectiveness of service delivery to this marginalised group. It is our view that some of these negative consequences could be ameliorated by amending Parks Regulation Bylaw s. 16(a) in accordance with the BC Supreme Court direction in *Shantz*.

In closing, we strongly encourage Mayor and Council to approve this first recommendation toward respecting the rights and dignity of Victoria's homeless as enshrined under the *Canadian Charter of Rights and Freedoms*.

Sincerely,

Kelly Newhook
Executive Director, TAPS

Stephen Portman
Advocacy Lead, TAPS

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