



Adam A. Donaldson @adamadonaldson

Feb 14, 2024 · 104 tweets · [adamadonaldson/status/1757779238315315298](https://twitter.com/adamadonaldson/status/1757779238315315298)

Coming up at 10 am, a very special, and very controversial, council meeting:



City Council Preview – What's on the Agenda for the First February 14 ...

Just a day after a two-day meeting between representatives from Guelph and Wellington County, and about two weeks after it was first proposed in closed session at city council, staff have generated...

<https://guelphpolitico.ca/2024/02/02/city-council-preview-whats-on-the-agenda-for-the-f...>

We're doing something unusual in the chambers today, the first three rows in the gallery are reserved for delegates and observers are left to sit in row 4 and beyond. A group of protestors are speaking and chanting in the lobby as we count down to the meeting's start.

Mayor Guthrie calls the meeting to order.

Disclosure of Pecuniary Interest and General Nature Thereof? None.

Regrets from Cllr Gibson, but he may just be running late.

First, a presentation about the proposed bylaw by DCAO of Public Services Colleen Clack-Bush. After that, council will ask questions (which is a departure from the SOP, but Guthrie says it will help set the context moving forward).

Goals of the by-law

Help make public spaces owned/operated by the City available for everyone

Ensure designated and sensitive spaces are used for their intended purposes

Accommodate the needs of unsheltered individuals so that they can live safer with dignity and with stability

Development of bylaw was direction given by council on Jan 16. They had 11 days to get this together and were not able to do normal community engagement process. CCB acknowledges that they would have gone to community partners, social serv., and ppl affected to consult directly.

Staff aimed to balance competing needs. Wanted to make sure that designated spaces R being used for those purposes and that everyone could enjoy public space. Also wanted to

make sure that this was permissive, and make it clear that there are safe locales thru the city for tents

This bylaw applies solely to land owned by the City of Guelph and not other community spaces not owned by City. City solicitors are here today to provide context, and there may be some in-camera discussions.

Considerations in other municipalities:

- Region of Waterloo - court decided to cancel the eviction since # of homeless exceeded shelter spaces.
- Kingston - Court altered bylaw to allow camping overnight.
- Hamilton - The protocol was used to build the Guelph one.

Hamilton sets number of tents per cluster and where they can be set up (not near waterways). So far, the Hamilton protocol has not been challenged in court.

Review of other jurisdictions

- **Region of Waterloo**
 - Code of Use By-law: Prohibited erecting any tent or temporary structure on any building or grounds owned or occupied by the Region
 - Court decision held that the By-law was inoperative when the number of homeless individuals in the Region exceeds the number of accessible shelter beds
- **City of Kingston**
 - Parks By-law: Prohibited camping or using camping equipment in all City parks
 - Court decision altered By-law to permit camping overnight, but upheld daytime prohibitions
- **City of Hamilton**
 - Encampment Protocol

3

Anthony Dolcetti, Director of Housing Stability Services, takes over. He explains that 170 people are on the by-name list and that the average length of stay in shelters has been increasing.

Dolcetti calls this a Human Rights-Based Approach:

Housing first, housing = good health, aAccessible Permanent Shelter needs to be top priority – improved tracking and reporting, and advocacy with Association of Municipalities of Ontario and the Provincial government is needed.

The current picture:

- City is presently working with 14 active encampment locations throughout City
- Co-ordinated wellness checks – led by Bylaw, in co-operation with health and social service partners
- \$100,000 allocated to enhanced resources, health and safety supports

Douf Godfrey, GM of Operations, outlines the 24-hour permissible location definitions:

- Locations where there is no competing public use, space booking, sensitive area

-Structures permitted 24/7

-ie: open park space that is not programmed or designated as a sports field

Overnight permissible locations only:

-Locations where space is programmed or designated for other purposes

-Structures permitted one hour before sunset to one hour after sunrise

-Examples include unbooked sportsfields, picnic pavilions, public square

There will be special exemptions like cold weather alerts where temporary shelters will be allowed at overnight only locations during the day.

Not permitted locations

-Locations specifically designated or sensitive (areas used by children, pets)

-Structures not permitted at any time

-Examples include splash pads, playgrounds, community gardens, sidewalks, trails

Back to CCB. She says the effective date will be March 1, but the intention is to only enforce with immediate safety concern like a propane tank. From there, the intention is to work with partners. If sheltering in tent is only option, City wants to work with them.

Education approach

- Will work with County and social service agencies to educate individuals about approved and safe places for sheltering in tents
- First priority will be to address immediate safety concerns (i.e. propane tanks)
- Discretionary enforcement during extreme cold weather events

10

The recommendations (Will need to be ratified on Feb 27 at regular meeting):

Recommendations

1. That Council approve the draft Public Space Use By-law, as attached to report 2024-76, and incorporating Council's feedback at their February 14, 2024 meeting that staff be directed to place the by-law on the February 27, 2024 agenda for final adoption after which the by-law will come into effect on March 1, 2024.
2. That Council respectfully request that the County of Wellington supply the necessary resources and tools, as well as monthly statistics regarding daily availability and access to accessible permanent shelter for all those on the "by name" list, as well as data on the number of offers made to individuals for accessible permanent shelter where the individual has turned down the offer.
3. That Guelph's advocacy efforts continue with the Association of Municipalities of Ontario (AMO) and the Provincial government to address the need for greater municipal funding to deal with housing instability issues, legislative reform to address public space use by-laws, and greater health care funding to address urgent community need connected to mental health and substance use issues.

CCB wants to tell a tale of 2 moms (based on real story): Mom #1 works with kindergarten class, planned end of year trip to a local park and booked a pavilion, they get to the park and find someone seeking shelter there. W/O bylaw they don't have tools to make person move along.

Guthrie stops to ask decorum from the gallery. Says he doesn't want to clear the chamber but he will. We're all here to have a really good conversation.

Back to the story, Mom #1 is why they've crafted the bylaw the way they have. Mom #2 came to Guelph and set up camp in a park b/c her child needed care and she couldn't afford to stay in a hotel. City was inundated with calls, so bylaw needs to be clear to leave this person alone

Questions. Busuttil asks if there were any opportunities to talk to ppl in encampments or collect stories. CCB says no, they also had the housing symposium and tried to incorporate some of what they heard.

Busuttil asks if staff look at Human Rights Commission report from last Oct. CCB says yes. Prior to creation of bylaw? CCB says as much as time allowed, they were still reviewing materials as of yesterday.

Busuttil asks if there was engagement before the Hamilton bylaw. CCB says they have an SOP for engaging encampments, and a bylaw has "more teeth" and they did have convos with Hamilton, but "nothing very significant". Took direction to develop bylaw.

Allt says that it seems like staff was trying to find the wisdom of Solomon and worries about splitting the proverbial baby. He's also concerned that this is setting the community up for disappointment, and the expectation is the removal of encampments, does this legitimise?

CCB: Says she's gotten the feedback about banning encampments but this is about restricting in certain locations, or to certain hours in others. Different landscape 5 years ago, and until that's resolved, and b/c of other legal rulings, it was important to present options.

Allt asks how long can tents stay in one location, like by the fountain across from library, and what of the consequences. Godfrey says that area is permissible 24/7 with setbacks. If compliant with bylaw they could stay forever.

Guthrie is apparently tacking to the 5 minutes per councillor rule. Godfrey says that in terms of fines, the City will look at that based on other bylaws in Guelph and sent to senior justice for approval. Bylaw does have discretion like in other instances though.

CCB adds that this bylaw is not about fines, that's a last resort, this is about setting parameters and giving people options. As for police, City doesn't want to speak for them, but goal is to leave to bylaw w/o police, who are always an options of last resort.

Caton says she's been hearing from members of AAC that they have accessibility concerns. Any permissible place with accessible surface? CCB says they couldn't talk to AAC with timelines, determining that will have to be site by site.

CCB adds that if the bylaw passes then they can work with the AAC to see what's possible through their lens.

Caton asks why limit of 5. CCB says that comes from Hamilton protocol and they looked to take the learnings from other municipalities where it made sense.

Caton asks why the person could be removed from the pavilion w/o the bylaw, isn't that the point of the booking? CCB says that's apparently a loophole in the system and that's why they need *this* bylaw.

Caron says she has serious concerns about 11 day turn around, so how long would it take to meet mim engagement standards? Godfrey says based on other reviews in would be 6-12 months.

O'Rourke asks what happens March 1? CCB says nothing "dramatic" they will do outreach through community partners like the County and Stepping Stone. They will look at 14 locations and she notes that many of them will not be covered by this bylaw.

If people opted not to move from the location if City property that's not permissible, that will be where bylaw steps in, but that won't be immediate.

O'Rourke asks why bylaw now and not wait for the report from Health and Housing Symposium. CCB says that's the timeline staff were given, and they are being responsive. If the desire is to push it out, the joint plan is about getting people ideally permanent shelter.

CCB says that this conversation on this issue will feed into the other work done by the symposium.

O'Rourke asks if it would be better to see how the Kingston legal process works out. CCB says that they could do that, but there may be other legal rulings and we may always be waiting for more info in that regard.

O'Rourke asks if the outreach will continue regardless of bylaw's fate? CCB says yes, and they will continue to work thru partners.

O'Rourke asks about encampment report released yesterday (). CCB says this bylaw provides 100s of possible locations where its safe to camp. Can't service everywhere, but it gives

options.



Tearing down homeless camps violates human rights: advocate | CTV ...

Unhoused people have a fundamental right to live in encampments, and that right is violated when authorities tear them down, Canada's housing advocate says.

<https://www.ctvnews.ca/canada/national-response-needed-for-encampment-crisis-evic...>

Downer asks about parks close to downtown, would those be permissible spots? Godfrey says yes. Downer asks if this is a living bylaw, and will be reassessed as implemented? Godfrey says it can be amended as need-be and they will have the review after 1st year.

Chew asks if this bylaw is foundation to move forward with conversations in April when the symposium report comes back. CCB says yes, but they can also continue w/o the bylaw. It's up to council.

Stewart adds that as council moves forward today, their line of thought has to be on 2nd and 3rd recommendation. Intentions have to be clear and people upstream have to do better. We're here at the end of the stream, council being forced into a lane they've never been in.

Stewart adds that council should look at all the motions they've passed in the last 6 months. Why are they having to fight for these things? The goal is to get to a point where they can put the bylaw in the drawer and not have to use it.

Guthrie says he thinks all that set some context before delegates. Before we get to them, he wants to read something he and council got yesterday from the housing advocate from the human rights commission. They're having a meeting before the end of the month...

...But at the end of the email it said that it was encouraging that Guelph council was considering human rights approach with drafting of this bylaw. Wants people to be aware of that commentary.

So delegates. Some have apparently removed themselves, but there's still over 30. Guthrie warns that they may take a break at some point. Also, it's 5 minutes today, and also there's unity that everyone here cares about the homeless.

We start with Denise Mansur, who owns a boutique downtown, the only Black woman's clothing boutique. She says her business is not just a place of commerce, but a symbol of diversity. She says encampments are causing harm and safety concerns.

She says the encampments are a breeding ground for violence, drug use and degradation. Her store has been broken into and vandalised. It perpetuates a sense of fear and insecurity that cancels out spirit of inclusivity.

Morgan Dandie is next. She begins by reading the territorial acknowledgement. She wonders how many have truly reflected on those words, especially with the over representation of Indigenous people in homeless pop.

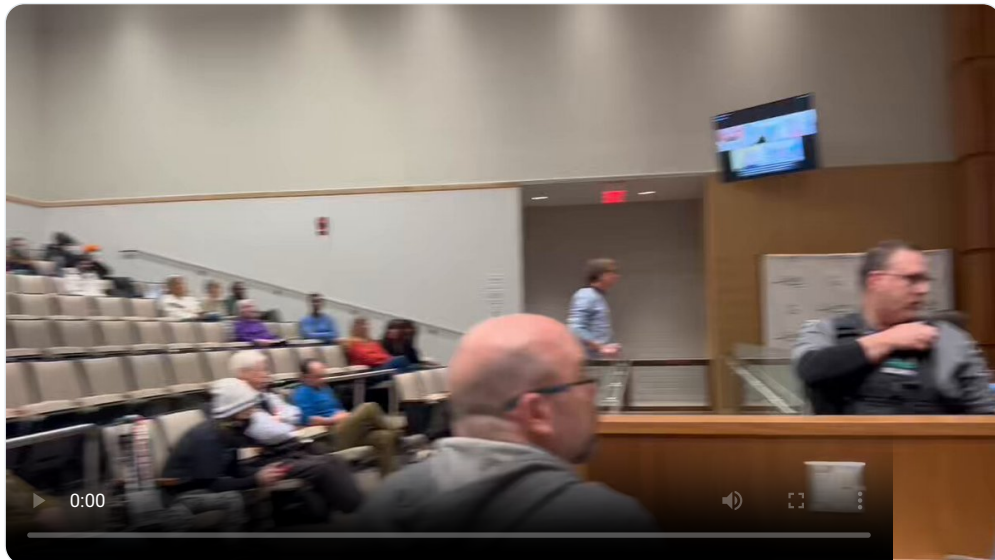
Dandie notes that the process that create this bylaw is incomplete because it lacks one side of the equation. She asks council to reflect on responsibility to the most vulnerable in Guelph and allow more time for proper feedback to be done.

Next, Anthea Millikin. She's the exec director of the legal clinic, and is asking council not to pass this bylaw. She warns that this will be challenged, and there are active legal questions. Why does Guelph want to put itself in a situation where they'll have to go to court?

She says this bylaw exposes vulnerable people to potential harm, and the parts related to heat are very restrictive. She says there are many things that the City could do before getting to this bylaw: tiny homes, truly accessible shelters.

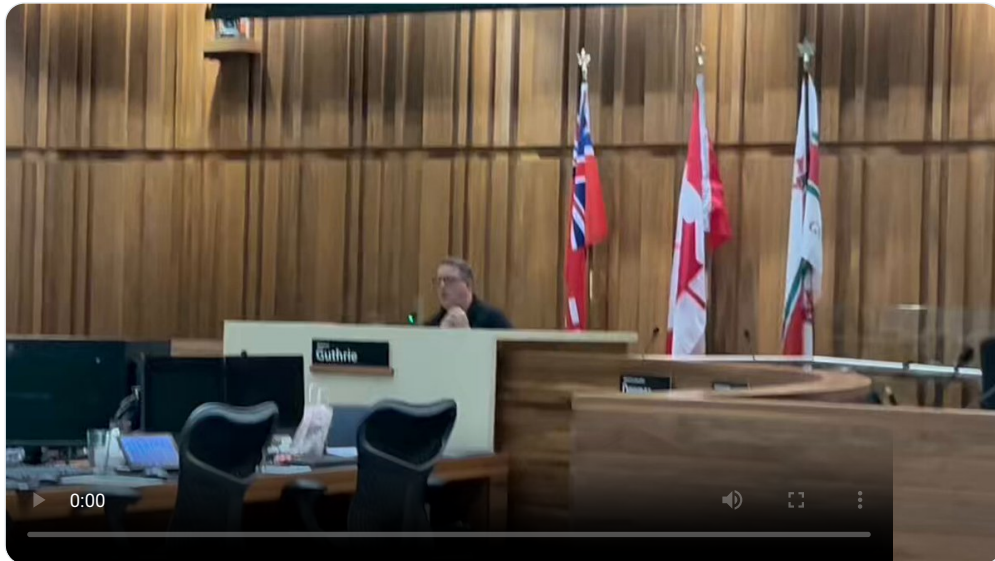
Guthrie advises people in the audience snapping and clapping to maintain decorum and be respectful. "We are being respectful," says one voice in the room loudly.

"What's violating decorum?" One person asks. Guthrie tells bylaw to remove that woman, which causes an uproar. He calls for a recess and leaves the chambers.



Guthrie's come back into the room to lay out what he means by "decorum". Can't have clapping or other noises b/c this needs to be a room where people can have respectful differences. Doesn't want to get to a point where he has to ask people to leave.

He calls the meeting back to order. Council and senior staff shuffle back in.



Millikin continues that there are a lot of restrictions that will make it harder for people to live in a tent and the bylaw makes that unclear. She says it's not appropriate to give it over to bylaw for regulation, money would be better spent on support workers.

Allt asks Millikin about Hamilton legal challenges. She says they've have litigation going off and on for years, and once you create a bylaw it can be challenged, and this bylaw is "ripe" for litigation. She says that the legal clinic will likely lead that challenge.

She says that they know ticketing doesn't work, and if you create a bylaw then there's going to be enforcement. There are so many things that the City can do upstream first.

Millikin says that she's read the bylaw, and with all do respect to the City's counsel, she has no idea what's permissible and what's not once all the distance is considered. And everyone knows that if you can't put pegs in the ground, your tent will blow away.

Busuttill asks Millikin if she's aware that Hamilton did engagement. She says she thinks that's going on, but it's key because we need to understand why people are choosing tents and not shelters. There's nothing more "live" right now than the Charter and unsheltered ppl.

Millikin says this is a solvable problem in terms of having a supervising encampment, tiny homes, shelters people can access. Consultation needs to be ongoing, but don't do it with a view of passing a bylaw.

Downer asks if the protocol has been challenged. Millikin says they're in the process of negotiating over the protocol right now. She suggests enacting a protocol, and doing engagement. Waterloo decision outlined all the steps that got to the bylaw, no steps here.

Goller asks about "threatening the means of survival". Millikin says people need to be near services, their people, feel safe. If you're allowed to put tent up, no pegs, no washrooms nearby, have to have all belongings in tent. Structured encampment site offers security.

Chew asks Millikin if the clinic will challenge the bylaw. She says she said that, and maybe that was too provocative, but if someone is charged and they want to challenge it, they will. Other clinics ready to step in and help.

Millikin also has concerns about bylaw exercising discretion because the Charter doesn't talk about discretion, it talks about people's rights. There's a lot of good work being done in Guelph so let's keep going and not fall back on bylaw.

Janice Folk-Dawson is coping with the death of friend so she sent a proxy. Ms Powell relays on behalf of JFD that we must uphold human rights for everyone and the homelessness is a complex issue for those facing it.

Kevin Bowman is next, but before that, Guthrie says we're going to do 5-8 more and then take a recess.

Bowman says ditto to previous delegates. He adds that there seems to be some confusion about where advocates are coming from. They're not in favour of encampments, but unless there's a better option leave them alone. Stop hurting them.

Bowman endorses the second and third recommendation and notes that Guelph is already spending on things that are not under its control. Invoice the upper levels of government, sue them if you have to.

Greg Dorval, who's been camping behind Wellington County admin building, is next. He takes a big pause and says that he feels humbled and privileged to stand here now. He's standing on the shoulders of giants, his brothers and sisters out there.

Dorval says a lot of his friends are very angry and struggle to express that anger, and he's been trying to help them. He doesn't want to feel sickened when he reads "shit" like this, and wants to start a conversation with respect. We heard the activist in him earlier.

Dorval was one of the people that want to know what Guthrie meant by "decorum". He says he "doesn't give a shit what happens in here" he will continue to help his friends.

Busuttil thanks Dorval for his courage and asks about conversation. He says its about connecting with others and understanding those perspectives. It's about making the total health of the community a priority. Bylaws are the measure of a decay of the community.

Dorval says that he doesn't want Masur or her customers to feel unsafe, and "crushes" him to hear that her store was vandalised. He thanks Busuttil for letting him to show the importance of why he's here.

The solicitor from the County of Wellington is next. She says that they would like to see some of the provisions to extend to County property and would like to see the bylaw extended to be included.

Emma Duell from Woolwich Fine Yarns is next. She says it's a destination store for Guelph and area crafters, and customers always ask what's going on. They're scared of coming downtown and tell her that's the last time they'll come in.

When the first tent went up, she asked the person why. She said that they were evicted and that they spent their money "on drugs." More tents went up, and one guy's apparently using it as a "storefront" to sell drugs. Seen her numbers go down for "Knit Night".

Duells says things need to change. O'Rourke asks if she thinks the bylaw will be helpful. Duell says location is the biggest thing, it's not a safe space presently, not safe for anyone.

She doesn't think it's an improvement.

Horeen Hassan is next. She says she's deeply concerned about the bylaw, she walks past encampments often and is concerned about the people living in them. This bylaw makes their lives more difficult and calls the bylaw an explicit attack on poverty.

Hassan asks who's safety is being prioritised and to have this meeting a couple of weeks after the symposium is a "slap in the face." Asking council to reject bylaw and offering better long-term solutions to address the root causes.

Chew asks about specific provisions in the bylaw that's contrary to what the City's trying to do? Where's the attack? Hassan says it's the restrictions and prohibitions, cites Millikin's delegation. Many of the homeless themselves are taking this as an attack.

Chew asks if Hassan's opinion is changed knowing that people have been offered shelter spaces. She says no, because there are many reasons why people might not use shelter beds or feel safe, there's also not enough space. Consultation is missing.

Arlene Slocombe is next. Quotes the report yesterday that this is a "life or death crisis" and that removing tents from line of sight downtown is no solution. There are safety risks, but dismantling encampments pushes people further into the margins & makes them more vulnerable.

Goller asks about the desire to prevent fires, like the one on Jan 16 in the Square. Slocombe, who is not an expert, says that there needs to be meaningful engagement, and we can look to the other communities b/c this is not a Guelph phenomenon.

O'Rourke asks whether Slocombe agrees with the provision of protecting sensitive environmental spaces. She says not now, why not engage in consultation before we move people from their temporary homes?

Next, Amelia Meister. She says she does most of her socialising, shopping and playing downtown and is against the bylaw. This a human rights issue, and the courts agree. She's worried about unnecessary cost to taxpayers and increase bylaw enforcement.

She's also afraid that this will mean turning more to the police, which will further justify increases to the police budget. She's confused why council didn't consider banning short-term rentals on 2nd, 3rd homes; or vacancy tax; or banning corporate home owner; & other options.

Chew asks Meister about things the City's doing well. She says it's not an issue with staff, it's an issue with the will of council who are presented with things like an increase to affordable housing reserve and voted it down.

Guthrie says that "there's a lot there that we might talk about later." Notes that council did pass a bylaw about short-term rentals.

Next, Nicole Clark from the Guelph & District Labour Council. She's an education worker, and against the bylaw. Attempting to use the bylaw to rid themselves of people sleeping in tents is a short-term solution to a systemic problem, she says.

Clark adds that there's a lot of undocumented homelessness, people who couch surf or live in cars or live in crowded apartments. This is not a simple issue of moving a few tents, lack of

employment, disability and a host of other issues keep people from housing. Clark says this bylaw is very "showy" and gives a "garish false result" and distracts people from what's really needed: money, manpower and time.

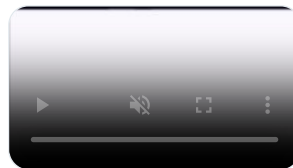
Downer says people would still be visible, and would they not be more visible in some places? Clark says we need to ask different questions, people are asking for more consultation, more assistance. No one today has said having a vibrant DT is unimportant...

...The problem is that the bylaw is being pushed through without proper consultation. Downer asks for an answer to her question. Clark says this bylaw comes with policing, people will be asked to move based on appearances. It will make them disappear.

Guthrie has a brief starring contest with someone that was snapping. He says this is a good time to take a break and reassess how we're being respectful.

We're not even halfway through the delegates list, but we'll start again at 1:30.

End of Part 1.



@threadreaderapp unroll please

...