

From: ["Mochrie, Paul" <Paul.Mochrie@vancouver.ca>](mailto:Paul.Mochrie@vancouver.ca)  
To: ["Swanson, Jean" <Jean.Swanson@vancouver.ca>](mailto:Jean.Swanson@vancouver.ca)  
Date: 7/20/2021 9:16:09 AM  
Subject: RE: bylaw 14 on today's agenda

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Good morning Jean,

The short answer to your question is no. The recommended amendment to the Ticket Offences Bylaw is not aimed at ticketing individuals who may be sleeping or erect a structure on a sidewalk. It is not aimed at ticketing the homeless for sleeping on the sidewalk. It is aimed at developers who fail to get street use permits or fail to abide by them. I have copied below a more detailed explanation from Legal Services.

By-law 14 will result in two new offences that can be prosecuted by ticketing - subsections 30(2) and 30(6) of the Street and Traffic By-law.

Subsection 30(2) will be called "Occupy a street without permit" and will be subject to a \$1,000 fine upon conviction in Provincial court.

Subsection 30(6) will be called "Fail to comply with conditions of permit" and will also be subject to a \$1,000 fine upon conviction in Provincial court.

Here is what those sections will say:

30 (2) "A person must not occupy any street, portion of a street, or air space above a street for any of the purposes set out in subsection 30(1) unless permission has been granted by the City Engineer, except that this prohibition does not apply to any occupancies by the City or to any occupancies that result in only momentary interruptions in public use of up to three minutes." (my underlining)

For completeness, here is section 30(1), which relates to 30(2):

"TEMPORARY OCCUPANCY OF A STREET

30. (1) A person who wishes to have parking regulations temporarily suspended, or to reserve for temporary occupation any street, portion of a street, or air space above a street for any of the following purposes must apply to the City Engineer for permission to do so:

- (a) in connection with, or incidental to, the construction, renovation, or maintenance of any building adjacent to the street;
- (b) in connection with, or incidental to, the delivery of any equipment, fixtures, furniture or other items requiring the stopping of a vehicle at a specific location;
- (c) in connection with, or incidental to, the drilling or excavation of test holes;
- (d) in connection with, or incidental to, the construction, installation or maintenance of infrastructure; and
- (e) for any other purpose which, in the opinion of the City Engineer, is similar to the foregoing."

Section 30(6) reads as follows:

"(6) The holder of a permit issued under this section must comply with all conditions of the permit, including the terms and conditions of a traffic management plan or a traffic control plan if one is required under the permit."

I hope the foregoing information is helpful.

Paul

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**From:** Swanson, Jean <Jean.Swanson@vancouver.ca>  
**Sent:** Tuesday, July 20, 2021 8:50 AM  
**To:** Mochrie, Paul <Paul.Mochrie@vancouver.ca>  
**Subject:** bylaw 14 on today's agenda

Wondering if it means that people who are homeless can be fined \$1000 for putting a tent on the sidewalk. Thanks.

City Councilor Jean Swanson

phone 604-873-7243 email [CLRswanson@vancouver.ca](mailto:CLRswanson@vancouver.ca)  
address 453 W 12 Ave Vancouver, BC V5Y 1V4  
twitter @jeanswanson\_ facebook [www.facebook.com/swanson4council/](https://www.facebook.com/swanson4council/)

I am thankful that I live and work on the territories of the x̱m̱əθḵəy̱əm ([Musqueam](#)), Skwx̱w̱ú7mesh ([Squamish](#)), and sə́ḻwətaʔṯ / sə́ḻwítulẖ ([Sleil-Waututh](#)) nations.

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