

**Municipality of Chatham-Kent**  
**Health and Human Services**  
**Employment and Social Services**  
**Information Report**

**To:** Mayor and Members of Council  
**From:** Polly Smith, Director, Employment and Social Services  
**Date:** June 10, 2024  
**Subject:** Municipal Encampment Protocol

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This report is for the information of Council.

**Background**

The presence of visible encampments has increased in Chatham-Kent along with the increase in homelessness in recent years. Calls to police and municipal staff to move encampments have increased, and at the same time available shelter beds and motel rooms have decreased, thereby reducing solutions for unhoused residents of Chatham-Kent.

The need for a consistent, coordinated approach to addressing encampments was recognized by Administration. It was recognized that the approach needed to balance the rights of the unhoused residents and nearby neighbours and businesses. With these needs in mind, a committee comprised of municipal staff worked collaboratively to develop a protocol for dealing with encampments in Chatham-Kent.

The Encampment Committee consists of decision-making staff from Building Development Services; Parks, Fleet, and Facilities; Public Works; Legal Services; Employment and Social Services; Housing Services, Operations; Fire and Emergency Services; and Chatham-Kent Police.

**Comments**

The Encampment Committee worked with Org Code Consulting to bring together a variety of key community partners in the early planning phase to create protocols to address encampments on both municipally owned property and private property. These partners included other municipal staff and community partner agencies, such as Rock Missions and Hope Haven, as well as people with lived experience of homelessness.

In addition, Administration conducted an environmental scan of encampment protocols in comparable and neighbouring municipalities.

During the planning process, legal precedents set through court cases regarding encampments on municipal land in Waterloo and Kingston were identified and used to inform the protocol.

The Encampment Committee looked at a variety of real-life scenarios and tested the protocols from the lens of each committee member's area before coming to consensus.

The protocols are intended to:

- Ensure equitable and consistent treatment of people living in encampments;
- Assist unhoused people with housing, safety and basic needs;
- Keep public areas available and intact for their intended use;
- Be open and transparent with municipal residents and businesses; and,
- Provide an option for sympathetic private/non-municipal land-owners.

The protocols focus on the human rights of unhoused residents of Chatham-Kent which often take priority over by-laws or other legislation.

#### Encampments on Privately Owned Land

While it is the right of landowners to have people vacate their property if desired or necessary by law, the municipality is aware that many property owners wish to do so in a way that offers emergency housing assistance or other needed services to individuals on their property. The Protocol for Responding to Encampments on Privately Owned Land (see Appendix A) provides a framework for this support and is not intended to replace the processes of other organizations or levels of government.

If, at any time, a property owner wishes to have an unwanted person removed from their property, they may call the police. If the matter is not urgent, this would be through the non-emergency Police Services phone line at 519-436-6600. For urgent situations or emergencies, 911 should be called.

#### Encampments on Municipally Owned Land

Removal of encampments from municipally owned land, regardless of whether there is a by-law that restricts that type of activity on the space, may not be possible without ensuring there is adequate shelter space for the people living in the encampment. Furthermore, the shelter spaces or other living arrangements must be sensitive to accommodating couples, must be accommodating of people with disabilities, and must operate in a manner that a person with an addiction can use and be supported by the shelter.

Removal of an encampment must be a last resort. It can have serious consequences on the wellness of the person living in the encampment and be traumatizing. It can result in loss of documents, medications, and personal effects. It can make it much more difficult to assist the person affected by the closure by eroding trust or resulting in the person

retreating further to locations that make it more difficult to be found and assisted by social service professionals.

This does not mean that encampments on municipally owned property can never be moved. It means that care must be taken when assessing what the residents in the encampment require to move, and if a move is reasonable. There will be times when an encampment cannot be forcibly moved due to legal reasons. When enforcement of a move is under consideration, Legal Services must be involved prior to any enforcement steps.

The Protocol for Responding to Encampments on Municipally Owned Land in Chatham-Kent is attached as Appendix B.

Appendix C provides a high level overview of processes related to encampments located on privately versus municipally owned land.

These protocols will not eliminate encampments, only new deeply affordable housing and supports for unhoused people can do that; however, these protocols will ensure that the rights of all Chatham-Kent residents are respected and will prevent further harm to those who are unhoused in Chatham-Kent.

### **Council Term Priorities**

This report supports the following Council Term Priorities:

			
<b>Deliver Excellent Service</b>	<b>Promote Safety &amp; Well-Being</b>	<b>Grow Our Community</b>	<b>Ensure Environmental Sustainability</b>
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### **Consultation**

Consultations with key partners and divisions involved occurred as noted in this report.

### **Communication**

Following Council approval, a public awareness campaign will take place to create an understanding of the protocol including the steps and timelines associated with related actions. In addition, municipal staff from across a variety of divisions (e.g. Customer

Service; Public Works; Parks, Fleet, and Facilities; Housing Services, Operations; Fire and Emergency Services; and Chatham-Kent Police) will be provided with the necessary training to ensure adherence to the protocol.

### **Diversity, Equity, Inclusion and Justice (DEIJ)**

All unhoused people have one thing in common – a lack of adequate housing. Most unhoused people also have very low incomes and other barriers to housing. While the access to housing is considered a human right in Canada and Ontario, many people from equity-deserving groups are discriminated against in obtaining housing and are over-represented in homelessness counts and encampments. This includes: Indigenous people, persons with disabilities, survivors of domestic abuse, and 2SLGBTQ+ people. These are individuals for whom various systems have failed. Implementing protocols that acknowledge and uphold their human rights while offering supports and options aligns with the Municipality's commitment to DEIJ.

### **Financial Implications**

There are no financial implications to this report or the protocol.

Prepared by:

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Attachments:

- Appendix A – Protocol for Responding to Encampments on Privately Owned Land
- Appendix B – Protocol for Responding to Encampments on Municipally Owned Land
- Appendix C – Overview of Processes Related to Encampments on Privately versus Municipally Owned Land