



Committee of the Whole Report

For the Meeting of June 8, 2017

To: Committee of the Whole
From: Chris Coates, City Clerk
Subject: Sleeping in Vehicles

Date: May 30, 2017

RECOMMENDATION

That Council receive this report for information.

EXECUTIVE SUMMARY

On April 13, 2016, Council referred the following resolution to the next Quarterly Strategic Plan Update and directed staff to report to Council at that update on the resource implications of the following action:

“That Council direct staff to report back at the next quarterly update on implementing bylaw amendments to address potential waivers for sleeping in vehicles offenses and/or deleting Section 84 of the *Streets and Traffic Bylaw 09-079*”.

Review of the Bylaw amendments and bringing forward recommendations for Council's consideration could involve an analysis of both the Streets and Traffic Regulation Bylaw as well as the Parks Regulation Bylaw given that the general public may not be able to differentiate between a technical road under the Streets and Traffic Bylaw or a park area that appears to be a road. This would help to ensure there is a consistent approach with a regulatory regime for sleeping in vehicles in public spaces. Legislative Services staff would be the primary resource for this review. This work can be incorporated within the 2017 Key Initiatives in Quarter 3 if Council chooses to give that direction.

PURPOSE

The purpose of this report is to provide Council with information regarding the resource implications of a review of possible bylaw amendments relating to sleeping in vehicles.

BACKGROUND

At the April 6, 2017 Committee of the Whole meeting Council reviewed a proposed Council member motion to amend that Streets and Traffic Bylaw to establish conditions under which ticketing for sleeping in a vehicle would be waived tied to the vacancy rate in the City. A copy of the Council member report is attached as Appendix A. Sleeping in vehicles overnight is prohibited in the Streets and Traffic Bylaw. However there are also roadways that go through parks in the City that are not roads technically and as such are regulated under the Parks Regulation Bylaw as opposed the Streets and Traffic Bylaw. The public is not necessarily aware of the distinction.

As such, Council may consider that the Parks Regulation Bylaw should have similar provisions to the Street and Traffic Bylaw, to more broadly capture any regulations covering sleeping in vehicles in managed public areas.

ISSUES & ANALYSIS

Staff have analysed in greater detail, information that was previously provided to inform the Council member report in terms of the tickets issued for night parking. Over that last three years only 3 of these tickets actually pertained to sleeping in vehicles. Unlawfully parked recreation vehicles were the thrust of the tickets issued. Should Council direct this work to proceed the review should clarify the extent to which tickets have been issued for sleeping in vehicles versus the parking of recreation vehicles on the street contrary to the provisions of the Bylaw. Resident owners are not permitted to park RV's on the street overnight in the City. Anecdotally, there are numerous instances of sleeping in vehicles that do occur and the typical approach is to move the people on rather than ticketing as more probable is that the tickets will not be paid and the person committing the offense can be difficult to locate to follow up on for collection.

In addition to dedicated roads regulated under the Streets and Traffic Bylaw, the Parks Regulation Bylaw can regulate roadways within parks that are not dedicated roads. Council may wish to consider park roadways, to be covered in such a regime to establish consistency between the two types of road ways.

OPTIONS & IMPACTS

Option 1

Direct Staff to Proceed with proposed amendments to the Streets and Traffic Bylaw.

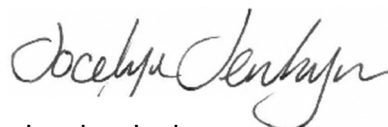
Option 2

Direct Staff to Proceed with proposed amendments to both the Streets and Traffic and Parks Regulation Bylaws.

Respectfully submitted,



Chris Coates
City Clerk



Jocelyn Jenkyns
Deputy City Manager



Report accepted and recommended by the City Manager:

Date: June 2, 2017

List of Attachments:

Appendix A – Council Member Report April 6, 2017



**Council Member Motion
For the Committee of the Whole Meeting of April 6, 2017**

Date: March 28, 2017

From: Mayor Helps and Councillor Coleman

Subject: Motion to Amend Streets and Traffic Bylaw

BACKGROUND

Victoria is currently experiencing a very low rental vacancy rate of 0.5%. There is a housing shortage that is affecting people with a range of needs from across a wide spectrum. One group affected by this housing shortage is people who are living in their vehicles and who also may be working. Some of these people have come to Victoria for jobs to help address the local labour shortage – particularly in the trades – and are working but cannot find an affordable place to live. (See Appendix A)

Section 84 of the City's *Streets and Traffic Bylaw* prohibits people from parking their vehicles overnight on the streets for the purposes of sleeping.

84 (1) A person must not park a vehicle in a street for the purpose of sleeping overnight in the vehicle.

(2) A person must not sleep overnight in a vehicle parked on a street.

There has been an increase in the number of tickets for sleeping in vehicles on City streets between 2014 and 2016 that corresponds with a decrease in the vacancy rate.

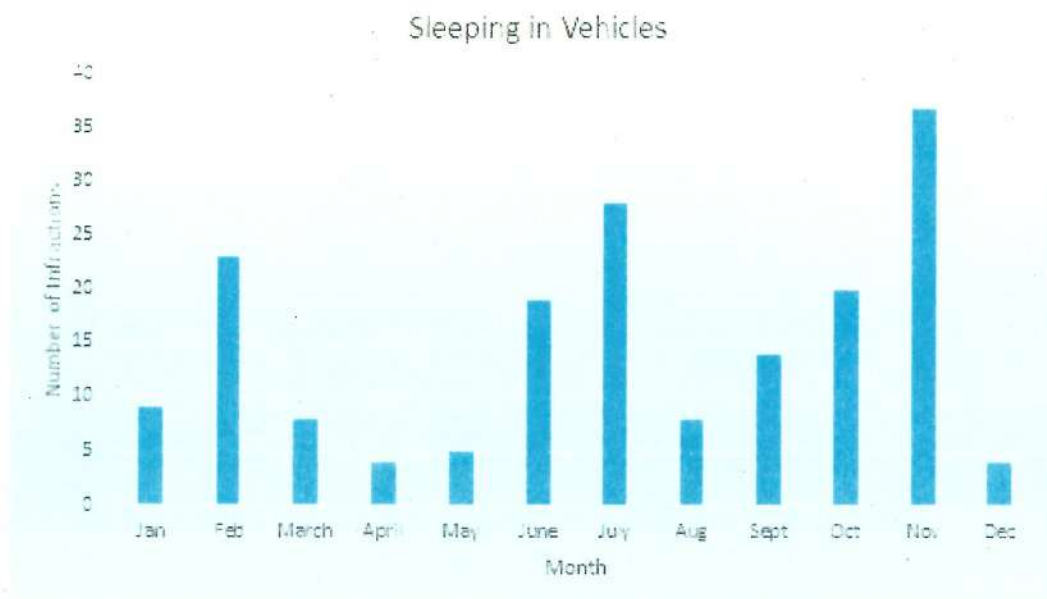
2014 – 80 Tickets

2015 – 62 Tickets

2016 – 176 Tickets

Analyzing the tickets on a month by month basis during 2016 demonstrates that although June and July do have a high number of tickets, so too do February and December. This suggests that the vehicle sleeping is not primarily a phenomenon of visitors / tourists parking overnight on City streets.

Tickets for Night Parking Offences in 2016 by Month



In order to ensure that people living in their vehicles are able to get the same undisturbed rest that most people living in housing get, we recommend that Council amends the *Streets and Traffic Bylaw* as outlined below as long as the Canadian Mortgage and Housing Corporation's (CMHC) vacancy rate remains below 3%.

RECOMMENDATION

That Council amend the *Streets and Traffic Bylaw* to add Section 84(3) as follows:

Section 84(3) An exemption to the provisions of this section shall occur when the CMHC vacancy rate for Victoria is at 3% or lower. When the exemption is in place, people sleeping in their vehicles must not park their vehicles on any street for the purposes of sleeping before 7pm and must not remain parked on any street for the purposes of sleeping after 7am.

Respectfully Submitted,

Mayor Helps

Councillor Coleman

A Proposal to Suspend Bylaw: 09-079 - Section 83 (5)

Dave Lang



The Problem

Historically low vacancy rates in Victoria are forcing employed persons to live in campers / RVs on the streets. The City of Victoria has a bylaw that prohibits parking of campers / RVs on the street between 10 pm and 6 am. This bylaw causes great hardship for persons who are already struggling, burdening them with fines and regular confrontations with police and bylaw officers. The number of tickets issued for violating this bylaw has risen from 80 in 2014 to 176 in 2016.

The Proposal

During periods of low vacancy, the bylaw which prohibits parking of campers / RVs on the street in Victoria should be suspended. When vacancy rates rise, the bylaw can be re-instated.

The People

An informal request for stories on Facebook turned up eight verifiable situations where working persons are living in campers / RVs. A more comprehensive survey would surely identify many more.

These persons' stories are included on the following pages with names removed.

Number of tickets issued for Night Parking 83(5) in 2014, 2015, 2016

2016 - 176

2015 - 62

2014 - 80

Persons Living in Campers / RVs 2017 - Facebook responses to call for stories - all verifiable

Name	Age Range	Employed	Cultural Worker (artist / musician / writer / etc.)	Ticketed	Police / bylaw officer interations
female 01	40s	yes	no	no	no
female 02	30s	yes	no	yes	yes
male 01	40s	yes	yes	yes	yes
male 02	20s	yes	yes	yes	yes
male 03	60s	yes	no	no	no
male 04	40s	yes	no	yes	yes
male 05	30s	yes	yes	yes	yes
male 06	40s	yes	no	no	no

female 01

I became homeless when my partner assaulted me. Transition houses were all full. Long waiting lists as well. I couch surfed with friends and then was given a trailer to live in. I couldn't find any place to put it. Many places were not in operation any more or had extremely long waiting lists. They told me I couldn't get on a waiting list because they were turning away dozens of people every day. I had to plead for a place on the Malahat. It's not ideal but I have a home. It's still around \$700mth including utilities by the way with extra costs for winterizing and gas for extra travel costs.

female 02

When my house of 10 years [that I was renting] sold I couldnt find a place that would take me , my son and our senior kitty. I had my truck and a canopy so we slept where ever we could for 2 fucking months. It was ridiculous how we were constantly having to seek out shady areas where neighbours wouldnt phone the cops. The irony was we actually parked around the corner from our old house. That stung. After about a week I went up to goldstream campground and set up camp for 2 weeks at a time. * you can only stay for 2 weeks then you have to leave for one night and can come back. There are showers up there and fairly close to town. I also had my car insured so I was mobile and could get to work etc. . At the time I begged the ranger to not have to leave because I was homeless. She laughed at me and said there were at least 60 families living in the campground who were homeless. An idea would be to open up one of the empty lots for overnight camping. Set up a shower and washrooms. Maybe make it so you cant stay during the day? Just a thought.

male 01

I'm into it but I don't wanna draw heat.

For visiting [name removed] for an hour during the day. My RV is called a Citation. She's literally named after the tickets she gets.

It is alleged that on the date indicated, the vehicle bearing the licence plate described below, committed the following parking infraction.

PE612456



Date and Time	Officer No.
Jan 27, 2017 01:59 PM	A300
Licence No.	Space
DEF [REDACTED]	
Vehicle Make	
GMC	
Location	
400 BLK VANCOUVER ST W/S	
Alleged Infraction	
Bylaw: 09-079 - Section: 53(1) Park In An Area Designated As A Residential Parking Zone	
Comments	
By complaint nol p dnp	
Set Fine Amount:	\$60.00
Voluntary Payment Amount: (if paid within 14 calendar days)	\$30.00

If the penalty is not paid within 30 days of the date of the offence indicated above, collections or legal proceedings may be commenced against the registered owner.

Note the time. I was literally walking my lovely developmentally disabled buddy [name removed] from [name removed] when the bylaw dude showed up. [name removed] couldn't walk fast in the snow so the guy was able to wait until 10:01 to give the ticket.


**CITY OF
VICTORIA**

Parking Infraction Notice

It is alleged that on the date indicated, the vehicle bearing the licence plate described below, committed the following parking infraction.

PE616424



Date and Time Feb 08, 2017 10:01 PM	Officer No. A288
Licence No. [REDACTED]	Space
Vehicle Make OTHER	
Location 900 BLK SOUTHGATE ST S/S	
Alleged Infraction Bylaw: 09-079 - Section: 83 (5) Park Btwn 10Pm And 6Am On A Street A Motorhome,Camper Truck,Trailer	
Comments BOC p	

Set Fine Amount:	\$60.00
Voluntary Payment Amount: (if paid within 14 calendar days)	\$30.00

male 02

So, enrolled at Camosun working for a local general contracting company, renos etc, - we're actually doing a reno on [name removed] place pretty soon. I've got 2 tickets myself, once cause I left the rig by [name removed] for a weekend, got the ticket on Sunday evening, and once right at 10pm while I was practicing with [name removed] parked on Balmoral and Camosun. Then when it was parked on Prior at Hillside it got two tickets in two days, and then an abandoned vehicle notice. [name removed] disputed the tickets and they were thrown out but he figured a commisionaire took a personal dislike to the rv and would've phoned the cops, which they will do occasionally apparently, though I've never heard of it happening to a 'normal' vehicle. This past Monday- after the first ticket on Prior- I was woken up at 1:10am by the cops banging on the side door- then they banged on the back, obviously trying to get me to move along, or get up at any rate and talk to them, which I did not, since at 1am there's not really any where else to go. They hung around for about 45mins, then issued the second ticket and left.

The other thing I'll mention is that you're not allowed to have a rv on the street at any time in Oak Bay, which obviously makes it difficult to get to work independently, since I don't have any other vehicle. Not that Lisa Helps would have much to do with that, but I feel like it bears mentioning

male 03

An older gentleman I know, almost like family, works as a security guard and has done for many many years. He wants to retire (he is a senior) and to try to afford living on his CPP will mean living on less than \$1000 per month so...to try and save some money, he has been living in his vehicle for about a year now. Not very healthy for him but I can see why he might choose to try it.

male 04

We found ourselves homeless right before the holidays after a landlord screwed us out of our place when we arrived moving day with our belongings having to be out of old place as it was sold and the new owner has sights set on rezoning and developing. We managed to sleep on couches and find house sits, (so grateful for community), and avoided having to urban camp, but prior to this at our "old place" we had an introduction from our neighbours to their friend who was an awesome, stand-up, full time working guy, and they explained to us that he was going to use our street to park and sleep on as he had just been harassed out of two other spots previous to this and did not have any other options. We made as many of our neighbours who we are friendly with aware in hopes that this guy could just be left alone until he found something, but sadly about a week in I saw the police cruiser pull up and waste an hour and a half waiting for him to come "home" from work to get him to move along. He rode up on his bike, saw the situation, loaded his bike up onto his van and was gone. It made me very sad. This is a guy who worked, went to the Y after work to take care of other business, was gone before people even woke up. Couldn't have done anything more to try to be as discreet and respectful as he could be and was parked on a street that has no zoning and is virtually empty from residents or cars.

male 05

Oh yeah- my buddy [name removed] was sleeping in his truck-camper (the carry-along kind in the box of the truck), in the parking lot of [name removed] after hosting the Thursday night jam they have there. He was woken up by the cops at 1am as well and told that he had to move along- difficult to do when you've been hosting a jam for free beer essentially. He had to go into the hotel lobby with the cops to confirm that he had been working there, and that they knew he was sleeping in the parking lot and were ok with it. He was informed by the cops that if they found him there again he would be ticketed and possibly towed for 'drinking and driving' Again, in spite of the fact that the hotel was ok with him being there

male 06

one more - my boss' buddy [name removed] got renovicted from his basement suite and is living in his truck-camper now- he's turning 40 this year, works as a welder and has his own shop on [address removed]. The shop has a yard that he can park in so I don't think he's getting hassled for parking, but obviously if the cops catch on that he's sleeping in there they probably won't care that he's in his own yard, and not really bothering anyone