



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 4000-20

From: Director of Corporate Services

Date: October 23, 2024

Subject: Parks and Public Spaces Regulation Bylaw – First Nations and Indigenous Serving Organization’s Referral Response and 3rd Reading Consideration

PURPOSE:

To provide Council with the responses received from referral organizations in regard to the proposed Parks and Public Spaces Regulation Bylaw 3121; and bring forward the Parks and Public Spaces Regulation Bylaw No. 3121 for consideration of 3rd reading.

EXECUTIVE SUMMARY:

In February 2023, the City of Courtenay launched a project to update its 1992 Parks Control Bylaw. The goal of this initiative was to align the bylaw with the community's shifting needs and the evolving use of parks, ensure adherence to current legal standards, clearly define parks management authorities, and incorporate environmental, health, and cultural protections. The development of the proposed Parks and Public Spaces Regulation Bylaw No. 3121 was guided by three main phases: conducting an environmental scan to identify best practices, assessing operational impacts, and refining draft regulations based on feedback from a diverse range of contributors.

As the Parks Control Bylaw was being updated, the Recreation, Culture, and Community Services Department and the Development Services Department engaged Council in discussions regarding a diverse range of policy and operational considerations to address homelessness. After reviewing the options presented, Council provided direction, resulting in the City leading the development of the Winter Shelter Strategy, exploring various shelter and housing options in partnership with BC Housing, and evaluating temporary shelter solutions such as encampments and tiny homes.

Upon consideration of the third reading of the bylaw, Council deferred third reading and referred the Parks and Public Spaces Regulation Bylaw No. 3121 to three Indigenous-serving organizations and the K’ómoks First Nation (KFN), allowing 60-days for responses. Two responses were received, which outline policy expectations regarding the consideration of multi-day sheltering and managed encampments. The responses also emphasized the need for meaningful engagement and highlighted the importance of trauma-informed and culturally sensitive training.

BACKGROUND:

The City of Courtenay embarked on a significant project to update its 1992 Parks Control Bylaw, with the goal of aligning it more closely with the evolving needs of the community, adhering to current legal standards, and incorporating environmental, health, and cultural considerations. Launched in February 2023, this initiative arose from the understanding that the existing bylaw was inadequate in addressing the demands of a growing population, changing patterns of park use, and pressing challenges associated with climate change and urban issues. An environmental scan, along with interviews with interested parties and

contributors, elected officials, and staff, revealed that the current bylaw not only posed substantial obstacles to effective parks service delivery—such as ambiguities in authority and insufficient legal compliance concerning sheltering regulations—but also lacked essential components like permits and permit requirements. This further underscored the need for a comprehensive re-evaluation of the existing bylaw to better serve the community.

The City created the Parks and Open Spaces Bylaw Guiding Document using a structured methodology that involved three key phases: conducting an environmental scan to identify best practices, performing an operational impact assessment, and refining draft regulations based on feedback from a diverse group of contributors. The drafting process emphasized key priorities such as clarity in regulations, smoking/vaping prohibition, protection of natural and cultural sites, accommodation of temporary sheltering in alignment with legal standards.

Important to note, while work was being undertaken by the Corporate Services Department to develop the Bylaw Policy, the Strategic Plan for Bylaw Compliance, and the Parks and Public Spaces Regulation Bylaw, critical policy work on homelessness supports and sheltering options were also being developed and presented to Council by the Recreation, Culture, and Community Services Department and the Development Services Department. In consideration of both the proposed bylaw, and ongoing policy discussions related to sheltering, homeless supports, and housing, Council has provided the following direction:

At the **September 27, 2023** Council meeting, Council passed the following motion:

THAT Council approve the Parks and Open Spaces Bylaw Guiding Document and direct staff to work with external legal counsel to draft a new Parks and Open Spaces Control Bylaw; and,

THAT staff be directed to report back to Council on any further amendments to B.C.’s current decriminalization policy and or at such time as further guidance for local government is provided by the Province.

Following approval of the Parks and Open Spaces Bylaw Guiding Document (Attachment 1), staff began developing the bylaw as directed. At the **January 10, 2024** Council meeting, Council considered the Parks and Open Spaces Regulation Bylaw No. 3121 passing the following resolution:

THAT Council give first and second readings to the Parks and Open Spaces Regulation Bylaw No. 3121; and,

THAT staff be authorized to prepare a bylaw amendment to the Municipal Ticket Information Bylaw No. 2435, 2006 for Council consideration.

At the **February 14, 2024 Council meeting**, a delegation requested Council consider amending the Parks and Open Spaces Regulation Bylaw No. 3121 as outlined in the submission entitled “*Working Towards System Change: Assessing Courtenay’s Approach to End Homelessness*” (Attachment 2). In addition to specific amendments to the proposed bylaw, the submission sought Council’s consideration of the following policy matters:

- **Day Time Sheltering:** Provision of leniency for health issues to better support those experiencing homelessness requiring shelter in City Parks, allowing individuals experiencing illness and physical disabilities to shelter in place beyond the proposed time slots of 7 pm to 9 am.

- **Cannabis and Vaping:** Allow for regulated consumption of cannabis and implement accessible, designated smoking and vaping areas within parks spaces.

At the same meeting (**February 14, 2024**), staff confirmed with Council that the scope of the Parks Control Bylaw Modernization Project, as outlined in the project priorities, did not include a policy options review of day time sheltering, multiple day sheltering options, or reconsideration of Council’s previous direction on smoking/vaping in parks. Upon consideration of the comments and requests outlined in *Working Towards System Change: Assessing Courtenay’s Approach to End Homelessness*, Council did not give the bylaw third reading, passing the following motion:

THAT Council direct staff to report back on the following requests and amendments, as proposed in the report “Working Toward System Change – Assessing Courtenay’s Approach to Homelessness”:

1. *Remove the term “offensive” from section 5.9(b)*
2. *Strike out “with or without shelter” from section 5.9(d)*
3. *Strike out 5.9(g) in its entirety*
4. *Incorporate language from the Bylaw Compliance Policy, which discusses how City employees should behave while enforcing the bylaw*
5. *Include express language outlining trauma-informed bylaw enforcement*
6. *Remove reference to “interfering with a bylaw officer in performing their duties” and replace with language that prohibits physical obstruction or interference with City employees while carrying out their duties in parks*
 - *Strike out Section 5.10(d) and combine it with 5.10 (c)*
7. *Strike out section 7.2(f)*
8. *Strike out “and in doing so may be assisted by another such officer or a City personnel” from section 10.2, and consider specifying “emergency personnel”*
9. *Add language to the bylaw that emphasizes Social Service partnership and support.*

AND THAT Council direct staff to highlight options to work with Indigenous partners on the proposed bylaw in the report.

While Council, at the February 14, 2024 meeting did not provide direction to adjust the scope of the bylaw to include consideration for the policy questions posed by the delegation, Council has considered a variety of homelessness and shelter options presented by the Recreation, Culture and Community Services Department and the Development Services Department.

March 13, 2024, Council meeting:

(In Camera: Rise and Report)

THAT Council direct staff to write to the Minister of Housing requesting that the City of Courtenay be identified as a priority community for Encampment & Homelessness Response: HEART & HEARTH program funding due to the urgent need for shelter space and supportive housing.

March 13, 2024, Council meeting:

(Temporary Shelter Options)

THAT Council direct staff to bring back a report at the April 10th, 2024 Council Meeting, outlining a range of temporary sheltering options including but not limited to: managed encampments, temporary modular housing and other options identified by staff; and

THAT the report include preliminary consideration of the following details for each option presented:

- *Anticipated operational impact*
- *Budget estimates*
- *Potential number of individuals supported*
- *Potential partnerships for the provision of services, and*
- *Any other impacts or considerations.*

March 13, 2024, Council Meeting:

Council received a report from staff entitled “Parks and Open Spaces Regulation Bylaw – Amendment” (Attachment 3). This report was provided to Council based on direction to staff on **February 14, 2024**. Upon consideration of the report, Council did not consider third reading of the bylaw, passing the following motion:

(Bylaw 3rd Reading Deferment and Bylaw Referral)

THAT Council defer third reading of the “Parks and Open Spaces Regulation Bylaw No. 3121” and direct staff to send a letter to K’ómoks First Nation, Wachiay Friendship Centre Society, Métis Association and the Indigenous Women’s Sharing Society, Unbroken Chain Harm Reduction requesting comments and input on the “Parks and Open Spaces Regulation Bylaw No. 3121”, and provide a 60 day period for a response.

In accordance with **March 13, 2024** Council direction, the bylaw was provided to the K’ómoks First Nation, Wachiay Friendship Centre Society, Métis Association and the Indigenous Women’s Sharing Society for comment. Each referral letter included a copy of the proposed Parks and Open Spaces Regulation Bylaw No. 3121, the City of Courtenay’s Strategic Plan for Bylaw Compliance, the City of Courtenay Bylaw Compliance Policy and an offer for an in-person presentation by staff on the proposed bylaw.

In response to the referral, the Director of Corporate Services presented to the following:

- Wachiay Friendship Centre, April 30, 2024
- K’ómoks First Nation (KFN), May 2, 2024 (Mayor Wells was also in attendance)
- Indigenous Women’s Sharing Society, May 6, 2024

The MIKI’SIW Métis Association did not request a presentation or meeting with staff.

On **April 10, 2024** staff presented a Briefing Note entitled “Update on Temporary Shelter Options” (Attachment 4) in response to Council’s direction March 13, 2024 regarding temporary shelter options which provided an update on a range of temporary shelter options and preliminary considerations of operational requirements, budget estimates, number of individuals supported, partnership for provision of services and other impact considerations. The report considered temporary shelter options in partnership with BC Housing, the Ministry of Housing, CMHC, and the non-profit sector including: temporary shelters in buildings, temporary shelters on vacant land such as trailers or tiny homes, and managed encampments. The Briefing Note concluded as follows:

“With the announcement of the purchase of 925 Braidwood by BC Housing, and the City’s letter to the Province requesting support through the HEART / HEARTH program, staff will continue to work with BC Housing and the Ministry of Housing to identify

opportunities to work together on addressing the significant gap in shelter in the Comox Valley and Courtenay, including pursuing interim temporary shelter options.

Staff will continue to review the municipal land inventory for consideration as potential interim temporary shelter locations as well as work with BC Housing, the non-profit sector, and the CVRD on further exploring options. There is an immediate need to work with the CVRD through functions 450 and 451 to discuss interim temporary shelter options, advocate for the development of a winter shelter response strategy, and review existing temporary shelters operated by local non-profit organizations consider additional locations. With the upcoming work the CVRD is conducting regarding the Homelessness Needs Assessment and Community Plan as well as Regional Housing Action Plan, it is imperative that the City of Courtenay play a significant role on these projects to support those experiencing homelessness and the impacts on the broader community.”

At the **July 31, 2024** Council meeting, staff presented a report entitled “Report Back on Temporary Shelter, Washrooms and Storage” (Attachment 5), and Council passed the following motion:

THAT Council, in recognition of the 2016 Public Health Emergency as declared in response to the overdose crisis by the Provincial Health Officer, consider the temporary provision and expansion of emergency services; and

THAT Council exercise their authority and make a policy decision to not enforce the City of Courtenay Zoning Bylaw No 2500, 2007 to permit day and overnight services for unhoused and other marginalized community members, including but not limited to: overnight sheltering, washrooms, personal belonging storage, administrative support, health and housing support services, distribution of survival materials/food/supplies, and other related services to the satisfaction of the Building Inspector and Fire Chief; and

THAT Council delegate authority to the Director of Recreation, Culture and Community Services, to negotiate amendments to the lease agreement between the City of Courtenay and the Comox Valley Transition Society, for the property having a legal description of PID: 006-102-930, Lot 3, Section 61 Comox District Plan VIP3817, (685 Cliffe Avenue – Connect Center), including the expansion of the leased area to include the property having the legal description of PID:005-101-018, Lot 1, Plan VIP3817, Section 661, Comox Land District (665 Cliffe Avenue – adjacent parking lot) for the purposes of permitting the following temporary uses: client belonging storage, additional client washrooms, additional staff washrooms, additional administrative work space; and

THAT Council approve the purchase of a washroom trailer from BC Housing for \$1; and

THAT Council allocate up to \$150,000 from the 2023 surplus towards the installation of the temporary washroom trailer and storage solutions; and

THAT Council direct staff to request operating funding contributions for the temporary washroom and/or storage facility from: BC Housing, Comox Valley Regional District (Function 451), Town of Comox, and other appropriate funders.

At the same **July 31, 2024** Council meeting, Council rose and reported on a motion passed at a previous in-camera meeting, directing staff to forward the report “Winter Shelter Strategy-Request to Comox Valley Regional District” to the CVRD Board and request that \$91,000 be transferred from the CVRD’s Homelessness and Supports Services to the City of Courtenay towards the development and implementation of a Winter Shelter Strategy for the Comox Valley. Council also directed staff to forward the report to the Town of Comox and request funding support for the City of Courtenay to lead the strategy’s development.

Pending Consideration of a Proposed Bylaw Amendment:

On March 13th, 2024, a report entitled “Parks and Open Spaces Regulation Bylaw – Amendment” was considered by Council. The report addressed the various amendments requested within the delegation submission “*Working Toward System Change – Assessing Courtenay’s Approach to Homelessness*”. Staff reviewed and considered the requested amendments, and outlined rationale in response to the requested amendments, resulting in a recommendation to Council to amend the bylaw to remove section 7.3(f) which read as follows “Temporary shelters must not be left unattended”. As Council moved to defer third reading of the bylaw, no direction regarding the recommended amendment has been provided.

DISCUSSION:

Parks Bylaw Modernization Project Engagement Overview:

The engagement plan for the Bylaw Modernization Project was primarily motivated by the delicate nature and expected effects of shelter regulations on the City’s unhoused population. Considerable time and resources were allocated to fostering a true understanding of how the proposed regulations could affect Courtenay residents facing homelessness. To understand the impacts of the proposed environmental and cultural protection areas, the engagement process included:

- Interviews with the leadership of the Comox Valley Coalition to End Homelessness (CVCEH)
- Discussions with Island Health
- A tailored in-person presentation for unhoused community members
- Presentations to the CVCEH’s membership and Homelessness Response Team
- Interviews with Council and staff

While the Parks Control Bylaw Modernization project engagement activities focused specifically on the impacts of sheltering regulations on unhoused individuals, broader community engagement for other City initiatives have provided additional insight. For example, feedback gathered during the Parks Playground Design Standards project highlighted safety as a significant concern for park users, with respondents referencing the following:

- Cleanliness and safety: Presence of garbage and drug paraphernalia.
- Mental health and substance-use related behaviours.
- Sheltering in parks and playgrounds.

These concerns extended beyond playground design, emphasizing the need for broader solutions such as bylaw enforcement and community mental health support. Notably, 68% of survey respondents identified as women or girls, a demographic known to feel less safe in public spaces. This underscores the urgency of addressing these broader community concerns through effective and updated regulations in the City’s parks and open spaces.

Furthermore, approximately 30 respondents explicitly expressed support for the proposed Parks and Open Spaces Bylaw, specifically citing:

- Regulation of temporary sheltering in parks.
- Enforcement of dog leash regulations.
- Addressing offensive and indecent behaviour.

These findings support the need to implement regulations that enable the City to respond to legitimate concerns while also balancing permitted uses in parks and open spaces.

Shelter and Homelessness Support Policy Options

The Parks Control Modernization Project focused on updating sheltering regulations within City parks and related public spaces, with a focus on legal compliance. The current bylaw, which prohibits sheltering in parks conflicts with provincial case law. The proposed bylaw, aims to align with legal precedent, permitting sheltering in the majority of City parks between 7pm and 9am each day. This shift towards legal compliance reflects a more practical approach to addressing the needs of the unhoused population while maintaining the City’s commitment to providing safe and accessible public spaces for all residents.

While the Parks Control Modernization Project focused on legal compliance and balanced park usage, policy questions and options regarding shelters, housing, and supporting the unhoused community are being reviewed and led by other City departments, specifically those responsible for community services and housing. These departments are dedicated to developing comprehensive and effective solutions that address the needs of the unhoused population.

Referral Responses:

On March 13, 2024, the Council referred the Parks and Public Spaces Regulation Bylaw to three organizations that serve Indigenous communities, as well as the K’ómoks First Nation. Although some of these organizations are part of the Comox Valley Coalition to End Homelessness, which was involved in the engagement process for the Parks Bylaw Modernization Project, the follow-up discussions revealed a range of perspectives within the Coalition. This was particularly true among Indigenous-serving organizations and their clients, highlighting the need for a distinct engagement process.

Written responses were received from the Wachiay Friendship Centre (Attachment 6) and the Indigenous Women’s Sharing Society (Attachment 7). Although there was regular communication between the both KFN and City staff regarding the requested input, KFN did not provide a response to the referral (additional time was provided in acknowledgment of the principles of reconciliation).

The issues raised by the Wachiay Friendship Centre in regard to the proposed bylaw are:

- Insufficient inclusion of Indigenous peoples in the consultation process
- Lack of adequate consideration for people with health conditions or disabilities
- The need for environmental factors (e.g. rain, snow) to be listed as exemptions related to encampments
- Importance of creating systems that avoid removing tents and belongings without allowing for retrieval
- The necessity for a managed encampment in Courtenay to help people step away from the cycle of poverty, displacement and instability.

The Wachiay Friendship Centre is advocating for several key changes to the proposed bylaw to protect vulnerable unhoused community members and acknowledge the history of the land. They request more specific language in the policy addressing health and disabilities, ensuring protection for those experiencing homelessness. Furthermore, they advocate for the new bylaw to explicitly acknowledge and reference decolonization and the fact that the Courtenay area is on unceded territory. To ensure a more comprehensive and ethical approach, they urge the integration of references to the Reconciliation Framework, Strategic Plan for Bylaw Compliance, and Bylaw Compliance Policy into all bylaws. Ultimately, their central goal is to safeguard the rights and well-being of the most vulnerable members of the community within the framework of the bylaw.

The issues raised by the Indigenous Women’s Sharing Society in regard to the proposed bylaw are:

- Lack of meaningful Indigenous consultation in the development of the proposed bylaw
- Concerns regarding the potential negative impact of the bylaw on the Indigenous community
- The importance of upholding the human rights and dignity of Indigenous peoples in Canada
- The need for decolonizing practices and policies to address underlying issues of homelessness
- The call for true reconciliation through compassionate understanding and collaboration with Indigenous organizations

The Indigenous Women’s Sharing Society is advocating for key changes within the City, including prioritizing ongoing training for staff in trauma-informed care, community collaboration, dismantling racism, and working effectively with Indigenous peoples. The Society further urges the City to align its policies and bylaws with the United Nations Declaration on the Rights of Indigenous Peoples, requiring a critical review and revision of existing frameworks to ensure they uphold Indigenous rights and self-determination. Additionally, they call for meaningful consultation and collaboration with Indigenous organizations and individuals throughout the entirety of policy development and implementation. Finally, the Society emphasizes the need for the City to prioritize sustainable solutions that address the root causes of challenges faced by Indigenous communities while upholding the inherent dignity of all peoples and ensuring those with lived experiences are meaningfully involved in all decision-making processes.

Engagement Impact on the Development of the City’s Engagement Strategy

The insights and expectations shared with staff during in-person discussions with the Wachiay Friendship Centre and the Indigenous Women’s Sharing Society, and the written feedback, resulted in immediate changes to the engagement approach taken in the development of the City’s Engagement Strategy (project in progress). Recognizing the distinct needs and impacts that City projects may have on urban Indigenous populations and Indigenous-serving organizations, the Engagement Strategy Project plan was amended to include an Indigenous Engagement Specialist to help the City design a meaningful and culturally appropriate engagement workshop for Indigenous serving organizations. Conducted in September 2024, the workshop aimed to pinpoint activities that will elevate Indigenous voices, ensuring they are effectively represented in future engagements.

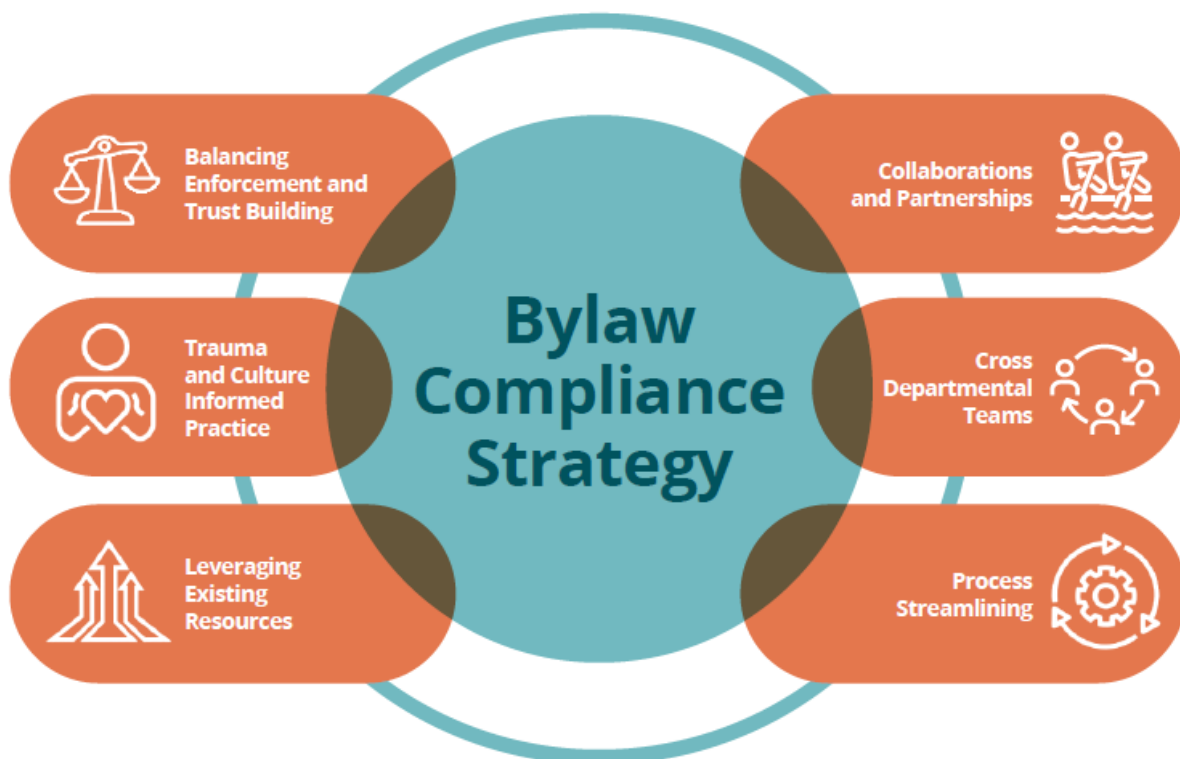
Priority Training

Over the past two years, the Director of Corporate Services, the Manager of Bylaw Services, and Bylaw Enforcement Officers have completed training aimed at enhancing their skills and bylaw service’s understanding of community needs. Training has included specialized learning opportunities offered by the Indigenous Women’s Sharing Society, covering crucial topics such as Intro to Trauma Informed Practice and Not Just Naloxone, as well as overdose awareness workshops presented by AVI. Staff have also developed critical skills in managing challenging interactions and supporting mental health, highlighted by training such

as Responding with Respect on the Front Lines, Managing Hostile Interactions, and Critical Incident Stress Management. Further, programs like Walk with Me and Let's Get Real About Mental Health emphasize the importance of empathy and understanding in community engagement. Training on Gender Diversity in the Workplace reinforces the commitment to inclusivity within the team. Collectively, these educational experiences are equipping the bylaw team to ensure that their enforcement actions are consistent with the values outlined in the Bylaw Compliance Policy related to trauma and culture informed practices.

Trauma Informed Care and Relationship Building, Pillars of the Bylaw Compliance Strategy

The City of Courtenay’s Strategic Plan for Bylaw Compliance was approved by Council in 2023 and is founded on the following six priority themes:



Strategies identified under the priority areas of Collaboration and Partnership, and Trauma and Culture Informed Practice, commit to developing and providing ongoing engagement opportunities:

- Enhance relationships with key contributors including outreach support services, health services and the RCMP by participating in roundtables and identifying communication channels
- Collaborate with internal and external agencies to create approaches to responding to bylaw matters related to the unhoused to ensure enforcement activities do not lead to re-traumatization

Through open and honest communication, we aim to build trust and understanding, and to develop approaches that prioritize the well-being and dignity of all community member

Developing Trust and Partnerships

Following the adoption of the Bylaw Compliance Policy and through the ongoing implementation of the Strategic Plan for Bylaw Compliance, Bylaw Services has diligently worked to ensure compliance with bylaws

in accordance with the defined policy objectives. Addressing sheltering in parks and public spaces has been informed by the core principles outlined in the Bylaw Compliance Policy, the Strategic Plan for Bylaw Compliance, and relevant BC Supreme Court case law.

To cultivate a more collaborative environment, Bylaw Services communicates and coordinates with outreach organizations building trust and strengthen community connections, exemplified by a letter of support for SOLID Outreach from the Manager of Bylaw Services (Attachment 8). This endorsement underscores the City’s commitment to achieving positive outcomes for unhoused community members while preserving the integrity of public spaces.

Parks and Public Spaces Regulation Bylaw

While recognizing the concerns and policy options presented by the Wachiay Friendship Centre, the Indigenous Women's Sharing Society, and other outreach organizations about multi-day sheltering in parks, delaying the Parks and Public Spaces Regulation Bylaw NO. 3121 would postpone the implementation of Council-directed policies and could hinder progress on addressing regulatory issues not currently addressed in the existing Parks Control Bylaw. These unresolved matters encompass legal compliance, smoking regulations, permitting, fire prevention measures, and the protection of environmentally and culturally sensitive areas.

With the introduction of the new Parks and Public Spaces Regulation Bylaw 3121 (Attachment 9), staff anticipate significant improvements in the City’s ability to address ongoing challenges and public expectations related to public health, safety and shared park use. The proposed bylaw includes several key regulations aimed to address:

1. ***Smoking and Vaping Restrictions:*** introduces comprehensive regulations to prohibit smoking and vaping in parks and public spaces. This measure is expected to enhance the experience of all park users, including children and families, sports participants and spectators, and attendees at community events, such as the Simms Concert Series, by reducing exposure to second hand smoke and promoting overall public health.
2. ***Legal Compliance and Balancing the Needs of Park Users:*** provides clear authority for temporary sheltering in public parks, and addresses sheltering locations within parks that are intended to balance environmental protections and the recreational, social, and cultural uses of these spaces. This alignment with established case law will create a consistent legal framework, reduce ambiguity, and foster responsible use of public areas.
3. ***Protection of Sensitive Areas:*** safeguards environmentally and culturally sensitive regions within our parks. By implementing regulations that prohibits all activities in these areas, we can preserve their ecological integrity and respect the cultural significance they hold for the community.
4. ***Fire Risk Mitigation:*** includes specific measures aimed at reducing the potential for fires in public parks caused by non-CSA compliant appliances and smoking.

In addition, the proposed bylaw also includes improved or additional language to support enhanced regulation of park uses, including exclusive and non-exclusive uses; delegated authorities to expedite operational decision making and implementation; and regulations for equipment / vehicle / bicycle use in parks and on trails.

Next Steps:

Council faces a significant decision regarding the City’s approach to sheltering, as it is being requested to reconsider or expand prior directives.

Expand Shelter Options Policy Scope: Council has previously focused the City's efforts on investigating non-encampment shelter solutions and working with BC Housing. However, if Council decides to revisit the City's approach to both shelter provision and park usage, the proposed bylaw offers a path forward. This bylaw expands sheltering permissions and is legally compliant, unlike the current Parks Control Bylaw which is legally non-compliant as it prohibits sheltering in parks. Should Council determine that policy changes warrant amendments to the Parks and Public Spaces Regulation Bylaw No. 3121, staff will provide a full range of procedural options.

Proceed, Collaborate and Monitor: Council could proceed with the proposed bylaw and reaffirm its commitment to expanding suitable shelter spaces. This option aligns with the Council's prior directives to collaborate with BC Housing on the development of a new shelter and supportive housing facility, investigate interim shelter options, explore personal belonging storage options, and develop the Winter Shelter Strategy. Bylaw Services would continue to build relationships with community partners as outlined in the Strategic Plan for Bylaw Compliance, and would report back to Council on the bylaw’s implementation.

POLICY ANALYSIS:

Official Community Plan: The City of Courtenay’s Official Community Plan (OCP) includes a commitment to reconciliation with Indigenous peoples. It emphasizes the importance of recognizing and respecting the rights and traditions of Indigenous communities, and integrating Indigenous perspectives in urban planning and decision-making processes.

Strategic Plan for Bylaw Compliance: The City of Courtenay’s Strategic Plan for Bylaw Compliance is dedicated to reinforcing adherence, fostering awareness, and streamlining enforcement to benefit all community members, providing a clear roadmap for implementing six objectives effectively.

Bylaw Compliance Policy: The purpose of the Policy is dual: firstly, to provide an understanding of Bylaw Services’ approach to activities that may negatively impact the environment, public health, safety, and well-being; and secondly, to encourage compliance and promote accountability within the community through responsible enforcement. This is achieved by ensuring fairness, promoting education, and fostering community involvement.

FINANCIAL IMPLICATIONS:

There are no financial implications.

Should Council provide new direction, staff can report back on any financial implications.

ADMINISTRATIVE IMPLICATIONS:

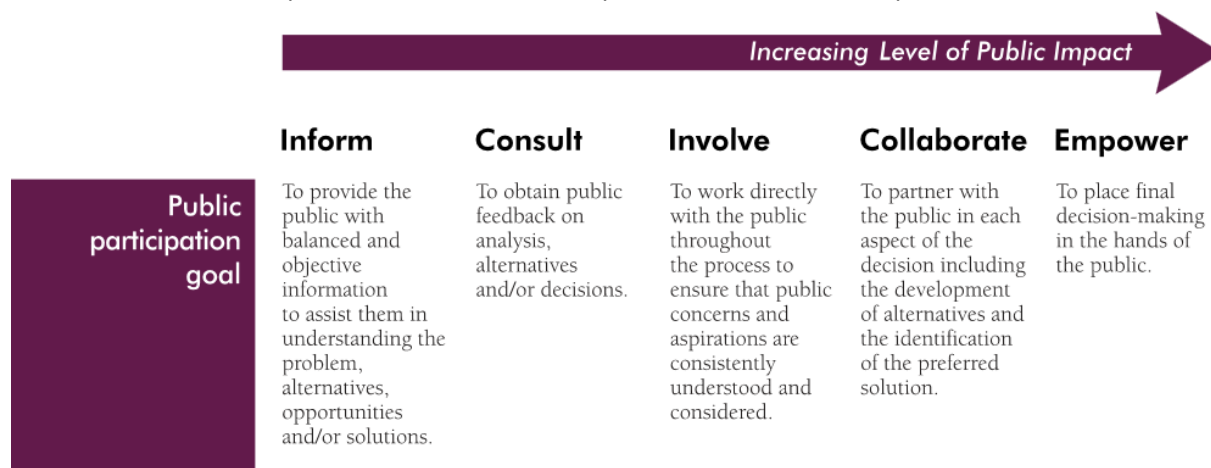
There are no administrative implications at this time.

Should Council provide new direction, staff can report back on any administrative and corresponding operational implications.

PUBLIC ENGAGEMENT:

Should the proposed Parks and Public Spaces Regulation Bylaw No. 3121 be adopted by Council, staff will develop a communication strategy informed by the Strategic Plan for Bylaw Compliance and the City of Courtenay Communication Strategy. Focusing on raising awareness, and voluntary compliance, the approach would include printed materials (Good Neighbour Guide – Parks Users), in-park signage, social media, and direct communication with parks user groups, outreach organizations and unhoused community members.

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



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OPTIONS:

1. THAT Council direct staff to amend the Parks and Open Spaces Regulation Bylaw No. 3121 by removing Section 7.3(f), which reads as follows “Temporary shelters must not be left unattended”; and, THAT Council give third reading to the Parks and Open Spaces Regulation Bylaw No. 3121 as amended.
2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. Parks and Open Spaces Bylaw Guiding Document
2. March 13, 2024 Delegation Submission: Working Towards System Change: Assessing Courtenay’s Approach to End Homelessness
3. March 13, 2024, Council Report: Parks and Open Spaces Regulation Bylaw – Amendment
4. April 10, 2024 Council Report: Update on Temporary Shelter Options
5. July 31, 2024 Council Report: Report Back on Temporary Shelter, Washrooms and Storage
6. Referral Response: Wachiay Friendship Centre
7. Referral Response: Indigenous Women’s Sharing Society
8. Solid Outreach Letter of Support
9. Parks and Public Spaces Regulation Bylaw No. 3121, 2024

Prepared by: Kate O’Connell, Director of Corporate Services (CO)

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Susie Saunders, Director of Recreation, Culture and Community Services

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