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Via: Email ([Mark.Lysyshyn@vch.ca](mailto:Mark.Lysyshyn@vch.ca))

September 19, 2019

Dear Dr. Mark Lysyshyn,

**RE: Support for Homeless Residents in Crippen Regional Park**

I am writing you in your capacity as Medical Health Officer for the North Shore Coast Garibaldi Health Service Delivery Area.

As I believe you have been made aware, a number of older, homeless, community members have recently formed a small encampment at Crippen Regional Park: Bowen Seniors Tent City. I am reaching out to request your support in ensuring the health and safety needs of this community are met. Some of the more urgent needs are detailed at the bottom of this letter.

I am reaching out to you as a lawyer and homeless rights advocate with Pivot Legal Society. Pivot is a non-profit legal advocacy organization that works to undo the social stigma faced by marginalized people. Our work in relation to homelessness focuses on working in partnership with people who rely on public space, fighting to end the criminalization of homeless people, challenging discriminatory laws and law enforcement practices that violate human rights, and asserting the rights of all to healthy secure housing.

Part of this work has involved defending “tent cities” and other spaces where people who are currently homeless and poorly housed gather to try and take care of their own needs in the absence of adequate government support.

Homelessness has been on the rise across the Province for decades. As more and more people are forced to live in the street, many municipalities have responded through criminalization: policing the survival behaviors people engage in in public space. This includes ticketing people for sitting on sidewalks, seizing their belongings, and constantly displacing homeless people from any space they occupy. Government actors refuse to provide homeless people with the basic services they need to be safe, such as access to proper hygiene, then blame homeless people for the natural consequences.

These responses are driven by stigma towards poverty, disability and substance use, as well as racism towards Indigenous peoples, who disproportionately make up those who are homeless in BC.

We now have a number of legal precedents in British Columbia which support some self-evident truths.

**1. Daily displacement causes physical and psychological harm**

Most municipalities currently engage in a barrage of enforcement activities which literally push homeless people to the margins of society. As the Court accepted in the case of *Abbotsford (City) v. Shantz* (“*Shantz*”), “the result of repeated displacement often leads to the migration of homeless individuals towards more remote, isolated locations as a means to avoid detection. This not only makes supporting people more challenging, but also results in adverse health and safety risks.” These health and safety risks include “impaired sleep and serious psychological pain and stress.”<sup>1</sup>

**2. Shelter beds are not an adequate response**

Many communities lack sufficient shelter spaces to meet the needs of their local homeless population. Moreover, while some homeless people may choose to access shelter beds in the absence of other housing alternatives, these spaces are simply not “accessible” for many people.<sup>2</sup> Many shelters have rules which act as barriers for some members of the homeless population. These rules include no pets allowed, no sleeping with partners, no substance use, no storage of belongings. In addition, many of these spaces are not trans-inclusive and have inadequate supports for people with disabilities.

**3. Homeless people need space to attend to their basic needs**

Homeless people need somewhere to be. While this is perhaps the most self-evident of truths, many government actors continue to act as though this is untrue. Homeless people need somewhere to sleep overnight, but they also need access to 24/7 space where they can “sleep, rest, shelter, stay warm, eat, wash and attend to personal hygiene.”<sup>3</sup> Unfortunately, the vast majority of communities in BC are not currently providing this space or these services.

In addition, in the midst of an Overdose crisis, tent cities can effectively serve as pop-up Overdose Prevention Sites.<sup>4</sup> These are spaces where vulnerable substance users can access harm reduction supplies and peer-witnessing, even in communities which otherwise refuse to provide these services.

No one is claiming that tent cities are utopias, but in the absence of housing and meaningful government support, people are doing their best to protect their own lives. As long as homelessness continues, people will continue to come together, to try and eke out some basic stability and community support in the midst of this crisis.

Rather than recognizing these realities, many government actors continue to respond to stigma and public pressure by policing homelessness. Homeless people are continuously evicted from the spaces they have gathered – an endless cycle of displacement around city streets resulting in chronic psychological and physical stress.

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<sup>1</sup> *Abbotsford (City) v. Shantz*, 2015 BCSC 1909 at paras. 213 and 219.

<sup>2</sup> *Supra* at paras. 81 – 83.

<sup>3</sup> *Supra* at para. 278.

<sup>4</sup> <https://www.heretohelp.bc.ca/visions/rethinking-housing-vol14/closing-tent-cities-during-an-overdose-crisis-might-be-dangerous>

Some public health actors have recognized these cycles of harm and come alongside homeless communities fighting for space. Attached to this letter is an Open Letter released in August 2018, signed by over 100 members of local public health and homeless advocacy organizations: “Homelessness is a health and safety risk: Why we need a public health approach in tent cities”.

This letter was drafted by two public health nurses in August 2018, in response to the Province, the District of Saanich, and the City of Nanaimo all pushing to evict homeless people from tent cities. It sets out the public health bases for a harm reduction-based approach to tent cities, and calls on government actors to stop using the safety concerns homeless people are forced to face every day as evidence in legal actions aimed at displacing them.

It is in this context that we started reaching out to public health professionals and asking them to lend their support to their local homeless communities. We need members of the public health community to stand with homeless people, to support them in their call for adequate, dignified, housing, but also to support them in taking the steps they are forced to take to survive in the meantime.

This support can range from issuing public statements of support, to lobbying and educating government actors, to ensuring that health services are provided to tent cities. We also are encouraging Medical Health Officers specifically to consider their powers under the *Public Health Act*. Attached to this letter is an example of a Hazard Prevention and Abatement Order issued against the City of Nanaimo by a Medical Health Officer for Central Vancouver Island. MHO Dr. Paul Hasselback required the City to provide basic health and safety resources to a tent city that existed at the time.

In terms of the needs at Bowen Seniors Tent City, those living there are in the best position to provide you with full details, but I understand this is a shortlist of urgent needs:

- Shower and personal hygiene facility – at a minimum, a properly serviced porta potty
- Potable water
- Warming tent or other proximate heated space
- Covered space for storage of fire extinguisher, harm reduction supplies etc.

I appreciate your attention to this request and look forward to your reply.

Sincerely,



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