



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 7130-20

From: Director of Recreation, Culture and Community Services

Date: December 11th, 2024

Subject: Winter Shelter – Emergency Conditions

PURPOSE: To provide information to Council regarding the current efforts undertaken to secure a location to provide winter shelter services; and to request Council consider exercising authorities under the Community Charter to facilitate the operation of winter shelter services.

BACKGROUND:

The City of Courtenay, as authorized by the Comox Valley Regional District (CVRD), is taking urgent action to address the critical need for winter shelter space for those experiencing homelessness across the region. With the onset of winter there is an increased risk of adverse health outcomes due to cold, snowfall, flooding, and power outages. As per the “Health Impacts of the Winter Season: Information for Community Health Partners and Local Governments” issued by HEMBC, FNHA, Island Health, and Metis Nation BC, those experiencing homelessness are disproportionately impacted by winter weather and susceptible to serious and life-threatening health impacts. The 2023 Point-in-Time Count revealed 272 individuals experiencing homelessness in the Comox Valley, 94 of whom were living outdoors—more than double the 132 individuals identified in 2020. This data, collected a year ago, highlights the growing community need for effective solutions and support for the unhoused population.

To provide immediate relief, the City proposes to establish a winter shelter at 971 Cumberland Road. BC Housing has confirmed funding for an Extreme Weather Response (EWR) shelter at this location, subject to the City securing an operator and suitable location. While the current Industrial Two (I-2) zoning of the site does not typically permit shelter services, the urgency of the situation supports the use of emergency powers under the Community Charter to temporarily facilitate winter shelter operation on the property.

To ensure the building is suitable for the provision of winter shelter services, an architect has been engaged to determine the occupancy load and life safety requirements required for the temporary change in use of the building from commercial to residential. The architect will identify the building improvements required by the BC Building Code to support this change in use, with the objective to provide approximately 20 shelter beds. All tenant improvements required to facilitate the winter shelter use will meet the intent of health and life safety to the satisfaction of the Fire Chief and the Manager of Building Services.

DISCUSSION:

The Comox Valley faces an urgent need to establish a winter shelter to protect the health and safety of vulnerable individuals during the winter months. Staff recommend immediate Council action to facilitate the timely establishment of critical shelter services by deferring strict enforcement of the Zoning Bylaw at 971 Cumberland Road during the winter shelter operating period. Any delay in establishing these services could have severe consequences for unhoused individuals exposed to winter conditions.

Existence of an Emergency: The City is facing a homelessness crisis, exacerbated by current winter conditions. This weather creates an immediate and significant risk to the health and safety of the City's unsheltered population. Compounding this crisis is the timing of securing a suitable location at 971 Cumberland Road. Significant efforts by the City to identify suitable properties with the objective of securing a property well before the winter season have been unsuccessful due to a lack of properties available, landlord hesitancy, and suitability. While the acquisition of this site represents crucial progress, the inability to secure a shelter location prior to the start of the winter season necessitates an emergency declaration. Standard procedures to address property use, including temporary use permit or other rezoning processes, would delay the provision of essential winter shelter services.

Nature of the Emergency: This situation qualifies as "another form of emergency" as per 20(2) of the Community Charter, distinct from the definitions outlined in the Emergency and Disaster Management Act (EDMA). The significant impacts of winter weather such as frequent cold, snow, and rain conditions on unsheltered individuals necessitate a focused assessment that recognizes the need for winter shelter services as an urgent matter requiring immediate policy intervention.

Resolution Process: By making an emergency-based policy decision via resolution at an open meeting, Council can facilitate shelter operations without delay. Any delay in the provision of winter shelter services will mean that those services are not there to mitigate the negative impacts of the winter weather on the health of the region's unhoused residents.

Temporality: The enacted emergency powers will specifically target the current winter shelter needs, ensuring that actions taken under the emergency declaration are limited in duration to the immediate crisis rather than creating long-term policy changes.

The following outlines the emergency authorities available to Council.

Zoning Bylaw

To facilitate 971 Cumberland Road to be used for the provision of winter shelter services, Council may exercise its emergency authority under s. 20(2) of the Community Charter, and the City's general discretion regarding bylaw enforcement (see, for instance, s. 274(1) of the Community Charter) and defer strict enforcement of the Zoning Bylaw.

Action Required:

To facilitate the operation of a winter shelter, Council may resolve to temporarily defer strict enforcement of the Zoning Bylaw at 971 Cumberland Road.

POLICY ANALYSIS:

Community Charter

20(2) If another form of emergency arises in a municipality, the council may declare that the emergency exists and provide for the necessary power to deal with the emergency.

274(1) A municipality may, by a proceeding brought in Supreme Court, enforce, or prevent or restrain the contravention on,

- a) a bylaw or resolution of council under this Act or any other Act, or
- b) a provision of this Act or the *Local Government Act* or a regulation under those Acts.

FINANCIAL IMPLICATIONS:

There are no costs associated with activating emergency and related authorities under the Community Charter. Costs associated with the provision of winter shelter services are outlined in the December 11th, 2024 council report titled “Winter Shelter – Service Provision”.

ADMINISTRATIVE IMPLICATIONS:

All administrative implications for the provision of winter shelter services are outlined in the December 11th, 2024 council report titled “Winter Shelter – Service Provision”.

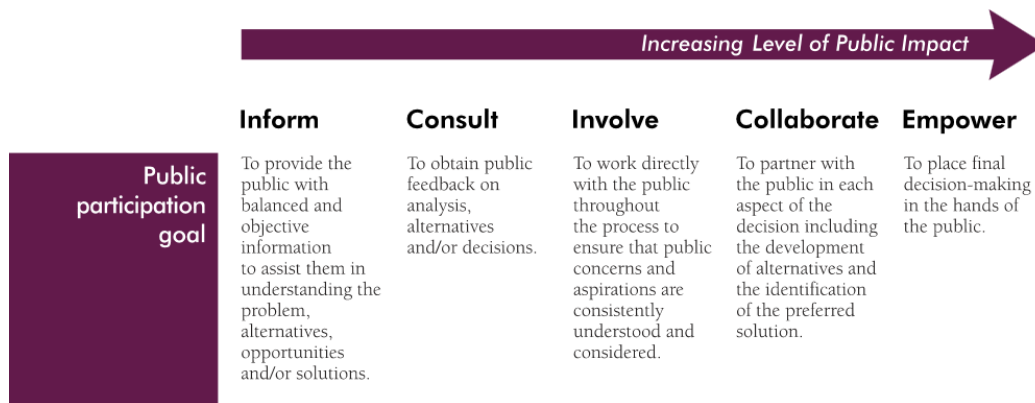
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Social Infrastructure - Continue working with community agencies to deliver day services. Explore role in the provision of social support services, including future of Connect Centre.
- Public Safety - Build capacity for emergency planning and local response
- Social Infrastructure - Identify roles for the City in the delivery of social infrastructure outlined in the OCP; Implementation plan for delivery of social infrastructure

PUBLIC ENGAGEMENT:

Staff would inform the public based on the IAP2 Spectrum of Public Participation:



OPTIONS:

1. WHEREAS a winter shelter provides urgently needed temporary accomodation free of charge to anyone who is homeless or at risk of homelessness during winter weather conditions; and

WHEREAS the building located at 971 Cumberland Road is available to be used for a winter weather shelter, but is zoned Industrial Two (I-2) and for which a winter shelter is not a permitted use; and

WHEREAS the to be selected shelter operator requires permission from the City of Courtenay to operate a winter shelter at 971 Cumberland Road until April 30, 2025; and

WHEREAS the British Columbia Housing Management Commission (BC Housing) has agreed to fund the operation of an Extreme Weather Response shelter;

THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF COURTENAY, resolves to temporarily

defer strict enforcement of the Zoning Bylaw at 971 Cumberland Road so as to facilitate the operation of the temporary winter shelter up to April 30, 2025, subject to the following:

- a) the City of Courtenay entering into an agreement with an operator for the provision of winter shelter services:
- b) The Fire Chief and Manager of Business Services inspecting 971 Cumberland Road and concluding that there are no immediate life safety concerns with the proposed use.

2. THAT Council provide alternative direction to staff.

Prepared by: Kate O’Connell, Director of Corporate Services (CO)
Reviewed by: Susie Saunders, Director of Recreation, Culture and Community Services
Marianne Wade, Director of Development Services
Kurt McDonald, Fire Chief
Paul Preston, Manager of Building Services
Scott Hainsworth, Manager of Procurement, Risk and Real Estate

Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)