



Managing Social Disorder

Legal Risks, Operational Realities, and Insights for Local Government

Legal Risks to Municipalities

- 1** Human Rights – access to services
 - ✓ Ex: ensure bylaw enforcement policies are neutral, consistent, and documented
- 2** *Charter* Claims
 - ✓ Ex: draft bylaws and policies with *Charter* compliance in mind
- 3** Occupiers Liability
 - ✓ Ex: document responses to hazards, including damaged infrastructure
- 4** Property Seizure
 - ✓ Ex: train frontline staff on documentation and chain-of-custody practices
- 5** Duty / Failure to Enforce
 - ✓ Ex: focus on reasonable response rather than perfect control
- 6** Safe Workplace
 - ✓ Ex: provide appropriate training and PPE for staff regularly responding to disorder-related complaints

Objectives-Based Strategy

Secure buy-in from elected officials







Reduce reliance on outdoor sheltering by securing Provincial support and working closely with local service providers



Protect safety and livability of key business and tourism areas using zoning and incentives to locate service providers and using bylaw enforcement to prevent encampments from becoming entrenched

Building a Strategy

-  Focussed area and amenity protection
-  Address public spaces, leveraging CPTED and durable design of washrooms
-  Consider design and rotation of sheltering areas (note - sheltering is a *Charter* right, not a municipal service)
-  Data collection is invaluable → detailed reporting from frontline staff; info sharing with fire and police; collect stats on expenses, complaints, enforcement, demand for sheltering space, impacts to budget

Takeaway: Municipal risk exposure is real, but manageable!