

Statement on current enforcement proceedings: *Compliance with Good Neighbour Bylaw*

In response to community dialogue and questions concerning the Good Neighbour Bylaw, specifically the current enforcement proceedings involving local resident, Mr. Paul Braun, the City of Penticton is providing the following information.

The Bylaw

The Good Neighbour Bylaw (No. 2012-5030) regulates street nuisances, noise, property maintenance and smoking. Section 5 (Restrictions on Panhandling), sub-section 5.2 states "No person shall panhandle in a manner to cause an obstruction". The governing "obstruction" is restricted to "within ten meters of an entrance to or within an enclosed or covered pedestrian walkway."

The ten meter restriction also applies to entrances to public washrooms, ATMs, churches, bus stops and other places intended to provide the public clear access without any obstruction. Ten meters is also an objective determination.

Enforcement

The issue surrounding the current enforcement is whether a private individual has an entitlement to a public space that is meant for pedestrian use. As the specific area in question relates to a pedestrian walkway off Main Street, it is the City's position that Mr. Braun, having frequently obstructed this walkway, contravenes the Good Neighbour Bylaw.

To uphold its bylaws and ensure consistency and fairness in bylaw education and enforcement, the City follows the principles of *progressive enforcement* whereby Bylaw Officers respond to concerns triggered by either a public complaint or an observed offence. The best course of action starts with a verbal reminder, then proceeds to either a written warning or Bylaw Notice ticket. In most cases, compliance under Section 5.2 is achieved through one of the above methods. If enforcement cannot be achieved through these methods, the only option available to obtain compliance is through an Order of a Provincial Court Judge.

Mr. Braun

In the circumstances pertaining specifically to Mr. Braun, since 2014, Bylaw Officers have encouraged him to find alternative locations to the walkway for the purpose of panhandling. As Mr. Braun has regularly refused to move (whereas other offenders have readily moved), officers have been forced to ticket him in order to treat him equally before the law. From July 18 through October 29, 2017 alone, Mr. Braun was ticketed eight times.

As Mr. Braun continued to ignore the Bylaw, in November 2017 the City opted to achieve compliance by moving from ticket enforcement to seeking an Order by an independent and impartial Judge. On January 25, 2018, a Provincial Court Judge set a trial date for Sept 11, 2018, pursuant to the City's request.

The False "War on the Homeless"

During these proceedings, Mr. Braun's lawyer has suggested that the City is leading a "war on the homeless". Nothing could be further from the truth. Mr. Braun is not homeless and has a residence. Additionally, Mr. Braun's lawyer has advised that his client obtains a "revenue stream" as a result of his bylaw breaches. Further, Mr. Braun continues to defy the Bylaw and has rejected what the media has quoted as a "sweetheart deal" from the City prosecutor that would require Mr. Braun to simply comply with the Bylaw (like all other residents/visitors in Penticton) and in exchange, the City would waive 90 per cent of the fines. Mr. Braun has rejected that offer and has forced the City to proceed to trial.

Helping the Homeless

There is no correlation between the circumstances surrounding Mr. Braun's failure to comply with the Good Neighbour Bylaw and the challenges surrounding homelessness in Penticton.

Homelessness, and in particular, affordable housing, is taken seriously by the City. A range of solutions and recommendations are currently being implemented, including – increasing the supply of rental housing, partnering with the City's various not-for-profit housing providers and working with BC Housing to support those in need. Specific examples of steps taken involve:

- Making amendments to the City's zoning Bylaw to support the development of more affordable housing types in Penticton, i.e.) secondary suites, carriage houses, suites in duplexes and cluster housing;
- Entering into a memorandum of understanding with BC Housing to develop non-market housing on City lands (Brunswick Street) creating 52 units of housing geared towards lower income working families and individuals;
- Supporting the zoning of lands for rental apartments. Examples include Calgary Avenue (25 units), Duncan Avenue (99 units), Kinney Avenue (119 units), Westminster Avenue (12 units), Van Horne Street (32 units);
- Issuing development permits for two BC Housing rent-controlled projects (Nanaimo Street - 52 units, Backstreet - 40 units);
- Supporting the work of 100 Homes Penticton, which has created 75+ units of supported housing in the past year and a half for persons experiencing homelessness;
- Supporting the zoning change for two motel conversions to provide supportive housing (Fairhaven and Compass Court); and
- Entering into a memorandum of understanding with BC Housing to participate in the province's Rapid Response to Homelessness program, which will see the development of 50+ units of modular transitional housing in operation in Penticton by the end of the year. These units are fully supported and will be staffed 24/7 with all of the supports required for persons at risk of or experiencing homelessness.