



City of Hamilton Report for Consideration

To: Chair and Members
General Issues Committee

Date: February 26, 2025

Report No: **PED25083**

Subject/ Coordinated Encampment Response Post-protocol

Ward(s) Affected: City Wide

Recommendations

1. That the reassignment of four full-time (4.0 FTE) Municipal Law Enforcement Officers in the Municipal Law Enforcement section to provide dedicated enforcement of encampments under the By-law to Manage and Regulate Municipal Parks No. 01-219 for a period of up to one year, **BE APPROVED**.
2. That the transfer of one full-time (1.0 FTE) Project Manager at an estimated cost of \$110,223 from Housing Services Division, Healthy and Safe Communities, to Licensing and By-law Services Division, Planning and Economic Development to be funded from the Tax Stabilization Reserve 110046 **BE APPROVED**;
3. That the Director of Licensing and By-law Services Division **BE DIRECTED** to report back to a General Issues Committee in Q2 2025 with an interim assessment of encampment enforcement, along with quarterly reporting, under the By-law to Manage and Regulate Municipal Parks No. 01-219, inclusive of recommendations with respect to strategies and resources for consideration to sustain encampment enforcement beyond 2025;
4. That the General Managers of Public Works and Healthy and Safe Communities **BE APPROVED** to modify and adjust the parks washroom and recreation centre shower access programs, and related security guard services program approved by Council through report HSC20036(g), to the following;
 - 4.1 That the two all-year 24-hour access outdoor washroom facilities currently operated at the Corktown Park and JC Beemer Park properties are transitioned to normal park operations and hours over a period not to

exceed three months, including operational hours of service reflecting the seasonal programming needs of its community and governance through the City's Parks By-law;

- 4.2 That the existing static and site dedicated 24-hour security guard programs located at Corktown Park and JC Beemer Park are modified into a new permanent mobile service to support safe use and operation of all park washroom facilities City-wide, including operational staff safety response;
 - 4.3 That Corktown Park washroom be included in the winter washroom program as a permanent location, with funding for the 2025-2026 winter season of \$40,000 from the Tax Stabilization Reserve 110046, and ongoing operational impacts be referred to the 2026 Tax Budget for consideration; and,
5. That resources and funding **BE APPROVED** for the Hamilton Police Service (HPS) for four (4.0 FTE) Police Constables for the enhanced enforcement of the By-law to Manage and Regulate Municipal Parks No. 01-219 to an initial upset cost of \$225,000 to be funded from the Tax Stabilization Reserve 110046:

Key Facts

- At the January 15, 2025, General Issues Committee meeting the 2023 Encampment Protocol was rescinded effective March 6, 2025, and Council directed staff to report back to the February 26, 2025, General Issues Committee meeting with the necessary resources and staffing needed to transition from the rescinded Encampment Protocol to enforcement of the City of Hamilton Parks By-law No. 01-219. The purpose of this report is to respond to the direction with a transition plan to enforce the City of Hamilton Parks By-law No. 01-219, with required City resources and staffing, inclusive of policing services.
- In addition to the staffing and resourcing required to support enforcement of the Parks By-law, the pending rescission of the 2023 Encampment Protocol necessitates operational and programming changes in Parks, including; return to consistent park hours open to the public (6:00 a.m. - 11:00 p.m.) at all City parks, updates to the 24/7 enhanced washroom access at Corktown Park and JC Beemer Parks which will return to seasonal service levels established prior to the Encampment Protocol and transition of the static security team to a mobile service.

Financial Considerations

Financial:

Licensing and By-law Services and Healthy and Safe Communities

It is proposed that one permanent (1.0 FTE) Project Manager in Housing Services Division at an estimated annual cost of \$110,223 be transferred to the Licensing and By-law Services Division.

There is no additional financial impact associated with reassigning existing staff in Municipal Law Enforcement to encampment response.

Hamilton Police Service

The total estimated cost for the staffing and resourcing required for Hamilton Police Service to assist in the coordinated encampment response process is \$225,000 with quarterly reporting that will advise on the need to extend beyond the first quarter of work.

Public Works

Public Works will complete required work in parks using existing resources combined with the existing funding allocated to the encampment maintenance outsourced service, provided the number of encampments continues to decrease with time, otherwise staff will report back with the associated effort and resources necessary to satisfy the service expectations.

The cost to add Corktown Park to the winter washroom program, is \$40,000 for 2025-2026 winter season, with a recommendation to refer the permanent ongoing costs to the 2026 Operating Budget for consideration.

Staffing: Licensing and By-law Services

Four (4.0) full-time Municipal Law Enforcement Officers in Licensing and By-law Services will be reassigned to provide dedicated enforcement of the Parks By-law.

It is proposed that one full-time permanent (1.0 FTE) Project Manager position be transferred from Housing Services to Licensing and By-law Services to coordinate management of the complaint inbox, follow up with Councillors and report to Council.

Staffing projections are based on several factors, including the number of staff in Licensing and By-law Services that have been approved through previous reports and currently provide encampment response (1.0 Supervisor and 2.0 Municipal Law Enforcement Officers), prioritization of clearing the significant number of encampment sites previously permitted under the rescinded encampment protocol and support and response to new and ongoing files.

Hamilton Police Service

Enforcement of the Parks By-law will require the redeployment through secondment of four (4.0) FTE in Hamilton Police Service, including;

- Four (4.0) Police Constables.

Hamilton Police Service will dedicate six (6.0) officers to enforcement of the Parks By-law (inclusive of 2.0 officers approved through previous reports).

Secondment of four (4.0) Police Constables to the Coordinated Encampment Response Team will result in the requirement to backfill vacancies in patrol through overtime.

Public Works

The transition of the park washroom security team to a roving parks security team will not have any city staff complement impacts, as these are contracted positions. The security team will not have any impacts to City staff complements, as these are contracted positions.

Legal: Legal Services has reviewed this report, and the recommendations highlighted herein.

Background

In 2020, the COVID-19 pandemic underscored existing challenges with respect to homelessness and the housing crisis being experienced in municipalities across Canada. There has been a rise in the number of individuals who are living unsheltered and within encampments throughout the City of Hamilton and staff have developed different approaches to provide encampment response, including; enforcement of the By-law to Manage and Regulate Municipal Parks No. 01-219 (the Parks By-law No. 01-219), the 2020 Encampment Protocol, the 2021 Six-Step Process, the 2023 Encampment Protocol and an Encampment Coordination pilot to streamline efforts between services and address the high rates of homelessness in the community and reduce the impact of encampments on the community. Prior to the pandemic, staff in Licensing and By-law Services relied on provisions within the Parks By-law that prohibited camping in City parks to address encampments in parks.

Following the December 2024, decision in the case of *Heegsma v. Hamilton (City)*, 2024 ONSC 7154, at the January 15, 2025, General Issues Committee, the City of Hamilton Council passed a motion rescinding the 2023 Encampment Protocol effective March 6, 2025, and directed staff to report back with the necessary resources and staffing needs to transition from the current Encampment Protocol to the City of Hamilton Parks By-law:

- (a) *That the City of Hamilton Encampment Protocol be rescinded as of March 6, 2025;*

- (b) *That the General Managers of Healthy and Safe Communities, Planning & Economic Development, and Public Works, report back at the February 26, 2025, GIC meeting with the necessary resources and staffing needed to transition from the current Encampment Protocol to the City of Hamilton Parks Bylaw.*
- (c) *That Housing Services staff be directed to continue working with local social agencies to find shelter space for those living in encampments;*
- (d) *That Municipal Law Enforcement (MLE) and Parks staff be directed to dismantle all encampments as well as clean and restore parks to the inviting, safe, and green recreational spaces they once were, to be enjoyed by City of Hamilton taxpayers and their families.*

In January 2025, the City of Hamilton received Notice of Leave to Appeal of Justice Ramsay's decision in *Heegsma v. Hamilton (City)*, 2024 ONSC 7154.

Analysis

In accordance with the January 17th Council direction and effective March 6th, 2025, staff will resume enforcement of the Parks By-law as it relates to camping in City parks. Staff have enforced the 2023 Encampment Protocol which permitted encampments in City parks under particular conditions. With the rescission of the 2023 Encampment Protocol, staff will now be required to respond to all encampments in City parks, including those that were previously permitted and are now considered non-compliant. At this time, there are approximately 76 encampment sites that will require investigation (although this number fluctuates daily).

Staff will commence the transition from the 2023 Encampment Protocol to enforcement of the Parks By-law beginning on March 6th, 2025. To facilitate staff response on that date and to respond to the increased volume of sites requiring investigation, staff recommend reassignment of four (4.0) full-time officers in the Municipal Law Enforcement section to provide dedicated encampment response and enforcement of the Parks By-law.

If approved, this will result in significant impacts to service levels in Municipal Law Enforcement. Currently, there are twenty-five (25) full-time Municipal Law Enforcement Officers in the Municipal Law Enforcement section. Eight (8) of those officers are assigned to provide enforcement for Council-approved special programs (e.g. Vacant Buildings, Encampments, Trees, etc), six (6) new officers have been recruited and are currently in training and two (2) officers are on leave. Staff do not recommend reassigning these officers. The remaining nine (9) officers have been provided ward assignments to investigate and enforce other by-laws across the City of Hamilton and staff recommend re-assigning four (4) of these officers to provide dedicated enforcement of the Parks By-law and will be reviewed quarterly. Reducing ward officers by half will result in a reduction in service levels by approximately 50% including but not limited to response, enforcement and follow up of some by-law complaints.

Complaints regarding the following by-laws will experience decreases in service level and response times:

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- Yard Maintenance concerns related to long grass and weeds, garbage and debris, illegal dumping, and graffiti;
 - Zoning concerns regarding a potential illegal use of a property;
 - Fence By-law concerns related to height allowance, material utilized for the construction of a fence, or potential damages;
 - Streets By-law concerns in relation to obstructing, encumbering, injuring or fouling the highway;
 - Noise Control concerns related to noise nuisances related to active construction outside permitted times, operation of heavy machinery, and possible noise deemed unreasonable and likely to disturb residents; and,
 - Property Standards concerns that are unrelated to building safety.

Ward officers will prioritize response and investigation of by-law complaints with respect to public health and safety, including:

- Complaints re: snow and ice on roofs and sidewalks;
- Vital services concerns related to the provision of electricity and water supply in rental units;
- Complaints related to the Adequate Heat By-law which prescribes minimum temperatures between September 15 and May 15th of each year in rental units;
- Property Standards concerns associated with health and safety standards for a building and the land around a property; and,
- Vacant Buildings complaints that involve potentially damaged vacant buildings or buildings open to unauthorized entry.

It is worth noting that timelines for encampment response and enforcement of the Parks By-law will be impacted in rare situations where events occur that pose a risk to public health and safety and that require immediate attention by staff. For example, a complex Vital Services complaint or a significant snowfall event that poses an imminent health and safety risk to residents and/or the public will be required to be prioritized by all officers in Licensing and By-law Services.

Encampment Response

The City of Hamilton's Licensing and By-law Services Division will be the first point of contact for complaints regarding structures and tents in parks, road allowances and private property. Complaints may be received by phone, online complaint form, directly through the dedicated email and/or forwarded by Councillors and their staff. Complaints will be monitored Monday to Friday between the hours of operation of 8:30am-4:30pm and responses may take up to 48 hours. Within 48 hours of receiving a complaint, the complaint will be assigned to an officer to investigate, where possible.

Municipal Law Enforcement Officers will respond Monday to Friday from 8:00am-4:00pm to align enforcement operations with Hamilton Police Service. Officers will work in teams with Hamilton Police Service when attending sites to confirm the presence of an encampment, issue a Notice of Trespass, remove an encampment and coordinate clean-up of the site. City parks are open to the public between 6:00am-11:00pm. Orders will not be issued, and encampments will not be removed or cleaned up by staff in

Licensing and By-law Services or Public Works outside of their hours. For Parks staff, daily hours are 7:00am-3:00pm. Encampments will not be removed outside operational hours. The *Trespass to Property Act* is enforced by Hamilton Police Service and requires their attendance on site to facilitate compliance. Municipal Law Enforcement and Parks staff cannot proceed with site clean-up until compliance with the *Trespass to Property Act* has been met.

Enhanced Service Within 1km of Barton/Tiffany Temporary Outdoor Shelter and Listed Parks in Ward 3 in the Proximity of Added Shelter Spaces

In 2024, under the 2023 Encampment Protocol, staff were directed to provide an enhanced level of service within a 1km radius of the Barton/Tiffany Shelter site, prohibiting encampments within 1km of the temporary outdoor shelter once the shelter is operational. The following City parks and greenspaces that are located in proximity to the newly added shelter spaces were also identified as non-compliant sites:

- J.C. Beemer Park/Tweedsmuir Park;
- Bishop's Park;
- Claremont Access Parkettes;
- 298 Hunter Street East (green space west of Claremont Access);
- Carter Park;
- Myrtle Park; and,
- Rail Trail between extension of Wellington Street South and Sherman Avenue South.

In recognition of the disproportionate impact of encampments within these communities and the staff attention that is required to maintain compliance with the Parks By-law within the specified City parks on an ongoing basis, effective March 6, 2025, and once the temporary outdoor shelter is operational, Municipal Law Enforcement Officers will continue to proactively monitor the 1km radius area and the identified parks once per week to ensure ongoing compliance. Additional site visits will be conducted, Notices of Trespass issued and engagement with Hamilton Police Service will occur where necessary.

Operational Impacts and Changes to Services in Parks

The Parks By-law No. 01-219 outlines the hours that parks are open to the public, specifically from 6:00am-11:00pm. The operation of a 24-hour washroom would be counter to the By-law, and therefore staff have recommended that the washrooms at Corktown and JC Beemer Parks transition back to standard park operations and hours. Staff anticipate that not everyone will be aware of the Protocol changes on the day it occurs and will apply a transition period of two (2) weeks to assist those people who utilize the washrooms to understand the new level of service by providing on site education by Security staff to advise patrons of the upcoming changes.

The access to recreational centre showers by unhoused residents has been well received, and staff have recommended that this service continues, with the support of dedicated security for those locations to support staff.

The security team that was assigned to the 24/7 washroom locations will transition to a mobile park security resource, to respond to ongoing situations in parks where staff require additional support. Examples include when opening or closing washrooms or buildings at parks, conflicts at park locations, and other situations that arise over time.

The Parks section staff will assist with quickly addressing park clean up requirements as related to enforcement, but also ongoing park impacts related to encampments including restoration and coordination of the work. The recommendations of this report establish three Hamilton Police/Municipal Law Enforcement teams and two (2) Parks teams (one existing, and one being contracted).

Reporting to Council

Staffing and resourcing recommendations are temporary for a period of up to twelve (12) months. Staff will report back to the General Issues Committee in Q2, 2025 with an evaluation of metrics, including the number of encampments in parks and the status of enforcement and will include recommendations to implement possible changes and staffing enhancements to be referred to the 2026 Tax Supported Budget process where appropriate.

Staff will provide quarterly information reports to the General Issues Committee on the status of enforcement related to encampments in Parks as well as status of resource and staffing use and need.

Weekly and monthly encampment reporting will continue through Licensing and Bylaw Services.

Communication Plan

Subject to approval of the required staffing and resourcing, staff in Licensing and By-law Services will work with Communications to develop a communications plan to advise residents of the changes to encampment response/enforcement and the Parks washroom program at JC Beemer and Corktown parks, including but not limited to; social media messaging and modifications to the City of Hamilton website.

Alternatives

Alternative One

With respect to Recommendations 1 and 2, Council could instead consider approving the following recommendations and staffing enhancements which would not result in impacts to service levels in Municipal Law Enforcement:

That the Director of Licensing and By-law Services **BE DIRECTED** to create the following temporary positions to provide Coordinated Encampment Response for enforcement of the By-law to Manage and Regulate Municipal Parks No. 01-219, at an estimated total cost of \$\$153,500 per quarter to be funded from the Tax Stabilization Reserve Number 110046

- Four temporary full-time (4.0 FTE) Municipal Law Enforcement Officers in the Licensing and By-law Services Division at an estimated total cost of \$455,682 annually;
- The quarterly cost for the rental of two (2.0) vehicles at an estimated cost of \$7,825 and an additional operating cost of \$4,200; and,
- That one full-time (1.0 FTE) Project Manager at an estimated cost of \$110,223 be transferred from Housing Services Division, Healthy and Safe Communities, to Licensing and By-law Services Division, Planning and Economic Development

Alternative Two

With respect to Recommendations 4.1 and 4.2, Council could direct staff to continue to provide 24/7 security services to the two park washroom locations. The continuation of this service would mean that the team would not be available to form the roving security team to assist across all parks City-wide. It may also lead to Park By-law violations of hours of use by inviting users after 11:00pm and before 6:00am. Council may consider a longer transition period than the recommended 3-month transition period.

Relationship to Council Strategic Priorities

Priority 2: Safe & Thriving Neighbourhoods

Safe and Thriving Neighbourhoods is a Council established priority that identifies specific outcomes, including providing vibrant parks, recreation and public spaces. The proposed recommendations in Report PED25083 will result in robust enforcement of the Parks By-law and will increase accessibility to and cleanliness of public spaces in Hamilton.

Previous Reports Submitted

- [Encampment Update \(HSC20038\(b\)\)\(City Wide\)](#), February 4, 2021, Emergency and Community Services Committee
- [Appendix "A" to Report HSC20038\(b\)](#), February 4, 2021, Emergency and Community Services Committee
- [Housing Focused Street Outreach \(HSC21008\)\(City Wide\)](#), March 25, 2021, Emergency and Community Services Committee
- [Encampment Response Update \(PED21188/HSC20038\(c\)\) \(City Wide\)](#), September 9, 2021, Emergency and Community Services Committee
- [Motion 11.3, Enhanced Parks By-law – Encampment Enforcement](#), March 22, 2022, Planning Committee
- [Encampment Response Update \(HSC20038\(d\)/PED21188\(a\)\) \(City Wide\)](#), March 24, 2022, Emergency and Community Services Committee
- [Encampment Pilot Evaluation \(HSC20038\(e\)/PED21188\(b\)\) \(City Wide\)](#), January 18, 2023, General Issues Committee
- [Public Feedback and Recommendations for an Encampment Protocol and Sanctioned Sites \(HSC20036\(g\)\)](#), August 14, 2023, General Issues Committee
- [Reducing Homelessness and Managing Encampments \(HSC24027\) \(City Wide\)](#), June 19, 2023, General Issues Committee

- [Motion 9.2, Rescinding of City of Hamilton Encampment Protocol – REVISED](#), January 15, 2025, General Issues Committee

Consultation

In crafting the recommendations highlighted herein, the following internal divisions were consulted:

- City Manager's Office, Human Resources, Employee Health and Labour Relations Division
- City Manager's Office, Human Resources, Talent and Diversity Division
- Corporate Services Department, Financial Planning, Administration and Policies Division
- Corporate Services Department, Legal and Risk Management Services Division, Legal Services Section
- Hamilton Police Service
- Healthy and Safe Communities Department, House Services Division, Housing Focus Street Outreach Section
- Planning and Economic Development Department, Licensing and By-law Services Division
- Public Works Department, Corporate Security and Energy Management Division
- Public Works Department, Environmental Services Division, Parks and Cemeteries Section

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