

# Co-ordinated homeless encampment response

Joint protocols

Version 1.0



## Section 8

# Protocol 6: Removal and enforcement

## Purpose

The purpose of this protocol is to provide guidance to regional and municipal governments, as well as other government entities about:

- Removal: when an encampment in Peel could be removed; and
- Enforcement: how the property owner and/or Custodian should carry out the enforcement of a removal.

Before any enforcement action is taken to remove an encampment, it is always important to encourage encampment residents to voluntarily relocate. If relocation is deemed necessary by the Custodian or is desired by encampment residents, it is critical that it be conducted in a manner that respects the human rights of encampment residents. Regular and early discussions with encampment residents will encourage meaningful engagement and effective participation.

## Removal

Encampment removal is determined on a case-by-case basis and is a property rights issue, not a criminal offence. The decision to remove an encampment rests with the regional municipality, local municipality or other agency with jurisdiction over public or private property (hereafter referred to as “Custodian”). This is often the owner of the property. The Custodian has responsibility and control over the property.

The steps outlined in the protocol are considered best practice through learnings of the Peel Encampment Working Group. However, Custodians may choose to expedite the removal process should they deem it appropriate e.g., if an encampment is located in a “no encampment zone”. Custodians may choose to immediately proceed with removal and enforcement, beginning with step 4.

The Custodian will make an informed, evidence-based decision about an encampment with the support of shared information and recommendations of

the Encampment Response Team. The Team's recommendations for an encampment are based on identified and assessed health and safety risks, how the risks have been reduced, eliminated, or otherwise managed, and monitored changes over time. In addition, the Encampment Response Team will consider the following questions:

- Does the location of the encampment impede or interfere with the ability of the public to make use of the public space in question?
- Do the conditions/circumstances in the encampment pose a danger to the public and/or the unhoused person?
- If yes, specify conditions/circumstances that pose danger to the public or encampment residents. This could include: ongoing health and safety concerns despite risk mitigation efforts, impact on neighbourhood livability due to uncontained garbage, biohazards, drug paraphernalia, noise or other disruptions, etc.
- Is the encampment located on or within a "no encampment zone"?
- Is the encampment located within close proximity to a "no encampment zone", leading to disruption or risk to intended public use of space?

The recommendations are also balanced with the needs of the encampment residents as captured on the resident needs assessments and availability of alternate accommodations. The use of the Encampment Site Recommendation template will ensure this process is consistently followed. The template provides necessary information for the Custodian that includes:

- actions taken to increase the level of health and safety of the encampment site;
- continued health and safety concerns despite efforts to improve health and safety and mitigate risk;
- efforts to connect residents with safer, more appropriate indoor space; and
- next steps and associated timelines.

Above all the health and safety needs of encampment residents must be prioritized. Identified supports and mitigations for identified risks must be actioned and provided through regular engagement, resident needs assessments, and collaborative discussion. The end goal is to help encampment residents transition to appropriate and available emergency, transitional and/or permanent housing options.

Prior to any removal or enforcement action, the Encampment Response Team will consider whether the following actions have been taken:

- Has the unhoused resident(s) been offered alternative and suitable shelter space that takes into account the specific needs of the unhoused resident(s)?
- Have all reasonable attempts been made to convince the unhoused person(s) to accept an offer of suitable alternative accommodation?
- Have all reasonable attempts been made to convince the unhoused person(s) to voluntarily relocate from the encampment location?
- Have litter maintenance and clean-up efforts been undertaken to address health and safety and neighbourhood livability?
- Have all reasonable attempts been made to connect the unhoused resident(s) with the appropriate resources? E.g., language resources, referrals to identification clinics, culturally appropriate supports, etc.
- Has the Encampment Response Team considered all reasonable alternatives to enforcement/removal prior to taking enforcement action?

There are some areas where encampments are not permitted. The prohibited areas, or “no encampment zones”, are noted in the policy and in this protocol. These areas are identified where the use of the space is so inconsistent with the purpose of the area, or where dangers are present which are unlikely to be able to be effectively mitigated, such that an assessment of the encampment would almost certainly result in a recommendation for removal. If an encampment is located in a prohibited area, the Custodian may decide to proceed with a removal and take actions to enforce the removal. Regardless of whether an encampment is in a prohibited area, the encampment response team will continue to follow a human rights-based approach with encampment residents.

“No encampment zones” that are owned or managed by Peel Region, City of Brampton, City of Mississauga, or Town of Caledon include:

- Blocking public rights-of-way to sidewalks, streets, trails, medians, regional or municipal facilities (e.g., accessible entrances and ramps, park restrooms, community centres, parking lots, libraries, fire, paramedic or police stations, or under bridges)
- Prominent municipal spaces regularly used for public gatherings
- Municipal facilities where events with a permit are scheduled
- Sites located within flood plains
- Obstructing critical infrastructure sites
- Active construction sites

- Playgrounds, sports fields, and any fenced-in, off-leash dog area
- On any community garden and in any garden shed or greenhouse
- On or within any designated fire route, or the entrance to or exit from a designated fire route, or located so as to block any fire hydrant
- On or within areas prone to erosion, slope instability, not serviced in winter, or other environmental hazards, due to risks to health and safety

**In addition:** No temporary shelter or tent will be placed against, under or be attached or tied to any building or permanent structure. All shelters and tents must be freestanding. Areas that are not serviced during the winter are prohibited sites for encampments.

**Note:** Some lands that are not owned by Peel Region or local municipalities but are owned by other organizations that serve the public and that are used by vulnerable populations, such as children in schools and daycares, are recognized in the policy as being inappropriate for encampments. Transit stations and conservation areas are other areas that may be inappropriate for encampments. Peel Outreach and other members of the Encampment Response Team as appropriate will work with the relevant Custodian upon request on a coordinated, human rights-based response to support a voluntary relocation or enforced removal.

Other factors related to health and safety risks identified through the results of ongoing site assessments completed by the Encampment Response Team that could inform a decision to remove and that will be noted in the encampment site recommendation template include but are not limited to:

- Safety issues due to drug paraphernalia, such as improper disposal of sharp objects
- Repeated impact on neighbourhood livability that have not been mitigated and measured by factors such as the amount of uncontained debris, excessive noise overnight, smoke, or odours
- Environmental impact on natural areas and/or the presence of hazardous materials
- Restriction of access as defined in the *Accessibility for Ontarians with Disabilities Act, 2005* standards
- Size of encampment
- Verified reports by Peel Regional Police of violence or criminal activity other than camping

- Verified reports by Brampton, Mississauga, or Caledon Fire of extreme fire risk and spread
- Blocking public access

## Enforcement

Before any enforcement action is taken, appropriate notice must be provided by the Custodian. Notices may be issued when:

- Circumstances in an encampment or encampments pose a public safety or health and safety risk to people living in encampments, other members of the public and/or surrounding communities; or
- People living in encampments have been provided with enhanced and intensive supports, particularly people with complex needs, and other reasonable tools and options have been exhausted and they continue to decline indoor space or decline to meaningfully work on the development of a housing plan over a reasonable amount of time.

Notice of violations will be issued verbally and in writing by the Custodian or agent of the Custodian at least 72 hours prior to removal. Compliance timelines will be determined by the unique circumstances of the encampment. The Custodian shall also consider factors such as emergency or urgent health and safety needs, adverse weather, and appropriate lead time to mobilize applicable support and services from members of the Encampment Response Team. If emergency or urgent needs are observed the Custodian may take more urgent action to require compliance or remediation.

All written communications for encampment residents must be plain language, respectful, and accessible.

## Impacted stakeholders

- |                            |                        |
|----------------------------|------------------------|
| • Encampment Response Team | • Town of Caledon      |
| • Custodian                | • Peel Region          |
| • City of Brampton         | • Peel Outreach        |
| • City of Mississauga      | • Peel Regional Police |

## Scope/Process start & end

### Start

Custodian decides to enforce the removal of an encampment on their property. The following documents and/or discussions have been completed by the Custodian and the appropriate members of the Encampment Response Team:

- At least one encampment site conference
- At least one site assessment
- At least one needs assessment
- A recommendation for removal has been tabled by the Encampment Response Team

### End

All encampment residents have left the site and all structures and debris have been removed. The Custodian or agent of the Custodian could consider monitoring the site post removal to ensure the site is not reactivated.

## Terms and definitions

**Encampment:** An encampment refers to temporary outdoor accommodations for individuals and groups of unhoused and unsheltered individuals that have been established—often without permission—on public or privately owned land.

**Custodian:** Regional municipality, local municipality or other agency with jurisdiction over a public or private property. The Custodian is accountable for encampments on their property.

**Encampment Response Team (ERT):** Team members from the Custodian organization, in addition to representatives from Peel Outreach, Peel Region, and other partner representatives as required. The ERT leads the encampment response and provides the following:

- Supports and coordination
- Day-to-day oversight
- Recommendations about relocation/removal
- Ongoing communications
- Measurement and reporting

**Notice:** The Custodian provides notification and/or a warning of an upcoming change or action and information that allows for preparations to be made.

**Remediation:** Remediation of an encampment site is the complete removal of an encampment, including all personal belongings, structures, debris, etc.

## Roles and responsibilities

Listed below are the key stakeholders and their high-level responsibilities (please note that this is not an exhaustive list):

**Custodian:** Regional municipality, local municipality, or other agency with jurisdiction over a property. The Custodian is accountable for encampments on their property and is responsible for overseeing the coordination and execution of removal and enforcement.

**Custodian agents:** Agents of the Custodian provide services on the Custodian's behalf, such as conducting clean-ups of a site, arranging for other contracted services as necessary, and other activities as identified and directed by the Custodian.

**Peel Outreach:** The program contracted by Peel Region to support unsheltered people living in encampments, through providing basic supplies and referrals to supports and services that includes encouraging people to go to shelters, as well as conducting extra visits outside of their regular schedule prior to any removal or relocation to proactively encourage and follow through on referrals and other supports. Peel Outreach provides residents with storage items for personal belongings prior to removal date.

**Peel Housing Services:** Housing staff will attend to ensure that encampment residents who are willing to go to shelter or other housing options can do so, through addressing possible barriers to shelter entry, including storage of personal items, transportation assistance, and pets.

**Peel Regional Police:** Where the Custodian decides to proceed with removal and the Encampment Response Team provides a recommendation to do so, Peel Regional Police retains the discretion to determine such action is both necessary and lawful, and will provide appropriate assistance based on assessment of circumstances and available resources.

The level of police involvement is determined by Peel Regional Police and their officers' assessment of the circumstances at the given encampment. Police offer supports to residents through their Divisional Mobilization Unit (DMU) and



Community Mobilization (CM) for non-enforcement purposes and separately enforce safety measures through their Community Intervention and Response Team (CIRT) and Front-Line Officers. Police will attend an encampment removal with the primary goal of assisting the Custodian in maintaining public safety and keeping the peace. Peel Regional Police retains enforcement discretion under the Trespass to Property Act based on operational requirements. When enforcement is deemed appropriate, Divisional Front-Line and/or Community Intervention Response Team (CIRT) officers will assist with the removal, as necessary.

## Procedure

### Pre-enforcement

#### Step 1

Whenever possible, before any enforcement action to remove an encampment, it is always important to encourage encampment residents to voluntarily relocate.

#### Step 2

During an Encampment Site Conference the Encampment Response Team will discuss the encampment by using the following:

- encampment site recommendation template
- encampment profile
- event log (if applicable)
- site assessment(s)
- resident needs assessment(s),

These steps will ensure decisions are consistent and human rights-based approach.

The Custodian then decides the encampment site requires removal and enforcement. The Custodian may need delegated authority within their own organization about this and may seek the advice of their legal counsel.

### Step 3

The Custodian and Encampment Response Team members, including relevant municipal staff, Peel Outreach, Peel Region, and Peel Regional Police, shall participate in an encampment site conference to plan the roles, responsibilities, and timelines associated with an encampment removal, including any actions to encourage the voluntary relocation of encampment residents, prior to any enforcement actions. The site conference will specify who will be present or in close proximity while the encampment is being removed, including, but not limited to:

- Peel Regional Police
- Fire Services
- Peel Outreach
- Security Services

## Expedited removal

### Step 4

Prior to the Custodian issuing trespass notices, Peel Outreach will encourage encampment residents to voluntarily relocate and to collect their belongings, as applicable.

Peel Housing Services will provide storage and/or moving options to encampment residents to support voluntary relocation, and ensure access to emergency shelter or other appropriate housing options, as available.

### Step 5

The Custodian will issue trespass notices to encampment residents in writing and verbally no later than 72 hours prior to removal. When providing the amount of notice, the Custodian shall also consider factors such as emergency or urgent needs, adverse weather, and appropriate lead time to mobilize applicable support and services from members of the Encampment Response Team. If emergency or urgent needs are observed, the Custodian may take more urgent action to require compliance or remediation.

As needed, Peel Outreach will conduct extra visits outside of their regular schedule prior to any removal or relocation.

## Step 6

Multiple notices shall be posted around the property by the Custodian, that the encampment is subject to removal.

## Day of enforcement and removal

### Step 7

All Encampment Response Team members will respect and follow the roles as determined in the Encampment Site Conference, as referenced in Step 3 above.

- In a reasonable amount of time ahead of removal, Peel Outreach will attend the site to support the encampment residents and encourage them to voluntarily relocate.
- A representative or agent of the Custodian must be on site during removal.
- Peel Regional Police attends removal with the primary goal of assisting the Custodian in maintaining public safety and keeping the peace.
  - If enforcement is required on public municipal or regional property, the Custodian holds the authority and responsibility for managing the encampment and initiating any removal.
  - Any enforcement required under the Trespass to Property Act should involve Divisional Front-Line and/or Community Intervention Response Team officers where applicable. The level of police involvement is determined by Peel Regional Police and their officers' assessment of the circumstances at the given encampment. When enforcement is appropriate, Divisional Front-Line and/or Community Intervention Response Team (CIRT) officers will assist with the removal, as necessary.
- Peel Housing Services staff attends removal. Housing staff will ensure that encampment residents who are willing to go to shelter or other housing options can do so, through addressing possible barriers to shelter entry, including storage of personal items and pets.

## Step 8

Agents of the Custodian will take reasonable steps to make all persons who are present aware that there will be a removal and remediation of the encampment site.

## Step 9

Removal should begin with trash and debris before removal of property and tents or structures.

## Step 10

Peel Housing staff will arrange for storage off-site of personal property. Staff will review for any hazardous, perishable, and/or bulky items that may not be acceptable. Encampment residents will be informed where their property will be stored.

## Step 11

After removal is complete, agents of the Custodian will dispose of items at the site that have no apparent value or utility or are in an unsanitary condition.