

Public Space Use By-law

February 14, 2024

Goals of the by-law

- Help make public spaces owned and operated by the City available for everyone
- Ensure designated and sensitive spaces are used for their intended purposes
- Accommodate the needs of unsheltered individuals so that they can live safer with dignity and with stability

Review of other jurisdictions

- Region of Waterloo
 - Code of Use By-law: Prohibited erecting any tent or temporary structure on any building or grounds owned or occupied by the Region
 - Court decision held that the By-law was inoperative when the number of homeless individuals in the Region exceeds the number of accessible shelter beds
- City of Kingston
 - Parks By-law: Prohibited camping or using camping equipment in all City parks
 - Court decision altered By-law to permit camping overnight, but upheld daytime prohibitions
- City of Hamilton
 - Encampment Protocol

Role of County of Wellington

- Consolidated Municipal Services Manager (CMSM)
- Provider of Housing Services
 - Emergency and Temporary shelter spaces
 - Contracts with social service agencies like Stepping Stone to provide support to individuals experiencing homelessness
 - Maintain the “By Name” List – currently approximately 170 names
- Since beginning of winter 2023/2024, County reports that our emergency shelter system has had enough beds available

Human Rights-Based Approach

- Housing first approach
- Need good health to maintain housing;
need housing to maintain good health
- Accessible Permanent Shelter needs to be
top priority – improved tracking and
reporting
- Advocacy with Association of Municipalities
of Ontario and the Provincial government

Current Response / Supports

- Presently working with 14 active encampment locations throughout City
- Coordinated wellness checks – led by Bylaw, in cooperation with health and social service partners
- \$100,000 allocated to enhanced resources, health and safety supports

24-hour permissible locations

- Locations where there is no competing public use, space booking, sensitive area
- Structures permitted 24/7
- Examples include open park space that is not programmed or designated as a sports field
- Protections in place to prevent removal of encampment or structures by others

Overnight permissible locations

- Locations where space is programmed or designated for other purposes
- Structures permitted one hour before sunset to one hour after sunrise
- Examples include unbooked sportsfields, picnic pavilions, public square

Not permitted locations

- Locations specifically designated or sensitive
- Structures not permitted at any time
- Examples include splash pads, playgrounds, community gardens, sidewalks, trails

Education approach

- Will work with County and social service agencies to educate individuals about approved and safe places for sheltering in tents
- First priority will be to address immediate safety concerns (i.e. propane tanks)
- Discretionary enforcement during extreme cold weather events

Recommendations

1. That Council approve the draft Public Space Use By-law, as attached to report 2024-76, and incorporating Council's feedback at their February 14, 2024 meeting that staff be directed to place the by-law on the February 27, 2024 agenda for final adoption after which the by-law will come into effect on March 1, 2024.
2. That Council respectfully request that the County of Wellington supply the necessary resources and tools, as well as monthly statistics regarding daily availability and access to accessible permanent shelter for all those on the “by name” list, as well as data on the number of offers made to individuals for accessible permanent shelter where the individual has turned down the offer.
3. That Guelph’s advocacy efforts continue 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, legislative reform to address public space use by-laws, and greater health care funding to address urgent community need connected to mental health and substance use issues.

Summary and questions