

Committee of the Whole Report

REPORT NUMBER 039-2026-Growth-Strategy & Engagement

DATE

PREPARED

March 16, 2026

FILE

MEETING DATE

May 6, 2026

SUBJECT

Proposed Use of Public Spaces By-Law

RECOMMENDATION

WITH RESPECT to Report 039-2026-Growth-Strategy & Engagement, we recommend that the *Use of Public Spaces* By-law, which establishes a framework for the responsible and equitable use of public spaces while aligning with the City’s human-rights-based approach to encampments, be approved;

AND THAT By-law 216-2026 be presented to City Council for ratification on May 19, 2026.

EXECUTIVE SUMMARY

This Report introduces and recommends approval of a Use of Public Spaces By-law to guide the responsible and equitable use of municipal public spaces in Thunder Bay. Grounded in the Canadian Charter of Rights and Freedoms and informed by applicable case law and human rights guidance, the by-law establishes a balanced framework that:

- Recognizes the challenges faced by individuals experiencing homelessness and seeks to reduce harm while supporting access to appropriate services.
- Regulates public spaces to promote safety, accessibility, and equitable use by all community members.
- Aligns with current legal principles, including the requirement that evictions from public space not occur where truly accessible indoor shelter options are unavailable.
- Operates in coordination with existing municipal initiatives, including designated encampments, the Temporary Shelter Village, and the Encampment Response Team.

The by-law delivers on Part 6 of the Council- approved 10- Part Enhanced Encampment Response Plan by establishing clear rules for the use of public spaces and a consistent, support- focused legal framework for encampment response. It also

supports the implementation of designated encampments (Part 5) and guides a structured, human - rights - based approach to encampment relocation and enforcement. Overall, the by-law prioritizes regulation, outreach, and coordination with social supports over punitive measures. By adopting this by-law, the City will strengthen its ability to manage encampments in a lawful, compassionate, and consistent manner, while maintaining public spaces that are safe, welcoming, and accessible to all.

KEY CONSIDERATIONS

Purpose and Guiding Principles

The purpose of this by-law is to regulate the use of municipal public spaces within the jurisdiction of the City of Thunder Bay in a manner that is consistent with the Canadian Charter of Rights and Freedoms and informed by human rights principles, to:

- Reduce negative impacts on individuals experiencing homelessness
- Support the protection of persons and property
- Promote the safe and equitable use of public spaces for all community members
- Ensure that any limitations on the use of public space are reasonable, proportionate, and demonstrably justified where Charter rights are engaged

This approach acknowledges the complexities of homelessness and works to maintain public spaces that are accessible, inclusive, and safe.

Legal Context: Case Law on Encampments and Evictions

Recent judicial decisions across Canada have reinforced that municipalities cannot enforce by-laws requiring individuals experiencing homelessness to vacate public spaces without first offering a truly accessible and appropriate indoor alternative. In response to this evolving legal landscape, the proposed by-law has been developed to align with the Charter of Rights and Freedoms and applicable case law. It does not impose an outright prohibition on encampments; rather, it establishes a regulatory framework that permits outdoor sheltering where Charter-protected rights are engaged, while setting reasonable conditions to address health, safety, accessibility, and environmental considerations in a manner consistent with human rights obligations.

Community Health and Safety

The by-law establishes clear, narrowly tailored restrictions intended to protect community health, safety, accessibility, and environmental integrity while minimizing unnecessary interference with Charter rights. These provisions apply to all uses of public spaces and include restrictions related to:

- Damage to public property
- Environmental harm, including impacts on natural features and water systems
- Unsafe or disruptive behaviour

- Dumping or improper disposal of waste
- Unauthorised use of utilities or municipal infrastructure
- Obstructing access to properties, sightlines or City operations
- Fire safety risks and the unsafe storage of materials

These requirements are designed to ensure public spaces remain safe and accessible for all community members, while allowing lawful outdoor sheltering where permitted under the by-law.

Encampment-Specific By-law Sections

While this by-law applies broadly to all users of public spaces, specific provisions address circumstances where individuals are sheltering outdoors in public spaces. These provisions are intended to recognize and permit outdoor sheltering where Charter rights are engaged, and to provide a clear, consistent, and humane framework for managing encampments in accordance with legal and human rights obligations.

Specifically, this by-law will:

1. Provide the ability for City Council to identify designated encampment areas when insufficient accessible indoor shelter spaces are available.
2. Support a coordinated response by integrating with the City's Encampment Response Team and community outreach services.
3. Establish a clear, step-by-step approach to engagement and outreach that prioritizes voluntary compliance, harm reduction, and access to supports before any enforcement measures are pursued.
4. Define regulations for some encampment practices, including fire safety.

This approach prioritizes managing encampments through structured supports rather than displacement.

Designated Encampment Areas

This by-law provides City Council with the authority to designate specific public spaces for outdoor sheltering when there are insufficient truly accessible indoor shelter options available. In these designated areas, individuals experiencing homelessness may set up and reside in temporary shelters, subject to the requirements of the by-law and any site-specific conditions established by Council or Administration.

To support safety, accessibility, and effective site management, the City may impose reasonable conditions including limits on the number of shelters, minimum spacing requirements, and other operational measures. These tools are intended to balance the needs of individuals sheltering outdoors with broader community health, safety, and accessibility considerations.

Encampment Relocation & Enforcement Approach

The City's approach to encampment relocation and enforcement is guided by the Canadian Charter of Rights and Freedoms and established human rights principles, including dignity, proportionality, procedural fairness, and harm reduction. Relocation and enforcement are not intended to be punitive and are undertaken only where legally permissible and necessary to address health, safety, accessibility, or environmental concerns.

Where relocation from public space is required, and in the absence of immediate risks to life or safety, the City will prioritize a voluntary, engagement-based approach. This includes outreach by the City's Encampment Response Team to provide information, explore options, and connect individuals with appropriate services and supports, with the goal of supporting informed and dignified transitions.

Prior to any enforcement measures being considered, the City will take reasonable steps to encourage voluntary compliance, including advance notice where practical, communication of applicable by-law requirements, opportunities to address concerns, relocation planning if needed, and offers of support.

If voluntary measures are unsuccessful, a progressive compliance approach may be implemented. This begins with Municipal Enforcement Services operating under the applicable by-law framework and may escalate to the Thunder Bay Police Service only where necessary. Police involvement is not a first-line response and would occur only as a last resort.

Enforcement actions, including the issuance of an Order under the *Use of Public Spaces By-law*, will proceed only where an individual has declined an offer of a truly accessible indoor option. Where such options are not available or do not reasonably meet individual needs, enforcement will not proceed. In these circumstances, the City will continue to pursue voluntary compliance, guided by Council-approved Distance Guidelines and supported by the Encampment Response Team.

All actions will be undertaken with careful consideration for safety and proportionality, with the objective of minimizing harm while supporting access to available services and maintaining safe and accessible public spaces.

Penalties

Penalty provisions are included as a regulatory backstop and are not intended to be a primary tool for addressing encampments involving individuals experiencing homelessness. The by-law includes provisions for penalties, including monetary fines, as a means of addressing non-compliance. It is not the City's intent to issue monetary penalties to individuals experiencing homelessness. The inclusion of monetary fines is intended to address violations by individuals not experiencing homelessness and to

support broader compliance with the By-law. Enforcement actions will be assessed on a case-by-case basis, with consideration given to individual circumstances and the overarching objective of a fair and equitable approach.

CONSULTATION

Consultation Approach

The City undertook a phased and inclusive consultation process to inform the development of the proposed *Use of Public Spaces By-law*, with particular focus on encampment-related provisions. Engagement occurred between late 2025 and early 2026 and was designed to balance lived experiences, service provider expertise, Indigenous leadership perspectives, and broader public input.

Phase One engagement focused on early, targeted discussions with people with lived and living experience of homelessness and encampments, front-line outreach workers, service providers and Indigenous leadership. This preliminary engagement helped shape the foundational approach to encampment-related actions, enforcement principles, and supports.

Phase Two engagement expanded to include a public and lived-experience survey, gathering feedback on high-level draft by-law concepts and identifying areas of alignment, concern, and divergence between respondent groups.

Detailed engagement methods and results are included in Appendix B.

Key Themes Across Engagement

Despite differences in perspectives, several consistent themes emerged across all groups:

- **Safety and Accessibility** – Strong agreement that public spaces must remain safe, accessible, and available for shared community use.
- **Clear and Enforceable Rules** – Broad support for clear standards governing behaviour, encampment location, fire safety, waste management, and protection of public assets.
- **Compassionate, Service-Oriented Approach** – Strong consensus among people with lived experience, service providers, outreach workers and Indigenous leadership that enforcement-related actions should prioritize dignity, safety, and connection to services.

- **Individualized and Flexible Responses** – Consistent feedback that timelines and responses should be guided by risk, weather, health and individual circumstances rather than rigid standards.
- **Coordination and Communication** – Emphasis on clear, respectful, and timely communication, coordinated across City staff and community partners.

Areas of Alignment and Difference

Alignment was strongest on the need for:

- Rules that prevent violence, fire risk, dumping, and obstruction of sidewalks and entrances.
- Managing encampments in unsafe or high-risk locations.
- Early notice and clear communication prior to relocation.
- Involvement of outreach workers and service providers in encampment responses.

Difference in perspective emerged primarily with respect to:

- **Scope of supports during enforcement:**
 - People with lived experience and service providers expressed strong support for relocation assistance, storage, transportation, follow-up, and culturally appropriate supports.
 - Public respondents showed more varied views, with lower overall support for specific supports tied to enforcement actions.
- **Flexibility in timelines:**
 - Strongly supported by lived experience and service-sector respondents.
 - More polarized among members of the general public.
- **Unauthorized utility use:**
 - Mixed views across all groups, reflecting differing perspectives on access to basic services versus formal authorization.

These differences highlight the need for a balanced regulatory framework that is clear and enforceable, while remaining flexible, context-sensitive, and service informed.

How Engagement Informed the Proposed By-law

Input from the consultation directly informed the proposed by-law by:

- Embedding clear principles related to safety, accessibility, and protection of public spaces.
- Supporting a graduated, proportionate enforcement approach, emphasizing voluntary compliance and relocation wherever possible.

- Reinforcing the role of outreach and service coordination as central to encampment-related actions.
- Allowing for flexibility based on risk and individual circumstances, rather than prescriptive timelines.
- Clarifying expectations for communication, notice, and dignity – particularly during relocation or enforcement activities.

Overall, engagement confirmed broad support for moving forward with a by-law that establishes clear standards for public space use, while underscoring the importance of fairness, coordination, cultural safety, and access to supports in implementation.

FINANCIAL IMPLICATION

There are no direct financial implications associated with this report.

CONCLUSION

The proposed *Use of Public Spaces By-law* represents a compassionate, legally sound, and coordinated approach to managing encampments and public spaces in Thunder Bay. Grounded in the Canadian Charter of Rights and Freedoms and informed by human rights guidance, the by-law provides a clear framework for addressing encampments while balancing the needs of individuals experiencing homelessness with broader community health, safety, and accessibility considerations.

By adopting this by-law, the City will:

- Support compliance with legal and human rights obligations related to encampments and evictions.
- Establish a framework for responsible and equitable use of public spaces that balances individual rights with community needs.
- Integrate public space regulation with existing municipal initiatives to support a coordinated approach that prioritizes engagement and support over enforcement.

Implemented alongside designated encampment areas, the Temporary Shelter Village initiative, and the Encampment Response Team, this by-law strengthens the City's ability to respond to encampments in a consistent, humane, and Charter-compliant manner, while maintaining public spaces that are safe, welcoming and accessible to all.

BACKGROUND

February 17, 2026, Corporate Report 110-2026 from R. Willianen, Supervisor – Encampment Response was presented and City Council approved Guiding Criteria and directed administration to identify potential sites in alignment with the criteria, and to

conduct site specific consultation to inform future recommendation to Council for designated encampments.

February 10, 2026, Corporate Report 047-2026 from R. Willianen, Supervisor – Encampment Response was presented seeking feedback from the Quality of Life Standing Committee on guiding criteria for identifying designated encampment sites and requesting support for proceeding with site identification and the next phase of consultation. The report was referred to Administration to be re-presented at a future City Council meeting.

October 21, 2024, Corporate Report 384-2024 from C. Olsen, Director Strategy & Engagement was represented and recommended that the Human Rights-Based Community Action Plan be approved, and that a copy of the resolution be sent to the Office of the Federal Housing Advocate, and provincial and federal members of parliament.

October 7, 2024, Corporate Report 384-2024 from C. Olsen, Director Strategy & Engagement was presented as a first report and proposed an enhanced encampment response through a ten-part Human Rights-Based Community Action Plan.

August 12, 2024, Corporate Report 312-2024 from R. Willianen, Policy & Research Analyst and C. Olsen, Director Strategy & Engagement was presented and recommended to Council that the encampment distance guidelines for trails, sidewalks, parking lots and bridges remain at 5 metres, and that they be included in the overall Distance Guidelines that were approved and ratified on July 15, 2024.

July 15, 2024, Memorandum dated July 5, 2024, from C. Olsen, Director Strategy & Engagement was presented and proposed amended distance guidelines to include 20 metres away from private non-residential property and 5 metres away from rivers and railway tracks as they were not originally reflected. The final recommendation as presented in the memorandum was approved and ratified.

June 24, 2024, Corporate Report 252-2024 from R. Willianen, Policy & Research Analyst and C. Olsen, Director Strategy & Engagement was presented to Committee of the Whole and provided recommendations related to adopting distance guidelines, and advocacy items to other orders of government related to encampments and unsheltered homelessness.

May 6, 2024, Council directed that the City conduct an environmental scan of municipal approaches to designated and sanctioned sites, undertake an assessment of recommendations to municipalities by the Office of the Federal Housing Advocate, update the Encampment Response Protocol, further define designated encampments for the City, and continue to coordinate a human-rights based encampment response.

April 22, 2024, Corporate Report 137-2024 from C. Olsen, Director – Strategy & Engagement and R. Willianen, Policy & Research Analyst, was presented to Committee

of the Whole and provided an update on the feasibility of designated encampment locations, including community consultation results.

REFERENCE MATERIAL ATTACHED

Attachment A – DRAFT By-Law 216-2026 - Use of Public Spaces

Attachment B – Use of Public Spaces By-Law Engagement Summary Report

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REPORT SIGNED AND VERIFIED BY

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Date (04/30/2026)