



Staff Report to Council

DATE: Monday, November 20, 2023

DEPARTMENT: Administration

SUBJECT: Public Spaces Bylaw Amendments

EXECUTIVE SUMMARY:

This report recommends a number of bylaw amendments which are intended to compliment the City's existing regulations pertaining to the management and regulation of the City's parks and public spaces. These amendments are specifically intended to support the City's legal obligation to allow for the use of parks by members of the unhoused community for temporary overnight sheltering and, in doing so, also maintain those spaces for the shared use and enjoyment of the entire community.

BACKGROUND:

City staff identify that while both the root causes and effects of homelessness lie within the jurisdiction and responsibility of the Provincial government to address, the City and its residential and business community bear the primary burden of the negative impacts of homelessness. All local governments in British Columbia have a constitutional legal obligation, established by the courts, to allow for temporary overnight sheltering in some municipally owned or controlled public spaces in situations where insufficient indoor shelter or housing options exist for the unhoused within a community.

In September of 2018, the City of Langford Council adopted Bylaw No. 1812, a Bylaw to Amend Bylaw No. 177 being the Langford Municipal Park Regulation Bylaw No. 177, 1996, to include provisions as to where unhoused members of the community are permitted to set up temporary overnight shelter (amending bylaw attached for Council's reference).

Since 2018, but more predominantly over the past year, the number of unhoused members of the community has grown. It should be said, this growth coincides with the Province's drug decriminalization pilot initiative (which launched in January 2023), rising costs of living, and actions by other local governments to restrict encampments in their communities. With this growth, so to have occurrences of negative behaviours and interactions, and related concerns from both businesses and residents regarding the use of public spaces by some of the unhoused members of the community.

In particular, unhoused members of the population tend to frequent and take up temporary overnight shelter in Danbrook Park, which is the primary park in the downtown urban core and an important recreational and leisure space which is shared and frequented by members of the adjacent residential

community (including for use of the popular off-leash dog area), the downtown business community, visitors to the downtown area, and members of the unhoused community. The recent growth of the unhoused community has witnessed a related growth in disturbances and instances of negative behaviours in Danbrook Park from this community, and which have challenged the ability of the City to consistently maintain a safe and enjoyable environment for all users.

In addition, there have been increased calls for service and time that both the West Shore RCMP and the City of Langford Community Safety and Municipal Enforcement staff are spending on unhoused-related issues, as summarized below:

- West Shore RCMP calls for service are up. In September, 2023, the West Shore RCMP reported “from May 2023 to August 2023, we have been called – or attended and generated a subsequent investigation – 63 times in relation to persons within [Danbrook Park]. Police attendances to the park began in 2019, and have steadily increased, totalling around 162 as of today Aug. 10, 2023.”
- City of Langford Community Safety and Municipal Enforcement staff hours related to unhoused issues are estimated to have averaged 67 hours per week in 2023, up from five (5) hours per week in 2022. A breakdown of this increased workload is as follows:
 - The presence of two staff at Danbrook Park is required every morning from approximately 8:45 a.m. to 10:30 a.m. to ensure any temporary overnight shelters are dismantled;
 - The attendance of two staff is required to attend to temporary overnight sheltering established elsewhere in the City where not permitted;
 - The confiscation of abandoned personal possessions (chattel), the storage of chattel for 30 days and the subsequent return of chattel if requested by the chattel owner; and
 - As of late summer, five to six patrols by the bike patrol team per day in Danbrook Park and the downtown core to ensure the City’s bylaws are being adhered to.

Through this increased workload, City staff have experienced multiple threats of violence, including one death threat, multiple homemade weapons have been confiscated at Danbrook Park, and the RCMP have made multiple arrests at Danbrook Park, primarily for individuals with warrants resulting from incidents in other locations.

To address these ongoing issues, the City has taken several steps:

- Danbrook Park is now being closed three times a week, Monday, Wednesday, and Friday (from 9-12), for deep cleaning and repair. This involves power-washing hard services, garbage cleanup, scanning the entire park with metal detectors to remove any drug paraphernalia, graffiti removal, and fixing any broken infrastructure (e.g. irrigation equipment).

- The Community Safety and Municipal Enforcement Bike Patrol Team stopped patrolling beaches and trails in late August (efforts that take about 40% of their time), so that they could better use this time to patrol Danbrook Park and the downtown core to help ensure compliance with the City's bylaws.
- Staff are reviewing environmental design improvements that could be made to Danbrook Park that would make it more durable and safer for all users and nearby residents (for example, portion of land near the residential homes is routinely being damaged, so staff will be considering alternative uses for this space).
- The City's external legal counsel has been engaged to review Langford's Municipal Park Regulation Bylaw No. 177, 1996 and Traffic Bylaw No. 33, 1995, to ensure that the City's regulations with respect to temporary overnight sheltering and related activities align with best practices in the region.

Recognizing the above concerns and recognizing the unhoused are members of the Langford community, Council has included the following statement in the 2023-2027 draft Council Strategic Plan:

Cities across the province, nationally and globally are facing critical challenges and significant community impacts due to the lack of services to support mental health, addiction, poverty reduction and the lack of housing for unsheltered populations. While the provincial government has the primary role in providing support for housing, poverty reduction, healthcare, mental health and addictions care, the City supports regional, provincial and national efforts to improve the conditions faced by unsheltered populations and those at risk of becoming unsheltered. The City is committed to treating unsheltered members of the community with respect, compassion and cultural safety while protecting the vitality, safety and lawful enjoyment of City parks and other public spaces by all members of the community.

This statement is intended to reflect both the City's compassion for the vulnerable unhoused community and, at the same time, reinforce the expectation that all members of the shared community will abide by relevant laws and bylaws.

This statement also reflects an appreciation that, as noted above, both the root causes and effects of homelessness lie within the jurisdiction of the Provincial government to address, and while the City and its citizens bear the direct burden of the impacts of homelessness, the City has limited authority and resources to address these issues.

COMMENTARY:

City's external advising legal counsel has reviewed the City's existing bylaws as they pertain to temporary overnight sheltering and related activities, have compared these bylaws to those of other

local governments in the region, and have considered Council’s statement in the 2023-2027 draft Council Strategic Plan.

From this review, staff recommend an initial suite of incremental bylaw amendments that expand on the City’s existing regulations, and which are tailored towards providing the City with additional tools for managing the use of public spaces shared by the City’s unhoused population and the broader community.

The recommended amendments seek to harmonize the City’s approach with that of the broader Capital Region District, particularly with respect to the regulation of temporary overnight sheltering in the City of Victoria.

A summary of the recommended amendments is as follow:

Existing Municipal Parks Regulation Bylaw 177, 1996 Provisions	Suggested Amendments
Existing Temporary Overnight Shelter provisions regulating times and places where sheltering can occur: s. 4.13-4.14	Harmonize with the City of Victoria’s Parks Regulation Bylaw No. 07-059 as follows: <ul style="list-style-type: none"> • Change permitted overnight sheltering time from 7pm to 9am to same “7pm to 7am” hours as the City of Victoria • Include maximum 9m² footprint for temporary overnight sheltering
Existing abandoned items provisions allowing for confiscation of abandoned item: s. 4.17/4.17 – 4.20.	Add explicit prohibition on depositing/leaving drug paraphernalia, expand regulations bylaw parks to all “public spaces” Clarifies City power to remove, confiscate, and/or dispose of abandoned or unattended objects within parks and public spaces Ensure harmony between abandoned item provisions currently in <i>Traffic Bylaw</i> with those in the <i>Parks Regulation Bylaw</i>
Prohibited nuisances or disturbances	Add additional behavior prohibitions from Victoria <i>Parks Regulation Bylaw</i> to cover similar range of behaviours, expand regulation of prohibited nuisances or disturbances beyond parks to all “public spaces”

Council may wish to note that the intent of these amendments is to better enable and support the work of Community Patrol Officers with additional tools which are designed to address the specific challenges relating to the unhoused community. Should the need and circumstances warrant, further amendments may be recommended.

Council may also wish to note that the bylaw amendments contemplated above do not include any changes to the City's regulations with respect to open drug use. The rationale for this is that the Province is currently tabling legislation to place significant limitations on the locations where open drug use can occur, and therefore, local government specific amendments are not necessary while this legislation is pending.

Lastly, it is important to highlight that municipalities alone do not have the legal powers or financial resources, nor the jurisdictional responsibility, to address the root causes of homelessness, addiction and crime, and that the impact of these bylaw amendments and associated enforcement strategies, while supporting the shared use of public spaces, are unlikely to eliminate the challenges related to homelessness in Langford.

FINANCIAL IMPLICATIONS:

Aligning the City's bylaws with those of other municipalities in the region will cost the City approximately \$160,000 annually, through the addition of two new full-time Community Patrol Officers.

These additional staff members will allow the Community Safety and Municipal Enforcement Department to operate a schedule that allows for coverage from approximately 6:30 a.m. to 7:30 p.m., seven days a week.

LEGAL IMPLICATIONS:

External legal counsel has prepared the attached bylaw amendments for Council's consideration.

OPTIONS:

Option 1

THAT Council consider, later in the agenda, providing 1st, 2nd and 3rd reading to Bylaw No. 2152;

AND

That Council consider, later in the agenda, providing 1st, 2nd, and 3rd reading to Bylaw No. 2153.

AND

THAT Council approve the addition of two (2) regular, full-time Community Patrol Officers in the 2024 budget, effective January 1st, 2024, to support aligning Langford’s bylaws with other municipalities in the region;

OR Option 2

THAT Council take no action at this time.

SUBMITTED BY: Braden Hutchins, Director of Corporate Services

- Concurrence:** Lorne Fletcher, Manager of Community Safety and Bylaw Enforcement
- Concurrence:** Donna Petrie, Senior Manager of Communications and Economic Development
- Concurrence:** Yari Nielsen, Director of Parks, Recreation and Facilities
- Concurrence:** Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision
- Concurrence:** Katelyn Balzer, P.Eng., Director of Engineering and Public Works
- Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance
- Concurrence:** Marie Watmough, Deputy Director of Corporate Services
- Concurrence:** Braden Hutchins, Director of Corporate Services
- Concurrence:** Darren Kiedyk, Chief Administrative Officer

Attachment 1: Traffic and Highways Bylaw No. 33, Amendment No. 24, Bylaw No. 2153, 2023.

Attachment 2: Municipal Parks Regulation Bylaw No. 177, Amendment No. 12, Bylaw No. 2152, 2023.

Attachment 3: Municipal Parks Regulation Bylaw No. 177, Amendment No. 9, 2018