



TEMPORARY SHELTER OVERNIGHT

Regulation on Public Lands in the City of Parksville

The BC Supreme Court provided direction to municipalities on how to regulate overnight camping in public spaces by people who are homeless. **Local governments cannot enact an outright prohibition on overnight accommodation on public lands by people who are homeless.** The *Canadian Charter of Rights and Freedoms* grants a constitutional right to someone who finds themselves homeless allowing them to erect a temporary shelter on public lands in order to sleep during the night. Bylaws must be reasonable in terms of restrictiveness and their impact on homeless.



“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.”

Section 7 of the *Canadian Charter of Rights and Freedoms*

HOWEVER...

Local governments have the authority to regulate the use and balance this with other uses in the community. The following public spaces are “key sensitive areas” in the City; overnight camping, erection and occupancy of a temporary shelter or open burning for any purpose is **not permitted**.



- **Parksville Community Park**
- **Springwood Park and the municipal wellfields**
- **City-owned lands along the waterfront**
- **Within 40 metres of Foster Park playground**
- **Parksville Wetlands**
- **Memorial Plaza**

The City's **Parks and Open Spaces Bylaw No. 1523** states a homeless person may take up overnight accommodation and erect and occupy a temporary shelter in a park, between the hours of 7 pm on one day and 9 am the following day, provided the homeless person:

- Does not erect the shelter within 40 metres of the playground in Foster Park, within 10 metres of any other playground, sports field, tennis court, picnic shelter, gazebo, water park, public washroom, ornamental garden or horticultural display.
- Does not erect the shelter on or within 5 metres of an established trail.
- Does not damage or alter City property, including fencing, trees, shrubs, plantings, benches, or other municipal equipment or infrastructure.
- Does not obstruct a highway or interfere with the lawful use of a person or vehicle using a highway.
- Does not obstruct a City employee in the performance of their duty.
- Vacates and dismantles the shelter by 9 am each morning
- Does not abandon possessions, debris or any other article for a period of more than 24 hours.

Why are homeless people permitted to stay on public property during the day?

Public property can be used by any member of the public, regardless of their housing situation. Whether it is a family with a stroller and a beach bag or a homeless person with their possessions, City staff do not remove anyone from public property. Criminal activity should be reported to the RCMP at 250 248-6111 or 911 in the case of emergency.

PLEASE NOTE:

In sensitive areas, overnight accommodation, erection and occupancy of a temporary shelter and open burning for any purpose is prohibited.



Information is for convenience only. Contact staff to discuss current and applicable bylaws.

Administration Department

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