

“Criminalized just for trying to survive”

The challenge

Pivot Legal Society is leading a challenge of the City of Vancouver’s bylaws prohibiting street vending.

These bylaws unfairly target low-income people, with the effect of prohibiting street vending as a means of survival income generation. As a result, they marginalize people and place them in danger by preventing them from accessing safe, low-threshold employment.

Four residents of Vancouver’s Downtown Eastside are challenging the constitutionality of the city’s Street Vending bylaw on the grounds that it infringes on the constitutional right to the security of person.

The bylaws

Vancouver’s bylaws prohibit the act of street vending outright unless a person applies for a permit, which would cost more than \$800 and are given primarily to food cart operators.

Each of the four defendants has received a bylaw ticket and \$250 fine for street vending.

None of the defendants was selling stolen goods. Rather, they were selling old property, such as used running shoes and books on the street, or items obtained through binning.

The right to earn an income

Street vending is one of the few means that people impacted by poverty have to earn an income. For many low-income people, street vending is the only means of income generation.

The [Downtown Eastside Local Area Plan](#), adopted by Vancouver city council in March 2014, recognizes vending as a “survival livelihood” for residents in the neighbourhood who are otherwise dependent on income assistance or pensions:

“The ‘informal economy’ plays a critical role in the ability for many residents to make ends meet.”

Among its many recommendations, the plan calls for implementing strategies to facilitate safer survival vending.

Criminalizing poverty

Despite the City of Vancouver’s support of street vending as a legitimate means of survival income generation, the Vancouver Police Department has continued to enforce the city’s various street and traffic bylaws almost [exclusively in the Downtown Eastside](#).

Between 2008 and 2012, ticketing for infractions under the Street Vending bylaw and Street and Traffic bylaw (which includes jaywalking) was highly concentrated in the Downtown Eastside, where 95% (1,448 of 1,529 total tickets) of tickets were issued.

“We shouldn’t be criminalized just for trying to survive.” – Dave Hamm, street vendor