

Advisory Committee of Council Staff Report



To Accessibility Advisory Committee
Date Tuesday, October 15, 2024
Subject **Public Space Use Bylaw - AAC Engagement**

Recommendation

1. That the AAC receive this report
 2. That the AAC review the August 28, 2024 Council Memo for meeting context (included in this report as "AAC Report Appendix 1")
 3. That the AAC provide staff with their insight related to accessibility regarding operationalizing the Bylaw
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Executive Summary

Purpose of Report

To present information to the AAC related to the [Public Space Use Bylaw](#).

Staff are interested to gain feedback from the AAC on how best to implement the bylaw when considering the complex needs of those facing potential challenges related to accessibility.

Key Findings

Council passed the Public Space Use Bylaw during Q3 of 2024.

Staff have the responsibility to operational the Bylaw. As a result, staff have and continue to engage support agencies, community partners, agency key informants, people with lived/living experience, and on October 15th, the Accessibility Advisory Committee.

Strategic Plan Alignment

The proposed by-law will align with a number of objectives in the strategic plan including making downtown a vibrant place for everyone, supporting community wellbeing and addressing issues related to homelessness in our community, and ultimately finding the balance between the needs of all residents by caring for our community space and places.

Financial Implications

None

Report

On August 28, 2024, City Council passed a motion to approve the Public Space Use Bylaw. The Bylaw motion was ratified to be enacted on October 1, 2024 at the September xx, 2024 Council meeting.

The goals of the by-law are to:

- 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

Public spaces are City owned lands, mostly parks lands, however the use of some other City owned spaces are included in this bylaw. These spaces are divided into three use types:

1. Fully permissible locations
2. Time restricted locations
3. Not permitted locations

To enact the bylaw, staff plan to engage several groups and individuals, including the Accessibility Advisory Committee at their October 15th regular meeting.

Staff are asking the Accessibility Advisory Committee to provide recommendations regarding operationalize the bylaw as it relates to accessibility.

Financial Implications

None

Consultations

Listed in Appendix 1, the Council Memo of August 28, 2024

Attachments

Attachment-1 AAC Report Appendix 1

Attachment-2 PSUB presentation – October 2024 AAC

Departmental Approval

Community Services

Report Author

Leanne Warren

This report was approved by:

Colleen Clack-Bush

Deputy Chief Administrative Officer

Public Services

Council Memo



To	City Council
Service Area	Public Services
Date	Wednesday, August 28, 2024
Subject	Public Space Use By-law - Engagement

The purpose of the memo is to provide an overview of previous Council direction and staff action regarding engagement on topics connected to the Public Space Use By-law as well as on encampments within the City of Guelph. This memo also highlights key considerations for engagement on these topics in the context of the City's Community Engagement Policy (CEP) and Community Engagement Charter (CEC).

Background on Council direction and staff action

2023 Collective Results Engagement Process

In 2023, the City undertook a review and gap analysis of Homelessness, Substance Use and Mental Health Services. The goal was to provide clarity on system roles and responsibilities to support an intentional and coordinated approach to planning, as opposed to a fragmented and reactionary approach to these complex issues. Collective Results was hired to undertake this thorough and fulsome review, and the project was approached with two focused streams of data collection and analysis.

The Collective Results' comprehensive community consultation process aimed to determine the local current state of services and funding, and to identify gaps and areas of opportunity. This stream included an inventory as follows:

- 17 local services agencies
- 106 community partner surveys
- 23 agency key informant interviews
- 35 peer-led interviews with people with lived/living experience (PWLE)
- 3 data validation meetings

Insights from Collective Results' report relate to the context from which the draft Public Space Use By-law was developed. Most notably, the report draws attention to:

- Increases in the number of people experiencing homelessness
- A lack of low-barrier places for adults to access during the day with laundry and washroom facilities, recreation activities, and outreach worker connections
- Limited access to emergency shelter services
- A lack of affordable and supportive housing options/alternatives

- The concepts of human-rights based and housing-first approaches when tackling housing-related issues. These approaches, among other things, advocate for including the principles of non-discrimination, inclusion, participation, and accountability in developing responses to homelessness as well as prioritizing approaches that do not further contribute to stigma and/or isolation.

January 16, 2024 Meeting

On January 16, 2024, Guelph City Council passed the following resolution:

That staff be directed to draft a Public Space Use By-law to address safety concerns regarding encampments and related activities on lands owned or operated by the City of Guelph, to be brought for Council consideration by the end of February 2024.

February 14, 2024 Meeting

As directed, staff brought a report and the draft by-law to a special Council meeting on February 14, 2024. Council heard from approximately 30 delegations and received almost 50 pieces of correspondence representing a diverse mix of viewpoints. After thorough discussion and consideration, the staff recommendation was deferred until the appeal of the *Corporation of the City of Kingston v. Doe*, 2023 ONSC 6662 (“Kingston”) decision became available, at which time staff were asked to then bring back a report for Council to consider a by-law that takes into consideration additional information and available legal decisions.

Additionally, Council passed the following resolution at that meeting:

That in alignment with the County’s Health and Housing Symposium, that staff commence a public consultation process on the subject of use of public space for shelter, following our standard engagement principles and practices, and with specific intention and engagement with people with lived experience in encampments and the downtown community.

April 5, 2024 Information Report

As follow-up, staff provided an Information Report to Council on April 5, 2024, to advise Council that the Kingston appeal had been withdrawn without being heard. Based on that withdrawal, the report stated that in consultation with our City’s legal counsel, staff felt that bringing back a Public Space Use By-law would not be productive at that time, as, in the absence of the Kingston appeal being heard, there was no new information to help guide City Council in their decision-making process.

Given that staff would not be reporting back on the Kingston decision, or the impact on the proposed Guelph Public Space Use By-law, staff also stated in the April 5 report that it was determined it was best not to undertake a specific public consultation process until Council requests further action be taken on this proposed by-law; and so, the resolution was removed from the outstanding resolution list.

It was confirmed that staff would develop a plan to conduct public consultation with those with lived and living experience as directed by the Mayor related to Temporary Structured Encampments (2024-B4), and that would inform future Council reports on the topic.

May 15, 2024 Committee of the Whole Report

As part of the May 15, 2024 report on Temporary Structured Encampments, staff provided the following information on the public consultation process:

Consultations with Persons with Lived and Living Experience

As included within the Mayoral direction, City staff were directed to engage with persons with lived and living experience to get a better understanding of the needs and expectations for a temporary structured encampment site. After consultation with the County of Wellington and Stepping Stone, it was determined that given the tight timeline to meaningfully engage, that the engagement take place through an informal process with surveys being completed by Stepping Stone community outreach and shelter staff.

The informal engagement took place during the week of April 8, 2024. Community outreach staff from Stepping Stone surveyed approximately 30 individuals during their outreach routes. Additional surveys were completed at the Stepping Stone overnight shelter. Following this engagement, staff concluded that roughly 50 per cent of respondents would be open to moving into a temporary structured encampment site and that a majority of respondents believe the site should take a low-barrier approach to guests, pets and substance use. Key wrap-around services that were identified within the surveys were consistent with the feedback received from community partners and healthcare providers.

It is important to note that this type of informal engagement is not typically how staff would meaningfully engage with persons with lived and living experience. However due to the time constraints, this was the only viable option. Should Council move forward with a temporary structured encampment site, staff would want to undertake more meaningful engagement that is consistent with the City's Community Engagement Policy. This would include multiple engagement and focus group sessions that span weeks and/or months in conjunction with the County of Wellington and community providers. The County of Wellington is in the process of setting up a lived experience advisory table which will be a valuable resource when completing meaningful engagements moving forward.

Council gave staff direction to further investigate a potential partnership with the Guelph Tiny Home Coalition, an organization that also has strong connections with individuals with lived and living experience in Guelph. This helped to further inform much of the information that came back to Council for ongoing consideration of potential structured encampments.

County of Wellington Engagement

As the City's Consolidated Municipal Services Manager, the County of Wellington Social Services Department hosted two Wellington-Guelph Health and Housing Symposiums – a two-day event in January, and a second one-day event in April. The goal of the symposium was to address the lack of integration and expansion of health and social housing services for our community's most vulnerable members. The two-day event brought together people with lived and living experience, Indigenous community members, health and community partners, and government and business representatives.

As outcomes of the Symposium, a Health and Housing Community Planning Table has been established with working groups set up to address more specific needs, including addressing basic needs of those individuals experiencing homelessness.

Another outcome was the development of an advisory group specifically for people with lived and living experience, and an Indigenous advisory group. These working groups continue to present important engagement opportunities to ensure that marginalized individuals in the community have the ability to be heard.

August 28, 2024 Special Council Meeting

Due to the urgency of the situation developing in the community, the decision was made to call a Special Council Meeting to consider the previously deferred Public Space Use By-law.

Context surrounding City engagement related to the by-law

Following the February 14 meeting, and while waiting to proceed with engagement plans based on the outcomes of the County's second Health and Housing Symposium and the results of the Kingston appeal, staff began to explore what meaningful and inclusive engagement on this topic might look like.

The context for this engagement was complex and would require careful consideration to ensure alignment with the core values of the City's Community Engagement Policy (CEP) and Community Engagement Charter (CEC):

- In all engagement, the City seeks to do no harm. There is a significant risk that engaging those with living and lived experience in encampments could exacerbate or trigger existing realities for those involved and/or feel exploitative. A trauma-informed approach would be critical.
- The City's CEP codifies the City's focus on designing engagement that centres "the needs and experiences of equity-denied groups." Significant consideration of the intersectionalities that exist among those with living and lived experience in encampments would be required in the design and delivery of this engagement. Staff would need to work with equity-focused interest-holder groups (e.g. The Accessibility Advisory Committee) to better understand some of these complexities before embarking on broader engagement.
- "Nurturing relationships" is a key driver of the City's CEP and CEC. That means that engagement should always be undertaken in a way that seeks to build and foster trust. In this case, the City currently lacks consistent, direct relationships with those that have living and lived experience in encampments. To deliver engagement that aligns with this tenet of the CEC, staff anticipated partnering with community organizations and service agencies—many of whom are already taxed—to bridge this gap. Furthermore, the City would need to plan for and uphold ongoing management of these relationships beyond the specific engagement in question.
- Engagement should not exacerbate engagement fatigue. Engagement should plan to build upon engagement already done and avoid conflicts with engagement underway, including efforts and insights gleaned through the work of Collective Results, the Housing Affordability Strategy Development,

the County's Health and Housing Symposium, and other important and relevant bodies of work.

When the Kingston appeal was withdrawn, staff paused any further discussion and planning related to engagement on the by-law (as per the April 5, 2024 Information Report).

The CEP and CEC are based on the principle of community engagement as a practice of involving the public in matters that affect them and that they can meaningfully influence. Engagement can be considered a spectrum of public participation, ranging from informing, consulting, involvement, and collaboration. The objective, scope, and method of engagement are influenced by factors such as complexity of the issue, prior and other engagements, urgency, and need for decision. These factors may limit the ability to engage meaningfully, for example, on matters involving public safety, timely response to changes in legislation, or where the question is narrow and options are limited.

Had staff proceeded to develop an engagement plan, in addition to the core values described above, staff would have considered the following:

- *Objective:* What is engagement driving towards? E.g., Is the goal to:
 - Develop options/alternatives to a by-law?
 - Create meaningful dialogue that supports by-law refinement?
 - Surface a range of perspectives on the topic?
 - Educate and build awareness that supports by-law compliance?
 - Understand gaps in existing service delivery?

If engagement were to be focused primarily on surfacing a range of perspectives about the by-law, it's anticipated that a similar range of perspectives heard on February 14, 2024 will be echoed at a larger scale. If engagement were focused on the content of the by-law, there is limited ability to influence technical and operational aspects or legal considerations.

- *Scope and Time:* Meaningful engagement is likely to take four to five months and may involve significant cost.
- *Urgency and need for decision:* Decisions regarding the by-law and actions that might stem from it would need to be deferred until the conclusion and findings from the engagement can be interpreted and presented.

The foregoing factors, among others, were likely to have resulted in limited scope of engagement building on prior engagement and available data. Depending on the objective and framing of the engagement, the ability to influence would have varied. In keeping with the commitments and responsibilities in the Community Engagement Charter, when engagement is not done, or is limited, decision-making shall be guided by values and priorities established in guiding documents and frameworks, including community plans and the strategic plan.

Summary

Based on the context provided and the time sensitivity of addressing the urgent situation impacting Guelph's public spaces, staff feel that the conditions do not currently exist to conduct meaningful engagement on the Public Space Use By-law.

Attachments

None

This memo was approved by:

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Public Space Use By-law

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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

Fully permissible locations

- Locations where there is no competing public use, space booking, sensitive area
- Temporary shelters 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 shelters by others

Time restricted locations

- Locations where space is programmed or designated for other purposes
- In general public spaces, temporary shelters are permitted one hour before sunset to one hour after sunrise. Examples include public squares, outdoor areas of City facilities
- In reservable public spaces, temporary shelters permitted when not booked. Examples include unbooked sportsfields, picnic pavilions

Not permitted locations

- Locations specifically designated or sensitive
- Temporary shelters not permitted at any time
- Examples include splash pads, playgrounds, community gardens, sidewalks, trails
- City Council designated Market Square and St. George's Square as sensitive spaces

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. fire hazards)
- Discretion during extreme cold weather events, look to other support options

Operationalizing the by-law

- No set fines associated with the by-law
- Goal will be to notify people if they are in a restricted location and request that they relocate to permissible locations
- Only if required, City staff may issue formal notices and move to dismantle structures

Summary and questions

Feedback on how to operationalize