Homeless Dream of a Right to Sleep

Later this year, the British Columbia Supreme Court will decide whether city bylaws prohibiting camping violate the Canadian Charter of Rights and Freedoms ("the Charter").

Victoria's Park Regulation Bylaw governs and regulates the use of public parks, playgrounds, squares, greens, footpaths, beaches, and other public places controlled by the city. Section 14(1)(d) of the bylaw prohibits any person from, "[taking] up a temporary abode over night" in any such place. In 2005, a number of individuals launched a constitutional challenge against the provision after they were arrested for erecting tents in Cridge Park; their argument is that prohibiting homeless people from putting up shelter infringes section 7 of the Charter, which guarantees every person life, liberty, and security of the person.

The Attorney General of B.C. has prepared a motion asking the B.C. Supreme Court to strike down the Charter challenge on the basis that it has no merit. The motion will be heard this month. The trial itself is set for June 16, 2008 and is scheduled to last for five days.

Sources

- City of Victoria, Parks Regulation Bylaw (No. 07-059).
- Richard Watts, Protestors target ban on camping Times Colonist (29 January 2007).