

PUBLIC SPACE IN VANCOUVER'S DOWNTOWN

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ABSTRACT

This study examines whether evidence exists of people and processes changing the regulation of public space in Vancouver's downtown between 2003 and 2009, with particular attention paid to the Downtown Eastside. What role, if any, can be attributed to Olympics' preparations? My central argument focuses on how legislation restricting panhandling, loitering and sleeping/camping impacts the most vulnerable citizens, which, in Vancouver, may relocate people from the downtown core into the Downtown Eastside. I compare Vancouver's by-laws with other Canadian cities to understand Vancouver in a Canadian context. Finally, I examine policy decisions of three regulators of public space: the City of Vancouver, Business Improvement Associations and the Vancouver Police Department. I conclude that, while the regulation of public space has changed, the Olympics simply play the role of catalyst rather than instigator. Individual political priorities are much more pertinent to the regulation of public space than are the Games themselves.

Keywords: public space; civil liberties; mega-event; Olympics; regulation; by-law; legislation; Safe Streets Act; homelessness; enforcement

For my parents

Thank you for teaching me compassion.

*The path I'm beginning is made possible because of the steps you've
already taken.*

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SECTION 1: INTRODUCTION

This project examines the regulation of public space in Vancouver's downtown between 2003 and 2009. 'Regulation' refers to legislation (provincial and municipal), policy (public and private) and enforcement. One purpose of this paper is to understand what role, if any, planning and preparations for the Vancouver-Whistler 2010 Winter Olympics have had on legislation and enforcement. Previous Olympic host cities experienced an increase in the regulation of public space and targeting of poorer populations (Lenskyj, 2006). As the Olympics approach, there has been a flood of media coverage concentrating on police presence in the Downtown Eastside. How do these accounts stand up to the scrutiny of further research? I will thus examine whether public use of public space has changed since Vancouver won the Olympic bid, with a focus on the downtown core, and in particular the Downtown Eastside (DTES).

I begin by contextualizing mega-events in Vancouver (Expo '86 and the 2010 Winter Olympics), and by providing insight into previous Olympic host city trends and how *their* public spaces changed prior to the event. I argue that Vancouver's desire to be competitive on the world stage has had, and continues to have, major effects on how public space can and should be used. My central argument is that legislation restricting panhandling, loitering and sleeping/camping impacts the most vulnerable citizens and, in Vancouver, this has the potential to relocate people from the downtown core into Downtown

Eastside (DTES). Section 2 outlines the theoretical basis for the study, drawing on theories and assumptions of other scholars related to public space and the laws governing its use. Section 3 establishes the framework for analyzing changes in the regulation of public space, which informs the remainder of the project. Section 4 compares Vancouver's by-laws to those of other Canadian cities in an attempt to understand Vancouver in a broader context and whether new legislation that influences Vancouver is present in these Canadian cities. Section 5 examines important policy decisions and the enforcement of by-laws and provincial legislation, describing the roles of the various actors who regulate public space in the downtown. Section 6 discusses the research as a whole and provides an assessment of important policy changes and municipal decisions that have further regulated public space in Vancouver's DTES. Finally, Section 7 draws conclusions and lessons learned from the research.

Vancouver and Mega-Events

According to the world cities thesis, the 1980s and 1990s saw growth in the global economy that is "driving cities to find an economic niche," thus enabling cities to compete on the international stage (Burbank, Andranovich, & Heying, 2002, p. 181). Burbank, et al. (2002, p. 182) note, that "although only a handful of cities can compete to be truly world cities, the global nature of economic activity affects all cities seeking local economic growth". Cities now rely on international investment and tourism to support the local economy. One method for competing on the world stage is hosting mega-events (Andranovich,

Burbank, & Heying, 2001; Lenskyj, 2000; Hiller, 2000). Mega- or hallmark events can be defined as,

Major one-time or recurring events of limited duration, developed primarily to enhance the awareness, appeal and profitability of a tourism destination in the short and/or long term. Such events rely for their success on uniqueness, status, or timely significance to create interest and attract attention (Ritchie as cited in Hall, 1989, p. 263).

In addition to place promotion, mega-events encourage improvements to local physical infrastructure, often transportation systems and waterfront development (Black & Van Der Westhuizen, 2004; Surborg, Wyly, & VanWynsberghe, 2008).

Vancouver has a history of using mega-events as a vehicle for urban development. It also has a history of social problems that accompany these events. Expo '86 propelled the development of needed physical infrastructure, such as the Skytrain, the city's first rapid transit line, and a waterfront park. It also created cultural and tourist facilities: Canada Place, a convention centre, hotel and cruise-ship facility; BC Place, a sports stadium; a unique geodesic dome converted into a Science World; and the Plaza of Nations complex. It also initiated developmental changes, converting unused industrial land into high-end loft style living in the new Yaletown neighbourhood, and condominiums with affordable housing units, known as CityGate. The remainder of the land cleared around False Creek was used for the exhibit itself, and awaits development in the next phase of downtown development (Punter, 2003).

This legacy of physical infrastructure is almost enough to brand Expo '86 a success in terms of infrastructural impacts. However, Vancouver's social

infrastructure, mainly low-cost housing, was severely repressed in the interest of economic gain. Landlords in the Downtown Eastside, Vancouver's poorest neighbourhood, saw the potential the influx of tourists would have on their property. Many single-room occupancy hotels (SRO) were renovated, with landlords forcing out their low-income tenants. Months of protest from local residents won the support of the City. However, the city had little support from the province, which indicated clearing the 'slum' would be one of Expo's greatest achievements (Punter, 2003, p. 192). Over one thousand tenants were evicted in total, the majority from SROs.

Desire to bid for the Olympics in Vancouver can be traced as far back as the 1960s. The idea re-emerged once Expo '86 had successfully drawn international investment and appreciation for Vancouver and the growing resort town of Whistler. Therefore, after all necessary planning was in place, the official launch of the Olympic bid came with the establishment of the Bid Society in 1998, which became the Vancouver-Whistler 2010 Bid Corporation the following year (Shaw, 2008).

In 2002, Larry Campbell was elected Vancouver's mayor (Shaw, 2008). After his win, Campbell called a referendum to let residents decide whether to continue with the Olympic bid. Shortly after the referendum was announced, the vote became a nonbinding plebiscite¹, as the city did not have the legal authority to hold a referendum, risking a lawsuit by calling it such (Greene, 2009; Lenskyj,

¹ A referendum is a legally binding vote of the electorate, while a plebiscite is a non-binding vote of the electorate. Because the decision to host the Olympics is a contract between the federal and provincial governments and the International Olympic Committee, holding a municipal referendum after an agreement is struck is considered a break in the contract.

2008). Despite this, the city went ahead with the vote, hoping that strong public opinion, either for or against, would influence VANOC's bid process (Greene, 2009). In addition, supporters of the Olympics spent more than \$700,000, a significantly higher cost compared to No Games 2010's \$5,000 budget, arguably creating an unbalanced campaign (Lenskyj, 2008, p. 65). The vote was held in February of 2003 and garnered a 46 % turnout, the Yes side winning 64% of the vote (City of Vancouver, 2003).

As the 2008 Beijing Olympics slogan "One World One Dream" implies, the Olympic Games claim to encourage unity and opportunity (Beijing Organizing Committee, 2008). The Olympics hold long-term economic promises for host cities, usually appealing to the business community and various levels of government, known as the urban "growth machine" (Molotch, 1976). They also provide a sense of civic and national pride for local residents. However, contemporary Olympics, it seems, have become a contentious topic, from a city's decision to bid up to, and beyond, hosting the actual event. On the one hand, the Olympics provide a boom in real estate and construction, with the potential to attract foreign investment and tourism. On the other, building an attractive international image often includes revitalizing visually dilapidated neighbourhoods, which may isolate poorer urban residents who lose housing options as their neighbourhoods gentrify. The Olympics become particularly controversial when accusations of suppressed civil liberties surface.

The Downtown Eastside and Mega-Events

Trends in past Olympic host cities have divided loyalties of local residents as their city strives for world-class status, focusing on physical infrastructure and tourism (Burbank et al., 2002). As cities plan for population growth, residents also experience a number of social changes, including: forced relocation of the poor due to gentrification and/or beautification; decreases in affordable housing stock as these buildings are replaced by high-end condominium developments; privatization of public space (permanent and temporary); suppression of human rights (permanent and temporary); inflated real estate prices; and “the criminalization of poverty and homelessness through legislation increasing police powers over homeless and under-housed people in public spaces” (Lenskyj, 2006, p. 192).

In Vancouver, a number of these trends have been apparent for several years. Private housing developments are growing around the downtown core, including in Gastown, a heritage district and tourist draw, which borders the core of Downtown Eastside (DTES), Vancouver’s poorest neighbourhood and site of chronic homelessness and related challenges, not to mention drug addiction and mental health issues. Downtown renters dropped from 82.4% of the total residential population in 1996 to 57.7% in 2006, while the core’s population jumped from 17,405 to 43,415 during that same time (City of Vancouver, 2008).

Between 2005 and 2009 a total of 860 condominiums units were built in the DTES² alone (Gillman, 2009, p. 2).

A symbolic change to the neighbourhood came with the closing of Woodward's department store, the economic hub of Vancouver's downtown in the early 20th century, located in the centre of the DTES (Blomley, 2004; Eby & Misura, 2006). After years of squatting and protest, on the part of DTES residents, and exchanges of ownership, between the City, the province and private developers, the City became the ultimate owner of the Woodward's building. Low-income housing on the site was downgraded from the original City target of 800 to 125 units by the time the plans were drawn and implemented (Eby & Misura, 2006, p. 13).

While the downtown's demographics are changing, the DTES remains a place of poverty and social exclusion. Like Expo, the Olympics present Vancouver with an opportunity to expand its physical infrastructure, for example, a new Skytrain line and civic centre. The city has also promised preserving its social infrastructure or 'social sustainability'. In fact, included in Vancouver's bid book was an "Inner City Inclusivity Statement", making promises of social sustainability, such as ensuring inner-city residents access to public space before, during and after the Olympics, and avoiding displacement and homelessness as a result of the Games (Eby, 2007). Despite this, for many Vancouver residents, the excitement of physical contributions is overshadowed

² The DTES used in city statistics refers to the larger City of Vancouver boundaries. As will be discussed, the DTES has a variety of definitions, depending on which source is consulted. See Appendix A for the city's boundary.

by the fear of another legacy, lack of affordable housing. Recent news stories indicate that civil liberties are also beginning to be eroded for the sake of a 'cleaner' city and in preparation for the Olympics (Chan, 2009; Matas & Peritz, 2008). There is a fear among residents and local activists that the neighbourhood will suffer street 'sweeps'³ in the months leading up to the Olympics (Mertl, 2009).

Public Space, Civil Liberties and Olympic Legacies

Olympic legacies often include state of the art sports facilities, transportation upgrades, improved park spaces, and city beautification (Black & Van Der Westhuizen, 2004). However, other legacies may be as indicative of the success of the Olympics as the event's physical remnants. In many cities, the social infrastructure left behind has been increased regulation of public space prior to and after the Olympics. The experiences of other Olympics host cities partially inform this project.

Both Atlanta and Sydney, two previous Summer Olympics host cities, experienced changes in the regulation of public space prior to their hosting duties. The year following its bid win in 1990, the City of Atlanta passed a series of city ordinances⁴, called the Quality of Life Ordinances. These included measures against 'aggressive' panhandling, including panhandling within 10 feet of an automatic teller machine, or line in front of public transportation; loitering; 'camping' in public; and 'remaining' in a parking lot without having a car (Beaty, 1998; Lenskyj, 2000; COHRE, 2007). 'Camping' included "sleeping, lying down,

³ Street "sweeps" occur when police increase enforcement of by-laws and other legislation in order to remove homeless people from particular public spaces (NLCHP, 1996, p. ii).

⁴ "City ordinance" is the term used in the United States for city "by-law".

residing, or storing personal property in any park or on any public sidewalk, and using any public space for living accommodations or camping unless one is specifically authorized to do so” (NLCHP, 1996, p. 34). The year prior to the 1996 Games, enforcement of these new ordinances increased (COHRE, 2007). In 1995 and 1996, 9,000 homeless people were issued arrest citations (COHRE, 2007, p. 11). However, an injunction on the eve of the Games ordered the City to ‘cease and desist’ arresting homeless people without probable cause (COHRE, 2007, p. 113).

While Atlanta’s ordinances were not specifically related to the Olympic Games, new state legislation was enacted for the 2000 Sydney Olympics, including, the Crimes Legislation (later named Police and Public Safety) Act, 1998; the Homebush Bay Operations Act and Regulation, 1999; and the Sydney Harbour Foreshore Authority Act, 1999 (COHRE, 2007). Patricia McEniery (2000, p. 2) of the Public Interest Advocacy Centre (PIAC) notes,

The Police and Public Safety Act provides that a police officer may give reasonable directions to a person in a public place if that person’s behaviour or presence obstructs other people, constitutes harassment or intimidation of other people or is causing or likely to cause fear to another person.

It was also known as the ‘move on’ power. Implications of the Act, McEniery (2000) argued, were targets of people asked to move along, such as young people, street workers, the homeless and Aboriginal people. The latter three acts allowed police to remove people from specific public spaces if they were viewed as “causing annoyance or inconvenience or for indecent language” (COHRE, 2007, p. 130). In addition, under the Sydney Harbour Foreshore Authority Act,

people were prohibited from acts, such as “attempting to collect money, using facilities for sleeping overnight or using a skateboard, or roller skates” in Sydney Harbour (COHRE, 2007, p. 130). Of concern to activists in Sydney was the lack of expiration date for the latter two pieces of legislation (McEniery, 2000).

Unlike with Sydney where public space legislation was Olympics-specific, it is impossible to determine whether city ordinances and enforcement prior to the 1996 Atlanta Games were in preparation for the Olympics or part of a broader city agenda. However, the residents of both cities did experience stricter regulation of public space in the years leading up to the Games. Both host cities thus demonstrate the long-term policies and procedures for which pre-Olympics legislation may set precedents. As noted above, Sydney’s legislation regulating the public use of public space remained in place after the 2002 Summer Olympics. Atlanta has continued to engage in policies and enforcement targeting homeless people (NLCHP, 1996). Vancouver has also experienced changes in the legislation of public space by provincial legislators since winning its Olympic bid. However, like Atlanta, it is difficult to gauge whether this is *because* of the Olympics or simply part of a broader trend.

Research Objective

Given the trends in past Olympic host cities concerning the regulation of public space, Vancouver risks having similar outcomes. This research, therefore, examines the changes in the regulation of public space in Vancouver between 2003 and 2009. As I write in the summer of 2009, I continue to take note of potential changes that may be relevant to the issues being studied.

While I am interested in the overall geographical implications of regulating public space, my focus is on the Downtown Eastside. As the city prepares itself to be seen by television spectators and tourists worldwide, Vancouver risks losing its “Most Livable City”⁵ status if the media decide to focus on the DTES. They have, in fact, already started to zero in on the neighbourhood. In 2007, former CBS anchorman, Dan Rather, visited the DTES, to shoot a documentary, “A Safe Place to Shoot Up” for his cable television program. He termed Vancouver ‘a city of contrast’ noting, that it has “a landscape studded with snow-capped mountains, multimillion-dollar condos, cradling a downtown that's home to one of the worst urban blights in North America” (Bohn, 2008).

Constantly searching for foreign investment and tourism, and with plenty at stake with the Olympics, various levels of government may feel pressure to portray a cleaner image of the city than is perhaps deserved. The DTES is the most vulnerable to being ‘cleaned’ but it also risks being the place of refuge for people swept out of other neighbourhoods, such as the Central Business District or Gastown, further stigmatizing the impoverished former economic centre. It is for this reason that I am examining downtown Vancouver as a whole with a particular interest in the DTES.

⁵ The City of Vancouver has been dubbed the world’s most “livable city” in 2008 and 2009 by the Economic Intelligence Unit. Ranking are based upon criteria such as, health care, stability, culture and environment, education and infrastructure (Sinoski, 2009).

SECTION 2: THEORETICAL PERSPECTIVE

Significant research has been performed on the changes to public space in the era of consumer culture and privatization (Jacobs, 1961; Cuthbert, 1995; Boyer, 1992; MacLeod & Ward, 2002). There is also considerable research on the impacts of mega-events on housing lower-income residents and the homeless as well as their contributions to gentrification (Lenskyj, 2000; Burbank et al., 2002; COHRE, 2007; C. A. Shaw, 2008). Olympics-based research focuses on security and the loss of public space during the staging of Olympic Games, such as closures of public areas and increased security (Lenskyj, 2000, 2002, 2008; COHRE, 2007). Vancouver Olympics research within Vancouver generally focuses on housing issues and fears, often drawing comparisons with Expo '86 (Olds, 1988; Eby & Misura, 2006). There is little research, however, tracking the change in the regulation of public space prior to mega-events. Nor are there significant research analyzing Olympic host city trends to non-host cities. It is my intention for this study to provide insight into the policy and legislative decisions leading up mega-events and the effects these events may have on local use of public spaces, as well as whether the regulation of public space in host cities is different from other cities.

This section will outline the theoretical basis for this study. I begin by discussing the importance of public space and explaining the qualities that make up public space and why these are valuable to urban life, in particular. I then

discuss the impact privatization of public space has had on civic life. The former two sections lead into the crux of my argument, which outlines how treating public space as private property reduces the value of those urban residents without private property retreats, namely homeless people, reducing citizenship to those with property.

Importance of Public Space

The public sphere encompasses a variety of meanings in modern political thought, and is often connected to public space, the public realm and the public domain. The public sphere refers to a publicly accessible area where social and political interaction may occur. German philosopher Jurgen Habermas argued the importance of the public sphere was to preserve the democratic values of civil society, as it allows citizens to freely discuss and debate their political views (Ruppert, 2006). Fraser notes that the public sphere is an “unbounded, expansive space of social interaction where the exchange of ideas flow freely,” meaning it is not marked by geographic boundaries alone (Fraser, as cited in Low, 2006, p. 43). The *public sphere* is thus a place where a variety of social interaction types may occur.

Low and Smith condense the vastness of the public sphere into the urban domain, noting that the public sphere, is “the range of social *locations* offered by the street, the park, the media, the Internet, the shopping mall, the UN, national governments, and local neighbourhoods” (Low and Smith, 2005, p. 3, emphasis added). While their definition touches the locational importance of the public sphere, it does not specifically distinguish between ‘space’ and ‘sphere’.

Influential political theorist, Hannah Arendt, begins to differentiate between the two, arguing public space is spatially oriented, whereas the public sphere includes, but is not isolated to, geography (Ruppert, 2006). Public space is thus the spatial manifestation of the public sphere, where political discourse and action can take place and where face-to-face interaction is possible. It is, therefore, a part of but not encompassing of the public sphere, which also includes the media and the Internet (Cybriwsky, 1999; Ruppert, 2006). These physical settings include: sidewalks, streets, civic square and plazas, lobbies of government buildings, libraries, and parks (Cybriwsky, 1999). They can be places of political protest, organizing, socializing or leisure.

In the urban setting, where private space is limited, public space, whether used for political or social purposes provides a venue for self-expression, and thus encourages, enables and enhances democracy (Ruppert, 2006). However, implicit in such space, is the ability for every urban resident to access it. Thus the law considers *access* to be the most appropriate measure of public space, in theory, rendering inclusiveness a trait of public space (Akkar, 2005). Access, as we will see, can be a deceptive measure of public space, as laws, although encompassing, prioritize certain people's access to public space over others. *Lack* of access to public space reduces citizenship, thereby, hindering democracy, in the same way as does lack of access to the political process. Contemporary research considers the privatization of public space as a major contributor to a diminished access to public space (Davis, 1992; MacLeod & Ward, 2002; Mitchell, 2003; Ruppert, 2006).

Privatization of Public Space

In *The Death and Life of Great American Cities*, Jane Jacobs writes,

There must be a clear demarcation between what is public space and what is private space. Public and private spaces cannot ooze into each other as they do typically in suburban settings or in projects. (1961, 35)

When lines are blurred between public and private spaces it is difficult to know what behaviour is acceptable and what is not. Unlike in Fraser's definition, the geography of public space becomes an important distinction to make.

Unfortunately, these lines are increasingly 'oozing' into one another, which can be attributed, in part, to the privatization of downtowns, beginning in the 1970s (Hall 2002). MacLeod and Ward (2002, p. 155) describe this change in cities, noting, "rampant deindustrialization allied to a steady drift of high-income taxpayers to suburban 'bourgeois utopias'; placed enormous fiscal stress at the front door of many city halls". Cities lost the revenue needed to sustain urban cores, which suffered and decayed. The goal for governments was to move residents and consumers back into the city, hoping to regenerate the economy by focusing on urban cores. Deindustrialization left a void in the labour force that suburban middle-income residents could fill (MacLeod & Ward, 2002).

The theory, as Hall (2002, p. 394) notes, was that "bored suburbanites would come in droves to a restored city that offered them a quality of life they could never find in the shopping mall". Part and parcel with new city strategies is presenting downtowns as attractive places for potential residents and visitors. Thus the new trend in urban planning, Hall remarks, harkens to the 'city-as-

stage', "like theatre it resembles real life, but it is not urban life as it ever actually was" (2002, p. 386). Notable public space theorist, Sharon Zukin, adds to this point, stating that downtowns have become "consumption oriented landscapes" rather than places of production (Burbank, et al., 2001, p. 36). With city cores as the centres of commodity, the downtown image, in particular, as a 'clean and safe' environment has become more important (Mitchell & Staeheli, 2006).

While 'neoliberal urbanism' (N. Smith, 2002, p. 427) or 'urban entrepreneurialism' (Peck & Tickell, 2002, p. 393) appears to have reinvigorated downtowns, it has led to uneven social and geographical development both between and within cities (Brenner & Theodore, 2002). The result has been, "spatial centralization of capital in some places at the expense of others" (N. Smith, 1996, p. 79). Evidence for this in Vancouver is the difference between Gastown and certain parts of the DTES. A City of Vancouver policy in the 1970s, demarcating Gastown as a heritage district, left the DTES with few aesthetic assets to promote itself (H. A. Smith, 2003). Gastown is an important tourist hub, while the DTES has become the centre for social services and various types of 'street disorder'⁶ (Barnes & Hutton, 2009, p. 1248).

Another aspect of the privatization of public space is the increasing role of real estate in creating places of consumption and leisure (Sassen, 1991; N. Smith, 2002). Private developers are investing in downtowns with the intention of

⁶ Street disorder' is defined by the VPD as "any behaviour or activity that, while not necessarily criminal in nature, nevertheless contributes to a deterioration in the quality of life in a neighbourhood or district, including citizens' perception of personal safety." It includes but is not restricted to: aggressive panhandling, squeegeeing, graffiti, fighting, disorder associated with the open-air drug markets, unlicensed street vending, sleeping/camping in parks and other public space (Demers & Griffiths, 2007, p. 875).

profiting from increases in downtown property values creating a co-dependent relationship between public and private bodies. Mitchell and Staeheli (2006, p. 150) note, “improvements in public space have relational benefit to the value of surrounding private property.” City governments often use gentrification as a technique to bring capital into the city. Similarly, private developers rely on city policies and amenities to attract new investment and, in turn, raise their property value (Mitchell & Staeheli, 2006). The impact this has on public space is tremendous, as private interests, such as property developers and businesses play a role in defining and setting boundaries around public space.

The Business Improvement Association (BIA) is another private body in the mix of public space players. BIAs, created in the 1960s in Toronto, and instituted in Vancouver in 1989, are comprised of local businesses with self-imposed levies set for the purposes of aesthetically improving the neighbourhood, making it a welcoming place for consumers (Steel & Symes, 2005). BIAs may be generally located in areas with a high likelihood of consumers. Like the heritage policy of Gastown, BIA boundaries may separate neighbourhoods (H. A. Smith, 2003), potentially resulting in the differentiation and exclusion of neighbourhoods, or the containment of the poor into one neighbourhood.

Finally, the privatization of public space has led to a ‘presumptive right of exclusion’ on the part of the property owner (Staeheli & Mitchell, 2004, p. 151). Notable geographer, Don Mitchell (2001, p. 305) argues that in the image-oriented city, politicians have turned to a ‘legal remedy’ to clean the streets of

inappropriate behaviour, resulting in 'the annihilation of space by law'. Laws regulating acceptable uses of public space treat public property in the same way as private property. In fact, public space may be more tightly regulated than private space. Consequently, those who rely on public space the most, homeless people, are often banned from performing simple acts of daily living, excluding them from one of the few places in which they are autonomous (Staeheli & Mitchell, 2004; Waldron, 1991).

Citizenship

The broader issue with governing public spaces as private property is the impact exclusion has on urban citizenship. Henri Lefebvre, public space theorist, addresses the importance of inclusion to citizenship:

To exclude the *urban* from groups, classes, individuals, is also to exclude them from civilization, if from not society itself. The *right* to the city legitimates the refusal to allow oneself to be removed from urban reality by a discriminatory and segregative organization. (Lefebvre, as cited in Isin, 2000, p. 14)

Isin (Isin, 2000, p. 15) continues:

For Lefebvre the right to the city was the right to claim presence in the city, to wrest the use of the city from the privileged new masters and democratize its spaces. Lefebvre saw the rights to the city as an expression of urban citizenship, understood not as membership in a polity...but as a practice of articulating, claiming and renewing rights in and through the appropriation and creation of spaces in the city.

Byers (1998) notes that the privatization of public space has curtailed citizenship activities, such as freedom of expression and congregation, of which public space had previously been tied. In addition, rights are becoming tied to

private property. Claiming presence in public spaces may be more important for those without the ability to claim presence in private space. 'Modern citizenship' (Mitchell, 2001, p. 306), however, treats urban residents as consumers rather than citizens. Public space as the spatial representation of the public sphere, and thus democracy, relies on access. However, when those without private property lose their space for living, also lost is their basic human right of citizenship.

SECTION 3: METHODOLOGY

Research Questions

What evidence exists of people and processes changing the regulation of public space in Vancouver's downtown between 2003 and 2009? What role, if any, can be attributed to the Olympics planning process in these changes? Do Vancouver's by-laws stand out as unique or are they simply part of a growing trend?

Methodological Choices

The literature review has provided an understanding of the importance of public space for city residents and the impacts regulation has on the poor, underhoused and homeless. This project seeks to understand whether the regulation of public space has changed over time in Vancouver in an attempt to shed some light on the issues facing Vancouver's downtown and, in particular, the Downtown Eastside (DTES), especially as the Olympics draw near. As noted above, "public space" as a term for discussion encompasses a variety of places in a city: government buildings, libraries, streets, parks, and sidewalks. Public spaces also serve a variety of purposes, including places for political protest, social get-togethers and, for some, a place to live. While people who live on the street may use public spaces for political protest, they necessarily need public space for daily living activities. Therefore, this project defines "public space" as

those places necessary in order for people to go about their daily activities, namely, sidewalks, streets and parks. “Regulation of public space” thus implies restrictions placed upon people on sidewalks, in streets and in parks. This project takes two approaches to the regulation of public space: the laws that govern public space (Legislation) and how those laws are enforced (Enforcement).

Mitchell and Staeheli’s (2006) description of the impact of legislation on restricting access to public space informs the first portion of my research. Legislation has proven to be a powerful tactic used by various levels of government to manage and reduce access to public space (Mitchell 2001; Mitchell and Staeheli 2006). Certain types of legislation may illustrate how cities deal with issues of poverty and homelessness (NLCHP, 1996, p. 1).

The second portion of my research, enforcement, has been influenced from Akkar’s description of the management and monitoring of one public area, a bus station, in England (2005). Her analysis focuses on the importance of access to public space, noting that city police by “monitoring and patrolling in the site, directly impose a significant control on the public space in order to eliminate the so-called undesirable groups” (Akkar, 2005, p. 11). In support of this view, Proudfoot (2006, p. 4) discusses the importance of police as “street-level bureaucrats,” and the impact their discretion and judgement has on reinforcing geographies of power.

Also influential in the decision to the focus on enforcement, are recent ‘quality of life’ initiatives resulting in zero-tolerance enforcement in cities, such as New York City and Vancouver (Giuliani & Bratton, 1994; Office of the Mayor,

2006a). These initiatives often set quotas for reducing 'street disorder'. While legislation creates the legal foothold for enforcement, the act of enforcement, e.g. frequency of enforcement and types of offences being charged, may demonstrate changing policy priorities across time. Municipal initiatives such as these indicate that enforcement is not simply the act of enforcing but also policy decisions that enable enforcement.

In measuring the regulation of public space in Vancouver, I will assess the macro level of legislation and micro level of policy and enforcement. The macro perspective involves a comparative understanding of public space legislation, while the micro offers a case study analysis of Vancouver, used to measure specific changes in policy regulating public space and the enforcement of new and old legislation. The time period studied is January 2003 to May 2009, in an effort to trace change in relation to Vancouver's winning Olympics bid.

Legislation

Vancouver will be compared to nine other Canadian cities in order to understand whether its by-laws and new provincial legislation, that appear to restrict certain uses of public space, are typical in the Canadian context. The comparison cities include the nine most populous cities (Toronto, Montreal, Calgary, Ottawa, Edmonton, Mississauga, Winnipeg, Vancouver, and Hamilton) as well as Victoria, for a 'nearest neighbour' provincial comparison. The most populous cities were chosen as a basis for comparison of similarities of situations, such as the importance of tourism and investment and issues of homelessness and urban poverty. Vancouver's legislation will thus be placed

within the broader Canadian context, which will help to understand whether Vancouver's current legislation is reflective of a broader Canadian trend.

It is important to note the difference between a by-law and a piece of legislation. Legislation refers to a law that has been passed through a governing body or legislature, like the British Columbia Legislative Assembly. A by-law, however, is considered delegated legislation, as it is passed by a municipal body under the authority of a higher body of government. Because Canadian cities fall under provincial jurisdiction, all municipal legislation is considered delegated legislation, or by-laws.⁷

Developing criteria for evaluating legislation has been taken from two sources both of which used a comparative approach, the National Law Center for Homelessness and Poverty (NLCHP) (1996), and Collins and Blomley (2003). The NLCHP (1996) compares 50 American cities and provides the examples of specific 'anti-homelessness' regulation categories: panhandling, sleeping/Camping, sitting or lying down, and loitering. Collins and Blomley (2003), modifying a report by the National Anti-Poverty Organization, use a similar chart as NLCHP, comparing Canadian cities but concentrate on panhandling alone and include fines.

Policy and Enforcement

Policy decisions in the public and private sphere contribute to the regulation of public space in a variety of ways. Policy may specifically encourage

⁷ For the purpose of this study, "legislation" will refer to municipal by-law and provincial legislation. "By-law" will be used to refer to municipality-specific legislation.

the enforcement of certain by-laws or allocate funding to bodies, such as public police or private security, that serve to enforce or regulate public space.

Therefore, policy decisions in public and private spheres may directly impact enforcement in ways that regulate public space.

The study focuses on policy decisions from several influential municipal actors that enable the enforcement of public space: City of Vancouver, Business Improvement Associations, and the Vancouver Police Department (VPD). The study will then discuss how policy has influenced the enforcement of anti-homeless legislation. It will specifically address the issue of private security, administered by the BIA, and public police.

The City of Vancouver's public policies between 2003 and 2009 have impacted public police and private security and thus the regulation of public space. Public policy decisions are those made by the City of Vancouver in regards to how both public and private security may operate within the city. City of Vancouver budgets will serve to understand changes in funding priorities for police relative to other departments between 2003 and 2008.

Private security plays a role in the regulation of public space by further providing eyes and ears on the street. Many Business Improvement Associations (BIA) provide funding for private security within their district. Understanding BIA priorities, in terms of private security and perspective on severity of street disorder, will be assessed.

As noted above, the enforcement of legislation is an important element in the regulation of public space. However, public policy may also leads to

increased enforcement. For example, budgetary decisions allocating more police officers enable greater enforcement because there are simply more eyes on the street. Enforcement likely varies from city to city and a comparative study of enforcement levels between cities would make an interesting study. While I offer examples of the enforcement in several cities, throughout the discussion, the scope of this project requires that I focus on Vancouver alone.

Geographical Boundaries

The particular areas of study are two communities (downtown Vancouver and the Downtown Eastside). The DTES is an extremely political place, as I learned during the interview stage. Opinions range tremendously on how to approach the area and how problems in the DTES might be improved, even in regards to the boundaries of the neighbourhood. The specific geographic boundaries of the DTES are comprised of official policy boundaries, mapped in Appendix A. Official city boundaries, however, are quite broad and do not reflect the experiential boundaries of the people who live and work in the DTES. Those interviewed had different definitions of the DTES but most referred to the 'Hasting Street corridor' as the hub (Appendix A). Many also referred to what is labelled 'Oppenheimer' on the City of Vancouver map.

The VPD patrolling priorities run from 300 East Hastings to 200 West Hastings, one block north (Cordova) and south (Pender). It is the VPD definition of the DTES that will be used in the policy and enforcement section of research. This falls into the Oppenheimer community in the official city boundaries (see Appendix A). There is no DTES statistical boundary. The DTES falls under VPD

District 2, while the downtown core, known as the “Central Business District”, falls under District 1 (Appendix B).

Data and Analysis

Legislation

The initial discussion traces Vancouver’s timeline of legislative changes. In doing so, I have used municipal by-law documents, city council minutes, media reports, and letters from the Vancouver Board of Trade and Business Improvement Associations (BIA) and BC Civil Liberties Association, from various websites.

Information regarding legislation from the remaining Canadian cities has been drawn from provincial and municipal websites. Specific word searches were used in looking for by-laws, based on keywords from the NCHPL report for American cities, such as loitering, begging, and camping. “Begging” was modified to “panhandling” and/or “obstructive solicitation”, terms more common in Canadian legislation. Word searches within by-laws also included erection of temporary shelter, use of sidewalks and streets, park hours and park use, for a more inclusive set of by-laws that restrict the daily routines of homeless people. Several municipalities did not allow word searches, in which case, I referred to by-laws that regulated streets and sidewalks as well as park use. In cases where information was not readily available on city websites, emails to city clerks were used. City clerks were also contacted to ensure the by-laws recorded for each category were correct.

The analysis compares the by-law approach taken by each city in regulating public space, specifically those noted above. For example, does each city have by-laws that regulate panhandling? Each comparison assesses the by-law language. Do all cities regulate panhandling, loitering, sleeping in public? If so, to what extent is it regulated: time of day, specific location bans, etc.? Finally, I analyze how Vancouver compares in relation to other cities.

Policy and Enforcement

Section 5, Policy and Enforcement, has been the most difficult section to organize in a way that addresses all necessary elements. I considered organizing the section with a category for each policy and enforcement. However, I have arranged it according to influential actors (City of Vancouver, BIAs, and the VPD) because, as noted above, enforcement can often be traced to policy. City of Vancouver policy decisions have enabled the regulation of public space for both BIA and VPD, particularly in the downtown and DTES, in essence, rendering the City a regulator of public space.

Interviews were valuable for assessing important changes in policy and enforcement initiatives and contextualizing the regulation of public space with examples. They also provided a better understanding of the effects of public space regulation. Twelve semi-structured interviews were conducted between April and July of 2009 ranging from thirty minutes to one hour. Criteria for recruiting respondents were geographical, professional, and temporal. It was important to speak with people familiar with the DTES by studying, working in, or residing in the area during the time period examined. A professional perspective

was used in cases where it was difficult to access a person with knowledge of a particular timeframe as well as those who have an academic knowledge of the neighbourhood based on their time performing research.

Initial interview contacts were found by scanning newspaper articles and drawing upon often quoted names and associations. I relied on a snowball method to recruit new respondents. Interviews consisted of a variety of perspectives: local activists, local residents, and a police representative. Two Business Improvement Association representatives and four local business representatives were contacted via email and telephone, unfortunately, without a response.

Interviews helped inform the remainder of the research. Their experiences and observations were important in understanding changes in both policy and enforcement. Interviewees were asked about their observations and experiences regarding the enforcement of police and private security in public space. They were also important in understanding the geography of the DTES and whether the geography of enforcement appears to be changing. Results from the interviews are used in the assessment of enforcement in the downtown core (falling under BIA) and VPD enforcement. See Appendices C, D and E for the list of interviewees and interview schedules.

City of Vancouver

Policy decisions impacting public space were found by scanning the media for oft-discussed issues as well as themes that arose out of interviews. For each policy discussed, sources include City of Vancouver meeting minutes,

administrative reports, and newspaper articles. Policies were chosen based on their influence on public and private security and how they may enforce public space between 2003 and 2009. The two policies deemed the most important in the regulation of public space are Project Civil City (2006) and public funding to the Downtown Ambassadors (2008). The analysis offers a sense of influential groups involved in the policy process and the policy's relation to the Olympics.

As legislation and policy provide a glimpse into municipal priorities, so too, does the manner in which local state actors spend public money. Budget analyses offer insight into how Vancouver and BIAs use their resources. In particular, how much is spent on security relative to other expenses?

Vancouver's budgets were examined between 2003 and 2008. At the time of research the 2009 City of Vancouver Budget was not available.

Business Improvement Associations

Policy priorities are based on an analysis of annual reports of one BIA, the Downtown Vancouver Business Improvement Area (DVBIA), which is directly adjacent to the DTES and an important tourist location. Annual reports were examined for 2002-2003 to 2005-2006. In 2007, the annual report was incorporated into the newsletter. Therefore, 2007-2009 newsletter/annual reports were examined. However, these reports are less thorough than previous years' reports.

Budgets for each BIA in Vancouver were examined between 2003 and 2009, submitted to the City of Vancouver as a requirement for renewal.

Vancouver has 19 BIAs altogether, 15 of which were examined.⁸ In addition to discussing individual BIAs, they have also been grouped into City-Wide, Downtown and Surrounding DTES. Appendix F provides a list of all BIAs and the categories into which they are placed. Security spending for BIAs is often subjective, as some BIAs do not specifically state “security” but “crime prevention” or “panhandling/graffiti program”. These were coded, defined and counted as security, as they serve to regulate the use of public space. Table 1 and Table 2, below, provide data source and analysis summaries.

Vancouver Police Department

The initial plan for gathering statistical data was to access ticketing information in specific geographical areas between 2003 and 2009. I specifically wanted the ticketing information to be broken down by individual by-law offence: Street and Traffic By-law (1944) for loitering, obstructive solicitation, and jaywalking; the Health By-law (2007) for defecation or urination in public; the Parks Control By-Law for erecting a temporary shelter or staying more than 30 minutes in a park after park hours; and tickets under the *Safe Streets Act* (2004).

I filed Freedom of Information (FOI) forms with both the City of Vancouver and the Vancouver Police Department (VPD). I have received bits of useful data from both but not for every by-law requested and the information is not reported by geographic location. By-laws not available were jaywalking, erecting a temporary shelter in a park or staying in a park more than 30 minutes after park

⁸ Four BIAs, Point Grey, Victoria Drive, Cambie and Fraser Street, developing since 2003, will not be used in order to avoid skewing security data.

hours. Instead of specific park information, the City provided all tickets handed out under the Parks Control By-law. *Safe Streets Act* ticketing data was provided by geographic location and has been divided into VPD Districts 1 and 2.

To supplement missing ticketing statistics, VPD annual reports, VPD research reports and personal interviews are used. Vancouver Police Department annual reports from 2004 to 2007 were used, as was a newsletter from 2003. Enforcement priorities for 2008 and 2009 were drawn from VPD Business Plans of each year. Table 1 and 2 provide specific data source and analysis summaries.

Table 1. Data Source Summary

Research Questions 1 and 2: What evidence exists of people and processes changing the regulation of public space in Vancouver's downtown between 2003 and 2009? What role, if any, can be attributed to the Olympics planning process in these changes?	
Actor	Data Source
City of Vancouver	Project Civil City; 2006 "Project Civil City Progress Update October 2008" Downtown Ambassadors Policy Report; 2008
Business Improvement Associations	DVBIA Annual Reports; 2002-2006 DVBIA "Spring Matters"; 2007-2009 BIA Budgets; 2003-2009 Interviews
Vancouver Police Department	"Patrol Deployment Study"; 2003 "Beyond the Call: Annual Report"; 2004-2007 "Strategic Plan Progress Report"; 2005 "VPD Annual Business Plan"; 2008, 2009 "Project LockStep"; policy report Interviews (see Appendix C)
Research Question 3: ⁹ Do Vancouver's by-laws stand out as unique or simply part of a growing trend?	
Jurisdiction	Data Source
Toronto, Montreal, Calgary, Ottawa, Edmonton, Mississauga, Winnipeg, Vancouver, Hamilton and Victoria British Columbia and Ontario	By-laws <i>Safe Streets Act</i> Legislation

⁹ Please note that Research Question 3 will be discussed first in order to gain an understanding of the relevant Vancouver by-laws and BC legislation.

Table 2. Summary of Analysis

Research Question 1: What evidence exists of people and processes changing the regulation of public space in Vancouver's downtown between 2003 and 2009?	
Data Source Type	Analysis
Annual Reports	Do they list priorities? If so, do priorities relate to public space, security and/or enforcement? Do priorities change between 2003 and 2009? Do these changes affect the DTES? Which priorities have changed the most?
Budgets	<p>City of Vancouver and BIAs: Which departments are represented in the budgets? What are the proportions of spending? How much is spent on security/police dollars? How does this change between 2003 and 2009? What is spent on security/police relative to other departments and relative to the total budget, for each year?</p> <p>BIAs: What is spent on security for BIAs in the downtown relative to the rest of the city? What is spent on security for the BIAs that surround the DTES relative to all BIAs? Have these changed between 2003 and 2009?</p>
Policy Reports	What are the recommendations? What is the reasoning for certain recommendations?
Interviews (see Appendix D and E)	Is there a consistency to what people are saying regarding changes in the regulation of public space in the DTES? What does the police representative say relative to the activists and residents?
Research Question 2: What role, if any, can be attributed to the Olympics planning process in these changes?	
Data Source Type	Analysis
Annual Reports, Budgets and Policy Reports	Do annual reports, budgets and policy reports refer to Olympics? If so, in what way? Are the Olympics justified for decisions about the regulation of public space?
Interviews	What role did interviewees believe the Olympics have on Vancouver and decisions about public space?
Research Question 3: Do Vancouver's by-laws stand out as unique or simply part of a growing trend?	
By-laws and Provincial Legislation	Comparing: Panhandling, loitering, and sleeping/camping regulations

Limitations

Over the course of the planning and writing stages of this study, I have encountered several obstacles. As noted above, access to all ticketing information requested was difficult. Interviews have helped to better understand changing regulation of public space. However, relying on personal experience and observations may be, at times, unreliable, which must be taken account.

The Vancouver Winter Olympics have provided the basis for discussion. However, at the time of writing, the Olympics are roughly seven months away. As it approaches, legislation and enforcement may intensify or subside, which cannot be accounted for in the research. It is my hope, however, that this research becomes one part of a broader research area analyzing urban change both during and after the Vancouver Winter Olympics.

SECTION 4: LEGISLATION

This section outlines a variety of provincial legislation and municipal by-laws which may affect the homeless. Categories include: panhandling/obstructive solicitation; camping/sleeping; and loitering/obstruction. Anti-panhandling by-laws regulate how, where and when people can make an income. While legislation applies to everyone, Carter et. al. note, “the fundamental cause of panhandling is poverty” (2007, p. iii) thus this legislation affects the poorest residents of cities the most. Similar statements can be made for camping/sleeping and loitering in public spaces, activities not inherently a product of choice rather necessity (Mitchell, 2001).

Vancouver

In order to understand how Vancouver stacks up against the Canadian cities chosen for comparison, it is important to explain Vancouver’s by-laws on their own merit. Imperative to the discussion is the examination of the Province’s *Safe Streets Act*, a piece of legislation initiated after Vancouver’s Olympic bid win, with a significant impact on the regulation of public space in Vancouver. This section begins with an explanation of the history of Vancouver’s panhandling/obstructive solicitation by-law to provide an historical understanding of a controversial law. The analysis thus examines by-law changes prior to 2003, in an attempt to demonstrate how past decisions inform the present.

Panhandling/Obstructive Solicitation

In 1998, City councillors unanimously passed a by-law prohibiting panhandling in Vancouver (City of Vancouver, 1998a), using similar panhandling by-laws already in place from the various cities in the United States, Winnipeg (1995) and New Westminster (1998) as its model (City Manager, 1998).

Panhandling, within the by-law, referred to “beg for, or, without consideration, ask for money, donations, goods or other things of value whether by spoken, written or printed word or bodily gesture for one’s self or for any other person,” not including solicitation for charity (City of Vancouver, 1998b, p. 1). The stipulations of unacceptable activities were quite specific. Panhandling was not allowed, at any time, on a street¹⁰, nor was a person allowed to “sit or lie on a street for the purpose of panhandling” (City of Vancouver, 1998b, sec. 5 and 6). Stipulations included specific places where panhandling was not allowed: within 10 metres of a bank entrance, credit union or trust company; automated teller machine (ATM); bus stop; bus shelter or liquor store entrance. It became illegal to panhandle from an “occupant of a motor vehicle”, rendering squeegeeing illegal as well (City of Vancouver, 1998b, sec. 4). The fine for panhandling was a minimum of \$100 and maximum of \$2,000.

The panhandling by-law did not have a lasting effect. A *Charter of Rights and Freedoms* challenge in Winnipeg forcing a repeal of the city’s panhandling by-law in 2000, led Vancouver’s City Manager to recommend an amendment to its panhandling by-law, suggesting an amendment to the Street and Traffic By-

¹⁰ The City of Vancouver defines “street” as “public road, highway, bridge, viaduct, lane and sidewalk, and any other way normally open to the use of the public, but does not include a private right-of-way on private property” (City of Vancouver, 1998b, p. 1)

law to include “persistent” panhandling (City Manager, 2001a). After deliberation, Vancouver’s panhandling by-law was repealed, in March of 2001, and inserted “obstructive solicitation” into the Street and Traffic By-law. To “cause an obstruction” incorporated similar actions as the Panhandling By-law, such as soliciting within 10 metres of a bank entrance, credit union, or trust company, or ATM. Soliciting an occupant of a motor vehicle was allowed as long as it did not obstruct or impede “the convenient passage of any vehicular traffic in a street” (City of Vancouver, 2001, sec. 70A). Also included were solicitation in a way that obstructs or impedes “convenient passage” of a pedestrian as well as continued harassment to a negative response. Gone from the by-law was regulation banning solicitation the time of day panhandling could be performed. In addition to restrictions regarding “obstructive solicitation” the city added a no loitering specification (2001, sec. 70). The fine for section 70A ranges from \$250 to \$2,000.

Although Vancouver had addressed its panhandling issue, further pressure was put on the Province when the Safe Streets Coalition, made up of businesses, community groups and municipalities from across the province, formed in 2004. Vancouver-based groups included, the DVBIA, GBIS, Strathcona BIA, Yaletown BIA, Vancouver Board of Trade and Tourism Vancouver. On May 6, 2004, Vancouver-Burrard MLA Lorne Mayencourt introduced two private member’s bills to deal with undesirable activity, the *Safe Streets Act* and revisions to the *Trespass Act* (Smyth, 2005). Community groups, such as BC Civil Liberties Association (BCCLA), questioned the necessity of such an Act

because the *Criminal Code* contains a provision against harassment and threats of violence. Concern was also raised that the bill may be primarily used by private security guards rather than public police¹¹ (Russell, 2004).

After lengthy debate in the Legislative Assembly, the *Safe Streets Act* overwhelmingly passed on the third reading in October 2004 (Government of British Columbia, 2004a). After consultation with community and business groups and setting fines for infractions, the *Act* came into force in January 2005 (Safe Streets Coalition, 2005). The *Act* has similarities to Section 70 of the Street and Traffic By-law. However, because “municipalities lack the authority to create arrest provisions” for repeat offences, it has stricter penalties (Safe Streets Coalition, 2006). The *Safe Streets Act* restricts solicitation in an “aggressive manner” and of a “captive audience”. Aggressive solicitation uses similar language as Vancouver’s previous “obstructive solicitation” by-laws but adds,

A person commits an offence if the person solicits in a manner that would cause a reasonable person to be concerned for the solicited person’s safety or security, including threatening the person solicited with physical harm, by word, gesture or other means (2004b, sec. 2(1)).

It also prohibits persistent panhandling, meaning, “proceeding behind or alongside or ahead of the solicited person” and “continuing to solicit the person”.

The “captive audience” stipulation is slightly more stringent than Vancouver’s “obstructive solicitation”. Unlike the Street and Traffic By-law, which does not allow solicitation at the *entrances* of banks or ATMs, the *Safe Streets*

¹¹ Private security guards have the same authority as civilians and do not have the legal authority to enforce laws or by-laws (see Bennett et al. 2008).

Act makes it illegal to solicit someone *using, waiting to use, or departing* from an ATM, public telephone or public toilet facility. One cannot solicit someone in a parking lot or who is getting in, out or off of a personal or commercial vehicle. Finally, it is illegal to solicit a vehicle while on a roadway regardless of whether the vehicle is stopped, standing or parked. Once again, this applies to squeegeeing and panhandling (Government of British Columbia, 2004b). Fines for *Safe Streets Act* infractions range from \$86 to \$115, including a “victim surcharge levy” (Ministry of Attorney General, 2007).

Sleeping/Camping/Shelter

Under section 71(1) of the Street and Traffic By-law 1944, it is illegal to “build, construct, place, maintain, occupy...any structure, object, substance, or thing which is an obstruction to the free use of such street” without written permission of the City Engineer (City of Vancouver, 2009). Therefore, erecting a temporary (or permanent) shelter, for any reason, is not permitted.

Comparing Legislation

This section compares Vancouver’s public space regulation by-laws to those of other Canadian cities. The purpose is to understand whether rules that govern public space are consistent across Canadian municipalities. Do Vancouver’s by-laws stand out as unique or simply part of a growing trend? Specific regulations examined are: panhandling/solicitation, loitering, and sleeping/camping.

Panhandling

Panhandling is a controversial issue, remaining a struggle both within governments and between governments and activists. As previously noted, British Columbia enacted legislation restricting where and how one may panhandle based on Ontario's 1999 *Safe Streets Act*.

provides a breakdown of each jurisdiction's stance on panhandling, including associated fines. The chart includes BC and Ontario to demonstrate that despite provincial legislation regulating panhandling, cities maintain anti-panhandling by-laws in their own right.

As Vancouver has demonstrated, many cities maintain their municipal panhandling by-laws, despite new provincial panhandling legislation. Hamilton, like Vancouver, did not amend its 1997 "aggressive panhandling" section in its Streets by-law after the enactment of the Ontario *Safe Streets Act* (City of Hamilton, 1997). Ottawa lifted its complete ban against panhandling in 2002, three years after the Ontario *Safe Streets Act* (1999) was enacted (Collins & Blomley, 2003). Victoria is another municipality under the *Safe Streets Act* that continues to regulate panhandling, specifically prohibiting obstructive solicitation. Toronto, Mississauga and Ottawa, on the other hand, are without panhandling by-laws, perhaps considered unnecessary due to their province's *Safe Streets Act*.

Most cities studied, however, do have panhandling stipulations either as amendments within existing by-laws or enacted on their own merit. Vancouver's Street and Traffic By-law, for example, was amended to include a section

regarding unacceptable places and ways to solicit. The stringency of panhandling by-laws has been a point of contention in many cities, particularly Vancouver and Winnipeg, which have been forced to re-evaluate their by-laws (City Manager, 2001b; Carter et al., 2007). In 1995, Winnipeg passed a by-law to regulate panhandling, including where, when and how one could panhandle (Carter et al., 2007). It was challenged in court by anti-poverty groups, which claimed it threatened civil liberties. As a result, Winnipeg repealed the initial by-law and enacted its current Obstructive Solicitation By-Law. Modifications made included removing the time-of-day restrictions and the distance one must stand in order to solicit, as well as introducing a section against solicitation of a “captive audience” (City of Winnipeg, 2005).

Winnipeg’s Obstructive Solicitation By-law is very similar to Section 70A of Vancouver’s Street and Traffic By-law. However, unlike the Vancouver, it details specific areas (and future areas) of the downtown designated as pedestrian walkways in which solicitation is strictly prohibited. Its “captive audience” clause includes “a person seated in an outdoor area of a restaurant or bar in which food or beverages are being served” (City of Winnipeg, 2005). While Calgary does not place restrictions on panhandling near food and beverage areas, it is the only other city studied that specifically prohibits panhandling within 10 metres of a pedestrian walkway. This includes open spaces between buildings, underpasses, and stairways. In addition, Calgary is the *only* city with a time-of-day restriction on panhandling, not between 8pm and 8am, enacted in 1999 (City of Calgary, 1999, sec. 4). Winnipeg and Calgary are also the only two cities with panhandling

Table 3. Panhandling Legislation

Province/ Municipality (by pop. size)	No By-law	Panhandling Banned	Time of Day Restrictions	Specific Areas Restrictions	“Aggressive” Panhandling ¹²	“Obstructive” Panhandling ¹³	“Captive Audience” ¹⁴	Solicit Vehicle Occupant ¹⁵	Fine (Maximum) ¹⁶
Ontario					X	X	X	X	\$1,000
British Columbia					X	X	X	X	\$115
Toronto	X								
Montreal						X			
Calgary			X	X	X	X	X	X	\$10,000
Ottawa	X								
Edmonton						X			\$250
Mississauga	X								
Winnipeg				X	X	X	X	X	\$100
Vancouver					X	X	X	X	\$2,000
Hamilton					X	X		X	
Victoria					X	X	X	X	\$42.50

¹² Various municipalities define “aggressive” differently. In general, aggressive refers to persistent panhandling.

¹³ Various municipalities define “obstructive” differently.

¹⁴ British Columbia’s definition of “captive audience” is defined above. Definitions also vary by municipality. Captive audience generally refers to a person who is in a confined space defined for a specific purpose, such as a phone booth, ATM, motor vehicle, or parking lot. I have placed cities under the “captive audience” category if their by-laws have similar qualities to the BC definition regardless of whether they specifically use this term.

¹⁵ Soliciting from a vehicle occupant often falls under “captive audience”. However, certain cities without “captive audience” regulations will restrict solicitation from a motor vehicle occupant. This is often referred to as squeegeeing.

¹⁶ The maximum fine does not include the potential for imprisonment, which applies to Ontario and British Columbia repeat offences. In addition, not every municipality has set fines for offences. In this case, there is not a fine indicated.

regulations that form their own by-laws rather than being a section within another by-law. Other places that may be off limits to panhandlers include parks, as is the case in Hamilton (City of Hamilton, 2004, sec. 19).¹⁷

Loitering

Despite already being a criminal offence¹⁸, four municipalities explicitly restrict loitering in certain locations or for certain purposes. For example, when Vancouver amended its Street and Traffic By-law to include “obstructive solicitation” it also restricted standing or loitering in a way that interferes with pedestrian or vehicular traffic (City of Vancouver, 2001, sec. 70). Montreal’s specification bans loitering in a similar way. Both Montreal and Calgary state that no loitering is allowed in any “public place”, whereas Vancouver simply bans loitering from public ways, such as streets, sidewalks and bridges (City of Calgary, 2006, 6(1); City of Montreal, 2000, 1; City of Vancouver, 2009, p. 7). All three cities refer to loitering as a way of obstructing a person or vehicle. While Toronto does not ban loitering in all public spaces, it does apply this restriction to public parks. Similar to the Criminal Code of Canada, Toronto equates loitering with creating a nuisance stating, “while in a park...no person shall create a nuisance by loitering” (City of Toronto, 2004, sec. 3A).

¹⁷ The amendment to the City of Hamilton’s To Manage and Regulate Municipal Parks by-law falls under Section 19 (City of Hamilton, 2004) and Section 45 of the consolidated by-law (City of Hamilton, 2001, sec. 45)

¹⁸ Loitering is specified in the *Charter of Rights and Freedoms*, which states, “No person shall loiter or commit any nuisance in, on or about any public work” (Government of Canada, n.d.), as well as the Criminal Code of Canada, “every one who loiters in a public place and in any way obstructs persons who are in that place” (Government of Canada, n.d.)

Table 4. Loitering/Obstruction

Municipality (by pop. size)	Loitering City- Wide	Loitering in Particular Place	Obstruction of Sidewalk/ Public Ways
Toronto		X	X
Montreal	X		X
Calgary	X		X
Ottawa			X
Edmonton			X
Mississauga			X
Winnipeg			X
Vancouver		X	X
Hamilton			X
Victoria			X

“Obstruction” is an ambiguous term whose enforcement may encompass a variety of actions. For example, one may obstruct a sidewalk by loitering in front of stores or people. However, one’s sleeping body or shelter may also obstruct sidewalks. Because obstruction can be enforced based on loitering or sleeping/camping, it will be discussed in the sleeping/camping section, to provide its most complete definition.

Sleeping/Camping

In general, Canadian city bylaws do not explicitly state that one may not sleep in public. Rather they implicitly restrict people’s ability to sleep by

prohibiting behaviours, such as erecting temporary or permanent structures, sitting or lying in certain places, using street furniture, and obstructing streets and sidewalks. Winnipeg has the most stringent rules regulating acceptable public acts, by stating that a person cannot sit or lie on a sidewalk or “upon blanket, chair, stool or any other object placed upon the sidewalk” between 10:00am and 10:00pm in specific locations in the downtown zone, technically making overnight sleeping possible. The boundaries are within the Downtown Business Improvement Zone and the Exchange District Business Improvement Zone. These rules also apply to land that borders or is adjacent to various other commercial area zones outlined on a map in the by-law (City of Winnipeg, 1977, sec. 2.19). However, in combination with the city’s “obstructive solicitation by-law”, it is virtually impossible for certain people to rest in the downtown core, day or night. In 2005, Toronto amended a by-law to include no camping in public squares. “Camping”, the by-law states, “includes sleeping in square...day or night, whether or not there is temporary abode of any kind in use” (City of Toronto, 2005, sec. 1A). Both Montreal and Calgary restrict using street furniture for purposes other than those for which they are intended. Calgary does not allow one to put one’s feet on any table, bench, planter or sculpture in any public place, making it impossible to lie on a bench (City of Calgary, 2006, sec. 6(2)).

As noted, obstructing public places is often used to control loitering. However, obstruction may be used to regulate conditions associated with sleeping, such as lying down or erecting shelter for the purpose of sleeping. Most cities examined have a stipulation in their streets by-laws that regulates

obstruction. Edmonton does not explicitly forbid sleeping but a person may not “stand or be in any other position” in any place that obstructs a pedestrian or vehicular traffic (2000, sec. 60). Other cities, such as Toronto, Winnipeg, Mississauga, Vancouver, and Hamilton stipulate one cannot place anything on a street or sidewalk in such a way that may cause an obstruction. As noted, Vancouver overtly bans erecting a shelter on all public property and Toronto does not allow shelters in public squares (City of Vancouver, 2003; City of Toronto, 2005).

While many of the cities studied do not specifically ban sleeping, camping or erecting shelter on streets and sidewalks, most cities do explicitly ban such actions in parks. This has important implications for the homeless who often use parks to sleep. Winnipeg is the only city that explicitly states no overnight sleeping in parks, an interesting addition to its park curfew (City of Winnipeg, 2009). Several cities, however, have a ban on camping in parks, not specifying times, rendering daytime camping illegal as well. “Camping” implies but does not necessarily refer to sleeping and cities define camping differently. Regardless of the precise language, the term camping, like other vague by-law language, restricts conduct usually associated with sleeping, such as construction or use of permanent or temporary shelter. However, certain cities, such as Toronto, Edmonton, Vancouver, Mississauga and Hamilton, use specific language in order to avoid loopholes. Toronto and Hamilton do not allow people to dwell or lodge in its parks, while those mentioned above (except Hamilton) do not allow a park to be used as an “abode”. Since sleeping is usually an important aspect of one’s

abode or dwelling, these cities imply a prohibition to sleeping in their parks. Other cities use specific language and simply restrict erecting temporary or permanent shelters. Vancouver and Victoria are the only cities studied that do not use the term “camp”. However, they do not allow the use or erection of temporary or permanent structures or shelters. Victoria goes as far as defining what is considered an “overnight shelter”: “tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard, or other rigid or non-rigid material” (City of Victoria, 2009a, sec. 16(2)).

Victoria’s specific definition of “shelter” stems from legal activity brought against the city. In October 2008, a BC Supreme Court Judge stated:

I have found that a significant number of people in the City of Victoria have no choice but to sleep outside in the City’s parks or streets...[S]leep and shelter are necessary preconditions to any kind of security, liberty or human flourishing. I have concluded that the prohibition on taking a temporary abode contained in the Bylaws and operational policy constitutes an interference with the life, liberty and security of the person of these homeless people.(Victoria (City) v. Adams, 2008, para. 194).

The City responded by amending its Parks Regulation By-law to allow the erection of overnight shelter between 9pm to 7am, later changed to 8pm to 7am (City of Victoria, 2009a). In addition, “overnight shelter” was further defined to that noted above. Temporary shelters are not permitted outside of the hours specified in the amended by-law. Finally, the amended by-laws include specific parks and areas where camping is not allowed, for example playgrounds, walkways and environmentally sensitive areas. The City of Victoria is appealing the verdict (City of Victoria, 2009b).

Table 5. Sleeping/Camping/Park Hours

Municipality (by pop. size)	Sleeping City- Wide	Sleeping in Particular Places	Camping City- Wide	Camping in Particular Places	Closure of Particular Public Places	Closed Park Times
Toronto		X		X	X	12:01am- 5:30am
Montreal		X		X	X	Specified by location
Calgary		X		X	X	11:00pm- 5:00 am
Ottawa				X	X	11:00pm- 5:00am
Edmonton			X	X	X	11:00pm- 5:00am
Mississauga				X	X	11:00pm- 7:00am
Winnipeg		X	X	X	X	Specified by location
Vancouver				X	X	10:00pm- 6:00am
Hamilton				X	X	11:00pm- 6:00am
Victoria				X	X	Specified by location

Placing restrictions on how public space may be used is apparent in every city studied. Cities regulate appropriate actions in public spaces but they may also close certain public spaces altogether in order to avoid specifying all inappropriate activities. Park hours, for example, are used to keep people out of parks at night thereby prohibiting a variety of actions that may occur at night,

such as loitering and sleeping in parks. Closing parks has an enormous impact on homeless people, especially in cities with limited shelter spaces, because parks provide enough space for people to erect shelter without obstructing pedestrian or vehicular passage. Most cities examined have specific park hours ranging from 10:00pm to 7:00am. Montreal, Winnipeg, and Victoria have park hours that vary by location, including parks that close between sunset and sunrise. Regardless of specific times, every city, with the exception of Victoria, closes its parks overnight, making it illegal to sleep, loiter, sit, or lie in parks at night.

Conclusion

Vancouver appears to fall within the realm of normal when compared to other Canadian cities. It fares better, in terms of access, to public spaces. However, it was one of the first cities to enact a panhandling by-law. In addition, it continues to regulate panhandling despite having provincial legislation in the *Safe Streets Act* (2004), unlike other cities that fall under similar legislation, such as Toronto, Ottawa and Mississauga. Also unlike several cities, Vancouver does not have an outright ban on camping or sleeping in parks, indicating it is up to the discretion of police to determine whether one may camp overnight. Enforcement may be as a result of individual police discretion or general police policy. Overall, cities are subject to different police forces (federal, provincial, regional and municipal) and each police force may have its own enforcement priorities.

SECTION 5: POLICY AND ENFORCEMENT

The regulation of public space in Vancouver downtown (including the DTES) is influenced by numerous: the City of Vancouver, BIAs, and the VPD. This section examines changes in policies and enforcement initiatives of public and private bodies in Vancouver, between 2003 and 2009.

City of Vancouver

Unlike “street-level bureaucrats”, like police officers, who directly enforce, the City of Vancouver initiates policy and provides funding in a way that either encourages or discourages enforcement. After conducting interviews and reviewing media sources, it is clear that two particular policies have played an important role in the regulation of space in downtown Vancouver: the initiation of Project Civil City (2006) and public funding and expansion of the Downtown Ambassadors, the DVBA’s private security force (2008). They have been identified by those interviewed as indicators of changing priorities on the part of the City. Changing VPD funding also demonstrates changing priorities for the City and will also be discussed.

Project Civil City

Project Civil City (PCC) was initiated December 12, 2006 by a motion from Councillor Kim Capri and seconded by then mayor, Sam Sullivan. It is modelled on a 1994 New York City police strategy enacted by then mayor, Rudolph

Giuliani and Police Chief, William J. Bratton, which uses a “broken windows” style of police enforcement (Giuliani & Bratton, 1994). The theory argues that the appearance of a neighbourhood or city is related to its crime rate. A grungy city, with graffiti and broken windows, will have more crime because it is uncared for to begin with (Wilson & Kelling, 2003). Therefore, to have a major impact on crime, enforcement must focus on the smaller physical ailments of a city, such as panhandling, graffiti, and prostitution, often referred to as ‘street disorder’ (Animal & Bylaw Services, 2007). “Residents of Vancouver,” the motion states, “deserve the right to enjoy public and private space free from being victims of crime and disorder”. The motion acknowledges Canada’s rising homeless problem as a contributing factor to increased street disorder and notes the importance of PCC in assisting issues of homelessness without replacing municipal and provincial policies aimed at ending homelessness (City of Vancouver, 2006).

The overall goal of PCC was to reduce public disorder. This included a goal of a 50% reduction in the open drug market, homelessness and aggressive panhandling and disorderly behaviour by 2010 (Office of the Mayor, 2006b). The initiative used a variety of methods for achieving its goals. Sullivan suggested using existing city employees, such as parking enforcement and sanitation engineers, as “eyes and ears” on the street and “part of a new public order enforcement continuum” (Office of the Mayor, 2006b, p. 8). Both public police and private security were considered important actors in getting street disorder under control. Specific suggestions relating to public disorder included:

- Expanding the Downtown Ambassadors, a private security service provided by the Downtown Vancouver BIA (DVBIA)
- Increasing the number of by-law enforcement officers and prosecutors; increasing street presence of police officers
- Fast-tracking a simplified ticketing system, known as Municipal Ticket Information (MTI)
- Reviewing by-law fines and ensuring they “deter public disorder”
- Studying options for a “no sit, no lie” by-law

Several PCC strategies focused on housing the homeless. However, while Vancouver does have a serious problem with homelessness and the open drug market, PCC as an enforcement initiative is consistent with quality of life initiatives in other North American cities, like New York. It is also similar to Atlanta’s Quality of Life Ordinances, initiated prior to hosting the Olympics, as already noted. The following statements, from Sullivan’s introductory letter to citizens, establish the link between PCC and the Olympics,

We have a tremendous opportunity to use the 2010 Olympic and Paralympic Winter Games as a catalyst to solve the public disorder problems that affect our city. (Office of the Mayor, 2006b, p. 5)

What kind of city do you want the world to find in 2010? (Office of the Mayor, 2006b, p. 5)

The project was also partially funded using \$1 million from the \$20 million 2007 Olympic Legacy Fund.

Project Civil City has been named by those interviewed as marking an important change in the ways police and private security approach people in public space. The new council, led by Mayor Gregor Robertson, reversed many of PCC’s initiatives, which indicates Vancouver may be in a period of important

change in the way the downtown is monitored and policed. However, according to Supt. Lemcke, police will not change their approach towards enforcement. As PCC directly relates to police enforcement, further impacts of the initiative will be continued in the VPD discussion.

Downtown Ambassador Expansion

As noted above, the expansion of the Downtown Ambassador Program was one suggestion of Project Civil City helping to decrease street disorder. Launched in 1998 by the DVBI, the Downtown Ambassadors are a private security force patrolling the downtown to address 'quality of life' issues, ranging from litter to panhandling to illegal vending. According to the DVBI website they "provide an effective street presence, monitoring and deterring criminal activities in parking facilities and other areas accessible to the public". They also provide tourists with information and directions (Downtown Vancouver Business Improvement Association, 2007).

Privately hired by the BIAs, the Downtown Ambassadors have been controversial in Vancouver, as their job entails patrolling public spaces. Security guards have very little legal authority but hold 'presumed authority' because of their uniforms (Bennett, Eby, Richardson, & Tilly, 2008, p. 15). They may conduct citizen's arrests if they witness a crime within the *Criminal Code of Canada*. This is the same legal authority held by any other citizen who witnesses an indictable offence (Bennett et al., 2008).

Prior to 2007, the Downtown Ambassadors patrolled only the DV BIA district. On December 13, 2007, as part of the Project Civil City initiative, City Council agreed in principle to support the expansion of the Downtown Ambassadors program, in a close 6-4 vote (Bennett et al., 2008). The agreement included an allocation of \$872,000 of public money towards the Downtown Ambassadors Program, which would continue as a privately run security program, to facilitate the expansion. The initial contract allocated \$237,000 to the DV BIA for 24-hour, 7-days-a-week security in the downtown area and \$635,000 towards expansion to areas outside the downtown core (Kassay & Vaisbord, 2008, p. 9).¹⁹

As a requirement for funding, city staff were asked to draft a report on the merits and purpose of the Downtown Ambassadors (Bennett et al., 2008). Staff performed a needs assessment audit of the necessity of overnight service. Ambassadors patrolled the streets over the course of four nights and recorded their observations. The subsequent report noted Ambassadors were recording data on the number of sleepers, buskers, panhandlers, transients, drug dealers/users and people with “mental health issues” in the downtown core (Taylor & Vaisbord, 2008, p. 5). Ambassadors had by far the most contact with panhandlers, sleepers and transients. Taking stock of and primarily making contact with panhandlers, sleepers, and transients implies the Downtown

¹⁹ Recommendations were also made to initiate a Guardian program in various BIAs, not yet large enough for the Downtown Ambassadors Program. Guardian security are “Like Ambassadors, patrol personnel are paid, but they do not have the same level of training as fully-professional security guards” (Kassay & Vaisbord, 2008, p. 7).

Ambassadors' role in the downtown core is to deal with the homeless population rather than strictly with crime and safety of the public as a whole.

Finally, Ambassadors were also consulted on what they considered the biggest challenges in the downtown core. Interestingly, Ambassadors remarked that the most serious challenges were homeless people sleeping on streets. Challenges were tracked across time; with the above challenge the only one rising consistently. Between 2005 and 2008, Ambassadors noted a decrease in general panhandling and aggressive panhandling as well as crime and drug dealing/use (Taylor & Vaisbord, 2008). As will be shown, decreased incidents of street disorder, specifically panhandling, coincides with increased enforcement of both the *Safe Streets Act* and section 70A (panhandling and obstructive solicitation) of Vancouver's Street and Traffic by-law.

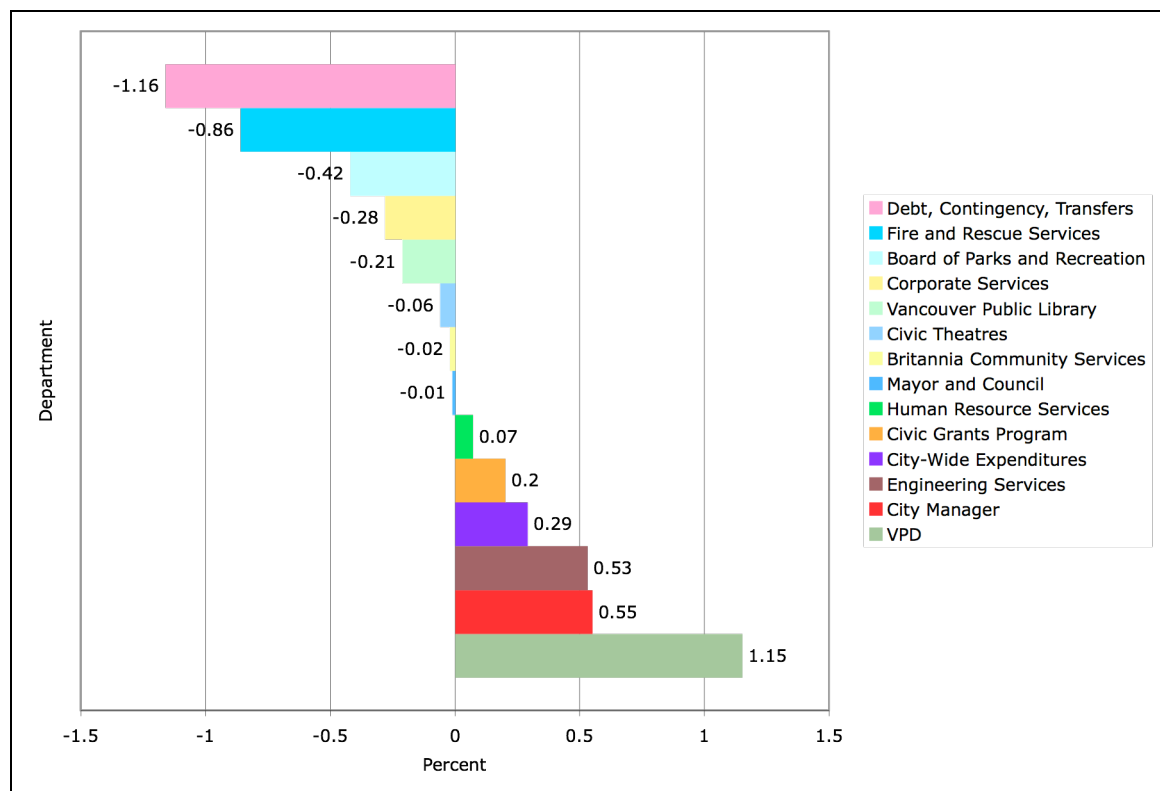
The expansion eventually spread in 2008 to Gastown, the West End, Yaletown, South Granville, and Robson (Kassay & Vaisbord, 2008). However, in January 2009, the new city council decided to not continue with the funding (City of Vancouver, 2009).

City of Vancouver Spending on Policing

Funding for police has been a priority for the City between 2003 and 2008. As a percent of the city's total budget, the Vancouver Police Department received between 20.7% and 21.9%. Engineering Services is the only department comprising more of the budget; not surprising considering the City is responsible

for all VPD-related funding.²⁰ However, during this time the VPD budget relative to the total budget had the highest increase with 1.15% relative to the next highest increase 0.55%, for the City Manager. In fact, as Figure 1 demonstrates, the VPD is the only department with more than a 1% increase relative to the total budget during this time.

Figure 1. Change in Spending by Department Relative to Total Budget (2003-2008)



Within the VPD, funding changes with the largest impact were examined providing a sense of where police officers were placed and which districts the Vancouver Police Board and the City prioritized. Figure 2 depicts the funding by

²⁰ Under the Canadian federal system, cities do not have jurisdiction over housing, health care or education. The federal government has its own police (Royal Canadian Mounted Police) and several provinces also run their own police forces. However, any city with its own police force must fund it itself. Because cities are creatures of the province, any provincially mandated programs, such as housing and health care, are paid for primarily by the province.

district as a percentage of the VPD's total budget. Perhaps not surprisingly, Districts 1 and 2 make up a higher percentage of the VPD's budget than Districts 3 and 4.²¹ Districts 1 and 2 make up between 14.3% and 17.2% of the budget. By contrast, Districts 3 and 4 make between 10.7% and 12.5%.

Figure 2. Funding by VPD District, Percent of Total VPD Budget (2003-2008)

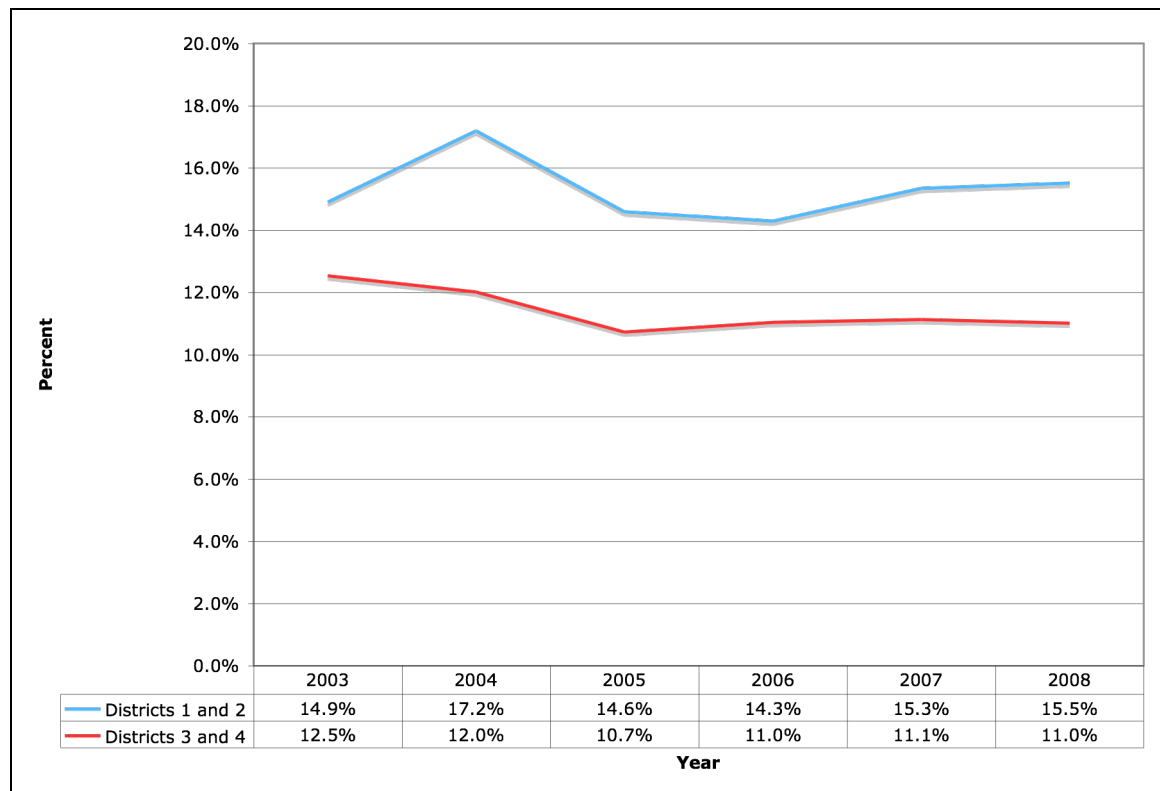
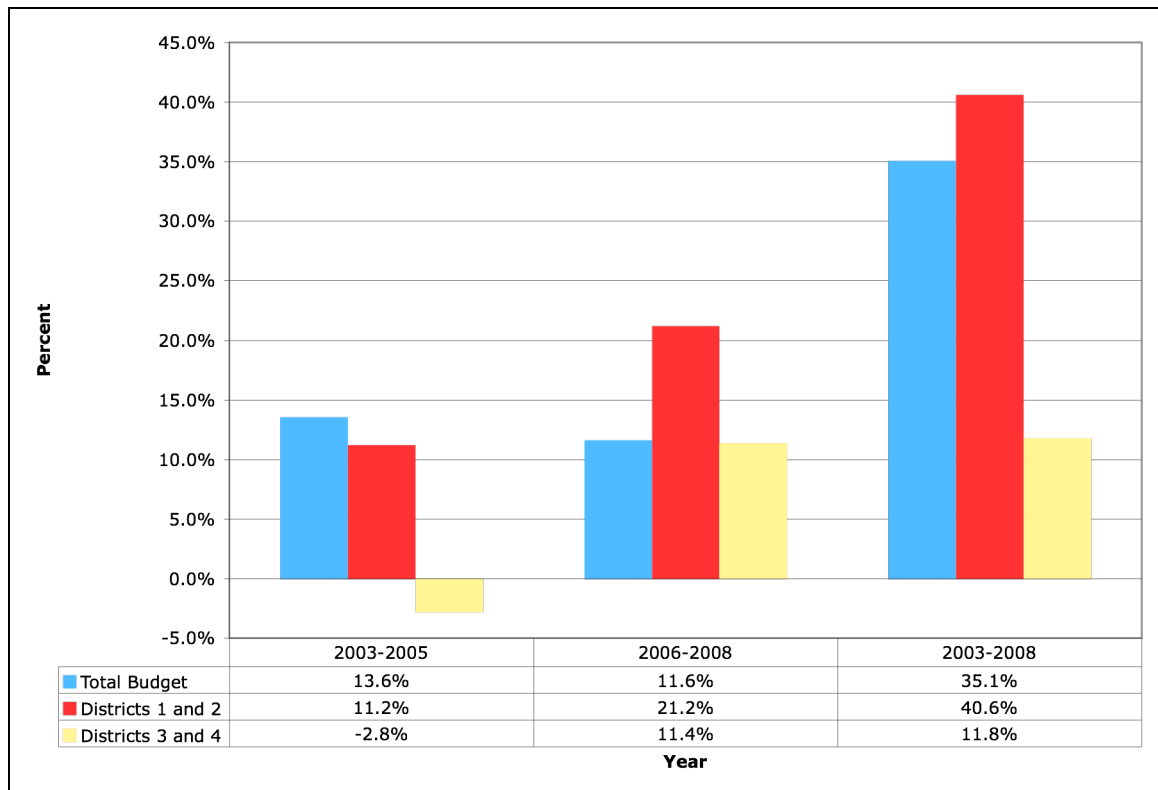


Figure 3 demonstrates that, while the overall VPD budget increased by 35.1% between 2003 and 2008, funding for District 1 and 2 increased at a higher rate of 40.6%, more than double that of Districts 3 and 4, 18.8%.

²¹ Prior to 2006 the city's budget provided funding information for VPD districts individually. However, in 2007 the budget merged funding for districts 1 and 2 as one unit and 3 and 4 as another. For the sake of consistency, I will group the districts as the city has done for 2007 and 2008.

Figure 3. Change in Spending by VPD District



Within the budget, there is also a breakdown of money allocated towards sworn officers, i.e. police officers as opposed to civilian VPD employees. In 2005, the city budget provided funding for 50 new police positions. This increased to 96 additional new positions in 2008. The former additions match the enactment of the *Safe Streets Act*, while the latter coincides with an initiative aimed at further enforcement of the *Act*, which will be discussed shortly. Between 2003 and 2008, VPD police officers increased from 1,124 to 1,327 positions, an 18.1% increase.

The increase in overall funding for the VPD indicates a commitment on the part of the city towards policing. Based on the breakdown of funding increases by area, Districts 1 and 2 are clearly priorities.

Business Improvement Associations

Business Improvement Associations can play an important role in the governance of public spaces. Their goal is to make the business area more attractive to consumers and other businesses. A special levy is placed upon every business within the area, used towards making the neighbourhood more aesthetically pleasing (Steel & Symes, 2005). BIAs, therefore, have a vested interest in the public space, such as the streets and sidewalks, that surround the area. Many employ private security to create a security street presence. This section discusses the changes in priorities and security in the downtown area of Vancouver and how this may be reflected in the DTES.

Security Policy Priorities

Each report features a section measuring the effectiveness of the Downtown Ambassadors. Between 2002-2003 and 2004-2005 there was an increase in panhandlers and squeegee people approached by Ambassadors (from 18,942 to 34,622) (DVBIA, 2003, 2004, 2005). However, in 2005-2006 Ambassadors dealt with 19,358 “incidents” involving a variety of people, including vendors, squeegee people, panhandling and “street person nuisances” (DVBIA, 2006). In 2007, the DVBIA increased its levy, in part to address safety and security, which “reduced aggressive street behaviour from 4,000 to 350 incidents per month through the Downtown Ambassadors and Loss Prevention programs” (DVBIA, 2009). The DVBIA statistics show the effectiveness of the Downtown Ambassadors: the number of people approached relative to the number of people needed to be approached decreases. As will be shown, the decrease in

“aggressive street behaviour” also coincides with an increase in ticketing for *Safe Streets Act* and Section 70A of Vancouver’s Street and Traffic By-law.

Safety and security were consistently listed as priorities for the DVBIA. In addition to safety and security priorities, the 2003-2004 annual report listed Advocacy as a strategic priority. The DVBIA stated advocacy is “acting as a single voice on issues of legislation, regional policy and plans, crime and government relations” (DVBIA, 2004, p. 1). Advocacy included taking initiative on the Safe Streets Coalition. This was reiterated the following year in the BIA’s 3-year strategic plan that included advocacy and safety and security as two of its top 5 priorities. As an advocate for downtown businesses, the DVBIA was active in Project Civil City in 2006 (DVBIA, 2006).

In 2005, safety and security priorities led to the initiation of two new programs, Guardian Eye and StreetCheck. Guardian placed security cameras in areas of high crime, while StreetCheck provided the Downtown Ambassadors with technology to map criminal activity in order to share information with police (DVBIA, 2005). Consistent with these priorities, the DVBIA expanded the Downtown Ambassadors from 23 to 28 patrollers and 16 to 24 hours of service, seven-days-a-week, as a result of money provided by the City (DVBIA, 2007).

While the Olympics were mentioned in DVBIA annual reports, they were not mentioned in relation to security. Reference to the Olympics mostly took the form of support for the bid process and preparation for (DVBIA, 2003, 2004, 2009). Overall, addressing street disorder is prevalent in every annual report. The DVBIA has expressed its satisfaction with government decisions and, as a

result, has been able to focus on other safety and security initiatives. DVBIA priorities run parallel to municipal and provincial decisions regarding the regulation of public space. Like the Province and the City, the DVBIA is concerned with “broken windows” enforcement.

Spending

As the section above demonstrates, safety and security has been a priority, at least for the DVBIA, since 2003. This section will use BIA budgets to determine whether private security has been a priority for other Vancouver BIAs, specifically those in the downtown and those surrounding the DTES (see Appendix F), and whether their priorities have changed.

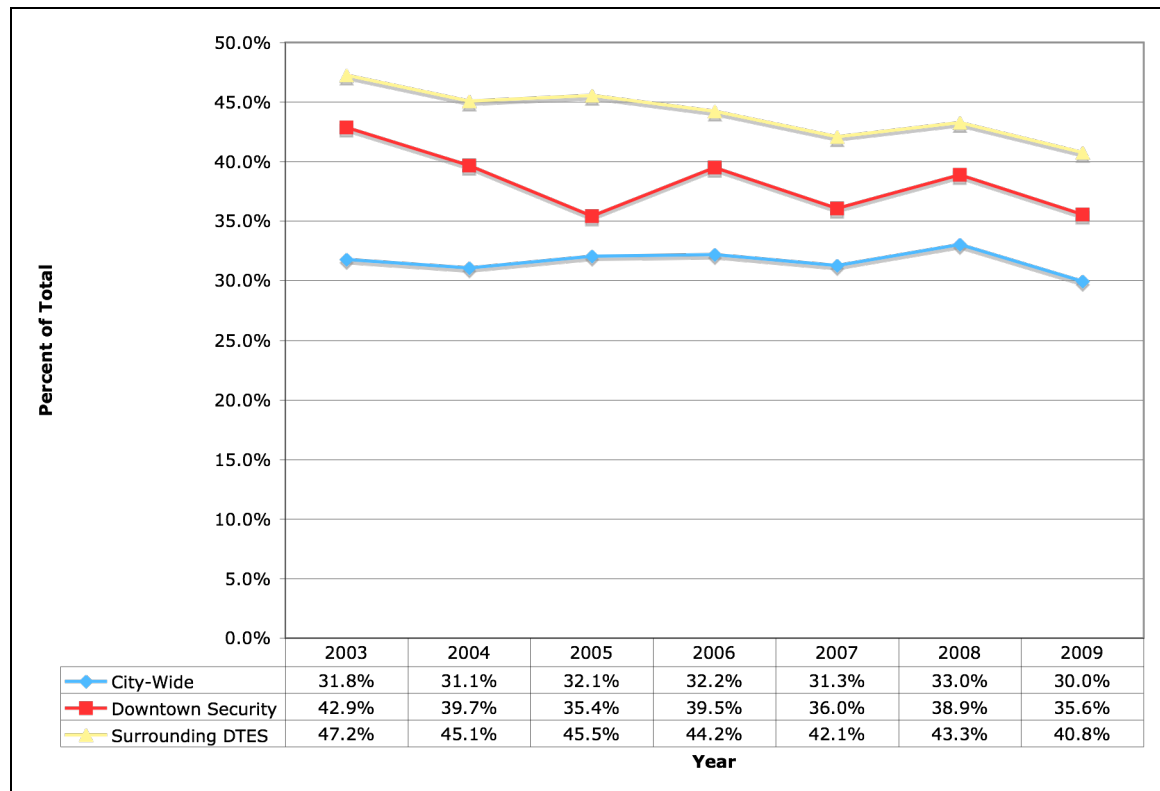
As Figure 4 illustrates, while private security spending, as a percent of the total budget, decreased overall from 2003 to 2009, it is still consistently over 30% of the Vancouver BIAs’ total budgets.²² The dip may have been related to funding from the city for the Downtown Ambassadors Program. The DVBIA has consistently spent the majority of its budget on security, ranging from 45.4% to 58.9%.²³ The DVBIA also has a variety of security programs, Loss Prevention Officers, Guardian Eye, and the Downtown Ambassadors (which receives most DVBIA funding). Strathcona, a neighbourhood adjacent to the DTES, launched its private security activities in 2004, and has spent between 31.9% and 37.0% of its total budget on security, the second highest of any BIA. Gastown, adjacent to

²² Four Vancouver area BIAs have developed since 2003. Their data are not included as it skews the overall budgeting results.

²³ The DVBIA budget categorizes security under “Maintenance, Security and Access”. Security usually comprises roughly 90% of the costs.

the DTES, also spends a significant portion of its budget on security, between 27.8% and 41.1%. Interestingly, Gastown's security spending rose a dramatic 63.5% between 2008 and 2009 from \$126,000 to \$206,000. Relative to Gastown's total budget, its security budget increased from 34.1% to 41.1%, its highest increase in the study period. This is perhaps an attempt to retain the Downtown Ambassadors after the City decided to not continue its partial funding of the project.

Figure 4. BIA Security Spending as a Percent of Total Budget (2003-2009)



Total spending on security has increased between 2003 and 2009, as have total budgets. However, security as a percent of the budget has decreased slightly during this time. For example, City-wide BIA security has a slight decrease from 31.8% in 2003 to 30.0% in 2009. The greatest decrease was in

the downtown (42.9% to 35.6%) and BIAs surrounding the DTES (47.2% to 40.8). It is also important to note that security spending relative to the entire budgets is noticeably higher in the downtown and the area surrounding the DTES, as Figure 4 demonstrates.

While overall spending for security has increased, spending relative to the total budget has decreased. It is difficult to attribute this trend to one factor. BIAs may have more responsibilities in other departments than before, such as street furniture or funding individual events. There has also been an increase in the number of public police officers during this time. Finally, the *Safe Streets Act* (2004) and Project Civil City, encourage greater enforcement by the police in areas of street disorder, of which BIAs are particularly concerned.

Enabling Private Security Enforcement

As demonstrated above, private security overall spending increased between 2003 and 2009. Interviewees noted that private security has increased in numbers and, as a result, intensity. For example, Gastown has focused its private security on Water Street, the tourism corridor, to control panhandling (Bennett, May 11, 2009). Several people noted the importance of the *Safe Streets Act* (2004) in creating 'presumed' authority. Laura Track (June 2, 2009), lawyer for Pivot Legal Society, remarks,

What I find most troubling about the *Safe Streets Act* is the way private security guards, particularly the Downtown Ambassadors and the DV BIA feel empowered to enforce that legislation when they don't have the authority to do so. So their training guides reference the *Safe Streets Act* and provide it, I think, in full to guards that are in training to become DT Ambassadors. My sense

is that private security guards and DT Ambassadors should not be enforcing the *Safe Streets Act* when, of course, they don't have the authority at all.

For example, private security guards, especially in the central business district, move people along by telling them they are not allowed to sit within one metre of a business (Track, June 2, 2009). Pivot Legal has not been able to locate any legislation indicating this is a regulation. Darcie Bennett, researcher for Pivot Legal Society, states, "public police are in the business of crime prevention. Private security are in the business of relocation" (Bennett, May 11, 2009).

This has an important impact on the DTES, adjacent to the downtown, and often a de facto neighbourhood of relocation from the downtown (Bennett, May 11, 2009). Also contributing to the issue of relocation is the development in 2004 of a Strathcona BIA security force that now patrols Hastings between Gore and Clark streets, to the east of the DTES (Eby, May 5, 2009). The consequence of this may be the containment of the homeless, panhandlers and squeegeers to the DTES and out of BIA regulated areas.

Those interviewed did not suggest that the change in private security was a direct impact of the Olympics. However, Bennett (personal communication, May 11, 2009) remarks that the Olympics are intended to create a tourist market in Vancouver and with tourism is a greater demand for private security.

Vancouver Police Department

Public police have an important role in the regulation of public space. These “street-level bureaucrats” have the ability to choose how people may use public spaces based on how this space is enforced (Proudfoot, 2006). The DTES is a particularly difficult neighbourhood to police. It is Greater Vancouver’s epicentre for social services, open drug use and addiction, and congregation of homeless. Making matters more difficult is the Downtown Eastside’s proximity to the downtown core and large tourist areas, such as Gastown and the cruise ship industry. This section examines VPD policy and enforcement in the downtown with a particular focus on the DTES.

Since 2003, the VPD has adopted a “broken windows” style of policing aimed at tackling street disorder violations indicative of urban decay. The VPD released a four-year Strategic Plan (2004-2008) in 2003, listing it as one of its five priorities (Demers & Griffiths, 2007). Another important element of the 2004-2008 Strategic Plan was an increase in sworn police officers and civilian staff. After negotiations with the City, 50 new officers were approved in 2005 and on the street in 2006. Of the 50 officers, 33 were sent to District 1 (downtown) and with no new officers in the remaining three districts, including District 2, responsible for the DTES (Demers & Griffiths, 2007). Another product of the Strategic Plan, one with more presence in the DTES, was an effort of “proactive policing”, where police focus their attention on “problem areas” to make patrolling more efficient (Demers & Griffiths, 2007, p. 875). The proactive policing strategy led to a pilot project for patrolling, Citywide Enforcement Team (CET) (renamed

the Beat Enforcement Team), focusing on the DTES. There are, therefore, more police officers patrolling the DTES, per block, than other areas of the downtown (Lemcke, May 29, 2009a). Gastown, for example, will typically have 1 or 2 patrollers, whereas the priority area of the DTES will have 10 to 14 patrollers per shift.

While street disorder has been a priority as early as 2003, it was in 2005 that disorder became and has remained a VPD priority in address specifically the DTES. The VPD 2004 annual report briefly mentioned the strategy in Oppenheimer Park:

[M]aximizing police presence in the area, deploying regular foot beats, applying zero tolerance, and developing stringent enforcement guidelines. This enhanced visible police presence was developed to encourage *legitimate citizens* to use the park again (emphasis added, 2004, p. 2).

The 2005 Progress Report describes the need for enhanced beat teams in the DTES, Downtown Core and the West End (Districts 1 and 2) (Wiebe, 2005).

Once again, the report offered 5 goals, one of which was “to improve liveability by reducing street disorder” (Liveability Goal), indicating the need for “a decline in the number of visible indicators of disorder (number of panhandlers, squeegee people, etc.)” (Wiebe, 2005, p. 24). The report also notes the involvement of the VPD in the process of the *Safe Streets Act* and the introduction of the MTI system.

The 2008 Business Plan increased to 7 goals but maintained VPD’s commitment to reduce in street disorder. To attain its goal,

To further reduce street disorder in 2008 throughout the entire city, patrol members will all be required to have a working knowledge of the *Safe Streets Act* and *Trespass Act*. Members will receive training to use existing legislation to specifically combat behaviour and activities that contribute to *urban decay*, including aggressive panhandling, squeegeeing, graffiti, public fighting, open-air drug markets, unlicensed street vending, the scavenger economy, and sleeping/camping in City parks and other public spaces [emphasis added] (Organizational Planning Unit, 2008, p. 13).

This statement indicates the VPD's broken windows style of policing, a method Mayor Sam Sullivan encouraged with PCC. In fact, two of the key strategies in the plan were training officers on the utilization of the *Safe Streets Act* and supporting PCC initiatives. Alongside the Liveability Goal, the plan reinforced the importance of enhancing "proactive and visible policing" (Organizational Planning Unit, 2008). Beach patrols became an official activity, as did patrolling parks and beaches in Districts 1 and 4.

The 2009 draft business plan became an issue for debate in Vancouver. Among the targets set: a 20% increase in by-law tickets, a 10% increase in *Safe Streets Act* tickets, a "minimum of 4 street checks per BET (Beat Enforcement Team) member per block", and the elimination of "street vending in the BET catchment area" (Organizational Planning Unit, 2009). The VPD also encouraged requesting warrants for "chronic by-law offenders" (Vancouver Police Board, 2009a). According to Superintendent Warren Lemcke, officer responsible for police activity in the DTES, pressure from the public and accusations of setting quotas led to a revision of the business plan and reversal of key street disorder objectives, which eliminated ticketing targets for by-laws and the *Safe Streets*

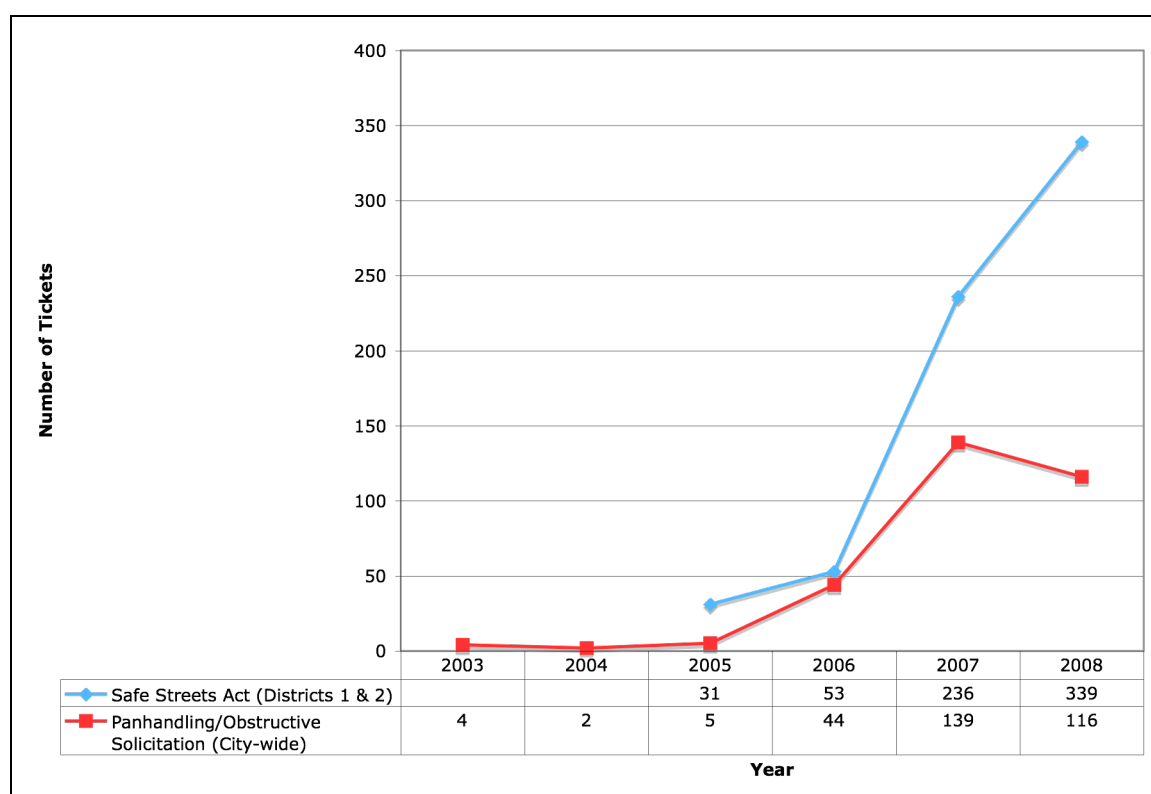
Act, and BET street-check targets (Lemcke, May 29, 2009a; Vancouver Police Board, 2009a).

Most interviewees noted a change in the approach to policing public space since 2003. Lemcke (May 29, 2009a) confirms these changes attributing them to the implementation of the *Safe Streets Act*, a 2008 officer training on how to use the act, as well as a 2006 visit to New York City where he saw “broken windows” policing in effect. David Eby (May 5, 2009), a lawyer and advocate with BC Civil Liberties Association and former Pivot Legal Society lawyer, remarks that he has noticed a change in the enforcement activities of police in the DTES from a focus on drug offences to that of ‘liveability’. He noticed a shift in priorities in the DTES with the initiation of PCC, as did Kim Kerr of the Downtown Eastside Residents’ Association (DERA) (May 13, 2009). Others noticed a major shift within the past year, beginning with a raid of squatter at Oppenheimer Park, which will be discussed later (Anonymous B, June 7, 2009; Livingston, May 27, 2009; Track, June 2, 2009). Most agree that there has been a crackdown on by-law offences, such as spitting, panhandling, jaywalking.

The statistics support these assertions, at least where panhandling and obstructive solicitation is concerned. Between 2006 and 2007, citywide panhandling/obstructive solicitation charges jumped from 44 to 139 tickets, see Figure 5. *Safe Streets Act* tickets rose 345%, from 53 to 236 (District 1 and 2), in the same time period. Interestingly, enforcement of the *Safe Streets Act* (2004) in Districts 1 and 2 showed a steady rise, while panhandling/obstructive solicitation dipped in 2007 to 116 tickets citywide, as illustrated in Figure 5. City-wide *Safe*

Streets Act (2004) tickets rose from 202 to 467 (Organizational Planning Unit, 2008), most of these taking place in Districts 1 and 2.

Figure 5. Tickets for Panhandling/Obstructive Solicitation and *Safe Streets Act* Violations (2003-2008)



Annual reports indicate that VPD policy is focussing more on preserving liveability than it had in years past. In 2008, Lemcke changed the police approach to drug enforcement in the DTES to make beats more efficient. The paperwork on simple drug possession takes hours to file, often removing the police from his/her beat for up to four hours (Lemcke, May 29, 2009a). Presently, police simply confiscate the drugs without charging a person for possession. On the one hand, this new approach creates a safe zone for drugs to the extent that people do not have to worry about being charged. On the other hand, Track

notes that the police are circumventing the legal process by taking matters into their own hand. It also means that one may be written up for jaywalking or aggressive panhandling, which are by-laws, but not drug possession, which are criminal offences.

Along with changing drug enforcement, Lemcke has used other techniques to enforce street disorder infractions more efficiently. In December 2008, due to a budgetary surplus, Lemcke placed all officers on the beat in the DTES. The DTES beat consists of 14 officers assigned per shift but usually has 10 on the beat as police take time away from the beat to enforcement reports. Over the course of the month, officers wrote 1,264 tickets in the DTES, 892 for by-law infractions and 372 for provincial statute infractions (Howell, 2009).

The Municipal Ticket Information (MTI) system, initiated in 2005, allows police officers to record tickets more efficiently. However, Lemcke indicates, this is not overly effective in the DTES, as many residents do not have the ability to pay, and many do not have contact information (Lemcke, July 17, 2009b). In its first two months in effect 212 tickets were written and only 41 had been paid (Au & Chapman, 2007). However, MTI makes the penalty for not paying easier to enforce with harsher punishments. When a person does not pay in 45 days, he/she is deemed convicted and can be issued a warrant for arrest or a 'no-go order'²⁴ for a particular part of the city.

²⁴ A no-go order restricts a person's access to a specific area of the city. It is issued to someone with repeat offences, generally not by-laws. It may restrict someone from one place in the city, e.g. an intersection or alley, but it may also restrict someone from whole blocks or neighbourhoods (Eby, 2009; Lemcke, 2009a; Shaw, 2009).

The 2007 Patrol Deployment Study progress report placed street checks as a priority. Despite being removed from the VPD 2009 draft business plan, street checks continue, according to those interviewed. Police officers will approach new or suspicious people in a neighbourhood to familiarize themselves with the people on their beat (Lemcke, July 17, 2009b). As noted, the 2009 VPD draft business plan required four street checks per beat member per block. Lemcke has asked police officers to do street checks on occasion but has never required a quota, still compliant with the final VPD business plan. In addition, he states, every citizen has the right to refuse being checked (Lemcke, July 17, 2009b). However, Track remarks, that police checks create a sense of distrust,

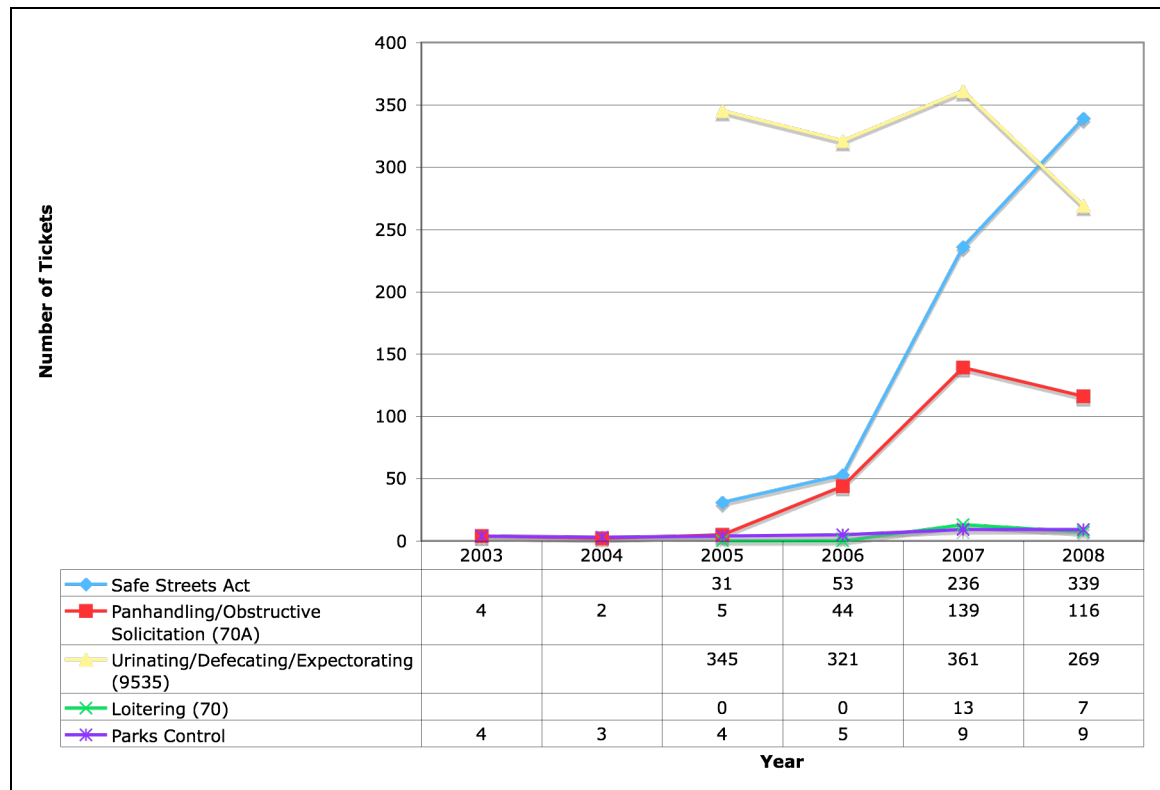
[T]hat's not the kind of police-community interaction that this community needs or wants at all. It's not useful. It contributes to a sense of targeting, of marginalization, it builds distrust between people and the police. It's just not a positive thing (June 2, 2009).

Parks play an important role in the DTES. They are places of socialization and congregation but also a place used for repose. Those interviewed noted that there has not been a noticeable change in the enforcement of people sleeping in public places, specifically parks, since 2003. Lemcke indicated that police usually approach people sleeping in parks and on sidewalks to ensure that they are alive and safe but do not ticket or move people along unless they put up shelter. However, there have been incidents where large-scale enforcement has taken place. Residents and activists referred to a 'sweep' of Oppenheimer Park in August of 2008. Prior to the sweep people frequently slept in the park, many with

temporary shelter, such as a tarp or tent (Track, June 2, 2009). During the summer of 2008, a growing group of people were sleeping in the park, with 30 tents by mid-summer. In August, the police department forced people out of the park. Depending on who is consulted, different reasons are given; Lemcke states the crackdown was for health and safety reasons, while activists and DTES employees spoken to insist it was a sweep, targeting the poor (Anonymous, June 7, 2009; Kerr, May 13, 2009; Lemcke, May 29, 2009a).

Statistics obtained from the City Prosecutor's Office indicate that there has been an increase in park violations and/or enforcement, illustrated in Figure 6. However, tickets represent all park violations and not necessarily infractions dealing with sleeping, temporary shelter or staying in a park after closing hours. Interviewees noted that enforcement has become stricter in two specific parks, Oppenheimer and Pigeon parks, in preparation for renovation. Eby (May 5, 2009) notes that park renovations themselves represent a certain kind of public space regulation. He notes that Pigeon Park could have been implemented in stages, in a way that could have preserved part of the park for public use. The City decided to begin renovation on the whole, which has forced many DTES residents to alleys and sidewalks across the street, creating more of an appearance disorder (Anonymous, June 7, 2009; Eby, May 5, 2009).

Figure 6. Tickets for By-laws and Provincial Legislation



Police in the DTES have been particularly stringent about street vending in the past year. A large bin has been set up on Carrall Street where people's seized property is stored. Lemcke notes, if their belongings are legal, they are taken to a lot downtown. However, people must pay a fee to have their belongings returned. Kim Kerr (May 13, 2009), Downtown Eastside Residents' Association (DERA), has not encountered anyone who has been told where they can pick up their belongings. Lemcke (May 29, 2009a) notes the crackdown on street vending is for safety reasons. He notes many people sell goods that are unsafe for people to buy, such as meat and weapons. He argues the crackdown is simply to help clean up the area from low-level street disorder, a lesson he picked up from New York City. While the former statement implies crackdowns

are related to health issues, the latter indicates a focus on 'broken windows' style policing, of which street disorder enforcement plays a pivotal role.

Enforcement in the downtown core and DTES has changed since 2003. The overall focus in the DTES has shifted from drug enforcement to street disorder, reflected in VPD reports between 2003 and 2009 (Eby, May 5, 2009). When discussing public space in the DTES, Kerr referred to a statement he overheard from a senior staff person with the City of Vancouver:

[The DTES is a] mental institution, where the streets are the corridors in the mental institution and the police march down the streets as their corridors, [just] as the orderlies [would] in the mental institutions. (2009)

With BIA security surrounding the DTES and heavy public police enforcement of beach and parks in the downtown, the presence of DTES residents is essentially contained within the neighbourhood. Residents contributing to street disorder are controlled to the extent that they may hold drugs but may not jaywalk, panhandle, or street vend. The priority area of the DTES is patrolled more than any other area in the city, leaving police available for smaller infractions as well as larger ones, in this neighbourhood, in particular.

The number of tickets handed out in the DTES has increased in the past six years as well. Since the implementation of PCC, there has been an increase in *Safe Streets Act* tickets and panhandling/obstructive solicitation by-law tickets. The closure of parks for renovation has led to the relocation of activities around the DTES. Where the focus was previously on drug enforcement the focus is now

on street disorder. Despite the reversal of PCC, Lemcke (May 29, 2009a) notes that his approach to street disorder will not change. City Council influence on the VPD is limited its one seat on the Police Board and budget made available to the VPD. Lemcke's statement, therefore, implies that the City has little impact on VPD decision-making.

SECTION 6: DISCUSSION

Vancouver's Public Space

The regulation of public space in Vancouver is clearly changing. Combating street disorder has become a priority for various stakeholders over the past six years, reflected in VPD annual business reports, city initiatives and provincial legislation. Vancouver's by-laws often associated with 'street disorder' are not uncommon in the Canadian cities studied. Uncommon, however, are 'broken window' initiatives directly targeting street disorder. In fact, Calgary is using Vancouver as an example of effective policing of street disorder, referring specifically to its anti-graffiti program and anti-panhandling by-law (Animal & Bylaw Services, 2007).

Street disorder, as a general priority, has led to more severe penalties and enforcement of laws governing public space in Vancouver, specifically. The *Safe Streets Act* does not differ dramatically from section 70A of Vancouver's Street and Traffic By-law, regulating panhandling, but the penalty for chronic offenders, as a provincially legislated offence, has harsher penalties than a municipal by-law infraction (Safe Streets Coalition, 2006). The existence of both pieces of legislation means that more people in total are being cited for solicitation. The Vancouver Police Department has instituted warrant requests for chronic offenders (Organizational Planning Unit, 2009). The Municipal Ticketing Information system was implemented in 2005 to make ticketing for by-laws more

efficient. Raising fines for both *Safe Streets Act* (2004) and municipal by-laws means that fewer people are able to pay, increasing the probability of police-issued no-go orders or warrant requests.

Vancouver's city council, elected in 2008, has demonstrated a commitment to reversing some decisions made by the previous council, such as eliminating several PCC goals and public funding to private security. While he does take a 'broken windows' approach, Lemcke (May 29, 2009a) states that city council decisions do not drastically change policing habits. He will reinforce certain PCC goals because it is part of controlling street disorder. As noted, the city has very little power in controlling police enforcement actions. There is only one city council member on the Vancouver Police Board: the mayor. However, the decision by the Police Board to amend its 2009 Business Plan suggests that perhaps public pressure can be a powerful tool.

On the BIA side, it appears that private security has remained a priority. While private spending as a proportion of total budgets has decreased, overall spending on security has increased. In addition, private security is increasing around the DTES, as the Strathcona BIA implemented security in 2004. BIAs have been particularly successful in applying pressure to both municipal and provincial governments, gaining the *Safe Streets Act* and an expansion to the Downtown Ambassadors Program. However, their influence appears to be heavily dependent on the city council's own political priorities. Since November 2008, the left-leaning city council has reversed two BIA-backed initiatives, Project Civil City and funding towards the Downtown Ambassador expansion.

Homelessness and Housing

Regardless of the exact cause of more stringent rules and enforcement of public space, the fact remains that those without shelter rely on public space to live. It is difficult to picture an ideal public space without first picturing a place for everyone to live. Homelessness has become a growing issue in Vancouver, as it has across the country. As a result, each level of government in the past nine years has addressed homelessness. In 2000, the three levels of government signed the Vancouver Agreement, aimed at “supporting and promoting sustainable economic, social and community development” in Vancouver, and in particular, the DTES, including a plan for affordable housing (Canada, British Columbia, & City of Vancouver, 2000). In 2005, the City of Vancouver released its Homelessness Action Plan, which developed a strategic plan, including income, housing and service priorities (City of Vancouver, 2005). Recognizing the importance of housing to issues of ‘street disorder’, Project Civil City set targets for ending homelessness (Office of the Mayor, 2006a). The Vancouver Police Department has also made it a priority to understand how homelessness affects how police approach their job (Vancouver Police Department, 2009).

Regardless of the efforts made, however, homelessness is on the rise with few supportive housing options. Between 2002 and 2008 homelessness in Vancouver grew by 135%²⁵, from 670 to 1,576 people (Greater Vancouver Regional Steering Committee on Homelessness & 3 Ways to Home, 2008, p. 40-

²⁵ Statistics are based on a single-day count. Volunteers spend 24 hours interviewing and observing people who may be homeless. It is possible that some people may be counted twice and does not take into account the “hidden” homeless population, which includes homeless who do not sleep outside.

41). Fifty-two percent of Vancouver's homeless population was street/service homeless, meaning they do not use shelters. In addition, the stock of housing affordable for those with low incomes is decreasing at a steady pace in the DTES, in contrast to the rising market stock between 2003 and 2009. A City of Vancouver report noted a 363-unit decrease in low-income stock (non-market and single room occupancy) between 2005 and 2008. In contrast, the market stock gained 860 units, 769 of those condos (Gillman, 2009). Between 2003 and 2009 there has been a net loss of 1,020 SRO units (Gillman, 2009).

There have been recent efforts on the part of the city and province to address homelessness. The Province recently bought 6 affordable housing buildings in Vancouver, preserving 341 units for low-income people (BC Housing, 2009). The City opened emergency shelters across the city over the winter to allow people to sleep inside during the cold weather months. This program ended at the end of June 2009. Several people interviewed remarked the HEAT shelters were a useful, albeit temporary, solution (personal communication Eby, May 5, 2009; Kerr, May 13, 2009; Track, June 2, 2009). June 29, the Province announced it would fund an extension to three HEAT shelters until April 30, 2010 (Housing and Social Development, 2009).

Olympic Impacts?

It is difficult to draw a causal relationship between the regulation of public space and the Olympics. Had this study been conducted last year it would likely have drawn quite different conclusions. Until January 2009, Vancouver did appear to be following a similar trend as Atlanta and Sydney. Atlanta, like

Vancouver, instituted private security called the Ambassador Force, who patrolled the downtown, prior to the hosting the Games (Beaty, 1998; Lenskyj, 2000; COHRE, 2007). However, unlike Atlanta, the Downtown Ambassadors have been present in Vancouver since before winning the Olympics bid. Sydney heavily enforced 'aggressive vending', similar to Vancouver's enforcement of illegal vending, in an attempt to reduce street disorder (Lenskyj, 2000, p. 149). Finally, Vancouver residents witnessed municipal and police enforcement policies aimed towards curbing street disorder. However, since being elected in November 2008, city council has reversed decisions that made Vancouver appear destined to similar host city status.

Recent council decisions indicate that, while the regulation of public space has changed overall, the Olympics are not solely responsible. Vancouver was heading in the direction of curbing street disorder in 1998 with its anti-panhandling by-law. Lemcke (May 29, 2009a) remarks that the impending mega-event does not change the way police do their job in the DTES: "come see me in 2011 and things will be the same". Contrarily, Kerr (May 13, 2009) believes that there would not be a PCC without the Olympics. Sam Sullivan's letter to the citizens, mentioned above, certainly indicates that the Olympics have played some role in the approach taken towards public space and street disorder. In the same way that the Games fast track physical infrastructural needs, the City's initial focus on street disorder does not appear to be because of the Olympics, simply an excuse to speed up the process. The evidence suggests that the

priorities of individual public space actors, such as the City, BIAs and the VPD, are more important in shaping how public space is regulated.

Regardless of direct impacts, there is a fear among advocacy groups of an Olympic legacy of lost civil liberties. Atlanta and Sydney continued certain ordinances even after the Olympics had come and gone (Lenskyj, 2008). Eby states his Olympics fear:

[I have] concerns about issues like what will be left behind after the Olympic are gone. So things like security cameras, particular tactics by police to deal with the low-income community, proposed rules from [the] province about forcing people into shelters against their will... Things that tend to stick around after you introduce them. The idea that parts of the city will be basically walled off... When you introduce these things in a state of exception like the Olympics it becomes more tolerable for people to accept them later on as they happen again. So I'm concerned about establishing precedence in the Olympics. About what's acceptable and what's not in terms of searches and surveillance and shutting down public space in order to restrict access to only people who have tickets and only people who live in the area (May 5, 2009).

Past concerns and debates are resurfacing, with the Olympics as their channel. Security cameras in public spaces have been approved by city council for the duration of the Olympics. Interestingly, the implementation of security cameras was an issue in 2002 but after public objection, was rejected by city council (Morton, 2002). Security cameras may thus remain a permanent fixture in

Vancouver, as they were in Athens after its hosting duties (Butler, 2009; Hasiuk, 2009). In addition, as part of the Olympics “live” sites, several areas of the downtown will be cordoned off and entrances to the sites monitored by security (Vancouver Sun, 2007). Finally, the transportation plan places closes off the Granville Bridge, an important passage for many Westside “binners” who walk across the bridge into the bottle depot in the DTES (Track, June 2, 2009). Closures will also force many people who sleep under the bridge to be relocated. This process has already started, involving consultation with advocacy groups and the police department (Lemcke, May 29, 2009a; Track, June 2, 2009).

SECTION 7: CONCLUSION

Past Olympics research has provided a better understanding of the potential threats to social infrastructure associated with hosting mega-events, ranging from the loss of affordable housing to reduced civil liberties. However, this research focuses solely on host cities, with little regard for trends in other cities around the world. The comparative portion of my analysis attempts to fill this gap by demonstrating that the regulation of public space through legislation is not only found in host cities. Often the causal link drawn between Olympics preparations and increased legislation and enforcement fails to respect the multitude of reasons that a city and its stakeholders regulate public space. The case study of Vancouver's enforcement demonstrates that there is also a need to focus on the individual actors responsible for controlling public space.

By and large, the City and Province appear to have taken two approaches in the years preceding the Olympics, regardless of whether it is directly related to having the world focusing in on the city. First, legislation like the *Safe Streets Act* along with initiatives such as Project Civil City and the once publicly funded Downtown Ambassadors Program indicate that eradicating disorder. This comes from the broken windows school of thought. Particular attention was paid to moving disorder out of the downtown consumer-oriented districts. The consequence of this has been the containment of 'street disorder' in the DTES. With private security increasingly moving people into the DTES and a strong

police presence within the neighbourhood, daily routines associated with homelessness and poverty, e.g. panhandling, vending, and sleeping, are becoming more difficult to perform, anywhere. This problem becomes more apparent when typical public space hangouts, such as two important DTES parks, are under construction, leaving residents to 'loiter' in alleys and on sidewalks, more than was the case before. The second approach, which has led to the reversal of some of the old practices, appears to be an attempt to treat the root causes of 'disorder', i.e. helping the homeless instead of targeting them. New SRO purchases by the Province imply a change at the provincial level as well.

The complex relationship between various regulators of public space makes pinning a causal effect on one source quite difficult. While the City and Province have taken a different stance toward homelessness in the past year, this may have little impact on the regulation of public space in the downtown and DTES. As noted, the Vancouver Police Board is fairly autonomous with regards to city council's policy. Reinforcing this point, Supt. Lemcke implies that priorities for policing the DTES remain the same today as prior to the last municipal election, i.e. addressing street disorder, with little City influence. Therefore, while the political priorities of individual actors are one of the primary factors in the regulation of public space, priorities are not always one and the same.

Complicating matters is the notion of Vancouver as a brand. In the era of 'world-class cities', with Olympic host cities being one subgroup of this class, branding becomes instrumental in selling the image of the city (C. M. Hall, 1996).

Vancouver's 'Most Livable City' brand portrays the downtown as a place to both live and work, reflected in the Central Area Plan of the 1990s, designed to reinvigorate and densify the downtown (Punter, 2003, p. 274). More recently, Vancouver has developed an Olympic Host City Brand that has common elements with host cities gone before as well as new elements that are more unique and in keeping with Vancouver's history. Vancouver's carving of its particular world-class city brand in time for the Olympics began with the bid book's "Inner City Inclusivity Statement", presenting an image of social sustainability. Not only was this brand important in winning the bid, but it becomes more important as a way to hold Vancouver and VANOC accountable for actions taken and changes to the regulation of public space. Danger of denting the city's image may occur if certain strategies appear to exclude certain groups, especially those in the inner-city (DTES).

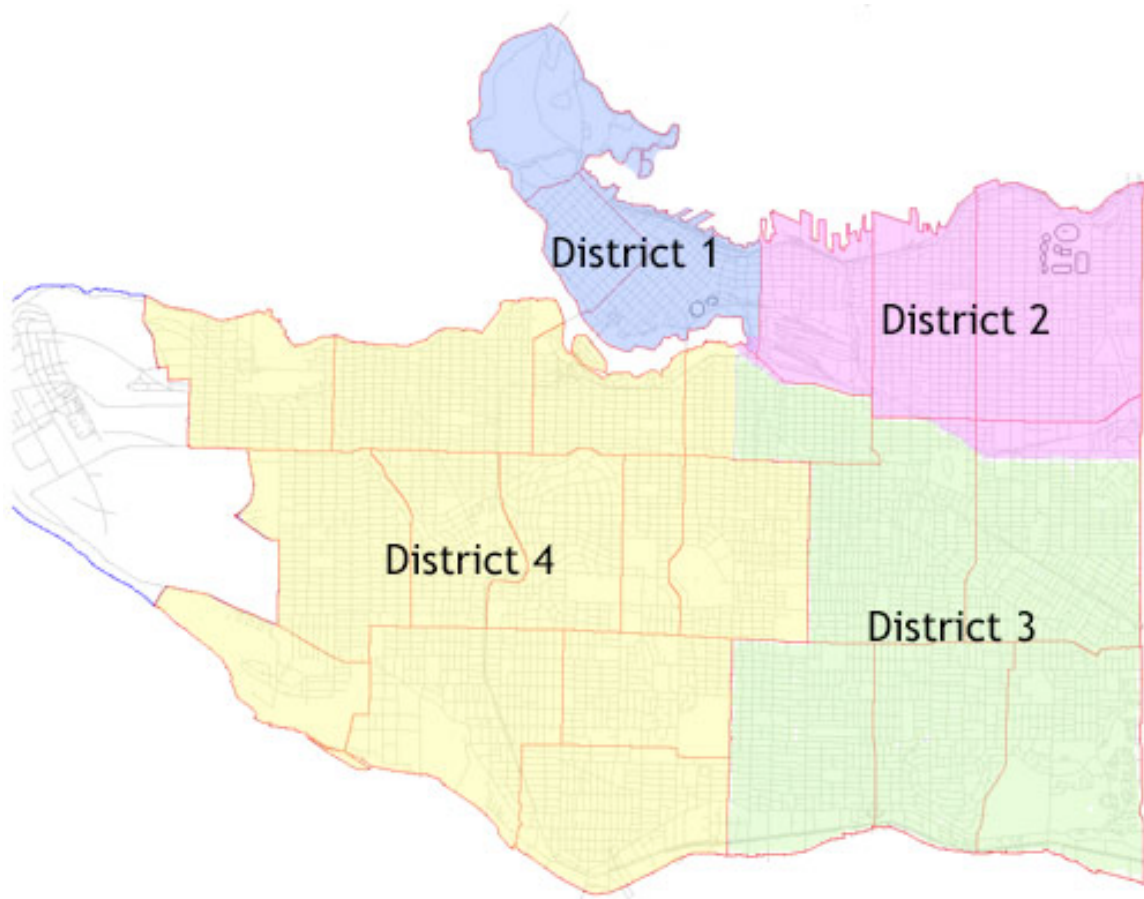
APPENDICES

Appendix A: City of Vancouver DTES Communities



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Appendix B: VPD Districts



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Appendix C: List of Interviews, Arranged by Date Interviewed

Interviewees	Position	Interview Type	Date
Chris Shaw	Professor at UBC, Olympics Activist	In-person	April 30
Paul Kerston	Activist	In-person	May 4
David Eby	Executive Director, BC Civil Liberties Association Formerly: Lawyer, Pivot Legal Society	In-person	May 5
Darcie Bennett	Researcher, Pivot Legal Society	In-person	May 11
David Cunningham	Resident Activist in DTES	In-person	May 13
Kim Kerr	Downtown Eastside Residents' Association (DERA)	In-person	May 13
Laura Track	Lawyer, Pivot Legal Society	In-person	June 2
Ann Livingston	Resident Activist, founder of and volunteer at Vancouver Area Network of Drug Users (VANDU)	In-person	May 27
Warren Lemcke	Superintendent responsible for District 2, DTES	In-person Phone	May 29 July 17
Anonymous	Resident Activist	In-person	June 7
Anonymous	Resident Activist	In-person	June 7

Appendix D: Interview Schedule of Activists and Workers

Community activists, workers, and residents will be asked to participate in a semi-structured interview. The goal is to better understand the specific changes in the regulation of public space over the past 6 years in the Downtown Eastside and Gastown. Themes are underlined.

FAMILIARITY WITH VANCOUVER, GASTOWN, DOWNTOWN EASTSIDE

- 1) What is your role within the community?
SPECIFY WHAT THEY MEAN BY 'COMMUNITY'
- 2) How long have you worked, lived, or studied in the area?
SPECIFY WHAT THE 'AREA' IS

EXPERIENCE WITH SECURITY (PUBLIC AND/OR PRIVATE)

- 3) Have you noticed a change in the past few years in the approach taken by police in dealing with people in public space (streets, sidewalks, parks)?
PROBE – IF YES, IN WHAT WAYS? FOR HOW LONG? WHAT REASONS DO YOU BELIEVE ARE BEHIND SUCH CHANGES? WHAT TRIGGERED THIS REALIZATION?

HAS THERE BEEN A RESTRICTION TO CERTAIN TYPES OF ACTIVITIES TOLERATED IN PUBLIC SPACE – MAINLY, SLEEPING IN PARKS, SIDEWALKS, OR PANHANDLING? CAN YOU GIVE SPECIFIC EXAMPLES?
- 4) Have you noticed a change since the enforcement of the Safe Streets Act, the Trespass Act and Project Civil City?
PROBE – IF YES, IN WHAT WAY?
- 5) Have you noticed a change in the number of tickets and/or arrests in the past six years for infractions under with the Safe Streets Act, the Trespass Act?
PROBE FOR THE TYPES OF INFRACTIONS AND THE GEOGRAPHIC LOCATIONS OF TICKETING AND/OR ARRESTS
- 6) Have you noticed a change in the neighbourhood since the initiation of Project Civil City affect the area? If yes, how?
PROBE – SPECIFIC EXAMPLES, LOCATIONS THAT WERE PARTICULARLY EFFECTED.
- 7) Have you noticed a change in the neighbourhood since the termination of Project Civil City? If yes, how?

PROBE – SPECIFIC EXAMPLES, LOCATIONS THAT WERE PARTICULARLY EFFECTED.

- 8) Have you noticed a change in the number private security guards in the past few years?

PROBE FOR TIMEFRAME AND LOCATION (GASTOWN, DOWNTOWN EASTSIDE, CENTRAL BUSINESS DISTRICT).

PROBE FOR THEIR ROLE IN THE DOWNTOWN, GASTOWN AND THE DOWNTOWN EASTSIDE

- 9) What do you think accounts for the increase in private security?
THIS QUESTION WILL ONLY BE ASKED IF THE RESPONDENT ANSWERS THAT THERE HAS BEEN AN INCREASE IN PRIVATE SECURITY.

- 10) As far as you know, do private security guards help in moving people along (for example, panhandlers)?

- a. If yes, why?
- b. If yes, where are they moving people?

- 11) Why do you think changes in the enforcement and regulation of public space have occurred in the past few years?
THIS QUESTION WILL ONLY BE ASKED IF THE RESPONDENT BELIEVE THERE HAS BEEN A DEGREE OF CHANGE IN THE PAST FEW YEARS.

ROLE OF CITY POLITICIANS

- 12) How much of the change do you think depends on high-level policy priorities?

THIS QUESTION WILL ONLY BE ASKED IF THE RESPONDENT BELIEVE THERE HAS BEEN A DEGREE OF CHANGE IN THE PAST FEW YEARS.

- 13) Have you noticed a change in the way police approach the regulation of public space since the new council was elected (in November, 2008)?

PROBE FOR TYPES OF CHANGES (GOOD OR BAD).

ROLE OF OLYMPICS

- 14) What do you think about the upcoming Olympics?

- 15) Do you believe the Olympics are playing a role in changing public space and the actions people are allowed to have in this space?

THIS QUESTION WILL BE ASKED IF THE RESPONDENT HAS INDICATED THERE HAS BEEN A NOTICEABLE CHANGE IN THE REGULATION OF PUBLIC SPACE.

DO YOU THINK THERE WILL BE PERMANENT EFFECTS ON PUBLIC SPACE

16) Do you think the Olympics will have a lasting legacy in the downtown (Gastown, Downtown Eastside, Gastown)?

PROBE FOR "LEGACIES"

Appendix E: Interview Schedule of Police Representative

Representatives of the Vancouver Police Department will be asked to participate in a semi-structured interview. The themes of the interview are underlined.

POLICE PATROLS AND ENFORCEMENT

- 1) Can you tell me a bit about the Downtown Eastside and Gastown?
PROBE – WHAT ROLE DO THE POLICE HAVE IN THE AREA?
DO THEY SERVE AS EYES ON THE STREETS OR ENFORCERS
(OR BOTH)?
- 2) What are the boundaries of the DTES and Gastown?
- 3) What have been your strategies for dealing with people sleeping in the streets and parks?
PROBE – DO YOU GIVE THEM FIRST WARNING OR TICKET?
HAS THIS CHANGED SINCE THE IMPLEMENTATION OF THE
SAFE STREETS ACT AND THE TRESPASS ACT? IF YES, IS
THERE A PART OF THE DOWNTOWN EASTSIDE, GASTOWN,
CENTRAL BUSINESS DISTRICT THAT IS PARTICULARLY
ENFORCED? IF YES, WHICH LOCATIONS AND WHY?
- 4) What are your strategies for dealing with people panhandling?
PROBE – SIMILAR QUESTIONS AS ABOVE (QUESTION #2).

HAS THERE BEEN PARTICULAR PARTS OF THE CITY THAT
HAVE BEEN MORE ENFORCED THAN OTHERS?

WHAT ABOUT ILLEGAL VENDING, SQUEEGEEING,
LOITERING, JAYWALKING?
- 5) Which offence are you most inclined to enforce?
- 6) Has there been an increase in the number of police officers available in Districts 1 and 2?
 - a. If yes, by how many?
 - b. If yes, what has been the rationale for the increase?
- 7) Has there been an increase in the number of police officers who patrol the streets in the past six years?
PROBE FOR LOCATIONS (SPECIFIC STREETS,
NEIGHBOURHOODS – GASTOWN, DOWNTOWN EASTSIDE,
DOWNTOWN). WHEN CHANGE OCCURRED (YEAR)

- 8) How have the Safe Streets Act and the Trespass Act affect the way police approach people in the Downtown Eastside and Gastown?
PROBE – WHAT WERE THE INTENDED GOALS OF THE ACTS? HOW WERE PANHANDLING AND LOITERING DEALT WITH PRIOR TO THESE ACTS?
- 9) Can you describe Project Civil City?
 - a. I understand that certain Project Civil City initiatives have been overturned, can you discuss this changes your approach enforcing to the downtown (Downtown Eastside, Gastown and the Central Business District).
 - b. HOW DID PCC INITIALLY AFFECT THE WAY POLICE APPROACH THE WHO ARE PANHANDLING OR LOITERING?
- 10) Which had a larger impact on the enforcement techniques of the VPD, the Safe Streets Act or Project Civil City?
- 11) Can you explain “no-go zones” or “red zoning”?
 HAS THERE BEEN AN INCREASE IN THE PAST 6 YEARS? IF SO, WHY?
- 12) During my research, I read a few things that implied you were a supporter of the Broken Windows Theory?
 - a. Can you describe it? How is it effective?
- 13) The VPD 2008 Year-End Business Plan mentions the need to reduce BIA captured disorder. Can you explain a bit about that?
PROBE FOR ROLE BIAS PLAY IN CONTROLLING PERCEIVED DISORDER IN PUBLIC SPACE. WHICH BIAS HAVE THE MOST “CAPTURED DISORDER”?
- 14) Can you discuss the relationship between private security and public police? In Gastown and the Central Business District, in particular.
 DO PRIVATE SECURITY CONTRIBUTE TO PRESERVE THE “BROKEN WINDOWS THEORY”?
- 15) Is there pressure from BIAs to increase enforcement?
- 16) Can you describe Municipal Ticket Information? Can you describe PRIME-BC?
 DOES IT MAKE ENFORCEMENT EASIER?
- 17) Article in Vancouver Courier noting tickets in 2008 were 1,131, not including the 370 provincial statute offences in the DTES. Can you give me an indication of the percentage of different offences (panhandling, jaywalking, sleeping in a park or on sidewalk, illegal vending)?

- a. What do you say to people who argue you are performing street sweeps?
- b. Is this accurate?
- c. Why the “sweep” in December? Rationale? Have police sweeps increased in past years? Why?

RELATIONS WITH CITY COUNCIL

18) What impact do city council policy priorities have on the management of the police department?

19) How has the change in administration affected the police department (in terms of its goals and implementation)?

PROBE – MORE SPECIFICALLY, PARTOLLING OF PUBLIC SPACE AND ENFORCEMENT OF PANHANDLING AND PUBLIC SLEEPING BY-LAWS

OLYMPICS

20) What preparations has the Vancouver Police Department made to ready itself for the Olympics and the influx of people they bring?

21) Have the upcoming Olympics changed the way you patrol the downtown area in recent years?

PROBE – IN WHAT WAY? ARE THESE LIKELY LASTING CHANGES? WHEN DID THE CHANGES BEGIN?

Appendix F: BIA Breakdown by Geography

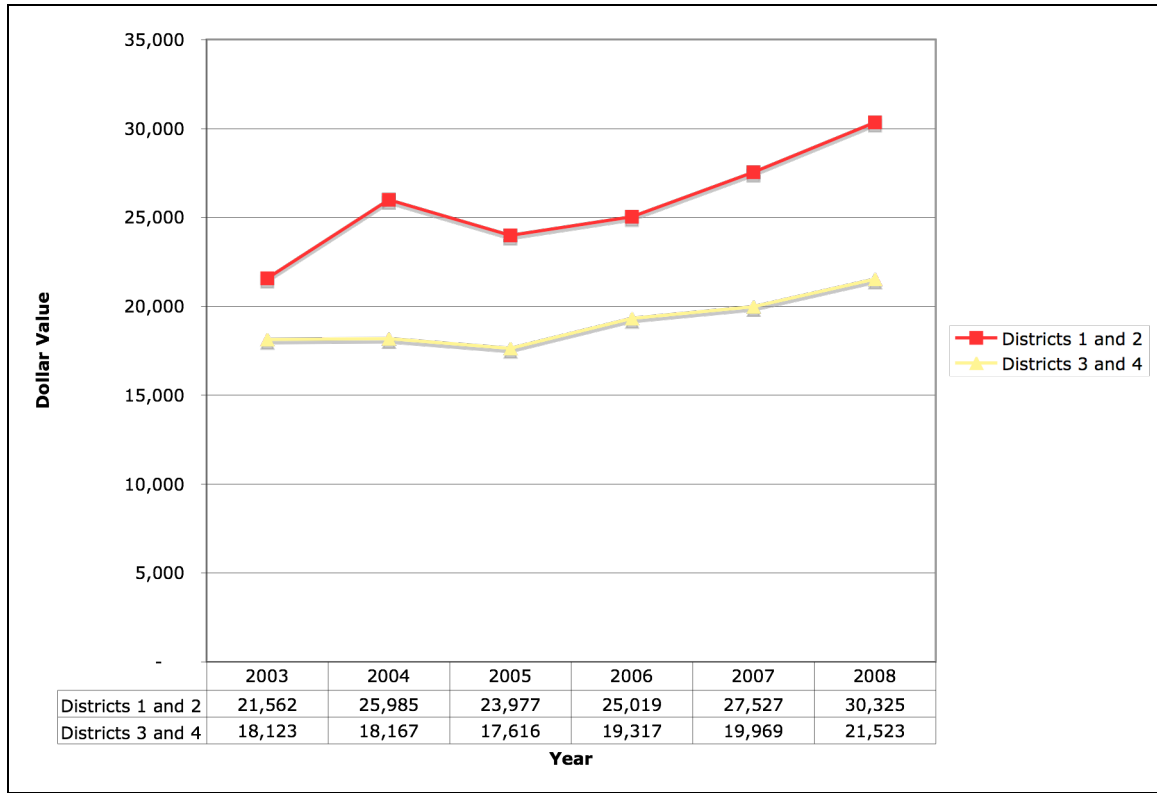
City-Wide	Downtown	Surrounding DTES
Downtown BIA	Downtown BIA	DVBIA
Robson	Robson	Gastown BIS
Kerrisdale	West End BIA	Chinatown
Gastown BIS	Gastown BIS	Strathcona
West End BIA (previously Davie Village)	Chinatown	
South Granville BIA	Yaletown	
Commercial Drive BIA		
Marpole		
Strathcona Area		
Collingwood		
Hastings North		
Yaletown		
Kitsilano		

Appendix G: Map of Vancouver BIAs

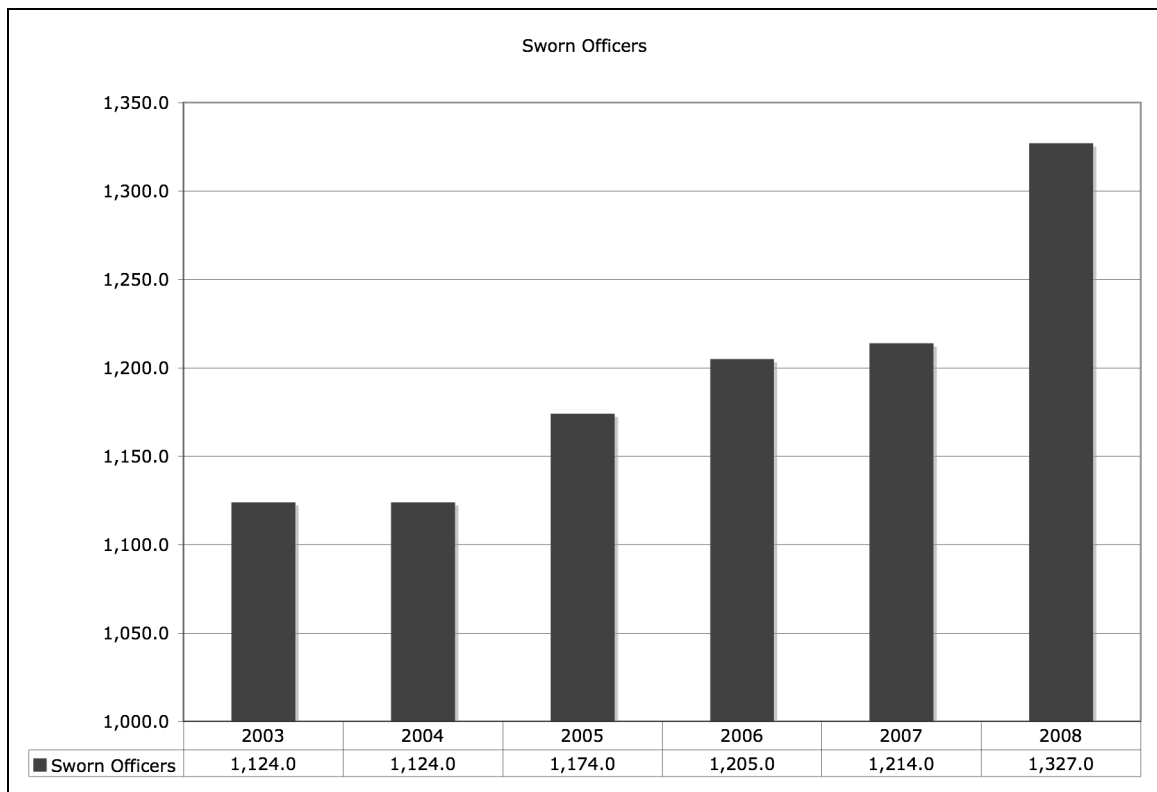


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Appendix H: VPD Funding 2003-2008, in Dollars



Appendix I: VPD Number of Sworn Police Officers, 2003-2008



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