

Victoria, B.C.
September 1, 2020

To Directors of the Capital Regional Housing and Hospital Committee and BC Housing,

The neighbourhood associations of North Park, Burnside Gorge, Hillside Quadra and Fernwood are requesting that the Oak Bay Lodge be immediately dedicated for the provision of temporary accommodation and on-site support to individuals from the Capital Region who are experiencing homelessness and living in encampments in the region's urban core.

This recently vacant 235-unit facility owned by the Capital Region Hospital District, carries with it a covenant on the land that it be used for the public good. At this time, there is no greater urgency or benefit to the public good than to provide housing to the region's most vulnerable and, in turn, protecting the public health of all in the region from a second wave of COVID-19.

In March 2020, in response to the global pandemic and the closure of overnight shelter and other supports facilities, Victoria City Council relaxed enforcement of the bylaw that prohibits camping in parks between 7am-7pm. BC Housing has purchased a number of motels and other buildings for temporary, and in many cases, permanent shelter housing in the Victoria neighbourhoods of Downtown/Harris Green, Burnside Gorge, and North Park which has provided a significant number of people with safe shelter. But, despite these acquisitions, and the Provincial order for the provision of indoor accommodations for all unhoused individuals, there remain approximately 300 unhoused individuals sheltering outdoors in City of Victoria parks in more than 225 structures.

In 2015, the Capital Region Housing and Hospital Committee demonstrated great leadership and collaboration when all 13 municipalities unanimously supported the creation of the Regional Housing First Program (RHFP), and the commitment to building 400 supportive housing units, to be operated as health facilities for the chronically homeless. With \$30M in borrowing, this Committee was able to bring matching funds to the table from each of the Province through BC Housing and the Federal government via CMHC and its Affordable Housing Innovation Fund. In June 2020, this fund was increased from \$90M to \$120M by equal partner contributions and reaffirmed the Program's target of 400 units to be rented at the provincial income assistance shelter rate (\$375/month).

By "eliminating chronic homelessness and generating new rental housing options in southern Vancouver Island and surrounding Gulf Islands", the RHFP will be the greatest legacy of BC Housing and the Capital Region's Housing and Hospital Committee. The program's aim "to move at-risk individuals into long-term, tenant-based, supported housing to enable recovery and integration into society", is achievable now with the use of the Oak Bay Lodge. The integrated and supportive housing to be delivered through the RHFP is coming, but not soon enough; in the interim, we need to use the Oak Bay Lodge.

The encampments are becoming entrenched, are encroaching on schools and playgrounds, and are a public health risk. There is inadequate sanitation, hydration and food service facilities, and no coordination of mental health and addiction services, outreach and counselling. Our most vulnerable residents are in need of more support and we are currently failing them.

Closing down these encampments is vital to the health and economy of the Capital Region. Renewing the enforcement of the 7am-7pm no camping bylaw is not a viable solution as there is inadequate storage available for belongings, and with reduced capacity and/or closure of drop-in centres, shelters,

community centres, and regional facilities, there is realistically nowhere, other than the streets or the parks, for unhoused individuals to go during the day

There is no vacant facility in the region that is more suitable for supportive housing than the Oak Bay Lodge. The complex consists of two buildings connected by a centralized support area. Lounges and dining space are located centrally and on each care floor. Large gardens, both secured and unsecured, allow for outside activities. On-site services, when operated as long term care, included food preparation and service, housekeeping and laundry, hairdressing and barber, foot care, dental hygiene and dentist services.

The location of Oak Bay Lodge, near several bus routes, a recreation facility, hospital and medical resources, within walking distance of a grocery store and an urban village, with access to green space provides the building blocks of a successful Housing First strategy.

Staff are reporting that the Oak Bay Lodge is not available as temporary indoor shelter due to a covenant on the land from the 1970s which limits its use to retirement homes. Staff also report that the Province can not use paramource on a civil matter thus Oak Bay Council would need to remove the covenant via a bylaw amendment. Oak Bay has made it clear to BC Housing and CRHD staff that a very protracted engagement process would be required to gain public approval for the removal of this covenant and that the outcome from such an arduous engagement is uncertain.

Like Oak Bay Lodge, Beacon Hill Park and Central Park are affected by a Section 215 land covenant stating these parks are to only be used for the recreation and enjoyment of the public. The neighbourhood of Burnside Gorge also has a Memorandum of Understanding (2018) with BC Housing promising a moratorium on the placement of any more shelters in the Burnside Gorge neighbourhood. Despite these park covenants and the neighbourhood MOU, the majority of sheltering in parks has become concentrated in Beacon Hill Park, Central Park, and Cecilia Ravine (Burnside Gorge) as have all the of the newly purchased motels and other facilities which are providing temporary and permanent indoor sheltering. In fact, Burnside Gorge currently has over 800 people in supportive housing and more than 30 tents in Cecelia Ravine park; in other words, 15% of the population of Burnside Gorge are individuals experiencing homelessness and the region's hardest to house.

Now is not the time to adhere to, or hide behind, lengthy engagement processes to remove a 1970s covenant on Oak Bay Lodge. Such a process will only invite reflexive opposition and greater stigmatization, as well as polarize the region. Moreover, action is needed now as we are in a public health emergency and the unhoused need temporary indoor shelter.

We would also argue that the covenant need not be removed as the Province of BC now uses the more contemporary nomenclature of 'assisted living' when referring to 'retirement homes'. Included below are the general and specific eligibility criteria for 'assisted living' in BC. While these facilities may still be more commonly known as retirement homes, the age requirement for assisted living is that one need be 19 years or older. As is now recognized by the formal terminology of 'assisted living', there are many reasons other than age that may determine whether an individual needs more supports and it is the existence of those needs which form the basis of eligibility rather than age. The specific eligibility criteria for assisted living, listed as a **one page appendix** to this letter are relevant and applicable to the majority of the adults currently living in the region's encampments.

Should a legal opinion determine that removal of the covenant is required, let's be clear, should the owner (CRHD) and the municipality (Oak Bay) agree to the removal of the covenant, there is no protracted process or public hearing necessary. Should the District of Oak Bay introduce this hurdle, it is as a deterrent, not a regulatory requirement. The CRHD could apply to the BC Courts to remove this restrictive covenant, but as noted by BC Housing's Mr McNaughton, this will also delay more urgent needs to provide supportive housing.

The Oak Bay Lodge may not provide housing to every single person currently experiencing homelessness in the Capital Region; however, it is capable of providing housing to the vast majority who remain unhoused, and in advance of inclement weather and a potential second wave of COVID-19 cases anticipated this fall. We implore you to dedicate the Oak Bay Lodge to immediately house the region's most vulnerable people.

The region needs to come together to support individuals who are experiencing homelessness and to provide them housing first along with appropriate support services to ensure their health and wellbeing and the health and wellbeing and right to enjoyment and safety of all residents in the region. Oak Bay Lodge is needed and ready to serve this purpose. The goals of the RFHP, shared unanimously by all members of this Committee and in partnership with BC Housing are achievable today with the use of Oak Bay Lodge.

Regards,



Allison Ashcroft
Board member, North Park Neighbourhood Association (NPNA)
Sending on behalf of the Boards of the NPNA, Fernwood Community Association, Hillside Quadra Neighbourhood Advisory Group, and Burnside Gorge Community Association
cc: Victoria Mayor and Council



FERNWOOD COMMUNITY ASSOCIATION

**north
park**
EDGY TO THE CORE

Quadra
Village
Community
Centre




Burnside Gorge
a unique and innovative community centre

Appendix - Eligibility Criteria for Assisted Living (commonly, but inaccurately referred to as retirement homes)

source: <https://www2.gov.bc.ca/gov/content/health/accessing-health-care/home-community-care/are-you-eligible>

General Eligibility Criteria

A. To be eligible for subsidized home and community care services, you must:

- be a Canadian citizen (or have permanent resident status or have been issued a temporary resident permit by the federal minister for immigration);
- be a resident of British Columbia for at least three months; and
- be 19 years of age or older.

Please note: there are some exceptions to the three-month residency requirement and age requirement. Speak to your local home and community care office for information about the exceptions to these requirements.

B. To be eligible for services, you must also be unable to function independently because of chronic, health-related problems or have health care conditions that require care due to one or more of the following:

- You have recently been discharged from an acute care hospital.
- You require care to prevent or reduce the need for hospital or emergency department services or admission to a long-term care home.
- You have a life-limiting illness.

Needs Assessment Criteria

C. In addition to meeting the criteria described above, each service has its own needs assessment criteria that you must meet.

Assisted Living

source: <https://www2.gov.bc.ca/gov/content/health/accessing-health-care/home-community-care/care-options-and-cost/assisted-living>

Adults who can live independently, but require both regular personal care services and hospitality services due to physical and functional health challenges may choose to live in an assisted living residence. These may be also commonly known as retirement homes. There are both private pay and publicly subsidized assisted living residences in B.C.

To be eligible for assisted living services, you must:

- require both hospitality services and personal care services;
- be able to make decisions on your own behalf that will allow you to function safely in an assisted living residence, or have a spouse who is going to live with you and is willing and able to make decisions on your behalf;
- be at significant risk in remaining in your current living environment; and
- have agreed to pay the assessed client rate and any additional optional charges for services, programs or supplies that are not included as a benefit but are offered by the service provider.