

Regulation of Overnight Camping in Public Spaces

Parksville, BC: An October 21, 2015, BC Supreme Court decision provided clarification to municipalities on the regulation of overnight camping in public spaces by people who are homeless. Section 7 of the Canadian Charter of Rights and Freedoms states:

“Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.”

The Court has indicated people who are homeless have a constitutional right to erect temporary shelter on public lands from 7 pm on one day until 9 am the following morning. The rights are not absolute and municipalities have the legislative power to regulate and balance uses and activities in public spaces.

The City’s current parks regulation bylaw can no longer be enforced based on recent legal decisions. City staff is now developing a new Parks and Open Space Bylaw which would regulate the use of parks and City owned open spaces, including regulations pertaining to overnight camping and overnight accommodation in public spaces.

It is anticipated this updated bylaw will be introduced to Council in early April and will provide clarity to residents and visitors about the regulations and the expectations for the use of public spaces.

References:

Report to Council – Homelessness and Overnight Accommodation in Parksville
<https://parksville.civicweb.net/filepro/documents/search?preview=21166>

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