



July 27, 2020

**Sent via email:** [PBcommissioners@vancouver.ca](mailto:PBcommissioners@vancouver.ca)

Commissioner Camil Dumont  
Commissioner Dave Demers  
Commissioner Gwen Giesbrecht  
Commissioner Tricia Barker  
Commissioner John Coupar  
Commissioner John Irwin  
Commissioner Stuart Mackinnon

**Sent via email:** [Shauna.Wilton@vancouver.ca](mailto:Shauna.Wilton@vancouver.ca)

Acting General Manager Shauna Wilton

**Re: “A By-law to Amend the Parks Control By-law Regarding Temporary Shelters in Parks”**

Dear Vancouver Park Board Commissioners and Acting General Manager Wilton,

On behalf of the British Columbia Civil Liberties Association (“BCCLA”), the Union of BC Indian Chiefs (“UBCIC”), and Pivot Legal Society, we are writing to you further to our letter dated July 13, 2020 (attached for ease of reference) and to the resolution passed on July 14, 2020 concerning “A By-law to Amend the Parks Control By-law Regarding Temporary Shelters in Parks” (the “Shelters in Parks Amendments”).

We are writing to ask you to consider the following next steps:

1. That the Park Board generally adjourn the enactment of the proposed Shelter in Parks Amendments.
2. That the Park Board adopt a policy of non-displacement from all Parks under Park Board jurisdiction – preferably on a go-forward basis, but at least for the duration of the COVID-19 pandemic and until proper engagement with people with lived experience has taken place.
3. That the Park Board move forward with the proposed engagement of people with lived experience of homelessness concerning the Shelter in Parks Amendments – both on the terms of the By-law itself, as well as with details concerning implementation. This engagement should prioritize people who are currently living outside, especially Black and Indigenous peoples, as well as others living at the crosshairs of intersecting oppression. This engagement should additionally prioritize local First Nations, on whose unceded territory the parks in question are located, consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*.

The Shelters in Parks Amendments as resolved on July 14, 2020 still replicate many of the harms we highlighted in our initial letter, including:

- The definition of homelessness does not reflect the current state of the law.
- Only permitting overnight shelter from dusk (currently 9:40 p.m.) until 7:00 a.m., not only continues the undeniable harm of daily displacement but also falls short of the standard set in *Abbotsford (City) v Shantz*, 2015 BCSC 1909 (7:00 pm and 9:00 a.m.).
- There is vague and ill-defined language which provides unclear and unmanageable direction to homeless people seeking shelter about eligible sheltering areas.
- There are untenable restrictions regarding shelters including a total prohibition on warming devices and a requirement to be with one's tent at all times.

While recognizing the Park Board had a desire to update their clearly unconstitutional By-laws, the proposed amendments continue to be inherently counter to human rights and the basic dignity of people sheltering outside. The proposal set out above would be in keeping with public health guidance concerning people sheltering outside during COVID-19.<sup>1</sup> The proposal would also give the Park Board the critical time they need to engage directly with those who will be most directly impacted by their proposed By-laws.

People who are currently homeless should have been at the centre of this By-law review, but they were not. One of the direct results of the instability and crisis of homelessness is people can rarely participate in the forums currently designated for feedback. This is an opportunity to pause and do this correctly before moving forward and causing greater harm. Resources such as “Research 101: A Manifesto for Ethical Research in the Downtown Eastside”<sup>2</sup> can help guide you in this process.

If the Park Board already has plans for engaging people with lived experience, we look forward to receiving clarification on the timeline and engagement plan.

In the interim, the tent communities which arise in the city will demonstrate to the Park Board where people feel safest sheltering outside when they do not fear daily displacement. As discussed in our initial letter, one of the key reasons tent cities become crowded is by virtue of the general prohibitions against daytime camping. When all spaces are illegal, the tent cities that survive are necessarily the only option.

We appreciate the leadership the current Park Board has shown in resisting calls for evictions from Oppenheimer and Strathcona. We hope this moment provides another opportunity to slow down and move forward in a way that pushes for transformation and reconciliation.

Sincerely,



Meghan McDermott

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<sup>1</sup> “Response to Homeless Encampment Health Issues in the Context of COVID-19: Guidelines and Best Practices”, June 8, 2020 at p. 6. Online: [https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/pho\\_homeless\\_encampment\\_responses\\_resource.pdf](https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/pho_homeless_encampment_responses_resource.pdf)

<sup>2</sup> “Research 101 : A Manifesto for Ethical Research in the Downtown Eastside”. Online: <https://open.library.ubc.ca/cIRcle/collections/ubccommunityandpartnerspublicati/52387/items/1.0377565>

Senior Staff Counsel – Policy



Anna Cooper  
Staff Lawyer – Pivot Legal Society

On behalf of the Union of BC Indian Chiefs



Grand Chief Stewart Phillip  
President



Chief Don Tom  
Vice President



Kukpi7 Judy Wilson  
Secretary-Treasurer

CC:

Mayor Kennedy Stewart

Honourable Selina Robinson, Minister of Municipal Affairs and Housing

Honourable Shane Simpson, Minister of Social Development and Poverty Reduction

Honourable Adrian Dix, Minister of Health