

## **Council to Designate Memorial Plaza as Sensitive Area**

At the meeting on July 5, Parksville Council approved the following resolution:

*That staff immediately commence the statutory process to amend City of Parksville “Park and Open Spaces Bylaw, 2016, No. 1523” to define the Memorial Avenue Plaza, from the intersection at McMillan Street to the edge of Alberni Highway and add this defined area to the Sensitive Area designation, where temporary shelter and overnight accommodation are not permitted.*

The amendment to the existing bylaw will be provided to Council for their consideration at the July 17 meeting with final adoption anticipated shortly thereafter. The City’s Parks and Open Spaces Bylaw, adopted by Council in 2016, regulates the use of parks and City owned open spaces, and includes regulations pertaining to overnight accommodation in public spaces.

Memorial Avenue, one of the oldest streets in Parksville, is a living monument to Parksville’s fallen World War I soldiers. The original century-old memorial elm trees were planted in 1922 and 100 years later, with nine newly planted trees, the Memorial Plaza opened in 2022 as an exciting public space and a key component of the City’s downtown revitalization strategy. Memorial Avenue continues to honour the memory of those who lost their lives in conflict.

Parksville Mayor and Council have been advised the current use of Memorial Avenue and the public square for overnight accommodation has negatively impacted the space, resulting in damage and vandalism to trees, light poles, the drinking fountain, benches and private property directly adjacent to the plaza, deterring people from the intended use of the space. Council has received many complaints from residents, business owners and visitors citing land use conflicts arising from shelters being erected in the space and the blocking of pathways and pedestrian traffic flow through the site. Public health and safety are being impacted due to the presence of significant volumes of human waste and bodily fluids, causing frequent closures to allow specialized hazmat companies to clean the area. It is no longer sustainable for the RCMP and the City’s bylaw and fire department resources to attend the space regularly throughout the day and the volume of calls for service are no longer manageable.

As a first step to preserving Memorial Avenue as a safe and clean space for cultural and community events, Council approved amending the bylaw to include this street and the public square as a Sensitive Area. The Parksville Community Park, Springwood Park and the municipal well fields, City-owned lands along the oceanfront and Foster Park (40 metre setback from playground) are examples of sensitive lands where the City is justified in prohibiting overnight accommodation by anyone in these areas.

During the statutory process to amend the bylaw, the City’s bylaw compliance officers will work to educate those using the space for overnight camping advising that a bylaw change is imminent.

## BACKGROUND

In 2015, a BC Supreme Court decision provided clarification to municipalities on the regulation of overnight camping in public spaces by people who are homeless. The court 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. 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 City’s bylaws were developed to be consistent with the court’s decisions.

## REFERENCES

<a href="#">Regulation of Overnight Camping in Public Spaces</a>	March 2016
<a href="#">Addressing Parks and Open Spaces Bylaw</a>	April 2016
<a href="#">Homelessness and Overnight Accommodation in Parksville</a>	February 2016

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## For more information:

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*The City of Parksville is located on the traditional territory of the Coast Salish Nations,  
home to the Snaw-Naw-As First Nation and the Qualicum First Nation.*

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