



January 24, 2024

Mayor and City of Courtenay Council
830 Cliffe Ave., Courtenay, BC, V9N 2J7
250-334-4441

Subject: Recommendations for Improving Bylaw 3121 and Addressing Concerns

Dear Mayor and City of Courtenay Council,

As the Coalition coordinator, I consistently navigate a spectrum of diverse needs, opinions, roles, and relationships. Today, I bring forward the collective voice of those frequently overlooked, marginalized, and disproportionately impacted by challenges, especially within the housing realm. As the facilitator of the homeless response team and coordinator for meetings with individuals who have lived experiences, it is imperative to express concerns before the third reading. Please take a moment to reflect on the complexity and lack of clarity in Bylaw 3121 and consider the potential hardships it may impose on those striving to survive on the streets.

Working closely with individuals experiencing homelessness has shown me the profound impact interactions have on their lives. Homelessness, a multifaceted issue intertwined with poverty, mental illness, addiction, and trauma, necessitates compassionate and holistic solutions, including in legal frameworks.

When assessing proposed Bylaws, understanding the needs and experiences of individuals with lived experience of homelessness is paramount. Policy design should involve these individuals, prioritizing harm reduction, cultural humility, and empowerment practices. Homelessness often stems from systemic injustices, requiring forward-thinking Bylaws grounded in empathy, dignity, and compassion to provide opportunities for healing and growth.

However, the proposed Bylaw's inherent ambiguity raises concerns about the arbitrary application, fostering further discrimination and societal divisions. Neglecting to address these deficiencies will exacerbate root issues, leaving the unhoused community vulnerable to further harm and trauma.

Therefore, we request that the Council pause before passing the Bylaw and consider the following before adoption:

1. Clarity and Transparency:

- Use plain language to eliminate ambiguity.
- Clearly state intentions to ensure a uniform understanding.
- Provide a comprehensive list of areas where individuals can go.

2. Inclusivity and Accessibility:

- Engage in further consultation, especially with vulnerable groups.
- Collaborate with consultants embracing social justice and trauma-informed lenses.
- Prioritize inclusivity by ensuring legal documents are accessible to all.
- Specify in the Bylaw the priority of working with community outreach programs.

3. Equitable Enforcement:

- Establish cooperation mechanisms among bylaw officers to prevent unequal application.
- Avoid punitive responses for the unhoused.
- Create an equitable complaint system accessible to all.

4. Education and Training:

- Implement regular training programs for bylaw officers on harm reduction, cultural safety, and humility.
- Get curious about using a human rights lens in supporting our most vulnerable.

Concerns about deeper consultation with individuals with lived experiences highlight the need for further engagement. Addressing equity-deserving groups during the third stage of a four-stage process, focused on presenting recommendations rather than open conversations, raises significant concerns. In the Bylaw strategy, there was a 5-step engagement process that notes that groups were engaged and approved decisions at every

stage, and it ends with saying that the public makes the final decision. As a participant in the three groups identified during the consultation, I do not believe this process was implemented as suggested. The Coalition asked for people with lived experiences to be deeply involved numerous times over a year. Requests went to the Bylaw manager, the Director of Corporate Services, and the consultant. Moreover, human rights information was shared, and a specific request to pay attention to current case law was made, noting that information around and acceptance of encampments was changing rapidly.

Recent experiences of our unhoused community members indicate a shift towards punitive measures by Bylaw, eroding the previous collaborative relationship with community organizations. The new Bylaw manager has yet to attend more than one homeless response team meeting. Rebuilding trust through transparent collaboration and honest communication is essential. The homeless response team is eager to share what was working. Still, we were not even informed that the previous Bylaw manager had left the City, which made us feel that the depth and importance of our relationships were not recognized.

In conclusion, I urge you to consider the valuable input and ensure that all law and supporting documentation considers accessibility, diversity, and equity. As such, I request a pause and a revamp of Bylaw 3121 as written. Real stories and recommendations are attached to support a more progressive vision.

Thank you for your time and dedication to ensuring a high quality of life for all community members.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AF', with a stylized flourish at the end.

Angela Fletcher
Coordinator- Coalition to End Homelessness

Appendix A

Comox Valley Stories- Friday Meeting

"I am over 70 years old, and I cannot keep one thing. This is ridiculous. I spent my life working, and now I am walking the streets with nowhere to go and with nothing!"

"I was sleeping and woke up, and the RCMP were right outside my tent. Bylaw was there, and they wanted me to move. It was 9:30, but I didn't get to sleep last night. Imagine waking up every day with the RCMP outside your door to make sure you back up your bed."

"We left to try to use the bathroom, and we came back, and all our stuff was gone. Bylaw was loading it into the truck. I had pictures of my kids. They didn't care."

"I needed help, but Bylaw wouldn't call outreach. They told me to leave, and when I didn't because I was in a state of needing support, they gave me a trespass order. Now I can't be there either or support my friends."

"I need my medicine by Bylaw threw it away. I am so sick."

"What are we supposed to do with no washroom? And where are we supposed to go when we get kicked out of a park?"

"They just threw our s*** out in front of. No one cared that we have nothing. Why can't we come up with a solution where we can get our stuff back?"

"Bylaw doesn't care. We have nowhere to go. We aren't important? We can't access Connect. We have nothing."

"Our stuff is soaking wet and dirty. What can we do with it? It is impossible to pack it up."

"I was having an episode, and Bylaw thought I was being aggressive and called the cops. I was arrested for having a mental health condition I cannot control."

Summary of some recommendations

(all been brought forward for discussion with City staff or a council member)

A Tiny Village is our most requested type of housing.

Stop the Sweeps

The practice of Street Sweeps, involving the displacement and confiscation of possessions from individuals, particularly those experiencing homelessness, raises constitutional and human rights concerns and may provide grounds for private lawsuits. In Vancouver, these sweeps are conducted by a partnership between municipal employees and the Vancouver Police Department, often justified by local bylaws such as the Street and Traffic By-Law. The legal underpinnings of street sweeps are criticized for lacking meaningful protections for homeless individuals and perpetuating systemic discrimination.

Legal Concerns:

1. Constitutional Infringements:

- Street Sweeps may infringe on Section 7 of the Charter by jeopardizing individuals' health and survival, thus violating their rights to life and security of the person.
- Repeated displacement and seizure of possessions contribute to adverse health and safety risks, infringing on constitutional rights.

2. Discrimination:

- Street Sweeps disproportionately target and impact protected groups under the BC Human Rights Code and Section 15 of the Charter, including Indigenous Peoples, Black people, people of color, drug users, and individuals with disabilities.
- Discriminatory practices violate the right to be free from government discrimination.

3. UN Declaration on the Rights of Indigenous Peoples:

- Street Sweeps may conflict with UNDRIP, particularly by disregarding the protection of life, integrity, security, and possessions of Indigenous peoples.

Access to Justice:

- Legal remedies, including constitutional and human rights protections, are often hindered by the costly and complex nature of the legal system, limiting access to justice for affected individuals.

Vancouver City Council Authority:

- Various plans, frameworks, and motions approved by Vancouver City Council, such as the Downtown Eastside Local Area Plan and the Framework for City of Reconciliation, are undermined by the continued practice of Street Sweeps.

Moving Away from Harms of Confiscation:

- Recommendations include developing a policy on confiscating belongings, providing advance notice, issuing receipts for confiscated items, and ensuring accessible storage within the affected community.
- Emphasizes the need for community-based responses and inclusion of directly impacted communities in finding long-term solutions.

Inclusion of Directly-Impacted Communities:

- Advocates for solutions to Street Sweeps to be peer-led by community organizers with lived experiences, emphasizing the principle of "nothing about us without us."

Overall, the legal and social consequences of Street Sweeps call for a reevaluation of municipal practices, urging a more inclusive and rights-based approach to address the complex challenges faced by those experiencing homelessness and precarious housing.

Encampments through a Human Rights Lens

Priorities:

1. **Recognition of Human Rights:** Emphasizes the importance of recognizing and respecting the human rights of individuals living in homeless encampments, including the right to housing, dignity, health, and security.
2. **Legal and Policy Frameworks:** Advocates for the development of legal and policy frameworks that align with human rights principles to address the complexities of homeless encampments.
3. **Non-Discrimination:** Prioritizes efforts to eliminate discrimination against individuals in encampments based on factors such as race, gender, disability, or other protected characteristics.

4. **Public Health and Safety:** Highlights the need to address public health and safety concerns in encampments while respecting the rights and dignity of those residing there.

Recommendations:

1. **Rights-Based Approaches:** Urges policymakers and service providers to adopt rights-based approaches in their strategies, considering individuals' specific needs and vulnerabilities in encampments.
2. **Community Engagement:** Encourages inclusive and meaningful engagement with affected communities to develop and implement policies directly impacting them.
3. **Access to Essential Services:** Recommends ensuring that individuals in encampments have access to essential services, including healthcare, sanitation, and social support.
4. **Legal Protections:** Calls for legal protections that safeguard the human rights of those in encampments, including the right to adequate housing, privacy, and freedom from discrimination.
5. **Collaboration:** Stresses the importance of cooperation between government agencies, service providers, and community organizations to address the multidimensional challenges associated with homeless encampments.

The priorities and recommendations outlined in the document underscore the significance of approaching the issue of homeless encampments with a human rights perspective, aiming to balance public health and safety concerns with the protection of the rights and dignity of individuals experiencing homelessness.

References:

[Tent Encampment Protocol \(make-the-shift.org\)](https://www.make-the-shift.org/)

[A Human Rights Approach to Encampments | The Homeless Hub](#)

[2022 04 25 Street Sweeps \(stopthesweeps.ca\)](https://www.stopthesweeps.ca/)

[Street Sweeps & Disability Justice - Pivot Legal Society](#)