

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

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