



VIA EMAIL

August 23, 2018

His Worship Mayor Akbal Mund and Council
Vernon City Hall
3400 – 30th Street
Vernon, BC V1T 5E6

Attn: Vernon Mayor and Council

Dear Mayor Mund and Council,

RE: Bylaw to regulate shopping carts

I am writing to you on behalf of the British Columbia Civil Liberties Association ("BCCLA") to urge you not to implement a planned Bylaw to regulate shopping carts. We note that the Council voted to support and expand the recommendation of the Activate Safety Task Force related to the banning of shopping carts at the regular meeting on July 23, 2018. The city's press release of July 27, 2018, indicates that "direction in regard to shopping carts will be brought back to Council within the next month for consideration and endorsement."

We understand that the proposed regulation of shopping carts is intended to ban their use anywhere on public property in Vernon. We believe that the proposed bylaw is blatantly discriminatory and would not survive a constitutional challenge. The ban will impair the rights of a specific class of people in Vernon - the homeless population – and undermine their rights to liberty and security of the person as enshrined in section 7 of the *Canadian Charter of Rights and Freedoms*.

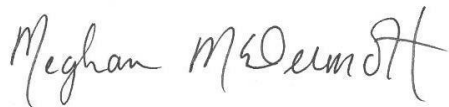
The various rationales that have been provided for this are not sufficient enough to justify the infringements on the liberty and autonomy of the homeless residents of Vernon who use shopping carts to transport their personal possessions. City Council materials suggest that the proposed ban is intended to address carts being abandoned and the congregation of carts in parks and along streets "where they obstruct pedestrians,

obstruct public use of benches, and add to a sense of urban decay.”¹ Councillor Quiring has been quoted in the media offering additional reasons for banning shopping carts, including to help people who “have trouble determining what is actually valuable to them and what is something that they need as opposed to things they just like to collect.” He added “a lot of people that are putting their possessions in a shopping cart don’t access a shelter because they have everything with them and they have the ability to set up a camp.”²

The suggestion that it is beneficial to homeless people to be deprived of access to all public space if they use a shopping cart is irrational, especially in light of the fact that shelters in Vernon are currently at capacity and that users may access them with or without shopping carts. The planned bylaw makes even less sense given the connection made by Councillor Quiring between shopping carts and the capacity for homeless people to provide themselves with a temporary shelter when, given shelter capacity, the only option is to sleep outdoors.

For the many homeless people in Vernon, use of a shopping cart to carry personal possessions and the supplies to create crude forms of shelter is the only viable means of achieving some protection from the elements in the face of insufficient shelter capacity. It is grossly disproportionate to undermine a necessary survival strategy for the purpose of decluttering some public areas. We urge you to abandon this proposal.

Sincerely,



Meghan McDermott
Staff Counsel

¹ The Corporation of the City of Vernon, Regular Open Meeting of Council, Agenda, July 23, 2018 at p. 189, online: <https://www.vernon.ca/sites/default/files/docs/meetings/agendas/180723_regular_agenda_pkg_0.pdf>

² Christine Coulter, "Vernon votes to rein in homeless by banning shopping carts in all public spaces", *CBC News* (July 25, 2018) online: <<https://www.cbc.ca/news/canada/british-columbia/vernon-votes-to-rein-in-homeless-by-banning-shopping-carts-in-all-public-spaces-1.4761169>>