



STAFF REPORT

Title: No Loitering Bylaws

Meeting Date: June 21, 2022

Executive Summary:

With continued concern surrounding property crime, vandalism, break-ins and aggressive panhandling in certain areas, council may wish to open a discussion about other options available to municipalities, including no-loitering bylaws, or curfews, or a combination of the two.

Such measures may allow passive surveillance to be more effective since suspicious behaviors at certain designated times and at certain designated places would be actionable by enforcement officers, making it more difficult for those committing property crimes and vandalism to operate.

Administration has considered several points for the committee's discussion and consideration:

- Would the committee recommend that council consider a bylaw prohibiting loitering in laneways after a certain time for anyone who does not live at a residence bordering the laneway?
 - This measure may increase the effectiveness of passive surveillance by allowing residents to report suspicious behavior that would then be actionable by bylaw officers and the RCMP, while also limiting the extent to which residents' ability to travel and gather is restricted.
 - This would allow for regular activity by sidewalks and streets where passive surveillance and programs such as the Commercial Security Program are more likely to curb property crimes and other such behavior.
- Would the committee recommend that council consider a bylaw prohibiting loitering more generally? This could be limited to a certain area or areas, or during certain times, or both.
 - This measure would strengthen the ability for business owners and other residents to action complaints for suspicious or disruptive behavior.
- Would the committee recommend that council consider a no-loitering bylaw for the transit system?
 - This measure was reinstituted in Edmonton as a means of addressing crime. On June 8, 2022, Edmonton city council voted to make loitering in train stations and on buses a municipal offence by strengthening its passenger conduct rules.



Background:

Should no-loitering or curfew bylaws, or both, be seen by the committee as a viable tool to protect the business community and residents' property, they could also be seen as a municipal response to failed justice policy at the federal and provincial levels. Any potential municipal bylaws brought in to curb crime and increase public safety in these regards could contain measures to ensure they will be reviewed on a regular basis so that they will only remain in place as long as federal and provincial justice policy is seen by local residents to be ineffective at curbing crime.

It has been noted by the public during discussions surrounding the Commercial Security Program and public safety that there is a sense of hopelessness since there is a perception that the justice system is failing law-abiding citizens. There is a sense that, at the federal and provincial levels, criminal prosecutions rarely result in consequences that will act as a deterrent to criminals, especially when it comes to property crimes. Also, at both the federal and provincial levels, there is a sense that prosecutors' offices are understaffed and overworked and that many crimes simply are not taken as seriously as many members of the public would like, because of the sheer volume and the workload being experienced by an understaffed system.

The availability of court time has also been raised as a concern, especially in the wake of the Supreme Court of Canada's decision in *R v. Jordan*, which established tighter timelines by which trials need to take place before a delay is considered presumptively unreasonable.

There is also a debate on whether it is appropriate for municipalities to curb the rights of residents to travel or gather at different times on public property and the extent to which these bylaws should inhibit people's right to move and gather freely.

As there are several articles touching the on subject from various perspectives, we've included three (3) links that were of interest:

<https://globalnews.ca/news/8014785/edmonton-loitering-tickets-transit-ets/>

<https://edmonton.ctvnews.ca/drug-use-loitering-banned-on-edmonton-transit-under-bylaw-amendment-1.5939006>

<https://edmonton.citynews.ca/2021/09/23/prince-george-homeless-bylaw/>

Further to the above, it should be noted that the a new land-use permit is in the process for a new location of the Cold Lake John Howard Society for their homeless program in the community. The City's Municipal Planning Commission will be meeting in the near future to give consideration to the application.



On a final note, there is growing anxiety amongst businesses relating the City's proposed public washrooms in downtown. There is concern that the proposed location will amplify loitering and other social concerns the downtown area. Based on the current direction from Council, administration will continue to move this project ahead.

Alternatives:

- Based on its discussion here, the committee may direct administration to prepare a draft bylaw or the framework for a potential bylaw for further discussion.
- The committee may decline to consider no-loitering or curfew bylaws at this time.

Recommended Action:

This issue is presented for the committee's discussion and direction to Administration.

Budget Implications (Yes or No):

No

Submitted by:

Kevin Nagoya, Chief Administrative Officer