

Meeting with RCMP representatives and the bylaw officers who were at the fire scene Thursday, December 3, 2020 afternoon and Friday, December 4, 2020 morning, and can provide some perspective.

The police & bylaw officers are aware of the trauma folks are experiencing as a result of the fire incident and closure of the Wesley Street encampment. It is laudable that [REDACTED] were available to provide peer support after the fire and to observe some of the post-events as folks returned to Wesley Street to collect their belongings, but their transitory perspective does not begin to recognize the broader interactions and relationship between the people sheltering on the street and police/bylaws services.

This encampment started as a small cluster of shelters in 2019 a number of months after the closure of the Port Drive Tent City. The City had worked with BC Housing to create the modular housing sites on Labieux Rd & Terminal Ave to accommodate people living in the Tent City, along with increased shelter capacity and new rent subsidies. Notwithstanding these efforts to find a place for everyone to shelter, the City realized that some folks would inevitably remain on the street. The City amended the Parks Bylaws to remove broad prohibitions to overnight sheltering in parklands, and permitted overnight sheltering in undeveloped areas of parks throughout the City. These amendments aligned with BC Supreme Court decisions regarding homeless sheltering in public places. It is significant to note that no Canadian Court has ever recognized a right to establish permanent or semi-permanent encampments on municipal lands, or to maintain temporary shelters during daytime hours. Municipalities are frequently called upon to balance multiple, and often competing priorities from diverse stakeholder groups which include citizens who use and recreate in parklands and homeless citizens who shelter in these same areas. The City has adopted the minimally impairing approach set out the by Courts, which is to permit sheltering in undeveloped parkland areas. Bylaws do not permit the erecting or maintenance of any structure on a road, road right-of-way, sidewalk or public plaza at any time.

Exceptions were made for the small group sheltering on Wesley St in 2019. The hardships associated with breaking down and packing up shelters each morning, particularly in inclement weather was recognized. It was also acknowledged that this site was in close proximity to the OPS which afforded a measure of safety and protection for drug users, and was also proximal to Harris House which provided supports, harm reduction supplies, and a place to shower or warm up. For this arrangement to work, the folks sheltering on the street understood that they had to keep a 'small footprint' that didn't encroach on the narrow roadway and to refrain from use of open flame & combustible materials that would pose a fire risk. This latter point was very significant, as the old Franklyn Street gym had been leased to Tillicum Lelum as a youth drop in centre, but was permanently closed as a result of a fire that originated in a doorway where people were sheltering and using drugs a year earlier. This derelict building was no longer useable, & remained as a significant fire hazard.

As things usually go, the encampment grew in size over time, and begin to develop many of the same characteristics that made the Port Drive Tent City untenable. To this point, I will paraphrase the Judge that granted the injunction that closed Tent City. With increases in the number of people sheltering, significant ongoing safety issues arise, particularly with respect to fire risks, active and aggressive oppositional attitudes towards measures to maintain order or cleanliness, recurring incidents of violence which victimized vulnerable persons within the encampment, criminal elements taking over & controlling the encampment, and significant harms to area residents and businesses. To this latter point, NARSF closed Harris House after more than a decade in the Wesley Street location as their staff could no longer safely or effectively operate a health centre in the prevailing conditions.

A robust and intensive open-air drug market evolved around Wesley St encampment, which not only attracted more inhabitants, but also brought many itinerant folks onto the street where drugs were openly sold & consumed without inhibition. Disorder, conflict, violence & frequent overdoses accompanied this culture. Attendance and use of the OPS facility declined, and staff & residents of the CMHA operated social housing building struggled to thrive in this deleterious environment.

By early 2020, the encampment had sprawled to the point that shelters and accumulation of hoarded materials often blocked the roadway making it inaccessible to emergency vehicles or CMHA & City staff. The street was littered and filthy, and infested with vermin. A daily regiment was developed requiring all shelter structures to pack up and move off the street for 1 hour so that City crews could pick up garbage, wash and sweep the street, and to repair damage to infrastructure. 1 – 4 truck-loads of garbage was hauled off the street every morning. The real tipping point occurred when the COVID health emergency was declared and the Province requested that municipalities relax regulations to permit homeless persons to keep shelters up to rest and isolate without disruption. When the requirement to move off the street each morning was suspended, conditions on the street came to resemble the Port Drive Tent City. Subsequent impacts led to increasing social and economic failure of the surrounding neighborhood.

Moving into the fall of 2020, outreach supports were minimal on the street unless accompanied by a police or bylaw presence. City crews cleaned the street each morning, collecting garbage off the roadway and from around shelter sites without disturbing people in their shelters. The sanitation & enforcement crews were a continuous presence on the street and interactions were generally respectful and familiar, though of limited efficacy. In the absence of requirement to move each morning or incentive to otherwise keep orderly space, conditions on the street became untenable. The roadway often became inaccessible to vehicle traffic with the volume of accumulated items around the shelters. The street surface was filthy and filled with vermin. It became a familiar scene to observe residents from adjacent neighborhoods wandering up the row of shelters as City crews did daily morning clean, commenting that they were looking for their patio furniture, their tools, or their children's bicycles. As often as not, they would find what they were looking for. One day, a local professional from a nearby business endured hostility and abuse as he gathered up stacks of cement blocks that had been distributed throughout the encampment to build up shelter areas so that he could rebuild the retaining wall around his office. He was visibly shaken and defeated as he left the street that morning.

On October 15 a provincial fire order was served on the City, requiring measures to ameliorate conditions within the encampment which posed a hazard to life and property. The City had 3 – 7 days to comply with the Order. Every outreach and advocacy organization which provided support on the street was solicited to support in this endeavour. A large disposal bin was installed in a nearby parking lot so that individuals within the encampment could undertake their own measures to reduce the amount of combustible materials in and around their shelters. Bylaw officers and fire inspectors visited the occupants of every shelter, providing copies of the order and explaining that open flame devices, flammable liquids, compressed gas cylinders and improvised electrical equipment would not be permitted. They were asked to keep 2 m. separations between shelters, and to keep them 2 m. off adjacent buildings, away from fire connections, and off the roadway. They were asked to remove contiguous networks of tarps that covered multiple structures and would result in rapid spread in the event of a fire.

Conditions on the street did not significantly change in the weeks following the issuance of the Fire Order. Daily morning inspections were conducted up the street, removing (largely used and discarded)

gas cylinders and gas cans, but these items were substantially hidden away inside the structures as there was no intrusion on private sheltering spaces. City clean ups of large quantities of accumulated materials consisting substantially of piles of discarded bike frames, household furniture and scrap combustible materials piled around shelters on several occasions were met with hostile opposition, despite the fact that the contents of the tents themselves were never disturbed. It also came to our attention that advocates were distributing 'hobo stoves' throughout the camp, which were metal paint can containers with candles mounted inside and holes cut in the sides for use in the shelters.

A significant fire event occurred on the morning of November 13, when a candle ignited a large shelter structure built against the side of the gymnasium building. No one was inside the tent, & it flashed up in moments and was completely destroyed. Fortunately, it was one of the few structures not covered by a contiguous network of tarp coverings, and could be pulled onto the street before fire spread to other structures or the building, but the gymnasium still sustained scorching and smoke damage from the incident.

The fire department observed another tent fire (occupants dragging out flaming contents) as they responded to an unrelated call on the street on November 13. There was a fire incident in the early morning hours of December 3rd, then the significant fire at 12:13 pm. Had this fire occurred during night hours when adjacent structures were occupied, there would have been multiple fatalities. Hidden stashes of combustible liquids and compressed gas cylinders ignited a series of explosions that shook nearby buildings as multiple shelters were incinerated.

The totality of these circumstances led to the decision to close the street and to initiate the closure and removal of the encampment. The correspondence you have shared from the advocates speaks to a lack of communication and of a bulldozer indiscriminately clearing out the street. This is a completely inaccurate characterization of what occurred. The response was a call to Island Health and BC Housing and their respective community partners requesting all available health, housing and outreach resources. Although it wasn't the mandate of the City to do so, the bylaw officers had been going tent-to-tent in previous weeks to identify who was staying in each individual shelter to provide a weekly list to BC Housing for their housing registry and needs assessment for shelter resources in the community. With this, and the fact that these officers had been working and cleaning within the encampment for over a year, they were very familiar with everyone who was sheltering on the street, and where.

People were permitted to enter Wesley Street after it was closed off through a controlled checkpoint at Franklyn Street to ensure that people known to be sheltering there could have proper opportunity to collect and remove their belongings. These measures were put in place after a few individuals never seen on the street previously were observed going from tent to tent opportunistically. A list of individuals who came onto the street to collect belongings after the road was closed was recorded. It is my understanding that everyone who was identified as an occupant of a shelter was given access if requested on Thursday after the fire. Individuals spent as much as 40 minutes at a time collecting belongings from their shelters. Police/bylaw teams tied a yellow ribbon on each tent that occupants had been given access to, to confirm that people had been given opportunity to retrieve their belongings before overhaul work commenced. Some occupants returned as many as 3 – 4 times to collect belongings.

██████████ reference an incident that bylaw officers refused entry to an individual who had been arrested, and berated him with comments to the effect that he shouldn't have been arrested if he wanted his stuff. Again, this is a misrepresentation of what occurred. I am advised that this individual's shelter had been completely destroyed in the fire, and that he had been arrested as a result of chaotic

behavior that was putting others at risk at the fire scene. He was insistent on looking for specific things (i.e. cover for a generator) that did not survive the fire event. Everyone recognized that he was agitated and frustrated, but that was the reality of the circumstances.

The street was cleared the following morning (Friday) with a backhoe. Police and bylaws did a final sweep before this work commenced. There were a few minor incidents where people who had previously confirmed that they had collected all the belongings they wanted came back and get more things. They were given access to do so if it wasn't in the area the backhoe was operating. One young man was given entry and went over to the area the backhoe was working and started collecting items off the street including a big machete and throwing things around angrily, then started darting in and out of other people's shelters. This was the kind of scene that the controlled access was in place to prevent, and after about 15 minutes of this erratic behaviour, he was escorted off the street. The outreach teams led by [REDACTED] were given unfettered access to remove items from the street. They carried a massive quantity of items that were piled on the sidewalk by the Wesley Street medical clinic. They provided assistance to some individuals in removing these belongings in vehicles. At the end of the day, a local Wesley Street business owner moved truckloads of items and dropped them off in a City park. Police and bylaw officers did a final survey of each structure before the road was cleared, removing anything that appeared to be of any value and packed these items up in the event that anyone claimed them.

It was not possible to do a thorough inventory of everything remaining on the street. There was a massive accumulation of material on the street interspersed with personal belongings, and inevitably some important items may not have been retrieved, but it is inaccurate to describe these circumstances as 'confiscating' peoples' belongings. It is inevitable that conflict and frustrations will arise in these situations, and in hindsight there will always be lessons to be learned and things that could be done differently. Notwithstanding, the encampment on Wesley Street by its very nature was no longer sustainable, it was unsafe and unlawful, and it is disingenuous to suggest that there was improper motive in its closure. The statement that there was no consideration by the City, that the quick response was from outreach workers (and not the City) and that people have been constantly pushed around is offensive. In fact, City Council will be officially recognizing the heroic actions of a bylaw officer who rushed into the fire scene to evacuate people to safety as gas cylinders exploded around him.

The plight of homelessness, and this terrible fire incident are tragedies, but it is also important to consider that there are many people who live and work in this neighborhood who have been impacted and deeply traumatized by these events. The situation that led to the closure of the Wesley Street encampment closely resembled the context that existed in 2018 when a Supreme Court of BC Judge granted the injunction closing the Port Drive Tent City, including significant ongoing safety issues, non-compliance with an existing fire order, aggressive oppositional efforts to enforce the fire order, the existence of ongoing crime and violence within the encampment including the presence of criminal elements taking over, concerns for safety of the inhabitants, and resulting criminal activity and harms in the neighboring areas. The City was legally required to take appropriate measures to bring conditions on Wesley Street into compliance with the requirements of the Fire Order, and further has an obligation to address conditions which harm the community. It is the City's expectation that the Provincial Government and Health Authority will now do its part in finding solutions to address this housing and health crisis.

Thank you for sharing the perspectives of [REDACTED], and for the opportunity to provide some perspective in return.

