

City Clerk's Office
City of Guelph
1 Carden Street
Guelph, ON N1H 3A1
clerks@guelph.ca

RE: August 28th Council Meeting: Public Space Use By-law

Dear members of City Council,

I'm writing with regards to the proposed 'Public Space Use By-law'. I am a long-time resident of Ward 2, do what I can to support small local businesses, and am appalled that this harmful by-law is once again being brought forward to Council. At its core this by-law is about maintaining the comfort and appealing to the sensibilities of the most privileged residents of our city at the expense of the safety and survival of made-vulnerable individuals.

Public space by-laws such as these are widely recognized as inherently inequitable and unjust. Enforcement-based approaches can be 'high risk' to the wellbeing and safety of people experiencing houselessness by "excluding them from safe spaces, dislocating existing relationships with services or pushing them into more damaging activities" [1, p. 9]. As others have pointed out:

"By in effect annihilating the spaces in which the homeless must live, these laws seek simply to annihilate homeless people themselves.... The intent is clear: to control behavior and space such that homeless people simply cannot do what they must do in order to survive without breaking laws. Survival itself is criminalized.... we are creating a world in which a whole class of people simply cannot be, entirely because they have no place to be [2, p. 305-311].

A 1999 (25 years ago!) report by the US National Law Center on Homelessness & Poverty concluded that "criminalization is ineffective, counterproductive, and inhumane" [3]. Within Canada, anti-homeless legislation is still being challenged within the legal system as discriminatory and unconstitutional [e.g., 4]. Furthermore, (by)laws and policies that are complaints-driven proceed without an accurate picture of real risks, harms, and priorities of all members of the community. Complaints around individuals experiencing houselessness are often "informed by lack of understanding, stereotypes and the general public's discomfort with people experiencing very obvious hardship in our communities" [1, p. 8]. Rather than appeasing the comforts of the vocal privileged few, my priority would be to see action that targets the root causes and focuses on community wellbeing, including non-profit housing, and mental health and substance use support (through reallocation of the currently exorbitant policing budget). There are many innovative, effective, and compassionate approaches that take a proactive approach to the

prevention of houselessness, such as ‘Duty to Assist’ approaches [5]. I am not an expert in this area but I know there are many compassionate, informed individuals around who do have experience and vision to support alternatives.

Finally, and aside from the points made above, the conclusion that “the conditions do not currently exist to conduct meaningful engagement” with the affected community in advance of implementing the by-law is inexcusable. Proceeding would be in violation of the City’s own Community Engagement Policy, in which the City promises to “ensure meaningful opportunities exist to influence City decisions”. For this reason alone the by-law should not be passed, and meaningful community engagement should guide decisions that are made around supporting (not criminalizing) individuals experiencing houselessness.

I have a long-term disability stemming from a traumatic brain injury. In the years following my brain injury I was unable to work, and if it weren’t for my extremely fortunate circumstances of having family who could help me with costs of living and medical expenses, I could easily have experienced houselessness. In the current political economic context, many (most?) of us are an injury, illness, or run of bad luck away from being at risk of losing our housing. Those of us who realize this would rather see our policies guided by the many compassionate individuals and organizations who support existing services and provide mutual aid, as opposed to those advocating on the basis of misinformation/stigma, and a harmful out-of-sight-out-of-mind stance.

I frequent Herb Markle and Goldie Mill Parks regularly with my two small children, and have no issue with sharing space with individuals seeking shelter in this neighbourhood. I have never felt unsafe, and feel that statements made by others about feeling unsafe are ultimately due to misinformation, stereotypes, and stigma. If anything, the use of public spaces should be prioritized to serve those who do not have the luxury of private spaces. Everyone deserves shelter, everyone deserves somewhere they feel safe, and ultimately by-laws such as the one proposed diminishes the safety of the most precarious members of our community.

As a community, we can do better. I would like to see real vision and a genuine commitment from the City when it comes to tackling community health challenges, including better funding for community health services and increasing affordable housing, rather than prioritizing unjust punitive measures targeting those made vulnerable by inequitable systems.

Thank you for taking the above points into consideration.

Sincerely,
Lauren Van Patter, PhD, MA, BSc

References

- [1] Adams, L. (2014). In the Public Eye: Addressing the negative impact of laws regulating public space on people experiencing homelessness. <https://homelesshub.ca/sites/default/files/attachments/In%20the%20Public%20Eye%20-%20Churchill%20Report.pdf>
- [2] Mitchell, D. (1997). The annihilation of space by law: The roots and implications of anti-homeless laws in the United States. *Antipode*, 29(3), 303-335.
- [3]. National Law Center on Homelessness & Poverty. (1999). No Safe Place: The Criminalization of Homelessness in U.S. Cities. https://homelesslaw.org/wp-content/uploads/2019/02/No_Safe_Place.pdf
- [4] Skolnik, T. (2019). Homelessness and Unconstitutional Discrimination. *JL & Equal.*, 15, 69.
- [5] Gaetz, S. (2023). Implementing Duty to Assist in Canada: A Rights-Based Approach to Preventing and Ending Homelessness. <https://homelesshub.ca/blog/2023/implementing-duty-to-assist-in-canada-a-rights-based-approach-to-preventing-and-ending-homelessness/>