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# Council Policy

## Abandoned Property and Shelters

Approval Date: April 11, 2022

Resolution No.: R105/22/04/11

Rescinded: N/A

Contact Department: Building and Bylaw Services

### Purpose

The purpose of this Policy is to provide guidance to staff on how to proactively approach *Abandoned Property*, *Inhabited Shelters*, *Uninhabited Shelters*, and persons who trespass on public or City lands with the intent to set up a *Shelter* or camp.

### Definitions

- a) **“Abandoned Property”** means property that has been left unattended or in an unsecured manner on public or City lands. For the purposes of this Policy, property is defined as building material(s), identifiable personal effects, bicycles, and any other material not originating on or from the property in which the trespass is occurring as deemed by *Staff*.
- b) **“Identifiable Personal Effects”** means property of a personal nature, at, in, or near an inhabited or uninhabited shelter that may include items such as identification, prescription medication, eye-glasses, hearing aids, disability devices, personal documents, clothing, bedding, tent, tarpaulin, cookware and utensils, food and food storage, cooking appliances, heating appliances, and modes of transportation for possessions or person such as a cart, bag, backpack, or bike.
- c) **“Shelter”** means a temporary structure that is made up of any material(s) used to protect a person from inclement weather or something harmful. These materials may include but are not limited to tents, tarps, building materials, organic material, cardboard and un-insured vehicles. Further, this section also applies to a person who has entered a building with the intent to shelter.
  - a. **“Inhabited”** means a *Shelter* that is being used to protect a person from inclement weather or something harmful, when other services are not available, such as at night. A *Shelter* that is used during the day, but not at night, is not considered inhabited.
  - b. **“Uninhabited”** means a *Shelter* that has not been used to protect a person from inclement weather or something harmful when other services are not available, such as at night, for a period of 72hrs from the time in which the *Shelter* is identified by *Staff* or last inhabited. Further, a vehicle that has been identified as arriving within the last 24 hours by staff will not be considered a *Shelter*.
- d) **“Staff”** means the Chief Administrative Officer or designate.
- e) **“Trespass with the Intent to set up a Shelter or Camp”** – means a person who is in the process of establishing a single *Shelter*, or a commune of *Shelters* (encampment), on public or City lands, that are not yet established, or inhabited. For the purpose of this Policy, trespass on public or City lands pertains to all types of lands including developed, un-developed, parks and community use. Further, this section also applies to a person who has entered a structure with the intent to shelter.

- f) **“Vehicle”** as defined in the *Motor Vehicle Act of BC* is a device in, on, or by which a person or thing is or may be transported or drawn on a highway, but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks, mobile equipment, a motor assisted cycle, or a regulated motorized personal mobility device. For the purpose of this Policy, a vehicle includes but is not limited to a truck, car, van, sport utility vehicle, recreational vehicle, travel trailer, and tent trailer.
- a. **“Insured”** as defined in the *Motor Vehicle Act of BC*, registering the vehicle or trailer with the Insurance Corporation of British Columbia (ICBC), obtaining a licence for its operation, and obtaining an owner's certificate under the Insurance (Vehicle) Act.
  - b. **“Un-insured”** as defined in the *Motor Vehicle Act of BC*, not registering the vehicle or trailer with ICBC, not obtaining a licence for its operation, and not obtaining an owner's certificate under the Insurance (Vehicle) Act.

### **General**

This Policy is not meant to supersede Federal or Provincial legislation or Charter Rights, but rather is meant to compliment the current law while taking a proactive approach. This section refers to the general conditions in which the provisions within this Policy will be carried out:

- a) At all times, safety will be paramount. Staff will take all reasonable efforts to ensure their safety, as well as the safety of others while carrying out this Policy.
- b) This Policy builds on the City's regulatory bylaws including, but not limited to, the Park and Public Spaces Access Bylaw No. 2057, the Unsightly Premise Bylaw No. 1962, The Fire & Life Safety Bylaw No. 1965 and the Traffic Regulations Bylaw No. 1956, as amended or replaced from time to time.
- c) It is generally accepted that no two situations will be alike, and that *Staff* will need to consider each occurrence individually, using their discretion in the application of this Policy, while still trying to maintain the overall intent.
- d) Council, through resolution, may choose to pursue a court order in addition to, or in lieu of, this Policy, which will be entirely at the discretion of Council.
- e) Where possible, *Staff* will proactively take reasonable measures to deter or block trespass and the construction of *Shelters* on public and City lands.
- f) *Insured Vehicles* will not be regulated as part of this Policy and will be removed as per the thresholds contained within the traffic regulation bylaw and any other relevant Council directive.
- g) This Policy pertains to public and City owned lands only.
- h) Where the City has resolved, or is in the process of resolving, a matter addressed within this Policy, *Staff* will take any reasonable measures available to deter future contraventions.
- i) Where there are contradictions between this Policy and other City directives, the following priorities will prevail:
  - a. City Bylaws
  - b. City Policies
  - c. Resolutions of Council

- d. Administrative Policies
- e. Best Practice

### **Abandoned Property**

- a) When *Abandoned Property* is identified, where possible, *Staff* will remove and dispose of the materials at the landfill as soon as reasonably possible.
- b) If *Staff* identify some of the *Abandoned Property* as *Identifiable Personal Effects*, where possible and if safe to do so, these items will be either piled or bagged in order to be claimed. If the materials are not claimed within 24hrs, they will be disposed of at the landfill.
- c) Where practicable, *Staff* may provide notice to support agencies and/or persons known to frequent the property before disposing of *Abandoned Property*.
- d) In some cases, *Abandoned Property*, including *Identifiable Personal Effects*, may need to be disposed of immediately. In these circumstances *Staff* will use their discretion while still trying to maintain the intent of this Policy.

### **Inhabited Shelter**

- a) When an *Inhabited Shelter* is identified, where possible, *Staff* will notify the appropriate support agencies of the location.
- b) *Inhabited Shelters* as per the definition contained within this Policy will not be considered *Abandoned Property*
- c) Notwithstanding Provincial and Federal legislation, in some cases, an *Inhabited Shelter* may need to be removed immediately as it poses a life safety risk to either the inhabitant or to the general public. In these circumstances, *Staff* will use their discretion while still trying to maintain the intent of this Policy. Further, where possible and if safe to do so, *Identifiable Personal Effects* will be either piled or bagged in order to be claimed. If the materials are not claimed within 24hrs, they will be disposed of at the landfill.
- d) Upon advice from the City's solicitor, Council may, through resolution, pursue the removal of an *Inhabited Shelter*, or a commune of *Shelters*, through a court order.

### **Uninhabited Shelter**

- a) When an *Uninhabited Shelter* is identified and has met the thresholds of this Policy, it will be considered *Abandoned Property* and will be handled according to this Policy.
- b) If an *Uninhabited Shelter* is identified as an *Un-insured Vehicle*; where possible, the *Vehicle* will be boarded up to deter re-entry and removed from the site as soon as reasonably possible. Once removed, the *Vehicle* will be secured and stored by *Staff* for thirty (30) days in order to be claimed. Further, where possible, *Staff* will try to contact the registered owner of the *Vehicle*.
  - a. **Unclaimed Uninsured Vehicles** - a *Vehicle* that is not claimed within thirty (30) days of removal by *Staff* will be disposed of appropriately, as per any relevant legislation. If require, *Staff* is authorized to purchase the *Vehicle* for a nominal fee and expense the potential towing costs instead of charging the previous owner to allow for disposal.

- b. **Claimed Uninsured Vehicles** - in order to claim an *Un-insured Vehicle* that has been removed from public land, within thirty (30) days of removal the claimant will be required to:
- i. Provide verification of *Vehicle* ownership
  - ii. Verify the procedure in which the *Un-insured Vehicle* will be transported from the storage yard and that the method will meet all Federal, Provincial, and Local legislation
  - iii. Verify the intended destination of the *Vehicle* does not violate any City bylaws.
  - iv. Pay for any associated towing or removal fees.

A vehicle that has already been removed from public or City lands and claimed once before will not be eligible to be claimed a second time.

### **Trespass with the Intent to Set up a Shelter or Encampment**

- a) When a *Trespass with the Intent to set up a Shelter or Encampment* is identified by *Staff*, the unestablished *Shelter(s)* will be removed immediately. Further, where possible and if safe to do so, *Identifiable Personal Effects* will be either piled or bagged in order to be claimed. If the materials are not claimed within 24hrs, they will be disposed of at the landfill.

### **Liaison Activities**

In conjunction with the objectives and deliverables outlined in the *Abandoned Property and Shelters Policy*, where possible *Staff* will undertake the following liaison activities:

- provide support within the community when complaints or concerns are generated about homeless activity, to seek resolutions
- meet with homeless persons to identify needs and provide information / referrals to services
- liaise with service providers to be informed of services offered and refer service providers to persons indicating need
- identify *Shelter* locations to service providers to enable outreach to persons associated
- Notify Council of visible gaps to support or services in the community

### **Related Bylaws and Policies**

- Park and Public Spaces Access Bylaw No. 2057
- Unsightly Premise Bylaw No. 1962
- Fire & Life Safety Bylaw No. 1965
- Traffic Regulations Bylaw No. 1956

### **Resolutions and Amendments**

April 11, 2022 – R105/22/04/11– Council Policy 402 Established