

# ***The Criminalization of the Homeless is itself a Crime!***

**“Homeless people have very few rights in Canadian law. ... Vancouver’s laws are no exception to this preference for property owners over the homeless.”**

- The *Trespass Act of B.C.* prohibits individuals from walking or camping on private property without permission of the owner; violators are subject to criminal and civil penalties in B.C. courts.
- The City of Vancouver *Parks Control By-law* permits park access to the public during daytime hours only. It prohibits loitering and taking up temporary abode overnight in City parks.
- The City of Vancouver *Land Regulation By-law* and the *Parks Control By-law* forbid building a shelter on all City property, whether a tent or a lean-to, for protection from the elements.
- The *Criminal Code of Canada* (s.175) forbids loitering (“idly standing around”) in public places “in a way that obstructs persons who are in that place.”
- The City of Vancouver *Health By-law* bans public urination and defecation.

“The cumulative effect of these various laws is that there is nowhere, in the entire City, for a person who is homeless and unable to find emergency shelter to sleep without violating at least one law, and likely multiple laws. The ultimate result is the criminalization of an essential human behaviour, with no personal wrongdoing on the part of the homeless individual.”

“Being homeless creates tremendous psychological stresses. Homeless individuals worry about shelter, food, health, safety and sanitation. These hardships and concerns are greatly exacerbated by laws which effectively force homeless people to choose between survival and violating the law. Homeless people need sleep, but are unable to spend their nights in parks. Homeless people need refuge from the elements, but are unable to construct shelters anywhere. Homeless people need to undertake bodily functions, but have no access to washrooms. In addition to creating suffering by imposing barriers to survival, the by-laws impose further stress by instilling fear of fines and criminalization in the homeless for undertaking activities which they have no choice but to do.”

Taken from David Eby, et.al., *Cracks in the Foundation: Solving the Housing Crisis in Canada’s Poorest Neighbourhood* (PIVOT Legal Society, 2006) 76-77. For more information, see [www.pivotlegal.org](http://www.pivotlegal.org).