

STATEMENT

Distributed July 6, 2018

City Responds to Hazard Abatement and Prevention Order

Yesterday, Island Health issued a Hazard Abatement and Prevention Order to the City of Nanaimo with respect to the Tent City property. In addition to continuing to provide solid waste services, the Order requires that the City of Nanaimo provide the following to 1 Port Drive:

1. a free flow of potable water;
2. additional portable toilet facilities and associated maintenance; and
3. hand sanitizing stations near the portable toilet facilities.

Dr. Paul Hasselback, Island Health Medical Health Officer has stated that there are “reasonable and probable grounds to believe that conditions exist that present a significant risk of causing a health hazard”. As such, the City has been ordered to provide the above-mentioned services by July 10, 2018 at 5 p.m.

The City has always maintained that this is an illegal trespass and unsafe occupation. As part of this, the City of Nanaimo issued a Notice to Vacate to the Tent City occupants on May 25, 2018. On June 25, 2018, the City requested that the Court expedite the civil injunction proceedings filed by the City on an urgent basis due to the fire and other ongoing safety concerns with the Tent City at 1 Port Drive. This request was denied by the Court and the hearing has been set for the week of July 16, 2018.

Since this decision, there have been ongoing safety concerns, including a stabbing, a fatal overdose and recent fire. A Provincial Fire Order was issued by the Local Assistant to the Fire Commissioner on May 30, 2018, with which the Tent City occupants have not complied.

Island Health has the authority to issue an evacuation order to the trespassers to remedy the health and safety concerns caused by the occupation of land not zoned or equipped for permanent or overnight accommodation. However, they issued a Hazard Abatement and Prevention Order. The City will be required to fund the services detailed in the order, if the order stands.

The City has a statutory right to ask the Medical Health Officer to reconsider his decision and will be using the appropriate legal channels to make this request.

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