

# Calgary Herald

## Put your fears to bed over tent city court decision; Sleeping in a public park is a last resort, when all other options fail

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Byline: Paula Arab

Column: Paula Arab

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I'll say it even though it's unpopular: homeless people have rights, too. We forget that, because those already down on their knees aren't likely to get up and defend themselves, or remind us they're part of the human race.

And anyone who says it for them risks a public stoning, being dismissed as a bleeding-heart communist, or told to take in the homeless themselves.

Look at the backlash after B.C. Supreme Court Justice Carol Ross upheld the rights of homeless to protect themselves from the elements, when forced to sleep outdoors.

She struck down a Victoria bylaw on the grounds it violates a person's right to "life, liberty and security," guaranteed in the charter.

The bylaw was aimed at preventing homeless people from erecting structures in Victoria parks and public spaces after a month-long tent city occupation in Cridge Park.

Now that it's been struck down, the knee-jerk reaction is to conclude there will be a widespread emergence of tent cities in parks throughout Canada. Cities will supposedly stand by helplessly, unable to maintain order and decorum in public spaces.

But such a misrepresentation -- being perpetuated in the media and by officials -- is untrue. The bylaw is unconstitutional only when there isn't enough room for the homeless to sleep in city shelters, leaving them nowhere else to go.

It neither gives anyone the constitutional right to choose to sleep outdoors, nor removes the right of municipalities to regulate how or where temporary shelters are erected.

Victoria has already passed a new bylaw saying people can only erect tents in parks between 9 p.m. and 7 a.m. And the province has added 40 more shelter beds, along with 45 temporary mats and cots, possibly enough in total to meet the need.

For all of the hysteria around Ross's decision, it has also resulted in positive action, and for that, it is a blessing.

Housing Minister Rich Coleman slammed the Oct. 14 ruling as "ridiculous," saying: "It was one of those decisions that you look at and you just shake your head."

Globe and Mail columnist Margaret Wente lamented the further deterioration of "public disorder."

"This ruling is bound to increase the chaos.

Just ask Toronto, which tolerated a squatters' settlement on private land back in 2002. It was plagued by drugs, disease, theft, violence and prostitution, to say nothing of sanitation issues. Some of the squatters were also there by choice."

Yes, tent cities pose safety dangers, and quickly deteriorate into dens of iniquity. But this is a different issue.

Ross made it perfectly clear she wasn't endorsing tent cities: "The issue of the right to camp in public spaces in the sense of a right to set up a semi-permanent camp, like the one established in Cridge Park, is not before the court."

Essential to the decision is that there were not enough beds in Victoria shelters to meet demand.

"Given the current situation in Victoria . . . the use of some public property by the homeless is unavoidable. Whether or not they are allowed to keep themselves dry with a simple tent or a cardboard box, as opposed to lying with a tarp on top of their faces, does not change the nature of that utilization of public space."

Sleeping in a public park is a last resort, when all other options fail. And everyone facing that kind of dire situation has every right to try and cover themselves from the wind, rain and cold.

If they don't, they risk freezing or catching a life-threatening illness like pneumonia.

"I have concluded that the prohibition in the bylaws against the erection of temporary shelter in the form of tents, tarpaulins, cardboard boxes or other structures exposes the homeless to a risk of

significant health problems or even death," Ross says in her ruling.

No one wants to see people die on the streets. But instead of fighting over which citizens are worthy of using the parks and which ones aren't, community leaders should be working toward more permanent solutions to the issues.

Even more shelter beds are Band-Aid solutions. In the long run, society needs to address addictions, mental illness, poverty and real estate costs.

Unfortunately, Victoria Chamber of Commerce's Bruce Carter has jumped on the fear-mongering bandwagon.

"How are our families and children, who pay taxes to maintain parks, supposed to get full enjoyment from parks when the homeless are given leave to camp in the playground?" Carter asks.

Just because someone pays taxes doesn't make him superior to someone who doesn't. And since when do children pay tax? The mandate of public parks isn't for the exclusive enjoyment of taxpayers with children.

Homeless people work and pay taxes, too, Mr. Carter. In Alberta, as many as 60 per cent staying in shelters like the Mustard Seed are employed.

And before anyone tells me to let them sleep in my backyard -- they already do. They live in the alley.

parab@theherald.canwest.com

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