



James Bay Neighbourhood Association

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Victoria, B.C.
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April 13th, 2015

Mayor and Council,
City of Victoria

Dear Mayor Helps and Councillors,

Re: Parks and Sheltering

We are aware of the motion forwarded at the April 2nd G&P Committee meeting which formed an appeal to have Haegert, Cridge, Kings, and Arbutus parks identified as areas which could not be used for temporary shelter purposes under the Parks Regulation Bylaw No 07-059, Section 16A(2)(b).

We understand very well the issues created when tents or other temporary shelters are set-up in parks that are in or border residential communities.

The community of James Bay, the most densely populated area of the City of Victoria, has often encountered most inappropriate sheltering in our parks and on our boulevards, many of which contain or are near playgrounds and schools, and others that have high pedestrian use. The JBNA Board of Directors requests that the following James Bay park areas be included by name in the list of Victoria areas in which ***no overnight camping is permitted***:

Irving Park	Fisherman's Wharf Park	Holland Point Park
South Park	Laurel Point Park	Centennial Park
Charles Redfern Park	Quadra Park	Belleville Green
Avalon Green	Todd Parkettes	Lewis Street Parkette
James Bay Shoreline	MacDonald Park & Niagara boulevard	

Council will also be aware of the sensitivity associated with shoreline use and vulnerability and the need to honour the bird sanctuary requirements of our shores.

We understand that Council is considering the creation of a "temporary" or "micro-housing" approach to the sheltering of the many homeless in the region. **We remind Council that no such facility should be contemplated anywhere in Beacon Hill Park.**

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The Trust, the document giving Beacon Hill Park to the City in 1882, established a framework for the City to manage the Park. The restrictions of The Trust have been challenged and upheld in two landmark court rulings: Supreme Court Judge Begbie, 1884, and B. C. Supreme Court Justice Wilson, 1998. Both rulings interpret the founding document.

Key words in the Trust are: ...***"land known as Beacon Hill Park...shall be maintained and preserved by the said Corporation [City of Victoria] and their successors for the use, recreation and enjoyment of the public..."***

The Begbie ruling¹ came after an Agricultural Fair Building was constructed in Beacon Hill Park and a resident named Anderson challenged the legality of that action. **In the 1884 Supreme Court ruling "Anderson vs. Corporation of the City of Victoria"**, Matthew Begbie decided the building was **not** an acceptable use because it did not constitute public recreational use and enjoyment, according to The Trust. He specified cricket and lawn bowling facilities as acceptable, as well as horseracing. Begbie added that the following uses were **not permitted**: university, sanatorium, barracks for soldiers, lunatic asylum, and cemetery. Begbie concluded that the Park was **not** to be used ***"for general purposes of profit, or utility, however great the prospect of these may be."*** Micro-housing with facilities would be a general purpose of utility, not a recreational use of the public.

We are surprised that Council appears to be focusing on parks and greenspaces as areas to be used for temporary sheltering, or more permanent micro-housing. If Council wishes to provide buffer zones between residential areas in order to provide residents as much "quiet enjoyment" of their residences, as suggested by Councilor Isitt, then perhaps the City should search for City owned land that is hard surfaced and not in the middle of residential neighbourhoods. Hard-surfaced areas would also facilitate clean-up obligations. Two locations come immediately to mind, both of which could show-case Council's micro-shelter initiatives, namely Centennial Square and the parking lot area of Ship's Point. The City may have other sites that are further away from downtown.

Respectfully submitted,



President, JBNA

¹ *Begbie, J.C. August, 30, 1884. Anderson v. Corporation of City of Victoria and others and the Attorney-General v. Corporation of City of Victoria and others. Supreme Court of British Columbia. British Columbia Law Reports. Victoria, 1893: vol. I., part ii, 107-112.*