

## THE NEWSPAPER'S VIEW

# Cities can either provide shelter or lose public parks

<http://www.courts.gov.bc.ca/jdb-txt/SC/15/19/2015BCSC1909.htm>

**M**unicipalities will want to take careful note of last week's B.C. Supreme Court decision granting homeless people a right to sleep overnight in parks and green spaces. If cities wish to preserve their coveted recreational spaces, they will have to create more and better options for those lacking shelter.

Chief Justice Christopher Hinkson's decision applies to public places in Abbotsford, but follows a similar B.C. Court of Appeal ruling in 2009, paving the way for overnight stays in parks in Victoria.

The fight on behalf of the homeless in Abbotsford was initially sparked by a 2013 incident in which chicken manure was spread to dissuade people from camping outside.

Most would agree that having homeless people camp overnight in open spaces and parks is a bad idea, a last resort. Public parks are supported by taxpayers as common spaces to be enjoyed by the community at large. If used for overnight tenting in areas without proper bathrooms and garbage receptacles, significant problems are inevitable.

And undoubtedly, extra costs would be incurred on policing the areas used by the homeless and for sanitation services.

The judge understood the challenges inherent in his ruling. But he asserted that a section of the Charter of Rights and Freedoms which safeguards life, liberty and security of the person takes precedence over other considerations. He ruled those without alternatives must have a right to set up shelters in public spaces between 7 p.m. and 9 a.m. This is hardly a great solution for those without shelter. They would be required to set up their tents each evening and remove them every morning.

It is noteworthy that the judge, in his lengthy decision, states several times: "At the present time, there is insufficient accessible shelter space in (Abbotsford) to house all of the city's homeless persons."

This is key. Were there sufficient alternatives for homeless residents of the city, it appears likely that judges would have taken a different view of allowing people to sleep in parks.

"If the shelters were safe alternatives," Hinkson writes, "it might not be a breach of (the charter) for the homeless to be required to make that choice. That, however, is not the case here, where there is a significant shortfall of better spaces."

His words signal the importance of having municipalities conduct annual homeless counts and having taxpayers onside in the spending of public monies to provide a range of options for those among us without a place to call home.

Officials in Vancouver noted the city is committed to finding permanent housing for its residents who are in need and, legitimately, is calling on Ottawa to contribute more.

This is one effort well worth making, in the interest of keeping our cities livable for everyone.