

# STAFF REPORT



THE CORPORATION OF THE TOWN OF COBOURG

<b>Report to:</b>	Mayor and Council Members	<b>Priority:</b>	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low
<b>Submitted by:</b>	Brent Larmer, Director, Legislative Services/ Municipal Clerk Legislative Services Division <a href="mailto:blarmer@cobourg.ca">blarmer@cobourg.ca</a>	<b>Meeting Type:</b>	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
<b>Meeting Date:</b>	July 4, 2022		
<b>Report No.:</b>	Legislative Services-038-22		
<a href="#">Submit comments to Council</a>			

**Subject/Title: Homelessness and Sheltering and the Enforcement of Municipal By-laws in the Town of Cobourg**

## RECOMMENDATION:

THAT Council receive the Staff Report for information purposes; and  
FURTHER THAT Council choose one of the following options:

### OPTION #1 (Status Quo)

**THAT** Council maintain the status quo and the enforcement of Municipal By-laws currently in place conducted by Municipal Law Enforcement Officers; and

**FURTHER THAT** Council endorse a revised Encampment Response Plan by the By-law Department for coordination with the County of Northumberland Homelessness Coordinated Response Team (HCRT) in order to establish a coordinated systemic multi-agency response to those sleeping rough in the Town of Cobourg to facilitate person-centered engagement opportunities and individualized connections to community-based supports, including dignified housing/shelter options.

### OPTION #2 (Sheltering Permitted)

**THAT** Council allow for sleeping rough in unmaintained areas of Municipal Parks in the Town of Cobourg;

**THAT** Council authorize the preparation of a By-law to be presented at a Regular Council Meeting to suspend the enforcement of the Parks Use By-law regarding sleeping rough in Municipal Parks and the hours of operation for municipal parks; and

**FURTHER THAT** Council maintain the enforcement of the Nuisance By-law, and direct Staff to provide certain services such as dedicated By-law Enforcement staffing, security, showers, and dedicated programming, power, water, garbage disposal cooking abilities (outdoor BBQs, communal space), harm reduction supports and infrastructure, safety measures to limit violence and thefts, naloxone kits and storage for personal belongings (outdoor self-service lockers; and

**FURTHER THAT** Council endorse the revised Encampment Response Plan by the By-law Department for coordination with the County of Northumberland Homelessness Coordinated Response Team (HCRT) in order to establish a coordinated systemic multi-agency response to those sleeping rough in the Town of Cobourg to facilitate person-centered engagement opportunities and individualized connections to community-based supports, including housing/shelter options.

## 1. STRATEGIC PLAN

### Pillar – PEOPLE

**Direction:** The Town of Cobourg supports and cares for the social and physical well-being of its citizens.

**Desired Outcomes:** People are able to find attainable housing. There is a broad variety of housing types available for ownership and rental, Cobourg residents are healthy and happy

## 2. PUBLIC ENGAGEMENT

The topic of this report, regarding Homelessness and Sheltering and the Enforcement of Municipal By-laws in the Town of Cobourg has not proceeded through any formal public engagement process due to timing constraints. This report was requested by Council during the Council meeting on Monday June 27<sup>th</sup> for a Special Council meeting to be held on Monday July 4<sup>th</sup>. The Special Council meeting agenda was published on Tuesday June 28<sup>th</sup> and a formal public notice was sent out by the Communications Department and distributed through Social Media Platforms. This report was published on June 30, 2022 to allow for the maximum amount of days to be publicly available in advance of the Special Council meeting. Due to the timing of the scheduling of the Special Council Meeting, Staff were unable to get notice in the local Northumberland News.

## 3. PURPOSE

The purpose of this Staff Report is to provide a detailed report to Council as a response to the resident Delegation received at the Monday June 27, 2022 Regular Council Meeting regarding Homelessness and Sheltering and the Enforcement of Municipal By-laws in the Town of Cobourg.

## 4. ORIGIN AND LEGISLATION

## 5. BACKGROUND

Homelessness is a complex social issue which needs to be addressed at all levels of government, federally, provincially, and municipally through both upper tier and lower tier municipal governments. Addressing the needs of individuals experiencing homelessness is a complex social issue and requires a collective, coordinated and intentional community response. The implementation of this framework requires cooperation and action by multiple levels of government and community service providers.

The Town of Cobourg is a lower-tier municipality in a two-tier municipal government system and the County of Northumberland is the upper tier government providing upper tier services to our residents as listed and defined in the *Municipal Act, 2001* as amended and as referenced from time to time in other various pieces of legislation. *The Housing Services Act, 2011*, provides the authority for Northumberland County, in its role as the upper tier municipality to be the Consolidated Municipal Service Manager (CMSM) for the entire county which consists of seven (7) member municipalities including the Town of Cobourg.

As part of the background information, it is important to define for council and the members of the public the term 'Sleeping Rough' which has been used in the community and referenced at the most recent delegation on Monday June 27, 2022. **Sleeping rough can refer to anyone who is living on the streets, sleeping in parks, or squatting in derelict buildings for temporary shelter.** People, sleeping rough, are some of the most vulnerable in society. It can be dangerous and is often traumatizing.

Those persons experiencing homelessness in any community and specifically within the Town of Cobourg have varied needs. Due to highly complex personal needs, some people require supportive housing with 24/7 care. Others need opportunities where they can access assistance when needed, and some simply need a home they can afford on their income. While sleeping rough is a current reality in our community, it is not part of an adequate response to homelessness. Current encampments are a consequence of a lack of coordinated and sustainable housing options for those who are unhoused and those who are vulnerable to becoming homeless. When people sleep rough because they have no other options it means that society has not yet developed or provided the wrap-around services needed for individuals to be and to remain to be housed successfully.

While a housing deficit exists, the municipality is faced with the issue of an increased number of people sleeping rough in public and private spaces. There are also those residents of our community who cannot move into any housing options, for a variety of reasons. People have been sleeping rough in the municipality for the past few years at different times of the year in very limited numbers, however, in the recent year and since COVID, By-law has seen an

increase in the number of people erecting tents in municipal parks from three (3) to five (5) a year to now twelve (12) since January and four (4) just this month. Currently, these options are not compliant with various municipal bylaws. As such, for the person experiencing homelessness who is unable to find an indoor shelter or housing option, they are faced with the situation that there is no place in which they are allowed to live. That said, not having any constraints on where people can shelter outdoors is not a workable option as it creates conditions for significant potential conflict between using the space for sheltering and other uses that have been identified and designated over time through bylaws or land use regulations, specifically parks which are not attended for short or longer habitation. However, with the increasing reality of insufficient indoor sheltering and housing spaces available and no permitted outdoor sheltering spaces it is difficult to tell people they must move on when there is no place they are allowed to be.

As part of the drafting of this report and as provided by the recent delegation on June 27, 2022, Municipal Staff reviewed the eight (8) principles from the United Nations Protocol for Homeless Encampments and described current practices. On April 30, 2020, Leilani Farha (UN Special Rapporteur on the right to adequate housing) and Kaitlin Schwan (Lead Researcher for UN Special Rapporteur on the right to adequate housing) released the Special Rapporteur report on A National Protocol for Homeless Encampments in Canada: A Human Rights Approach.

UN Special Rapporteurs are independent experts appointed by the UN Human Rights Council to examine, monitor, advise and publicly report on human rights issues globally, as well as act as a bridge between rightsholders, governments and other relevant stakeholders. This Protocol outlines eight (8) Principles meant to guide governments and other stakeholders in adopting a rights-based response to homelessness encampments. It is important to note that the recommendations and principles of the UN Protocol are not legally-binding and the Town or any municipality is not required to follow or formally report on their implementation. It is also important to note that it appears that the UN Protocol is focused on larger scale encampments, not those that the Town of Cobourg is currently experiencing.

As part of the background for this report, it will be helpful for residents and the Community to understand the work that is being completed at the upper tier government level by the County of Northumberland on Homelessness and Sheltering within the County.

### **Northumberland County:**

As noted in the Northumberland County Housing and Homeless Plan, the County, as Service Manager, is primarily responsible for the provision of subsidized housing and the administration of funding from senior levels of government. The County is also responsible for administering homelessness programs. In addition, the County establishes the policy and regulatory framework which guides the development of housing throughout Northumberland. Through Staff research located on County online resources, the following information has been gathered to provide background information on activities, resources and current programs

that are in place to support homelessness in the County which encompasses the Town of Cobourg.

- The Northumberland Housing and Homelessness Plan (the Plan) sets the renewed direction for the next ten (10) years for the work of Northumberland County and its housing partners to ensure all Northumberland residents have safe, appropriate and affordable housing choices and that a functional end to homelessness is achieved. Most recently, in June 2022, this month the County provided their annual report to County Council which can be accessed [here](#).
- Homelessness Coordinated Response Team (HCRT) is a case conferencing group that shares knowledge and resources to support people experiencing homelessness in Northumberland County. Individuals provide signed consent to have their name put on the By Name List, which allows the HCRT Team to discuss information directly related to the individuals' housing situation and goals.

The organizations that participate on HCRT are:

- [Canadian Mental Health Association](#)
  - [Cobourg Police Service](#)
  - [FourCAST](#)
  - [Green Wood Coalition](#)
  - [Northumberland County Community and Social Services](#)
  - [Northumberland Hills Hospital – Community Mental Health Services](#)
  - [Rebound Child and Youth Services](#)
  - [The Help Centre](#)
  - [The Salvation Army](#)
  - [Transition House](#)
- The Homelessness Leadership Group (HLG) was created to improve on planning for homelessness in Northumberland County. Leaders from homelessness support organizations come together to create a coordinated approach. One of the priorities this group is working on includes the enhancement of the Homelessness Coordinated Response Team (HCRT) to help improve the effectiveness of the County's Coordinated Access System. By supporting frontline workers, leaders will be able to share best practices across their respective organizations.

The organizations that participate on the Homelessness Leadership Group are:

- [Cornerstone Family Violence Prevention Centre](#)
- [Canadian Mental Health Association Haliburton, Kawartha, Pine Ridge](#)
- [FourCAST](#)

- [Greenwood Coalition](#)
  - [Northumberland County Community and Social Services](#)
  - [Northumberland Hills Hospital – Community Mental Health Services](#)
- Northumberland County Report on 2021 enumeration marks the third time local agencies have collaborated on a point-in-time count to bring greater visibility to the state of homelessness in Northumberland. The 2021 Report can be found at this link – [2021 Enumeration Report](#).
  - Built For Zero Canada (BFZ-C) is a national program helping communities end chronic and veteran homelessness. This program is a first step to eliminating all homelessness in Canada. It uses a structured data driven approach focused on improving local homelessness systems, through the use of proven practices that drives the continuous improvement of policies and programs.

Northumberland County has been collecting data and reporting this monthly to Built for Zero Canada for the last two years. The County is currently working with improvement advisors to figure out how to best create a quality By Name List of people experiencing homelessness in Northumberland County and a quality coordinated access system. The goal is to help improve our local system response to addressing the needs of people who are experiencing housing instability and homelessness in our community.

A By-Name List (BNL) is a real time list of all people who are experiencing homelessness in Northumberland County. This list is consent driven, which means that individuals and families may choose to not provide consent to be included on this list. Services and support can still be offered and accepted by people who do not provide consent to be on the list.

This list helps the community partners of the Homelessness Coordinated Response Team (HCRT) identify those individuals experiencing homelessness, collaboratively determine their needs and connect them to services, supports, and available housing. Every two weeks community partners meet to update details on this list and to see how better connections to resources can be made for each person on the list.

- Northumberland County Community and Social Services is the Service Manager and works with community partners to manage and develop the BNL. Northumberland County only uses basic information from the BNL, taking out any names and identifying information and sends reports on monthly data to Built For Zero Canada as a part of our community's commitment to ending chronic homelessness. Some of this monthly data includes the number of people in a month who:

- Are actively experiencing chronic homelessness (homeless for 180 days or more in the last 12 months)
  - Have found housing
  - Are taken off the list because they are either no longer working with agencies in the community, or have asked to have their name taken off of the list
- **Social Services Relief Funding** – The Town of Cobourg has received general oral information on this fundings program, but are still waiting for information from theCounty on how it is supporting our residents.
  - **Community Outreach Program** – The Town of Cobourg has received general oral information on this fundings program but are still waiting for information from the County on how it is supporting our residents.

### **Community Safety and Well-Being Plan**

Under the Province's Safer Ontario Act, 2018 municipalities are required to develop a Community Safety & Well-being Plan using the provincial government's Community Safety and Well-Being Framework. Northumberland County took on the leadership role to develop the Community Safety Plan for the entire County which includes the Town of Cobourg.

The aim of the Community Safety and Well-Being plan is to ensure all residents in the community feel safe, has a sense of belonging and can meet their needs for education, healthcare, food, housing, income, and social and cultural expression.

Community Safety and Well-Being plans support safe and healthy communities through a community-based approach to address root causes of complex social issues. Planning seeks to achieve a proactive, balanced and collaborative approach to community safety and well-being across four key areas: social development, prevention, risk intervention, and incident response.

As part of the final Community Safety and Well-Being Plan, the County identified several priorities, the first priority was Priority A: Homelessness and Affordable Housing. This priority has put into place four (4) goals:

1. Align leadership from the Collaborative with current Housing and Homelessness Plan goals
2. Ensure more support is available to meet the needs of precariously housed people; develop and implement prevention approaches to enable people to retain housing.
3. Increase opportunities for housing and support service agencies to collaborate

4. Support and advocacy for increased housing and shelter options for people across the county.

Each Goal has an objective, activities and guidelines, and measurers of success. This plan and the contents can be accessed here – [Community Safety and Well-Being Plan](#).

## **Emergency Sheltering in the County of Northumberland and Town of Cobourg:**

### **Transition House**

Transition House Emergency Shelter has been providing safe and supportive shelter for Northumberland County's most compromised citizens since 1999. Transition House provides safe, dignified and supportive temporary housing, life skills and transitional support services to men and women over the age of 18 from Cobourg, Port Hope, Grafton, Colborne, Campbellford, Brighton, Hamilton Township, and Alderville. It should be noted that Transition House is the only Homeless Shelter in Northumberland County.

Transition House currently has 22 shelter beds (18 in the house and 6 in motel) and they have just been funded for an additional 10 beds in motel, that has been obtained through the Reaching Home (federal grant), which allowed the purchase more rooms to help support the community.

Transition House is also contracted by the County to provide Family Diversion supports which also have 2 rooms attached. So, there are 2 additional rooms there that are specific to families in need of shelter.

Transition House has reported that they don't have a waiting list for the shelter but are seeing a potential with families and that a waiting list may be something in the not to distant future. The family diversion program seems to have great need and will most likely end up with a waiting list before too long. Transition House has noted that they are having challenges meeting needs with Family Diversion. That being said, much of the new need seems to be coming from Durham (as with shelter) as they exceed their resources.

It should be noted that at the Transition House Emergency Shelter (Transition House), the goal is to ensure a safe, respectful discharge or restriction from services, either voluntarily or involuntarily. This encompasses both a trauma informed lens and a Housing First focus while providing clients with opportunities for a restorative process that allows the organization to also ensure its legislated obligations to health and safety for staff.

What is Discharge?



It is the intention that clients are able to participate in developing a discharge plan with staff that will lead to long term housing. There are times where this is not possible and unplanned/involuntary discharges occur.

Voluntary – A discharge is a voluntary process when services follow the natural cycle including referral and transition to permanent housing.

The client either:

- Achieves service goals and is ready to discontinue service(s), or
- no longer wants to stay at the Shelter and receive service(s).

Involuntary - Discharge is when a Service Restriction is implemented for various reasons during a client's stay that are related to non-compliance with the Client Service Agreement.

This includes, but is not limited to:

- Refusal to adhere to the policies and procedures of the shelter (e.g. not completing chores, missing curfew, non-engagement in housing plan);
- Client needs that exceed the resources and expertise of the shelter;
- The use or possession of drugs, alcohol or weapons in the house;
- Selling or distributing drugs on Transition House property;
- Theft of Transition House property or staff property;
- Aggressive and/or violent behaviours;
- Bullying, racism, harassment and/or sexual harassment

There are Three levels of Service Restrictions:

- One (1) Month
- Three (3) Months
- Permanent.

A community consultation was conducted during the development of the Service Restriction policy with the NHH, the County and CPS, people with lived experience and other organizations.

Capacity at Transition House has been described as sometimes being less than 100% capacity in the shelter because there is one room for females and only males arrive, as an example. In those cases, the house will have to turn people away. When placed in a motel, there may be a ban from the motel. In these cases, no one can be served. It's quite rare that someone has a service restriction for a long period of time unless there is ongoing violence and escalated behaviors which would reduce staff's ability to control the environment.

## 6. ANALYSIS

As directed by Municipal Council, the analysis of this report will include information on the current process and the Town's response to responding to camping and encampments within the Town of Cobourg. Secondly this report will include

information on the delegation that was presented to Cobourg Council on the request to permit encampments on publicly owned lands specifically parks in the community with comments from persons and partners through a few days of engagement that staff were able to conduct.

To date from January to June 2022, the Town of Cobourg has dealt with twelve (12) unauthorized camping in municipal park complaints within various areas of the community, mostly within the downtown area.

### **By-law Enforcement Encampment Current Response Process:**

The response protocol/procedure from By-law Enforcement has been reactive to complaints for encampments in Municipal Parks, and all activity and response to encampments in the Town of Cobourg have been complaint driven.

Municipal Staff realize that there are encampments and some tents that are located around Town and have been over the years erected in different areas. Staff are not actively looking for these encampments on a daily or regular basis due to amount of work and staffing. These locations are brought forward through complaints and are investigated as they come into the enforcement office.

The below procedures are the current practices that are conducted and executed when dealing with one or few tents/structures that have appeared in parks and public places that is not a designated or permitted camping location:

- Upon receiving a complaint, Officers attend the site. At this point in time the Officers will provide initial identification and communication with the individuals.
  - Visit the Site
  - Determine the current situation and review the environment including health and safety.
  - Identify the occupants and inquire as to their current situation and what services they may need.
- Officers engage with occupants if present and verify if encampment is on either Town property or private property.
- If encampment is on Town property, and persons are present they are served with a “Notice to Vacate”. Officers educate and provide information on available resources. If persons are not present the “Notice to Vacate” is prominently posted at the site.
- After this initial review and discussion, regular enforcement activity is conducted pursuant to the Town’s Parks By-law, Nuisance By-law, and Trespass to Property Act;
- A period of time suitable to the circumstance is provided to vacate the site (this may depend on complexity of encampment, number of persons, weather conditions etc.) however a period of 24 – 48 hrs., is commonly provided. If there is serious Health and Safety or criminal

activity circumstances my warrant lesser time or immediate removal. Depending on the response, additional enforcement, such as police services may be required depending on the situation.

- After the time period has elapsed, a reinspection is conducted to determine the status of compliance. Additional time may be given if necessary subject to the discretion of the Officer.
- If compliance is not achieved in the required time period, then a clearing of the site is scheduled with staff resources and equipment suitable to remove the items from Town property which are declared waste and disposed of accordingly. This work is coordinated by the By-law Enforcement Department with assistance from the Public Works and Parks Departments in order to ensure that the space can be safely accessed and utilized by the Public.
- If encampment is on Private Property, the property owner is advised and staff offer assistance if owner would prefer we act as Agent of Property. If property owner grants permission for encampment to remain, a review of lawful use in accordance with the Zoning By-law is conducted and appropriate enforcement measures taken if warranted. Property Clean-up will be the responsibility of the private landowner. The Town may provide support to not-for-profit property owners.

### **By-laws Currently Prohibiting Camping in Parks:**

Enforcement is conducted pursuant to the Town's Parks By-law, Nuisance By-law, and Trespass to Property Act;

- Sec 17.1 Parks By-law; No person shall dwell, camp, or lodge in any park, excluding the Victoria Parks Campground.
- **"Camp"** shall mean to erect a structure, hut, or tent for the purpose of providing shelter, or to use a structure, hut, tent for human habitation for any period of time;
- **"Park"** shall mean land and Municipal owned water lots and all portions thereof owned by or made available by lease, agreement, or otherwise to the municipality, that is or hereafter may be established, dedicated, set apart or made available for use as public open space.
- **"Nuisance"** shall mean an activity that causes an unsafe environment, affects the well-being of persons or the enjoyment of a public places.
- Applicable Nuisance activities include; urination/defecation, fighting, disorderly conduct, loitering, damage public property, activities prohibited by signs etc.,
- Section 2 (1) of the Trespass to Property Act provides;

Every person who is not acting under a right or authority conferred by law and who,

- a) without the express permission of the occupier, the proof of which rests on the defendant,
  - I. enters on premises when entry is prohibited under this Act, or

II. engages in an activity on premises when the activity is prohibited under this Act; or

- b) does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier, is guilty of an offence.

### **By-law Enforcement Improvements on Encampment Response Recommendations:**

As a result of learnings from the delegation and through the last few days of research and meetings with partners, and other levels of governments, staff is recommending that an established Northumberland County partnered coordinated systemic multi-agency response to encampments be introduced through HCRT to help to address potential health and safety risks, as well as facilitating person-centered engagement opportunities and individualized connections to community-based supports, including housing/shelter options for individuals that are found in municipal parks and public lands.

Staff believes that when an initial complaint is received by the By-law Department, the Town of Cobourg could engage the support from the Homelessness Coordinated Response Team (HCRT) from the County of Northumberland to support a collaborative response to those who are sheltering in the Town of Cobourg. This response could be a team of coordinated individuals and agencies that could be ingrained in the initial visit to the encampment location called the Encampment Response Team. When a complaint is lodged, the Encampment response team will conduct an assessment of the health and social needs of individual with consent, and their name be added to the By-Name List (BNL) if it isn't already which will allow for the understanding of their needs and connect them to services, supports, and available housing and also to connect with other community partner agencies who can provide a wide variety of supports.

An additional change and improvement that can be made to the Encampment Response Protocol/Procedure is an update on the removal of property from a vacated encampment and the storing of personal items, as necessary, to be placed at a centrally located municipal facility for retrieval. When Municipal Staff moves out an encampment, Staff shall place property that is left behind in an area for a longer period than the timeline for vacating the area to allow for persons to retrieve their items when it is comfortable for them to do so, and they have found a place to keep their possessions. A timeline would have to be determined, but a one-week period may seem like an appropriate time period to begin with.

A last update and improvement that can be made to the Encampment Protocol/Response is to provide a hard timeline for removal and required vacating of encampments that are located on Municipal Lands, rather than discretion determined by the Municipal Law Enforcement Officer. This timeline could be 48 hours which would be two (2) days which should be reasonable amount of time to allow for interaction with services and trying to find alternative accommodations. If

there are extreme health and safety measures discovered or that the encampment is interfering with a municipal program or activity directly, there may be reason to move up the timeline, and this should be left with the Officers decision in collaboration with Management and Senior Management determination.

As part of the second discussion of this report, Staff have provided commentary to Council on several considerations related to the potential introduction of allowing sanctioned encampments within the Cobourg community.

## **Considerations:**

### **Insurance and Liability**

Camping in Town of Cobourg municipal parks is currently prohibited under the Parks Use By-law No.012-2016. A central basis for this prohibition is that camping poses health and safety hazards, including fire concerns and risks to personal security, and the Town is unable to fulfill its duty to keep people reasonably safe from those harms during overnight hours (11pm to 6pm every night) when there is no staff, public traffic or security measures at the park and when the risk of harm is inherently higher.

It is important for Council to understand that as the property owner, the municipality would have certain responsibilities on how members of the public use municipal owned lands in an unsupervised manner.

Under the Occupiers' Liability Act (the "OLA"), the municipality owes a duty to take such care as in all the circumstances is reasonable to see that persons entering on municipal property, and the possessions brought onto municipal property by those persons, are reasonably safe.

It should be noted that when Council is considering an authorized encampment on municipal property, the Town owes a duty of care to the campers under the OLA to ensure they are reasonably safe while on municipal property.

When considering the above, Council may want to consider some type of monitoring to the shelter locations that would support the implementation of rights and responsibilities, and locations may need to be provided with portable toilets, potable water garbage containers, frequent maintenance and cleaning and daily by-law monitoring and enforcement during a 24/7 hour period. Another item that should be considered is lighting during the night hours. Illumination in these areas would help Officers and security in their monitoring efforts to make sure that there is safe environment for all.

In addition to the Occupiers Liability Act, Staff have had a preliminary conversation with the Town of Cobourg insurance provider who made a few comments for Council to consider.

1. Council would need to amend the Parks By-law to allow the camping in the parks and/or removing the no camping provisions of the By-law and suspend the hours of closing if overnight accommodation is permitted. If Municipal Council were to allow camping in municipal parks knowing that it is in contravention of a municipal by-law, the coverage could be denied if there were to be a claim in the park.
2. If Council amends or suspends camping and overnight provision of the Parks by-law, then Council needs to consider the limitation on the number of occupants that will be living rough and not creating that open invitation of persons and no way to know how many tents a location may end up with from persons that may come from many different parts of Ontario communities looking for a place to encamp.
3. The final comment that was made was the potential harm to Municipal Law Enforcement Officers who may not have the appropriate training when trying to remove campers from the parks. It would be important for the Officer and Staff to receive crisis intervention training to increase their knowledge and understanding of individuals with mental health and addiction challenges. These new skills learned will be valuable when interacting with encampment individuals to be able to build relationships and achieve better outcomes.

### **Health and Safety Concerns**

Due to the vulnerability and transience of those needing shelter, health and safety concerns are present for both residents and Municipal staff, verbal and sometimes physical aggressions have been noted at various sites that have been moved along. Municipal Law Enforcement Officers are not trained in outreach or mental health engagement techniques and therefore cannot offer support to address health and safety for encampment residents. This fact extends to include staff themselves, who navigate a challenging array of health and safety concerns when carrying out their duties. A professional skillset is required for staff to facilitate the mitigation of challenging behaviours, circumstances, and establishment of positive rapport. Staff will need to be trained in non-violent crisis intervention, work only in pairs and remain in constant communication with each other. As well as any other measures that would be determined as necessary to support staff to perform their duties and maintain a safe and supportive work environment.

### **Sheltering Considerations**

If Council is considering Recommendation #2 and allowing Shelters in municipal parks or public lands, there should be consideration of the following when choosing appropriate locations:

Locations should not be:

- within 50 metres of a school, daycare, or adult care facility;
- on active sports fields, dugouts, or bleachers;

- within horticultural displays or gardens;
- within cemeteries;
- near environmentally or culturally sensitive areas;
- blocking a path or right of access;
- on bridges, docks, or piers;
- near playgrounds, pools, or splash pads;
- near skateboard parks or sports courts;
- near picnic shelters, gazebos;
- near recreation facilities;
- in any other maintained area; or
- in highly inaccessible spaces for individuals, services, and support providers.

When evaluating a proposed location, the following should be considered as commented through many partners and commentators discussions:

- proximity or availability of public washrooms, park washrooms, or another toilet option;
- proximity to a potable water source for drinking and handwashing;
- proximity to public transit;
- proximity to services and supports residents need;
- site safety;
- site privacy;
- site maintenance services (including vehicular access and garbage removal);
- potential of damage to the site;
- risk of conflict with other users of space and the resident; and

## **CONSULTATION:**

### **1. Lived Experience and Delegation input on Sheltering in Cobourg:**

More information on sheltering in Cobourg provided by delegates from the June 27, 2022 Regular Council Meeting: (The following was provided by Meghan Sheffield:

**Let us be clear: the appropriate response to homelessness is secure, safe, affordable, long-term housing.** Everything else will be only a temporary fix. Some temporary fixes are preferable to others, however, and removing people from their chosen home should never be an acceptable solution. With a ten year wait for public housing in Northumberland, we must not let the perfect be the enemy of the good response.

**People who have lived experience with being unsheltered and unhoused hold a lot of wisdom** -- turning to these experienced voices for direction, rather than having housed people try to imagine unfamiliar possibilities, will save time and resources for all involved. Local outreach organization Green Wood

Coalition has offered that the Town can turn to them for support in making appropriate connections and consultation with people with lived experience.

**People are in need of shelter.** Since 2020, an overnight winter warming room has been made available in Cobourg by Northumberland County, because it is understood that there are some members of our community who would otherwise be unsheltered without that option. When the Warming Room closes at the end of the season, the people who have been making use of it are still here. They must continue to survive, and must continue to be able to rest, where they can.

**The people seeking shelter here are from Cobourg.** They have lived here for many years, some for all their lives, some for many generations. Our unsheltered neighbours have not arrived from “somewhere else.”

**No one is interested in setting up a tent in Victoria Park** or other busy park spaces. Instead, people prefer to find shelter in discrete locations of relative safety and privacy. For example: a recent eviction took place in the unused, Town-owned property at the Tannery district, where a by-law officer admitted to walking by five times before they could locate the tent. The Rotary park behind the YMCA has been suggested, as have the lands at Brookside.

**Evictions are not always happening according to the official procedure.** We are hearing from people who were moved 5 times in 8 days, and at times given 15 minutes to pack up and clear out, and had their belongings disposed of immediately --- all of this is in direction contravention of the policy of giving 24-48 hours warning, support resources, and access to belongings as reported by the Clerk at Monday’s meeting. It is not fair to hand-wring over getting any new, more humane bylaws “just so” when the ones that are already in effect are not being applied accordingly.

**In these evictions, people lose important belongings: clothing, medication, personal identification, and significant personal memorabilia.** In the last two weeks, a Cobourg resident lost the manuscript for a memoir they had been working on, as it was disposed of by bylaw enforcement officers. Previously we have heard from people who lost toys belonging to their children, items for housing they were expecting to access in the near future, and documents required for moving forward with employment and housing rentals.

Having a place to keep one’s belongings provides autonomy and independence, and also allows people to be able to attend appointments and job interviews without carrying around all of their personal effects.

**When people are moved along and have their shelter destroyed by bylaw enforcement, they become more isolated** from their own social community and from more formal support resources including outreach, MHEART and County social workers, who then must put in additional labour simply to find the individual.



**Indigenous people are among those who have had to seek shelter outdoors in Cobourg.** As treaty people, we encourage the Town of Cobourg to engage with the treaties and their signatories to better understand how those documents address the rights of individuals to seek shelter and find rest upon these lands. Cobourg is situated on Indigenous lands, and is therefore subject to the rights promised under UNDRIP, which means that Indigenous Peoples' right to land and self-determination is in effect.

**We believe that in the absence of suitable shelter or housing, every person has the right to a safe and consistent place to sleep.** A place where they can safely store their possessions and maintain connections to their community, where they have vital support networks and services. The Town of Cobourg can facilitate these rights by repealing and updating its bylaws to meet the current reality in a housing shortage. Ideas on how to do that:

- **because the issue is urgent, implement a pilot project** while more information is gathered, as Kingston is currently doing, allowing encampment on public land while it hammers out details such as which municipal By-Laws need to be waived by Council to allow the non-conforming use of parkland for this purpose. [https://getinvolved.cityofkingston.ca/encampment-response?tool=news\\_feed](https://getinvolved.cityofkingston.ca/encampment-response?tool=news_feed)
- make bylaws applicable according to whether an individual has an alternate permanent address or not (so public land is not available to camp for people who do have other options)

**Cobourg residents with housing are aware** of the dramatic changes in the local property market and are witnessing the harms their neighbours are experiencing. Citizens of this town are talking about what they are seeing and experiencing and mobilizing accordingly.

## **2. Neighbours and Community Members at Large:**

To date, the Town of Cobourg has not completed any formal engagement of this report and discussion regarding homelessness and sheltering in the Town of Cobourg with Cobourg Residents. Municipal Staff believe that a formal community engagement should take place with all residents in order to share ideas, opinions and ask questions on initial thoughts on these concepts and options and how to make these spaces safe and supportive for those who will utilize it and the neighbours that surround it.

## **3. Cobourg Fire Department:**

Municipal Staff engaged the Cobourg Fire Department to receive comments on any Cobourg Fire Department concerns related to sheltering within the Town of Cobourg and permitting camping on Municipal Property. The Fire Chief engaged with Provincial counterparts across Ontario and specifically the City of Toronto Fire Chief and the following was noted:

- Increased deaths due to careless smoking, heating up illicit drugs with propane heaters, using propane heaters for warmth in an unsafe manner, and carbon monoxide from the propane heaters being used in a confined space
- Increased fires in encampments because of the unsafe use of heating equipment
- Open air fires and the hazards brought on by the potential items that will be burnt. This creates Health and Safety concerns for homeowners in the area
- Depletion of services due to the increased responses required for the encampments, this could jeopardize someone else because of our delayed response to a vehicle collision, fire, or medical call
- Unsafe conditions for fire department staff, Police will have to escort fire department and EMS staff during medical or fire calls
- The potential for increased exposures that would jeopardize fire department staff (HIV, hepatitis etc.) and acts of violence;
- Countless violations under the Ontario fire code and fire protection and prevention act that requires our fire prevention officer to respond under “the immediate threat to life”

In addition, the Fire Chief has noted the following related to specific operations of the Cobourg Fire Department:

- Cobourg Fire only has one temporary fire prevention officer at this time, and the Officer will be overwhelmed with the calls for service at these encampments, not to mention the regular duties he is obligated to attend under the Ontario fire code
- There will be a significant cost to this undertaking because of the increased call volume and we will be required to call in career and part-time staff to ensure the safety of the citizens and tourists of Cobourg are safe.

#### **4. Cobourg Police**

The Cobourg Police Service (CPS) should not be a primary response to many of the issues surrounding homelessness. CPS should be focused on the prevention and resolution of crime. Responses to issues surrounding homelessness should whenever possible be led by Service Provider, the Town of Cobourg Municipal Law Enforcement Team, and the other support agencies that would be involved in supporting the encampments. The Cobourg Police Service actively works in coordination with Transitions House, Cornerstone, HCRT, Community Safety and Well Being Team, situational tables and other hubs. MHeart and HARP regularly provide on the ground, real time assistance, to many service agencies and the clients they serve.

Cobourg Police would have similar comments to the Fire Services and would provide a level of service that would be necessary to uphold the law as it would occur in any setting and environment.

The creation of designated encampments(s) will require a concerted police response effort. This is a real concern as experienced by communities across Ontario that have experience with encampments. This could be an unbudgeted staffing expense which the range of cost could be between \$102,000 and \$150,000 monthly. This is a figure is drawn from experience of another community who managed a similar encampment in 2021.

The enhanced and specific police presence incurred in part for the following reasons:

- Increased community concerns for safety,
- Increased calls for service including extortion, theft and violence,
- Increased potential for people to take advantage of vulnerable people including human trafficking and
- The desire to provide a safe community for all neighbourhoods in Cobourg.

Not funding this expense in addition to the current deployment of officers will create service delivery concerns for the entire community. What this means is that the possible additional workload will have to be managed by the current staffing model. The impact of this may be delayed response to calls for service throughout the community.

The enhanced police presence is very tentative even to commit to currently. During the summer months, our Town is busier than any other year requiring more police activity. This coincides with a time period where staff vacancies are higher than the rest of the year.

The Cobourg Police Service continues to serve the community in both proactive and reactive manners. We support all community agencies aimed at enhancing community safety and well-being. And we recognize that we are not the leaders in certain issues and want to support those agencies in resolving issues of greatest concern for them.

## **5. Haliburton Kawartha Pine Ridge District Health Unit:**

Town Staff reached out to the Health Unit but has not yet received a response on the matter. Municipal Staff is expecting that a review will be completed by the Health Unit in relation to the *Health Protection and Promotion Act* and the Town will be provided requirements and recommendations when a decision is made.

## **6. Northumberland County**

The following was received by the County of Northumberland during the consultation process. Staff met with the Community Services Manager and received information on existing programs, and Staff asked about collaboration

with programs for response to sheltering when there is a first contact with the Town:

Northumberland County Community and Social Services is the homelessness system manager for Northumberland County. This work includes developing and improving a system and framework to coordinate and manage homelessness services across Northumberland (reflecting the 10-year Housing and Homelessness plan).

Currently, the County invests in programs and services through Homelessness Prevention Program funding allocated each year by the MMAH and County investment. Through contracted service agreements, community-based agencies provide key homelessness and housing related supports and services. This includes investments in sheltering services for families, couples, and singles from Emergency shelter, motel overflow programs, warming rooms and more recently development of a transitional housing and supportive housing model. Additionally, investments to multiple homeless serving community-based organizations are made to connect those seeking services with housing related supports, and health and harm reduction resources and access to food supports.

Through work with the Canadian Alliance to end homelessness and the Homelessness Leadership Table, the County has developed a quality by name list and as part of best practice established a centralized coordinated access point through Transition House's emergency shelter in Cobourg. Individuals or families may have accessed the homelessness system from any point; however, the person would be redirected to Transition House for emergency sheltering, and further assessment of need along with diversion supports and discussion.

As part of the 2022 Business plan for Community and Social Services, a Request for Proposals was issued on June 20th seeking a review of the homelessness system framework in Northumberland. Together, we have been working to build a County-wide response model of infrastructure and services to support those experiencing – or at risk – of homelessness. The goal of this review will be to develop recommendations for advancing these efforts based on a holistic view of the homelessness system.

The review will include an assessment of present state, along with best practice and sector trends, so that we can develop data-based plans for effectively meeting the needs of the whole County over the long-term. We will be looking at:

- funding models
- partnership opportunities
- core emergency shelter service level standards, and
- strategies supporting impactful program delivery and coordinated access

The department of Community and Social Services also delivers comprehensive and provincially mandated services across Northumberland County that support those in crisis and living on low incomes. For those who seek our services, a plan of care and goals are set identifying actions to promote life stabilization and improved health outcomes.

Community and Social services provide financial, health, food, and housing options for those that are eligible. Through our Early Years team fee subsidy for licensed childcare and family programming through EarlyON Child and Family Centres.

### **Recommendations:**

Staff are providing Council with two (2) options to consider related to the topic of sheltering and permitting 'Living Rough' on municipally owned property.

The first option for Council to consider is to remain with the status quo, and the enforcement of Municipal By-laws currently in place continues to be conducted by Municipal Law Enforcement Officers, and that Staff improve the way that the Encampment Protocol/Procedure is conducted. Staff is recommending that there be more direct collaboration with the County of Northumberland and current practice be better leveraged and be directly involved in the resources and programs that are in place to directly reach persons in encampments to understand needs and challenges to help persons get the support services and accommodations that they need to get back on track. This approach will be conducted and enforcement compliance will not take effect until 48 hours (or Less) until an assessment and preliminary interaction has occurred in which voluntary compliance is the preferred response.

Staff are recommending that this option be chosen by Council and is moved forward as a first approach in addressing homelessness in the community. Staff will keep track and maintain confidential record keeping and stats on removal of encampments through non-enforcement measures, but removed through a collaborative direct diversion approach to get individuals out of municipal parks who are living rough on municipally owned property. Regular updates could be provided to Council in order to provide information and continuing reporting on the encampment situation within the Town of Cobourg.

Council should also be aware that not all individuals who are choosing to shelter in parks and municipally owned property will want to engage with staff and a response team to receive the opportunity to receive available shelter space and receive specific services for their needs. These persons will need to be part of the consistent approach in the Encampment Procedure/Protocol and we shall continue to support these persons on getting back into the shelter system and receiving the services that they need, but not allowing longer encampment in the Towns parks.

The second option is for Council to suspend the enforcement of the Parks Use By-law regarding the camping in Municipal Parks and the hours of operation (park curfew) for municipal parks, maintain the enforcement of the Nuisance By-law, and direct Staff to provide certain services' such as dedicated By-law Enforcement staffing, security, showers, and dedicated programming, Power, Water, Garbage disposal Cooking abilities (outdoor BBQs, communal space), Harm reduction supports and infrastructure, safety measures to limit violence and thefts, naloxone kits and Storage for personal belongings (lockers or monitored sea container); and also to enact the more direct collaboration with the County of Northumberland and current practice to better leverage and be directly involved in the resources and programs that are in place to reach persons in encampments to understand needs and challenges to help persons get the support services and accommodations that they need to access a place to shelter.

Staff is not recommending this option as there are several resources and funding that will need to be provided and approved by Council as a result of requirements to maintain a safe environment and to maintain the Town's legal requirements, to those that would be staying within the encampment and as well as surrounding neighbouring residents utilizing municipal lands and parks for their intended use. Staff have provided an approximate estimate of costs that would need to be used to fund these sanctioned locations which would be funding an interim short-sighted option rather than funding the solution which is to put funding towards more affordable housing options and other shelter initiatives in the Town of Cobourg that can be added to our current funding for affordable housing initiatives.

### **Additional Comments:**

Through the direction and leadership of Cobourg Council Staff have worked throughout the four (4) year term to support affordable housing initiatives within the Town of Cobourg and support Cobourg residents in attaining and opportunity to affordable home ownership. The Town is the only lower-tier municipality to approve an Affordable Housing Community Improvement Plan. The CIP provides a comprehensive tool kit of financial incentive programs specifically designed to help stimulate the provision of affordable and rental housing in the community in accordance with the County of Northumberland and Town of Cobourg Affordable Housing Strategies.

Municipal Council could look at other programs and supports to assist with the Housing crisis in the community. This may involve looking at underused or vacant municipally owned building to house the vulnerable population, or looking at other communities on opportunities for other innovative shelter ideas that would have the services that individuals need to receive supports that they need and to transition them to a more permanent housing solution.

Council should also work with the County of Northumberland and other lower-tier and Ontario Municipal Governments to advocate the federal and provincial

governments to receive additional funding in mental health and addiction funding and also funding to support transitional supportive housing in Ontario.

## 7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

Financial and Budget implications will be determined based on Council’s direction and decision on encampments and suspension of certain municipal by-law provisions. The Town of Cobourg is not the designated Service Manager and does not receive any funding directly for Community and Social Services and not responsible for directly administering homelessness programs.

If Council were to provide certain arrangements or considerations for sheltering in the Town of Cobourg, these costs would be unbudgeted, and Staff would need to gather information and cost associated with any encampment response.

<b>Estimated Expenditures based on Option #2 (July to November- 5 months for one location)</b>	
By-law Staff - Salaries, benefits, training e.t.c	\$64,000
Security (2 Officers nighttime)	\$15,000
Washrooms (three washrooms with cleaning)	\$25,000
Sanitation (hand washing and sinks)	\$10,000
Waste Collection (Disposal Bin, collection service)	\$20,000
<b>Estimated Total for Expenditures</b>	<b>\$134,500</b>
Total Funding	\$0.00
Total Budgeted	\$0.00

Additional costs that the Town has not received or determined estimates on could include:

- Food
- Showers
- Power Supply
- Storage facilities for Personal Items (lockers pods)
- Additional staff resources required other than By-law, such as Police, Fire, or other staff as required

## 8. CONCLUSION

In conclusion, Staff have tried to provide all information to Municipal Council on the topic of Sheltering and Homelessness with the Enforcement of Municipal By-laws. Staff are making the recommendation that Council provide direction with the status quo, but to improve the response to shelters on public lands with a more deliberate response to shelters and timelines and to work with the County of Northumberland as the Service Manager for coordination through the Northumberland Homelessness Coordinated Response Team (HCRT) in order to establish a coordinated systemic multi-agency response to those sleeping rough in the Town of Cobourg to facilitate person-centered engagement opportunities and individualized connections to community-based supports, including dignified housing/shelter options.

## Report Approval Details

Document Title:	<b>Homelessness and Sheltering and the Enforcement of Municipal By-laws in the Town of Cobourg</b>
Attachments:	CPS Letter
Final Approval Date:	June 30, 2022

This report and all its attachments were approved and signed as outlined below:

**Tracey Vaughan, Chief Administrative Officer - Jun 30, 2022 - 5:50 PM**