

Additional Delegation and Correspondence

Special City Council

Wednesday, February 14, 2024, 10:00 a.m.

Council Chambers

Guelph City Hall, 1 Carden Street

3. Public Space Use Bylaw, 2024-76

Additional Delegations:

Christopher Lozinski

Dani Lindamood, Water Watchers

Amie Main

Jasper Smith

Maya Helferty

Niqolai Gryphon

Liz Cherry, Guelph NDP

Nik Valkova

Kim Richer

Dorian Hallman

Toma

Martin Collier, Residents for a Safe Speedvale Avenue

Additional Correspondence:

Noah Heagle

Paul Fair

Jean Hopkins, Wellington Guelph Drug Strategy

Dominica McPherson, Guelph & Wellington Task Force for Poverty Elimination

Caroline Folkman, Toward Common Ground

K. Vanessa Hyland

Amanda Reaney

Jeff Schlemmer, Community Legal Clinic of York Region

Natalie Free

Cole Formacion

Logan Legate

Kathryn Galloway

Rene and Elaine Luehof

Lin Grist

Lisa Baird

Carly Hunt

Sharon Crowe, Community Legal Clinic of York Region

John Fisher
Diane Pinto
Jenna VanVeen
Toma
Judy Noonan
Kristen Cairney, Wyndham House
Dana Nuttley, Community Voices
JJ salmon
Chelsey Edwards

Dear Councillors and Mayor,

I am writing today because I am very disturbed by the recently proposed Public Space Use By-law. This by-law essentially criminalizes encampments, giving people living in them no place to go, no place to store their limited belongings and making their lives more precarious.

I am opposed to all criminalization of encampments and fully support encampments in all public spaces until such time that permanent and safe solutions can be found for every person living in encampments.

I also support creative, short-term options like A Better Tent City in Waterloo, or creating a designated, resourced, downtown space for encampments (like a level of the Wilson St Parkade, for example) as a temporary solution.

It's not just a lack of shelter beds that is the problem. For many, the shelter system is not safe and people avoid them because of this. You can not solve the problem of encampments by making them against by-laws. This does nothing to address the root cause.

I understand that the City does not control funding for social housing, but there are many things that you can do to increase housing supply and increase affordable housing and yet there is no vacancy tax, you continue to allow short-term rental properties and continue to allow the financialization of the real estate market in Guelph. All of these things drive up rental prices and push more people into precarious situations. Additionally, there is no by-law on new developments needing to have enough affordable units (for people on social assistance or living below the poverty line) to address the problem.

Please stop saying that "your hands are tied" when there are so many things that your council could be doing but is not.

It is horrifying to me that you care more about Guelph's "image" than the people who live here. The people living in encampments are members of the Guelph community and you represent them too. It is your duty to ensure that they, too, have a positive experience of Guelph -- not one that is more criminalized and unsafe than ever.

I urge you to reject the Public Space Use by-law and allow encampments in public spaces until all people living in them have safe and permanent housing solutions.

I also urge you to use all tools at your disposal to address the housing crisis. The excuse that there's "nothing you can do" is untrue and lacks the creative vision and urgency needed for this crisis. Instead of attacking an already marginalized community with by-laws, use the tools you have to increase housing options in the City.

Thank you
Noah Heagle

I am against the **Public Space Use Bylaw** because it aims to restrict, and prohibit encampments under the guise of public safety. This new proposed bylaw threatens the means of survival for many underhoused community members living in the downtown core and throughout the City of Guelph.

Displacing underhoused community members, and creating overly restrictive rules on their very existence is outrageous and is a human rights violation. The Public Space Use Bylaw is an explicit attack on Guelphites living in poverty. It is also deeply concerning that the City of Guelph has opted to rush and restrict public engagement and consultation around a bylaw that will harm so many people. Real dignified housing solutions are needed, not bylaws that further marginalize and harm our community members living in encampments.

I am for making a place for them to live, but not attacking them in this way.

Paul Fair

██████████ Guelph, ON N1E ██████████

ATTN: Mayor Guthrie and Members of Council
Guelph City Hall, 1 Carden Street
Guelph, Ontario
N1H 3A1

February 9th, 2024

Dear Mayor Guthrie and Members of Council,

The Wellington Guelph Drug Strategy, the Guelph & Wellington Task Force for Poverty Elimination and Toward Common Ground are writing in response to the proposed Public Space Use Bylaw, 2024-76 tabled for discussion at the February 14th Council meeting. We have grave concerns related to the proposed bylaw and the potential impacts on unhoused community members in Guelph.

Like many municipalities across Canada, Guelph is facing complex challenges related to homelessness, mental health and substance use, including an increase in community members who are visibly struggling. We recognize that no level of government can address these issues alone. A multi-pronged approach is necessary with each level of government resourcing and actioning solutions through the mechanisms available to them. Through the mechanisms available to the City of Guelph, it is critical that immediate needs of unhoused individuals are met and that longer-term solutions, including permanent housing and health supports, are actioned with the same sense of urgency.

This Council has made a significant commitment by adopting a Human Rights approach to housing¹, including a Housing First philosophy, to align with the National Housing Strategy. It is imperative that these commitments extend to how the City and its services respond to encampments and more broadly, the issue of homelessness.

We are concerned about the unintended consequences that may emerge should this bylaw be passed, including criminalization of homelessness², increased stigma and the potential health implications that may arise from increased instability and isolation for unhoused community members. We oppose this bylaw and urge you to reconsider this approach.

[The National Working Group on Homelessness Encampments](#) report provides comprehensive guidance for municipalities. It notes that encampments are often responses to unmet needs. With a lack of affordable permanent housing options and the loss of affordable rental stock, including in the downtown, people living with low incomes are experiencing housing insecurity and homelessness, with subsequent declines in health. This experience is compounded for community members who have complex needs and a lack of supports. Individuals living rough, including in encampments, often do so

¹ Further information and key principles of a [Human Rights Approach to Housing can be found within A National Protocol for Homeless Encampments in Canada: A Human Rights Approach \(2020\)](#).

² Criminalization of homelessness can refer to the ways people who are experiencing homelessness may engage with law enforcement. As examples, this may include ticketing, use of bylaws that are applied mainly for unhoused individuals using public spaces, fines, surveillance by police, or other punitive approaches. Harms of criminalization may include challenges gaining employment, accessing health and social services and increased financial difficulties. Additionally, criminalization of homelessness, mental health and substance use disproportionately impact racialized communities, furthering social inequities.

because shelter, drop-in spaces and long-term housing options are unavailable or do not provide adequate protections or support their specific needs. For some, encampments are the only option.

The proposed bylaw will exacerbate challenges currently experienced by unhoused residents in Guelph. Evidence suggests that implementing bylaws of this nature can criminalize community members who are already struggling and lead to further health and social harms. The proposed bylaw will contribute to further displacement and social isolation, causing interruptions in health care, creating challenges for outreach teams and additional burden to the health care system. Additionally, research indicates that unhoused individuals are at a significantly higher risk of drug poisonings³. This is especially concerning given the increase in drug poisoning deaths in our region. In 2023, Guelph had the highest number of deaths due to drug poisoning on record.

We recognize the complexity of the issues that Council is currently navigating, including responding to community members and local businesses who have legitimate experiences and concerns. Criminalization and enforcement-focused responses to people who live in encampments are not a solution to these complex issues and will only serve to further marginalize, isolate, and stigmatize unhoused residents in our city. It is possible to resolve encampments without enforcement⁴.

We urge you to work collaboratively to meet community needs. We recommend:

- 1) That Council ensure decisions and actions align with a Human Rights approach to housing and a Housing First philosophy to advance permanent housing solutions and protect the dignity and rights of community members.
- 2) That the City build on existing efforts by prioritizing working with the County of Wellington, health and housing service providers and individuals with lived experience to support an integrated, housing focused and complex capable team to best respond to unsheltered homelessness in Guelph.
- 3) That the City engage meaningfully with community members who are unhoused and direct service providers so that approaches meet immediate needs and support root cause solutions, including permanent housing and health supports.

Thank you for considering these recommendations. We strongly urge you to consider the impacts and unintended consequences this proposed bylaw will have on unhoused members of our community and recommit to leading with a Human Rights and Housing First based approach. We recognize that these are complex challenges; however, evidence suggests that punitive approaches to homelessness will not solve challenges related to housing, mental health and substance use. We urge Council to build on the discussions from the Health and Housing Symposium to support collaborative solutions-focused action so that all members of our community are supported, safe, and thriving within Guelph.


Sincerely,



Jean Hopkins
Manager, Wellington Guelph
Drug Strategy



Dominica McPherson
Director, Guelph & Wellington
Task Force for Poverty
Elimination



Caroline Folkman
Manager, Toward Common
Ground

³ [Overdose and Homelessness – Why We Need to Talk About Housing](#)

⁴ An example for consideration: [Bright Spot: How Fort McMurray resolved an encampment without enforcement](#)

February 9, 2024

Mayor and City Councillors,

RE: Community Engagement re: Proposed Public Space Bylaw

I'm writing to encourage you as our community leaders to take the time to come up with a evidence-based approach to mediating the conflicts our city is currently experiencing with the use of public space for tent encampments. The proposed bylaw, developed in a rush and without significant community engagement, will create red tape that will require resources to communicate, implement and enforce – resources that could be directed to supporting more creative approaches to conflict resolution that are also in line with [Guelph's Community Plan](#).

Our Community Plan and our Community Foundation strive to hold us accountable as community citizens to [The 2030 Agenda for Sustainable Development](#), adopted by all United Nations Member States in 2015, -- a shared blueprint for peace and prosperity for people and the planet, now and into the future. The 17 Sustainable Development Goals (SDGs), are an urgent call for action by all countries & their citizens - developed and developing - in a global partnership. They recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests.

As Guelph's [Community Foundation's 2023 Vital Signs report](#) emphasizes, "We all do better – when we all do better." This includes Guelph citizens currently living in tent encampments in our public spaces. This Vital Signs report also emphasizes facts I'm sure you already appreciate:

- *"A sudden increase in pressure from a life event—like losing a job, a relationship breakdown or a health crisis—can push people into homelessness: sleeping on friends' couches and floors, living in crowded or unsafe places, sleeping in cars or even being out on the street. **Source: County of Wellington Housing Services (2022)**"*
- *"Everyone in our community should have a decent and affordable home. But challenges and inequities like rising home costs, low vacancy rates and poverty mean that not everyone does."*

As you may know from personal experience, as I do, when we experience significant, life-altering loss, we experience a dramatic shift in our entire capacity: physiologically, emotionally, mentally, spiritually. Our recovery is nurtured by caring relationships with significant people in our lives and stability in accessing our basic needs. Our capacity to deal with bureaucracy and its rules and regulations is very depleted.

As you well know the conflict this bylaw attempts to address is not unique to Guelph since municipalities throughout Canada are dealing with crisis levels of poverty, food insecurity, unhousing and lack of access to health supports. National Forums such as the [National Alliance](#)

[to End Homelessness 2023 conference](#) included opportunities to learn from the bylaw response to unsheltered homelessness in Montreal, Penticton and Sudbury. Penticton presented on how their Community Safety Officer program is focused on how trust and relationships are paramount in sustainable approaches to community safety. Have City of Guelph staff had the opportunity to explore and learn from other cities' approaches?

Your leadership skills in calling for and participating in the Housing and Health Symposium at the end of January are to be commended. You will have had an opportunity to hear from people with lived experience of homelessness and those who work daily to deal with our community's homelessness crisis. I wonder if city staff were able to be informed by this symposium as they worked to develop this bylaw in the short time allotted by Council?

I urge you to avoid feeling rushed to resolve the encampment conflicts and, instead, take time to review the May report back from this symposium. I hope that this time will allow you to develop a conflict resolution & bylaw approach that is centred on the human dignity of all parties who use our community public spaces.

Respectfully yours,
K. Vanessa Hyland

[REDACTED]

Guelph ON N1E [REDACTED]

kathleenvhyland@gmail.com

Dear Councillors and Mayor,

I am writing you because I am extremely disappointed and disturbed by the recently proposed Public Space Use By-law. This by-law essentially criminalizes encampments, giving people living in them no place to go, no place to store their belongings and will make their lives much more precarious.

I fully support encampments in all public spaces until better, more systemic based solutions are made to reduce houselessness. I deeply oppose the criminalization of any encampments.

I also believe we can facilitate creative, short-term options, similar to A Better Tent City in Waterloo, or creating a designated, resourced, downtown space for encampments (like a level of the Wilson St Parkade, for example) as a temporary solution.

For many people, the shelter system is not safe, a lack of shelter beds is only a piece of the problem. You cannot solve the problem of encampments by making them against by-laws. This does nothing to address the root cause and directly sends a message to the houseless population in Guelph that you do not care about them.

I understand that the City does not control funding for social housing, but there are many things that you can do to increase housing supply and increase affordable housing. You continue to allow short-term rental properties and continue to allow the financialization of the real estate market in Guelph.

These things drive up rental prices and push more people into precarious situations.

Additionally, there is no by-law on new developments needing to have enough affordable units (for people on social assistance or living below the poverty line) to address the problem.

There are MANY things council can be doing to address this issue and they are not. It is appalling.

It is disgusting to me that you care more about Guelph's "image" than the people who live here. The people living in encampments are members of the Guelph community and you represent them too. They deserve to have your respect and feel dignified in our city just as much as any other constituents. It is your duty to ensure that they, too, have a positive experience of Guelph -- not one that is more criminalized and more unsafe than ever.

I strongly urge you to reject the Public Space Use by-law and allow encampments in public spaces until all people living in them have safe and permanent housing solutions.

I also urge you to use all tools at your disposal to address the housing crisis. The excuse that there's "nothing you can do" is untrue and lacks the creative vision and understanding of urgency needed for this crisis. Instead of attacking an already marginalized community with by-laws, use the tools you have to increase housing options in the City.

Thank you,

Amanda Reaney

21 Dunlop Street, Suite 200
Richmond Hill, ON, L4C 2M6
Tel: 437-244-1678
jeff.schlemmer@yr.clcj.ca



**Community
Legal Clinic**
of York Region

Mayor and Council
City of Guelph
1 Carden Street
Guelph, ON N1H 3A1

Dear Mayor Guthrie and Councillors,

Re: Proposed “Public Space Use” Bylaw

We are writing with respect to your proposed “public space use” bylaw. We support the delegation by our sister clinic, the Legal Clinic of Guelph and Wellington County, in opposition to the bylaw. Similar bylaws have been tested and found to be unconstitutional in a number of Canadian courts, and are still before the courts in Kingston and Hamilton (See Appendix A).

Many hundreds of thousands of tax dollars have been spent by Ontario municipalities in court - which could have been spent to provide alternative accommodation that encampment dwellers regard as better than tents – such as designated encampment sites (see London) and tiny cabins (see Waterloo, Peterborough, etc.) (see Appendix B). This is the only durable way to reduce increasingly prevalent homeless encampments.

We are one of Ontario’s 71 Legal Aid Ontario legal clinics and part of our mandate is providing legal help to vulnerable and impoverished Ontarians. Recently sister LAO legal clinics have represented unhoused Ontarians in encampment litigation in Waterloo Region, Hamilton and Kingston (including the pending appeal). We monitor developments respecting encampment evictions across the province.

Justice Valente, in the *Waterloo* case, held that municipalities could not evict encampment dwellers until they have provided truly accessible low-barrier alternative accommodation. If such accommodation is offered, in fact, then there is every reason to expect that encampment dwellers will choose it voluntarily – and evictions will not be required.

We urge Council to focus on ensuring that the County is providing the various types of truly accessible accommodation referred to below. Urging encampment dwellers out of their tents by providing accommodation which they regard as better should come first. If

it doesn't work, then a bylaw such as the one you propose may be necessary. But try the carrot before the stick.

It may also be fiscally prudent to await the outcome of the bylaw litigation in Kingston and Hamilton before wading into the controversy by passing your proposed bylaw and inviting costly litigation to assess its constitutionality.

We would be pleased to provide any additional information which may assist you in your deliberations, or to discuss this further with you or your staff.

Sincerely,



Jeff Schlemmer
Executive Director



Sharon Crowe
Director of Legal Services

cc. Anthea Millikin, Legal Clinic of Guelph and Wellington County

Appendix A: Current Ontario Law respecting Homeless Encampment Evictions

Waterloo:

The leading case on encampment evictions in Ontario is *Waterloo v. Persons Unknown*, 2023 ONSC 670.

<https://www.canlii.org/en/on/on/onsc/doc/2023/2023onsc670/2023onsc670.html?resultIndex=1>

Justice Valente held that bylaws permitting municipalities to remove encampments from municipally-owned property could not be enforced until the municipality had provided truly accessible accommodation which genuinely meets the individual needs of the encampment's residents.

For reference some of the relevant passages of the *Waterloo* decision are:

*[93] To be of any real value to the homeless population, the [housing] space must meet their diverse needs, or in other words, the spaces must be **truly accessible**. If the available spaces are impractical for homeless individuals, either because the shelters do not accommodate couples, are unable to provide required services, impose rules that cannot be followed due to addictions, or cannot accommodate mental or physical disability, they are not low barrier and accessible to the individuals they are meant to serve.*

*[101] If evicted from the Encampment, the residents will likely be forced to live in the rough or set up camp somewhere else because there is an insufficient supply of **low-barrier** accessible beds in the Region. In these circumstances, creating shelter to protect oneself is, in my opinion, a matter critical to any individual's dignity and independence. The Region's attempt to prevent the homeless population from sheltering itself interferes with that population's choice to protect itself from the elements and is a deprivation of liberty within the scope of section 7.*

[149] The By-Law does nonetheless violate the [section 7 Charter](#) rights of the Encampment residents because of complex economic, personal, and social circumstances, including the shortage of accessible shelter spaces in the Region for homeless persons. The homeless of the Region have no place to live, rest and sleep without severe risk to their health caused, in part, by the By-Law's prohibition to erecting any form of shelter on the Region's lands.

Bamberger:

The *Waterloo* decision related to municipally-owned property but not park land. For park land a balancing of rights to use is required, however the constitutional right for unhoused occupants to be sheltered on the land takes precedence over leisure use by citizens: *Bamberger v. Vancouver (Board of Parks and Recreation)*, [2022 BCSC 49](#) :

[62] *In my view, there is a “qualitative difference” between the impact of the Orders on those sheltering in the Park at the time the Orders were made and other persons living in the City of Vancouver. I am satisfied the Orders have a significant and important impact on those persons as individuals such that they are entitled to notice and right to be heard: Knight at p. 677.*

[63] *At stake for them is nothing less than their [s. 7 Charter](#) right to life, liberty, and security of the person. **This elevates their right to be heard above ordinary users of the Park, or even particular users of the Park, such as (to take counsel’s example) a soccer team whose game is cancelled when a field is closed for maintenance.***

[97] *A reasonable decision in these circumstances requires the General Manager to satisfy herself that she was truly protecting the constitutional rights of the Petitioners in seeking out a proportionate balance between their rights and the right of members of the public to use the Park.*

Kingston:

We note that your draft bylaw does attempt to conform to *Kingston v. Doe*, 2023 ONSC 6662 in that it permits overnight camping.

<https://www.canlii.org/en/on/onsc/doc/2023/2023onsc6662/2023onsc6662.html?autocompleteStr=kingston%20doe&autocompletePos=1&resultId=3923d3739691473cb3b8f4ca80cb685c&searchId=0e731f0b8d8548d9bfebb824b09593e4>

Please be aware that Justice Carter did not hold that eviction during the day was permitted as a matter of law, but rather that on the facts of that case there was insufficient evidence that daytime warming centres were not available for him to find that they were not. Upon evidence of inadequacy of daytime sheltering options a daytime prohibition on camping would, on his reasoning, also be held to contravene the Charter.

[112] *However, the onus is on the Respondents to establish the Charter breach. It is not simply a matter of extending the “right to shelter” to daytime hours. In the absence of any meaningful evidence with respect to daytime sheltering options, they have failed to establish that a prohibition on camping in public parks during the daytime is unconstitutional.*

[113] *That is not to say that a breach could not be established on the proper evidence.*

Other Cases:

Other recent Caselaw which may bear on the constitutionality of your proposed bylaw includes:

Church of Saint Stephen-in-the-Fields v. Toronto (City), 2023 ONSC 6566

Vandenberg v. Vancouver (City) Fire and Rescue Services, 2023 BCSC 2104

Appendix B: Reasons Why People May Choose Not to Stay at a Shelter or Motel

There are many reasons why an encampment dweller may reasonably decide not to stay at a group shelter or motel. The *Waterloo* decision stands for the principle that these must be addressed before a municipality may be said to offer truly low-barrier accommodation. These may include:

1. Generally shelters require occupants to leave during the day. They have no place to go or way to get there. If the shelter is full upon their return they might not get in for the night. Ironically, encampments may be less transient. Shelter stays are inherently unpredictable and precarious. Many people can find themselves abruptly evicted onto the street at any time of day and with any weather conditions. People who have routinely experienced shelter evictions may opt to remain in an encampment because they know it has the ability to provide more day-to-day stability.
2. Shelters generally don't permit family or couples. Separation causes stress, anxiety and panic in partners who can no longer protect each other. If separated, one partner may not find shelter space. Often the other will stay with them in encampments in order to avoid this. Many unhoused citizens do not have cell phones that would otherwise assist with reconnecting.
3. Shelters generally don't permit pets. Pets can be the biggest source of emotional support for unhoused citizens. The loss of their pets (including the risk of their being put down) can be traumatizing for them and can lead to dysregulation.
4. Shelter spaces are often abstinence-based, refusing to adopt a harm reduction approach to provide increased safety and support. These structural barriers lead people to prioritize their safety by staying outside where they can access the support of peers and harm reduction services to stay well and stay safe. Many shelters do not allow substances to be stored onsite. Some shelters do not allow harm reduction materials. Despite these restrictions, drug use can be rampant in shelters. People who are attempting to maintain sobriety are at risk of compromising their sobriety if they are at a shelter where drug use is high and it is trafficked. Sobriety is also threatened when people cannot bring harm reduction materials into shelter.

5. Shelters generally have no place for belongings. Items like tents, cooking and warmth tools, and clothing can take significant effort to obtain. When people living unhoused have to leave their tents, or their encampments are cleared, they are at high risk of losing all of their hard-won possessions. Given that shelters are routinely full and residents do not often have phones, they must walk with their possessions from shelter to shelter. It is very physically taxing, especially for those with physical disabilities, to spend their days like this.

6. As a population that experiences exceptionally high rates of physical disability (according to one study conducted in Toronto, 43% of homeless respondents reported arthritis or rheumatism, 23% reported problems walking, a lost limb, or another physical handicap, 20% reported heart disease, and 17% reported high blood pressure, among others) encampments can provide reprieve from the need to constantly be moving and carrying belongings.

7. It can be very difficult for people with some mental illnesses, or personality or socialization disorders, to cope with other people. Many have been banned from shelters.

8. There is a risk of violence from unstable occupants in group shelters, along with exposure to drug dealers, sexual predators, etc. People with a history of trauma or abuse may be triggered by a group setting of strangers. People have a valid fear of being a victim of an assault or sexual assault in shelter, or may have a history of these incidents during their stay at a shelter that reasonably precludes them from returning to shelter due to this trauma.

9. Encampment residents describe finding a community or family of people they respect and can trust in encampments. They help to watch over each other's' possessions and help others when they need it.

Hello -

I'm sharing my concerns today as a lover of downtown Guelph and someone who has worked in the downtown core for 17+ years.

I have supported small businesses downtown for decades. These are the places that make our city special and unique and create memorable experiences in our beautiful community.

I have reviewed the proposed Public Space Use bylaw. While I 100% believe something needs to be done to ensure public spaces in our city are safe for all residents (especially children) I question whether this new bylaw does enough to define what is considered a protected public space. I also don't currently see any enforcement of the laws and bylaws which exist, and question whether this would even be enforced to create change.

Since the pandemic, the safety of the downtown has declined dramatically. In all my years working downtown, I never questioned my safety until we started to see encampments across the downtown core and volumes of individuals congregating in downtown thoroughfares.

I have 3 young children who love to go to The Works restaurant and who comment on feeling unsafe walking from our car to dinner. The last time we went as a family, my daughter, who is 10 years old, stepped in a puddle and later realized it was likely urine. This was without discussion, she came to this conclusion by observing her surroundings. Not to mention the dangers that could exist for our children who may come across needles or other drug paraphernalia.

I want my children to grow up in a vibrant city where they can experience their downtown and all the diversity and culture that is available to them without fearing for their safety. They should be able to safely enjoy parks and sports fields.

It is our city's responsibility to create the conditions for these safe public spaces. The solution is not shelter space as many individuals are option out of using shelters for a variety of reasons. It is not an easy problem to solve but I hope that this bylaw coupled with enforcement and clarity of the terms could be a step in the right direction.

Regards,
Natalie Free

Dear Councillors and Mayor,

I am writing today because I am very disturbed by the recently proposed Public Space Use By-law. This by-law essentially criminalizes encampments, giving people living in them no place to go, no place to store their limited belongings and making their lives more precarious.

I am opposed to all criminalization of encampments and fully support encampments in all public spaces until such time that permanent and safe solutions can be found for every person living in encampments.

I also support creative, short-term options like A Better Tent City in Waterloo, or creating a designated, resourced, downtown space for encampments (like a level of the Wilson St Parkade, for example) as a temporary solution.

It's not just a lack of shelter beds that is the problem. For many, the shelter system is not safe and people avoid them because of this. You cannot solve the problem of encampments by making them against by-laws. This does nothing to address the root cause.

I understand that the City does not control funding for social housing, but there are many things that you can do to increase housing supply and increase affordable housing and yet there is no vacancy tax, you continue to allow short-term rental properties and continue to allow the financialization of the real estate market in Guelph. All of these things drive up rental prices and push more people into precarious situations. Additionally, there is no by-law on new developments needing to have enough affordable units (for people on social assistance or living below the poverty line) to address the problem.

Please stop saying that "your hands are tied" when there are so many things that your council could be doing but is not.

It is horrifying to me that you care more about Guelph's "image" than the people who live here. The people living in encampments are members of the Guelph community and you represent them too. It is your duty to ensure that they, too, have a positive experience of Guelph -- not one that is more criminalized and unsafe than ever.

I urge you to reject the Public Space Use by-law and allow encampments in public spaces until all people living in them have safe and permanent housing solutions.

I also urge you to use all tools at your disposal to address the housing crisis. The excuse that there's "nothing you can do" is untrue and lacks the creative vision and urgency needed for this crisis. Instead of attacking an already marginalized community with by-laws, use the tools you have to increase housing options in the City.

Sincerely,

Cole Formacion

Monday, February 12, 2024

Dear Mayor Guthrie and Members of Council,

My name is Logan Legate, and I am a community member with lived experience of homelessness **asking you to vote against the Public Space Use Bylaw.**

I am concerned that this bylaw will make things harder for those already struggling in our community. Displacing unhoused people from an area that they are surrounded by community supports such as Doctors, Social Services, and warm meals will only cause distress for those who need these daily supports. People who are experiencing homelessness need **permanent supportive housing**, not to be looked at as if they are an “eye-sore”.

It is truly concerning that there are people more worried about tourism and businesses, than they are about humans who are sleeping outside in the cold weather. The stigma and discrimination that this bylaw will likely cause for those living rough will heighten, and believe me when I say I know what people are capable of saying and/or doing to the unhoused.

I am calling on you Mr. Guthrie and City Council members to oppose this bylaw, and take a Housing First or housing as a human rights approach. Everyone deserves a warm and safe space to lay their head at night.

Thank -you,

Logan Legate, community member.

Dear Councillors and Mayor,

I am writing today because I am very disturbed by the recently proposed Public Space Use By-law. This by-law essentially criminalizes encampments, giving people living in them no place to go, no place to store their limited belongings and making their lives more precarious.

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I also support creative, short-term options like A Better Tent City in Waterloo, or creating a designated, resourced, downtown space for encampments (like a level of the Wilson St Parkade, for example) as a temporary solution.

It's not just a lack of shelter beds that is the problem. For many, the shelter system is not safe and people avoid them because of this. You can not solve the problem of encampments by making them against by-laws. This does nothing to address the root cause.

I understand that the City does not control funding for social housing, but there are many things that you can do to increase housing supply and increase affordable housing and yet there is no vacancy tax, you continue to allow short-term rental properties and continue to allow the financialization of the real estate market in Guelph. All of these things drive up rental prices and push more people into precarious situations. Additionally, there is no by-law on new developments needing to have enough affordable units (for people on social assistance or living below the poverty line) to address the problem.

Please stop saying that "your hands are tied" when there are so many things that your council could be doing but is not.

It is horrifying to me that you care more about Guelph's "image" than the people who live here. The people living in encampments are members of the Guelph community and you represent them too. It is your duty to ensure that they, too, have a positive experience of Guelph -- not one that is more criminalized and unsafe than ever.

I urge you to reject the Public Space Use by-law and allow encampments in public spaces until all people living in them have safe and permanent housing solutions.

I also urge you to use all tools at your disposal to address the housing crisis. The excuse that there's "nothing you can do" is untrue and lacks the creative vision and urgency needed for this crisis. Instead of attacking an already marginalized community with by-laws, use the tools you have to increase housing options in the City.

Thank you.

Kathryn Galloway

To the City of Guelph,

We are writing you to submit our full agreement on the draft proposed bylaw.

We realize the sensitivity and delicacy of enforcing such a bylaw, however it is imperative that both safety and use of public places are addressed. We recognize the needs of homelessness and hope that the government continues to provide adequate resources and financing. We must plan and find better locations for those in need, but not in the downtown area or our public spaces.

We would like to see our downtown revitalized with park benches, plants, flower baskets, etc., which would enhance our community. We would like to see visitors come to our great city and be attracted to dining and shopping downtown. To enjoy its rich architectural history. This is our front yard. How would those people feel, who are so supportive of letting the homeless stay downtown if they encamped on their front lawn? It's not about ignoring the very unfortunate, however it's providing the right space and a safe location and perhaps even a central location for necessary help.

I hope that the City can find a better place and care for all those who are struggling with poverty and homelessness. We also need to continue the awareness to the public on mental illness and addictions. We do not want to ignore the problem. Simply we want to find a better solution.

Regards,

Rene and Elaine Luehof

[REDACTED]
Guelph, ON. N1E [REDACTED]

February 11 2023

Lin Grist

Guelph, ON N1H

Email:

Phone:

Dear Mayor Guthrie & Guelph City Councillors:

Re: Public Space Use Bylaw 2024 -76

First to thank the City Clerk's office for extending the deadline for correspondence with respect to the above-mentioned bylaw. It has given those of us who have concerns about the bylaw to do more research and to provide educated feedback to the mayor and council on this matter.

To those councillors who do not have time to read all the correspondence on this matter prior to the meeting on Wednesday February 14th at 10 am. **I would urge you NOT to support this bylaw as it is written. Part 1 of the proposed bylaw only further marginalizes the most vulnerable members of our community - the homeless, including those with mental health issues and those with addiction issues.**

Unfortunately, parts 2 and 3 of the proposed bylaw, which I am sure are well meaning, do absolutely nothing to improve the situation of the homeless in our community.

Item 2 "respectfully requests" the County of Wellington to provide access to permanent shelter for the homeless community in Guelph. Currently the provision of affordable housing is contracted out to the County of Wellington: they have provided ZERO new rent geared to income housing units in Guelph in the past 5 years.

Item 3 suggests that Guelph continue to advocate with the Association of Municipalities of Ontario (AMO) and the Provincial government to address the need for greater municipal funding to deal with housing instability issues. There is nothing that speaks to provision of permanent housing for the homeless.

Sincerely

E. Lin Grist

Background Information on bylaw 2024-76

City staff indicated that the bylaw 2024-76 has been developed because, as they put it:

Recent trends indicate that there were times over the first three quarters of 2023 in which one of the County's contracted temporary shelter provider (SteppingStone) did have some nights at full occupancy where they had to turn individuals away. Some of these individuals were temporarily accommodated through emergency hotel sheltering. However, Steppingstone received additional funds to open two more shelters before winter; this has resulted in being able to accommodate everyone who needs or wants overnight accommodation, including adding additional cots as required to ensure people do not have to sleep outside in the cold. As a result, they have enough beds available to accommodate everyone who requests one.

When someone who works with the homeless and is *not* dependent on the City of Guelph for any operational funding, a much more complex picture of the current situation was provided.

Here are some of those comments.

- Transient individuals (as many move from one municipality to another) are told that a shelter will not take you in unless you have lived here for the last 6 months
- individuals are kicked out of shelters due to altercations with others where staff at the shelter will not allow them back, and sadly these decisions are not investigated as the people that start the altercation often have mental health issues and the other individual ends up laying charges against them, but still is not allowed back in the shelter.
- Some homeless people refuse to enter a shelter as it is not a safe place for them as they leave rehab and don't want to be around those that are consuming illicit drugs.
- Others do not want to sleep in shelters because of fear of theft of the very few items they own (mainly clothing)
- Some homeless women refuse to go to shelters as they are afraid of either being assaulted or raped.
- So, unfortunately, we have many homeless folks who would rather sleep in the elements than enter shelter for the reasons outlined above.

The plight of the homeless in Guelph, and in cities across the province and nation is complex and there are no quick fixes. There are no accurate figures available to the public on the number of homeless In Guelph – in 2021 it was 220 – and since rents have skyrocketed since then, the number is likely higher. Bylaw 2024-76 does not address any of the major elements involved in homelessness: addiction and mental issues -it will simply take down tents and force the most marginalized to go elsewhere.

On a practice level if passed this bylaw will require

Officers to evict vulnerable people from their tents and removing the tents – those same bylaw enforcement officers have no obligation to help them find alternative locations

There will likely be legal challenges to this bylaw – and valuable city resources (our taxes) will be spent on legal fees that could have more productively been used to begin to work on providing permanent safe accommodation for this vulnerable community.

Dear Councillors and Mayor Guthrie,

My name is Lisa Baird and I've been blessed to be a small business owner in downtown Guelph for over 10 years, first as a tenant in the Guelph Community Health Centre and now in the Norfolk Medical Building.

I am deeply alarmed by the proposed Public Space Use By-law, as it essentially criminalises encampments, leaving the people who live there with no place to go and no place to store their belongings. If this by-law is passed, it will make many people's lives even more precarious.

I fully support encampments in all public spaces until everyone has safe and stable housing. I am particularly in support of encampments in downtown Guelph, as downtown Guelph contains the daily social, medical and crisis supports people need, as well as warming centres and food. Moving people who are unhoused away from these supports would isolate them and put them at greater risk of harm such as death by drug poisoning, or hypothermia.

Let's remember that a superior court judge in Waterloo struck down that region's encampment bylaw last year, concluding that it violated people's Charter rights. The judge made a precedent-setting ruling that anti-encampment bylaws were unlawful because, given the lack of shelter beds there, unhoused people need tents to protect them from risk of serious harm.

Guelph's shelter system is similarly inadequate. People line up every day for two hours in advance for a place to sleep indoors. So we know that trying to pass and enforce this bylaw will likely result in the City spending money on losing lawsuits. Please don't waste our tax dollars in this way.

I see the housing crisis both as an emergency, and as a municipal responsibility to be addressed by the City, not just underfunded charities and health organisations.

We all know that the City does not control funding for social housing, but there are other things that can be done to increase housing supply and increase affordable housing. Why don't we have a steep tax on vacant residential properties? Why do we allow short-term rental properties? Why do we allow for-profit corporations to buy residential property? Why is there no by-law on new developments requiring the inclusion of affordable units, for people on social assistance or living below the poverty line, to address the problem?

Why do some of you say "Our hands are tied, there's nothing we can do" when that is clearly not the case?

I know that some people are upset by what they see as disruptive and disturbing behaviours in downtown Guelph. I would like to see this addressed by getting people's basic human needs met. Getting people what they need in order to be ok will reduce crime and ease the burden on Emergency and health care systems.

If you're worried about fires from propane, allow people to plug in electric heaters. If you're concerned about human waste, get some Porta Potties. These are just two obvious suggestions. I'm sure if you were to accept feedback and input from people who have lived or living experience of being unhoused, as well as people at local organisations including Sanguen, Guelph CHC, ARCH, Royal City Mission and Wellington-Dufferin Drug Strategy, you'd receive a wealth of practical suggestions for improving the safety and wellbeing of everyone downtown.

People who are unhoused are part of our community. They belong in downtown Guelph just as much as white middle-class business owners like me.

Sincerely,

Lisa Baird

Dear Councillors and Mayor,

I am writing today because I am very disturbed by the recently proposed Public Space Use By-law. This by-law essentially criminalizes encampments, giving people living in them no place to go, no place to store their limited belongings and making their lives more precarious.

I am opposed to all criminalization of encampments and fully support encampments in all public spaces until such time that permanent and safe solutions can be found for every person living in encampments.

I also support creative, short-term options like A Better Tent City in Waterloo, or creating a designated, resourced, downtown space for encampments (like a level of the Wilson St Parkade, for example) as a temporary solution.

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Please stop saying that "your hands are tied" when there are so many things that your council could be doing but is not.

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I also urge you to use all tools at your disposal to address the housing crisis. The excuse that there's "nothing you can do" is untrue and lacks the creative vision and urgency needed for this crisis. Instead of attacking an already marginalized community with by-laws, use the tools you have to increase housing options in the City.

Thank you

Carly Hunt



Mayor and Council
City of Guelph
1 Carden Street
Guelph, ON N1H 3A1

Dear Mayor Guthrie and Councillors,

Re: Proposed “Public Space Use” Bylaw

We are writing with respect to your proposed “public space use” bylaw. We support the delegation by our sister clinic, the Legal Clinic of Guelph and Wellington County, in opposition to the bylaw. Similar bylaws have been tested and found to be unconstitutional in a number of Canadian courts, and are still before the courts in Kingston and Hamilton (See Appendix A).

Many hundreds of thousands of tax dollars have been spent by Ontario municipalities in court - which could have been spent to provide alternative accommodation that encampment dwellers regard as better than tents – such as designated encampment sites (see London) and tiny cabins (see Waterloo, Peterborough, etc.) (see Appendix B). This is the only durable way to reduce increasingly prevalent homeless encampments.

We are one of Ontario’s 71 Legal Aid Ontario legal clinics and part of our mandate is providing legal help to vulnerable and impoverished Ontarians. Recently sister LAO legal clinics have represented unhoused Ontarians in encampment litigation in Waterloo Region, Hamilton and Kingston (including the pending appeal). We monitor developments respecting encampment evictions across the province.

Justice Valente, in the *Waterloo* case, held that municipalities could not evict encampment dwellers until they have provided truly accessible low-barrier alternative accommodation. If such accommodation is offered, in fact, then there is every reason to expect that encampment dwellers will choose it voluntarily – and evictions will not be required.

We urge Council to focus on ensuring that the County is providing the various types of truly accessible accommodation referred to below. Urging encampment dwellers out of their tents by providing accommodation which they regard as better should come first. If

it doesn't work, then a bylaw such as the one you propose may be necessary. But try the carrot before the stick.

It may also be fiscally prudent to await the outcome of the bylaw litigation in Kingston and Hamilton before wading into the controversy by passing your proposed bylaw and inviting costly litigation to assess its constitutionality.

We would be pleased to provide any additional information which may assist you in your deliberations, or to discuss this further with you or your staff.

Sincerely,



Jeff Schlemmer
Executive Director



Sharon Crowe
Director of Legal Services

cc. Anthea Millikin, Legal Clinic of Guelph and Wellington County

Appendix A: Current Ontario Law respecting Homeless Encampment Evictions

Waterloo:

The leading case on encampment evictions in Ontario is *Waterloo v. Persons Unknown*, 2023 ONSC 670.

<https://www.canlii.org/en/on/on/onsc/doc/2023/2023onsc670/2023onsc670.html?resultIndex=1>

Justice Valente held that bylaws permitting municipalities to remove encampments from municipally-owned property could not be enforced until the municipality had provided truly accessible accommodation which genuinely meets the individual needs of the encampment's residents.

For reference some of the relevant passages of the *Waterloo* decision are:

*[93] To be of any real value to the homeless population, the [housing] space must meet their diverse needs, or in other words, the spaces must be **truly accessible**. If the available spaces are impractical for homeless individuals, either because the shelters do not accommodate couples, are unable to provide required services, impose rules that cannot be followed due to addictions, or cannot accommodate mental or physical disability, they are not low barrier and accessible to the individuals they are meant to serve.*

*[101] If evicted from the Encampment, the residents will likely be forced to live in the rough or set up camp somewhere else because there is an insufficient supply of **low-barrier** accessible beds in the Region. In these circumstances, creating shelter to protect oneself is, in my opinion, a matter critical to any individual's dignity and independence. The Region's attempt to prevent the homeless population from sheltering itself interferes with that population's choice to protect itself from the elements and is a deprivation of liberty within the scope of section 7.*

[149] The By-Law does nonetheless violate the [section 7 Charter](#) rights of the Encampment residents because of complex economic, personal, and social circumstances, including the shortage of accessible shelter spaces in the Region for homeless persons. The homeless of the Region have no place to live, rest and sleep without severe risk to their health caused, in part, by the By-Law's prohibition to erecting any form of shelter on the Region's lands.

Bamberger:

The *Waterloo* decision related to municipally-owned property but not park land. For park land a balancing of rights to use is required, however the constitutional right for unhoused occupants to be sheltered on the land takes precedence over leisure use by citizens: *Bamberger v. Vancouver (Board of Parks and Recreation)*, [2022 BCSC 49](#) :

[62] *In my view, there is a “qualitative difference” between the impact of the Orders on those sheltering in the Park at the time the Orders were made and other persons living in the City of Vancouver. I am satisfied the Orders have a significant and important impact on those persons as individuals such that they are entitled to notice and right to be heard: Knight at p. 677.*

[63] *At stake for them is nothing less than their [s. 7 Charter](#) right to life, liberty, and security of the person. **This elevates their right to be heard above ordinary users of the Park, or even particular users of the Park, such as (to take counsel’s example) a soccer team whose game is cancelled when a field is closed for maintenance.***

[97] *A reasonable decision in these circumstances requires the General Manager to satisfy herself that she was truly protecting the constitutional rights of the Petitioners in seeking out a proportionate balance between their rights and the right of members of the public to use the Park.*

Kingston:

We note that your draft bylaw does attempt to conform to *Kingston v. Doe*, 2023 ONSC 6662 in that it permits overnight camping.

<https://www.canlii.org/en/on/onsc/doc/2023/2023onsc6662/2023onsc6662.html?autocompleteStr=kingston%20doe&autocompletePos=1&resultId=3923d3739691473cb3b8f4ca80cb685c&searchId=0e731f0b8d8548d9bfebb824b09593e4>

Please be aware that Justice Carter did not hold that eviction during the day was permitted as a matter of law, but rather that on the facts of that case there was insufficient evidence that daytime warming centres were not available for him to find that they were not. Upon evidence of inadequacy of daytime sheltering options a daytime prohibition on camping would, on his reasoning, also be held to contravene the Charter.

[112] *However, the onus is on the Respondents to establish the Charter breach. It is not simply a matter of extending the “right to shelter” to daytime hours. In the absence of any meaningful evidence with respect to daytime sheltering options, they have failed to establish that a prohibition on camping in public parks during the daytime is unconstitutional.*

[113] *That is not to say that a breach could not be established on the proper evidence.*

Other Cases:

Other recent Caselaw which may bear on the constitutionality of your proposed bylaw includes:

Church of Saint Stephen-in-the-Fields v. Toronto (City), 2023 ONSC 6566

Vandenberg v. Vancouver (City) Fire and Rescue Services, 2023 BCSC 2104

Appendix B: Reasons Why People May Choose Not to Stay at a Shelter or Motel

There are many reasons why an encampment dweller may reasonably decide not to stay at a group shelter or motel. The *Waterloo* decision stands for the principle that these must be addressed before a municipality may be said to offer truly low-barrier accommodation. These may include:

1. Generally shelters require occupants to leave during the day. They have no place to go or way to get there. If the shelter is full upon their return they might not get in for the night. Ironically, encampments may be less transient. Shelter stays are inherently unpredictable and precarious. Many people can find themselves abruptly evicted onto the street at any time of day and with any weather conditions. People who have routinely experienced shelter evictions may opt to remain in an encampment because they know it has the ability to provide more day-to-day stability.
2. Shelters generally don't permit family or couples. Separation causes stress, anxiety and panic in partners who can no longer protect each other. If separated, one partner may not find shelter space. Often the other will stay with them in encampments in order to avoid this. Many unhoused citizens do not have cell phones that would otherwise assist with reconnecting.
3. Shelters generally don't permit pets. Pets can be the biggest source of emotional support for unhoused citizens. The loss of their pets (including the risk of their being put down) can be traumatizing for them and can lead to dysregulation.
4. Shelter spaces are often abstinence-based, refusing to adopt a harm reduction approach to provide increased safety and support. These structural barriers lead people to prioritize their safety by staying outside where they can access the support of peers and harm reduction services to stay well and stay safe. Many shelters do not allow substances to be stored onsite. Some shelters do not allow harm reduction materials. Despite these restrictions, drug use can be rampant in shelters. People who are attempting to maintain sobriety are at risk of compromising their sobriety if they are at a shelter where drug use is high and it is trafficked. Sobriety is also threatened when people cannot bring harm reduction materials into shelter.

5. Shelters generally have no place for belongings. Items like tents, cooking and warmth tools, and clothing can take significant effort to obtain. When people living unhoused have to leave their tents, or their encampments are cleared, they are at high risk of losing all of their hard-won possessions. Given that shelters are routinely full and residents do not often have phones, they must walk with their possessions from shelter to shelter. It is very physically taxing, especially for those with physical disabilities, to spend their days like this.

6. As a population that experiences exceptionally high rates of physical disability (according to one study conducted in Toronto, 43% of homeless respondents reported arthritis or rheumatism, 23% reported problems walking, a lost limb, or another physical handicap, 20% reported heart disease, and 17% reported high blood pressure, among others) encampments can provide reprieve from the need to constantly be moving and carrying belongings.

7. It can be very difficult for people with some mental illnesses, or personality or socialization disorders, to cope with other people. Many have been banned from shelters.

8. There is a risk of violence from unstable occupants in group shelters, along with exposure to drug dealers, sexual predators, etc. People with a history of trauma or abuse may be triggered by a group setting of strangers. People have a valid fear of being a victim of an assault or sexual assault in shelter, or may have a history of these incidents during their stay at a shelter that reasonably precludes them from returning to shelter due to this trauma.

9. Encampment residents describe finding a community or family of people they respect and can trust in encampments. They help to watch over each other's' possessions and help others when they need it.

PUBLIC SPACE BYLAW

Feb 14th 2024

Mayor Guthrie, councilors, city staff and fellow delegates.

My name is John Fisher and I am delegating today as a resident of downtown. I want to thank council and staff for bringing this discussion into the public arena with a draft bylaw on which we can focus our attention.

I believe there is genuine compassion and empathy by our community for our fellow citizens who are experiencing homelessness. And the record suggests there *has* been progress made over the last year in providing permanent housing solutions for some.

Unfortunately we have not built fast enough, or in sufficient quantity to satisfy the need. It's gratifying and disappointing that it's a community organization which is providing the leadership for an interim temporary solution of tiny houses for the still unhoused community.

Regarding the Staff recommendations concerning the Public Space Bylaw.

I support recommendation #2 for the collection and sharing of data from the County of Wellington and agree with a delegate that it should be expanded. Other health partners should share in the data collection design to optimize solutions and outcomes.

I also support recommendation #3, Advocacy with Association of Municipalities of Ontario and the province. However the current strategies don't seem to be working and the AMO should be re-evaluating alternatives to getting the Province's attention.

I don't support Recommendation #1, The Public Space Use Bylaw.

I do support a Public Space ByLaw, but not this one. This draft is negative, confusing * and with none of the elements required for a Human Rights Approach to homelessness.

The new bylaw must state simply and plainly the location(s) that the city has designated as suitable for an encampment community to be setup. It needs to provide that encampment/or tiny house community with the facilities that we all expect from our municipal government to support it. The community should be managed in conjunction with members of that community that will focus and coordinate the services required by the community members to move them into more sustainable housing solutions.

Allowing underserviced encampments to proliferate around the city and particularly the downtown core does not dignify the unhoused and causes a cascade of negative consequences that adds to the stigma that people associate with the occupants. It also has a negative impact on the safety and economic wellbeing of downtown businesses and is discouraging to other residents who frequent downtown.

In natural disaster emergencies, governments and agencies quickly respond with temporary shelter, washrooms, waste services, running water, security and food and health supports.

Why can't we address the homeless crisis in Guelph with the same focus and urgency?

If the city provided this kind of alternative I don't believe there would be any financial litigation risks of a bylaw that insists that members of the homeless community move to the fully supported location. The city would be offering a far better, more effective and supportive alternative than tents on the street.

In the meantime there are lots of creative opportunities the city should pursue to contribute to solving the crisis and supporting the homeless community. Hopefully representatives from the homeless community were able to express what they needed at the private housing symposium. There were also many creative ideas expressed today from delegates, for example a vacancy tax, leasing vacant store space, providing secure lockers to store personal property etc etc.

I look forward to reading the next improved draft of the Public Space Bylaw
Thankyou

John Fisher

*Encampments aren't allowed in the square during the day, but its OK at night as long as you set up after sundown and tear down before sunrise.

Encampments are permitted on Reservable Public space but only if its not rented.

Encampments are allowed in a Park but only if its not Sensitive Public Space.

Dear Councillors and Mayor,

I am very disturbed and disappointed by the proposed Public Space Use By-law that essentially criminalizes encampments, giving people living in them no place to go and making their already vulnerable lives even more precarious.

I am opposed to all criminalization of encampments and fully support encampments in all public spaces until such time that permanent and safe solutions can be found for every person living in encampments.

I also support creative, short-term options like A Better Tent City in Waterloo, or creating a designated, resourced, downtown space for encampments (like a level of the Wilson St Parkade, for example) as a temporary solution.

It's not just a lack of shelter beds that is the problem. For many, the shelter system is not safe and people avoid them because of this. You can not solve the problem of encampments by criminalizing them with by-laws. This does nothing to address the root cause and shows a staggering lack of compassion. People are just trying to survive.

I understand that the City does not control funding for social housing, but there are many things that you can do to increase housing supply and increase affordable housing and yet there is no vacancy tax, you continue to allow short-term rental properties and continue to allow the financialization of the real estate market in Guelph. All of these things drive up rental prices and push more people into precarious situations. Additionally, there is no by-law on new developments needing to have enough affordable units (for people on social assistance or living below the poverty line) to address the problem.

Please stop saying that "your hands are tied" when there are so many things that your council could be doing but is not.

It is horrifying to me that you care more about Guelph's "image" than the people who live here. The people living in encampments are members of the Guelph community and you represent them too. It is your duty to ensure that they, too, have a positive experience of Guelph -- not one that is more criminalized and unsafe than ever.

I urge you to reject the Public Space Use by-law and allow encampments in public spaces until all people living in them have safe and permanent housing solutions.

I also urge you to use all tools at your disposal to address the housing crisis. The excuse that there's "nothing you can do" is untrue and lacks the creative vision and urgency needed for this crisis. Instead of attacking an already marginalized community with by-laws, use the tools you have to increase housing options in the City.

Thank you,
Diane Pinto
N1E 4S6

Dear Councillors and Mayor,

I am writing today because I am very disturbed by the recently proposed Public Space Use By-law. This by-law essentially criminalizes encampments, giving people living in them no place to go, no place to store their limited belongings and making their lives more precarious.

I am opposed to all criminalization of encampments and fully support encampments in all public spaces until such time that permanent and safe solutions can be found for every person living in encampments.

I also support creative, short-term options like A Better Tent City in Waterloo, or creating a designated, resourced, downtown space for encampments (like a level of the Wilson St Parkade, for example) as a temporary solution.

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I also urge you to use all tools at your disposal to address the housing crisis. The excuse that there's "nothing you can do" is untrue and lacks the creative vision and urgency needed for this crisis. Instead of attacking an already marginalized community with by-laws, use the tools you have to increase housing options in the City.

Thank you

Jenna VanVeen

My statement about this bylaw

Inhumane directives
without defined beneficial outcomes
for the most vulnerable and marginalized
people in our community.



Care
Money

Food+

Day
Shelter

Night
Shelter

Monday, February 12, 2024

Dear Mayor Guthrie and City Councillors,

My name is Judy Noonan and I am a ward 1 resident, neighbour and friend to community members who are and have experienced homelessness. I am asking you to **vote against the Public Space Use Bylaw.**

I am concerned that this bylaw will make things harder for people who are already struggling in our community. Displacing and criminalizing people who are unhoused is not a solution. Moving people further away and hiding the issue does not make the problem go away. It can risk people's lives.

People need housing and health supports not enforcement. I believe this bylaw will increase stigma, discrimination and harm toward people who are unhoused.

Safety risks, like fire, are avoidable. When we don't take care of one another, it affects us all. This happens when people don't have what they need.

I believe that everyone should have a safe, stable and affordable place to call home, and access to the supports they need. I urge you to not support this bylaw and instead focus on solutions that support people.

Thank you,

Judy Noonan



ATTN: Mayor Guthrie and Members of Council
Guelph City Hall, 1 Carden Street
Guelph, Ontario
N1H 3A1

February 12th, 2024

Dear Mayor Guthrie and Members of Council,


This letter is to address "Recommendation 1" of the staff report that seeks approval for the draft Public Space Use By-law, 2024-76. Wyndham House is asking that council reject this bylaw, given the potential unintended harms that it could cause to individuals who are unhoused in our community.

The City of Guelph recently formally adopted a human-rights based approach to housing, and according to the National Housing Strategy, this includes: "principles of non-discrimination, inclusion, participation and accountability". This proposed Bylaw is in opposition to these principles, as it specifically discriminates against individuals who are unhoused and have no place to go, taking a punitive approach to solving a social problem. Taking a criminalized approach will not solve instances of chronic homelessness, and may serve to further marginalize and displace individuals, who already may not have anywhere safe to go. This could decrease access to needed health and support services, as well as housing-focused outreach supports, while displacing individuals to locations that may put them at greater risk.

Further to the principles of a human rights-based approach to housing, principles of inclusion and participation must be considered. In this case, individuals with lived experience and front-line workers addressing these problems, and local homelessness service providers were not consulted in the process of developing this bylaw. Therefore, it is not informed by live experience, and it did not allow for the participation of those who are most impacted by these decisions, those who are currently unsheltered.

From a data perspective, the Staff Report indicates that there are enough beds to support every individual who is in need of shelter in the City of Guelph, however this is not the case. The number of individuals who are currently chronically homeless, according to the local CMSM "By Name List" is 176. This number does not include non-chronically homeless individuals or individuals not captured on the By Name List, which means this number is higher. The current number of shelter beds across the system is approximately 148 (information obtained on February 9th, 2024 from HIFIS). Therefore, there are not enough shelter beds for everyone who is currently homeless. This data does not support the notion that all individuals in encampments have choice and are choosing to be in these locations over shelter, or that there is somewhere safe to go when being displaced.

Given that this By-law will cause harm to unsheltered individuals, that it is not aligned with a human-rights-based approach to housing, and that does not take into account a lack of available shelter beds to meet the need, Wyndham House would urge council to reconsider the adoption of this Bylaw. Instead, we would encourage continued collaboration with the CMSM and housing and health partners to implement the new resources provided by The Reaching Home funding to increase our capacity to respond with appropriate supports and shelter options to address the individual needs and current safety concerns. This approach will prevent the unintended harms as outlined above, promote safety and wellbeing for all, and ensure that there is a continued commitment to a human rights-based approach to housing.


Kristen Cairney
Wyndham House

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WORKING TO PREVENT, REDUCE AND END YOUTH HOMELESSNESS

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TRANSITIONAL HOUSING PROGRAMS:

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18 NORWICH STREET EAST
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CRA # 11930 5217 RR0001



Monday, February 12th, 2024

Dear Mayor Guthrie and Members of Council,

We are writing to you on behalf of Community Voices, a group of over 30 community members with lived expertise of poverty convened by the Guelph & Wellington Task Force for Poverty Elimination. We amplify our lived realities with poverty and advocate on the issues we are experiencing.

We were quite upset to see the proposed Public Space Use Bylaw as a consideration at the upcoming Special Council meeting on February 14th. With the rising rates of living expenses in the city, homelessness could soon be a reality for so many people. We at Community Voices believe it is better to focus on root cause solutions, including affordable permanent housing, than on criminalization and displacement of unhoused folks.

It's heart breaking to think we are at a point in time where the privileged gaze surpasses the importance of a human life. It is cold outside! There are various reasons why people could feel much more safe in encampments, such as they are closer to the supports they need. We have Community Voices members who have been unhoused and did not feel safe going to a shelter. We understand that there are concerns around safety downtown and we believe this is a legitimate concern and a very complex issue, but moving forward with this bylaw is not the solution. It is important that you think about the safety of people who are unhoused. We worry that this bylaw will make unhoused people more unsafe, and increase stigma and discrimination.

Guelph has the capability to continue working together as a community to create solutions instead of causing further harm to our already struggling neighbours. Until we can provide everyone with a comfortable place to call home this is our unfortunate reality and we don't think people should be hidden or displaced. We are concerned that the proposed bylaw does not align with a Housing First or housing as a human right approach. We are concerned that this will make it harder for people to access support, that it will amplify dangerous stereotypes, and take focus away from solutions.

We are calling on you Mayor Guthrie and City Council members to oppose this bylaw and instead focus attention and resourcing on solutions, such as permanent housing and health supports. Any responses to these issues must ensure the dignity and human rights of all community members and include meaningful engagement with lived experts.

We encourage you to build more open and accepting relationships with folks who are suffering.

Thank you,

Maggie Phelan, Community Voices Co-Chair

Dana Nuttley, Community Voices Co-Chair

I am writing to expression my concerns and opposition to the encampment/public use and safety draft bylaw as written, the exclusion of the public in its drafting, the assumptions underlying it, and cited sources justifying its adoption in the city staff report.

General Observations:

This bylaw has implications for the entire city, as encampments are throughout, as are parks. It needs to be done properly, with a real public consultation process.

It risks causing far greater problems than it solves with vague language on enforcement and scant details on how those camps that are allowed will be overseen, and by whom.

How is the city going to transparently, equitably and inclusively enforce rules with competing rights issues/groups?

What are the projected ongoing costs to the taxpayer, and the slice of the higher government funding allotment taken by this? This should be costed out before adoption. Both of these are not addressed in the report or the bylaw itself. If there's no/inadequate funding and/or enforcement, it will be doomed to fail.

Only including City owned lands will have a negative knock-on effect for private property owners and commercial/industrial entities. Ironically, the mayor is doing what he's criticized the province for: downloading costs and effects onto the city-except he's downloading the city's costs/effects onto the public who use parks, taxpayers and private land owners.

This is not an Emergency. It does not justify a rushed, ill-defined, exclusionary bylaw

Due to the previous overarching exclusion of the general public from all policy development, council motions, task force/group participation, etc. of harm reduction philosophies underlying this bylaw [e.g., Housing first, referenced in city report], city staff, the mayor and council have no idea how bad it has become for the "average" and marginalized citizens in specific areas for *the last several years*.

Encampments have been a serious problem for other marginalized, working poor and even middle-class citizens across the city, causing inability to use some parks & trails, broken car windows, car thefts, stolen bikes, assaults, harassment, break-ins, unsafe transit stops, etc. from repeat offenders in encampments. The police, mayor and certain councillors have received complaints about it, and refused to act.

Similarly, conditions in the Core were worse since Covid, but it was always present downtown to the point people left jobs, businesses moved out, people wouldn't/couldn't go downtown,

etc. Serious incidents occur in County housing in/around downtown, and w/ODSP recipients & others who are scared to speak out b/c they are afraid of losing housing and services from the same groups who allow incidents in the first place. (I know people in housing I've spoken to re: this over the last decade or so.)

It's always been a problem no one wanted to address when the core wasn't gentrified or certain businesses weren't affected; however, there were still assaults, harassment, vandalism, theft, robbery, public health issues (needles, human waste, garbage, etc.), altered public drug users, property damage, violence, even murders, ***and the mayor made no mention of the urgent need for a bylaw.***

I'm sorry Mayor Guthrie, but it's not an "emergency" requiring public exclusion, jettisoning democracy and fast-tracking ill-defined, exclusionary legislation on the city because a gentrified downtown, and higher end businesses are the ones now getting hit. There would be no tents in the square now had you and relevant Ward Councillors fairly addressed these issues when they only affected the marginalized and 'lower price point' small businesses.

There is no reason the city needs to rush this bylaw, as it can handle this under current laws and conditions

The city has an encampment protocol that recognizes and respects the rights of the homeless, including prior notification and disposal/storage protocols for people's possessions. Low barrier shelter spaces are available for drug users, and finally drug-free spaces also. (There is also hotel overflow capacity) In addition, Guelph has dedicated GPS officers in the core who already have a relationship with people affected.

That plus using existing laws/bylaws and considering the human rights, public use/safety of ****all**** citizens should be enough to safely remove downtown encampments within current legal ruling parameters, without this bylaw--at least until it can be developed and drafted properly.

The public safety/order part is addressed by zero tolerance for public order offenses and ***proactively*** enforcing current laws and bylaws already on the books re: known issues: Harassment, assault, uttering threats, vandalism, weapons possession, robbery, theft, disturbing the peace, public nuisance, public intoxication, aggressive panhandling law (province), issuing trespass notices in the Core, etc. That also includes GPS officers *proactively* enforcing conditions of those under judicial license (breaches of undertakings, recognizance, parole, probation, bail conditions, etc.)

Encampments are NOT a housing issue; it's a drug addiction problem affecting public order, health and safety housing won't solve

The mayor's response to homelessness/addiction was to unilaterally form a task force, exclude the public, and only appoint those who agreed with his 'harm reduction' drug strategy that became policy with zero public mandate/democratic development. It included religious groups & social activists who have vested personal beliefs and financial interests in seeing this harm reduction system continue.

The mayor also included a 'downtown working group' ostensibly to address Core community safety that was secreted within an already closed Homelessness Emergency Task Force, instead of a public advisory committee. That meant who was "vulnerable" and "community" was defined by those religious groups and activists who formed the group. It didn't include the elderly, or people with disabilities like me, or the poor who were greatly affected by the deteriorating conditions in the Core.

The resulting Collective Results report City staff consulted for the proposed bylaw is a part of this exclusionary process, and is a narrow, qualitative report that should not be used to form such a sweeping bylaw that will affect all citizens. It also doesn't explain how adding another downtown consumption site for street involved to use mind/behaviour altering drugs all day, especially meth, contributes to community safety.

The ETF also resulted in two major, secret policy conferences to completely restructure the "left side" of the housing continuum: a revamp of the shelter system, and the housing symposium for social housing.

The shelter revamp continued to ignore the need for long term evidence-based drug treatment facilities, address public safety downtown, and the needs of the vulnerable facing an up to a decade long wait for RGI units and rent supports that could avoid them using the shelter system. That doesn't include the disabled who are in non-accessible units waiting for safe, appropriate housing.

Solving homelessness by providing only housing for those who are chronically homeless due to drug addiction has not worked in other areas. There are no outside, objective reports or benchmarking for this in Guelph. 'Housing first' supportive housing puts consumption sites in residential neighbourhoods (within social housing buildings for chronically homeless) but using them isn't mandatory for residents.

The majority of chronically homeless, esp. in encampments, are drug users whose behaviours make them unable to be housed. In Kitchener, it was 91% of the encampment. One man interviewed was evicted 37 times from housing. How is unit 38 under these measures going to address why he's in the encampment, stop the cycle and respect others' rights?

The "human rights" approach should apply to all citizens not just the homeless/street-involved; this report and bylaw don't consider everyone's rights and considerations as a competing rights issue

From the Ontario Human Rights Commission:

The Canadian Charter of Rights and Freedoms, provincial human rights legislation (including the Ontario Human Rights Code) and the courts recognize that no rights are absolute and no one right is more important than another right.... They require we give all rights equal consideration. The law also recognizes that rights have limits in some situations where they substantially interfere with the rights of others.

Especially problematic is the co-opting of parkland for 24/7 encampments, per the report:

the following are illustrations of common examples of how the by-law will regulate encampments in specific locations, provided that all safety criteria are followed:

- Where there is no competing public use, encampments will be permitted both daytime and overnight. Examples would be open park space that is not programmed or designated as a sports field, and not in an environmentally sensitive area.

Open park space **is** a competing use itself, especially for those who don't have access to backyards/greenspace, including low-income people, new Canadians, and the elderly who tend to live in congregate settings that don't have this access. It also doesn't address how parks are actually used by the public, including as informal sports fields. Also, putting a 10m 'buffer' around play areas did nothing to address larger safety issues in Vancouver and elsewhere, and was never consistently enforced.

All due respect, but city staff also looking at areas where public park encampments **didn't** work, and considering that here is just as necessary as looking at those they claim did. The City clearly didn't look at the parks in Vancouver (Oppenheimer, Strathcona, Crab) & Kitchener (Victoria Park-Roos Island) that allowed it, or the Kitchener encampment's issues with organized crime, including human trafficking.

No real changes to the conditions in the Core will happen while current harm reduction based social services exist there

Enacting this bylaw while expanding a zero barrier shelter and including another consumption site will only exacerbate current issues and continue the status quo.

All areas with low/zero barrier harm reduction projects have public safety/order issues around them, including A Better Tent City in KW. This needs to be honestly addressed and inclusive mitigation solutions included in any legislation. Just because it's not reflected in the

exclusionary policies of local governments does not mean it's not the daily reality for many in the Core.

Real community engagement and consultation should take place between now and the final vote on the 27 Feb. There was also IMHO, no reason the 'Have Your Say' engagement tool on the city's webpage couldn't have been used in the time allotted, even to get general feedback from the public.

This is an unfortunately vague, exclusionary bylaw that will do more harm than good, should not be approved by council in this form, and needs major revamping including the public this time, before it's adopted.

Thank you for your consideration

jj salmon
Ward 2

Dear Mayor Guthrie and City Councillors,

My name is Chelsey Eddwards and I am a resident of downtown Guelph and asking you to **vote against the Public Space Use Bylaw.**

I am concerned that this bylaw will make things harder for people who are already struggling in our community. Displacing and criminalizing people who are unhoused is not a solution. People need housing and health supports not enforcement. I believe this bylaw will increase stigma, discrimination and harm toward people who are unhoused.

I am deeply concerned that this bylaw sets a precedent for making folks who are facing hidden homelessness much more vulnerable to being taken advantage of by folks who will use the criminalization as a manipulation tactic. When criminalization is the method for clearing encampments, we see a rise in slum lords who let their properties go into ruin and jeopardize the safety of tenants knowing that they have no other option. As a city that is currently looking to welcome more people with the upcoming Conestoga campus and the new developments coming up across the city, it is very dangerous to not taken into account how bylaws influence everyone who is looking for housing. Do no use this bylaw to exacerbate the issues we are already facing in this community.

I believe that everyone should have a safe, stable and affordable place to call home, and access to the supports they need. I urge you to not support this bylaw and instead focus on solutions that support people.

Thank you,

Chelsey Edwards