



OF VANCOUVER

Confronting Sweeps: Reimagining Advocacy for Tent Cities

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Law Commission of Canada Commission du droit du Canada

Land Acknowledgment

The Housing Research Collaborative and Balanced Supply of Housing are located at the University of British Columbia, on the traditional, ancestral and unceded territories of the **xməθkwəy̓ əm** (Musqueam) People. The 'Confronting Sweeps' event was held at UBC's Learning Exchange located in Vancouver's Downtown Eastside on the unceded territory of the Coast Salish Peoples, including the territories of the **xʷməθkwəy̓ əm** (Musqueam), **Skwxwú7mesh** (Squamish), **Stó:lō** and **Səlilwətaʔ**/Selilwitulh (Tsleil-Waututh) Nations.

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Vancouver's Crab Park

Executive Summary

This report summarizes the workshop *Confronting Sweeps: Reimagining Advocacy for Tent Cities* hosted by the University of British Columbia's Housing Research Collaborative on June 6th, 2025. The event examined how municipal bylaws and zoning policies continue to displace unhoused residents while failing to meet their basic needs.

Attendees discussed the proposed zoning changes in the Downtown Eastside Oppenheimer District (DEOD) and the use of restrictive place-based bylaws. They described these systems as measures of significant control and surveillance that hinder the survival of people sheltering outdoors. In a landscape where punitive practices remain common, this report considers avenues for change that use the law to empower marginalized communities instead of alienating and dispossessing them.

The report outlines two key policy directions:

- Classify encampment supports as a core policy decision to reduce municipal liability. This would provide municipalities with immunity from legal liability and create opportunities for City staff to work with encampment residents to find solutions.
- Establish a Homeless Bill of Rights to safeguard individuals experiencing homelessness against discrimination, and provide a clear rights-based framework for municipal decision making.

These proposals call for a shift toward legal tools that emphasize human dignity, community input, and accountability. They also provide a practical foundation for future research and legal advocacy.



Introduction

On June 6, 2025, the Housing Research Collaborative at the University of British Columbia hosted *Confronting Sweeps: Reimagining Advocacy for Tent Cities*. This full-day workshop brought together legal scholars, frontline advocates, community organizers, and individuals with lived experience of housing precarity. Collectively, they discussed the implications of street sweeps, proposed zoning changes in the Downtown Eastside Oppenheimer District (DEOD), and restrictive bylaws that criminalize certain groups for simply existing in public spaces. The workshop provided an opportunity for participants to rethink legal and policy responses to homelessness and encampments.

Although laws governing public and private spaces apply to everyone, they disproportionately impact people without a secure home (Berti, 2010). Since individuals experiencing homelessness rely on these spaces for rest, shelter, and daily survival, they end up encountering increased legal enforcement and surveillance (Blomley et al., 2023; Wood, 2024). One of the ways in which current laws marginalize unhoused people is through municipal bylaws that target their belongings. In Vancouver, for example, street and traffic bylaws permit routine sweeps of public spaces. During these sweeps, city workers cite cleanliness as a rationale for confiscating the personal property of people living outdoors (Berti, 2010; Blomley et al., 2023). The lack of clearly defined provisions regarding the belongings of unhoused individuals empowers workers to discard these possessions based on arbitrary judgments of value (Blomley et al., 2023). Things that may carry deep personal meaning for people sheltering outdoors are lost without recourse. This kind of dispossession can cause significant emotional and psychological harm and severely undermine a person's ability to survive (Blomley et al., 2023).



A lack of affordable housing in Vancouver and municipalities across British Columbia (BC) often also necessitates unhoused people to erect temporary shelters. This lack of 'alternative' housing has been part of successful lawsuits that challenge municipal bylaws that make it illegal for unhoused people to erect temporary shelter. For example, in the 2008 *Victoria vs. Adam's* case, plaintiffs argued that City of Victoria's by-laws banning temporary shelters violated their section 7 Canadian Charter rights to "life, liberty and security of person" (Craig, 2008). This case points to the need for municipal strategies that ensure that unhoused people have access to shelter. The right to adequate housing is also at the foundation of a new lawsuit against the City of Vancouver challenging by-laws that ban day-time use of temporary shelters (BCCLA, 2025). In the City of Vancouver, alternatives to temporary shelter are further threatened by the city's recent freeze on new supportive housing units and proposed changes to the DEOD (Burrows & Greening, 2025). Current zoning in the DEOD play an important role in protecting affordable housing stock from the pressures of gentrification that often work to displace low-income and marginalized people. However, proposed changes to the DEOD zoning would significantly increase density, while also decreasing the percentage of units available to low-income tenants (City of Vancouver, 2025), contributing to displacement pressures in the neighbourhood.

In light of these pressures, the Confronting Sweeps workshop critically analyzed the legal foundations of forced displacement and amplified community resistance. It also highlighted the potential for new legal frameworks that affirm the rights and dignity of people who are precariously housed. As the housing crisis deepens and municipalities continue to rely on punitive measures, spaces like this workshop offer an important platform for advancing alternative responses to homelessness that centre equity and lived experience.



The Event

The Confronting Sweeps workshop unfolded over a full day of analysis and exchange of ideas. Participants engaged with a carefully designed program that included:

- Dr. Elder Roberta Price, an advocate from Coast Salish Snuneymuxw and Cowichan Nations, who opened the day. For her efforts to decolonize health care and create more equitable spaces for Indigenous patients, Dr. Price was awarded an honorary doctorate from UBC in 2021. She is a tireless leader of Justice, Equity, Diversity, and Inclusion initiatives at UBC's Faculty of Medicine, whose work bridges Indigenous and Western approaches to healing. Through the Indigenous Land Welcome, Dr. Elder Roberta Price grounded the workshop in a shared sense of duty to the land and one another.
- Dr. Heidi Kiiwetinepinesiik Stark carried the thread forward with her keynote address. As a member of the Turtle Mountain Ojibwe and Associate Professor of Indigenous Governance at the University of Victoria, she called for accountability and relational responsibility in society's treatment of unhoused individuals.
- Pushing the discussion further was the panel on "BC's Legal Framework Shaping the Rights of Encampment Residents." Moderated by Dr. Alexandra Flynn, the panelists included lived-experience expert Andrew Hirschpold, frontline advocate Fiona York, lawyer Julia Riddle, and researcher Dr. Nicholas Blomley. The contributions of the speakers anchored the day in shared values of care. It drew attention to the urgency of reform rooted in lived experience and Indigenous legal traditions.

To prioritize meaningful dialogue, the structure of the day effectively combined presentations, critical reflection, and collaboration. The breakout sessions focused on restrictive bylaws and DEOD zoning changes. It encouraged attendees to grapple with specific legal challenges, including the regulation of public space, access to supportive housing, and treatment of personal belongings during evictions. Community members, legal advocates, and organizers shared recommendations and grassroots approaches to address these systemic issues affecting encampment residents. Throughout the day, the emphasis remained on collective knowledge building and inspiring practical action beyond the workshop.



Key Note: Dr. Heidi Kiiwetinepinesiik Stark

Attendees

40 people attended and were involved in the event including:

- 5 academic researchers including legal experts from the University of British Columbia, University of Victoria, and Simon Fraser University
- 11 lived experience experts from Vancouver's Downtown Eastside that had been involved in the Crab Park encampment
- 10 legal advocates from organizations including Arvay Finlay LLP, BC Civil Liberties Association, First United, and the Tenant Resource and Advisory Centre
- 5 non-profit and community leaders from organizations including Aboriginal Housing Management Association, BC Non-Profit Housing Association, First United, Union Gospel Mission, and Vancouver Public Library
- 5 student researchers
- 4 staff from the Housing Research Collaborative and Balanced Supply of Housing

For more information on the participants, please refer to the [Attendee Package](#).



Acknowledging the unceded Coast Salish Territories of Vancouver's Downtown Eastside with Dr. Elder Roberta Price

Keynote: Why Some Trees Keep Their Leaves: Revitalizing Indigenous Law as Ethics of Care

In her keynote, “Why Some Trees Keep Their Leaves: Revitalizing Indigenous Law as Ethics of Care”, Dr. Heidi Kiiwetinepinesiiik Stark drew from Anishinaabe legal traditions to position Indigenous law as generative rather than punitive. She told the story of a little bird, a *bineshiihn*, who could not migrate south for the winter because of a broken wing. As he sought shelter, several trees turned the little *bineshiihn* away. Some gave reasons based on scarcity and self-protection, while others refused to extend care to those they did not know well. In contrast, the spruce, white pine, and cedar welcomed the *bineshiihn* and worked collaboratively to offer him warmth, food, and shelter. The Creator rewarded their care by allowing them to keep their leaves throughout the winter. Dr. Stark explained that this story echoes Anishinaabe legal principles rooted in reciprocity and shared obligation to care for others. It invites listeners to question their responsibility to their kin, to strangers, and to those who have been made vulnerable by systemic harm.

Dr. Stark connected these teachings to the case of Beacon Hill Park in Victoria, where unhoused individuals set up encampments during the COVID-19 pandemic. Arguing that encampments violated the park’s intended purpose, a group called Friends of Beacon Hill Park filed a lawsuit. The courts ruled 24/7 sheltering to be inconsistent with the park’s public trust document that required it to be “for the use, recreation and enjoyment of the public” (*British Columbia v. Friends of Beacon Hill Park*, 2023). This case sparked a thoughtful discussion amongst attendees who reflected on how the terms “recreation” and “public” are defined and applied. Dr. Stark explained the colonial origins of the trust while participants expressed frustration with ineffective government responses. She emphasized the need to align housing policies with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Declaration on the Rights of Indigenous Peoples Act (DRIPA) (Declaration on the Rights of Indigenous Peoples Act, 2019; United Nations Declaration on the Rights of Indigenous Peoples, 2007). These instruments require governments to respect Indigenous laws and decision-making in all areas, including housing. Overall, the keynote framed law as a space for mutual respect while offering a vision grounded in compassion and Indigenous leadership.



Panel Discussion: BC's Legal Framework Shaping the Rights of Encampment Residents

The Panel on “BC’s Legal Framework Shaping the Rights of Encampment Residents” explored how laws marginalize unhoused individuals while failing to provide effective solutions. Dr. Alexandra Flynn moderated the panel, drawing on each panelists expertise. Julia Riddle, a lawyer supporting the British Columbia Civil Liberties Association (BCCLA), discussed the organization’s legal challenge to Vancouver’s daytime ban on sheltering. They highlighted the ban’s dehumanizing nature and addressed the harm that results when officials enforce bylaws without fairness or due process. Fiona York, a housing advocate and support worker, carried the discussion forward by sharing a story of an unhoused man whose health severely deteriorated after repeated displacement. The lived experience of Andrew Hirschpold further exposed the effects of oppressive laws on people who are precariously housed. He spoke about the lack of ethics in bylaw enforcement, the impact of inadequate low-income housing, and the barriers to accessing services and housing without a fixed address. Andrew’s account revealed the harsh realities of navigating systems that claim to protect but fail to do so. Offering a research lens, Dr. Nicholas Blomley stressed the need to document harm related to belongings and amplify the voices of those most affected. As a legal geographer, he argued that academic research can influence legal decisions when used collaboratively and thoughtfully but can also further marginalize when used uncritically. Across these various entry points, the panelists articulated a shared concern about the disconnect between policy and lived experience. Their insights conveyed the urgent need for community-led and oriented advocacy.



Panelists Andrew Hirschpold and Fiona York

Group Discussions

In the afternoon breakout sessions, workshop attendees engaged in focused discussions on two pressing issues:

- Proposed zoning changes in the DEOD
- The impact of restrictive place-based bylaws

The conversations generated ideas for action informed by personal insight, legal expertise, and frontline work.

Proposed Zoning Changes to the DEOD

Participants discussed the proposed DEOD zoning changes as the extension of colonial, profit-driven planning that displaces low-income residents. This new plan would allow taller buildings, reduce the number of social housing units required, and facilitate the replacement of existing low-income housing with market-rate housing. Many participants shared how poor conditions in single-room occupancy buildings, like pests, strict rules for visitors, and neglectful management, made them feel imprisoned. Some said they felt safer living in tents, and most warned that the proposed changes would likely exacerbate the housing crisis in the Downtown Eastside. The groups called for a rights-based approach to housing and rejected systems based purely on market incentives. Key proposals for change included:

- Creating community land trusts to keep land in collective ownership and ensure its use for non-profit, affordable housing.
- Limiting municipal control that allows profit-oriented rezoning without accountability or community consent.
- Establishing a requirement for a certain percentage, informed by community needs and levels of homelessness, of affordable and low-income housing in new building developments.
- Increasing tenant protections to prevent evictions and displacement during redevelopment.
- Aligning policies and zoning decisions with UNDRIP/DRIPA to ensure meaningful consideration of Indigenous voices and concerns in decision-making.



Discussion Group Participants

Impact of Restrictive Place-Based By-Laws

In conversations about place-based bylaws, participants expressed concern that city-led support systems are often structured around control rather than care. They emphasized that bylaws are written and enforced without transparency, accountability, or meaningful input from the communities most impacted. These laws criminalize basic survival practices such as sleeping, bathing, and storing personal items in public spaces. Attendees also discussed how vague bylaw language grants excessive discretion to city workers, which they exercise in punitive and uneven ways against people experiencing homelessness. As an alternative, participants suggested the following:

- Peer-led wellness checks that provide safety and support without involving law enforcement.
- Internal conflict resolution methods that assist community members in addressing issues collaboratively without relying on punitive systems.
- A Homeless Bill of Rights that formally protects the dignity, safety, and legal rights of unhoused individuals.
- Mandatory training and information sessions for enforcers with a trauma and culturally informed lens that is in line with the Charter, reconciliation efforts, and Indigenous worldview.
- Fair contracting practices that include clear terms and independent oversight processes for holding public workers accountable to the communities they serve.
- Redirecting public resources toward safe and accessible infrastructure such as bathrooms, waste services, and shelters.

The theme consistent amongst all discussion groups was the need to rethink municipal enforcement and the government's response to homelessness. Participants recognized civil disobedience as one of the main mechanisms of resistance against government control. Specifically, they suggested deliberately violating bylaws and zoning decisions with the support of lawyers as a way to overwhelm the court system, challenge the social utility of these policies, and expose the harms they cause. From calling for the removal of harmful bylaws to urging accountability, the attendees continuously asserted care-based responses. They envisioned a future guided by mutual aid and transparency.



Discussion Group Participants

Policy Implications

This section explores two policy directions informed by the breakout group discussions:

1. Addressing municipal legal liability through proactive policy choices. Concerns over legal and financial risks often shape municipal decisions regarding encampments. In response, this section outlines potential solutions, including designating encampment support as a core policy decision while adopting risk-sharing mechanisms.
2. Developing a homeless bill of rights. This idea draws on international examples that utilize such frameworks to reframe government responsibility. Rather than responding through punitive measures that lead to displacement, a rights-based approach compels municipalities to protect people in unhoused communities from discrimination and ensure access to basic needs such as shelter.

Adopting Risk-Sharing Mechanisms

Municipalities frequently cite liability concerns as a key rationale for clearing out encampments. When seeking court orders against tent cities, they argue that the continued occupation of certain public lands exposes them to legal and financial liabilities. In *Saanich (District) vs. Brett*, 2019 BCSC 1648, the district highlighted its inability to meet fire safety obligations due to an encampment at Regina Park. The threat of harm from propane tanks, open flames, and obstructed emergency access were all factors guiding the court's acceptance that Saanich had a high risk of liability (*Saanich (District) vs. Brett*, 2019). While the court considered rights of unhoused individuals in the Canadian Charter of Rights and Freedoms', they decided in favor of the municipality. Saanich was granted an injunction to evict the encampment (*Saanich (District) vs. Brett*, 2019).

Similarly, in *Maple Ridge (City) vs. Scott*, 2019 BCSC 1321, the court awarded a partial injunction allowing the city to enforce fire safety and bylaw compliance at the encampment on St. Anne lands. Maple Ridge argued that uncontrolled hazards on the site exposed it to civil liability but failed to demonstrate that adequate shelter or housing was available (*Maple Ridge (City) vs. Scott*, 2019). Although the court acknowledged the cold weather and the absence of alternatives, it found that the fire safety issues outweighed other factors. The court permitted the city to remove fire hazards from the site, leaving residents without sources of warmth in the cold winter months (*Maple Ridge (City) vs. Scott*, 2019). As municipalities continue to draw on liability concerns to evict encampment residents, it becomes crucial to consider potential solutions that balance these risks with the rights and dignity of unhoused individuals.

Municipalities could consider reframing their approach by treating the protection of encampments as a core policy decision rather than an operational one. The Supreme Court of Canada clarified in *Nelson (City) vs. Marchi*, 2021 SCC 41, that governments are immune from legal liability for core policy decisions. These decisions involve elected officials or senior staff making high-level value judgements through a deliberative process that weighs social, economic, and political considerations (*Nelson (City) vs. Marchi*, 2021). In contrast, operational decisions are day-to-day actions taken to implement policy (*Nelson (City) vs. Marchi*, 2021). Although it has not yet been applied to the context of homelessness, there is potential for municipalities to make encampment support a core policy decision. Governments may access the policy immunity defense to shield themselves from specific liability claims by formally recognizing encampments as part of an intentional response to the housing and public health crisis. Doing so would require municipalities to document evidence of purposeful and strategic decision-making processes

focused on harm reduction and minimally disruptive responses to homelessness.

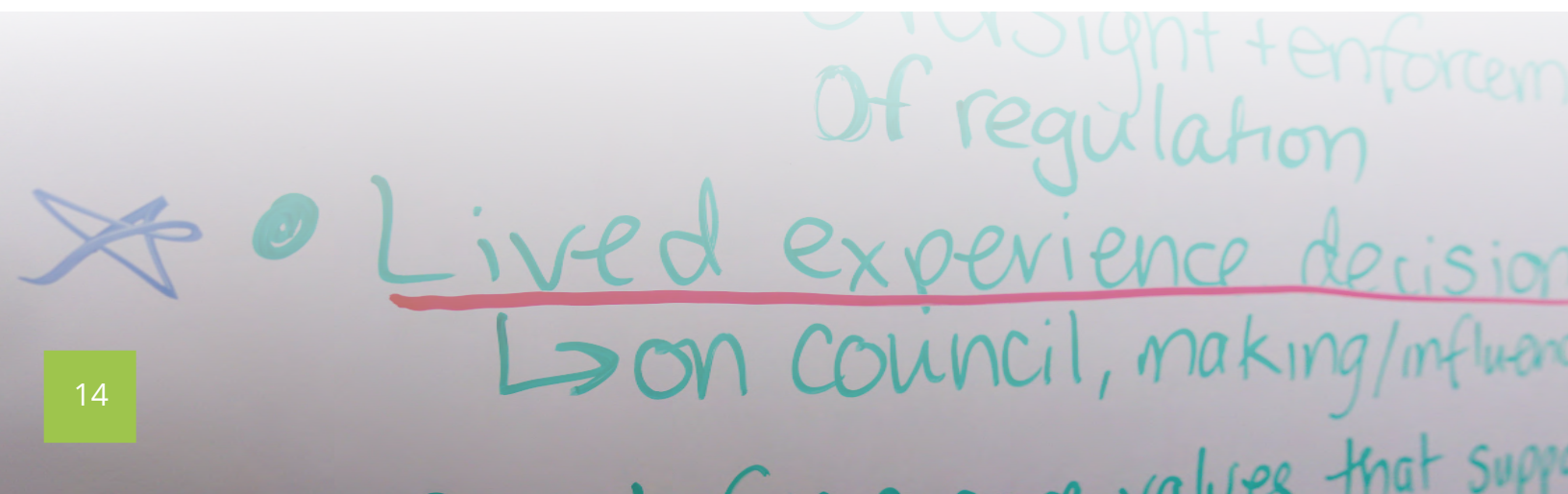
However, additional safeguards must be in place for unhoused people if governments are to invoke the defense of core policy. Municipalities and provinces may ensure this by implementing insurance-based or risk-sharing mechanisms. By drawing on practices used for temporary shelters and nonprofit housing, governments could establish dedicated insurance pools to manage liability associated with encampment sites. This would allow municipalities to balance risks of injury with the need to protect encampment residents from displacement and dispossession.

Homeless Bill of Rights

Although policy immunity and insurance mechanisms can address liability concerns, they do not establish a clear rights-based foundation for municipal decision-making. A Homeless Bill of Rights, as discussed by workshop attendees, can provide a legal framework to guide government action and affirm the autonomy of people who are precariously housed. The case of Rhode Island's Homeless Bill of Rights, enacted in 2012, illustrates how such an approach may challenge legal and cultural norms (Ploszka, 2020). This bill did not create any new rights. Instead, it codified protections against discrimination based on housing status in public spaces, employment contexts, and access to services (Ploszka, 2020). For example, it included, "the right to emergency medical care free from discrimination based on his or her housing status," and "the right to a reasonable expectation of privacy in his or her personal property to the same extent as personal property in a permanent residence" (Ploszka, 2020). The bill allowed individuals experiencing homelessness to directly enforce these rights through court action and seek relief when necessary (Ploszka, 2020).

Rhode Island's Homeless Bill of Rights also had a significant symbolic and practical impact (Reuters, 2012). It reframed homelessness as a civil rights issue, curbed the use of stigmatizing language in public discourse, and inspired similar legislation in other U.S. states and European cities (Reuters, 2012). For cities in Canada with high rates of homelessness, such as Vancouver, it is imperative to seriously consider implementing a Homeless Bill of Rights to address this crisis. Without a guiding document that regulates decision-making, those in power will continue to introduce and adopt proposals, like the DEOD zoning changes, that favor economic gain at the expense of communities experiencing homelessness.

These policy recommendations underscore the need for municipalities to shift their focus from enforcement to solutions that prioritize accountability, community input, and legal recognition. By addressing liability without compromising rights, governments can develop encampment policies that are both ethical and sustainable. Such approaches open the door to more collaborative models of governance focused on prioritizing safety for all residents.



Conclusion

Confronting Sweeps: Reimagining Advocacy for Tent Cities served as a catalyst for reflection and strategy. A clear theme emerged across presentations, panels, and breakout sessions: colonial laws and displacement tactics not only fail to address the root causes of homelessness but actively perpetuate long-lasting harm.

Participants called for structural changes that prioritize stability and recognize the rights of unhoused individuals by centering their lived experiences. They raised urgent concerns about the proposed DEOD zoning changes in Vancouver, identifying them as a key example of how land-use policies perpetuate the forced relocation of low-income communities. Attendees also discussed how restrictive and criminalizing bylaws disproportionately harm people without a secure home, and intersects with on-going colonialism that disproportionately impacts Indigenous peoples. Inspired by these conversations, this report advanced potential policy alternatives, including municipalities treating encampment protection as a core policy decision and adopting rights-based tools, such as the Homeless Bill of Rights. The discussed proposals reflect an evolving conversation on how Canada can, in good faith, address the ongoing crisis of homelessness.

Overall, the workshop demonstrated the power of collective learning entrenched in lived experience, frontline expertise, and Indigenous teachings. It offered both a critique of the current system and a vision that imagines equitable encampment practices. The ideas presented here can inform future research, policy reform, and solidarity efforts.



Drs. Alexandra Flynn and Nicholas Blomley

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