

June 20, 2023

Mayor Nuttall and City Councillors  
Barrie City Hall  
70 Collier Street  
Barrie, ON L4M 4T5

Dear Mayor Nuttall and City Councillors,

We are the Global and Deputy Directors of [The Shift](#), an international human rights organization focused on housing and homelessness, headquartered in Canada.

The Shift is deeply concerned by the City of Barrie's recent policy motion and bylaw amendments that criminalize and further stigmatize those living in homelessness, as well as those trying to support them. We are also concerned that the motion and bylaw amendments have moved forward without adequate consultation with those affected or with the broader public.

It is our understanding that on May 17<sup>th</sup>, 2023, City Council passed a motion-without-notice which included several provisions related to homelessness and respective services. Of note, this motion provided city staff with a suite of added tools to address homelessness, like additional financial support to increase shelter beds, increased operating hours for cooling and warming centers, and a new lunch program. To our knowledge, none of these have been implemented as of yet.

The motion also included problematic measures that prohibit the provision of 'payments to panhandlers', and which penalize the distribution – without permits – of tents, tarps, food, and groceries in public spaces. It is our understanding that on Wednesday, June 21<sup>st</sup>, 2023 amendments to *Bylaw 2004-142: Use of public property bylaw (nuisance) to regulate the use of City Property* will be voted on, which would give effect to the prohibition on the provision of life-sustaining items through the imposition of fines up to \$100,000 CAD.

The motion and proposed amendments place the city in violation of its human rights obligations. The intention and effect of the amended by-law, if passed, is to deny people living in homelessness and poverty items that may be necessary for their survival. The proposed bylaw amendments stigmatize people living in homelessness and poverty, in particular by suggesting that providing them with life-saving measures outside of permitted channels constitutes a "nuisance". Furthermore, it creates a hostile environment, intimidating residents of Barrie from engaging with people living in homelessness and providing them direct support.

It is our understanding that there are over 700 people living in homelessness in the County of Simcoe, with half of those living in Barrie. Many individuals living in homelessness rely on the provision of food and goods from volunteer groups because shelters in Barrie close during the day, limiting access to meals and services. Some may also prefer to receive support through non-City sanctioned sources.

The Shift reminds the City of Barrie of its national and international human rights obligations, including the implementation of the right to housing. This is in keeping with the federal government of Canada's housing policy which, as stated in the [National Housing Strategy Act](#), recognizes that housing is a fundamental human right as found in international human rights law.

According to international human rights law, homelessness is a prima facie violation of the right to housing because it undermines dignity interests, as well as personal safety and security. As such, it must be addressed on an urgent and priority basis, including through the development of solutions in consultation with people living in homelessness and their advocates.

Furthermore, governments are required to take urgent steps to the maximum of available resources to discharge their obligations.

Governments must also repeal any laws that serve to criminalize or impose fines on those living in homelessness or on any activities that support those living in homelessness and are strictly prohibited from enacting any new laws or policies that may worsen the conditions of those living in homelessness, or that serve to criminalize, penalize, or intimidate those living in homelessness or those trying to support them through the provision of basic goods and services.

Governments also have an obligation to combat and prohibit any laws that serve to discriminate, stigmatize and negatively stereotype those living in homelessness.

We note also that the new bylaw amendment is in conflict with the [recent decision](#) by the Ontario Superior Court of Justice, which concluded that "the ability to provide adequate shelter for oneself is a necessity of life that falls within the right to life protected by section 7 of the Charter." [par. 96]

We urge the City of Barrie to rescind the May 17<sup>th</sup> motion and abandon the proposed amendments to Bylaw 2004-142. We equally urge the City of Barrie to take seriously its human rights obligations and:

- Become more familiar with the right to housing standards and its [implementation](#);
- Urgently begin work on developing a human rights-based housing strategy, with the full participation of those living in homelessness, encampments, and their advocates, so that any future actions to eliminate homelessness are compliant with human rights;
- Immediately repeal any and all policies that criminalize individuals living in homelessness, or those seeking to support them through the provision of basic goods and services;
- Immediately repeal any policies that serve to further stigmatize or discriminate against those living in homelessness, or those seeking to support them.
- Adopt a policy approach to encampments that aligns with the obligations outlined in a [National Protocol on the Homeless Encampments in Canada – a Human Rights Approach](#).
- Prior to adopting motions or passing amendments to bylaws, ensure meaningful consultation has been undertaken with those affected and other interested parties.

The Shift remains at the City of Barrie's disposal to discuss any matters raised in this letter and to assist the City in any way possible to rectify its policies so that they may comply with international and national human rights.

We look forward to a timely response to this letter. Please note, in the coming days we may share this letter publicly.

Sincerely,

**THE SH/FT**

Per



**Leilani Farha**  
*Global Director*  
*Former United Nations Special Rapporteur*  
*on the right to housing*

*and*



**Julieta Perucca**  
*Deputy Director*

cc: Hon. Minister Ahmed Hussen  
Hon. Minister Dominic Leblanc  
Hon. Deputy Minister Kelly Gillis  
Hon. Minister Steve Clarke