

Homeless Encampments Through a Human Rights Lens

**Municipal Policies and Recommendations
September 2022**

**Alison Brown, Sarah Gillies, Victoria Marshall, Hannah
Mcgurk, Dr. Laura Pin**

Executive Summary

The visibility of unhoused people living in encampments, on public or private lands has drawn attention to the growing issue of unsheltered homelessness, and highlighted socioeconomic and legal challenges of regulating these spaces.

This paper builds on a community-engaged research project with the Region of Waterloo and uses a socio-legal perspective to provide a comparison of encampment protocols among seven municipalities: Waterloo, ON; Sudbury, ON; Toronto, ON; Hamilton, ON; Kingston, ON; Brantford, ON; and Winnipeg, MB. Municipal encampment responses were classified to assess the degree of criminalization present and whether policies were consistent with a human rights approach to housing and homelessness.

Our analysis found significant variation among municipal approaches, even among jurisdictions in the same provincial policy context. Responses to encampments on public and private land differed, as did the degree of engagement of encampment residents and outreach services offered. The findings suggest that municipalities could better engage with human rights principles in responding to encampments.

Acknowledgements

We appreciate assistance from staff at the Region of Waterloo in conceptualizing and thinking through this project. We also are appreciative of the Canadian Observatory on Homelessness agreeing to host this project. We are very grateful to Shawna Reibling, Knowledge Mobilization Officer, Wilfrid Laurier University for her editorial and design work in producing the final report. Any errors, inaccuracies or omissions remain the responsibility of the authors.

In so-called Canada, discussions of housing, homelessness, and eviction are intimately connected to the forced displacement of Indigenous peoples from these lands. In Waterloo Region, this includes the failure to honour the Haldimand Treaty of 1784 and the displacement of Six Nations of the Grand River from treaty territory in the Region. We recognize that researching and writing about housing and homelessness as settlers requires working towards more just relations with Haudenosaunee and other Indigenous peoples where we live and work.

Table of Contents

01	Executive Summary		
03	Overall Recommendations		
04	Recommendations Consistent with		
		Principle 2 - pg. 4	Principle 5 - pg. 6
		Principle 4 - pg. 5	Principle 6 - pg. 6
		Principle 8 - pg. 6	
07	National Protocol for Homeless Encampments in Canada		
08	Four Types of Community Responses to Encampments		
09	Encampments in Canada – Setting the Scene		
10	Encampments Across Canada		
11	Encampments: Push Factors		
12	Encampments: Pull Factors		
13	Legal Context of Encampments		
15	Provincial Regulations		
17	Municipal Bylaws		
20	Study Comparisons		
21	Municipal Protocol Comparisons		
22	Responses to Encampments on Public or Private Lands		
24	Evidence of Practices Consistent with		
		Principle 2 - pg. 24	Principle 5 - pg. 26
		Principle 4 - pg. 25	Principle 6 - pg. 27
		Principle 8 - pg. 28	
29	Discussion		
30	Limitations		
30	Conclusion		
31	References		
34	Appendix A – Excerpts from Encampment Protocols		
45	Appendix B – Policy Recommendations from Kingston’s 2021 Report: City Encampment Protocol/Procedures		

Overall Recommendations

01 Recognize that addressing encampments cannot be a substitute for addressing homelessness.

The creation of more permanent affordable housing, including supportive housing, is the only long-term solution to the problem of unsheltered homelessness. Encampments are but one symptom of the problem of unsheltered homelessness.

02 Implement a human rights-based response to homeless encampments based on the National Protocol for Homeless Encampments in Canada.

The findings suggest that municipalities could better engage with human rights principles in responding to encampments. This should begin with greater consideration of how current laws and bylaws align to commitments to housing as a human right.

The following recommendations detail how to implement a human rights-based response:



Recommendations Consistent with Principle 2

Ensure meaningful engagement and effective participation of encampment residents

03 **Respect the autonomy of residents regarding their housing decisions.**

For many residents, encampments may be the only viable shelter option. Even if emergency shelter spaces are available, these spaces may not be safe or suitable. Encampment residents should have opportunity to express their personal needs, and outreach staff should work with residents to find individualized options that meet a given residents' needs.

04 **Use a trauma-informed approach when engaging with residents to work towards meaningful interactions and opportunities to build trust.**

One aspect of a trauma-informed approach would be to use a single point of contact (SPOC) approach to communication, which will reduce the retelling of traumatizing stories related to the needs and choices of encampment residents. This may include an organized system of information gathering which is easily transferable.

05 **Ensure transparency and accountability in all engagements with encampment residents.** This may include mechanisms for residents to provide feedback and note concerns in relation to interactions with staff, bylaw and other municipal actors. Most importantly, transparency and accountability are key factors when information gathering occurs, as it is crucial to notify residents what the information gathered is being used for, and how it will be stored.

Recommendations Consistent with Principle 4

Explore all viable alternatives to eviction.

06

Harmonize and update municipal bylaws. Many bylaws in the municipalities reviewed were over 10 years old, and do not reflect the dire nature of the affordable housing crisis in Canada, nor do they reflect the increased presence of encampments across municipalities nationwide.

07

Explore pathways for developing sanctioned encampment locations, either provisionally or permanently. Provisionally sanctioning an encampment can provide time for outreach workers to develop safe, appropriate and permanent housing alternatives with encampment residents. Permanently sanctioning an encampment lessens fear of forced removal, creating an opportunity to refocus the relationship between encampment residents and staff on addressing the factors contributing to homelessness and working with individual residents to develop housing alternatives.

08

Take steps to reduce the criminalization of people experiencing homelessness. Housing advocates hold the view that enforcing fines for minor provincial offences and bylaw transgressions are concerning when issued to homeless individuals not only because of the tension they create between law enforcement and homeless communities but also because of the steep nature of imposed fines, many of which are never paid. Issuing fines is a reactive encampment management technique, not a proactive one, which may create significant financial barriers for unhoused people in accessing housing, employment and public services.

Recommendations Consistent with Principle 5

Ensure that any relocation is human rights compliant.

09

Relocation should be voluntary and to housing that meets human rights standards and the individual needs of residents. If needed, storage should be provided for personal belongings of residents during relocation.

Recommendations Consistent with Principle 6

Ensure encampments meet basic needs of residents consistent with human rights.

10

Address safety concerns at encampment locations without resorting to forced removal of residents. When safety concerns arise, work with encampment residents to provide services that address the specific safety concerns. Water, garbage disposal, sanitation, and fire safety education are all services provided to residents by municipalities and the first response to safety concerns should be the provision of these services.

Recommendations Consistent with Principle 8

Respect, protect, and fulfill the distinct rights of Indigenous Peoples in all encampment engagements.

11

The existence and management of encampments has important implications for relationships between municipalities and urban Indigenous communities. Indigenous people are overrepresented in the unsheltered homeless population, therefore international human rights treaties and Indigenous leadership must be considered in encampment management discussions. The consultation process must consider engaging Indigenous peoples in a transparent manner, consistent with recognition of land and treaty rights and Canada's human rights obligations.

National Protocol for Homeless Encampments in Canada

Adapted from Farah and Schwan, 2020

This protocol, produced by the former United Nations Special Rapporteur on the Right to Adequate Housing and her research team, identifies that encampment residents are rights holders should not be criminalized for their lack of permanent housing (Farah and Schwan, 2020). It outlines eight principles for a government response to encampments grounded in human rights principles.

This assessment compares municipalities utilizing five of the eight principles in the National Protocol when responding to managing residents in homeless encampments. The principles were chosen due to their relevance to municipalities as policy actors.

- 01 PRINCIPLE 1: RECOGNIZE RESIDENTS OF HOMELESS ENCAMPMENTS AS RIGHTS HOLDERS.
- 02 PRINCIPLE 2: MEANINGFUL ENGAGEMENT AND EFFECTIVE PARTICIPATION OF ENCAMPMENT RESIDENTS.
- 03 PRINCIPLE 3: PROHIBITION OF FORCED EVICTIONS OF ENCAMPMENTS.
- 04 PRINCIPLE 4: EXPLORE ALL VIABLE ALTERNATIVES TO EVICTION.
- 05 PRINCIPLE 5: ENSURE THAT ANY RELOCATION IS HUMAN RIGHTS COMPLIANT.
- 06 PRINCIPLE 6: ENSURE ENCAMPMENTS MEET BASIC NEEDS OF RESIDENTS CONSISTENT WITH HUMAN RIGHTS.
- 07 PRINCIPLE 7: ENSURE HUMAN RIGHTS-BASED GOALS AND OUTCOMES, AND THE PRESERVATION OF DIGNITY FOR ENCAMPMENT RESIDENTS.
- 08 PRINCIPLE 8: RESPECT, PROTECT, AND FULFILL THE DISTINCT RIGHTS OF INDIGENOUS PEOPLES IN ALL ENGAGEMENTS WITH ENCAMPMENTS.

Farha, L. & Schwan, K. 2020. [A National Protocol for Homeless Encampments in Canada](https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf). Online at [make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf](https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf)

Four Types of Community Responses to Encampments

Typology created by Cohen et al. (2019)

This analysis uses a human rights approach outlined by The National Protocol for Homeless Encampments in Canada on the previous page and the Four Types of Community Responses to Encampments Typology outlined below. The National Protocol and this typology guide a government response to encampments.

Clearance with little or no support

- Encampment residents only given a few days' notice of sweeps
- Short-term storage of belongings
- Few referrals
- High likelihood of police involvement

Clearance with support

- Notice of sweeps given weeks in advance
- Long-term storage of belongings
- Referrals provided
- High likelihood of bylaw and/or police involvement

Tacit acceptance

- Persist regardless of laws
- Basic services provided
- Outreach workers provide housing support
- Moderate likelihood of bylaw and/or police involvement
- Selective enforcement of municipal regulations

Formal sanctioning

- Encampments permitted by law on public or private property
- Infrastructure provided
- Case management for housing or other benefits
- Moderate to low likelihood of bylaw and/or police involvement

Encampments in Canada - Setting the Scene

Homelessness is a policy concern that extends across the country. For individuals experiencing homelessness, there are typically three options for seeking shelter. The first is through emergency shelters providing housing and crisis services (Goering, 2014). The second is “couch surfing” – temporarily staying with a friend or relative. The third option is staying in an encampment. Colloquially, encampments are often referred to as tent cities, although using “encampment” instead of “tent city” takes into consideration the fact that not all shelters being utilized are tents.

An example of an encampment local to Waterloo Region is the recently established “Better Tent City” in Kitchener, which is composed of tiny homes for individuals to dwell in and communal resources like laundry and bathing facilities that are shared among residents (Duhatschek, 2021b).

Many encampments, however, are structurally more temporary, and most lack formal amenities. Since encampment structures are not intended for long-term occupancy, it is difficult for policymakers to understand why an individual experiencing homelessness would opt to live in an encampment rather than in a homeless shelter (Cohen et al., 2019).

Encampments are defined as “any area wherein an individual or a group of people live in homelessness together, often in tents or other temporary structures (also referred to as homeless camps, tent cities, homeless settlements, or informal settlements)” (Farha and Schwan, 2020: 5).

Encampments Across Canada

The overall presence of encampments in Canada appears to be on the rise (Farah and Schwan, 2020; Moore and Gray, 2021). Although there is no national data on encampments Point-in-time (PiT) counts are used as a base measurement of sheltered and unsheltered homelessness in Canada, consistent with the federal “Everyone Counts” initiative. PiT counts are intended to capture a snapshot of the number of people experiencing homelessness at a given time, and therefore cannot fully determine the extent of homelessness in a given area (Strobel et al. 2021).

Data from the most recent (2021) PiT counts across Canada indicates many municipalities have experienced growth in the number of people experiencing homelessness, and the number of people experiencing homelessness who are unsheltered (Duhatschek, 2021a; CBC News, 2021). Highly relevant to Canada’s settler colonial context is the overrepresentation of Indigenous peoples among those experiencing homelessness (Anderson and Collins, 2014; Uppal, 2022).

In some municipalities, like the Region of Waterloo and the City of Winnipeg, researchers estimate more than 50 percent of the homeless population is Indigenous (Groleau, 2021, Distasio et al., 2018). Thus, the existence and management of encampments by municipalities has important implications for relationships between municipalities and urban Indigenous communities.

Encampments: Push Factors

There are several reasons why people experiencing homelessness live in encampments: Some reasons are a result of push factors:

- Absence of shelters (Ha et al., 2015; Haley et al., 2022).
- Shortage of beds (Ha et al., 2015; Haley et al., 2022).
- Absence of appropriate shelter facilities (Ha et al., 2015; Haley et al., 2022).
- Restrictive criteria that dissuade homeless individuals from accessing this housing (Cohen et al., 2019; Donley & Wright, 2012; Young et al., 2017).
- Shelters require check-ins at a certain hour; Individuals who arrive late are turned away (Cohen et al., 2019; Ha et al., 2015).
- Sobriety requirement - individuals may not qualify for overnight stay if there is reason to believe they are inebriated, which is an issue embedded in the broader criminalization of homelessness (Bardwell et al., 2018; Cohen et al., 2019).
- Threat of theft of belongings and conflict with residents can deter use of shelters (Ha et al., 2015).
- Shelters are not appropriate to all family structures. For example, if there is an entire family seeking shelter together and the shelter only accepts female residents, families might opt to live together in an encampment instead (Cohen et al., 2019, Haley et al., 2022).
- Pets are typically not permitted at shelters.
- Criminalization can also be a barrier to shelter use. Donley and Wright (2012) note that a deterrent to shelter use among homeless individuals is concern about the enhanced presence of police officers near shelters and an increased risk of arrest.
- Stigma associated with shelter use (Ha et al., 2015).
- Stigmatizing interactions with shelter staff (Ha et al., 2015).

Encampments: Pull Factors

People may live in encampments rather than shelters because of pull factors:

- Encampments permit more freedom for residents: they can come and go as they please and are able to self-govern and self-regulate among one another.
- Lack of permanence associated with shelters, where individuals feel as though they are guests who are expected to only be visiting in the short term and there is some possibility for incompatibility among residents (Cohen et al., 2019).
- Individuals may live in encampments for the sense of security offered. Since encampments contain groups of people co-existing as a community, individuals experiencing homelessness who live on their own do not experience this same sense of security (Cohen et al., 2019; Kauffman, 2020; Young et al., 2017).

Research suggests encampment residents appreciate a sense of autonomy in encampments, whereas shelters are perceived by individuals as institutions that are heavily monitored and controlled. (Cohen et al., 2019; Donley & Wright, 2012)

Legal Context of Encampments

The regulation of encampments closely relates to the criminalization of homelessness. Olson and Paul (2021) discuss how encampments are frequently portrayed through three intertwined narratives:

Individual Shortcomings

This narrative relies on the assumption that homelessness is a result of individual shortcomings. This ignores the self-determination of residents and views homelessness in a pathologized way. It implies that individuals can be 'cured' of homelessness as a result of intervention by social service providers and medical professionals (Dej, 2016; Olson & Paul, 2021).

Mental Health and Substance Use

Common mental health and addictions treatment programs can play into the individual deficiencies narrative through an emphasis on taking personal responsibility for addiction, rather than examining systemic factors that marginalize people who use substances (Dej, 2016). Social service providers encourage people experiencing homelessness and using substances to embrace these programs, which pathologizes the responsibility a homeless person is expected to take to 'cure' themselves of addiction and this presents homelessness as an individual pathology rather than a systemic issue exacerbated by underinvestment in affordable and/or supportive housing (Dej, 2016).

Criminalization

Substantial academic work has examined the criminalization of homelessness, that is, how homeless individuals are portrayed as frequent violators of laws, and how survival actions of homeless individuals have been defined as criminal offenses in provincial and municipal legislation.

Public opposition to encampments is often rooted in these narratives, bolstered by a fear of increased crime and the belief that encampments impose a risk to public health (Olson and Paul, 2021). These common narratives of homelessness fail to account for the structural factors that cause homelessness and deny encampment residents the human right to access adequate food, housing, and sanitation (Dej, 2016; Olson & Paul, 2021).

Legal Regulation of Encampments in Canada

Some advocates believe that the legal regulation of encampments at any level can enhance the criminalization of encampment residents since regulation often calls for the involvement of police (Talge, 2010: 782). Herring and Lutz (2015) discuss how discourse related to the criminalization of homelessness often arises from antisocial behaviour laws that give police the authority to expel homeless people from public spaces. Recent encampment evictions involving law enforcement, including those that have taken place in Toronto, ON, Hamilton, ON, and Kitchener, ON, have become controversial due to the levels of police enforcement and destruction of residents' shelters and belongings (Gibson, 2021; Bron, 2021; Bholla, 2021).

Scholars have identified the criminalization of homelessness as an emerging model of urban governance, purifying the streets through punitive measures (Herring and Lutz, 2015: 690). Broadly speaking, these punitive measures can stem from the pathologizing of homelessness as noted by Dej (2016) in that court-ordered mental health and/or addiction treatment can be seen as both a punishment and a cure for elements of homelessness. The criminalization of mental illness operates in tandem with the criminalization of homelessness both in the delivery of social services, law enforcement, and in academic research (Dej, 2016). In response to this, municipalities with large populations of people experiencing homelessness have opted for one of two strategies:

Containment

- In the American context, it includes the centralization of a homeless population.
- Used in Los Angeles
- Can provide more centralized relief and service access to people living on the streets (DeVerteuil et al., 2009).

Revanchism

- Well-known for its use in New York
- Views public space as territory belonging to municipalities
- Seeks to force homeless people to relocate (DeVerteuil et al., 2009).

Ultimately, it is the provincial and municipal levels of governments that structure the legal response to encampments.

Provincial Regulations: Laws and Fines

People who are experiencing homelessness can be subject to tickets and fines under provincial legislation. Since many municipalities have not developed bylaws specific to encampments, law enforcement often relies on issuing provincial offence charges to discourage or dismantle encampments. The Trespass to Property Act 1990 (TPA) is one article of provincial legislation that supersedes any municipality's bylaws pertaining to property access. According to Section 2 of the TPA, individuals convicted of trespassing in provincial court can receive a monetary fine up to \$10,000. This legislation is applicable on both private and public property.

Since the spaces or infrastructure are owned regionally or by provincial governments, those being served notices to vacate and are also subject to tickets and fines under Ontario's Highway Traffic Act 1990 (HTA). Law enforcement personnel have the power to fine trespassers for littering pursuant to HTA Section 180, which holds that anyone seen to be keeping or discarding of materials outside a designated receptacle can receive a fine between \$85 and \$500 (Ontario Court of Justice, 2021).

Similarly, Ontario's Safe Streets Act 1999 (SSA) targets homeless individuals and communities. Disposing of syringes or sexual wellness materials in public spaces, which can include land owned by municipalities, imposes fines of \$100 per offence. Fines for soliciting in or near public washrooms, transit vehicles, or transit stops costs offenders \$50 per violation (Ontario Court of Justice, 1999). Scholarly review of the SSA has found that it is more concerned with what is considered "anti-social behaviour" than public safety and reflects broader legislation development trends that attempt to discourage homeless people from using public spaces (O'Grady et al., 2013). These trends have been identified in the United States, United Kingdom, and Canada.

Housing advocates hold the view that fines for these offences are concerning when issued to homeless individuals not only because of the tension they create between law enforcement and homeless communities, but also because of the steep nature of imposed fines, many of which are never paid.

Provincial Regulations: Fines

O'Grady et al (2013) have indicated that Canadian municipalities' areas of overlap with provincial legislation like Ontario's SSA make for a jurisdictionally complex legal case, as those found to be violating a bylaw that is also a provincial offence can be ticketed/fined for both. According to Homeless Hub (2021), the first eleven years of SSA enforcement cost the City of Toronto and Province of Ontario more than it was able to earn back in fines:

- over \$4 million worth of fines were issued under the SSA in Toronto alone from 2000 to 2011.
- 99% of those tickets went unpaid.

The SSA also allows homeless and street-involved individuals to be imprisoned for second and subsequent commissions of offences, which although rare, could cause them to lose access to the financial benefits and social supports they may need to stay alive (Homeless Hub, 2021). Under the HTA, individuals with unpaid provincial offences tickets (including those issued under the TPA and SSA) are unable to apply for drivers' licenses or renewals of existing licenses, which creates additional barriers for those who are working to overcome chronic homelessness and may need a drivers' license to secure employment.

Enforcing provincial offences against homeless people is not financially productive for any branch of government involved in the prosecution of those offences. It also deepens the cycle of poverty experienced by homeless people.

Municipal Bylaws

Municipal bylaws can also be used to govern encampments on municipally owned land, even if they do not address encampments specifically. Many bylaws in the municipalities reviewed were over 10 years old, and do not reflect the dire nature of the affordable housing crisis in Canada, nor do they reflect the increased presence of encampments across municipalities nationwide. Many of the municipal bylaws relevant to the governance of encampments concern municipally owned parks and greenspaces. City parks remain under the jurisdiction of individual municipalities pursuant to Ontario's Municipal Act 2001.

The City of Toronto has park dwelling bylaws similar to those in other medium and large sized cities, including Kitchener and Cambridge, although Toronto's bylaws 608-13 and 608-14 guide pertain specifically to complaints about homeless encampments in city parks. As per the City of Toronto's 2021 bylaw directory, residents aware of a homeless encampment in a public park are able to call 311 and file a report. While not all municipalities direct citizens to report encampment sightings to bylaw enforcement, the presence of similar bylaws in many municipalities can lead to criminalization and eviction of encampment residents (Gibson, 2021; Casey, 2021).

In two tier municipalities, there is additional complexity in terms of the relationship between lower tier and regional governments in setting local bylaws. For example, the Region of Waterloo's three largest municipalities – Kitchener, Waterloo, and Cambridge – all have similar yet separate bylaws that can be used to govern encampments on municipally owned land. City of Cambridge bylaw 162-10.3.m and City of Kitchener Municipal Code section 270.4.2.h prohibit individuals from dwelling and establishing structures (temporary and permanent) on municipal grounds, specifically in public parks. Although the City of Waterloo does not have a similar bylaw in relation to parks, its public nuisance bylaw 2011-25.2 contains language and directives that could be used to ticket or remove those establishing encampments in city parks.

The City of Toronto's handling of encampment evictions has been controversial, especially regarding its use of Toronto Police Services. During the eviction of encampment residents, journalists, protesters, and observers were injured and/or arrested by Toronto Police. More context: [Investigation finds officer used unnecessary force at clearing of homeless encampment, Toronto's Ombudsman to Investigate Homeless Encampment Clearings](#)

Municipal Bylaws

The Region of Waterloo's 2013 Code of Use Bylaw (13-050), passed in 2013, is the Region's most recent and most relevant bylaw when it comes to the regulation of encampments. It was engaged in the Region's demolition of an encampment on November 26, 2021.

Five residents of an encampment behind a transit stop on Charles Street in Kitchener, ON., were evicted on November 26, 2021. [Details](#)

Although part of the bylaw pertains to signage posting guidelines on regional property, much of its content addresses trespassing on property owned by the Region. This includes buildings and grounds owned by the Region as well as public transportation vehicles but also includes regionally owned land around roadways, bridges, and over/underpasses. Under this bylaw, trespassing itself is considered a prohibited activity that is first addressed through verbal warnings, then written warnings and posted signage if the preliminary means of communication are not effective.

While unpaid fines might be considered a costly consequence of ticketing homeless people and encampment residents at the municipal and provincial levels, it is not the only cost that requires consideration: dispatching law/bylaw enforcement to dismantle encampments and evict their residents is also extremely costly.

In 2021, the City of Toronto spent over \$840,000 dismantling encampments at Trinity Bellwoods Park, Alexandra Park, and Lamport Stadium, in addition to the over \$792,000 spent re-landscaping the parks' amenities afterwards (City of Toronto, 2021). These high totals also do not include the costs of involving police, which was also heavily criticized for the high levels of physical force officers used on encampment residents and protestors during various 2021 evictions (Gibson, 2021).

The costs of encampment eviction and management when eviction remains the main goal go far beyond what some municipalities may be able to anticipate or budget.

Municipal Bylaws

In response to the increasing prevalence of encampments, as well as concerns for the cost-effective regulation of these spaces, municipalities are developing new protocols to manage encampments on public and private lands. These protocols typically provide guidance for staff concerning the appropriate application of relevant bylaws, procedures to be followed once the municipality becomes aware of an encampment, and guidance on when and how specific municipal agencies should become involved. Many municipal protocols also intersect with Housing First guidelines for addressing homelessness.

The Housing First approach is an evidence-based approach that holds that individuals experiencing homelessness will be in a much worse position if they continue to remain homeless and should be housed without any preconditions for accessing mental health or substance use treatment (Turner, 2014).

The approach asserts that stable housing and the necessary support in place is the first step to recovery of an individual experiencing homelessness. Other core principles of a Housing First approach include offering any required treatment services as well as integrating housing to the community and promoting self-sufficiency for residents (Turner, 2014).

For a municipality to successfully apply a Housing First approach to their encampment protocol, oftentimes the entire organizational infrastructure must be aligned in a way that supports its implementation (Turner, 2014).

Study Comparisons

Municipalities Compared

In November 2021, we reviewed protocols for managing encampments from six municipalities:

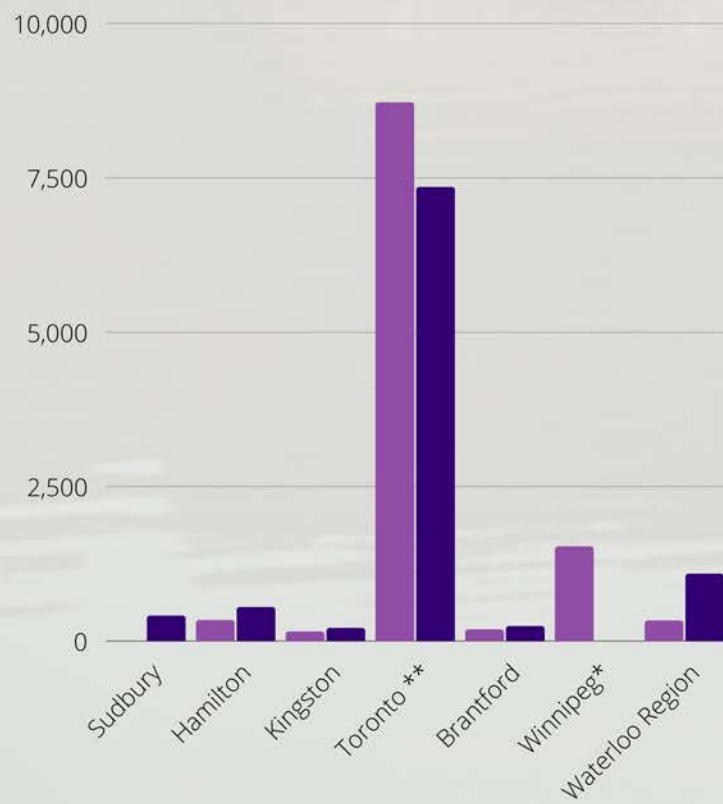
- Sudbury, ON;
- Toronto, ON;
- Hamilton, ON;
- Kingston, ON;
- Brantford, ON; and
- Winnipeg, MB.

These municipalities were selected based on available data regarding unsheltered homelessness over the last five years and are representative of a variety of demographics and sizes: some cities some are larger, and some are more rural. These cities were not chosen for having similar approaches to encampments but were chosen based on available data for the purposes of a comparative analysis.

The PiT count for the selected cities in 2018, including available 2021 PiT for ROW and Toronto. Data regarding the PiT was not available for 2021 for all cities.

* Some data missing because enumeration did not follow federal PiT guidelines, so is not directly comparable

** The City of Toronto attributes this decline to a decline in the number of refugee families in due to COVID-19 related border restrictions



Municipal Protocol Comparisons

How do Communities Respond to Encampments?

The view that housing is a human right guides the federal government's current housing policy as well as some municipal approaches (NHS, 2018; City of Toronto, 2022; City of Winnipeg, 2022).

The right to housing is also reflected in international human rights principles. Canada is a signatory, specifically to the 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights. Since Indigenous people are overrepresented in the unsheltered homeless population (Hoye, 2021), international human rights treaties must be considered. Indigenous leadership in discussions of encampment management is crucial. The consultation process must consider engaging in Indigenous peoples in a transparent manner that consistent with cultural and traditional practices and Canada's human rights obligations.

Of the municipal encampment protocols assessed, several began with a listing of guiding principles, such as the protocols of Kingston, ON and Winnipeg, MB. These principles relate directly to some or all eight of the National Protocol's principles and are positioned in ways that guide the operational framework, goals, or objectives of each set of protocols. These principles guide the comparison of encampment response protocols in the selected municipalities and cities.

Responses to Encampments on Public or Private Lands

Several protocols provided a distinction between public (greenspace, municipal land, or not prohibited) and private (prohibited) land. These include Brantford, Kingston, Hamilton, and Winnipeg. Cities that distinguish between public and private land protocols focus on enforcing individual property rights on private land and municipal bylaws on public land. Cohen et al.'s (2019) typology focuses primarily on public land protocols, as frequently the response for private land protocols is reliant on owner responsibility and police presence. Kingston, ON and Hamilton, ON offer assistance for residents of encampments on private land through street outreach staff. Full protocols in Appendix A.

Public and private encampment protocols in select municipalities

City	Public Land Protocol	Private Land Protocol	Typology
Brantford, ON	Outreach efforts are accompanied by bylaw enforcement staff or community agencies. Staff post bylaw notices. Initial outreach to removal takes approx. 1 week, quicker (48hrs) for repeat encampments.	Property owners' to notify individuals their presence is not permitted. Outreach staff do not visit sites unless permitted. Police can assist with removal if individuals refuse to evacuate.	Clearance with little to no supports
Kingston, ON	Communication and initial ID between bylaw and street outreach staff. Bylaw will then issue a 48hr notice. Serious health, safety, or criminal activity may warrant immediate removal. Street outreach will support individuals with alternatives where necessary through enforcement (which may include police services).	Private landowners contact Kingston Police Services, who will offer support of street outreach (with consent of the landowner). If unsuccessful, police will respond.	Clearance with little to no supports

An important distinction within private land protocols is whether some form of outreach will occur prior to eviction, or whether immediate police intervention and eviction occurs.

Responses to Encampments on Public or Private Lands

Public and private encampment protocols continued

City	Public Land Protocol	Private Land Protocol	Typology
Hamilton, ON	Municipal law enforcement and social navigator program staff provide notice of 14 days. Daily engagement with the response team regarding immediate options follows.	Identical response to public land protocol, without providing a notice of 14 days.	Clearance with support
Winnipeg, MB	Residents will not be asked to leave: an outreach service provider is immediately called to the site and provide any needed support. Process is guided by the City of Winnipeg Encampment Strategy Planning Group and the Kíkinanaw Óma: Strategy to Support Unsheltered Winnipeggers Strategy Group.	Property owners' responsibility to reach out to Winnipeg Police Services.	Tacit acceptance

Additional information about each protocol is available in Appendix A.

Evidence of Practices Consistent with Principle 2

Kingston, ON and Sudbury, ON provided detailed examples of appropriate guidelines for communication and engagement with encampment residents. While other cities touched on the importance of respectful engagement from a human rights approach, these cities detailed main practices and concerns with engagement within each of their protocols.

Engagement responses in Kingston, ON

Main Practices	Main Concerns	Focus
On-site engagement with street outreach staff utilizing trauma-informed approaches who complete intake & referral forms, when possible. Residents are provided with information, resources, opportunities.	Engagement is conducted in a way to ensure encampment residents can participate in decisions that directly affect them.	National Protocol (Principle 2), as it focuses on discussions with, and participation of current encampment residents in decision-making.

Engagement responses in Sudbury, ON

Gather info. on all current encampments (location, structures, risks) and its members (names, current and previous services used, birth date, income sources, etc.), with consent, and consolidate in one place.	Gaining consent and sharing information. Ensure any entity attending the site shares information by way of social services.	Use Housing First approach. Gathering info. is important to assist encampment residents and working to ensure fewer individuals face homelessness.
--	---	--

By obtaining consent to gather and share this information across all entities involved, it ensures that residents do not have to repeat their stories, which may be re-traumatizing.



Evidence of Practices Consistent with Principle 4

Principle 4, “Explore all viable alternatives to eviction” focuses on effective participation of encampment residents regarding the future, where alternative options to eviction should be presented. Similar to Principle 2, Principle 4 includes some form of communication process with encampment residents to assess any barriers they may face to housing. In terms of the protocols assessed, the majority of them offer a framework for communication with residents prior to the eviction process. For example, in Sudbury’s operational framework, they provide a focus on “individual needs by assisting them access services and supports, including permanent housing” (City of Greater Sudbury, 2021).

Although most of the cities assessed explore alternative housing options with encampment residents, consistent with a Housing First approach, these are most often provided during the outreach and removal processes.

Only one city, Winnipeg, does not immediately provide an eviction date for residents. Instead, as noted within their protocol, those on public land or within transit shelters will not be asked to leave by an outreach service provider (OSP). Instead, necessary supports and resources are provided, including transportation to a shelter or transitional housing placement (City of Winnipeg, 2020).

Most of the municipalities we compared did explore alternative housing with residents, but with the exception of Winnipeg, in all municipalities this occurred as part of an eviction process.

Evidence of Practices Consistent with Principle 5

Principle 5, “Ensure that relocation is human rights compliant” states that any relocation of encampment residents must recognize the principle “the right to remain in one’s home and community is central to the right to housing” and any relocation must involve the provision of adequate housing (Farha and Schwan, 2020). Several of the municipal protocols reviewed partially recognize this principle.

For example, Hamilton, Brantford, and Sudbury note that “voluntary closure” of an encampment is preferred to bylaw enforcement and/or forcible relocation. Both Kingston and Toronto use identical language, stating, “City priority is to assist homeless people access safer, sustainable, and healthier alternatives than living outside.”

Thus, in most of the protocols reviewed there is a recognition that relocation ideally is grounded in both voluntary removal and the provision of housing to former encampment residents. However, there are important limits to these provisions, particularly considering the barriers to emergency shelter access and housing. The City of Toronto’s guidelines explicitly state that a refusal of residents to enter the shelter system is not grounds to delay or desist in encampment removal, sentiments echoed in the protocols of Hamilton, Sudbury, and Kingston.

Only Winnipeg’s guidelines provide a process to support residents who choose to remain in an encampment, rather than seek shelter elsewhere. All the guidelines reviewed note that if there are “safety” or “criminality” concerns, encampment removal may occur immediately, regardless of whether residents have other housing options. Given the criminalization of encampment residents and public perception that encampments pose a safety risk, as well as the lack of specific qualification of what constitutes a “safety” or “criminality” threats, there is potential for this language to be used expansively to perpetuate removals in violation of Principle 5.

Finally, available municipal data indicates that in practice few encampment residents transition to formal housing options post-eviction (Beattie, 2021; Taekma, 2021). This suggests that the implicit assumption of the municipal protocols that encampment residents can simply choose to be housed elsewhere is not borne out by experience.

In most of the protocols reviewed there is a recognition that relocation ideally is grounded in both voluntary removal and the provision of housing to former encampment residents.



Evidence of Practices Consistent with Principle 6

Principle 6, “Ensure encampments meet basic needs of residents consistent with human rights” is concerned with the adequacy of encampments for residents, discussing the need for water, sanitation, fire prevention, waste management, food support, resources to support harm reduction, links to social services, and rodent and pest management (Farha and Schwan, 2020).

Most municipal protocols have very limited consideration of service provision for encampments. The encampment protocol of Hamilton, ON does not reference any service provision beyond attempting to connect encampment residents with other housing options. Sudbury, ON and Kingston, ON both require outreach workers to provide individuals with a list of resources related to accessing support services, including transportation, medical services, and social services.

Only the encampment protocol of Winnipeg, MB references providing material support to encampment residents through the distribution of warm clothing, blankets, food, and harm reduction supplies.

None of the protocols reviewed recognize a need to provide water, sanitation, pest management or garbage removal services to encampment residents.



Evidence of Practices Consistent with Principle 8

Principle 8, “Respect, protect, and fulfill the distinct rights of Indigenous peoples in all engagements with encampments” presents the important recognition of Indigenous peoples and their rights which are more than Westernized ideals of both property and possession.

It is crucial for the inclusion of Indigenous leadership in engaging with encampments because Indigenous peoples are disproportionately represented within the unsheltered homeless population (Hoye, 2021). Such inclusion would allow for representation of Indigenous Peoples and an opportunity to provide supports which align with cultural and traditional practices.

There is only one city which directly states an engagement with its Indigenous population: Winnipeg. In addition to their other support groups, Winnipeg is a key member of the Kíkinanaw Óma: Strategy to Support Unsheltered Winnipeggers, which helps to guide their encampment support process. This group engages with first responders, City of Winnipeg officials, and other community agencies to support those living unsheltered, while recognizing the over-representation of Indigenous people within the unsheltered population (End Homelessness Winnipeg, 2020).

The other protocols reviewed do not discuss specific supports for Indigenous peoples in encampments, nor note the relevance of Indigenous rights to encampment protocols.

There is only one city which directly states an engagement with its Indigenous population: Winnipeg.

Discussion

Our analysis found similarities in approaches to encampments on private lands, but significant variation among municipal approaches to encampments on public lands, even among jurisdictions in the same provincial policy context, indicating potential for policy-learning among municipalities.

Most municipalities appreciated the importance of engagement with encampment residents to provide insight on the complexities of homelessness and connect individuals with services and housing options. The presence of this type of engagement is likely due to its consistency with a Housing First approach to homelessness, which many municipalities have adopted, however, it is also consistent with Principle 2 of the National Protocol, which emphasizes the importance resident engagement in a human rights approach.

When encampments are sanctioned, this serves as an interim measure in addressing homelessness in a manner consistent with a human rights framework (Cohen et al., 2019; Farah and Schwan, 2020). In our analysis, Winnipeg's encampment protocol was the only protocol consistent with a tacit acceptance approach and was also the only protocol to address key elements of Principle 6, "Ensure encampments meet basic needs of residents consistent with human rights" and Principle 8, "Respect, protect, and fulfill the distinct rights of Indigenous peoples in all engagements with encampments". Both the National Protocol and the City of Winnipeg's encampment protocol highlight the need to incorporate Indigenous land rights and cultural needs in all aspects of encampment management.

The findings suggest that municipalities could better engage with human rights principles in responding to encampment, but that before this can occur, there needs to be a greater consideration of current laws and bylaws in relation to commitments to housing as a human right. Fundamentally, measures that criminalize encampment residents are inconsistent with a view of housing as a human right. Given that many municipal bylaws governing parks and other public spaces predate the recent increase in prevalence of encampments, bylaws may need to be revised, with attention to their relationship to a human rights approach to encampments.

In the municipal encampment protocols reviewed, protocols consistent with a tacit acceptance and sanctioning approach were more likely to be consistent with the human rights principles outlined in the National Protocol.

Limitations

There are two main limitations to our analysis. First, there is a lack of previous research on encampments, as well as a lack of reliable cross-national data on unsheltered homelessness. This limits our ability to relate our findings to previous research and fully articulate the scope of homelessness in our comparator municipalities.

Second, our analysis relies on the encampment protocols as written in policy documents. We did not assess whether these protocols are consistently followed, nor consider the perspectives of encampment residents on the protocols. These are both important areas for future research.

Conclusion

Encampments serve as vital short-term shelter for those that do not have safe and affordable housing, and for those that face barriers to accessing the emergency shelter system.

Many Canadian cities are currently in the process of developing their own encampment protocols. Therefore, within Canadian policy frameworks, systematic analysis of existing encampment protocols can help emphasize the need for these protocols to take seriously the human rights of encampment residents and provide guidance for future policy development.

However, addressing encampments cannot be a substitute for addressing homelessness. The creation of more affordable housing is the only long-term solution to the problem of unsheltered homelessness, of which encampments are but one symptom.

References

- Anderson, J. T., & Collins, D. (2014). Prevalence and causes of urban homelessness among indigenous peoples: a three-country scoping review. *Housing Studies*, 29(7), 959-976.
- Bholla, C. (Nov. 27 2021). Questions remain after eviction at Kitchener encampment, region conducting review. The Waterloo Region Record.
- Bron, S. (Nov. 24 2021). Housing activists, police clash over encampment following 'fireball' that destroyed belongings. The Hamilton Spectator.
- Casey, L. (Sept. 28 2021). Toronto's ombudsman to investigate homeless encampment clearings. The Canadian Press.
- CBC News. (Nov. 3 2021). More than 1,000 people are homeless in Waterloo region, point-in-time count finds. CBC News.
- City of Cambridge. (2010). Bylaw number 162-10: Being a by-law of the Corporation of the City of Cambridge to provide for the use, regulation, protection and government of the parks of the City of Cambridge and to repeal by-law 102-10.
- City of Greater Sudbury. (2021). Encampment Action Plan.
- City of Hamilton. (2021). Encampment Response.
- City of Kingston. (2021). City Encampment Protocol/Procedures and United Nations Encampment Protocol (Report Number 21-118).
- City of Kitchener. (2016). Municipal Code chapter 270: Parks.
- City of Toronto. (2021).
 - Homeless encampments in a city park: Filing a complaint.
 - Toronto Municipal Code chapter 608-13: Sleeping in a city park.
 - Toronto Municipal Code chapter 608-14: Tents and structures.
 - Final costs of enforcement of trespass notices in City parks.
- City of Waterloo. (2011). Bylaw number 2011-125: Being a by-law to prohibit or regulate public nuisances within the City of Waterloo.
- City of Winnipeg. (2020). Non-Emergent Encampment Support Process.
- Cohen, R., Yvetin, W., & Khadduri, J. (2019). Understanding Encampments of People Experiencing Homelessness & Community Responses: Emerging Evidence as of Late 2018. US Dept. of Housing & Urban Development.
- Dej, E. (2016). Psychocentrism and homelessness: The pathologization/responsibilization paradox. *Studies in Social Justice*, 10 (1), 117-135.
- DeVerteuil, G., May, J., & Mahs, J. (2009). Complexity, not collapse: Recasting the geographies of homelessness in a "punitive" age. *Progress in Human Geography*, 33 (5), 646-666.

References

- Distasio, J., Zell, S., & Snyder, M. (2018). At Home in Winnipeg: Localizing Housing First as a Culturally Responsive Approach to Understanding and Addressing Urban Indigenous Homelessness. Winnipeg: Institute of Urban Studies.
- Donley and Wright, JD (2012). Safer Outside: A Qualitative Exploration of Homeless People's Resistance to Homeless Shelters. Journal of Forensic Psychology Practice, 12(4),288–306.
- Duhatschek, P. (June 29 2021). Chronic homelessness up 34% since November in Waterloo Region. CBC News.
- Duhatschek, P. (Oct. 26 2021). A Better Tent City moves to Ardelt Avenue in Kitchener. CBC News.
- End Homelessness Winnipeg. (2020). Kikinanaw Oma – A Strategy to Support Unsheltered Winnipeggers.
- Farha, L., Schwan, K. (2020). A Human Rights Approach: A National Protocol for Homeless Encampments in Canada. The UN's Special Rapporteur on the Right to Adequate Housing.
- Gibson, V. (Nov. 29 2021). Toronto Police investigation finds officer used unnecessary force in arrest of woman at clearing of homeless encampment. The Toronto Star.
- Goering, P. (2014). National Final Report, Cross-Site At Home/Chez Soi Project. Mental Health Commission of Canada.
- Groleau, C. (Nov. 17 2021). Advocates hope Indigenous community hub will be a part of public engagement on Charles Street Terminal. CBC News.
- Government of Canada. (2016). Homelessness partnering strategy: Coordinated Canadian point-in-time counts.
- Government of Canada. (2019). National Housing Strategy Act.
- Government of Ontario. (2021). Housing Services Act, 2011. Highway Traffic Act, 1990.
- Government of Ontario. (2016). Trespass to Property Act, 1990.
- Ha, Y., Narendorf, SC., Santa Maria, D., & Bezette-Flores, N. (2015). Barriers & facilitators to shelter utilization among homeless young adults. Evaluation & Program Planning, 53, 25-33.
- Herring, C., & Lutz, M. (2015). The roots and implications of the USA's homeless tent cities. City, 19(5), 689–701.
- Hoye, B. (Nov. 2 2021). Indigenous overrepresentation in homeless census points to 'lack of progress' on housing, organizer says. CBC News.
- Ministry of Municipal Affairs and Housing. (2011). Minister's directive: enumeration of homelessness.

References

- HomelessHub. (2021).
 - Coalition for the repeal of Ontario's Safe Streets Act.
 - Housing First: Accommodations & Supports.
- O'Grady, B., Gaetz, S., & Buccieri, K. (2013). Tickets... and more tickets: A case study of the enforcement of the Ontario Safe Streets Act. Canadian Public Policy, 39 (4), 541-558.
- Olson, N., & Pauly, B. (2021). Homeless encampments: Connecting public health and human rights. Canadian Journal of Public Health, 112(6), 988-991.
- Ontario Court of Justice. (1999). Set fines: Schedule 81.1, Safe Streets Act.
- Ontario Court of Justice. (2021). Set fines: Schedule 43, Highway Traffic Act.
- Pender, T. (2021). [Charles Street encampment being bulldozed during November 2021 eviction] [Photograph]. The Toronto Star.
- Pender, T. (Nov. 26 2021). 'It was pretty brutal': Homeless camp on Charles Street razed by front-end loader. The Toronto Star.
- Regional Municipality of Waterloo. (2013). Bylaw number 13-050: A bylaw respecting the conduct of persons entering upon grounds, buildings, and public transportation vehicles owned or occupied by the Regional Municipality of Waterloo.
- Regional Municipality of Waterloo. (Aug. 10 2021). Committee of the Whole: Responding to Unsheltered Homelessness and Encampments.
- Regional Municipality of Waterloo. (Oct. 12 2021). Committee of the Whole: Summary of Recommendations to Council, Evidence for Housing First and Ending Unsheltered Homelessness.
- Regional Municipality of Waterloo. (Nov. 29 2021). Committee of the Whole: 2022 Budget and Plan.
- Talge, J. (2010). No direction home: Constitutional limitations on Washington's homeless encampment ordinances. Washington Law Review, 85(4), 781-813.
- Turner, A. (2014). Beyond Housing First: Essential Elements of a System-Planning Approach to Ending Homelessness. The School of Public Policy, 30(7), 1-18.

Appendix A - Excerpts from Encampment Protocols



The following includes an official excerpt from each encampment protocol for the following cities: Sudbury, Hamilton, Kingston, Toronto, Brantford, and Winnipeg. This section will primarily focus on the specific protocols and communication (or mitigation) methods used in each city, where available.

City of Sudbury

The Encampment Response Guide is grounded in three principles:

- A) Voluntary closure of an encampment is preferred to enforcement.
- B) People living in encampments have strengths and rights that should be leveraged and respected in the process of engagement, and when necessary, closure.
- C) All residents of Greater Sudbury should have access to public space, and no person, business or entity can or should claim public space as private space

Preparation: Coordinated Response Table, with Clear Senior Leadership

Greater Sudbury will benefit from creating an encampment coordinated response table with five core members, and a number of other entities that can be part of a broader response table. The five core members are: By-law Enforcement; Greater Sudbury Police Service; street outreach provider; Indigenous service provider; and, Social Services.

Operational Framing

1. Greater Sudbury, and its funded agencies, are committed to working with homeless individuals living outside to respond to their individual needs by assisting them access services and supports, including permanent housing.
2. Greater Sudbury will use a coordinated approach between City departments, including police and by-law in responding. Activities will also be coordinated with community agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.
3. Greater Sudbury and partners involved in engaging and resolving encampment will engage in ongoing proactive communication with homeless individuals, the public, service providers, community agencies and other groups as necessary.
4. The priority is to assist homeless people access safer, sustainable, and healthier alternatives than living outside, not enforcement. Enforcement will occur after all support efforts have been attempted without success, provided that the individual has been notified that they are required to vacate a public space. In the event of exceptional circumstances, however, intervention may be required to address immediate public safety concerns.
5. All parties acknowledge that homeless individuals cannot be forced to accept services and supports.

Appendix A - Excerpts from Encampment Protocols



Protocol

1. The core leadership group will coordinate efforts to ensure that the timing of enforcement activities does not conflict with or impede outreach efforts.
2. Enforcement agencies are responsible for providing notice to individuals who camping is to be discontinued and that personal goods, debris and structures are to be cleared from the space.
3. Notices will be given to individuals in advance. The timing of issuing notices will be determined in consultation with outreach staff. Formal enforcement notices will provide relevant and clear communication to the individual. In addition, site specific information notices for each location will be attached to provide a list of resources to provide individuals with information regarding access to housing, support services and shelter in the area.

Mitigation

Across Greater Sudbury, the Local Response Leader should work with all partners to gain information on:

- The location of each encampment
- The structures at each encampment
- The volume of people residing at each encampment
- Any known risks or hazards associated with the encampment, including potential risks pertaining to individuals within the encampment

Through engagement, information needs to be collected on the following from individuals within encampments:

- Name
- Aliases/nicknames
- Date of birth
- Individual, couple or family
- Length of homelessness
- Homeless services still currently or previously used
- Income source(s) and total income amount
- Identification by type of identification
- Whether or not they are interested in working with a service agency of their choosing to explore housing options
- Whether or not they will accept offers of available shelter options
- Immediate barriers to housing (such as documentation needs) to be resolved
- Pet(s)/service animals
- Description of structure (e.g., colour and location of structure or tent)

Appendix A - Excerpts from Encampment Protocols



City of Hamilton

The City's Encampment Response Team works with encampment residents to help them transition to safer, more humane, and legal accommodations, support the move with their belongings, and then ensures abandoned belongings are cleared and the site is cleaned. The Encampment Response Team includes representatives from the City of Hamilton Housing Services Division and Street Outreach Team, Municipal Law Enforcement, Public Works and Hamilton Police Services Social Navigator Program. Encampment Response Team reviews location and determines if the site is Prohibited or Greenspace.

If the site is Prohibited:

- Municipal Law Enforcement (MLE) along with Social Navigator Programs staff (SNP) notify individuals at encampment that the area is a Prohibited site, and that they will have to leave the area.
- Response team subsequently engages with individuals to discuss immediate options: shelter, hotels or housing, and begins process of developing individualized housing plan. If the individual is not already known, the VI-SPDAT is completed at this point.
- Deadline day for removal of encampment is determined.
- At deadline day, MLE (with SNP/Hamilton Police Services (HPS) support) assists in ensuring remaining individuals vacate the area. Response Team provides support in the vicinity with arranging transportation, etc.
- Public Works assists with clean up of any discarded items once individuals have vacated site.

If site is determined to be Greenspace or not Prohibited:

- MLE with SNP support notifies individuals at encampment that they may only remain in that location for maximum 14 days. Notice of the deadline to vacate the area is provided for the end of that period
- Response Team subsequently engages with individuals daily to discuss immediate options: shelter, hotels or housing, and begins process of developing individualized housing plan. If the individual is not already known, the VI-SPDAT is completed at this point.
- At deadline day, MLE (with SNP/HPS support) assists in ensuring remaining individuals vacate the area. Response Team provides support in the vicinity with arranging transportation, etc.
- Public Works assists with clean up of any discarded items once individuals have vacated site

Appendix A - Excerpts from Encampment Protocols



City of Kingston

Encampment Protocol Procedures

These procedures will be executed when dealing with one or a few tents/structures that have appeared in public spaces and on private properties.

Municipal Land

1. Initial identification and communication will occur with Street Outreach in collaboration with City By-Law. Street Outreach and By-Law staff:
 - visit the site,
 - determine the situation,
 - complete a high-level assessment of health and safety on site,
 - complete a high-level assessment of needs & provide information on services available,
 - inform Housing & Social Services Department of the situation and individuals' needs assessment.
2. By-Law staff will issue a 48-hour notice of trespass. Serious health, safety, or criminal activity circumstances may warrant lesser time or immediate removal. This 48-hour timeframe could also change based on the capacity and availability of other services. During that period of time, Street Outreach and Housing & Social Services staff continue to provide ongoing supports and work with individuals to provide alternative service options, including but not limited to shelter, Integrated Care Hub, motel/hotel, apartment, medical services, storage and transportation. All interactions and assessments are documented.
3. By-Law follows up at site to enforce order of trespass once alternative service options have been provided to individuals. Street Outreach staff will be supporting and available to assist individuals with alternatives to camping where relocation is necessary through enforcement. Additional enforcement, such as police services, may be required depending on the situation.
4. By-Law will provide a 2-hour notice to individuals returning to that public property within 24 hour following a relocation which would have been based on an initial 48 hour notice.
5. Once public spaces have been vacated, By-Law and Public Works will determine the cleanup requirements in order to ensure that the space can be safely accessed and utilized by the public.
6. When Kingston Police receive an encampment complaint when By-Law officers are not available to respond, Kingston Police will contact Street Outreach and prioritize the encampment complaint, dispatch officers (Mobile Crisis Rapid Response Team where possible) to investigate, submit duty reports and share the information with City By-Law.

Appendix A - Excerpts from Encampment Protocols



Private Land

1. Private landowners will contact Kingston Police who will assess the situation and offer the support of Street Outreach to approach individuals that are camping on private properties. This would allow Street Outreach to make the initial communication as well as offer alternative services and supports. Street Outreach would inform Housing & Social Services staff of situation. Street Outreach can only access a private property upon the landowner's consent. If the owner refuses to provide Street Outreach with initial access, Kingston Police would then be required to attend to the property as a first point of contact to manage the relocation from the private property. Where possible, Kingston Police will dispatch the Mobile Crisis Rapid Response Team and invite Street Outreach to be present for support.
2. Should the efforts of Street Outreach and Housing & Social Services staff not be successful to have individuals relocate to alternative services, the landowner will be advised that Kingston Police will respond to address the issue of trespass on private property.
3. Property clean-up will be the responsibility of the private landowner. The City may provide support to not-for-profit property owners.

Existing Practices and Accommodations: Meaningful Engagement and Effective Participation of Encampment Residents (Principle 2)

Current processes include on-site engagement of clients, including:

- Street Outreach staff are expected to engage clients utilizing trauma-informed approaches and existing protocols.
- Street Outreach staff complete intake and referral forms for those willing to engage in an assessment.
- Engagement is conducted in a manner to ensure that encampment residents are able to participate in decisions that directly affect them:
- Engagement is grounded in the inherent dignity of encampment residents and their human rights.
- Engagement of encampment residents takes place in the early stages of the development of the encampment.
- All residents are provided with information, resources, and opportunities to support decisions that affect them.
- Engagement of residents includes a review of individual needs & options available to best meet these needs (e.g., language, accessibility, timing, health, harm reduction, location, etc.)
- All engagements with residents regarding the encampment are documented and made available to encampment residents upon request.

Appendix A - Excerpts from Encampment Protocols



City of Toronto

The City of Toronto Interdepartmental Service Protocol For Homeless People Camping In Public Spaces:

This document sets out the interdepartmental protocol intended to guide City staff in providing outreach services to homeless individuals camping outside in public spaces to assist them access permanent solutions, prior to the enforcement of City by-laws which may cause their displacement and the removal of their belongings.

Overview and Goals:

The goal of the City outreach initiative is to assist and encourage people currently camping in public spaces to access safer and healthier alternatives to living outside, including housing, support services and shelter. The initiative also seeks to balance the need to provide appropriate supports to vulnerable individuals camping in public spaces with the civic responsibility of maintaining the use of public spaces for public use. The outreach initiative to homeless persons provides a more intensive, proactive and coordinated effort among City departments. Outreach efforts to the homeless also include connecting and coordinating the activities of relevant community and government agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.

The outreach initiative provides the coordination and delivery of human services prior to any enforcement activities related to public spaces, such as removal of unauthorized structures, personal goods and debris. In many circumstances it is anticipated that given the appropriate outreach and supports over time, individuals will be assisted in securing better alternatives than sleeping outside and will voluntarily vacate public spaces making enforcement unnecessary.

To respond to the needs of homeless individuals, the outreach initiative is delivered on a case-by-case basis and focused on a site-by-site approach. Staff efforts will focus on larger sites where more people are in need of assistance, where there are encampments, and where there are safety concerns. Staff efforts will also seek to address the needs of single individuals camped in parks, public transit shelters and city streets.

Appendix A - Excerpts from Encampment Protocols



The following five principles guide the initiative:

1. The City is committed to working with homeless individuals living outside to respond to their individual needs on a case-by-case basis by assisting them access services and supports, including permanent housing.
2. The City will use a coordinated approach between City departments in responding to the needs and issues related to homeless people camping outside. Activities will also be coordinated with community agencies to access a mix of supports and resources, streamline access to services, and avoid duplication of effort.
3. The City will engage in ongoing proactive communication with homeless individuals, the public, service providers, community agencies and other groups to assist in the successful implementation of the protocol.
4. The City priority is to assist homeless people access safer, sustainable, and healthier alternatives than living outside, not enforcement. Enforcement will occur after all support efforts have been attempted without success, provided that the individual has been notified that he or she is required to vacate a public space. In the event of exceptional circumstances, intervention may be required to address immediate public safety concerns.
5. The City acknowledges that homeless individuals cannot be forced to accept services and supports. However, the refusal of an individual to accept services and supports is not sufficient reason to prevent the enforcement of City by-laws prohibiting camping in public places and erecting structures.

Program Delivery:

The outreach initiative provides intense street outreach supports to homeless people and, only when necessary, enforcement and removal activities. City departments involved in human service programming such as Shelter, Housing and Support, Social Services and Public (SHS) will participate in the outreach initiative, with SHS having the lead role. As part of this process the initiative will focus and prioritize the provision of human services including street outreach, drop-ins, shelters, income support, housing access, and related support services. City departments with enforcement responsibilities include Works and Emergency Services, Parks and Recreation, and Facilities and Real Estate. Enforcement activities will depend upon the success of outreach activities, the need for such services, the location of the site, and the department responsible.

Focused Outreach:

The City will be proactive in responding to the needs of homeless people living outside. Locations where outreach services are needed will be identified by Shelter, Housing and Support, Works & Emergency Services, Parks & Recreation, other departments and agencies.

Appendix A - Excerpts from Encampment Protocols



City of Brantford

Staff from several City departments including Health and Human Services, Parks, Operations, Housing, Property Standards, along with representatives of the Brantford Police Service created an encampment response protocol. The primary objectives of the encampment response protocol are to provide humane and compassionate care for individuals living unsheltered, while:

- Preventing the development of established and entrenched encampment site(s);
- Preserving public spaces for their intended uses;
- Protecting the health and safety of individuals living unsheltered, City and partner agency staff, and the general public.

In general there are three phases to the response. Responsibility for activities in each phase may vary depending on whether the encampment is on public land, park land or private land.

A) Outreach/Notice

On-site outreach efforts are made by City homelessness staff, sometimes accompanied by community agencies or by-law enforcement staff. Outreach occurs within 48 hours of the initial report. For safety, staff travel in pairs. The outreach effort seeks to connect individuals to the resources they need before commencing any cleanup activities. Individuals are told by outreach staff that cleanup is imminent and a plan is needed for alternative shelter.

Wherever possible, individuals at the sites are given advance notice for scheduled cleanup efforts unless the presence of the encampment creates an immediate health and safety risk or impedes access to a public area. Parks staff post copies of the current park by-law in a visible location to make individuals aware that overnight camping is prohibited. There are plans to install permanent signage eventually in every City park. Outreach efforts focus on encouraging individuals to leave the site voluntarily with their belongings. There is no fixed time frame for the outreach/notice period. Situation assessments by the Encampment Network are made on a near-daily basis. The response will move from outreach to removal within 1 week, although it is often sooner for repeat encampments (approx. 48-72 hours).

B) Removal

Public Property: If the occupants do not leave the site voluntarily following the completion of outreach efforts, the dismantling of the site can commence by City staff or contractor. This stage may be supported by police presence if the Encampment Network has assessed that there is the potential that occupants may resist the removal of belongings or if safety of staff has the potential to be compromised.

Private Property: For encampments on private property, the property owner is responsible for notifying unwanted individuals that their presence is not permitted. Police can assist if the individuals refuse to vacate the property. Outreach staff do not visit encampment sites on private property unless permission has been given by the property owner.

Appendix A - Excerpts from Encampment Protocols



C) Site Cleanup

In the cleanup stage, any debris remaining after occupants have vacated will be cleaned up by City staff or contractors. For encampments on private property, cleanup is the responsibility of the property owner. The Encampment Network continues to communicate and meet regularly to discuss sites of ongoing concern and to evaluate the effectiveness of the existing strategy and process for improvements.

City of Winnipeg

General Description

Typical support provided by OSPs includes, but may not be limited to:

- transportation;
- transfer to emergency shelters;
- distribution of warm clothing;
- provision of blankets, water, coffee, food and harm reduction supplies; and
- wellbeing checks.

Process Implementation

Outreach on Private Property

Encampments on private property are a police matter. Any private property owner with concerns regarding an encampment on their property should reach out to WPS.

Outreach on Public Property

1. Where there is ongoing or imminent criminal activity or a person who may be in medical distress, the WPS or WFPS will be dispatched as appropriate;
2. Otherwise, the Outreach Service Provider (“OSP”) for the area is immediately contacted with available details about the encampment;
3. OSP staff attend the site with the objective of providing any needed supports to the residents, and attempting to offer and connect them with available supports;
 - a. If the resident wishes to be transported to a shelter, transportation is arranged;
 - b. Some residents will simply choose to go elsewhere on their own;
 - c. If an alternate destination is desired by the resident, OSP will provide that resource;
 - d. If the resident is prepared to enter a transitional housing placement (which requires a daily cash payment upon entry), OSP will transport the individual and the City will make arrangements with the provider to cover the initial funding for a period of up to 1 month, or until Provincial Income Assistance can begin to cover the daily cost;
4. Some residents will express the intention to remain at the encampment, and not wish to leave for any accommodation or resource. Even in these circumstances, the OSP will continue to maintain communication with the resident(s) on an ongoing basis.
5. Where an encampment site becomes vacant, crews with the Public Works Department visit the site as upon its vacancy to remove any garbage, debris and other abandoned material to remediate the site to its former state.

Appendix A - Excerpts from Encampment Protocols



Outreach Due to Fire and Life Safety Concerns

There are numerous elements of encampments that are frequently of concern from a fire safety/life safety perspective, including but not limited to:

- a) Combustible nature of materials used;
- b) Open fires;
- c) Proximity of structures/shelters to each other and to other combustible structures; City of Winnipeg Non-Emergent Encampment Support Process
- d) Improvised heating sources being used including candles, fires, and propane heat in close proximity/within the entrance of the shelter, leading to concerns regarding shelter fires and the risk of carbon monoxide poisoning; and
- e) Accumulations of material and debris that could impede the egress of residents from their shelter/structure in the event of an emergency.

1. If any of the above are noted at any point in time, representatives of the City's Fire Prevention Branch will conduct an inspection of the site in question. Additionally, those representatives will explain the risks to residents, and where needed, provide direction regarding risk reduction.
2. Where informal direction is not heeded, and a pattern of persistent behavior that is a risk to life continue the Assistant Chief under the authority of the WFPS Fire Paramedic Chief will issue an Order necessary, typically including an Order to Vacate.
3. Where vacancy has been ordered, the WFPS has an established protocol that includes collaboration with encampment resident service agencies, Public Works and the WPS. The OSP will continue to work with the residents, explaining the necessity of vacating the site, and working collaboratively to identify necessary supports.
4. As above, if any of the residents are prepared to enter a transitional housing placement (which requires a daily cash payment upon entry), the OSP will transport the individual and the City will make arrangements with the provider to cover the initial funding necessary, until Provincial Income Assistance can begin to cover the daily cost.
5. Upon reaching the ordered date for compliance, the Fire Paramedic Service, with any required support from WPS for safety concerns and Public Works for immediate clean up efforts, will proceed to ensure compliance with the Order.
6. Where an encampment site becomes vacant, crews with the Public Works Department immediately visit the site to remove any garbage, debris and other abandoned material to remediate the site to its former state.

Appendix A - Excerpts from Encampment Protocols



Occupancy of Transit Shelters

1. As above, if there is or imminent criminal activity or a person who may be in medical distress, the WPS or WFPS will be dispatched as appropriate;
2. Otherwise, the first response is provided by Winnipeg Transit, with a Transit Inspector and/or Transit Supervisor attending to assess the situation.
3. If the initiating complaint/observation was mistaken and the occupants of the shelter are awaiting bus service, nothing is done.
4. If it is determined that one or more occupants are present for the sole purpose of: a. Occupying for an undue period of time with no intention of boarding a bus; b. Causing mischief; c. Using substances; or d. For any other purpose that would contravene the Transit By-law; then the attending Inspector/Supervisor will request that those occupants exit the shelter.
5. Should those occupants not agree to leave, the Inspector/Supervisor will cause the area OSP to be contacted to attend the shelter. City of Winnipeg Non-Emergent Encampment Support Process
6. The OSP will attempt to engage with the occupants, explaining the necessity of leaving the shelter, and working collaboratively to identify necessary supports.
7. As above, if any of the residents are prepared to enter a transitional housing placement (which requires a daily cash payment upon entry), the OSP will transport the individual and the City will make arrangements with the provider to cover the initial funding necessary, until Provincial Income Assistance can begin to cover the daily cost.

Appendix B - Policy



Recommendations from Kingston's 2021 Report: City Encampment Protocol/ Procedures

Below is a list of common best practices identified within all municipalities researched, as outlined in Kingston's 2021 report: City Encampment Protocol/Procedures and United Nations:

1. **Community Partner Involvement:** All cities/municipalities have robust outreach teams that are employed by third party service providers/community partners. Their role is to ensure that the individuals residing at encampments have access to the necessities they require. Outreach staff teams liaise with the city/municipality and keep them apprised of ongoing engagement and developments with residents.
2. **Offer Indoor spaces:** Outreach staff and service providers regularly ensure that they are aware of how many spaces exist within the shelter system and actively offer access to indoor space to all residents of encampments. This is a preliminary approach to the relocation of people residing in public spaces.
3. **Ensuring fire safety at all encampment locations:** This year, cities such as Toronto have seen an influx of small wooden / plywood and tarp type structures in encampments. These structures are often built by residents of encampments and in some instances, local builders. Deadly fires have occurred in these structures as a result of improper construction or use. The City's Fire Department and City officials are tasked with the removal of items such as propane heaters and barbecues being used inside structures to promote fire safety. This is an ongoing challenge for municipalities in the balance of autonomy for encampment residents.
4. **Food Provision –** Outreach partners in all cities work with local volunteer food providers to ensure meals are made available to residents of encampments. Food provisions may be brought on-site to an encampment for residents or require residents to access food at an alternative location. Members of the public also frequently donate to provisions to encampment residents.
5. **Counselling and Care –** In most cities / municipalities, service providers collaborate to work with individuals at the encampment site. There are often nurses, doctors, occupational therapists and other practitioners who attend encampments to offer basic care and provide referrals for both physical and mental health / addictions concerns. Relationship and trust-building are key components of the complex support system provided to individuals navigating the homeless system.