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To Mayor Bob Wells, City Councillors, and City Employees to whom this may concern,

We are writing to express our collective concerns regarding the proposed City of Courtenay Bylaw No. 3121, Parks and Open Spaces Regulation Bylaw ("Bylaw 3121"). Bylaw 3121 passed its first and second readings during the January 10<sup>th</sup>, 2024, council meeting and was supported by the majority of Courtenay Councillors.

We are a group of community members, including lived experience experts and local professionals such as legal advocates, indigenous social services, and social service providers. We are united in our sincere concern that Bylaw No. 3121, as currently drafted, does not support the City of Courtenay's vision to provide a "**high quality of life**" "**for all people**" as set out in the City of Courtenay's *Strategic Priorities for 2023-2026* (City of Courtenay, 2023).

We appreciate Councillor Kate O'Connell's recognition of vulnerable individuals' need to shelter in parks, as stated in section 7.1, but Courtenay's proposed Bylaw No. 3121 will continue to add significant stress and pain to an already struggling population within the community. Currently, individuals who are unhoused are dealing with a wide range of daily struggles, including:

- Physical disabilities, while still being required to relocate heavy personal items daily.
- Physical health concerns exacerbated by the lack of appropriate washroom facilities and due to tents and sleeping bags being unable to dry appropriately after rainy nights.

The city of Courtenay recently released its strategic priorities and initiatives, which include a commitment "to review city operations with a **social equity, reconciliation and anti-racism lens** (City of Courtenay, 2023)." Although a consultation was undertaken to incorporate diverse feedback from the community into Bylaw 3121, as currently drafted, it does not appropriately support and protect those who are most vulnerable in our community. Our unhoused community members are experiencing significant risk due to our city's housing crisis yet remain in a state of perpetual fear for their personal safety and well-being. This group

includes those community members also dealing with poverty, disabilities, and mental illnesses in addition to being unhoused.

In order to further this discussion and better address these concerns, we submit the following questions and recommendations for the Council:

**1) Public Awareness and Human Rights:**

How will the public be informed of Courtenay's Bylaw policies, which incorporate recent community feedback and consultation, guiding Bylaw 3121 and Bylaw Officers? Can these policies be explicitly stated or referenced in the section of Bylaw 3121 pertaining to "sheltering in parks?"

- a. **Recommendation:** In order to address the community's current struggle with ongoing stigma, discrimination, and potential radicalization to violence, it is imperative that City leadership, policies, and bylaws clearly define and articulate the City's stance on the Human Rights of all community members which must address the following:
  - i. Recognition of the **human rights of those experiencing homelessness** and the systems that are failing individuals who are at high risk of experiencing poverty and systematic discrimination (such as those with a disability, mental illness and of a racial minority group).
  - ii. **Incorporation of cultural and trauma-informed practice guidelines.** This ensures that individuals facing challenges related to physical disabilities, mental illness, and homelessness receive adequate support from City employees. Demonstrating compassion and understanding in these areas will not only showcase the City's leadership but also guide our community towards a more unified stance, reducing divisive rhetoric associated with a situation primarily caused by a failing system.

**2) Prioritizing and Emphasizing Social Service Support for Trauma-Informed Bylaw Enforcement**

Pursuant to Section 10.2, "Enforcement," delineated in Bylaw 3121, it is expressly stipulated that "The Director, a bylaw enforcement officer, or a peace officer may enforce this bylaw ('Bylaw 3121'), and in doing so, may be assisted by another such officer or a City personnel."

- a) **Recommendation:** In response to community feedback and in alignment with trauma-informed and culturally sensitive practices, we implore City Councillors to consider incorporating language that promotes collaborative partnerships with more suitable social support services. This collaborative approach aims to assist

bylaw officers, thereby mitigating the potential for re-traumatizing vulnerable individuals and facilitating meaningful connections with essential resources. Express language in Bylaw 3121 that welcomes social support services not only diminishes the likelihood of conflicts but also enables individuals experiencing homelessness to receive timely information on available resources, services, and secure locations for additional support and rest. This proactive approach aligns with the principles of community well-being and inclusivity.

### **3) Indigenous Consultation:**

With the Council's efforts on Reconciliation, has Bylaw 3121 been reviewed by local indigenous partners, given that nearly 30% of the region's homeless population identifies as Indigenous (BC Housing, 2023)?

- **Recommendation:** If this review has not taken place, we recommend it does.

### **4) Leniency for Health Issues:**

Will individuals experiencing illness and physical disabilities receive leniency to shelter in place beyond the proposed time slots of 7:00 pm to 9:00 am (stated in Bylaw 3121, section 7.2 C) if Bylaw Officers are made aware that an individual is experiencing physical ailments, which may impact an individual's ability to move their belongings?

- **Recommendation:** leniency be provided in the appropriate circumstances, which will support our most vulnerable populations, cultivate trust between City staff and those affected by the Bylaw, and reduce the need for other support services by helping the homeless maintain their belongings (vs. being thrown away; adding to the cycle of poverty and waste).

### **5) Washroom Facilities:**

As there is mention of preventing waste in parks, specified as "no fouling or polluting" in Bylaw 3121, section 6.4, will appropriate washroom facilities be provided to those needing to shelter in parks due to the lack of appropriate housing in shelters?

- **Recommendations:**
  - a. The addition of a monitored overnight washroom facility or additional public washroom hours will offer our most vulnerable community members the ability to maintain proper gastrointestinal health and personal safety and dignity with this basic human need.
  - b. When analyzing the costs associated with a monitored overnight washroom facility, it is imperative to consider the effects on the health and safety of individuals (the resulting impact on hospitals with increased visits), the

protection of the park's natural environment and local park users due to the absence of these basic facilities.

#### **6) Access to Medical Marijuana:**

Will there be further consideration and leniency for those experiencing homelessness to access medical marijuana in park spaces? Section 5.8 of Bylaw 3121 prohibits the use of marijuana.

- **Recommendation:** we recommend leniency with respect to access to medical marijuana as it is. However, the use of marijuana is often prescribed to treat pain and reduce the use of further substances (as described by the UBC Faculty of Medicine in 2020).

In conclusion, we ask that the Courtenay Mayor and Councillors consider utilizing the information that the community provided in consultation with the City for the purpose of better understanding and forming City regulations within an accessibility, diversity, and equity lens. Community members and local professionals worked with a city consultant, providing professional and first-hand experience, to ensure that appropriate considerations would be reflected in Courtenay's Bylaw Policies **as well as Bylaw No. 3121**. We fail to see how those comments were incorporated into Bylaw 3121.

The inclusive language, ideas, and conversations collected during this city consultation should be used to draft a more progressive Bylaw 3121. This was a conversation to build trust and relationships, which, if it is not taken into consideration, will make a negative statement and impact our community. Using this information will ensure that the money used during this important process does not go to waste and is used appropriately.

We ask that you do not dismiss the concerns of those who are experiencing discrimination in our community. We hope to continue to build trust with those community members whose human rights have been disproportionately neglected over prior decades.

In summary, we ask that the Courtenay Mayor and Councillors consider the following:

- The City's Strategic Plan and Priorities include a commitment to review city operations with a **social equity, reconciliation and anti-racism lens**.
- Prioritizing and emphasizing social service support within Bylaw 3121. A trauma-informed approach to bylaw enforcement will be a more effective method for decreasing the likelihood of conflicts and harm. This initiative also aids in risk reduction by providing relevant and up-to-date support services.

- Consultations were undertaken by the City to solicit feedback from a diverse group of community members with respect to the matters contemplated by Bylaw 3121.
- Those most vulnerable community members using parks to “shelter in place” due to the housing crisis are also experiencing poverty, mental health concerns, and disabilities.
- Bylaw 3121, as currently drafted, does not accord with our City’s Strategic Plan and Priorities, nor does it address the concerns raised in consultation with the City.
- Failing to address or being perceived as failing to address these concerns after undertaking such consultation will erode trust among our community members and public institutions.

Sincerely and in alliance with,

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