

Robert Miller
2761 Scott St. Victoria V8R 4J3
rkmillerbc@gmail.com

March 24, 2025

Dear Councillor Loughton,

Thank you for your Oaklands newsletter message, and welcome as our new Councillor Liaison.

I appreciate your focus on housed and unhoused neighbours near Oaklands Park—it's a concern for many of us. My main interest is doing what's realistic and constructive to help the park for all who rely on it.

In that spirit, I offer ten practical suggestions in hopes they'll help Council strengthen its sheltering-in-parks policies and bylaws. Key themes include:

- A sharp increase in bylaw complaints at Oaklands, even as many neighbours express growing disillusionment with reporting violations.
- Specific recommendations to improve bylaws—such as increased setbacks and clearer shelter limits.
- The gap between policy enforcement expectations and actual capacity.
- Without realistic enforcement and more deliberate site selection, key community uses—like routes to school, dog areas, and school/club programming—will be displaced or undermined.

Well-intended sheltering policies can still unintentionally displace the community uses parks are meant to support—if not carefully implemented, or if enforcement goals are unclear or discretion isn't consistently applied.

Your work—not only your documentary *Us and Them*—brings needed empathy and understanding to the homelessness issue. I gained valuable perspective learning about your advocacy while trying to make sense of impacts to Oaklands Park from the influx of shelters there beginning with the March 2020 COVID emergency.

I'm encouraged by Council's current direction, reflecting the recent staff report discussed at the Committee of the Whole ([Agenda Item H.2, March 13, 2025](#)). Thank you for supporting that work and for your efforts with Council to push the provincial government to step up with shelter-related funding.

In light of the above, I hope you'll consider championing the following ten suggestions through the policy and bylaw drafting processes:

1. Increase shelter setbacks from private property

Four meters is simply too close—barely four steps from someone's backyard. Residents cannot be at ease in their own yards when shelters are that close, and the surrounding activity often spills into view. Also, drug use inside or around shelters has at times forced residents indoors and to close their windows to avoid fumes. In practice, people sheltering often scatter

belongings around, right up to the property line. Increasing the setback from 4 to 8 meters should help reduce these chronic problems.

2. Increase setbacks from park amenities

While I support increasing setbacks from playgrounds to 30 meters, the existing four-meter buffer between shelters and features like benches, picnic tables, paths, and exercise equipment is nowhere near enough. Park users often feel crowded or unsafe—smoke or vapour from shelter areas don't just vanish in four meters. Experience has shown that rules about no daytime sheltering and no drug use in parks are widely ignored, and bylaw staff can only scratch the surface. Policy should reflect actual enforcement capacity, not idealized assumptions.

3. Clarify the Shelter Size rule

The 3 x 3 meter area permitted for a shelter must include all belongings—not just the shelter structure itself. In Oaklands Park, people often scatter items like shopping carts, disassembled electronics, bicycles, loose garbage, and scraps of food well beyond that space, creating disorder and safety concerns.

4. Designate shelter capacities for emergency-only use

The maximum shelter capacities in Appendix 18 of the staff report should be treated as emergency-only thresholds. Parks should never be filled to even a fraction of those levels—except in a true large-scale emergency, such as a natural disaster or mass displacement event. A written clarification could help reassure the public and emphasize that these are not everyday targets.

5. Revise the Oaklands Park shelter map

Appendix 18 of the staff report should be updated to exclude low-lying areas where the groundwater table frequently surfaces—particularly between the playground and ball field, and in the north end of the park.

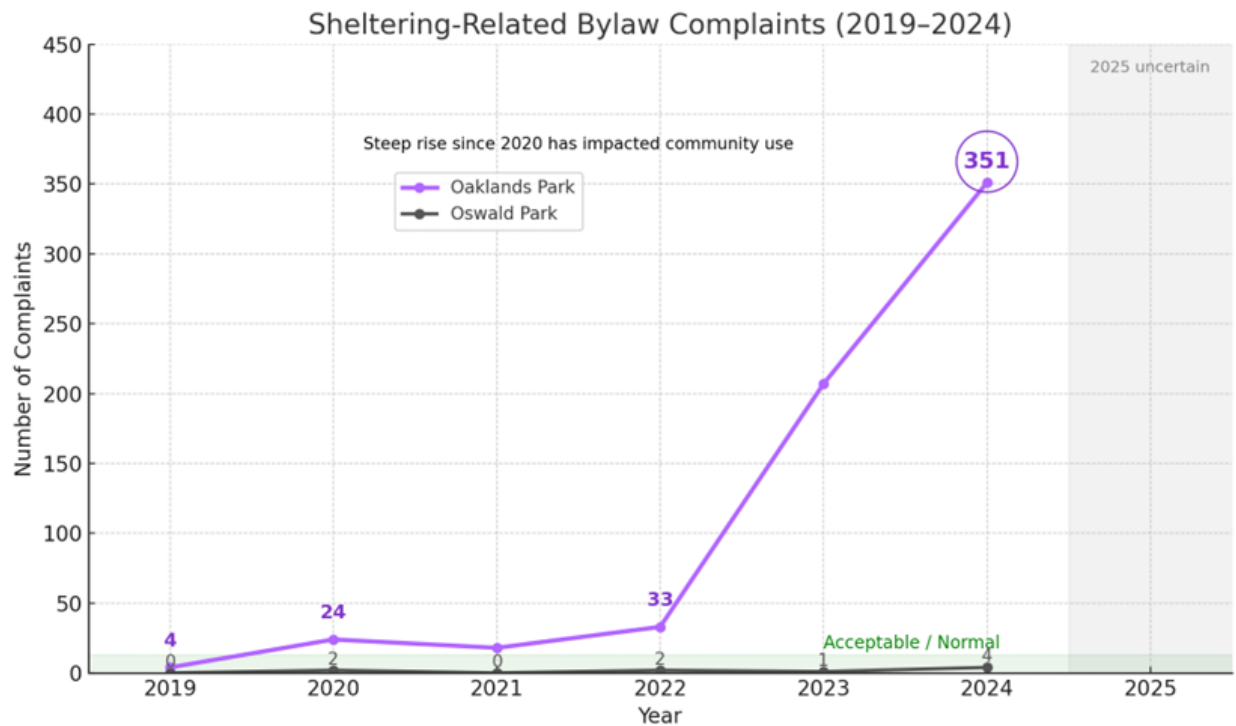
6. Oaklands complaints are a policy warning — Council should reduce park sheltering, not shift the problem to other parks

Oaklands Park has experienced a dramatic rise in bylaw complaints. This pattern cannot continue unchecked and should be addressed through more realistic sheltering policies and more consistent use of escalating enforcement actions.

The step-based approach currently used by Bylaw Services — beginning with verbal warnings — makes sense in principle, but without timely follow-up, it often breaks down. Many of the individuals being engaged are not in a position to respond effectively unless enforcement steps are repeated consistently and predictably.

Oaklands bylaw complaints are a policy warning for all parks — Council needs to reduce park sheltering, not spread the problem, regardless of provincial delays. Simply shifting sheltering to new locations will not resolve the underlying issues and risks replicating them elsewhere.

*The following graph illustrates this increase compared to nearby Oswald Park.
(See next page.)*



Bylaw complaints in Oaklands Park have surged since 2020, while Oswald Park has been unaffected. This contrast underscores the need to protect parks like Oswald—and to recognize that neither Oaklands nor Oswald are appropriate locations for sheltering. Visible drug use and unsafe conditions correlated with the presence of shelters in Oaklands Park have driven away some families, children, and seniors. School use of Oaklands Park has declined, and there are concerns that sheltering-in-parks policies may be making exposure to drug use and erratic behaviours feel normal to children who frequent the park.

Appendix A provides the complaint data behind the graph, and Appendix B includes recent photos that show how sheltering and debris have affected park use particularly near paths and sports facilities.

7. Remove David Spencer Park from the sheltering list

As seen in Oaklands Park, hazardous litter — including needles, broken glass, and human waste — is sometimes left behind even after a shelter is removed and sometimes while it's still present. Because bylaw limitations prevent consistent enforcement, some shelters remain occupied during the day. A policy that allows even for potential conflict between children and these hazards is, frankly, unacceptable in a school-adjacent park.

As seen in Oaklands Park, litter is frequently left behind after shelters are removed — sometimes including hazardous items like needles, broken glass, and bodily waste. Because bylaw limitations prevent consistent enforcement, some shelters remain occupied during the day. These conditions create unacceptable risks in a park used by children and located next to a school — risks that no reasonable policy should allow.

8. Make the “no sheltering under trees” rule enforceable

The City currently advises against sheltering under trees, but it's not enforceable. This should be added to the bylaws. The risks are real: falling branches, fire hazards, damage to tree roots and

health from fuel spills or waste, and disruption to urban wildlife like nesting squirrels (see Appendix B). If this guidance reflects expert advice, it needs the backing of bylaw enforcement.

9. Set realistic bylaw enforcement expectations

This may be the most important point, because it affects whether bylaw changes can succeed in practice. Helpful and effective enforcement actions, sufficient staffing, and transparent communication with the public—especially if shelters are going to remain in the park 24/7 for extended periods—are all essential.

Over the past five years, residents were told bylaws would be enforced—but in reality, shelter volumes and complex individual needs overwhelmed officers. Even now, shelters remain up during the day, and belongings and debris often stay in place for days or weeks at a time.

This disconnect between expectation and reality creates deep frustration and disillusionment in the community (See Appendix C.)

10. Double check sheltering locations and sites

Finally, I hope Council will ensure that designated shelter areas do not displace or undermine vital community spaces. For example, the proposed shelter sites at Oswald Park would significantly affect a well-used off-leash dog play area—unless the site were cleared of shelter debris and thoroughly checked for hazards each day, which is simply not realistic based on past experience at Oaklands Park.

I'd be happy to clarify or expand on any of the points raised in this letter if that would be helpful. And if there's a timeline for when the bylaw or parks policy changes may be finalized, I'd appreciate knowing where things stand.

Thank you again for your leadership on this file. Please also pass along my thanks to the City staff for making the bylaw complaint data available—it confirmed what many of us have witnessed in Oaklands Park over since sheltering in parks began during the COVID emergency.

Sincerely,

(Please feel free to share this letter with others as needed.)

Robert Miller

Appendix A – FOI Response: Bylaw Complaint Data for Oaklands & Oswald Parks

The table below summarizes bylaw complaints submitted to the City of Victoria related to sheltering activity in Oaklands Park and Oswald Park from 2019 to the end of 2024. This information was obtained through FOI Request VIC-2025-038* and corresponds directly to the graph shown in the letter.

Table: Bylaw Complaints in Oaklands & Oswald Parks (2019–2024)

	Oaklands Park	Oswald Park
2019	4	0
2020	24	2
2021	18	0
2022	33	2
2023	207	1
2024	351	4

These complaints included reports of:

- Unauthorized shelter structures or encampments
- Hazardous litter (e.g. needles, human waste, broken glass)
- Public drug use and threatening behaviour
- Encroachment into high-use public areas such as sports fields, benches, and walkways
- Fires or open flames near dry vegetation

The data confirms a sustained increase in complaints at Oaklands Park beginning in 2020, while complaints at Oswald Park remained negligible. This contrast underscores the importance of tailored enforcement strategies and careful site selection.

* FOI Request VIC-2025-038:



FOI Request
VIC-2025-038 Respor

Response Letter:



FOI Request
VIC-2025-038.pdf

Responsive Data:

Appendix B – Photos from Oaklands Park

These two photos, taken in mid-March 2025, show long-term sheltering under trees directly adjacent to recreational amenities and a well-used public pathway—frequented by children walking to school, seniors, and others who may be especially vulnerable.

Photo 1:

Shelters in background amid mixed park use, Oaklands Park (4:30 p.m., March 18, 2025.)



Photo 2:

Closer view than photo 1 of the shelters and accumulations under trees encroaching on sports area and pathway, Oaklands Park (4:30 pm March 18, 2025; this site has been in a similar condition since March 10 despite bylaw officer actions.)



Appendix C – Residents’ Disillusionment with Bylaw Reporting (Oaklands Park)

Since October 2024, several concerned Oaklands neighbours have been asking other residents and park users about their experiences reporting bylaw violations to the City. The vast majority said they’ve stopped reporting because “it doesn’t do any good.”

When asked why, many said they initially expected timely action—only to find the opposite. Bylaw Services typically responded that they were too busy to attend that day but might follow up later. Others said they’d given up because shelters tend to remain 24/7, and even if one is taken down, it is often left in place to be put up again when officers leave or if it is removed someone else sets up there soon afterwards.

Despite this disillusionment, bylaw complaints in 2024 still rose to 351 (Appendix A).

A closer look confirmed that residents’ comments reflect the actual process. When a bylaw complaint is submitted online (outside Emergency Weather Activation), residents typically receive one or both of the automated replies shown below the table (Replies #1 and #2, with yellow highlights added).

Finally, a sample of shelter-related bylaw complaints in Oaklands Park between November 2024 and March 3, 2025, further supports this pattern:

Response (Paraphrased*)	Number	Percentage
Ideal Response (not received): Officers are responding.	0	0 %
Reply #1: Your complaint is being prioritized and it may take days or weeks to resolve.	1	3 %
Reply #2: Bylaw officers were too busy to attend today but might follow up in subsequent days.	18	56 %
Reply #1 and Reply #2	12	38 %
(Police dealt with it)	1	3 %
Total Responses	32	100 %

* The Ideal Response (which was not received), along with copies of the full replies (paraphrased in the above table), are set out below.

Ideal Response (not received):

Bylaw officers have been made aware of your complaint and will attend to the site ASAP but no later than the end of today. You will receive an update of their findings and any action taken.

Reply #1:

Good Afternoon,

Thank you for contacting Victoria Bylaw Services.

Unfortunately, our officers were extremely busy today and were not able to address the subject of your request for service. It will be considered for attendance tomorrow or subsequent days based on the likelihood of the reported conditions continuing to exist.

If the issue persists and you would like to report it, please do so by using the online reporting tool to bring the matter to our awareness once more.

[Report a Bylaw Violation / City of Victoria.](#)

Thank you for your patience.

Regards,

[Contact info for Bylaw Administrator]

Reply #2:

Thank you for contacting Victoria Bylaw Services. Your request has been received.

All requests related to outdoor sheltering are considered a public health and safety priority and are immediately assigned to a supervisor who is responsible for prioritization and assignment.

We acknowledge the impact that outdoor sheltering has on the community. A dedicated team of Bylaw Officers, Public Works and Parks staff and members of the Victoria Police Department conduct daily patrols of public spaces to enforce the Parks Regulation Bylaw and the Streets and Traffic Bylaw as they pertain to outdoor sheltering. Due to a high volume of these call types, we may not be able to attend to your call the same day. In these cases, you will be notified, and we will do our best to attend as soon as possible.

We expect everyone to follow the rules. However, on occasion, matters involving unlawful sheltering can take several days or weeks to resolve depending on individual circumstances. People who are living outside often have significant barriers that make compliance for even the most cooperative person very difficult. In these situations, our Bylaw Officers work with service providers, health and housing outreach services and others to find long term solutions.

Thank you for bringing this matter to our attention. We will do our best to attend to this complaint as quickly as possible.

For general information about City of Victoria bylaws please visit our [website](#).

Kind regards,

Bylaw and Licensing Services

City of Victoria

1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0215