

The background is a colorful, hand-drawn illustration of a tent city. In the foreground, a person wearing a green beanie and a dark jacket is shown from the chest up, looking towards the right. Behind them are several tents in various colors like blue, red, and orange. In the background, there are stylized buildings and trees. A large yellow hexagon is overlaid on the center of the image, containing the title and subtitle.

2022-23

# TENT NATION

**Responding to the Rise of Encampments &  
Homelessness Crisis Across Canada**

**ACTION  CANADA**

BUILDING LEADERSHIP FOR CANADA'S FUTURE



# TENT NATION

## Responding to the Rise of Encampments & Homelessness Crisis Across Canada



This project has been undertaken pursuant to an Action Canada Fellowship, a national policy engagement and leadership development program delivered in partnership by The Public Policy Forum and Action Canada. The views, opinions, positions and/or strategies expressed herein are those of the author alone, and do not necessarily reflect the views, opinions, positions or strategies of The Public Policy Forum, Action Canada, Action Canada Foundation, or the Government of Canada.

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### About the Artist – Glemma

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“Due to my participation in the Landback movement I am no stranger to so-called ‘illegal encampments’; and as an urban dweller ‘Tent Cities’ were a visceral part of my reality in recent years. In my image I tried to honour the people I got to know and show that the colours of life are far from black and white.”



SKETCH Working Arts is a Toronto-based, award winning organization that engages marginalized young people navigating poverty, or living houseless, in the transformative power of the arts! Every year, 500 young people come to SKETCH to participate in free arts workshops, enjoy a nutritious meal, and connect with community. Learn more at [www.sketch.ca](http://www.sketch.ca)

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# Engaging with the Issue

*The authors of this report come from different ethnic, religious, political, linguistic, professional, and geographic backgrounds. They do not have personal lived experiences with homelessness.*

*In preparing this report, the authors have aimed to create a dialogue free from polarized approaches on this topic. They believe that without working to develop a shared social consensus, Canada will keep repeating past policy mistakes, and fail to address the growth of encampments.*

*To craft this report, the authors met frequently to reach internal consensus on how to address this issue, researched the topic and interviewed individuals across Canada who have a vested interest in the challenges associated with encampments. While the authors agreed that there is a pressing need for immediate and practical action to effectively respond to the “facts on the ground”, they generally found that this approach glossed over the moral and philosophical issues that ultimately underpin even “pragmatic” considerations on encampment response.*

## Broader Questions Underpinning this Report

There is a pressing need for a broad and shared national dialogue about responding to encampments. It is the view of the authors that for such conversations to bring about meaningful change, they must consider collective, group, and individual rights. This also raises important questions about balancing competing public interests.

While this paper does not provide extensive commentary on these broader issues, the authors challenge the reader(s) to consider their own biases and perceptions of encampments and those who have chosen (or been forced) to make them their home (shelter).

- **Should Canadians have a positive right to housing?**
- **What is an appropriate standard of housing to fulfil that right? Does it need to be private?**
- **What is “public” about public spaces? Who is the “public” that “public spaces” are meant to serve?**

- **What is the meaning of private property? Does the nature, condition and permanence of private property matter in weighing competing property rights?**
- **What does a safe community look like? Who belongs to said community, and is there a hierarchy of who should feel safe in a community? What are your personal experiences in encountering encampments?**

Upon their own reflection of these questions, the authors believe that for the recommendations offered in this report to be successful, they must be built upon the guiding principles of respect for the dignity of the individual; approaches to debate built on evidence, rather than rhetoric; and a commitment to work collaboratively between governments, communities and individuals to find solutions.



# Executive Summary

Encampments are found in communities of various sizes across Canada. Despite this commonality, almost all encampment interventions happen at a local level, leaving municipal and regional governments to develop responses on their own. **There is a pressing need and an opportunity for greater collaboration, knowledge sharing and national coordination efforts to address encampments as a pan-Canadian challenge.**

People live in encampments because they lack access to other housing options or because other options, like emergency shelters, don't meet their needs. The rise in encampments has led to polarized debates among Canadians about who is responsible to address encampments, how public health and safety can be ensured, what rules should apply, to whom do these rules apply, and how the rules should be enforced.

Federal, provincial and municipal governments all have different roles, legislative commitments, and policy levers that impact the root causes of homelessness and shape responses to encampments. The paper outlines recommendations to balance the needs and dignity of people living in encampments and the realities of communities that have finite resources and capacity to provide for these needs.

- **RECOMMENDATION 1:** Federal and provincial/territorial governments must significantly increase funding for more non-congregate shelter spaces, including tiny homes and mobile units to reduce the presence of encampments.
- **RECOMMENDATION 2:** Governments must work collaboratively to significantly improve data collection on homelessness. In particular, the federal government should create clear procedures for data collection, collaboration and dissemination that includes encampment-specific data collection. Provincial and territorial governments should require the collection of by-name list data in a standard format to include in the national datasets.

- **RECOMMENDATION 3:** Provinces and territories should direct municipalities and regions to develop and make publicly available protocols or guidelines for how they respond to encampments, setting a two-year deadline for completion.
- **RECOMMENDATION 4:** Municipal governments should actively facilitate access to basic services and amenities to encampment residents, even while continuing outreach activities to encourage a transition into shelters. Federal and provincial governments should provide funding for these efforts, including adapting eligibility criteria for existing homelessness programs where they restrict the provision of such services.
- **RECOMMENDATION 5:** Municipalities should work together through the Federation of Canadian Municipalities to organize a dedicated task force for sharing of knowledge and best practices on encampment response.
- **RECOMMENDATION 6:** Ontario and British Columbia should repeal their Safe Streets Acts. Municipalities should repeal bylaws that disproportionately punish people who are unhoused.
- **RECOMMENDATION 7:** The federal government should create a dedicated fund managed by the Minister of Housing, Diversity and Inclusion that can be accessed to support information campaigns and promote public dialogue regarding encampments and homelessness.

A clear and level-headed assessment of the situation can help create a broader social understanding of how to respond to encampments, building social trust and confidence in the government's ability to respond, while protecting the rights and dignity of people living in encampments.

# Introduction

*Across Canada, communities of all sizes are faced with the challenge of how best to respond to a rise in encampments. Encampments have led to polarized debates and many Canadians have raised questions on who is responsible, what rules apply and how the health and safety of communities can be ensured, among many others.*

The increase in encampments demonstrates gaps in the coordination of responses both between governments — federal, provincial/territorial, and municipal — and within government departments. Decision-makers have faced criticism from the public for both perceived passivity (i.e. not doing enough to either clear encampments or to provide residents with needed services) and for perceived aggressiveness (i.e. allowing police to forcibly remove encampments).<sup>1</sup> Addressing this pan-Canadian challenge will require a coordinated response and targeted support from federal, provincial/territorial and municipal governments, as well as Indigenous governments.

Encampments should not exist. Canadians should have other, safer places to live and public spaces should be available for their intended purposes. However, the reality is that without enough affordable or appropriate housing, encampments are a predictable response by people who have nowhere else to go.

Encampments are the result of policy failures related broadly to housing, homelessness, addiction and mental health. At the same time, the recent increase of encampments presents more acute and novel policy challenges in the areas of health and safety, policing and bylaw enforcement, and balancing the conflict between the rights of individuals and communities.

This report reviews the current situation of encampments in Canada, the responsibilities of different levels of governments, the responses observed in communities across the country, and recommendations to respond to the challenges of encampments.

**“... it feels like the upper levels of government have been missing in action, not hearing or understanding this humanitarian crisis that so many urban centres across Ontario are experiencing.”<sup>2</sup>**

Jim Erb, Regional Councillor, Region of Waterloo

**“...[homelessness in Canada is], in many ways, a slow-motion crisis that happens kind of invisibly. There is no major, dramatic event like a fire or a flood, but the impact is precisely the same. The cost to the government is about the same as the worst natural disasters, but the loss of life is actually bound to be higher.”<sup>3</sup>**

Tim Richter, the Canadian Alliance to End Homelessness

**“Nobody wants to be responsible for [encampments], and it’s embarrassing and shocking. And I cannot think of another file that has been so pushed around like this, back and forth, in a very long time.”<sup>4</sup>**

Charlottetown Member of Legislative Assembly Karla Bernard

**“We didn’t choose [to live in an encampment], it happens, life happens and some people are fortunate and some people aren’t. All you can do is just pull together like a community and try and help each other the best we can and that’s what tent city was supposed to be.”<sup>5</sup>**

Leanne Michelle Crow Eagle, who was dispersed from a Lethbridge, Alberta encampment



# Defining Encampments

*For the purposes of this report, encampments are when multiple people erect tents or other temporary shelters on land they do not own or rent, as a housing solution. This report primarily focuses on encampments on public land, as the legal landscape and enforcement mechanisms for encampments on private land are different.*

*The harsh winters experienced across much of Canada and the changing of seasons have limited the size and permanence of encampments.<sup>6</sup> However, the number and size of encampments has grown in recent years.<sup>7</sup>*



# Current Context of Encampments in Canada

*The issue of encampments is embedded in the broader policy file of housing and homelessness. In Canada, vacancy rates are low and housing needs are high: 1.5 million Canadian households have a core housing need but are living in unsuitable, inadequate or unaffordable dwellings as they are not able to afford alternative housing in their community.<sup>8</sup> Homelessness has increased in recent years, as vacancy rates hit historical lows in communities across Canada.<sup>9,10</sup> There are simply not enough places to live, let alone enough affordable places to live.*

In 2018, a government report found that about 35,000 Canadians experience homelessness each day. This number may be as high as 50,000 Canadians if it includes “hidden homelessness”, like people couch-surfing or sleeping in cars.<sup>11,12</sup> Another report indicated that about 150,000 Canadians use an emergency shelter each year.<sup>13</sup> The cost of homelessness to the Canadian economy is over \$7 billion per year.<sup>14</sup>

While chronic homelessness is not a new policy issue in Canada, the sharp rise of visible homelessness, especially an increase in encampments across the country, has elevated public concern nation-wide. Canadians are aware of the increase in homelessness and are dissatisfied with how governments have responded.

- A 2022 poll found that 58% of Canadians believe “homelessness is a problem in their community” and 38% report that homelessness has led to increased violence in their communities.<sup>15</sup> **However, the same poll indicates that 45% of Canadians believe that people experiencing homelessness should be “banned from setting up shelters of any form in public spaces.”<sup>16</sup>**
- A 2020 poll found that only 23% of Canadians believe their provincial governments have done a good job of addressing housing affordability and poverty and homelessness.<sup>17</sup>
- Another 2020 poll found that 31% of Canadians know someone who has been homeless and 6% of Canadians indicate they have been homeless themselves.<sup>18</sup> With the rate of homelessness increasing, it is reasonable to expect that these percentages are even higher today.

While the above statistics do provide some context, overall, a lack of robust datasets is a challenge for evidence-based policymaking and the evaluation of current programs or services, leaving room for rhetoric and politics to fill in the blanks.

In 2022, the Auditor General of Canada underscored this data gap, reporting that the federal government “didn’t know” if its key initiatives to address homelessness were demonstrably making a positive difference. Among other core issues, the Auditor General’s report found:<sup>19</sup>

- A lack of accountability or direct responsibility for federal homelessness targets, including a federal target to reduce homelessness by 50% by 2028.
- An inability to confirm whether the billions of dollars spent by federal agencies to address homelessness since 2018 have helped get people into homes.
- Very little coordination between CMHC and Infrastructure Canada, the two agencies primarily responsible for implementing Canada’s National Housing Strategy.<sup>20</sup>
- An overall lack of data, information or metrics needed to understand both the nature of Canada’s homelessness problem and what impact, if any, federal programs are having.
- Most tellingly, there are no standardized statistics on encampments in Canada.



Encampments are found in communities across Canada. From Granby to Abbotsford, Halifax to Iqaluit, Montreal to Calgary, encampments are increasingly appearing in new contexts.<sup>21</sup> As illustrated in **Figure 1**, Canadians from coast to coast to coast increasingly have experiences with encampments in their neighbourhoods, rather than the issue being confined to known urban areas, such as Vancouver's downtown east side or underneath the Gardiner Expressway in Toronto. While many encampments are crowded and present safety concerns, many residents feel safer there than in indoor shelters.

The COVID-19 pandemic put new strains on an already vulnerable population and under-resourced supports. As shelters reduced their capacity to allow safe distancing, cities scrambled to find alternative shelter options that protected the safety of residents. People who wanted to avoid the risks of congregate living in shelters, or who were unable to find a bed, were pushed to explore alternative places to stay, including encampments.

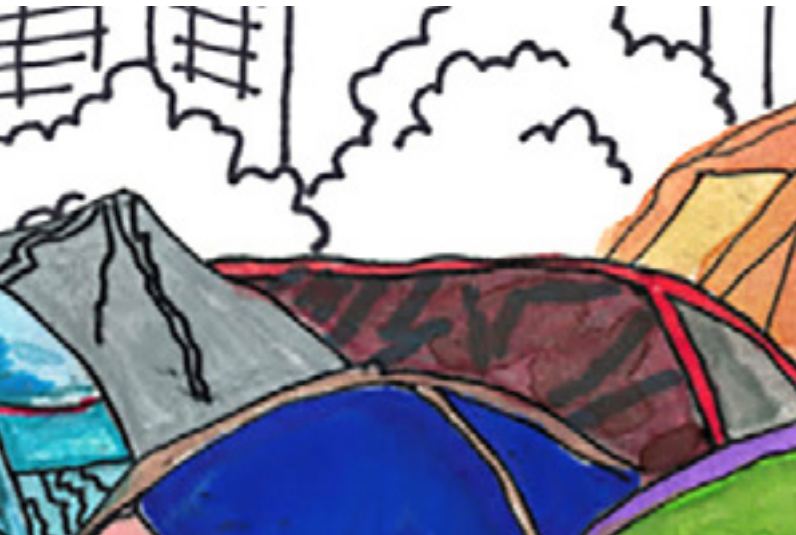


**Figure 1: Encampments as a Pan-Canadian challenge**

## What Rights Do Canadians Have to Housing?

*Canada's legal system provides limited protections for individuals living in encampments. **Recent legal rulings in Ontario and B.C. have determined that the Canadian Charter of Rights and Freedoms' promise of freedom of life, liberty and security of person is violated by municipal bylaws which prohibit sleeping in parks overnight.** The courts have otherwise declined to find that Charter rights are unjustifiably infringed by various bylaws aimed at prohibiting or dismantling encampments.*

Similarly, the Courts have declined to find that the Charter offers a positive right to housing or protection from poverty. The 2019 *National Housing Strategy Act* declares that Canadians have a right to adequate housing, referencing a commitment to international law.<sup>29</sup> Canada has signed on to the commitment in the United Nations Sustainable Development Goals to end homelessness by 2030. Notably, the *Canadian Indicator Framework for Sustainable Development Goals* includes the target to “reduce chronic homelessness by at least 31% by March 31, 2024”, though the years for which data is available show an increase in homelessness.<sup>30, 31</sup>





## Why Are People in Encampments Not Living in Other Temporary Housing?

Municipal outreach to people living in encampments usually includes encouraging residents to transition indoors into shelters. In many communities across Canada, there are not enough shelter spaces to consistently accommodate everyone who wants a shelter bed. Even when there is capacity, some people would prefer to stay in an encampment than move into the shelter system.

There are many logical reasons that unhoused people have for avoiding shelters, including concerns about privacy or safety, restrictions related to pets or substance use, the religious affiliation of the shelter organization, or inability to be housed alongside partners or friends.<sup>32</sup> People have described advantages to staying in encampments that include better sleep and not having to move as frequently. Many shelters require users to vacate the property during the day, which is particularly hard on those with physical disabilities.

An Ontario Superior Court Ruling in early 2023 that blocked the eviction of an encampment in Waterloo Region noted an important distinction between “available” shelter beds and “accessible” low-barrier shelter beds. The ruling noted that shelters that have impractical restrictions or inadequate resources are not an appropriate housing option for people with diverse needs.<sup>33</sup>

Living together in encampments is one way that people support each other when being unhoused. Homelessness governance expert Alison Smith writes, “Encampments are a demand for housing but also a reminder of the importance of community.”<sup>34</sup> In testimonies for other court cases, encampment residents described a sense of community, including informal governance structures,<sup>35</sup> and the culture of mutual assistance among residents as characteristics of the encampment that they particularly valued.

Some unhoused people would prefer to stay in a shelter but can’t find a space. Even if there is shelter capacity at a system-wide level, it can be hard to successfully navigate the complex systems of finding a bed. In Toronto, the number of individuals who reach out to find shelter each night, but are unable to be matched to a bed, increased dramatically in 2022. An average of 187 people per day were not provided a shelter space in Toronto in October 2022, as shown in **Figure 2**, compared to less than 30 a year before.<sup>37</sup>

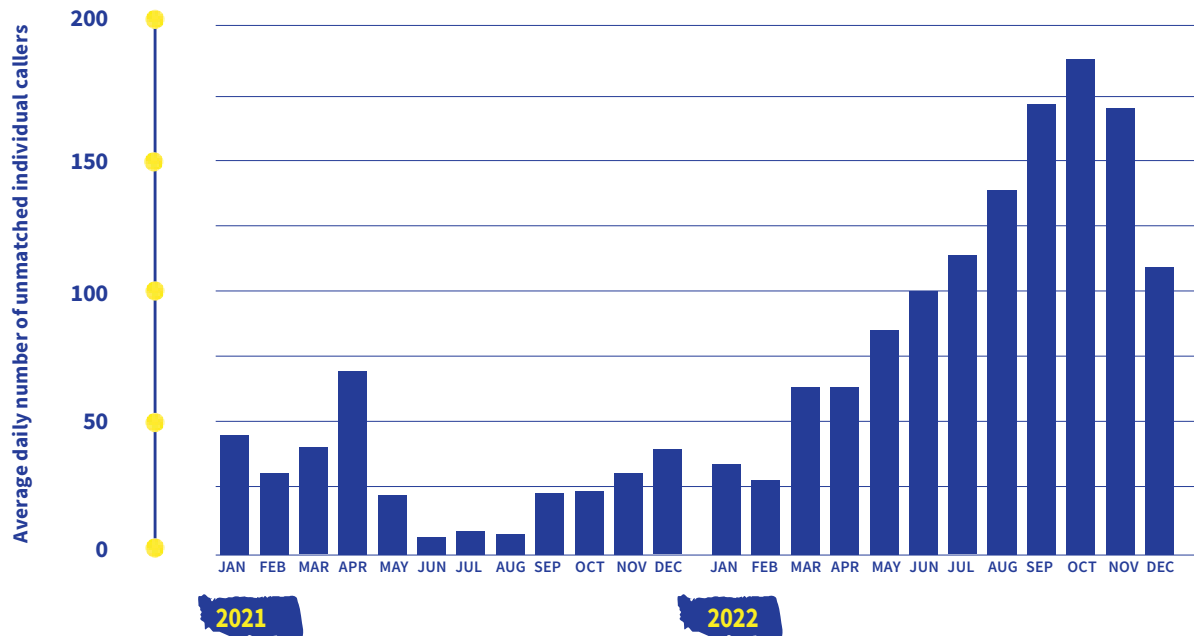
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**“A shelter is a place that is another form of an institution. People do not have autonomy within shelters; there’s rules, there’s regulations. In some facilities you can only be there during certain hours, there are opportunities to have your possessions stolen. They are not very accessible, meaning that 1) the shelter is full, 2) physical barriers are a problem and 3) the shelters are not low-barrier [for people who are substance users, who may have pets or partners, who can’t be accepted into men-only or family-only shelters, etc.]”**

Michelle Bilek, “Homelessness in Hiding” podcast <sup>36</sup>

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## Average daily number of unmatched individual callers



**Figure 2: Average daily number of unmatched individual callers who called the Toronto Central Intake line to access shelter.**

This figure shows the monthly average number of callers to Central Intake who are unmatched to shelter at the end of the day (at 4 a.m.) in 2021 and 2022. Central Intake provides a 24/7 telephone-based service for the City of Toronto that offers referrals to emergency shelter and other overnight accommodation, as well as information about other housing stability services. Data from this figure was generated using the monthly average data from Central Intake.

## Why Are Encampments a Problem in Communities?

Encampments often lack proper sanitation, present higher risks for fires, create fear for personal safety, can be noisy, and can negatively impact local commerce by deterring customers from the area. Encampments in public parks can affect recreational activity and other programming. These safety concerns are noted by courts and the public — as one judge stated when reviewing the situation of an encampment in Hamilton, Ontario: “Overall, I am persuaded that these areas of the parks are not safe.”<sup>38</sup>

When encampments are established, municipalities must decide how to respond. Often, multi-divisional municipal responses involve parks and recreation, social services, and, at times, security services. Some multi-sectoral approaches are coordinated and intentional. In other instances, it seems like services are working independently or even at cross-purposes as a result of departmental silos. Municipalities should proactively evaluate their capacity to respond — or not — and develop guidelines for their response.



# Who Is Responsible for Addressing Encampments?

*Encampments exist because of homelessness. Homelessness is an incredibly complex policy issue, with responsibilities and mandates that span different orders of government and policy files, including housing, income security, healthcare, public safety, etc. Federal and provincial governments have more responsibilities and levers of control over upstream causes of chronic homelessness: these include income security (i.e. Employment Insurance, job programs, social assistance, income transfers) healthcare (in particular, access to good mental health and addictions care) and, of course, housing (through legislation and funding programs to improve affordability and availability).*

Municipalities have levers of control when responding to downstream impacts of homelessness: coordinating shelters, overseeing and/or funding street outreach programs, creating and enforcing bylaws, zoning, public health, etc. This means that municipalities are responsible, either by design or default, for responding directly to encampments and/or coordinating encampment responses. Municipalities often depend on funding from other levels of government to build shelter spaces or run programs. **Policymakers typically think about encampments primarily as a municipal issue. This contributes to why Canada has a hyper-fragmented and uneven set of responses to what is clearly a national crisis.**<sup>39</sup>

A public-facing Frequently Asked Questions document regarding encampments from Moncton in 2019 answered the question “Is the City of Moncton responsible for the issues related to homelessness?” with the initial sentence, “No.”

Later, the same document goes on to say:

“Health, social services, and housing costs are the responsibility of the Governments of Canada and New Brunswick...as such, the City will be submitting requests for reimbursement for the expenses incurred related to [addressing encampments]”.<sup>40</sup>

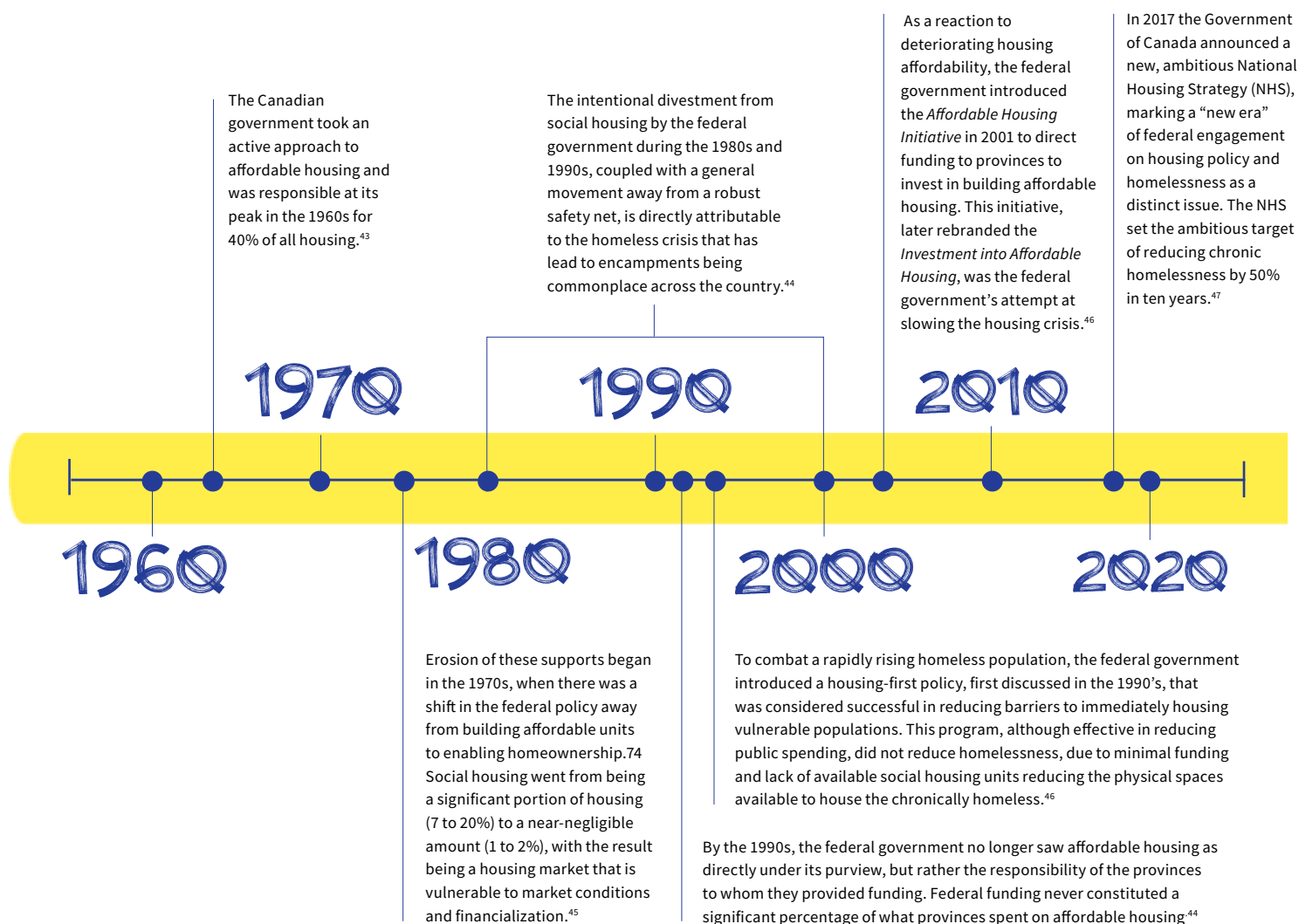
There is a strong case for the federal and provincial/territorial governments to take on more responsibility in addressing encampments as a defined policy issue, through regulating housing protections, providing more and dedicated resources for unhoused people, and through facilitating data collection and knowledge-sharing.

During the COVID-19 pandemic, all levels of government re-evaluated their traditional roles and responsibilities to respond to the pandemic as a national crisis. The urgent problem of encampment response should also prompt decision-makers to think creatively and collaboratively to develop a coordinated effort.

To identify where policy opportunities exist to improve responses to encampments across Canada, it is important to untangle the confusing web of responsibilities.

## The Role of the Federal Government

*The federal government provides funding to address homelessness through Infrastructure Canada and the Canada Mortgage and Housing Corporation (CMHC). The Minister of Housing is the lead minister for the National Housing Act that includes national goals, improves housing outcomes, and provides a participatory process in the design of the strategy, with a goal of reducing chronic homelessness by 50% over 10 years.<sup>41,42</sup> The passing of the Act in 2019 marked a return of federal involvement in affordable housing, a role that had been greatly reduced over the years.*



**Figure 3: Key moments in the federal government's involvement in housing and homelessness, 1960 to 2022.** This figure shows the monthly The federal government has been involved in housing and homelessness at varying degrees over the years, from shifting away from building affordable units to encouraging homeownership in the 1970s, combating a rapidly rising homeless population by introducing the housing-first policy in the 1990s, the introduction of the *Affordable Housing Initiative* in 2001 to direct funding to provinces to invest in building affordable housing and the announcement of a new *National Housing Strategy* in 2017.

## The Role of Provincial/Territorial Governments

*Provincial and territorial governments have many policy levers that could catch individuals in the social safety net prior to them coming to experience homelessness and life in encampments.*

### (a) Social assistance and disability supports

Provinces and territories have primary responsibility for social assistance programs, including disability support programs. Researchers in Toronto who talked to more than 100 encampment residents found that the majority were already receiving some form of government disability or social assistance support.<sup>48</sup> Social support and income assistance levels have not kept up with the cost of housing.

### (b) Healthcare

Many encampment residents have complex mental or physical health needs, requiring an integrated approach that includes healthcare supports. A more proactive approach to healthcare could help ensure that individuals find resources that allow them to remain in suitable housing before they seek shelter in encampments.

### (c) Legislation, justice and public safety

Provinces and territories enact legislation that has direct impacts on community safety and the rights of individuals in encampments. Provincial legislation related to justice and public safety has significant impacts on how individuals who face challenges in remaining in long-term housing encounter the justice and penal system.

Ontario and British Columbia have both passed Safe Streets legislation. The Ontario *Safe Streets* Act makes it a fine of up to \$1,000 or six months of jail time to dispose of used condoms, new or used hypodermic needles or syringes, and broken glass in public space.<sup>50</sup> These activities are common concerns related to encampments and create an ongoing pretext for police to go into encampments. If levied, fines charged to people in deep poverty end

up deeper in debt, creating an additional barrier to breaking the cycle of homelessness.

In contrast, subnational governments in other countries have passed legislation that significantly strengthens the rights of homeless people. For example, in Colorado, the *Right to Rest Act*<sup>51</sup> guarantees a right to use public spaces, including for rest and nourishment; and reduces barriers for living in one's vehicle. Furthermore, Colorado's Act clarifies that the privacy of individuals experiencing homelessness needs to be respected. In Scotland, *The Homelessness etc. (Scotland) Act* (2003), requires that local councils provide advice, assistance and temporary housing for any individual who is experiencing homelessness.<sup>52</sup>

### (d) Property and civil rights

Provinces and territories are uniquely positioned to prevent evictions and keep people in their homes, as within the division of powers, provinces and territories are responsible for civil and property matters. Some provinces have used this jurisdiction to develop programs to provide targeted support for paying rent or repairing homes.

#### **The challenges of affordable housing:**

Canada's housing affordability crisis is being exacerbated by inadequate social supports and income security programs. In one example described in *Poff v. City of Hamilton* 2021 ONSC 7224, the average cost of a one-bedroom rental in the City of Hamilton in 2021 was \$1,468 per month. However, the total amount available to a single individual who is eligible for both Ontario Works and Ontario Disability Support Program is \$1,850. Therefore, housing represents 79% of monthly benefits; more than two and a half times what is considered an affordable rent.<sup>49</sup>



## The Role of Municipalities

Municipalities become the primary coordinators and decision-makers in responding to encampments and have direct control over how encampments are dealt with on an immediate and practical level, through:<sup>53</sup>

- Bylaw creation and enforcement;
- Land-use planning and governance;
- Management of public amenities, including parks, washrooms, community centres, etc.; and
- Oversight of police, fire departments, and public transit.

One component of the response has been a notable increase in bylaws that criminalize homelessness and encampments over the last 30 years.<sup>54</sup> This includes a growing number of bylaws against panhandling, loitering, obstruction, salvaging, resting or sleeping, sheltering and public disorder.<sup>55</sup> When it comes to shelter and rest, municipal bylaws can be in conflict with other established rights. For example, in *Abbotsford (City) v. Shantz (2015)*, the B.C. Supreme Court declared that portions of bylaws passed by the City of Abbotsford, which prohibited being in a park overnight or erecting a temporary shelter without permits, violated the guarantee to the right to life, liberty and security of the person set out in the Charter.<sup>56</sup>

Municipalities also have a critical role as conveners and/or coordinators with outside partners, community organizations, and other levels of government. In some instances, municipalities fund community organizations to engage directly with encampments. Even if they are not acting as a funder, municipalities are often the primary point of contact with charities and non-profits that provide services to people living in encampments, due to their on-the-ground presence in such areas as garbage collection and the management of public spaces.

Importantly, municipal officials play a critical role in shaping how residents of a city understand and respond to individuals who live in encampments.<sup>57</sup> More than their federal and provincial/territorial counterparts, municipal politicians are held accountable for local realities.

Across Canada, there is variation in the extent to which these policies are delegated to municipal governments. For example, in Ontario, social housing is generally funded and administered by municipalities, whereas most elsewhere in Canada, social housing is funded and administered by the province or territory.<sup>58</sup>



## The Role of Indigenous Governments

Encampments are disproportionately home to Indigenous peoples.<sup>59, 60</sup> Nearly 7% of urban Indigenous people experienced homelessness on any given night, compared to less than 1% of Canadians nationally.<sup>61</sup>

Indigenous governments are increasingly taking on responsibility for social services. For example, several self-governing First Nations have a recognized jurisdiction to legislate the provision of social and welfare programs to their citizens.<sup>62</sup> Through the federal *Act respecting First Nations, Inuit and Métis children, youth and families* which came into force in 2020, Indigenous governments are taking on responsibility for the provision of child and family services.<sup>63</sup> Recognized self-government powers, combined with the history of residential schools contributing to a distrust of institutions, place Indigenous governments as integral participants in responding to and preventing encampments.

Finland has the goal of eradicating homelessness by 2027 and has made considerable strides towards it, halving its homeless population between 2009 and 2022.<sup>64</sup> The government of Finland credits its success to four decades of “the state, the municipalities and the NGOs working with determination to reduce homelessness,” as well as its housing-first model.

The housing-first model sees housing as “not a reward that a homeless person receives once their life is back on track. Instead, a dwelling is the foundation on which the rest of life is put back together.”<sup>65</sup> Housing first is built upon four principles:

- (1) housing enables independent lives;
- (2) respect of choice;
- (3) rehabilitation and empowerment of the individual; and
- (4) integration into the community.



## Balancing Competing Interests

*In responding to encampments, municipal officials must balance competing and sometimes contradictory policy goals. Some of these tensions include:*

### (a) The immediate safety of encampment residents vs. the ongoing wellness of encampment residents

A key challenge in keeping encampments safe is fire prevention. Cook stoves, heaters and small fires all help encampment residents make food and stay warm. However, they can create serious fire hazards when in proximity with flammable materials like soft-top tents and cardboard.



**Figure 4: A Photo of an Encampment in Fredericton, New Brunswick After a Fire Burned Down Three Tents.<sup>66</sup>**

### (b) Reasonable protections and bylaw enforcement for non-encampment community members vs. criminalization and harassment of unhoused community members

Encampments can create significant challenges for others living in their neighborhoods, ranging from nuisances (noise, disturbances, and vandalism) to health and safety concerns (harassment and presence of dangerous substances). Issuing fines to encampment residents or charging them with an offence can cause great individual harm with little collective benefit. These actions do not address underlying issues and rarely deter people from repeating such behaviour.

### (c) Ensuring encampment residents have access to fundamental needs and amenities vs. enabling or encouraging encampment residents to remain in place

For some, providing encampment residents with basic resources, like portable toilets, prepared food, and safe supply kits (which allow drug users to test whether their drug of choice contains potentially fatal additives, such as fentanyl) is a fundamental necessity. Ensuring that fellow community members do not freeze, starve or get sick ensures encampment residents' basic rights and dignity.<sup>67</sup> Providing such services within encampments can also be understood as sanctioning encampments and encouraging their propagation, permanency, and growth. However, providing these amenities can drastically reduce the impact of encampments on surrounding neighbourhoods.



**I SUPPORT  
MY NEIGHBOURS  
INTENTS**  
**NO ENCAMPMENT  
EVICTIONS**

**SAY NO  
YES**



# Who Decides, Who Acts

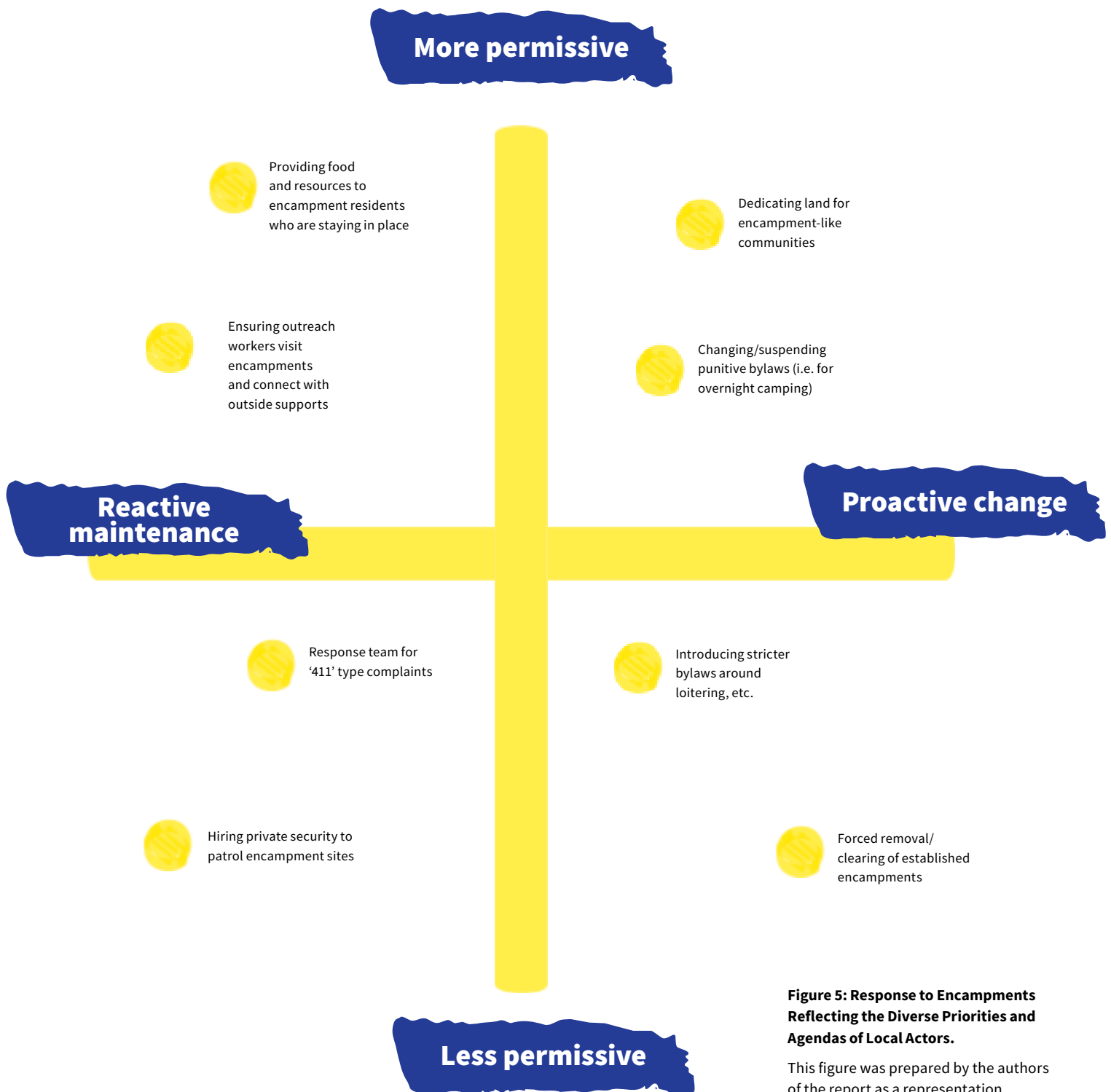
*Municipalities and enforcement agencies have struggled to take decisive action in response to encampments not only because of the difficulties posed by the above tensions, but because roles, responsibilities, and spheres of authority within and between governance structures are unclear. Those leading the response for non-governmental organizations on the ground that were interviewed for this report unanimously raised opacity in decision-making as a critical concern. For example, decisions to raid or displace an encampment are purportedly apolitical “operational” decisions made by the local police force, fire authority, or bylaw division. However, the reality is that the political climate in a community impact how enforcement decisions are made.*



In many ways, the on-the-ground response to encampments reflect the diverse priorities and agendas of local actors. Multiple and somewhat contradictory responses can occur at the same time in the same community, and sometimes by the same governments. For example, in 2021 the City of Kitchener and the local school board provided land to host “A Better Tent City”, a site that provides small cabins to unhoused people as a type of “supported” encampment.<sup>68</sup> However, another encampment established only 15 minutes away in Kitchener that same year resulted in a major court case where the Region of Waterloo sought permission from the courts to forcibly arrest and remove encampment residents.<sup>69</sup>

Rather than conceiving responses to encampments as linear, the authors have found it helpful to map them as shown in **Figure 5**. “More permissive” responses reflect the necessity and/or utility of encampments for unhoused people, and work to make encampments safer and more functional; “less permissive” responses reflect that encampments should not exist, and that unhoused people should be compelled to find other housing, like shelters. The other axis reveals the degree of overall change decision-makers are willing to make from maintaining the status-quo to proactively transforming encampments.





**Figure 5: Response to Encampments Reflecting the Diverse Priorities and Agendas of Local Actors.**

This figure was prepared by the authors of the report as a representation to the vast array of responses to encampments reflective of the diverse priorities and agendas of local actors. There is no statistical or mathematical significance to the specific location of each point in each quadrant.



*While these internal contradictions and multiple responses do co-exist, the authors identified five main tactics that are consistently used:*

**(a) Dedicating land for encampments, including offering alternative shelter structures**

Some cities have decided to be more permissive with providing public land for particular encampments. For example, in 2022, the Region of Waterloo regional council unanimously approved a “region-run encampment” that has also been described as a “managed hybrid shelter/outdoor motel.”<sup>70</sup>

Public lobbies have advocated for dedicated land for encampments to respond to a shortage of alternate shelter. For example, in 2022, the Yukon Status of Women Council urged the City of Whitehorse to allow people to camp in specific green spaces due to the “unprecedented” levels of homelessness.<sup>71</sup> Such approaches are not without trade-offs. Vancouver’s deputy city manager indicated in a 2019 statement that the cost to manage an outdoor encampment safely “are equal to or greater than indoor shelters on a per space, or per bed basis.”<sup>72</sup>

Other communities have provided services, infrastructure, or even support for alternative types of shelters. Several Canadian cities have invested in modular temporary housing units as an alternative for people sleeping outdoors. For some housing advocates, investing in “tiny homes” and other modular units is an innovative, pragmatic way to address a near-term crisis. For other housing advocates, alternative structures like tiny homes are a high-cost, temporary “band-aid” solution that does not address the urgent and underlying housing issues that lead to homelessness.<sup>73, 74</sup>

**(b) Adapting bylaws to allow limited use of public space**

Another approach local governments have taken is adjusting their bylaws to allow more flexibility for people sleeping outside: for example, allowing people to stay overnight in public spaces only. Two cities in British Columbia are examples. In Abbotsford, if no shelter spaces are available, individuals may now camp overnight in specific parks. In Victoria, a similar bylaw allows the erection of “a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard or other rigid or non-rigid material” but only at specific times and in specific locations.<sup>75</sup>

**(c) Harm reduction of encampment sites**

Some municipalities provide support to encampments to manage health and safety. This is particularly true when there is an absence of available shelter spaces. Providing such services is expensive. In Moncton, between 12 and 40 individuals resided in a tent city in the summer of 2019 when there were no alternate shelters available. The city estimated the average monthly cost of providing security, lighting, water, and garbage collection to the site at about \$35,000 a month. There were additional costs related to bylaw enforcement, parks maintenance, and city equipment.<sup>76, 77</sup>

**(d) Inaction or deferral of action**

Another approach is to avoid addressing specific encampments. This approach is less feasible for large or long-term encampments. However, at times, municipalities prefer to allow small informal settlements to remain. This is particularly true in cases where individuals settle on private property rather than in city parks, because permissions are needed from the property owner to evict residents. When encampments are established on disused or industrial land, finding the appropriate party to grant a permission to evict can be challenging.<sup>78</sup>

## (e) Clearing encampments

Deciding to clear an established encampment usually only happens after outreach or attempts at the preceding options. For enforcement services, it is often preferable to clear encampments when they are small and not well established. Safety concerns about encampments can result in a decision to dismantle a camp, as in Fredericton, New Brunswick. In January 2022, when there were fires at two different homeless tent encampments (**Figure 4**). Attempting to clear established encampments is challenging and costly and usually provokes significant political debate.<sup>79</sup>

Some politicians have characterized encampments a “blemish” on their cities. Ontario Premier Doug Ford’s comments on the “optics” of tent communities under Toronto’s downtown highway are emblematic: “You can’t be doing it underneath the Gardiner. It looks terrible.”<sup>80</sup>

Some may see dismantling encampments as the only effective response to addressing the health and safety concerns of local residents and businesses. However, decision-makers must also consider the impact on the people within the encampment and methods of dismantling an encampment must be sensitive to the complex needs of the residents.

Clearing or dispersing encampments has significant negative impacts on those who live there. Aside from the profound emotional distress, the few things residents own themselves can get taken, lost or destroyed in the process of dispersing a tent site. These kinds of forced clearings are de facto evictions for the people living in encampments, further destabilizing already vulnerable populations. One encampment resident facing eviction in Kingston, Ont. told the CBC, “We’re just average people, just like everyone else, and we’re trying to survive.”<sup>81</sup>

### **The public cost of clearing encampments** **Clearing encampments is expensive. A few examples include:**

- In Toronto, Ontario the clearing of homeless encampments in three public parks and subsequent clean-up cost during the summer of 2021 was just shy of \$2 million. Staffing costs associated with trespass enforcement, including contracted security costs, came to more than \$840,000, landscaping restoration costs were close to \$800,000 and total fencing costs came to more than \$350,000.<sup>82</sup>
- The City of Vancouver, British Columbia incurred more than \$3.5 million in services and costs associated with the Downtown Eastside green spaces after the homeless encampment at Oppenheimer Park was shut down.<sup>83</sup>
- In St. Catharines, Ontario, city officials estimated the cost of cleaning up encampment sites in 2021 to be \$128,000.<sup>84</sup>



## Municipal Policy Frameworks

To guide which responses shall be employed in which scenario, several municipalities have established public documents that outline overall protocols for responding to encampments. Recognizing that it is difficult to be prescriptive in determining in advance which of the above strategies to employ, Sudbury's *Ontario's Encampment Response Guide*<sup>85</sup> identifies key principles that guide decision-makers in their on-the-ground response to encampments.

- 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; and
- 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.

Municipalities that have more experience with encampments have established cross-sectoral approaches often with community services support to respond to encampments. For example, Hamilton has a “standardized risk assessment tool” that helps determine the level of response required.<sup>86</sup> In 2022, the staffing resources for encampments drew on a variety of sectors that were coordinated within the City of Edmonton's Homelessness and *Encampment Response Strategy*.<sup>87</sup>

Once a policy framework is created that establishes standard practices and clarifies the cross-sectoral collaboration required, municipalities are much better positioned to respond to new situations that emerge. Such policies also build trust in government by demonstrating that responses are based on established principles rather than ad-hoc whims.



# Recommendations

*These recommendations are intended to balance the needs and dignity of people living in encampments and the realities of communities that have finite resources and capacity to provide for these needs. There is a need for a long-term approach to this issue, and immediate actions that must be taken.*

*No action aimed at addressing the presence of encampments within Canadian communities will be successful unless there is increased public dialogue about how to balance the tensions described in the above section entitled “Balancing Competing Interests.” Indeed, it is the authors’ view that actions to address encampments must be grounded in the principles of respect for the dignity of the individual; approaches to debate built on evidence, rather than rhetoric; and a commitment to work collaboratively between governments, communities and individuals to find solutions.*

**RECOMMENDATION 1: Federal and provincial/territorial governments must significantly increase funding for more non-congregate shelter spaces, including tiny homes and mobile units to reduce the presence of encampments.**

Municipal governments have insufficient financial capacity to create the quantity or quality of shelter spaces needed. Significant additional resourcing must come from the federal and provincial governments. In particular, funding streams should prioritize the creation of more non-congregate sheltering spaces across Canada. Communities of all sizes must invest in shelter spaces and housing options that grant unhoused people greater privacy, predictability and autonomy as an alternative to living in encampments.

To accomplish this, some promising initiatives can be expanded. The federal Rapid Housing Initiative (RHI) has helped fund permanent, non-congregate beds for unhoused people, including a recently built supportive modular housing unit in Toronto that includes 44 small

studio apartments.<sup>88</sup> In Winnipeg, RHI helped fund the construction of a “tiny home village”, an Indigenous-run housing initiative that has created 22 separate housing units in shipping containers.<sup>89</sup> While a positive step forward, these projects only represent a fraction of the spaces that are required to meet current needs.

Federal and provincial funding should also be directed to rapidly creating temporary or fixed-term housing options. In PEI, the provincial government has helped to fund the Park Street Shelter, a set of 50 mobile units in Charlottetown.<sup>90</sup> Other cities like Vancouver and Halifax have invested in temporary modular housing options for unhoused residents. Expanding this approach in other contexts will provide urgently needed solutions in a timely and flexible manner.



**RECOMMENDATION 2: Governments must work collaboratively to significantly improve data collection on homelessness. In particular, the federal government should create clear procedures for data collection, collaboration and dissemination that includes encampment-specific data collection. Provincial and territorial governments should require the collection of by-name list data in a standard format to include in the national datasets.**

There is no comprehensive source of publicly available data on encampments in Canada and there is a lack of reliable data on homelessness. Implementing the Auditor General of Canada's recent recommendations on improving data collection and coordination on homelessness should be a top priority for the federal government. In particular, better data on homelessness program outcomes will help policymakers to craft evidence-based responses to the rise in encampments. Within this, governments should collect specific data on encampments. Not only will better data help address encampments as a policy issue, it will make them easier to address as a political issue. Without a shared set of facts, encampments are more easily polarized in rhetoric, either through dismissal or hyperbole.

A particularly effective way to get better data on homelessness and encampments is with by-name lists. These are lists that name every person experiencing homelessness in a community, updated as frequently as possible. In 2021, Ontario directed all communities in the province to start building a by-name list.<sup>91</sup> The required set of questions includes asking where a respondent is staying that night, with "encampment" as a distinct response. If used effectively, population-specific data gathered in by-name lists can improve policymakers' understanding of the demographics and distinct needs of those living in encampments.

**RECOMMENDATION 3: Provinces and territories should direct municipalities and regions to develop and make publicly available protocols or guidelines for how they respond to encampments, setting a two-year deadline for completion.**

When cities establish clear protocols or guidelines for responding to encampments, it is easier to navigate emerging challenges and to find alignment across departments and among partners. Many municipalities are already developing their own protocols or guidelines. Requiring all municipalities to create or update these documents is a critically important near-term step to improving encampment responses. These should outline clear roles, responsibilities and procedures: who responds to encampments, in what circumstances, and with what authority. Encampment protocols or guidelines should

also include considerations specific to that community, including weather, shelter resources, and collaboration with Indigenous governments.

Provincial and territorial governments should help municipal and regional governments in providing informational resources and identifying best practices. However, local governments would retain flexibility to craft protocols or guidelines that are responsive to local needs, including their specific complement of services, departments and community partners.

**In the 2022 report on Toronto's encampment response, Toronto's Ombudsman focused the majority of recommendations on clarifying Toronto's outdated and confusing interdepartmental protocols, saying "the coordination of the City's response is foundational. If it is not fair, nothing that follows can be."<sup>92</sup>**

4

**RECOMMENDATION 4: Municipal governments should actively facilitate access to basic services and amenities to encampment residents, even while continuing outreach activities to encourage a transition into shelters. Federal and provincial governments should provide funding for these efforts, including adapting eligibility criteria for existing homelessness programs where they restrict the provision of such services.**

When encampment sites have been clearly established, municipalities should work with community organizations to ensure encampment residents can meet their basic needs. The provision of basic services is a recognition that if left unaddressed, broader community health and safety risks will emerge due to poor sanitation or fire hazards. A proactive approach helps reduce the burden on surrounding neighborhoods. For example, without public washrooms, residents are likely to use washrooms in nearby businesses or go to the washroom outdoors.

Many communities across Canada already provide these kinds of “harm mitigation” resources: the Region of Waterloo provided portable potties and security to a large encampment, while the City of Winnipeg provided steel barrels to encampment residents for safer warming fires.<sup>93,94</sup> These supports can be expensive for cities to fund. Under a special COVID-19 exemption, federal funding for homelessness under the “Reaching Home” program currently allows resources to be directed to programs that provide “basic needs” services like blankets, medicine and food. This “basic needs” exemption for homelessness funding should be extended past its current expiry date of March 2023.<sup>95</sup>

5

**RECOMMENDATION 5: Municipalities should work together through the Federation of Canadian Municipalities to organize a dedicated task force for sharing of knowledge and best practices on encampment response.**

Collaboration equips municipal policymakers with a “repository” of existing protocols and programs to develop best practices. The Federation of Canadian Municipalities (FCM) is particularly well-positioned to create a pan-Canadian forum for municipalities to work on the issue of encampments.

6

**RECOMMENDATION 6: Ontario and British Columbia should repeal their Safe Streets Acts. Municipalities should repeal bylaws that disproportionately punish people who are unhoused.**

Collaboration equips municipal policymakers with a “repository” of existing protocols and programs to develop best practices. The Federation of Canadian Municipalities (FCM) is particularly well-positioned to create a pan-Canadian forum for municipalities to work on the issue of encampments.

7

**RECOMMENDATION 7: The federal government should create a dedicated fund managed by the Minister of Housing, Diversity and Inclusion that can be accessed to support information campaigns and promote public dialogue regarding encampments and homelessness.**

As provinces ask municipalities to create strategies for responding to encampments, and as national standards are implemented to collect data on the scope of this problem, the federal government should invest in public education to promote democratic dialogues regarding this issue. This funding can help ensure that public debate addresses the challenging issues that communities face regarding encampments, while recognizing the rights of individuals living there. The fund could be administered in a way similar to the Community Support, Multiculturalism, and Anti-Racism Initiatives Program administered by Canadian Heritage.

# CONCLUSION

*There is an urgent and collective need for a strengthened national response, standards, and best practices for responding to encampments as a pan-Canadian issue. As local governments across Canada struggle to respond, and as encampments become increasingly complex to manage, specific actions can be taken to move forward that respect the rights of people who do not have permanent and stable housing. There is an opportunity to increase knowledge sharing, data standards and collaboration when responding to encampments.*

*Encampments are a consequence of the growing difficulties Canadians from coast to coast to coast have in finding adequate and affordable housing. To move forward, a national conversation about the challenges faced by individuals who struggle to obtain permanent shelter and how to respond to these challenges must occur. This requires creating guidelines that incorporate sensitive approaches that provide for the needs of individuals in encampments until suitable transitional or long-term solutions are identified. In addition, repealing laws that target the homeless is important.*

*Although local governments are often tasked with the day-to-day response towards encampments, the response also requires investment and focus from political leaders at the federal and provincial or territorial levels. If Canada is to remain true to the values of equality, compassion, justice, and economic security, collaboration is essential. This effort requires not just political leadership, but also participation in the public policy process by individuals of all types of backgrounds, working together to identify solutions.*





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