

Municipal Regulation of Encampments

March 4, 2024

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Clarington

Encampments: A Changing Social Landscape

- Changing assumptions and attitudes
- Changing needs
- Changing approaches to public health and social services
- Changes to the law

Encampments: Existing Municipal Regulation

- No existing by-laws specifically for the purpose of regulation of encampments
- Parks By-law 2006-126
 - Pertains to more than traditional parks (e.g. woodlots, ravines, public squares, gardens, walkways, etc.)
 - “camping” is not permitted
 - Absolute prohibition on tents or other temporary shelters overnight
- Clarington approach is typical

Encampments: Recent Legal Rulings

- Waterloo (Regional Municipality) v. Persons Unknown
- City of Kingston v. Doe
- Court Cases from British Columbia

A New Approach to Encampment Regulation

- Replace the Parks By-law
 - Renamed the “Public Spaces By-law”
 - Clearly articulate the purpose/objective
 - Differentiate “camping” from “temporary emergency shelter”
 - Exclude encampments from unsafe areas or other problematic locations
 - Regulate encampment size
 - Continue to regulate unsafe activities within Municipal jurisdiction
 - Various consequential amendments



Source: Regina Fire and Protective Services



Source: Dave Irish (Halifax)



Source: Hafsa Arif/CTV News Atlantic



Source: The Canadian Press/Lyndsay Armstrong



Source: Eric Wynne (Halifax)

Source: Gareth Hampshire/CBC



Source: The Canadian Press/Darryl Dyck

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A New Approach to Encampment Regulation

- Regulations
 - Maximum area of 9 m²
 - Not within a dangerous location
 - Not within 50 meters of:
 - Schools and daycares
 - Recreational amenities
 - Not within 5 meters of:
 - Transportation infrastructure (e.g. transit stop, road, sidewalk, boulevard, bridge)
 - Off-leash dog area
 - Cemetery
 - Private property boundary
 - Fire route

A New Approach to Encampment Regulation

- Create an Encampment Protocol for Municipal Law Enforcement
- Work in close consultation with the Region of Durham and DRPS

Thank you

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