

## **Encampments in Waterloo Region: An Environmental Scan and Recommendations for Best Practices**



Photo Credit: Pender, 2021

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**Table of Contents**

Encampments in Waterloo Region: Setting the Scene ..... 2

Literature Review..... 4

Methodology ..... 7

Protocol Comparison ..... 13

Legal Regulations ..... 17

Discussion ..... 22

Limitations ..... 23

Policy Recommendations..... 24

Conclusion ..... 28

References ..... 29

Appendix A – Core Principles of Housing First..... 35

Appendix B – Excerpts from Encampment Protocols ..... 38

## **Encampments in Waterloo Region: Setting the Scene**

In recent years, mainstream media and academia have come to highlight the challenges unhoused people face in their day-to-day lives. One such dilemma that is now a point of significant debate is the presence of encampments on various types of land, which has revealed the many socioeconomic and legal challenges posed to their residents and those in charge of regulating them. From analyzing housing scarcity and the increasing tensions between homeless people (specifically those living in encampments), law enforcement, and government actors, it has become clear that municipalities' general practices when dealing with encampments could benefit from review. With that said, the purpose of this report is twofold. Firstly, it will assess the Region of Waterloo's current policy landscape relating to encampments and homelessness prevention, and secondly, it will provide a comparison of encampment protocols and regulations from municipalities comparable to those in Waterloo Region. This paper will begin with a literature review, comprised of information from news articles and academic literature to establish the foundations of what is already known in the realm of housing studies concerning encampments. It will then outline the methods of analysis used, will discuss the results of the analysis, and will propose potential policy changes with those results in mind. All this will be done in hopes of providing potential policy suggestions to the Region of Waterloo (RoW) which its agencies may use in addressing encampments in the future.

As will be further expanded on in the literature review of this paper, encampments are formally defined as “any area wherein an individual or a group of people live in homelessness together, often in tents or other temporary structures (also referred to as homeless camps, tent cities, homeless settlements or informal settlements)” (Farha and Schwan, 2020). Colloquially, and to many members of the public, they are often known as tent cities, although using

“encampment” in favour of “tent city” takes into consideration the fact that not all shelters being utilized are tents. A local example of an encampment is the recently established “Better Tent City” in Kitchener, which is composed of tiny homes for individuals to dwell in and communal resources like laundry and bathing facilities that are shared among residents (Duhatschek, 2021b). Some encampments, however, are structurally more temporary. Encampments of varying structural setups, ranging from A Better Tent City to other encampments without publicized names, provide a sense of community to people facing homelessness. Considering the needs of people facing homelessness is essential to the view that housing is a human right, which guides the Region of Waterloo’s current housing and social policy landscapes. The right to housing is also reflected in the United Nations’ human rights principles<sup>1</sup>, which have become the pillars of some other Canadian regions’ encampment strategies as encampments themselves have become a hot-button issue in municipal and regional policy discussions.

Currently, the Region of Waterloo’s housing policy frameworks also follow the Housing First approach, which puts housing as a primary need for unhoused people and supports for mental health, substance use, and general wellness as subsequent steps in getting a person back on their feet. The Region’s Housing First approach is also consistent with housing as a human right.

As will be further discussed below, both the Region of Waterloo and some of its largest municipalities also have bylaws that are used to regulate the presence of homeless people on public land. Although the presence of homeless people (and the structures they use to shelter themselves) are governed differently on private land due to provincial legislation, the Region still

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<sup>1</sup> The right to housing is specifically identified in key human rights documents to which Canada is a signatory, specifically the 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights.

has a role to play in how provincial legislation is enforced. What the Region of Waterloo does not yet have is a regional protocol specific to encampments, articulating a consistent process for addressing encampments and the needs of residents within them.

In order to establish potential best practices for the Region in this regard, some special considerations should be kept in mind. First and foremost, it is important to note that the overall presence of encampments in the Region of Waterloo appears to be on the rise. This is not a surprise given that, between November 2020 and June 2021, homelessness in the Region of Waterloo increased by an estimated 34 percent (Duhatschek, 2021a). The Region's most recent point-in-time count from September 2021 placed the total number of homeless people in the Region at 1085, a marked increase from the 333 documented in 2018 (CBC News, 2021). Also important to consider, especially given the rising prominence of Indigenous Landback movements, is the fact that an estimated 50 percent of the Region's homeless population is Indigenous (Groleau, 2021). This report's structure will take all these considerations into account in hopes of generating potential ideas from which the Region may draw upon when creating its own encampment protocol in the future.

## **Literature Review**

Homelessness is a policy concern that extends across the country. For individuals experiencing homelessness, there are typically two options for seeking shelter. The first is through visiting shelters for emergency housing and crisis services (Goering, 2014, p. 6). Another option, and the one which we will be focusing on throughout this report, are encampments. Encampments consist of groups of people experiencing unsheltered homelessness together, where common alternative terms include tent cities or homeless settlements (Cohen et al., 2019, p. 1). Since encampment structures are not intended for long-term occupancy, it is

difficult for policymakers to understand why an individual experiencing homelessness would opt to live in an encampment rather than in a homeless shelter (Cohen et al., 2019, p.1). There are several reasons why people experiencing homelessness live in encampments, some of which are a result of push factors, such as a shortage of beds. Other times, there are beds available, however, there are restrictive qualifications pertaining to who meets the required criteria (Cohen et al., 2019, p.4). For example, if there is an entire family seeking shelter together and the shelter only accepts female residents, families might opt to live together in an encampment instead (Cohen et al., 2019, p. 7). Sometimes shelters require check-ins at a certain hour and individuals who arrive too late are turned away (Cohen et al., 2019, p.5). Another common qualification for access to shelters is sobriety. Individuals will often not qualify for overnight stay if there is reason to believe they are inebriated (Cohen et al., 2019, p. 14).

Additionally, individuals may live in encampments for the sense of security offered. Since encampments contain groups of people often moving together as a community, individuals experiencing homelessness and living on their own do not experience this same sense of security (Cohen et al., 2019, p. 5). With people frequently checking in and out of shelters, there is the threat of theft of belongings or lack of protection with and among the other residents, whereas, living in an encampment creates a sense of community for individuals.

Lastly, people may live in encampments rather than shelters because they can come and go as they please and are able to self-govern and self-regulate among one another. According to Cohen et al. (2019), encampment residents often express that they feel a sense of autonomy when they learn how to take care of themselves, whereas shelters are perceived by individuals as institutions that are heavily policed and controlled (p. 5). There is also a lack of permanence associated with shelters where individuals feel as though they are guests who are expected to

only be visiting in the short term with no goodness of fit analysis where there is some possibility for compatibility among residents (2019, p. 6).

Now that we have outlined why individuals live in encampments, we will now address common responses adopted by other municipalities and regions. According to Cohen et al. (2019), there are essentially four common responses to encampments. The first is clearance of encampments with little to no support provided to the residents. In regions where this response is practiced, only a few days' worth of notice is provided to residents that a sweep is approaching and there are no shelter referrals (Cohen et al., 2019, p. 13). In other words, the encampment is cleared without any alternative shelter options provided for individuals experiencing homelessness.

A second common response is clearance of encampments with support provided. In this response individuals are given a few weeks' notice that the encampment will be cleared, with referrals given for shelters nearby (Cohen et al., 2019, p. 13). Oftentimes, trained outreach workers will ensure that the individual has a place to stay once the encampment is cleared and regions may provide long-term storage of their belongings until they are able to discover a permanent solution (Cohen et al., 2019, p. 13).

A third common response to encampments is tacit acceptance. Tacit acceptance refers to municipalities or regions accepting the presence of encampments regardless of law, with basic services provided to residents to address public health concerns (Cohen et al., 2019, p. 14). In other words, tacit acceptance is adopted as result of a lack of or selective enforcement of encampments. Regions often choose to practice tacit acceptance in places where they do not receive pressure from communities or expect residents in surrounding housing to complain and to reduce the costs associated with enforcing anti-camping (Cohen et al., 2019, p. 14).

The last common response is formal sanctioning. Where regions adopt formal sanctioning, encampments persist as outlined in the law on either private or public property (Cohen et al., 2019, p. 15). The glaring difference between this response and the others discussed is the infrastructure provided by the relevant governmental body. Regions who respond to encampments with formal sanctioning may provide services such as laundry, spaces for gathering, and storage for belongings (Cohen et al., 2019, p. 15). Research suggests that regions are often reluctant to respond by implementing formal sanctions as it accompanies increased liability and potential conflicts with health and zoning codes (Cohen et al., 2019, p. 15).

**Figure 1: Typologies of community responses to encampments**

Category	Characteristics
Clearance with Little or No Support	Notice of sweeps only given a few days' notice Short-term storage of belongings Few referrals
Clearance with Support	Notice of sweeps given weeks in advance Long-term storage of belongings Referrals provided
Tacit Acceptance	Persist regardless of laws Basic services provided Potentially outreach workers to provide permanent housing support
Formal Sanctioning	Permitted by law on public or private property Infrastructure provided Case Management for permanent housing or other benefits

## Methodology

### *Choice of Comparator Municipalities*

This report's analysis reviewed and collated information from six municipalities and their respective strategies for managing encampments: Sudbury, Toronto, Hamilton, Kingston, Brantford, and Winnipeg. These municipalities were selected based on available data regarding unsheltered homelessness over the last five years and are representative of a variety of demographics; some cities are a similar size to those in the Region of Waterloo, some are larger,



and some are more rural. These cities were not chosen for having similar approaches to encampments, but were chosen based on available data for the purposes of a comparative analysis.

Point-in-time (PiT) counts, the means through which the Region of Waterloo's levels of homelessness are measured, are used as a base measurement of homelessness that aligns with the Minister of Municipal Affairs and Housing's directive pursuant to section 19.1 of the Housing Services Act, 2011. Given their mandated use, this report will utilize data collected through them. This initiative, issued by the Minister of Municipal Affairs and Housing, outlines that service managers are required to account for people that are unsheltered using PiT measures, which are intended to capture a snapshot of the number of people experiencing homelessness at a given time. According to the Government of Ontario's Housing Services Act (2011), "an enumeration of persons who are homeless shall be conducted by the service manager in the service manager's service area at the times and in the form and manner directed by the Minister". (2016, c. 25, Sched. 3, s. 1). It should be noted, however, that point-in-time counts are often conducted over only a brief period of time, and therefore cannot fully determine the extent of homelessness in a given area.

The premise behind focusing on six cities was for the purpose of assessing whether government stakeholders in other cities and municipalities work with residents living in encampments to address encampments themselves. This part of the review compares municipal protocols, bylaws, and governing legislation in an effort to understand the level of engagement government bodies have with residents living in encampments.

## *Framework of Analysis*

Our analysis of different municipal responses to encampments is oriented within a Housing First approach to housing, as an adopted policy position of the Region of Waterloo, and also a human rights framework. The Housing First approach is an evidence-based approach that holds that individuals experiencing homelessness will be in a much worse position if they continue to remain homeless (Turner, 2014, p. 1). The approach asserts that stable housing and the necessary support in place is the first step to recovery of an individual experiencing homelessness (Turner, 2014, p. 2). Other core principles of a housing first approach include offering any required treatment services as well as integrating housing to the community and promoting self-sufficiency for residents (Turner, 2014, p. 5). For a region to successfully apply a Housing First approach to their encampment protocol, oftentimes the entire organizational infrastructure must be aligned in a way that supports its implementation (Turner, 2014, p.17). The analysis in this report is also framed by a human rights approach, specifically the United Nations' report "A National Protocol for Homeless Encampments in Canada: A Human Rights Approach Principles" (Farha and Schwan, 2020). The goal is to assess whether our chosen cities/municipalities, including our Region, utilize four of the eight proposed principles when managing residents in encampments. The UNs report primarily highlights that housing is a basic human right as identified under international human rights law and urges governments to see encampments as a forum for addressing homelessness. This report identifies that encampment residents are rights holders deserving of affordable housing solutions and should not be criminalized and harassed for their lack of permanent housing (Farha and Schwan, 2020). In addition to this first and founding principle of the National Protocol, the principles relevant to this analysis are included below.

The principles highlighted in this report were chosen due to their relevance as evident in comments made by Chief Administrative Officer (CAO) Bruce Lauckner during a Committee of the Whole meeting on November 29, 2021. Mr. Lauckner recognized unsheltered homelessness as a systemic issue and a promise was made to the residents of the Kitchener encampment for equitable treatment. Meaningful engagement of encampment residents aligns with the Regional commitment to people experiencing homelessness is discussed in Principle 2. Furthermore the CAO's statement identifies housing as a human right, followed by a call to action for Regional staff "to do better". Housing as a human right is pivotal and outlined in Principle 7 of the National Protocol.

Reflecting on a different way forward with an emphasis on supporting staff in seeking alternative approaches relates to Principle 4 in limiting barriers in addressing how to manage encampments. Councillor Strickland alluded to a great deal of work that council has done in an effort to move towards affordable housing solutions, and blatantly affronts the misuse of power relates to Principle 7 because encampment residents were not treated with dignity. The action of removing the encampment was described as "disproportionate amount of force" that was used and approved "using a front-end loader". Councillor Strickland requested that a protocol be developed and presented to council because the homeless population is intensifying and expanding in complexity therefore organizational authority needs to be sensitive and informed prior to any further encampment evictions. Councillor Jowarsky, Councillor Vrabanovic, Councillor Foxton, Councillor Kiefer, and Councillor Galloway extended their regrets for the oversight in their collective leadership with the encampment eviction.

Principle 8 was selected because of the significant percentage of Indigenous representation in the Region's homeless population. It is worth noting that in addition to the

seeking alternate approaches in addressing homelessness overall, Indigenous homelessness requires consent, that government-led organization deconstruct Western values of land and property, and that housing solutions are led by Indigenous partners.

Principle 2, “Meaningful Engagement and Effective Participation of Encampment Residents” is concerned with proactive discussions that avoid focusing on eviction prevention and include discussions with encampment residents because they have lived experience and should be entitled to participate in a transparent process. It holds that residents should be provided with appropriate third-party supports and resources such as legal advice, community leaders, funds for transportation, and time — time to make informed decisions.

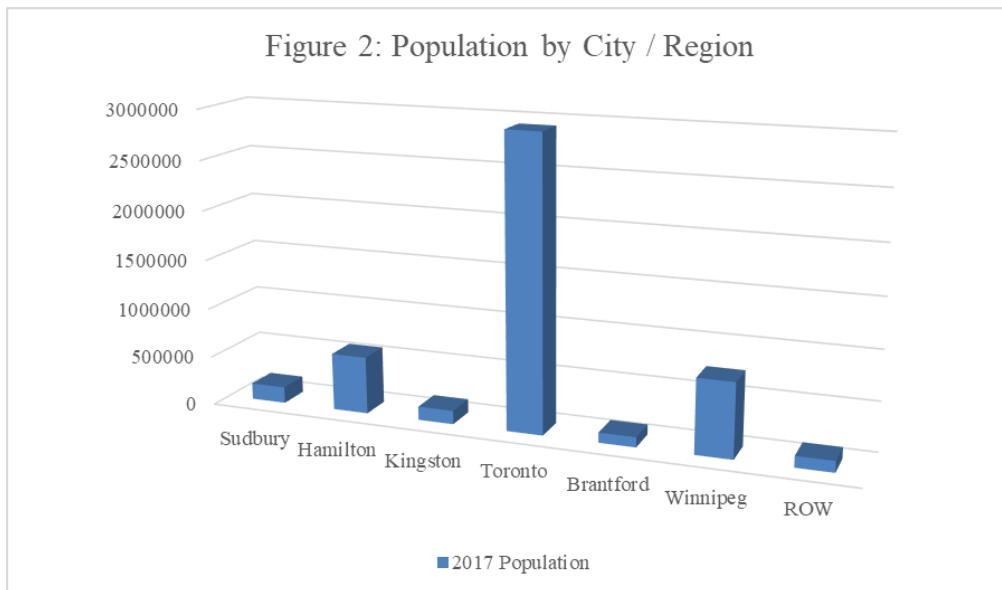
Principle 4, “Explore All Viable Alternatives to Eviction” emphasizes ensuring the meaningful and effective participation of residents in discussions regarding the future of an encampment, and if these are government-led discussions, options aside from eviction from an encampment should be offered. This principle primarily involves a consultation process with residents that limits barriers faced by residents.

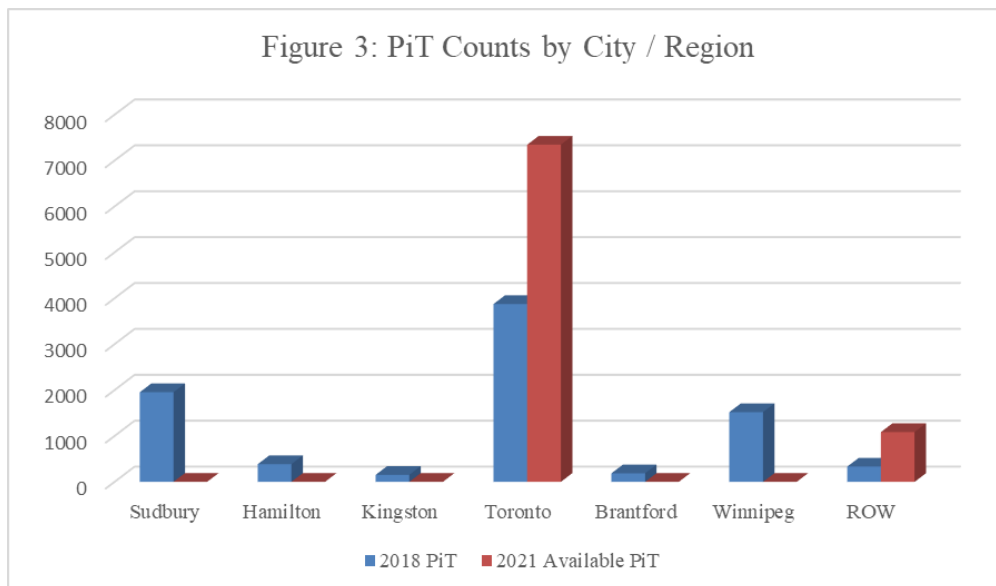
Principle 7, “Ensure Human Rights-Based Goals and Outcomes, and the Preservation of Dignity for Encampment Residents” is grounded in treating people with dignity and sees people as deserving of safe, affordable housing. Moreover, this principle makes a commitment to continue momentum in the direction that preserves human rights, considers quality of life, and avoids backsliding on progress already made.

Principle 8, “Respect, Protect, and Fulfill the Distinct Rights of Indigenous Peoples in All Engagements with Encampments.” This principle is concerned with recognition that Indigenous Peoples are connected to land and water, and that their rights include more than Western ideas of property and possessions. Their shelter provides meaning in ways that are culturally, historically,

and spiritually significant. Since Indigenous people are overrepresented in the unsheltered homeless population (Hoye, 2021), international human rights treaties must be considered and have Indigenous leaders leading discussions. For these discussions to make forward-moving momentum, self-governance, self-determination, as well as free, prior, and informed consent are crucial when governments engage in decision-making pertaining to encampments. The consultation process must consider engaging in Indigenous Peoples in a transparent manner that follows their cultural and traditional practices.

Figure 2 illustrates the population of each of the selected cities in 2017 and Figure 3 is representative of the PiT count for the selected cities in 2018, including available 2021 PiT for ROW and Toronto. Data regarding the PiT was not available for 2021 for all cities — however, anecdotally from the diagram, unsheltered homelessness is equally represented across selected cities.





### Protocol Comparison

Of the protocols assessed, several began with a listing of principles, some of which relate directly to some or all eight United Nations (UN) principles (Kingston and Winnipeg) or the five core principles of housing first (Sudbury) as outlined further in Appendix A. These principles are positioned in ways that guide the operational framework, goals, or objectives of each set of protocols. Although the cities are not legally obligated to follow the principles outlined in the UN report, most of their written principles are presented with a concentration on a human-rights approach to encampments and their residents. The protocols themselves are frequently separated into concerns for public (municipal land, greenspace, not prohibited) or private (prohibited) land, as well as the removal process. Some reports (Kingston and Sudbury) touch on recommendations for mitigation and engagement with encampment residents, as noted in Principle 2: Meaningful Engagement and Effective Participation of Encampment Residents of the UN report, *A National Protocol for Homeless Encampments in Canada*. Additional information, including official excerpts from each city’s protocols and reports are available in Appendix B of this report.

#### *Principle 2: Meaningful Engagement*

In searching for appropriate guidelines for communication and engagement with encampment residents, two cities, Kingston and Sudbury, provided detailed responses. While other cities assessed briefly touch on the importance of respectful engagement from a human-rights approach, these cities, as shown in Figure 3 below, detail some of the main practices and concerns within each report. The necessary information pertaining meaningful engagement with encampment residents for Kingston and Sudbury can be found in Appendix B of this report within their respective protocol reports.

Figure 4: Available engagement responses in Kingston and Sudbury.

City	Main Practices	Main Concerns	Focus on UN Protocols or HF Approach?
Kingston	On-site engagement with Street Outreach staff utilizing trauma-informed approaches who complete intake and referral forms, when possible.	Engagement is conducted in a manner to ensure that encampment residents are able to participate in decisions that directly affect them.	UN Protocol (Principle 2).
Sudbury	Gather information on all current encampments (location, structures, and risks) and its members (names, DOB, services currently/previously used, any income source(s), and more), with consent, and consolidate in one place.	Gaining consent and sharing of relevant information. Ensure any entity attending the site can share information by way of social services to the individual(s).	Housing first approach.

As detailed in Figure 4, and expanded further in Appendix B, Sudbury provides a specific list of the necessary information required to identify and organize encampments and their residents. There are identifying factors for encampments (location, number of residents, potential risks) and their residents. Some of the information gathering for individual residents includes names (nicknames), date of birth, services currently or previously being used, income sources and amounts, pets/service animals, and more. By obtaining consent to gather and share this

information across all entities involved, it ensures that residents do not have to repeat their stories, which may be re-traumatizing. In addition, it allows the city and its staff to understand the needs of each encampment and its residents, and potentially others who may be experiencing homelessness, all while reflecting a housing first approach and its core principles, as detailed in Appendix A.

Also within Figure 4, Kingston is noted to utilize trauma-informed approaches when during engagement, while taking necessary steps to ensure that encampment residents are involved in decision-making processes that will impact them. This directly relates with Principle 2: Meaningful Engagement and Effective Participation of Encampment Residents of the UN's report (Farha and Schwan, 2020). As noted previously, this principle focuses on discussions with residents, entitling their participation and making the process as transparent as possible. Kingston focuses on this, as detailed in Appendix B, by ensuring that all residents are provided with the necessary information and resources, including individual needs (e.g., language, accessibility, location), to support decisions which may impact them, thus creating potential for a strong relationship between residents and Street Outreach.

#### *Public vs. Private Land*

For several of the encampment protocols assessed, there is a clear distinction between public and private land. These cities include Brantford, Kingston, Hamilton, and Winnipeg, where the remaining cities, Toronto and Sudbury, do not offer differentiated protocols, and at times, focus more on enforcing applicable bylaws. Cities offering the distinction between public and private land protocols focus on the enforcement of individual property rights for private land, and generally, city bylaws for public land.



As seen in Figure 5, public and private land protocols are defined by approaches to encampment responses across communities which are broken into four categories (Cohen et al., 2019). Four of the six cities assessed are listed, detailing their protocol responses to encampments on either public or private land. The typology, as noted previously in this report, focuses primarily on the public land protocols, as the frequent response for private land protocols is a heavy reliance on police presence, except for Kingston and Hamilton who offer some assistance from program staff. The important distinction within private land protocols, then, is whether some sort of outreach will occur first, with some support of the police, or just immediate police intervention. As noted above, additional information about each protocol is available in Appendix B of this report.

Figure 5: Public vs. private land protocols defined by Typologies of Community Responses to Encampments.

City	Public Land Protocol	Private Land Protocol	Typology
Brantford	Park staff posts Bylaw notices; outreach to removal takes approximately 1 week.	Property owners' responsibility to notify individuals their presence is not permitted; police can assist if individuals refuse to evacuate.	Clearance with little to no supports.
Kingston	Bylaw staff issue 48-hour notice. Street Outreach & Social Services provide ongoing support.	Contact police, who will try and offer support of Street Outreach. If unsuccessful, police will respond.	Clearance with little to no supports.
Hamilton	Notice of 14 days, and daily engagement with Response Team.	Municipal Law Enforcement and Social Navigator Programs staff notify individuals they must leave the area, where Response Team begins to engage.	Clearance with support.
Winnipeg	Residents will not be asked to leave, OSP is immediately called to attend site and provide any needed support.	Property owners' responsibility to reach out to WPS.	Tacit acceptance.

## **Legal Regulations**

When considering the ideas presented in other cities' encampment protocols, it is important to understand how provincial, regional, and municipal laws relevant to the Region of Waterloo might impact the management of encampments within it. Based on the research conducted for the purposes of this report, three legislative jurisdictions that impact encampment regulation: bylaws at the municipal level, bylaws at the regional level, and provincial laws. It should be noted that many anti-homelessness advocates believe that the legal regulation of encampments at any level can be very problematic, especially since municipal-level regulation often calls for the involvement of police (Talge, 2010, p. 782). Recent encampment evictions involving law enforcement, including those that have taken place in Toronto, Hamilton, and most recently in Waterloo Region, have become controversial due to the levels of enforcement and destruction they utilized. Ultimately, it is these three levels of governance that allow encampment evictions to occur, despite the fact that they violate the United Nations' housing principles and, subsequently, are not aligned with some comparable cities' existing encampment protocols rooted in the same principles.

### *Municipal Bylaws*

The Region of Waterloo's three largest municipalities — Kitchener, Waterloo, and Cambridge — all have similar yet separate bylaws that, although not addressing encampments specifically, can be used to govern encampments on municipally-owned (public) land. City parks remain under the jurisdiction of individual municipalities pursuant to Ontario's Municipal Act of 2001. Most municipal bylaws relevant to encampments govern only parks, such as City of Cambridge bylaw 162-10.3.m and City of Kitchener Municipal Code section 270.4.2.h, which prohibit individuals from dwelling and establishing structures (temporary and permanent) on

municipal grounds, but specifically in public parks. Although the City of Waterloo does not have a similar bylaw in relation to parks, its public nuisance bylaw 2011-25.2 contains language and directives that could be used to ticket or remove those establishing encampments in city parks. Aside from the potential for harmful effects on the homeless community in the Region's municipalities, there is a notable issue with these bylaws: they are all now over ten years old, which although not historic, means they do not reflect the dire nature of the housing crisis Canada is currently facing, nor do they reflect the drastic increase in Waterloo Region's homeless population as documented in PiT counts..

The City of Toronto has park dwelling bylaws similar to those from Kitchener and Cambridge, although its bylaws 608-13 and 608-14 guide the City's responses reserved only for complaints about homeless encampments in City parks. As per the City of Toronto's bylaw directory (2021), residents spotting a homeless encampment in a public park are able to call 311 and file a report. While none of Waterloo Region's largest municipalities direct citizens to report encampment sightings to bylaw or law enforcement, the presence of bylaws similar to those in Toronto makes the Region susceptible to the same potential encampment eviction crises that caused Toronto's homeless community significant grief in the past year<sup>2</sup> (Gibson, 2021; Casey, 2021). Additionally, although the Region itself operates under different bylaws in relation to land it owns separately from its municipalities, they are still important to highlight given the

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<sup>2</sup> The City of Toronto's handling of encampment evictions within the past year has been controversial, especially in regard to its use of Toronto Police. While some encampments on City of Toronto property were evicted, some journalists, protesters, and observers were injured and/or arrested by Toronto Police. Information on how their use of force has been investigated and found to be excessive can be found here: <https://www.thestar.com/news/gta/2021/11/29/toronto-police-investigation-finds-officer-used-unnecessary-force-in-arrest-of-woman-at-clearing-of-homeless-encampment.html>. Information on Information on which Toronto encampments were evicted as well as how their evictions are being investigated can be found here: <https://www.thestar.com/news/gta/2021/09/28/torontos-ombudsman-to-investigate-homeless-encampment-clearings.html>

inevitable cooperation between municipal and regional levels of government in addressing situations concerning public space, services, and welfare.

### *Regional Bylaws*

The Region of Waterloo's 2013 Code of Use Bylaw (13-050), passed in 2013, is the Region's most recent and most relevant bylaw when it comes to the regulation of encampments. It was most recently engaged in the Region's demolition of an encampment on November 26, 2021.<sup>3</sup> Although part of the bylaw pertains to signage posting guidelines on regional property, much of its content addresses trespassing on property owned by the region. This includes buildings and grounds owned by the Region as well as public transportation vehicles but also includes regionally-owned land around roadways, bridges, and over/underpasses. Under this bylaw, trespassing itself is considered a prohibited activity which, according to Section 5, is first addressed through verbal warnings, then written warnings and posted signage if the preliminary means of communication are not effective.

Section 6 holds that any communication or action taken towards those conducting prohibited activities (e.g. trespassing) be "reasonable in relation to the conduct prohibited, the breadth of the location and the duration of the time imposed," which while flexible, is subjective at the same time. Section 9 of the bylaw further states that "Designated Personnel" from the Region can enforce the entire bylaw, as can police officers. Since the bylaw itself contains no guidelines on determining what may or may not be reasonable and also neglects to reference any of the Region's strategic approaches to homelessness prevention, the Region's focus on housing first principles can become lost in the enforcement process. This becomes especially relevant

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<sup>3</sup> Five residents of an encampment behind a transit stop on Charles Street were evicted on November 26, 2021. A Toronto Star article detailing the eviction can be found at <https://www.thestar.com/tr/news/waterloo-region/2021/11/26/eviction-underway-at-homeless-encampment-in-kitchener.html> and in this report's bibliography.

when considering that the act of trespassing (on any property) is also governed by the Trespass to Property Act of 1990 — not this regional bylaw alone.

### *Provincial Offences*

Regardless of what type of public property people are on, including people who are homeless, they can be subject to tickets and fines pursuant to various articles of provincial legislation as well as municipal bylaw tickets and fines. The Trespass to Property Act (TPA) of 1990 is one article of provincial legislation that supersedes the Region's Code of Use bylaw. This is at no fault of the Region, since the structure of the Canadian legal system gives the province the upper hand in areas already deemed within its jurisdiction. According to Section 2 of the Act, individuals convicted of trespassing in provincial court can be fined any amount up to \$10,000. This legislation is applicable to those who trespass on both private and public property.

Since the Region's Code of Use bylaw governs the unsanctioned use of regionally-owned land encompassing or near motorways, those being served notices to vacate such land are also subject to tickets and fines under Ontario's Highway Traffic Act (HTA), 1990. Even if individuals on such land are not driving a motor vehicle, law enforcement personnel have the power to fine them for littering pursuant to section 180 of the Act, which holds that anyone seen to be keeping or discarding of materials outside a designated receptacle can be fined between \$85 and \$500 (Ontario Court of Justice, 2021). Ontario's Safe Streets Act of 1999 has similar albeit more commonplace financial consequences for homeless people, and has been widely criticized for unfairly targeting homeless individuals and communities since it came into effect in 2000. Disposing of syringes or sexual wellness materials in public spaces, which can include land owned by regional bodies, imposes fines of \$100 per offence, while fines for soliciting in or

near public washrooms, transit vehicles, or transit stops cost offenders \$50 per violation (Ontario Court of Justice, 1999).

Anti-homelessness advocates hold the view that fines for these offences are extremely problematic when issued to homeless individuals not only because of the tension they create between law enforcement and homeless communities but also because of the steep nature of imposed fines, many of which are never paid. According to HomelessHub (2021), the first eleven years of the Safe Streets Act (SSA) being enforced cost the City of Toronto and province astronomically more than it was able to earn back in fines; over \$4 million worth of fines were issued under the Act in Toronto alone from 2000 to 2011, yet 99% of those tickets went unpaid. The SSA also allows homeless and street-involved individuals to be imprisoned for second and subsequent commissions of offences, which although rare, could cause them to lose access to the financial benefits and social supports they may need to stay alive (HomelessHub, 2021). Under the Highway Traffic Act, 1990, individuals with unpaid provincial offences tickets (including those issued under the TPA and SSA) are unable to apply for drivers' licences or renewals of existing licenses, which creates additional barriers for those who are working to overcome chronic homelessness and may need a drivers' licence to secure employment. Overall, it is thought that enforcing provincial offences against homeless people only deepens their place in the cycle of poverty, not to mention that it is not financially productive for any branch of government involved in the prosecution of those offences.

While it is understood that the Region of Waterloo cannot control provincial offences or how law enforcement chooses to prosecute those who commit them, it is important to acknowledge that the language of its policies can dictate how and when law enforcement personnel are to be involved in the ways they are upheld. If a regional bylaw that has legislative

overlap with provincial legislation, the Region could be seen as contributing to the financial burden that such legislation unduly places on those who have no financial means to pay fines that they are issued. Moving forward, the Region may want to consider outlining in greater detail at which point in bylaw regulation that law enforcement is to be engaged in order to avoid steep fines being imposed on homeless people living in the Region. Doing so could aid in developing a better relationship between the Region and its agents, and in turn could reduce tension between the Region, law enforcement, and residents of encampments on regionally-owned land.

## **Discussion**

Within the bylaws and regional policies researched for this report and given that the Region is in the process of developing an encampment protocol, there are few clear examples of which best practices in communication with encampment residents the Region may wish to adopt. As explained in the encampment protocol comparison of this report, however, some did have established practices that are included in Appendix B of this report. When considering the importance of the Region's relationship with residents of encampments coupled with the estimate that 50% of homeless individuals within the Region are Indigenous (Duhatschek, 2021b), prioritizing the needs of homeless Indigenous peoples becomes of great importance. Both the UN's housing principles and the City of Winnipeg's encampment protocol highlight the need (and in the context of Winnipeg's encampment protocol, the benefits) of incorporating Indigenous land rights and cultural needs in all aspects of encampment management, and should the Region move from utilizing a tacit acceptance framework to one of formal sanctioning, addressing Indigenous points of view would be helpful to the Region's homeless population overall.

To address other future directions for research, additional data collection is required to reflect both accurate and up-to-date PiT counts. For the Region to consider adopting a protocol like Winnipeg, there first needs to be an accurate assessment of how the volume of people experiencing homelessness changed since the protocol was implemented and the Region began to perform a tacit acceptance-like response to encampment.

Lastly, there needs to be a greater consideration of current bylaws in relation to how current expectations of law enforcement conflict with the Region's stance on a Housing First Approach to encampments in the area. Region of Waterloo bylaw 13-050 makes mention that designated personnel or a police officer has the authority to serve notice for a trespassing party to vacate the premises. For an encampment protocol to be effective, contradictory bylaws such as these needs to be analyzed and revised in a way that reflects the Housing First Approach.

### **Limitations**

The limitations encountered during this project are mainly a consequence of limited data availability. The lack of available or updated evidence and previous research, at both the municipal and provincial level presented some difficulties, especially in communicating this reports' policy recommendations. This was seen when locating updated point-in-time counts, which may mean that the report is unable to detail the full scope of this issue. Additionally, the limitation of available updated data would result in little mention of SARS-CoV-2, also known as Coronavirus or COVID-19, and its profound impacts on housing, unsheltered homelessness, and the well-being of residents in each city, apart from Sudbury. Although many of the remaining reports are up to date, their data is reliant on the years prior to any initial COVID-19 outbreaks and therefore its possible, yet potentially far-reaching, effects.



In relying on recent data and assessing newer encampment protocols, it is difficult to measure the potential successes of these protocols in terms of what is best for encampment residents. This difficulty results from the minimal situations in which such encampment protocols were used, as several of these reports were published in the last few years. Additionally, it is difficult to measure whether the selected cities will always rely on these protocols as they have claimed they will within their reports, since a protocol is not enforced by law. There are also potential limitations of solution implementations, as the Region of Waterloo is comprised of several mid-sized cities.

### **Policy Recommendations**

The Region of Waterloo's current position on homelessness and encampments stems from Housing First principles, identifying housing as one of the social determinants of health. Housing First was coined as "foundational to promoting a healthy community" as evident in the Region of Waterloo's council reports CSD-HOU-21-15 and CSD-HOU-21-21. More specifically, within these reports, the Region holds that "[r]esponses to unsheltered homelessness and encampments through a human rights lens will continue as people are supported to realize the right to housing" (CSD-HOU-21-15).

Recently, the Region was engaged in "a very effective initiative to support people experiencing unsheltered homelessness to move into a safe indoor space" (CSD-HOU-21-15). By working with community partners, over 80 unsheltered homeless individuals were relocated to interim housing on University Avenue, Waterloo after their previous encampment site was sold.

Encampments serve as a vital short-term solution for those that do not have safe and affordable housing, and for many that fear accessing the emergency shelter system due to

residence within it being heavily controlled. Long-term solutions addressing encampments entail sustainable and affordable housing solutions such as providing wrap-around supports in a supportive housing environment, housing that includes healthcare system involvement, and housing options that do not require abstinence from substances (referred to in the definition of Housing First). Policy outcomes that address the complexity of homelessness, particularly encampments might consider an approach which frames housing as a human right, rather than a problem unique to the person experiencing it. In the UN Special Rapporteur's report on the right to adequate housing (Farha and Schwan, 2020), principles highlighted encourage service providers to ensure that national encampment protocols consider:

- Housing as a basic human right;
- That residents in encampments deserve to be involved in policy and practice associated with their housing;
- Relevant governmental bodies should circumvent having authority figures use force with evictions and come up with alternatives that avoid criminalization and reinforce stigma;
- Relevant governmental bodies should engage encampment residents in their future housing plans surrounding relocation, including that basic necessities are available such as washrooms and sanitary water;
- Developing policies that acknowledge Indigenous peoples' rights to culturally-safe practices and self-determination at all levels of engagement when addressing encampments.

Evidence-based research on encampments emphasized that they foster a community of inclusion, autonomy, and self-governance between residents. Homelessness is a traumatic event and is accompanied by significant negative health outcomes, primarily feelings of isolation and

hopelessness for homeless individuals. These negative life trajectories are linked to “increased or heavy substance use” according to Goering et al. (2014).

Although the public perception of encampments appears judgmental, social media, public education, and engagement with stakeholders may provide much needed insight on the complexities of homelessness and prevent feelings of alienation experienced by people that are unsheltered (Young, Abbott & Goebel). Cohen et al (2019) described four approaches to encampment responses, and as mentioned, the Region of Waterloo generally embraces one of tacit acceptance, which is defined as allowing encampments, the provision of public health and sanitization, and community service workers attending encampments to engage residents in social supports and sustainable housing solutions. When encampments are sanctioned, self-governed, financially supported, and approach homelessness through a harm reduction lens, research suggests that this, as an interim measure in addressing homelessness, is more effective than taking a tacit position (Cohen et al., 2019). Ultimately leaning towards a formal sanctioning standpoint aligns with the Region’s values of understanding homelessness as a systemic issue and one that emphasizes a problem of the person. The formal sanctioning of encampments as defined by Cohen et al. (2019) is not a viable solution in diminishing homelessness altogether, however, it more appropriately aligns with the Housing First principles that have been proven to effectively address homelessness until affordable housing solutions are made available.

Below is a list of common best practices identified within all municipalities researched, as outlined in Kingston’s 2021 report: City Encampment Protocol/Procedures and United Nations:

1. Community Partner Involvement: All cities/municipalities have robust outreach teams that are employed by third party service providers/community partners. Their role is to ensure

that the individuals residing at encampments have access to the necessities they require.

Outreach staff teams liaise with the city/municipality and keep them apprised of ongoing engagement and developments with residents.

2. Offer Indoor spaces: Outreach staff and service providers regularly ensure that they are aware of how many spaces exist within the shelter system and actively offer access to indoor space to all residents of encampments. This is a preliminary approach to the relocation of people residing in public spaces.
3. Ensuring fire safety at all encampment locations: This year, cities such as Toronto have seen an influx of small wooden / plywood and tarp type structures in encampments. These structures are often built by residents of encampments and in some instances, local builders. Deadly fires have occurred in these structures as a result of improper construction or use. The City's Fire Department and City officials are tasked with the removal of items such as propane heaters and barbecues being used inside structures to promote fire safety. This is an ongoing challenge for municipalities in the balance of autonomy for encampment residents.
4. Food Provision – Outreach partners in all cities work with local volunteer food providers to ensure meals are made available to residents of encampments. Food provisions may be brought on-site to an encampment for residents or require residents to access food at an alternative location. Members of the public also frequently donate to provisions to encampment residents.
5. Counselling and Care – In most cities / municipalities, service providers collaborate to work with individuals at the encampment site. There are often nurses, doctors, occupational therapists and other practitioners who attend encampments to offer basic care and provide referrals for both physical and mental health / addictions concerns. Relationship and trust-

building are key components of the complex support system provided to individuals navigating the homeless system.

## **Conclusion**

Overall, it remains important to note that the study of encampments and documentation of what happens within them is only recently emerging in both academia and mainstream media. Addressing encampments at the regional level is something many municipalities are currently working towards, and a great number of cities within Canada are currently in the process of developing their own encampment protocols. Therefore, within Canadian policy frameworks, evidence of successes or lessons learned from regions and cities moving from the tacit acceptance of encampments to one of formal sanctioning has yet to emerge publicly. Based on the outlined practices that other regions in the country currently engage, however, there is a silver lining arising from this lack of evidence: adopting this shift in policy framework, especially one featuring Indigenous community engagement, could make the Region of Waterloo a nationwide leader in encampment policy development. However, it must also be said that addressing encampments cannot be seen as a substitute for addressing homelessness. Encampments themselves will not simply disappear if the policies that regulate them are improved, nor will homelessness disappear in the midst of improved encampment protocols. The creation of more affordable housing is the only long-term solution to both of these issues, which the Region of Waterloo cannot be expected to do on its own. However, by adopting an encampment protocol and amending the bylaws and policies that would impact its enforcement, the Region of Waterloo could significantly improve its relations with homeless people and communities within its diverse municipalities, and could set the bar high for other regions that choose to follow suit.

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## Appendix A – Core Principles of Housing First

This appendix details the five core principles of the housing first approach, as taken from Homelessness Hub, a Canadian research centre on housing and homelessness.<sup>4</sup>

1. Immediate access to permanent housing with no housing readiness requirements. Housing First involves providing clients with assistance in finding and obtaining safe, secure and permanent housing as quickly as possible. Key to the Housing First philosophy is that individuals and families are not required to first demonstrate that they are ‘ready’ for housing. Housing is not conditional on sobriety or abstinence. Program participation is also voluntary. This approach runs in contrast to what has been the orthodoxy of ‘treatment first’ approaches whereby people experiencing homelessness are placed in emergency services and must address certain personal issues (addictions, mental health) prior to being deemed ‘ready’ for housing (having received access to health care or treatment).
2. Consumer choice and self-determination. Housing First is a rights-based, client-centred approach that emphasizes client choice in terms of housing and supports.
  - Housing - Clients are able to exercise some choice regarding the location and type of housing they receive (e.g. neighbourhood, congregate setting, scattered site, etc.). Choice may be constrained by local availability and affordability.
  - Supports – Clients have choices in terms of what services they receive, and when to start using services.

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<sup>4</sup> For more details on the description of Housing First used, see: <https://www.homelesshub.ca/solutions/housing-accommodation-and-supports/housing-first>

3. Recovery orientation. Housing First practice is not simply focused on meeting basic client needs, but on supporting recovery. A recovery orientation focuses on individual well-being, and ensures that clients have access to a range of supports that enable them to nurture and maintain social, recreational, educational, occupational and vocational activities.

For those with addictions challenges, a recovery orientation also means access to a harm reduction environment. Harm reduction aims to reduce the risks and harmful effects associated with substance use and addictive behaviours for the individual, the community and society as a whole, without requiring abstinence. However, as part of the spectrum of choices that underlies both Housing First and harm reduction, people may desire and choose ‘abstinence only’ housing.

4. Individualized and client-driven supports. A client-driven approach recognizes that individuals are unique, and so are their needs. Once housed, some people will need minimum supports while other people will need supports for the rest of their lives (this could range from case management to assertive community treatment). Individuals should be provided with “a range of treatment and support services that are voluntary, individualized, culturally-appropriate, and portable (e.g. in mental health, substance use, physical health, employment, education)” (Goering et al., 2012:12). Supports may address housing stability, health and mental health needs, and life skills.

Income supports and rent supplements are often an important part of providing client-driven supports. If clients do not have the necessary income to support their housing, their tenancy, health and well-being may be at risk. Rent supplements should ensure that individuals do not pay more than 30% of their income on rent.

It is important to remember that a central philosophy of Housing First is that people have access to the supports they need, if they choose. Access to housing is not conditional upon accepting a particular kind of service.

5. Social and community integration. Part of the Housing First strategy is to help people integrate into their community and this requires socially supportive engagement and the opportunity to participate in meaningful activities. If people are housed and become or remain socially isolated, the stability of their housing may be compromised. Key features of social and community integration include:

- Separation of housing and supports (except in the case of supportive housing)
- Housing models that do not stigmatize or isolate clients. This is one reason why scattered site approaches are preferred.
- Opportunities for social and cultural engagement are supported through employment, vocational and recreational activities.

## **Appendix B – Excerpts from Encampment Protocols**

The following includes an official excerpt from each encampment protocol for the following cities: Sudbury, Hamilton, Kingston, Toronto, Brantford, and Winnipeg. This section will primarily focus on the specific protocols and communication (or mitigation) methods used in each city, where available.

### **City of Sudbury**

The Encampment Response Guide is grounded in three principles:

- A) Voluntary closure of an encampment is preferred to enforcement;
- B) People living in encampments have strengths and rights that should be leveraged and respected in the process of engagement, and when necessary, closure.
- C) All residents of Greater Sudbury should have access to public space, and no person, business or entity can or should claim public space as private space

Preparation: Coordinated Response Table, with Clear Senior Leadership

Greater Sudbury will benefit from creating an encampment coordinated response table with five core members, and a number of other entities that can be part of a broader response table. The five core members are: By-law Enforcement; Greater Sudbury Police Service; street outreach provider; Indigenous service provider; and, Social Services.

### **Operational Framing**

1. Greater Sudbury, and its funded agencies, are committed to working with homeless individuals living outside to respond to their individual needs by assisting them access services and supports, including permanent housing.
2. Greater Sudbury will use a coordinated approach between City departments, including police and by-law in responding. Activities will also be coordinated with community

agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.

3. Greater Sudbury and partners involved in engaging and resolving encampment will engage in ongoing proactive communication with homeless individuals, the public, service providers, community agencies and other groups as necessary.
4. The priority is to assist homeless people access safer, sustainable, and healthier alternatives than living outside, not enforcement. Enforcement will occur after all support efforts have been attempted without success, provided that the individual has been notified that they are required to vacate a public space. In the event of exceptional circumstances, however, intervention may be required to address immediate public safety concerns.
5. All parties acknowledge that homeless individuals cannot be forced to accept services and supports.

#### Protocol

1. The core leadership group will coordinate efforts to ensure that the timing of enforcement activities does not conflict with or impede outreach efforts.
2. Enforcement agencies are responsible for providing notice to individuals who camping is to be discontinued and that personal goods, debris and structures are to be cleared from the space.
3. Notices will be given to individuals in advance. The timing of issuing notices will be determined in consultation with outreach staff. Formal enforcement notices will provide relevant and clear communication to the individual. In addition, site specific information notices for each location will be attached to provide a list of resources to provide



individuals with information regarding access to housing, support services and shelter in the area.

### Mitigation

Across Greater Sudbury, the Local Response Leader should work with all partners to gain information on:

- The location of each encampment
- The structures at each encampment
- The volume of people residing at each encampment
- Any known risks or hazards associated with the encampment, including potential risks pertaining to individuals within the encampment

Through engagement, information needs to be collected on the following from individuals within encampments:

- Name
- Aliases/nicknames
- Date of birth
- Individual, couple or family
- Length of homelessness
- Homeless services still currently or previously used
- Income source(s) and total income amount
- Identification by type of identification
- Whether or not they are interested in working with a service agency of their choosing to explore housing options
- Whether or not they will accept offers of available shelter options

- Immediate barriers to housing (such as documentation needs) to be resolved
- Pet(s)/service animals
- Description of structure (e.g., colour and location of structure or tent)

### **City of Hamilton**

The City's Encampment Response Team works with encampment residents to help them transition to safer, more humane, and legal accommodations, support the move with their belongings, and then ensures abandoned belongings are cleared and the site is cleaned.

The Encampment Response Team includes representatives from the City of Hamilton Housing Services Division and Street Outreach Team, Municipal Law Enforcement, Public Works and Hamilton Police Services Social Navigator Program. Encampment Response Team reviews location and determines if the site is Prohibited or Greenspace.

#### **If the site is Prohibited:**

- Municipal Law Enforcement (MLE) along with Social Navigator Programs staff (SNP) notify individuals at encampment that the area is a Prohibited site, and that they will have to leave the area;
- Response team subsequently engages with individuals to discuss immediate options: shelter, hotels or housing, and begins process of developing individualized housing plan. If the individual is not already known, the VI-SPDAT is completed at this point.
- Deadline day for removal of encampment is determined.
- At deadline day, MLE (with SNP/Hamilton Police Services (HPS) support) assists in ensuring remaining individuals vacate the area. Response Team provides support in the vicinity with arranging transportation, etc.

- Public Works assists with clean up of any discarded items once individuals have vacated site.

If site is determined to be Greenspace or not Prohibited:

- MLE with SNP support notifies individuals at encampment that they may only remain in that location for maximum 14 days. Notice of the deadline to vacate the area is provided for the end of that period
- Response Team subsequently engages with individuals daily to discuss immediate options: shelter, hotels or housing, and begins process of developing individualized housing plan. If the individual is not already known, the VI-SPDAT is completed at this point.
- At deadline day, MLE (with SNP/HPS support) assists in ensuring remaining individuals vacate the area. Response Team provides support in the vicinity with arranging transportation, etc.
- Public Works assists with clean up of any discarded items once individuals have vacated site

**City of Kingston**

**Encampment Protocol Procedures**

These procedures will be executed when dealing with one or a few tents/structures that have appeared in public spaces and on private properties.

Municipal Land

1. Initial identification and communication will occur with Street Outreach in collaboration with City By-Law. Street Outreach and By-Law staff:

- visit the site,

- determine the situation,
- complete a high-level assessment of health and safety on site,
- complete a high-level assessment of needs and provide information on services available,
- inform Housing & Social Services Department of the situation and individuals' needs assessment.

2. By-Law staff will issue a 48-hour notice of trespass. Serious health, safety, or criminal activity circumstances may warrant lesser time or immediate removal. This 48-hour timeframe could also change based on the capacity and availability of other services. During that period of time, Street Outreach and Housing & Social Services staff continue to provide ongoing supports and work with individuals to provide alternative service options, including but not limited to: shelter, Integrated Care Hub, motel/hotel, apartment, medical services, storage and transportation. All interactions and assessments are documented.

3. By-Law follows up at site to enforce order of trespass once alternative service options have been provided to individuals. Street Outreach staff will be supporting and available to assist individuals with alternatives to camping where relocation is necessary through enforcement. Additional enforcement, such as police services, may be required depending on the situation.

4. By-Law will provide a 2-hour notice to individuals returning to that public property within 24 hour following a relocation which would have been based on an initial 48 hour notice.

5. Once public spaces have been vacated, By-Law and Public Works will determine the cleanup requirements in order to ensure that the space can be safely accessed and utilized by the public.

6. When Kingston Police receive an encampment complaint when By-Law officers are not available to respond, Kingston Police will contact Street Outreach and prioritize the encampment

complaint, dispatch officers (Mobile Crisis Rapid Response Team where possible) to investigate, submit appropriate duty reports and share the information with City By-Law.

### Private Land

1. Private landowners will contact Kingston Police who will assess the situation and offer the support of Street Outreach to approach individuals that are camping on private properties. This would allow Street Outreach to make the initial communication as well as offer alternative services and supports. Street Outreach would inform Housing & Social Services staff of situation. Street Outreach can only access a private property upon the landowner's consent. If the owner refuses to provide Street Outreach with initial access, Kingston Police would then be required to attend to the property as a first point of contact to manage the relocation from the private property. Where possible, Kingston Police will dispatch the Mobile Crisis Rapid Response Team and invite Street Outreach to be present for support.
2. Should the efforts of Street Outreach and Housing & Social Services staff not be successful to have individuals relocate to alternative services, the landowner will be advised that Kingston Police will respond to address the issue of trespass on a private property.
3. Property clean-up will be the responsibility of the private landowner. The City may provide support to not-for-profit property owners.

### Existing Practices and Accommodations: Meaningful Engagement and Effective Participation of Encampment Residents (Principle 2)

Current processes include on-site engagement of clients, including:

- Street Outreach staff are expected to engage clients utilizing trauma-informed approaches and existing protocols.

- Street Outreach staff complete intake and referral forms for those willing to engage in an assessment.

Engagement is conducted in a manner to ensure that encampment residents are able to participate in decisions that directly affect them:

- Engagement is grounded in the inherent dignity of encampment residents and their human rights.
- Engagement of encampment residents takes place in the early stages of the development of the encampment.
- All residents are provided with information, resources, and opportunities to support decisions that affect them.
- Engagement of residents includes a review of individual needs and options available to best meet these needs (e.g., language, accessibility, timing, health, harm reduction, location, etc.)
- All engagements with residents regarding the encampment are documented and made available to encampment residents upon request.

### **City of Toronto**

#### **The City of Toronto Interdepartmental Service Protocol For Homeless People Camping In**

##### **Public Spaces:**

This document sets out the interdepartmental protocol intended to guide City staff in providing outreach services to homeless individuals camping outside in public spaces to assist them access permanent solutions, prior to the enforcement of City by-laws which may cause their displacement and the removal of their belongings.

##### **Overview and Goals:**

The goal of the City outreach initiative is to assist and encourage people currently camping in public spaces to access safer and healthier alternatives to living outside, including housing, support services and shelter. The initiative also seeks to balance the need to provide appropriate supports to vulnerable individuals camping in public spaces with the civic responsibility of maintaining the use of public spaces for public use. The outreach initiative to homeless persons provides a more intensive, proactive and coordinated effort among City departments. Outreach efforts to the homeless also include connecting and coordinating the activities of relevant community and government agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.

The outreach initiative provides the coordination and delivery of human services prior to any enforcement activities related to public spaces, such as removal of unauthorized structures, personal goods and debris. In many circumstances it is anticipated that given the appropriate outreach and supports over time, individuals will be assisted in securing better alternatives than sleeping outside and will voluntarily vacate public spaces making enforcement unnecessary.

To respond to the needs of homeless individuals, the outreach initiative is delivered on a case-by-case basis and focused on a site-by-site approach. Staff efforts will focus on larger sites where more people are in need of assistance, where there are encampments, and where there are safety concerns. Staff efforts will also seek to address the needs of single individuals camped in parks, public transit shelters and city streets.

The following five principles guide the initiative:

(1) The City is committed to working with homeless individuals living outside to respond to their individual needs on a case-by-case basis by assisting them access services and supports, including permanent housing.

(2) The City will use a coordinated approach between City departments in responding to the needs and issues related to homeless people camping outside. Activities will also be coordinated with community agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.

(3) The City will engage in ongoing proactive communication with homeless individuals, the public, service providers, community agencies and other groups to assist in the successful implementation of the protocol.

(4) The City priority is to assist homeless people access safer, sustainable, and healthier alternatives than living outside, not enforcement. Enforcement will occur after all support efforts have been attempted without success, provided that the individual has been notified that he or she is required to vacate a public space. In the event of exceptional circumstances, however, intervention may be required to address immediate public safety concerns.

(5) The City acknowledges that homeless individuals cannot be forced to accept services and supports. However, the refusal of an individual to accept services and supports is not sufficient reason to prevent the enforcement of City by-laws prohibiting camping in public places and erecting structures.

Program Delivery:

The outreach initiative provides intense street outreach supports to homeless people and, only when necessary, enforcement and removal activities. City departments involved in human service programming such as Shelter, Housing and Support, Social Services and Public (SHS) will participate in the outreach initiative, with SHS having the lead role. As part of this process the initiative will focus and prioritize the provision of human services including street outreach, drop-ins, shelters, income support, housing access, and related support services. City



departments with enforcement responsibilities include Works and Emergency Services, Parks and Recreation, and Facilities and Real Estate. Enforcement activities will depend upon the success of outreach activities, the need for such services, the location of the site, and the department responsible.

#### Focused Outreach:

The City will be proactive in responding to the needs of homeless people living outside. Locations where outreach services are needed will be identified by Shelter, Housing and Support, Works and Emergency Services, Parks and Recreation and other City departments and agencies.

#### **City of Brantford**

Staff from several City departments including Health and Human Services, Parks, Operations, Housing, Property Standards, along with representatives of the Brantford Police Service created an encampment response protocol. The primary objectives of the encampment response protocol are to provide humane and compassionate care for individuals living unsheltered, while:

- Preventing the development of established and entrenched encampment site(s);
- Preserving public spaces for their intended uses;
- Protecting the health and safety of individuals living unsheltered, City and partner agency staff, and the general public.

In general there are three phases to the response. Responsibility for activities in each phase may vary depending on whether the encampment is on public land, park land or private land.

A) Outreach/Notice: On-site outreach efforts are made by City homelessness staff, sometimes accompanied by community agencies or by-law enforcement staff. Outreach occurs within 48 hours of the initial report. For safety, staff travel in pairs. The outreach effort seeks to connect

individuals to the resources they need before commencing any cleanup activities. Individuals are told by outreach staff that cleanup is imminent and a plan is needed for alternative shelter.

Wherever possible, individuals at the sites are given advance notice for scheduled cleanup efforts unless the presence of the encampment creates an immediate health and safety risk or impedes access to a public area. Parks staff post copies of the current park by-law in a visible location to make individuals aware that overnight camping is prohibited. There are plans to install permanent signage eventually in every City park. Outreach efforts focus on encouraging individuals to leave the site voluntarily with their belongings. There is no fixed time frame for the outreach/notice period. Situation assessments by the Encampment Network are made on a near-daily basis. In general, the response will move from outreach to removal within one week, although it is often sooner for repeat encampments (approximately 48-72 hours).

#### B) Removal

**Public Property:** If the occupants do not leave the site voluntarily following the completion of outreach efforts, the dismantling of the site can commence by City staff or contractor. This stage may be supported by police presence if the Encampment Network has assessed that there is the potential that occupants may resist the removal of belongings or if safety of staff has the potential to be compromised.

**Private Property:** For encampments on private property, the property owner is responsible for notifying unwanted individuals that their presence is not permitted. Police can assist if the individuals refuse to vacate the property. Outreach staff do not visit encampment sites on private property unless permission has been given by the property owner.

**C) Site Cleanup:** In the cleanup stage, any debris remaining after occupants have vacated will be cleaned up by City staff or contractors. For encampments on private property, cleanup is the

responsibility of the property owner. The Encampment Network continues to communicate and meet regularly to discuss sites of ongoing concern and to evaluate the effectiveness of the existing strategy and process for improvements.

## **City of Winnipeg**

### **General Description**

Typical support provided by OSPs includes, but may not be limited to:

- transportation;
- transfer to emergency shelters;
- distribution of warm clothing;
- provision of blankets, water, coffee, food and harm reduction supplies; and
- wellbeing checks.

### **Process Implementation**

#### **Outreach on private property**

Encampments on private property are a police matter. Any private property owner with concerns regarding an encampment on their property should reach out to WPS.

#### **Outreach on public property**

1. Where there is ongoing or imminent criminal activity or a person who may be in medical distress, the WPS or WFPS will be dispatched as appropriate;
2. Otherwise, the Outreach Service Provider (“OSP”) for the area is immediately contacted with available details about the encampment;
3. OSP staff attend the site with the objective of providing any needed supports to the residents, and attempting to offer and connect them with available supports;
  - a. If the resident wishes to be transported to a shelter, transportation is arranged;

- b. Some residents will simply choose to go elsewhere on their own;
  - c. If an alternate destination is desired by the resident, OSP will provide that resource;
  - d. If the resident is prepared to enter a transitional housing placement (which requires a daily cash payment upon entry), OSP will transport the individual and the City will make arrangements with the provider to cover the initial funding necessary for a period of up to 1 month, or until Provincial Income Assistance can begin to cover the daily cost;
4. Some residents will express the intention to remain at the encampment, and not wish to leave for any other accommodation or resource. Even in these circumstances, the OSP will continue to maintain communication and connection with the resident(s) on an ongoing basis.
  5. Where an encampment site becomes vacant, crews with the Public Works Department visit the site as upon its vacancy to remove any garbage, debris and other abandoned material to remediate the site to its former state.

#### Outreach due to fire and life safety concerns

There are numerous elements of encampments that are frequently of concern from a fire safety/life safety perspective, including but not limited to:

- a. Combustible nature of materials used;
- b. Open fires;
- c. Proximity of structures/shelters to each other and to other combustible structures; City of

Winnipeg Non-Emergent Encampment Support Process

- d. Improvised heating sources being used including candles, fires, and propane heat in close proximity/within the entrance of the shelter, leading to concerns regarding shelter fires and the risk of carbon monoxide poisoning; and
  - e. Accumulations of material and debris that could impede the egress of residents from their shelter/structure in the event of an emergency.
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1. If any of the above are noted at any point in time, representatives of the City's Fire Prevention Branch will conduct an inspection of the site in question. Additionally, those representatives will explain the risks to residents, and where needed, provide direction regarding risk reduction.
  2. Where informal direction is not heeded, and a pattern of persistent behavior that is a risk to life continue the Assistant Chief under the authority of the WFPS Fire Paramedic Chief will issue an Order necessary, typically including an Order to Vacate.
  3. Where vacancy has been ordered, the WFPS has an established protocol that includes collaboration with encampment resident service agencies, Public Works and the WPS. The OSP will continue to work with the residents, explaining the necessity of vacating the site, and working collaboratively to identify necessary supports.
  4. As above, if any of the residents are prepared to enter a transitional housing placement (which requires a daily cash payment upon entry), the OSP will transport the individual and the City will make arrangements with the provider to cover the initial funding necessary, until Provincial Income Assistance can begin to cover the daily cost.

5. Upon reaching the ordered date for compliance, the Fire Paramedic Service, with any required support from WPS for safety concerns and Public Works for immediate clean up efforts, will proceed to ensure compliance with the Order.
6. Where an encampment site becomes vacant, crews with the Public Works Department immediately visit the site to remove any garbage, debris and other abandoned material to remediate the site to its former state.

#### Occupancy of Transit Shelters

1. As above, if there is or imminent criminal activity or a person who may be in medical distress, the WPS or WFPS will be dispatched as appropriate;
2. Otherwise, the first response is provided by Winnipeg Transit, with a Transit Inspector and/or Transit Supervisor attending to assess the situation.
3. If the initiating complaint/observation was mistaken and the occupants of the shelter are awaiting bus service, nothing is done.
4. If it is determined that one or more occupants are present for the sole purpose of: a. Occupying for an undue period of time with no intention of boarding a bus; b. Causing mischief; c. Using substances; or d. For any other purpose that would contravene the Transit By-law; then the attending Inspector/Supervisor will request that those occupants exit the shelter.
5. Should those occupants not agree to leave, the Inspector/Supervisor will cause the area OSP to be contacted to attend the shelter. City of Winnipeg Non-Emergent Encampment Support Process
6. The OSP will attempt to engage with the occupants, explaining the necessity of leaving the shelter, and working collaboratively to identify necessary supports.

7. As above, if any of the residents are prepared to enter a transitional housing placement (which requires a daily cash payment upon entry), the OSP will transport the individual and the City will make arrangements with the provider to cover the initial funding necessary, until Provincial Income Assistance can begin to cover the daily cost.