

EC21.15 - Enjoying a Drink Outdoors: Providing Safe, Responsible and Equitable Options for All Torontonians

Submission to the Community and Economic Development Committee
by Melissa Goldstein, April 26, 2021

Dear Committee Members,

I was disturbed and disheartened to hear that upon learning that Torontonians in City parks are being subjected to racist and discriminatory policing, Councillor Matlow decided that the public health and equity issues this raised would somehow be addressed by legalizing drinking in parks.

Racialized Torontonians aren't being disproportionately harassed in parks by police because of a law that prohibits drinking in parks. They are being disproportionately harassed because police engage in racist and discriminatory policing practices.

If Toronto police want to harass racialized Torontonians, there are plenty of laws currently on the books that they can use to justify that harassment. The City of Toronto Parks by-law currently includes a significant number of rules that are ludicrous and commonly violated, which give police the legal justification to harass the Torontonians they feel like harassing.

Activities that are currently illegal in Toronto parks besides drinking include:

<ul style="list-style-type: none">● Simply being in a park between 12:01am and 5:30am.● Swearing.● Smoking (prohibited in most parks and beaches.)● Feeding a bird.● Feeding a squirrel.● Throwing snow.● Boisterous behaviour.	<ul style="list-style-type: none">● Making out.● Pulling a weed.● Taking a leaf from the ground.● Releasing a helium balloon.● Climbing a tree.● Using speakers.
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The Parks by-law is and has always been selectively enforced. Removing one law of many isn't going to stop the selective and discriminatory enforcement of Park by-laws. The only thing that will do that is stopping discriminatory policing. Councillor Matlow is conflating two separate and distinct problems: discriminatory and racist policing, and a set of by-laws that are outdated and inappropriate and criminalize certain behaviours, a relic of long-standing discriminatory efforts to keep certain people from accessing our public spaces.

To make our public spaces safer and more equitable, we need to address both policing and inequitable City policies.

Toronto City Council has been wringing its hands about the fact that it lacks the adequate authority to address policing issues in this City. But when it comes to the issue of discriminatory policing in City parks, it overlooks the fact that it has complete authority over Toronto Park Ambassadors, who are responsible for enforcing Parks by-laws and also pursue selective and discriminatory policing practices, focusing their attention primarily on people who have no housing and live in poverty, people who are disproportionately Black and Indigenous. They confiscate people's property and means for survival, perform illegal checks of people's dwellings, and selectively enforce by-laws and call on police to do the

same. City Council can and should improve public health and equity in our public parks by defunding Parks Ambassadors.

As for addressing inequitable policies, in his proposal, Councillor Matlow has demonstrated that it is possible in the immediate term to change the Parks by-law on a temporary or pilot basis. Health and equity are impacted by a range of policies in the Parks by-law. If health and equity are the chief concern here, then addressing the laws that have the most severe impact on the most marginalized people in our City should be the priority. For people without access to housing or shelter, being able to survive in a park is a matter of life and death.

People without access to housing have been aggressively policed, harassed and abused by law enforcement throughout the pandemic on the grounds that their behaviour violates the Parks by-law. The laws they are accused of violating like camping in a park, erecting a tent in a park, and being in a park after 12:01am effectively criminalize homelessness and subject people who occupy public parks because they don't have a private space where they can go, especially people whose poverty is highly visible, to extra attention by the criminal justice system not so much for what they do, but for who they are and where they are. These laws aren't any more "illegal" or legally significant than drinking in a park, smoking in a park or swearing in a park, and could be just as easily ignored by those enforcing the law or changed by the Council that writes the law.

Tens of thousands of Torontonians have asked City Council repeatedly to stop enforcing the parts of the Parks By-law that are subjecting people who are trying to survive a dangerous pandemic by living in City parks to harassment and abuse at the hands of police and Parks Ambassadors. Council has been persistent in justifying this harassment and abuse by saying shelters are safer than parks.

Councillor Matlow notes in his letter the lengths Council has gone to to revise City by-laws so that people who have access to their own private space can also "enjoy a drink outside" in newly privatized public space where access is restricted to people who can afford to patronize local bars and restaurants. He notes that while some residents will choose to enjoy a drink with loved ones in their backyards or on their balconies, he is concerned about Torontonians who can't afford a drink in a bar or don't have an outdoor space in their homes. He states that these residents should not be left with unsafe options such as gathering indoors or, like many over the past year, choosing to drink illegally in parks. He cites doctors who say we should be encouraging "anything outdoors" rather than "forcing people indoors" as a way to mitigate risk of transmission.

Notably, Councillor Matlow doesn't wonder about people who don't have homes at all and he doesn't express concern that it is current City policy to leave people without housing with the unsafe options of gathering indoors in spaces that are prone to COVID outbreaks or choosing to live illegally in parks.

I have no objections to legalizing drinking in parks. But if it's safer to drink in parks than gathering inside, and laws that make it illegal to drink in parks make parks unsafe and inequitable, then you must also recognize that living in parks is not just a safer option for people, but the only option that many people have, and what makes living in parks unsafe are the laws and the way those laws are enforced.

If public health and equity is the goal, then in the immediate term, City Council must put a moratorium on encampment evictions and take meaningful steps to stop racist policing of our public spaces by defunding Parks Ambassadors.

In the longer term, City Council must make our public space by-laws more equitable by removing the laws that criminalize poverty, homelessness, and prevent equitable access to public spaces while working to defund the police.