

**To: Vancouver Fire Rescue Services**  
Darrell Reid, Fire Chief  
Rob Renning, Deputy Fire Chief  
Raymond Bryant, Assistant Fire Chief

**City of Vancouver**  
Paul Mochrie, Deputy City Manager

January 15, 2020

Dear Representatives of Vancouver Fire Rescue Services and the City of Vancouver,

**RE: Heating Solutions at Oppenheimer Park Tent City**

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We write in response to your letter of yesterday's date, which declines Pivot's request that VFRS identify onsite heat sources for residents of Oppenheimer Park. We note that temperatures reached lows of  $-7^{\circ}\text{C}$  today and there is snow on the ground.

Given that there continues to be more homeless people than accessible sheltering spaces in Vancouver, **we again ask VFRS and the City to implement onsite heat sources for residents of Oppenheimer Park. We further ask VFRS and the City to provide the information numbered below.**

We share your concern for the health and safety of the over 2,000 people experiencing homelessness across Vancouver—not merely those who reside at Oppenheimer Park. Indeed, it is this staggering number, as compared with the inadequate numbers of accessible shelter spaces, that drives our call for the City to address the needs of those who will *inevitably remain* on the streets this season.

As the B.C. Supreme Court has affirmed, the adequacy of sheltering spaces is a qualitative assessment, not merely a quantitative one.<sup>1</sup> Crucially, Oppenheimer residents (and homeless people throughout the City) routinely tell Pivot that they cannot access Warming Centres, Emergency Weather Response shelters, and other emergency shelter options for myriad reasons.

These reasons range from rules banning pets, partners and substance use, through to feeling unsafe in these spaces, and having had negative experiences including bedbugs and being turned away. These reports accord with the City of Vancouver's own data in the most recent Vancouver Homeless Count 2019.<sup>2</sup> Many of these spaces moreover do not allow sleeping, making them inaccessible to people who sleep during daytime hours for reasons related to safety, mental health, substance use, hours of

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<sup>1</sup> *Abbotsford (City) v Shantz*, 2015 BCSC 1909 ["Shantz"] at paras 81-82.

<sup>2</sup> <https://vancouver.ca/files/cov/vancouver-homeless-count-2019-final-report.pdf> at p. 24.

employment, etc.<sup>3</sup> The B.C. Supreme Court has made clear that unsheltered people require access to spaces where they can “sleep, rest, shelter, stay warm, eat, wash and attend to personal hygiene” on a *more than overnight basis*.<sup>4</sup> Based on our preliminary estimates there are over 1,200 homeless people who routinely have no access to daytime shelter in Vancouver: Over 600 people were completely unsheltered during this time of year during the last homeless count, and another 600 are forced onto the streets between 6:00 a.m. and 9:00 a.m., when overnight shelters close.<sup>5</sup>

In addition, much of the City’s winter shelter space and warming centers are temperature dependent, opening at 0° and -5° degrees Celsius respectively. We are not aware of any medical evidence supporting a finding that homeless people can safely be outside for extended periods of time starting at 1° Celsius (especially people who do not have proper winter gear and are disproportionately impacted by pre-existing health conditions).

The weather-dependent and temporary nature of the City’s emergency ‘solutions’ perpetuates the daily displacement of homeless people, which Courts have recognized causes “impaired sleep and serious psychological pain and stress and creates a risk to their health.”<sup>6</sup> People who stay outdoors instead of in an emergency shelter are not making an arbitrary ‘choice.’<sup>7</sup> The City must avoid this overly simplistic explanation and recognize that people are making difficult assessments each day as a matter of personal survival—i.e. being inside for an indeterminate period of time versus the risk of losing all of one’s personal belongings.

With all of this in mind, it is critical that the City meets people where they are at by respecting tent city residents’ nuanced decisions and taking a harm reduction approach to keeping people warm.

Your letter notes that VFRS reviewed the risks of an outdoor heated warming area at Oppenheimer and will instead focus on indoor warming options. Given the volume of information and suggestions provided to VFRS, a vague, wholesale dismissal based on unidentified “life safety hazards” is neither transparent nor respectful to the many people whose survival actions hinge on the VFRS’ position.<sup>8</sup>

**In the interests of transparency, Pivot requests that the City/VFRS provide the following information:**

1. Particulars of the VFRS’ risk review and the basis for its findings.
2. The City’s list of “regulatory requirements” that bar the creation of a warming tent.
3. A response to the question of whether any of these safety or regulatory concerns can be ameliorated by the provision of 3<sup>rd</sup> party oversight.

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<sup>3</sup> Warming Centres, for instance, do not supply beds or bedding, as the City’s January 9, 2020 press release states: “People with their own bedding may choose to sleep at the centres.”

<sup>4</sup> *Shantz* at para 276 & 278.

<sup>5</sup> Based on <https://vancouver.ca/files/cov/vancouver-homeless-count-2019-final-report.pdf> and shelter data available through <http://www.bc211.ca/>.

<sup>6</sup> *Shantz* at para 219.

<sup>7</sup> *Shantz* at para 80.

<sup>8</sup> We also note that two invitations to VFRS to meet with Pivot and public health professionals—for the purposes of identifying heating solutions and a survival strategy for tent city residents well in advance of winter—were ignored, as was any response to the list of heating solutions Pivot provided to VFRS on December 9, 2019.

The City continues to be the single most resistant party to resourcing residents of Oppenheimer Park. We encourage you to work with provincial partners and the Park Board to address the cruel conditions to which tent city residents are forced to endure. Denying a basic warming tent to people in below freezing temperatures is patently unconscionable and we urge you to reconsider.

Sincerely,

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CC: **City of Vancouver**

Mayor & Council

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**Vancouver Park Board**

Camil Dumont, Board Chair – Commissioner

Howard Normann, Director of Parks

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