



CITY COUNCIL

Thursday, July 27, 2023
2:00 PM

Henry Baker Hall, Main Floor, City Hall

Delegations wishing to address City Council respecting agenda item CM23-29 must register with the Office of the City Clerk by 11:00 a.m. on Thursday, July 27, 2023 by calling 306-777-7262 or emailing Clerks@Regina.ca and provide their full name and contact information. **The Clerk has waived the requirement for written submissions from delegations for this meeting only.** No new delegations will be accepted after the 11:00 a.m. deadline on Thursday, July 27, 2023.



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**Agenda
City Council
Thursday, July 27, 2023**

Approval of Public Agenda

City Manager's Report

CM23-29 City Hall Encampment

Recommendation

That City Council provide direction regarding how to address the encampment in the short-term, given the challenges associated with the encampment continue to evolve.

Adjournment



City Hall Encampment

Date	July 27, 2023
To	City Council
From	City Manager's Office
Service Area	Community Well-Being
Item No.	CM23-29

RECOMMENDATION

That City Council provide direction regarding how to address the encampment in the short-term, given the challenges associated with the encampment continue to evolve.

ISSUE

The Mayor has called a special meeting of Council to address the growing tent encampment at Regina City Hall.

IMPACTS

Background

The encampment on the City Hall Courtyard started on June 15, shortly after the City enforced a bylaw that night, requiring individuals who had gathered and erected a tent at Pepsi Park to vacate the park at 11 p.m.

Current state

On July 25, there were 83 tents in the encampment at City Hall, which is the highest number recorded since June 15. A point-in-time count on July 25 estimated 28 individuals on site. Point-in-time counts fluctuate from day to day, and over the past two weeks have ranged between 30 and 76 individuals on site.

Since the start of the encampment, public urination and defecation have drastically increased, as have discarded needles and general waste. Staff and visitors must walk through the encampment to enter the entrance to City Hall and we have had requests from staff and visitors for escort services to and from vehicles.

One death has occurred at the encampment, due to a suspected overdose. To date, 20 overdoses have been reported in the camp. Treatment in these reported cases was provided by Regina Fire & Protective Services (RFPS), or by volunteers on site, or by EMS. In three cases, treatment was refused.

Regina Police Service: There have been 36 calls to the Regina Police Service (RPS) by City staff or by volunteers and others at the encampment. These calls involved complaints involving possible weapons on site, vandalism, threats of violence, drugs, intoxication and wellness checks. RPS conducts regular walkthroughs and wellness checks.

City of Regina: Regina Fire and Protective Services conducts regular wellness checks of camp residents, removes or remedies high-hazard items or conditions and has provided organizers with access to fire extinguishers and an automated external defibrillator (AED) unit in case of emergency. To date, there have been 2 reported fires on site and the removal of a propane tank. Power outlets and some outdoor lighting have been deactivated, as multiple extension cords were overloading circuits and electrical infrastructure was being tampered with, creating a risk of fire or electrocution.

To better address public health concerns, the City recently moved the portable public washroom from Victoria Park to the Courtyard, where it remains open 24 hours a day. Public washrooms continue to be available in city hall during business hours. The City has also increased cleaning protocols and the frequency of garbage removal from the courtyard space. Since moving the 24-hour public washroom to the Courtyard, there are still reported incidents of urination and defecation on our property.

City staff are in direct contact with camp volunteers several times per week and continue to collaborate with provincial government agencies and community-based organizations to connect camp residents with support and services.

The City's cost to date related to the encampment including additional security, service delivery and maintenance and repair costs is approximately \$55,000. The cost is projected to be approximately \$40,000 to \$70,000 per month for as long as the encampment continues.

Residents have contacted the City to share their comments regarding the encampment. Between June 16 and July 24 the City received 64 service requests from residents:

- 52 expressed opposition to the encampment, including 11 from businesses or employees who were affected negatively by the encampment (i.e., feeling unsafe or reporting a theft or vandalism),
- 9 offered suggestions or wished to help the camp residents, and
- 3 expressed support for homelessness but did not support the encampment.

One of the City's most important priorities is the safety of employees. To date, the City has received 15 reports from staff related to the encampment that range from health and safety concerns to reports of violence, drugs and theft. Measures have been implemented to address safety concerns of employees working in the Courtyard, including: assigning employees to work in pairs who manage and maintain our facilities and amending Standard Operating Procedures for Parks and Facilities Staff in the cleaning of the fountain and removal of garbage and debris, providing enhanced PPE when required such as disposable coveralls, gauntlet rubber gloves and face shields and lowering fountain spray.

On July 26, the City received a work refusal from park maintenance employees on the basis of "unusually dangerous conditions." Administration is now following its established process to respond and ensure employee safety is prioritized. This includes on-site counselling services now being provided to Parks Staff who have been affected.

On July 24-25 the City deployed its first "pulse survey" related to the encampment, to better understand the impact, if any, the encampment may be having on their workplace experience and on their physical and psychological well-being. Approximately 550 employees known to work regularly or frequently from City Hall were invited to participate and the survey was open for 24 hours. A total of 399 employees (or 73%) completed the survey, which was an extraordinarily high participation rate. The results show that:

- 82% of employees working at City Hall feel that the encampment has negatively impacted their wellbeing. This likely reflects concerns with biohazards throughout the front property, firearms and other weapons onsite, and the inherent risk entering and exiting the building to report to work. For many employees, the encampment presents their first real exposure to people experiencing homelessness, along with the activities and impact of addictions and drug use. While their concerns may be disproportionate to the actual risks, the impact on their well-being is real.
- 72% of employees surveyed do not support the encampment at city hall. Although few employees are required to enter through the front doors of City Hall or attend to the encampment area as part of regular job duties, there are facilities and park maintenance staff who have encountered intravenous drug use in the washrooms, cleaned up human feces, and experienced threatening gestures and comments. This has caused fear, emotional distress, and job dissatisfaction.

- 70% of employees surveyed have adjusted or asked to adjust their daily routines as a result of the encampment. This includes things such as work activities, breaks and use of the cafeteria.

A summary of the results is contained in Appendix A.

Other Organizations: The Regina Downtown Community Support Program engages with camp residents daily. The Saskatchewan Health Authority's Street Project Team continues to provide services in the downtown area. The Saskatchewan Health Authority/RFPS Overdose Outreach Team responds as needed.

The Ministry of Social Services mobile outreach workers are available at City Hall twice each week to connect individuals to emergency shelter and income assistance. As of July 24, their staff had interacted with 49 individuals so far, two of whom accepted shelter/housing support and 47 who refused or indicated they did not need shelter support.

The province also confirmed that between July 16 to July 22 there were up to 21 shelter spaces available in Regina, depending on the night. However, given varying restrictions that exist in some shelter spaces, and the wide variety of supports required by those in the encampment, City Administration cannot confirm if these identified, available spaces would be accessible or appropriate for camp residents. If an emergency shelter is full or does not meet the needs of the person or family looking to stay there, the Ministry of Social Services works with the individual on other options for emergency shelter.

Applicable laws

Although the Courtyard is not a park, *The Regina Zoning Bylaw, 2019* applies to all lands within the City and regulates their use. Camping is not identified in the bylaw as a permitted use in downtown Regina. In addition, the removal of individuals from lands is regulated provincially through both *The Trespass to Property Act* and *The Recovery of Possession of Land Act*, both of which were relied upon by the Provincial Capital Commission (PCC) in cases of removal of temporary structures erected by protesters on PCC lands.

Recent court rulings in other jurisdictions have found evicting people from encampments violated their Charter rights if there are insufficient indoor shelter spaces available. A summary of recent case law is contained in Appendix B.

Environmental scan

Homelessness is a growing issue in communities across Canada and many municipalities are struggling to develop their own approaches to address the growing rise in homeless encampments.

For example, Toronto, Hamilton, Niagara Falls and Ottawa have each declared a state of emergency on homelessness. Hamilton and Charlottetown are planning to set up task forces to determine how best to address encampments.

While municipal approaches to encampments across Canada have been varied and range from harm reduction to enforcement, they fall broadly into one of four categories:

- **Close and coordinate.** This approach involves an immediate closure of the encampment, while the city works alongside non-profits and housing providers to coordinate connection to existing services.
- **Closure with new capital developments.** This approach involves an immediate closure and the establishment of new housing, modular homes, or emergency shelter facilities (i.e., warm up & cooling spaces). These new spaces are typically run in partnership with a non-profit organization with experience in providing on-site, wrap-around supports.
- **Support on-site, with connections to service.** This approach permits the encampment to continue and includes on-site outreach to connect residents to current services/housing organizations. Some municipalities have continued to support encampments until new housing options are developed. In this case the camp is not officially closed until all individuals have been connected to service.
- **Designated encampment sites.** This approach has the city designating encampment spaces in approved locations. This is seen in instances where low-barrier spaces and services are limited and is done in partnership with a non-profit organization with experience in providing wrap around supports.

A summary of the jurisdictional scan conducted by Administration for this report, including information about other municipalities' responses to encampments, is contained in Appendix C.

CONCLUSION

Administration requests direction

The direction sought by Administration would, from the broadest point of view, fall into one of two categories: either maintain the status quo through summer and fall or take additional/alternative actions specifically intended to expedite decommissioning of the camp.

The option to provide Administration with more specific direction related to either of those broad categories lies within Council's discretion.

Respectfully Submitted,



Niki Anderson
City Manager

ATTACHMENTS

Appendix A - Survey Results

Appendix B - Case Law Summary

Appendix C - Jurisdictional Scan of Municipal Responses to Homelessness Encampments

City Hall Encampment Survey

399 Responses

01:44 Average time to complete

Closed Status

1. How often do you work at City Hall?

four to five days a week	297
1 to 3 days a week	90
less than once a week	12



2. Do you feel the encampment has negatively impacted your physical or psychological safety at work?

Never	29
Rarely	46
Sometimes	122
Frequently	109
Always	93








3. Have you adjusted or asked to adjust any of your daily routines (place of work, activities, breaks, use of cafeteria, etc.) as a result of the encampment?

Significantly modified my rout...	104
Partially modified my routines.	175
No adjustment to my routines.	120



4. How do you feel about the following statement: "I support the encampment on the City Hall Courtyard, and am willing to accept workplace related challenges as a result."

 Strongly agree	31
 Agree	30
 No opinion	53
 Disagree	110
 Strongly disagree	175



Summary of Recent Cases

Victoria v. Adams (2009)

The Adams case is the first in the line of case law related to the assertion of the right under s.7 of the Charter (right to life, liberty and security of the person) to shelter overnight on public lands when there are no available shelter spaces. All other court findings rely on, build on or interpret this case. In this case the BC Court of appeal found that sections of Victoria's Park Regulation Bylaw were "inoperative insofar and only insofar as they apply to prevent homeless people from erecting temporary overnight shelter in parks when the number of homeless people exceeds the number of available shelter beds in the City of Victoria". The case does not create a positive obligation to provide housing, but has been relied on to limit the ability of governments to remove individuals from their lands when there is no alternate location for them to shelter. Subsequent case law has further interpreted available shelter beds to mean shelter beds that are accessible to individuals who have personal barriers to accessing shelter.

Nanaimo v. Courtoreille (2018)

The City-owned lands in this case were a leased lot located in "a prominent spot in downtown Nanaimo" adjacent to a ferry and cruise ship terminal and across from a mall. An encampment began in May 2018 and was under the control of "organizers" who at first had some control over the camp, but leadership had "deteriorated". The City applied for a court order to remove the encampment on the basis of fire hazards, safety concerns relating to drugs and violence and criminal activity within the camp and in surrounding areas. The City Parks bylaw identified 3 alternate park sites where temporary overnight sheltering was permitted which the court considered in coming to its decision: "In cases in which the courts have found an absence of available alternative accommodation, it has been held that the minimally impairing response is to permit the erection of temporary overnight shelters (see for example Shantz (2015) at para. 276), which again is consistent with Nanaimo's policy here". The court issued an interim injunction requiring all encampment residents to leave the leased lot within 21 days.

Prince George v. Stewart (2021) [Stewart] and Prince George v. Johnny (2022) [Johnny]

Stewart and Johnny are related to the same encampment in Prince George. In Stewart the court ordered that "absent other suitable housing and daytime facilities, the occupants of those encampments must be permitted to stay at the encampments". Subsequently the City leased a local hotel, relocated all residents found in the encampment over a period of several days, and demolished the encampment. Then, in Johnny, despite evidence of the City's efforts of relocation and testimony from the RCMP regarding police calls increasing 5000% to the area, the court continued to refuse to issue an injunction closing the camp, which it found had 8 remaining unhoused residents and found that the City breached the court order in Stewart.

These cases re-iterated the conclusion in earlier cases that the number of shelter spaces must be accessible to the individuals in the encampment whether they have identification, criminal records, mental health challenges, are actively using drugs or other aspects of their personal circumstances.

Waterloo v. Persons Unknown (2023)

The City lands in this case were a vacant parking lot slated for future development of an unknown start date. Although the Court found that it was clear that the encampment residents were in violation of The

Zoning Bylaw and that the City had undertaken “tremendous and praiseworthy efforts” to address homelessness, the judge declined to issue an order to remove the encampment. The Court declined to follow two previous cases in Ontario in which Cities were able to remove encampments saying that those cases were based on a “factual finding that there were adequate shelter spaces to accommodate all of the cities’ homeless”. The Ontario Court adopted the findings in the Prince George cases described above as well as other previous cases that “...it is simply not a matter of counting the number of spaces. To be of any real value to the homeless population, the space must meet their diverse needs, or in other words, the spaces must be truly accessible. If the available spaces are impractical for homeless individuals, either because the shelters do not accommodate couples, are unable to provide required services, impose rules that cannot be followed due to addictions, or cannot accommodate mental or physical disability, they are not low barrier and accessible to the individuals they are meant to serve.” The Court declared the bylaw inoperative “insofar as it applies to prevent the Encampment residents from living and erecting temporary shelters on the Property when the number of homeless individuals in the Region exceed the number of accessible shelter beds.”

Jurisdictional Scan of Municipal Responses to Homelessness Encampments

• Summary

Policy & Grants Branch, City Manager's Office, July 2023.

City:	Response/Background:
Abbotsford, BC	<ul style="list-style-type: none"> • Abbotsford has announced plans to replace their encampment with a temporary shelter facility. • In partnership with BC Housing, \$4M would be used to build a temporary 50-bed shelter facility at the site of their encampment. • Money will be used to purchase trailers expected to be in place for 18 months while City identified a more permanent solution. • Police calls to the encampment grew from 671 calls in 2015 to 1,581 in 2022. • This year to date, there has been approximately 600 calls, with 37 of them involving violent crimes including assault or weapons. • Police also respond to frequent calls for help from businesses in the surrounding area, which report theft, mischief, and issues with substance abuse, said the Abbotsford Police Department.
Toronto, On	<ul style="list-style-type: none"> • Encampments are not permitted in City parks as per the Parks Bylaw PDF and people are not permitted to erect tents and other structures on City property under the Streets Use Bylaw PDF. • The City has a multi-division encampment operations group that assesses risks in order to prioritize encampment response and better serve those in encampments. • The City's Streets to Homes outreach team and partner agencies do daily outreach to proactively connect with people living in encampments. • Encampments are only cleared once everyone has been offered safer, inside space and notice has been provided with time to go through belongings. • In July 2022, Ombudsman Toronto released an interim report detailing a number of recommendations that the City should consider when engaging with encampments. • The report made eight recommendations to the City to increase the fairness, transparency, and accountability of the City's response to encampments in City parks, including: <ul style="list-style-type: none"> ○ Developing a detailed plan outlining how and when it will update its outdated protocol from 2005, and committing adequate resources to ensure the update's timely completion.

	<ul style="list-style-type: none"> ○ Holding public consultations with the community, including people with lived experience in encampments, and ensuring their feedback informs the protocol's update. ○ Clearly outlining the Encampment Office's role and mandate, sharing this information publicly, and ensuring it has enough resources to effectively carry out its duties.
Charlottetown, PEI	<ul style="list-style-type: none"> • City Council unanimously passed a resolution to support the creation of a city-led response team. • City is setting up a task force to determine how best to address encampments, where an extra 50-bed shelter had to be added earlier this year. • How to address encampments will be defined by the terms of reference attached to the resolution, which has not yet been developed at this point. • Charlottetown is considering the same approach used in Halifax where the City has established designated areas for tents. • The city plans to reveal a rapid housing incentive it has been working on along with provincial partners to take longer view of the crisis.
London, On	<ul style="list-style-type: none"> • Council is taking a Harm Reduction approach voting to provide supports on-site for homeless people/encampment residents. • London City Council voted to dispatch disaster-relief-style “service depots” to local tent encampments (food water, showers, bathrooms, garbage removal, harm-reduction, social services). • Goal is to create permanent hubs, where people can access wrap-around services in a single accessible location. With chronically full shelter system, and lack of affordable housing, they are focusing on short-term solutions. • The on-site services will be offered 90 minutes a day, seven days-a-week at each location, the city said in a statement. • At last count, London, had 45 campsites in various places along the Thames River. • To fund the initiative, the council approved an additional \$100,000 to London Cares and the Canadian Mental Health Association (CMHA) to execute the plan. An extra \$255,000 from the City's reserve fund was also approved to help fund the encampment response.
Hamilton, On	<ul style="list-style-type: none"> • State of Emergency was declared in Hamilton where over 1615 houseless folks were counted in the last PIT count.

	<ul style="list-style-type: none"> • The City launched an online survey to gauge support sanctioned encampment zones, before a revised protocol is brought back to Council in August about Proposed Encampment Protocol Survey • As a community, it is important that there is a response to encampments as they will continue to exist until more housing is built and much needed investments in health and social services are made by the provincial and federal governments. • Council rejected a proposal earlier this year that would have place limits on the location and size of its encampments. • The City has hosted town halls, one which drew over 1000 people. • The proposed Encampment Protocol is provides a framework of steps to better assist individuals living unsheltered, including: <ul style="list-style-type: none"> ○ A sanctioned encampment that can provide individuals with a safe and stable environment to live in; ○ And encampment protocol that would permit individuals experiencing homelessness to live in outdoor locations separate from a sanctioned site. • This provides a framework of where people could stay in the event that they do not feel comfortable staying at a sanctioned site or if the City of Hamilton does not pursue sanctioned encampment sites as a policy.
Winnipeg, Man	<ul style="list-style-type: none"> • The City of Winnipeg has established a formal Encampment Support Process to manage the reporting and engagement of encampments. <p>Encampments on public property:</p> <ul style="list-style-type: none"> • In Winnipeg residents have been asked to contact 311 to report encampments on public property, including bus shelters. • If the encampment is occupied, our partner agencies are notified and connect with the residents of the encampment to provide them with appropriate supports to ensure their health and safety. • We will only intervene if there is an immediate risk to public or personal safety as a result of the activity in the encampment. Structures are removed only when activities or living conditions are obviously hazardous. • In such circumstances, our partner agencies will explain the risks to residents, and where needed, provide information about risk reduction. If there is a pattern of persistent behavior that is a risk to life and safety, we may direct

	<p>residents to vacate the site; our partner agencies will continue to work with the residents, explaining the need to vacate the site and identifying necessary supports.</p> <p>Encampments on private property:</p> <ul style="list-style-type: none"> • Encampments on private property are a police matter. Property owners can contact Winnipeg Police Service with concerns about an encampment on their property.
Saskatoon, SK	<p>Reporting encampments</p> <ul style="list-style-type: none"> • Saskatoon's approach is to encourage residents to not approach an encampment or individuals in a temporary shelter. If you see someone living in unsafe outdoor living conditions, please contact the Service Saskatoon 24hr Customer Care Centre at 306-975-2476 and the appropriate response will be dispatched to the individual's location. <p>An organized response</p> <ul style="list-style-type: none"> • The Saskatoon Fire Department (SFD) recognizes homelessness is a complex issue which requires a whole-community response. SFD and partnering agencies have organized a proactive response to manage life safety and health issues related to those who are unhoused. Together, the group is working to provide emergency wrap-around resources to unhoused individuals including: <ul style="list-style-type: none"> • Food • Mental health and/or addiction support • Access to Elders • Trauma Support Services • COVID-19 testing • Safe & healthy emergency shelter • Support in accessing Ministry of Social Services programs
Calgary, AB	<ul style="list-style-type: none"> • The City of Calgary's ongoing approach is to actively remove homeless camps employing a Joint Encampment Team (JET) to: <ul style="list-style-type: none"> • Clean up and remove encampments from public property. • Help encampment occupants connect with social services (health services and addiction support, housing). • Increase the safety of those who work around illegal encampments by bringing in the services most appropriate for dealing with the dangerous materials often found in encampments including uncapped used syringes, combustible materials, faecal matter and body fluids.

Edmonton, AB	<ul style="list-style-type: none"> • Initial approach to homelessness encampments included measures for reporting and dismantling after assessment. • The City of Edmonton supports an Encampment Response Team Which is a partnership between: <ul style="list-style-type: none"> • The City of Edmonton • Homeward Trust • Boyle Street Community Services • Bissell Centre • Edmonton Police Service (EPS) • The ERT responds to low-risk homeless encampments across the city coordinating dismantling with the goal of supporting the safety and well-being of residents, housing them directly from encampments before enforcement and clean-up action is taken. • City Peace Officers and EPS take the lead in responding quickly to high-risk encampments. • This approach led to bottle neck (August 2022). There were 480 encampments in the queue for initial assessment, cleanup or dismantling. As a result the city initiated a pilot with Homeward Trust to rapidly house about 100 people. • Spring/ Summer 2022 engagement was conducted to better understand perspectives and concerns of those impacted by encampments. Sessions were held with people with lived experience, communities, community leagues, business owners and mutual aid organizations, outreach teams, internal Administrative teams who provide support the encampments, and the Edmonton Insight Community. • April 18,2023 City Council received a report and approved implementation of a new enhanced encampment response plan, recognizing that dismantling tent cities leads to people spreading throughout city. • Administration will incorporate learnings from the Court decisions and responses from other Canadian cities into the implementation of next steps identified in this report.
Halifax, NS	<ul style="list-style-type: none"> • June 2022 Responding to what city staff are calling a "homelessness crisis," Halifax city council agreed to open four parks to camping for a total of 32 people without homes. • Halifax has a Housing and Homelessness Director Max Chauvin • Feb 21 2023 Council approved Chauvin's Framework for Addressing Homelessness agreed to consider increasing funding by more than \$1 million next year. The plan approved unanimously by council • The framework identified four ways HRM can help in the housing crisis: "supporting residents sheltering outside;"

	<p>“supporting precariously housed persons and families to stay housed;” “supporting public education efforts;” and “facilitating the construction and maintenance of affordable and deeply affordable housing.</p>
Waterloo, On	<ul style="list-style-type: none"> • On June 22, 2022, Regional Council approved a motion directing staff to "develop a plan to establish interim housing solutions for Regional residents experiencing homelessness including those currently residing in encampments" for Council's consideration in August. • Recommendation #1 Direct staff to develop a Homelessness Master Plan detailing the strategies and resources necessary to end homelessness in the Region of Waterloo • Recommendation #2 Authorize Staff to prioritize and implement interim housing solutions, to support those experiencing homelessness in the following order: <ul style="list-style-type: none"> • Expansion of the Transitional Housing Program, including an Indigenous-focused and led site; • Expansion of the Home-Based Support Program; • Expansion of the Emergency Shelter Program; and • Permit a managed Hybrid Shelter/Outdoor Model.
Barrie, On	<ul style="list-style-type: none"> • City Council was set to vote last month on bylaw amendment making it illegal to provide food, water, money and tents to homeless people in public spaces. • Council shelved the idea in face of widespread criticism and after local outreach group agreed to move their operations from its current location.
Victoria, BC	<ul style="list-style-type: none"> • In April 2023 bylaw officers – accompanied by Victoria police officers – moved to clear a homeless encampment. • People experiencing homelessness are permitted to shelter overnight in some parks from 7 p.m. to 7 a.m. (8 p.m. to 7 a.m. during Daylight Saving Time) while following some basic rules outlined in the Parks Regulation Bylaw and the amendment bylaw adopted on July 8, 2021. • Victoria’s focus remains on finding ways to support our most vulnerable residents and manage sheltering in parks as safely as possible for everyone.

