



**SUBJECT: Panhandling on Streets in the City of Burlington**

**TO: Planning and Development Committee**

**FROM: City Manager's Office**

Report Number: CM-19-19

Wards Affected: All

File Numbers: 155-03-01

Date to Committee: September 10, 2019

Date to Council: September 23, 2019

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### **Recommendation:**

Direct the City Manager and the Director of City Building to:

- Continue to work with the Halton Poverty Roundtable (part of the United Way) as part of their broader communication to residents about poverty; and
- Update the city's website to provide information on how residents can assist those in need including donating money; and
- Prepare communication material for ward-specific newsletters with information for residents; and
- Continue to work with the Halton Regional Police to monitor panhandling on streets in the City.

### **Purpose:**

Consider options for addressing panhandling on public streets in the City.

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### **Background and Discussion:**

On June 17<sup>th</sup> Burlington City Council passed the following motion:

"Direct the Director of City Building to report back to the Planning and Development Committee meeting of September 10, 2019, with additional options, including communication methods, to assist the City of Burlington in addressing panhandling,"

The Halton Regional Police Service (HRPS) along with City of Burlington staff and Council had been alerted to a number of individuals asking for money in front of a few local businesses and on some arterial roadways. A number of these individuals have signage that depicts homelessness. Safety and increasing awareness of available support services have been identified as matters to focus options on.

## **Strategy/process**

### ***Outreach to Halton Regional Police***

As is the case of the twelve municipalities surveyed by staff, the city relies on police services to address panhandling; the surveyed municipalities can be found in Appendix A.

City staff have been working with the Halton Regional Police to understand how they have been managing panhandlers. Below is some information they provided to staff:

“The Halton Regional Police Community Mobilization Bureau has reached out to all known individuals asking for money in the streets. These individuals were offered services including emergency shelter and food banks information as well as the Integrated Support Network where Regional Outreach Workers attend locations and assist in applications for services. To date, very few of these contacted individuals have expressed an interest in obtaining offered services.

Officers have noted that not all of these individuals are homeless and that many of the panhandlers have admitted to not being connected with the City of Burlington. A large number of the panhandlers also admitted they commute to Burlington from other areas due to the generosity of the citizens of Burlington.”

The Halton experience in this regard is not isolated. According to a CityTV investigation in the City of Toronto, most panhandlers in the City of Toronto have not availed themselves of the social services provided by the City. The investigation noted that it costs the City of Toronto \$2 million to enforce the Safe Streets Act with only 3% of the fines being paid.

Inspectors from Halton Police have also provided staff with regular updates on sightings and interactions with panhandlers. On June 26, 2019, staff were informed that there had been only one panhandler seen on the streets. On August 8, 2019 we received another update from Halton Regional Police indicating that during the three weeks prior, they had not seen any panhandlers on the streets. Panhandling observed does not break provincial laws or municipal by-laws.

### ***Legal Considerations***

Currently in the Province of Ontario there are two pieces of provincial legislation that deal with panhandling for the purpose of public safety. The *Safe Streets Act*, 1999, S.O. 1999, c.8 (“Safe Streets Act”) received royal assent on December 14, 1999 and came into force on January 31, 2000. The Safe Streets Act was created in 1999 to curtail what was seen as a rise in aggressive behaviour by people asking for money on the street, including through squeegeeing.

In order to enforce the provisions of the Safe Streets Act, panhandlers at intersections must be performing one of two actions to be charged. The first is that they must be soliciting in an aggressive manner (section 2(2)) and the legislation outlines specific examples such as soliciting while intoxicated with alcohol or drugs or continuing to solicit a person in a persistent manner after the person has responded negatively to the solicitation. Standing at an intersection with a sign is not an example under the Safe Streets Act of soliciting in an aggressive manner.

The other action is characterized as solicitation of a captive audience (section 3(2)). This includes while on a roadway to solicit persons stopped in a vehicle. The important phrase here is “while on a roadway”. Roadway in this statute has the same definition as in the *Highway Traffic Act*. That means that a roadway is the travelled portion of the highway and does not include the shoulder, curb or median. The only time the panhandlers go onto the road is to collect funds, not solicit. If there are any issues to public safety HRPS will respond.

It is to be noted that the Safe Streets Act is currently being challenged by the Fair Change Community Legal Clinic in Toronto. The claim alleges that the Safe Streets Act infringes the Charter rights of Ontario’s poorest and most vulnerable residents. This legal clinic also alleges that the Safe Street Act has a discriminatory impact on indigenous people as well as on those suffering from mental illness and/or addictions.

At the same time that the Safe Streets Act was enacted, amendments were made to the *Highway Traffic Act*, R.S.O. 1990, c. H.8 to broaden the prohibition contained at section 177(2) which now provides as follows:

177(2) No person, while on the roadway, shall stop, attempt to stop or approach a motor vehicle for the purpose of offering, selling or providing any commodity or service to the driver or any other person in the motor vehicle.

The amended provision now makes it an offence for a person to approach a motor vehicle while on a roadway to sell a service such as squeegeeing a driver’s windshield.

### ***Safety of Panhandlers***

Through their discussions with the individuals that are panhandling on City streets, the Halton Regional Police have not identified safety of panhandlers and motorists as a concern. Aggressive panhandling in the medians or at off-ramps has not been noted.

### ***Halton Poverty Roundtable***

Through staff discussions with the Halton Regional Police, it suggested that we reach out to the Halton Poverty Roundtable (HPRT), an organization the Police have worked with in the past when dealing with panhandlers and those in need. The HPRT is now in partnership with the United Way of Halton and Hamilton. In the course of the summer of 2019, city staff had discussions with a representative from HPRT to see if there were any opportunities to work together.

During discussion staff became aware that the city already has a partnership with HPRT; Councillor Angelo Bentivegna and Deputy Fire Chief Karen Roche are the city's representatives to the organization.

The HPRT has already been doing a lot of work to educate residents about poverty in the Region through several tactics including writing a monthly column in Metroland Media outlets and their social media channels (they have increased their profile by connecting with over 170,000 individuals through social media).

With this type of reach and influence in traditional media and through social media, we recommend that the city continue to work with HPRT and be part of the broader communication they send out to residents.

The HPRT is planning on launching a communications campaign in Halton Region in the near future to educate residents about poverty issues in the Region. Over the coming weeks the HPRT will be meeting as a group to get input from its members to determine which areas of poverty to focus their campaign on. With two representatives from the City of Burlington on HPRT there is an opportunity to discuss panhandling as part of the campaign.

## **Options considered**

### ***Signs***

City staff considered placing signs at or near the locations on streets in the City where panhandlers have been seen; however, these locations pose challenges. Some of the locations include QEW off-ramps and Regional roads. These locations are owned and managed by the Ministry of Transportation (MTO) and the Region of Halton. City staff has connected with the MTO and the Region to inquire about placing signs on their lands. Comments were not yet received from MTO or the Region at the time this report was prepared.

Panhandlers have been seen on City streets on the median islands. City staff also considered if signs in these locations would be appropriate. There is a general concern with respect to these types of signs and the potential for sign proliferation resulting in the attention of drivers being taken away from standard traffic signs intended to provide warning and guidance to motorists.

City staff researched the use of signs. Various examples were found of the use of signs in the United States and in municipalities in British Columbia and Alberta. Experiences vary but the general conclusion is that signs do not deter panhandling or have minimum impact.

In jurisdictions that had signs a review of social media channels and comment sections in online newspaper articles found that the reaction to the signs was quite divisive.

### ***City-wide Mailing***

City staff also considered a city-wide mailing to all households. Staff recommend against this for the following reasons: as indicated, the Halton Regional Police and city staff believe that the sightings of panhandlers on city streets has declined significantly; there are associated costs to a city-wide mailing for which there is no budget; a city-wide mailing may result in negative reputational impacts.

### ***Education Program***

The recommended option is to develop an education program regarding panhandling through continued collaboration with the Halton Poverty Roundtable (coordinated by the United Way) as part of their broader communication to residents about poverty.

In addition, the city's website will be updated to provide information on how residents can assist those in need including donating money to supportive charities, communication material will be prepared for ward-specific newsletters with information for residents, and staff will continue to work with the Halton Regional Police to monitor panhandling on streets in the city.

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## **Financial Matters:**

Not applicable.

## **Total Financial Impact**

None.

## **Other Resource Impacts**

Not applicable.

**Public Engagement Matters:**

Not applicable.

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**Conclusion:**

City staff has worked with partner organizations, reviewed various options available and have determined that the recommendations noted above are the best course of action.

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Respectfully submitted,

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**Appendices:**

A. Panhandling Survey to Municipalities

**Report Approval:**

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.