



Memorandum

Corporate By-law Number: 216-2026-Growth-Strategy & Engagement

TO: Office of the City Clerk **FILE:**

FROM: Cynthia Olsen, Director – Strategy & Engagement
Growth – Strategy & Engagement

DATE PREPARED: March 23, 2026

SUBJECT: By-law 216-2026 - Use of Public Spaces

MEETING DATE: City Council - May 19, 2026

By-law Description: A By-law to regulate the use of municipal public spaces

Authorization: Report 214-2026 – Growth - Strategy & Engagement – City Council – May 19, 2026.

By-law Explanation: The purpose of this By-law is to authorize the City of Thunder Bay to regulate the use of municipally controlled public space consistent with the *Canadian Charter of Rights and Freedoms*, and the City's *Encampment Relocation Protocols*, with the objective of ameliorating the negative impacts on those experiencing homelessness, ensure the protection of persons and property, and to promote safe use and enjoyment of public spaces.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER 216-2026

Recitals

1. Section 10 (2) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting, among other things, the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property.
2. The City of Thunder Bay is working to address homelessness and housing affordability within the municipality through the development and implementation of the *Human Rights-Based Community Action Plan for Thunder Bay* and the *Temporary Shelter Village Initiative*.
3. The City of Thunder Bay recognizes that by-laws related to use of public spaces must be consistent with the *Canadian Charter of Rights and Freedoms*, and the *City's Encampment Relocation Protocols*.
4. The City of Thunder Bay also recognizes the importance of ensuring that municipally owned public space remains available, accessible, and safe for public purposes.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. General
 - 1.1 Short Title: That this By-law may be cited as the "Use of Public Spaces By-law."
 - 1.2 Purpose: The purpose of this By-law is to regulate the use of municipal public spaces within the jurisdiction of the City of Thunder Bay to ameliorate the negative impacts on those experiencing homelessness, to ensure the protection of persons and property, and to promote safe use and enjoyment of public spaces.
 - 1.3 Definitions:
 - a. "Approved Propane Appliance" means any propane fixture, appliance, apparatus or device that consumes or is intended to consume propane as a source of fuel for heat or cooking and is:
 - i) a Canadian Standards Association (CSA) or Underwriters Lab (UL) listed fixture, appliance, apparatus, or device;
 - ii) assembled, installed and operated in accordance with the manufacturer's instructions and in accordance with the

requirements of the *Technical Standards and Safety Act*, 2000 and Ontario Regulation 211/01 Propane Storage and Handling;

- iii) is in safe operating condition and equipped with an on/off valve that it is fully functional and can be easily operated; and
 - iv) not modified or used for anything other than for the purpose recommended by the manufacturer.
- b. “City” means The Corporation of the City of Thunder Bay.
- c. “Designated Encampment Area” means a Public Space or part thereof that the City has recognized, on a temporary basis, for the purpose of authorizing the erection and occupation of Outdoor Shelters.
- d. “Emergency” means in the context of this By-law, an occurrence where the safety and/or well-being of the community, a non-encampment resident, an encampment resident(s), or encampment site(s) reasonably appear to be at immediate risk of experiencing significant harm if an emergency relocation was not to take place.
- e. “Encampment Relocation Task Force” means a group consisting of members of City administration and select community partners appointed by the City to review and provide feedback on relocation plans.
- f. “Encampment Risk Assessment Tool” means criteria designed by the City to assess and prioritize health and safety risks posed by encampments on Public Spaces.
- g. “Noxious Materials” includes tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, pressure-treated wood, creosote-treated wood, and painted wood, copper, or any material hazardous to human health.
- h. “Officer” means a Municipal Law Enforcement Officer for the City, a police officer, or a special constable.
- i. “Order” means an order to vacate, complete required work or to stop a contravening activity, that is issued under this By-law.
- j. “Outdoor Shelter” means a non-permanent structure with enclosure or overhead protection, such as a tent, designed for non-permanent occupancy and that is capable of being dismantled without tools.
- k. “Public Space” means in the context of this By-law any land under the ownership, lease, management, or jurisdiction of the Corporation of the City of Thunder Bay that is outdoors and accessible to the public.

2. Use of Public Space – Outdoor Shelters, when permitted
 - 2.1 Notwithstanding Section 3.1 of this By-law, a person experiencing homelessness may erect an Outdoor Shelter on Public Space, and occupy, or reside within such an Outdoor Shelter in accordance with this By-law if there are insufficient accessible indoor shelter spaces available in the City of Thunder Bay.
 - 2.2 Nothing in this By-law affects the City's ability to permit or restrict overnight camping for recreational purposes in accordance with *Parks and Open Spaces* By-law 79/2019, as amended.
3. Restrictions on Use of Public Space
 - 3.1 A person shall not carry out any of the following activities in any Public Space:
 - a. erect, construct, or place any permanent or semi-permanent structure for occupation or habitation;
 - b. in any way destroy, damage, foul, injure or impair any feature of the natural environment, real property, or personal property;
 - c. indulge in any riotous, violent, or threatening conduct;
 - d. create a risk to health and safety which interferes with the use of Public Space by other persons.
 - e. dispose of or dump household, yard, or commercial goods, building supplies, waste or refuse, except if deposited into receptacles provided by the City for such purpose and in compliance with applicable laws;
 - f. occupy or erect an Outdoor Shelter having a covered area larger than nine (9 m²) metres squared inclusive of storage for personal belongings;
 - g. make unauthorized use of utilities including, but not limited to, electrical, gas, or water, or obstruct any utility owner from access and use;
 - h. obstruct ingress or egress to any property;
 - i. obscure the sightlines for motorists or pedestrians on any Public Space abutting a highway or right-of-way in a manner that creates a visual impediment and safety risk for those motorists and pedestrians;
 - j. in any way obstruct the City or its employees, contractors, agents and representatives from required access and use of any Public Space;
 - k. burn any Noxious Materials or other materials contrary to law;
 - l. store propane cylinder in an enclosed space, in direct sunlight, or near a heat source;

- m. use any propane fixture, appliance, apparatus or other device that uses propane as a source of fuel other than an Approved Propane Appliance that is monitored by a person capable of safe assembly and use of such appliance and capable of performing the necessary actions to control a fire and prevent unwanted spread; or
- n. use or store any heating, cooking or incineration device, including a gas generator or Approved Propane Appliance, in any manner that creates a risk to health and safety.

4. Designated Encampment Areas

- 4.1 City Council may identify and establish Designated Encampment Areas for Outdoor Shelter use when insufficient accessible indoor shelter spaces are available.
- 4.2 Within a Designated Encampment Area, a person experiencing homelessness may erect, occupy, or reside in an Outdoor Shelter in accordance with this By-law and any conditions established by the City for that Designated Encampment Area.
- 4.3 The City may establish any limits, conditions, or operational requirements that the City considers necessary, including on the number of Outdoor Shelters, and spacing between such shelters, within a Designated Encampment Area to ensure safety, accessibility, and other City objectives.
- 4.4 The City may provide supports within Designated Encampment Areas, including waste receptacles, access points for service providers, and sanitary facilities, subject to available resources.
- 4.5 A Designated Encampment Area may be modified, temporarily closed, or decommissioned where:
 - a. sufficient accessible indoor shelter spaces become available for those sheltering within the Designated Encampment Area;
 - b. site conditions pose a risk to health or safety; or
 - c. environmental or operational factors reasonably require relocation.
- 4.6 Where practicable, the City shall provide reasonable notice to encampment residents before modifying or decommissioning a Designated Encampment Area, except in cases of Emergency.

5. Actions Prior to Remedial Action

5.1 Where Outdoor Shelters on Public Spaces do not conform to this By-law, the City may take appropriate action pursuant to Sections 6 (Order to Vacate), 7 (Work Order and Stop Order), and 10 (Penalties and Enforcement).

5.2 Prior to taking action pursuant to Section 5.1, the City or its authorized agent shall first:

- a. take into consideration the Encampment Risk Assessment Tool;
- b. engage with encampment residents to inform them of the need to relocate, or to bring their activities into compliance with this By-law; and if a relocation is required:
 - i. devise a relocation plan in consultation with encampment residents which lays out anticipated timelines, alternative adequate accommodations, the procedure for belongings storage, and supports and services to assist with the relocation;
 - ii. bring the relocation plan to the chair of the Encampment Relocation Task Force for review, discussion, and feedback;
 - iii. bring the relocation plan back to encampment residents for review, discussion, and feedback; and
 - iv. where possible, seek agreement from encampment residents to voluntarily relocate in accordance with the plan.

5.3 Any relocation plan shall consider the physical, cognitive, or other ability- related needs of the resident to be relocated and shall provide such accommodations as are reasonably practicable for the City to provide.

5.4 Where a relocation plan requires the temporary storage of belongings, said belongings shall be stored by the City for at least 30 days unless unsafe or hazardous. Any items stored by the City may be disposed of following the 30 days without any further notice to the owner.

5.5 Section 5.2 does not apply in cases of an Emergency, provided that the City or its authorized agent first:

- a. provides reasonable notice for all affected persons to move their items prior to the emergency relocation;
- b. provide clear and consistent guidelines about the removal, storage, and disposal of property;
- c. provide encampment residents with information on where to access independent legal services;
- d. carry out emergency remedial action with guaranteed due process and administrative fairness;
- e. arrange alternative accommodation(s);
- f. provide an opportunity for genuine consultation with those affected;
- g. clearly communicate information on the proposed emergency relocation;
- h. collaborate with enforcement officials during an emergency relocation;
- i. display proper identification of all persons supporting the emergency relocation;
- j. provide access or referral to any appropriate resources that may be needed.

5.6 The City shall not conduct an emergency relocation under Section 5.5 during extreme weather events, except where there is an imminent and serious risk to life that cannot reasonably be addressed by any other measure, or where the affected person or persons consent to the relocation.

6. Order to Vacate

6.1 Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the person who contravened this By-law to vacate a Public Space.

6.2 An Order under subsection 6.1 of this By-law may include an Order to dismantle or remove any Outdoor Shelter, structure or items placed by the person in Public Space and shall include the time required to comply with the Order.

6.3 Any person who fails to comply with an Order issued under subsection 6.1 of this By-law, is guilty of an offence.

7. Work Order and Stop Order

- 7.1 Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may make an Order requiring the person who contravened this By-law to do any work or thing to correct the contravention or to discontinue the contravening activity.
- 7.2 An Order under subsection 7.1 of this By-law may require work or remedial action to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
- 7.3 Any person who fails to comply with an Order issued under subsection 7.1 of this By-law, is guilty of an offence.

8. Delivery and Content of Orders

- 8.1 An Order under Sections 6.1 or 7.1 of this By-law may be given, either in writing or verbally, to the person to whom the Order is addressed.
- 8.2 In addition to delivery in accordance with Section 7.1, an Order may be delivered by an Officer placing a placard containing the Order in a conspicuous place near the Outdoor Shelter or where the contravention occurred.
- 8.3 An Order under Sections 6.1 or 7.1 of this By-law shall set out:
- a. reasonable particulars of the contravention adequate to identify the contravention, including the timing of same and the location of the land on which the contravention occurred; and
 - b. the date by which there must be compliance with the Order.
- 8.4 The Officer shall log any Order given, whether it is written, provided verbally, or via a placard.
- 8.5 Where a time frame is set out in an Order for carrying out any action, an Officer may extend the time for compliance beyond the established time frame provided such extension is acceptable to the Officer.

9. City Carrying Out Work and Obstruction Prohibited

- 9.1 The City or any person acting on its behalf is not liable to compensate any person by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under any provisions of this By-Law
- 9.2 No person, shall impede, interfere, or obstruct an Officer in the execution of their duties and the inspection of property required under this By-law, by doing any act or refusing an Officer direction.
- 9.3 No person shall obstruct an Officer by providing any false or misleading information.

9.4 It is an offence for any person to physically obstruct an Officer in the discharge of their duties.

10. Penalties and Enforcement

10.1 The City may remediate any contraventions of this By-law, including as permitted pursuant to s. 446 of the *Municipal Act*, as amended.

10.2 In the event the City adopts an Administrative Monetary Penalty System By-law this By-law may be enforced via the issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law.

10.3 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act* but no person shall be convicted of an offence for which a penalty notice has been issued under an Administrative Monetary Penalty System By-law.

10.4 In addition to any penalty imposed upon conviction for an offence under this By-law, any court of competent jurisdiction may make an order prohibiting the continuation or repetition of any contravention of any provision of this by-law.

10.5 For greater certainty, all violations of this By-law are continuing offences for each day a person continues to be in violation of any provision of this By-law.

10.6 The remedies set out in this By-law are alternatives to each other and the failure of the City to take any step or avail itself of any particular remedy does not prevent it from availing itself of any other remedy under this By-law or applicable law.

11. Exemptions and Primacy

11.1 Nothing in this By-law shall affect:

- a. Any right or duty of the City with respect to any highway, laneway or right-of-way.
- b. The application and enforcement of any obligations under any lease of land from or by the City.

11.2 In the event that this By-law conflicts with any other by-law of the City, the provisions of this By-law shall prevail.

12. Severability

12.1 Should any provision of this By-law be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.

13. Commencement

13.1 This By-law shall come into force and take effect on the day that it is enacted by City Council.

Enacted and passed this 19th day of May, A.D. 2026 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Andrew Foulds
Speaker

Krista Power
City Clerk

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