



Attn:

Donnie Rosa, General Manager, Parks and Recreation
Amit Gandha, Acting Director of Parks and Recreation
Park Board Commissioners

VIA EMAIL ONLY

December 1, 2021

Open Letter from the BCCLA demanding that the Vancouver Park Board withdraw its request for an injunction to remove people from CRAB Park

The BCCLA is joining the call to demand that the Vancouver Park Board withdraw its request for an injunction that will permit the use of police force to remove people living in CRAB Park. We find this heavy-handed approach completely inhumane, unnecessary and contrary to the City of Vancouver’s commitment to decriminalizing poverty and supporting community-led safety initiatives. The latter includes not relying on the police to address matters of homelessness.

We are also concerned to learn that the Park Board’s General Manager has imposed “access restrictions” towards certain individuals (including Indigenous activists and tent city advocates) from attending at CRAB Park. Barring specific individuals from accessing a public park is a serious infringement of rights and freedoms. Under what legal authority are such decisions being made?

Last week, BCCLA staff attended the ‘Respect People: No Evictions at CRAB Park’ rally outside of the Park Board office. We heard from several of the encampment residents about their respective experiences living at the park and the barriers they face in accessing safe, affordable and stable housing alternatives. Their collective message was clear – they want to stay at CRAB Park because the alternatives are not suitable. They also want to be consulted about policies or agreements that impact their safety or survival.



We are disturbed that the Park Board is seeking an injunction to forcefully remove people from a public space situated on the unceded and un-surrendered lands of the xʷməθkʷəy̓əm Musqueam, Squamish and Tsleil-Waututh nations. Many of the CRAB Park residents are Indigenous and should not be facing further displacement. Since 2020, we have watched this happen to residents at Oppenheimer and Strathcona parks. This pattern of forcefully removing people from public spaces is a manifestation of on-going colonialism and seems to be taking priority over addressing the root causes of why people prefer to live these encampments.

Seeking an injunction and police enforcement is not the way forward nor is it in the public interest. The BCCLA is urging the Park Board, the City and B.C. Housing to REALLY listen to CRAB Park residents about what their needs are and what suitable low barrier housing looks like to them. Until such time that adequate housing options are available, this injunction, if granted, will violate the life, liberty and security of each person who calls CRAB Park home. The BC Supreme Court recently supported this position in *Prince George (City) v Stewart*.¹ In that case, the Court also declined the City's application for a police enforcement clause.

We respectfully request that the Park Board immediately abandon its request for an injunction prior to or on the December 2, 2021, court date.

Sincerely,

A handwritten signature in cursive script, appearing to read 'V. Martisius'.

Veronica Martisius
Staff Counsel (Policy)
BC Civil Liberties Association

A handwritten signature in cursive script, appearing to read 'Meghan McDermott'.

Meghan McDermott
Policy Director
BC Civil Liberties Association

CC:

Vancouver City Council
Hon. David Eby, Attorney General and Minister Responsible for Housing

¹ *Prince George (City) v Stewart*, 2021 BCSC 2089 at para 115.