



**STAFF REPORT**  
THE CORPORATION OF THE TOWN OF COBOURG

**Regular Council**

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Report to: Mayor, Deputy Mayor, and Councillors  
From: Brent Larmer, Town Clerk/Director, Legislative Services  
Report Number: LS-2024-009  
Council Meeting Date: February 28<sup>th</sup>, 2024  
Subject: **Council Resolution Response Regarding 310 Division Street**

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**1. Recommendation:**

THAT Council receive the Staff Report for information purposes; and

FURTHER THAT Council endorse the ongoing discussions with the County of Northumberland on terms the of an agreement as outlined within the staff report; and

FURTHER THAT Council provide direction on the following options:

FURTHER THAT Council endorse and approve the by-law amendments to the Nuisance By-law 048-2016 as directed by Council at the January 31, 2024 Council Meeting

FURTHER THAT Council endorse and approve the enactment of an Emergency Shelter License By-law requiring for emergency shelters in the Town of Cobourg to be licensed within the Town that would establish operating requirements and an approved operational plan with a clear connection to the business activities and a direct impact on the public interest as directed by Council at the January 31, 2024, Council Meeting.

## 2. Executive Summary:

On the January 31, 2024 Regular Council Meeting, Municipal Council passed the following Resolutions for staff direction in response to a delegation from Dr. Hillary Allen & Mr. Jeff Crowley regarding 310 Division Street - An Opportunity for Community Integration.

NOW THEREFORE BE IT RESOLVED THAT

1. *Council also direct Staff to include in the report back a review on the amendment of various Municipal By-laws that would enhance the ability to enforce nuisance related incidents on all municipal property, and to specifically include a provision on the prohibition of consuming illegal drugs in a public place and loitering in public places; and*
2. *THAT Council direct staff to prepare a report that analyzes the Town of Whitby and Durham Region Social Services Agreement to understand the structure, responsibilities, and outcomes from the collaboration; and*
3. *THAT the staff report includes an analysis of the costs, roles and responsibilities that the Town of Cobourg would have in and the community management related to the housing and shelter services being proposed for 310 Division Street, Cobourg; and*
4. *FURTHER THAT Council direct Staff to conduct a review and legal consideration on the ability for Council to create and implement a licensing and/or a permit system for emergency shelters through a regulatory by-law in the Town of Cobourg that provides elements of protection, health and safety and nuisance control in the location and operation of an emergency shelter.*

In addition, there were two (2) other Council direction items for action by Staff as follows:

5. *FURTHER THAT Cobourg Council send a letter to Northumberland County and Transition House requesting them to meet with Town of Cobourg staff to establish an agreement with the municipality to address the management of 310 Division Street; and*
6. *FURTHER THAT Cobourg Council direct staff to send a letter of request to all other lower-tiered municipalities in Northumberland asking for written support to County Council in the Town of Cobourg's request for an agreement.*

Both actions five (5) and (6) have been completed by Staff, with the exception of meeting with Transition House which has not happened to date. The Town has

sent correspondence to all lower-tier municipalities and has met with the County of Northumberland to discuss a potential agreement between both levels of government which will be addressed in greater detail in this staff report.

This report provides for an overview of the Durham/Whitby Agreement and how both the upper-tier and lower-tier came to a mutual path forward on this project in the community and provides a brief comparison and explains further the components of Northumberland/Cobourg structure on the planned shelter relocation at 310 Division.

A section of the report is also dedicated to an explanation and overview of the costs, roles and responsibilities that the Town of Cobourg would need to undertake and comments on the community management actions related to the housing and shelter services being proposed for 310 Division Street, Cobourg.

Second to last the report will provide discussion and recommendations for amendments to the Town's Nuisance by-law which would enhance the ability to enforce nuisance related incidents on all municipal property including provisions to regulate privately owned property insofar as gatherings that can become nuisance-based behavior. In addition, staff have included an amendment to the Town's by-law that would prohibit the use or display of drug paraphernalia in a public place, and no person shall engage in or permit the unsafe disposal of needles or syringes in a public place.

Lastly, this report outlines staff findings and recommendations following a review and legal consideration on the ability for Council to create and implement a licensing and/or a permit system for emergency shelters that will provide elements of protection, health and safety and nuisance control in the location and operation of an emergency shelter.

### **3. Background**

In December 2023, the County of Northumberland purchased for 2.3 million, 310 Division Street, Cobourg, which previously operated as a retirement residence know as 'Cobourg Retirement Residence'. The purpose of the purchase was is to create a new modernized shelter to help address the urgent local need for housing and shelter services in Northumberland. The property was purchased in collaboration with Transition House to maintain a 35-bedroom complex and to update their current location on Chapel Street in Cobourg. ***(County Staff presentation on purchase of 310 Division Street attached as Appendix "A")***

As outlined in the County's engagement website for 310 Division Street, the County purchased the vacant property for the purpose of emergency shelter and will be entering into an agreement with Transition House for the relocation of shelter services to this one central location (currently operates at 10 Chapel Street,

Cobourg), to better meet the diverse needs of the community. Northumberland County will engage in a 'take-back mortgage' with Transition House for repayment of the property with ultimately Transition House owning the property and selling the current location on Chapel Street, Cobourg and being responsible for the operation of the new shelter location in conjunction with many community partners.

It is the Town's understanding that 310 Division Street, is anticipated to open in spring 2024, and will operate as a multi-purpose facility offering approximately 35 emergency shelter spaces - available to all gender identities and couples – and will address an immediate need. Over the longer-term, transitional housing accommodations and other services will create pathways out of homelessness.

The County of Northumberland began community engagement on the 310 Division Street Project in January 2024 and into February 2024 and County staff along with facilitators are now consolidating feedback gathered through the community engagement phase. A final report will be shared with the County Council at the regular meeting of County Council on March 20th, 2024, including an overview of how feedback is being incorporated into plans.

Following the announcement of the County of Northumberland purchase of 310 Division Street Cobourg, Cobourg Staff and members of Council have received several pieces of correspondence and emails related to the plans to relocate Transition House and concern on consolidating all other shelter spaces into one centralized location and being the only emergency shelter location in all of Northumberland County.

At the January 10, 2024, Community Services, Protection, and Economic Development Standing Committee, members received a delegation from Dr. Hillary Allen & Mr. Jeff Crowley, regarding 310 Division Street - An Opportunity for Community Integration. The delegation included documents related to an emergency shelter project between Durham Region and the Town of Whitby which resulted in a comprehensive legally binding agreement between the Town of Whitby and Durham Region outlining all aspects of expected shelter operations onsite and within the community - all to best integrate the shelter into the community for the success of all stakeholders, including shelter occupants.

The delegates made the request that Council seeks a similar commitment as done in Durham and Whitby, to pursue an agreement with Northumberland County and Transition House, with clear expectations on how 310 Division Street will operate within the community. It is suggested that the Whitby example in Durham Region is a proactive approach to community shelter integration and should serve as the basis for the development of an agreement with Cobourg, Northumberland County and Transition House. In response to the delegation the Committee provided directions to Regular Council for further discussion and decision.

At the January 31, 2024, Regular Council meeting, all of Council considered the request from the delegation, and the direction from the Committee. At this meeting Council also received nine (9) pieces of correspondence and a petition in relation to the 310 Division Street Emergency Shelter. As a result of the committee and public feedback, Council approved the direction that will be covered by this staff report as outlined in the Executive Summary.

#### **4. Discussion:**

##### **County as Service Manager related to Homelessness:**

The County of Northumberland receives Homelessness Prevention Program funding from the Province of Ontario to provide affordable housing and support services for people at risk of or experiencing homelessness. The objective of the program is to prevent, address and reduce homelessness, including chronic homelessness. Service Managers have discretion to allocate funding among different service categories, including supportive housing; community outreach and support services; housing assistance; and emergency shelter solutions. They are encouraged to support a shift away from emergency responses towards prevention and permanent housing and contribute to a reduction in chronic homelessness. The County uses the funds to invest in a range of services in the homelessness support system. Homelessness services are also funded through investments from the local tax levy. In addition, there are homelessness supports provided by local agencies who do not receive funding from the Homelessness Prevention Program or levy investments.

The County of Northumberland as a Service Manager, the *Housing Services Act, 2011*, which came into effect on January 1, 2012, sets the legislative framework for designating “service managers” and governs the administration and funding of social housing. The role of a service manager under the *Housing Services Act, 2011* is in accordance with its housing and homelessness plan, carry out measures to meet the objectives and targets relating to housing needs within the service manager’s service area. The general powers of a service manager include establishing, administering, and funding housing and homelessness programs and services, and may also directly provide housing.

The County, as service manager, has the discretion within its mandate to provide programs and services to individuals experiencing homelessness, such as transitional housing, emergency shelters or respite centres. However, the *Housing Services Act, 2011* is not prescriptive in the specific services that must be offered.

Transition House Emergency Shelter has been providing safe and supportive shelter for Northumberland County’s most compromised citizens since 1999. Transition House provides safe, dignified, and supportive temporary housing, life skills and transitional support services to men and women over the age of 18 from Cobourg, Port Hope, Grafton, Colborne, Campbellford, Brighton, Hamilton

Township, and Alderville. It should be noted that Transition House is the only Homeless Shelter in Northumberland County.

**Zoning Information for 310 Division Street, Cobourg:**

310 Division is zoned Main Central Commercial and is within the same zone as 10 Chapel Street, Cobourg, where the current Transition House exists today.

The Main Central Zone permits Institutional Uses, including an Emergency Care Establishment.

The Zoning By-law also provides a very typical and traditional provision for Public Uses. Public uses from all levels of government, including arm's length organizations, that are providing a public service are permitted.

For these reasons, Planning Staff determined that a Zoning By-law Amendment would not be required to allow for this change of use from a retirement residence to a shelter, although Building Permits will be required to address Building and Fire code matters.

**Low-Barrier Shelter defined:**

Like all Ontario municipalities and those who are designated as Service Managers, must continue to consider all aspects of homelessness in Ontario, and various pieces of legislation and case law when determining proper programs and delivery of those programs and services. As a part of the Ontario Superior Court decision in January 2023 all levels of government are considering the decision which relates to low-barrier shelters. The decision points to the need to develop shelter spaces that are truly low-barrier and allow access to those who use substances, are coupled, are gender-diverse, or who are challenged by living in congregate settings.

Low barrier shelters aim to remove systemic barriers to make the shelter more accessible. It means the most vulnerable community members who face system barriers, have a safe and secure place to sleep and access services. This includes people with disabilities, seniors, those with pets, people from the 2SLGBTQI+ community, and those experiencing mental health and addiction challenges.

Shelters that provide low barrier services, meaning individuals and families should be able to access services without pre-conditions or requirements such as payment for service, sobriety, treatment compliance or any other requirements which may prevent someone from seeking emergency support, like previous non-compliance with a housing plan. Low- Barrier Shelters also take approaches that address reasons why people may be reluctant to access shelter. Rules that restrict access should only be in place when necessary, such as the imminent risk of harm to self or others.

## **Durham/Whitby Agreement – Emergency Shelter Integration Review:**

In 2023, Durham Regional Council approved the purchase of 1635 Dundas Street East, Whitby shelter and in accordance with Council direction to open a shelter and staff engaged in public engagement sessions. As a result of the feedback received in the community engagement, concerns were raised particularly by the Town of Whitby in public engagement sessions, as the location would be located within the boundaries of Whitby. At the request of the Town of Whitby Council, and with the direction of the Regional Chair and CAO, Regional staff engaged in the negotiation of the Agreement to address the concerns they received.

At the September 25<sup>th</sup>, 2023, Whitby Committee of the Whole meeting, Council received correspondence from the Chief Administrative Officer, Region of Durham, regarding 1635 Dundas – Shelter Resolution and proposed agreement for a shelter and other future housing uses outlining some provisions to meet the needs of both the Region and the Town. Members of Council at this time were concerned about the timing of the opening of the facility without the Region addressing the concerns raised by the community and the Town and without the finalization of an agreement and providing a response to the Town, prior to opening. The Town of Whitby provided Durham with a thirty (30) day period in writing to finalize the agreement.

At the same meeting, a Councillor introduced a motion regarding consideration of an Interim Control By-law - New Low Barrier Shelters and/or Transitional Housing. The action of an ICBL was deferred for thirty (30) days for Whitby Council to use as a potential prospect if there was not a satisfactory outcome on negotiations of an agreement within those timelines. Whitby Staff indicated that the introduction of an ICBL will not get as good as an outcome for both parties as a mutually agreed upon binding agreement would, and the CAO for Whitby indicated that the introduction of a ICBL should not be endorsed at that meeting and allow for meaningful negotiations to take place to limit any expense and litigation that could unfold from the implementation of an Interim Control By-law.

The Agreement between the Durham and Whitby was the result of those negotiations and mutual outcomes, without the passing of an Interim Control By-law. The agreement was approved by Whitby at a Council meeting on Monday November 27, 2023 and was brought forward to the Regional Council for approval on November 29<sup>th</sup> 2023.

The commitments made in the Agreement are consistent with a similar agreement approved by Regional Council with the Township of Brock because of community engagement related to the proposed location of a Supportive Housing facility in Beaverton, which is located within Brock Township.

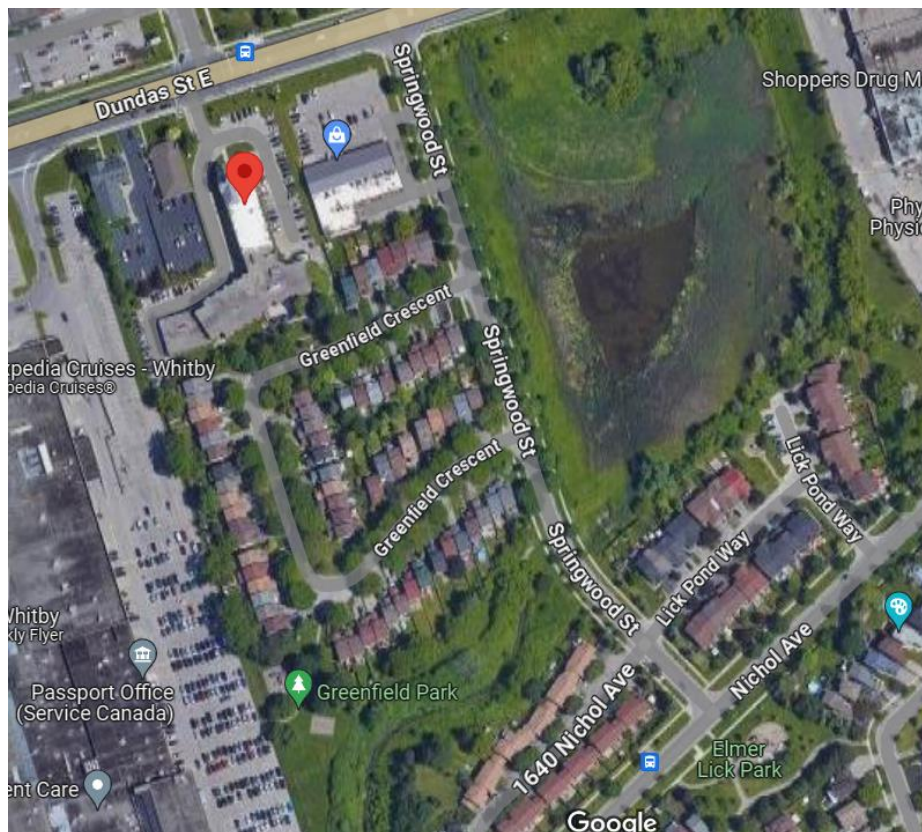
The Agreement contains the following high-level commitments from the Region to Whitby:

- a) A commitment and cap on the number of shelter spaces equal to the anticipated operational limit of 45;

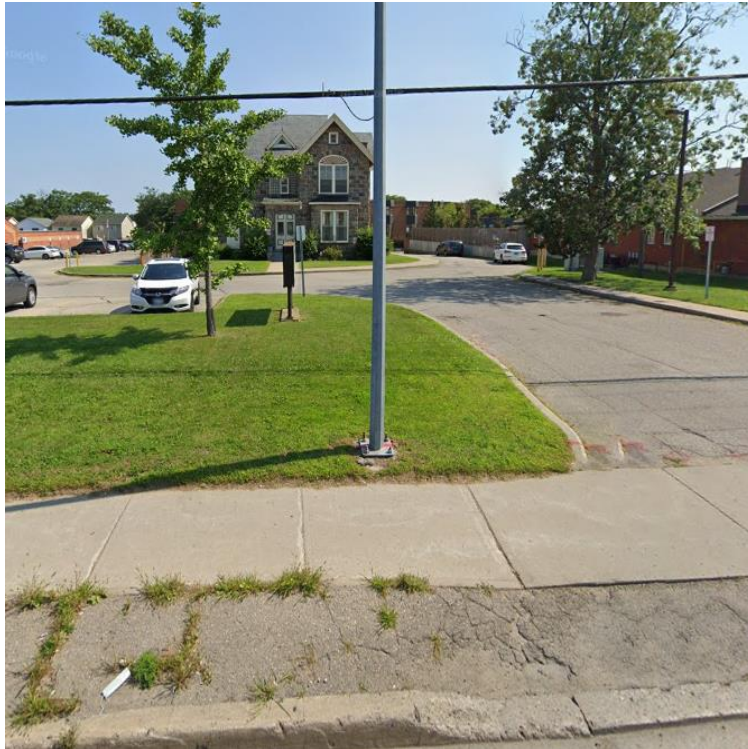
- b) A description and commitment of important operational principles related to landscaping impacts on the community, onsite security provisions and intake priorities;
- c) A cost sharing agreement with Whitby to assist Whitby in addressing incremental or additional clean up in the immediately vicinity of the shelter;
- d) Terms of Reference for a Community Liaison Committee;
- e) Continued Communication framework with Whitby;
- f) An outline of the planned process for engagement and approval by Regional Council of the uses for the remaining space at 1635 Dundas Street East.

In summary, the agreement between the two levels of government to enter into a binding agreement between the Region of Durham and Town of Whitby was to provide clarity to residents on several key matters, including the number of shelter spaces that will be offered at 1635 Dundas, and expectations for ongoing communication with the community.

Below is an overview of the Durham Region key details about their property at 1635 Dundas Street.





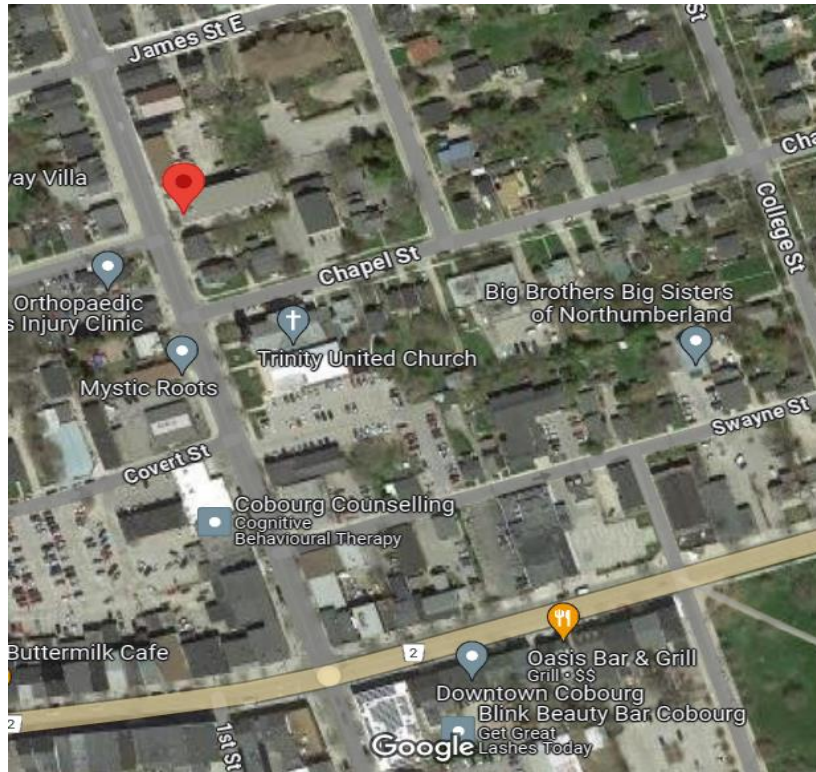


### **Durham Region:**

1. **The Region of Durham** purchased 1635 Dundas as part of the system of support across Durham to support those experiencing or at risk of homelessness.
2. The former Sunnycrest Nursing Home, now referred to as 1635 Dundas, can support people who are currently living outdoors in Whitby, in ravines and in the area surrounding 1635 Dundas.
3. The Region is responsible for the planning and co-ordination of the Homelessness Support System across Durham Region—as the Service System Manager legislated by the provincial government and the community entity designated by the federal government.
4. 1635 Dundas will provide 45 shelter beds to help meet the community's urgent need. The site will remain open during the day, allowing people to stay inside and work toward their goals, instead of having to go outside during the day.
5. The shelter will follow established shelter best practices. Wraparound support at the site will be in place, and the indoor environment allows for a full range of programming.

6. The Region will establish a community liaison committee to help create a positive path forward.
7. Long term, 1635 Dundas has the potential to offer transitional and/or supportive housing.

Below is an overview of Northumberland County key details about their property at 310 Division Street, Cobourg.



## Northumberland County

1. **County of Northumberland** purchased 310 Division Street as part of the system of support across the County to support those experiencing or at risk of homelessness.

*Same as Durham however the scale and scope of the two sites are different. 1635 Dundas Street is a larger property. A concern in the Whitby scenario is the future planning for the large site/complex. This is in contrast to the fairly constrained site and building at 310 Division Street where capacity will be limited due the site and building size.*

2. The former Cobourg Retirement Residence Nursing Home, now referred to as 310 Division Street, can support people who are currently living rough in Cobourg, and consolidation of shelter & motel spaces available in Cobourg today and hosting of the warming hub location.

*Same as Durham*

3. Northumberland County purchased the property with the shelter to be operated by Transition House as is currently being done at the current location on Chapel Street.

*Same as Durham Region. The Region has announced a third-party operator of the shelter just as Transition House is operating the shelter in Cobourg.*

4. The County is responsible for the planning and co-ordination of the Homelessness Support System across Northumberland—as the Service System Manager legislated by the provincial government and the community entity designated by the federal government.

*Same as Durham and legislated mandate*

5. 310 Division Street will provide approximately 35 shelter beds to help meet community's urgent need. The site will also be the warming and cooling center hub.

*310 Division Street will operate with a lower number of Shelter beds. But like Durham, the county purchased property to help meet the county need to increase shelter beds and to be low-barrier access.*

8. The shelter will follow established shelter best practices. Wraparound support at the site will be in place, and the indoor environment allows for a full range of programming.

*County has indicated wraparound supports could include on-site services from NHH Community Mental Health Services, Community Paramedics, and Northumberland County Community Social Services, in response.*

9. The Region will establish a community liaison committee to help create a positive path forward.

*As part of the current proposal information for 310 Division Street, there has been verbal commitment on the Community Liaison Committee. However, the County has indicated that this was heard from community consultation and Transition House is interested in supporting such a committee.*

10. Long term, 310 Division Street has the potential to offer transitional and/or supportive housing.

*Transitional Housing (short-term rental units for individuals ready for permanent housing) has been reported in the plans by the County related to 310 Division Street.*

### **Highlights:**

The shelter located in Whitby will also be operated by a non-profit organization being the Christian Faith Outreach Centre (CFOC), that was announced on February 16<sup>th</sup>, 2024, selected as the service provider of the property.

The shelter in Cobourg is to be relocated to 310 Division Street and will continue to be operated by a charitable non-profit, known as TRANSITION HOUSE COALITION OF NORTHUMBERLAND. Northumberland County's role in the property is being the largest funding partner of Transition House and will continue to utilize an updated and revised contribution agreement with Transition House, outlining the binding particulars of funding rules and provisions Transition House would need to adhere to and follow to continue to receive the funding for the services at the location.

In addition to the County will not be operating the shelter, the County and Transition House will enter a vendor take-back mortgage for the land. This means that Transition House mortgage is borrowed from the County being the original owner of a property, rather than a bank or other mortgage lender. This means that the County retains partial ownership of the home or property until the loan is paid off.

The Town of Cobourg does not currently know what the particulars of the contribution agreement and vendor-take-back agreement will be between both the County of Northumberland and Transition House at this time. The Town is currently working with the understanding that the ownership and operation of the location will be similar and the same to what is currently being operated at 10 Chapel Street.

As part of the new model and location of Transition House, the Town will continue to proceed with the current operating procedure which is reactive to activity of the

location within the Town of Cobourg, but as per the Council direction, Staff is progressing in conversations with the County on the potential for an agreement to provide clarity to residents on several key matters related to 310 Division Street, and expectations for ongoing communication with the community, to be brought back to Council for comment and endorsement.

### **Collaborative Efforts:**

As per the Council direction, staff met with the County of Northumberland and provided a list of specific items that Staff feel should be included in any discussion and agreement between the Town of Cobourg and the County of Northumberland:

### **General and Administrative Partnership**

- Clear understanding and defined information on what wrap around services are occurring on site defined and who would be eligible to access and receive services of 310 Division Street, Cobourg (not a exhaustive list, but general understanding)
- Establishment during the first year of operations of 310 Division Street, regular meetings with the Cobourg CAO or designate, and other identified staff for regular updates as requested by the Town. (monthly year one/quarterly after first year).
- Commitment of regular updates on 310 Division Street to Cobourg Council in an open forum (Council Meeting) upon invitation and or at least once within the first year of operation regarding community integration and service levels and collaboration between all parties.
- Prior to the opening of the 310 Division Street, requesting the establishment and support of a Community Liaison Committee with representatives from the community, Town of Cobourg, and others, supported by Northumberland County Social Services staff, as set out in the draft Terms of Reference (to be developed).
- The parties will work in good faith to resolve any disagreements arising out of the agreement. The parties will use a phased resolution process starting with direct staff-to-staff meetings, escalating if necessary to senior leadership or the CAOs.

### **Public and Community Safety**

- 310 Division Street site will have a review conducted to provide for recommendations on the principles of Crime Prevention Through Environmental Design to maintain the safety and security of the 310 Division Street Property and surrounding community impacts, which may include lighting, security cameras, landscaping and other physical

features, subject to and when necessary, consultations/approvals by Town Planning Staff to ensure conformity with the Town of Cobourg's design guidelines and relevant by-laws.

- That there will be **physical design and operational strategies** to mitigate impacts to, and maintain the safety of, neighbouring residents, particularly those directly adjacent to the 310 Division Street Property. These design and strategies should be shared with the Town for comment and support when necessary.
- Recommending the requirement of on-site security 24 hours per day and 7 days per week for the Shelter Occupants at the 310 Division Street and this security will remain in place at the Property for as long as the Shelter is in operation.
- Recommending a mobile security team which will patrol each day and night both at the 310 Division Street and its general vicinity.
- Cobourg Police Service, Cobourg Fire Services and Municipal Law Enforcement Services to support tracking statistics and trends related to crime, complaints, service calls, and other data that may be relevant to the provision of municipal services in the area surrounding the 310 Division Street Property, taking into consideration the area identified in a 500-meter radius surrounding the building. Statistics and reports shall be provided to the operators and Community Liaison Committee for reporting and discussion.
- Prior to the opening of 310 Division Street there shall be consideration on design and indication of the designated outdoor smoking areas at the 310 Division Street Property in accordance with the Town of Cobourg smoking by-law and the *Smoke-Free Ontario Act*, as amended. These designated smoking areas must be located no closer than 9 metres from any entrance to the building or neighbouring residential properties and will be located onsite at the 310 Division Street Property to reduce and mitigate any impact on the sidewalk or neighbouring residential and commercial properties. Smoking areas will be cleaned and maintained on a regular basis. Any shelters/structures will require review/compliance with ZBL, consideration of site plan impacts, and necessary permits under the Ontario Building Code.
- 310 Division Street will make public and post the contact phone numbers to reach the 310 Division Street Property.
- A direct number to reach Transition House staff 24/7 will be made available to Cobourg Police, Cobourg Fire, Cobourg By-Law and other

key community service providers deemed necessary and all contact information shall be updated and accurate on a regular basis.

- Acknowledgement that public areas in the community including but not limited to roads, sidewalks, boulevards, parking lots should be available for enjoyment and use of the public, that these should be maintained at the level of service as of the date of this Agreement, and should be free of additional refuse, shopping carts and luggage including but not limited to garbage, debris, temporary shelter materials, drug paraphernalia (including needle sharps) and portable heating implements
- Confirmation of waste and recycling facilities for the operation shall be provided before opening. Garbage Facilities shall be provided in accordance with Section 15.1.9 of Zoning By-law #85-2003. Freestanding waste bins are not permitted nor are waste facilities permitted to occupy parking spaces.
- Commitment to work with Cobourg on expanding on a collaborative and fact informed protocol designed to connect persons living unsheltered, particularly persons living unsheltered outside in public spaces with formal shelter and supportive and other housing services. This protocol will involve cooperation between the lower-tier and upper-tier levels and include multi-disciplinary approaches involving community safety, social services, housing and health services.
- Acknowledge, creation, update and development of a publicly available Code of Conduct that a Low-Barrier Shelter Space is not a “no barrier” shelter space. Living in community with other people means following the enforceable principles of a code of conduct which shall be linked to the Town Nuisance By-law.

Noticeably missing provisions above that are directly from the Durham/Whitby agreement from what was provided to the County on preliminary considerations of a mutual agreement relate to the sharing of costs directly attributed to the shelter location and the surrounding 500 radius area. Staff have not yet conducted a thorough review of calls for garbage and debris around the current Transition House area, but the municipal law enforcement department does have a good working relationship with the County waste department who regularly attends when called by Municipal Law Enforcement to deal with any discarded waste and materials across the entire Town.

Within the Durham/Whitby agreement, Durham Region will share the cost of any incremental services for the general area identified in the agreed upon radius on an equal cost sharing basis (i.e., Durham Region and Whitby will each pay 50% of the incremental cost increase resulting from the additional work needed to address

additional garbage, debris, etc.) up to an upset limit of \$500,000.00, which the parties shall use to cover incremental costs of these extra services.

Staff will investigate the costs that have been completed to date in relation to additional garbage, debris, etc. and will have further conversations with the County on how continued collaboration and occur between both levels of government. In addition, if Council elects to license Emergency Care Establishments the costs associated could be recovered to manage this type of business in the community and help offset the costs to the taxpayer.

As a result of the meeting on February 14<sup>th</sup> 2024 between the Town and County, the Town did not receive affirmative confirmation that the County will enter into a stand-alone agreement with the Town of Cobourg, but the County committed to using the list submitted by the Town to compare it against what is being proposed within the updated contribution agreement that is being proposed with Transition House, and the County Staff committed to meeting again with Cobourg staff in early March and sharing the draft contribution agreement for further discussion and review to understand if there is mutual agreement on the terms and if it satisfies all of the concerns of Staff and Council. County Staff is scheduled to bring forward the report and draft agreement to County Council at the March Regular Council Meeting. Dependent on those future discussions and the further direction of Council, staff will update Council on progress of discussions once a follow-up meeting is convened.

### **Costs, Roles and Responsibilities of the Town of Cobourg in Community Management:**

Federally, Provincially and locally, the number of individuals experiencing homelessness and housing deprivation has grown at significant rates, along with the complexity or acuity of needs amongst those that are most marginalized in the community. There have also been far reaching impacts on the social, economic and cultural health and wellbeing of the community as a result of this crisis and the Town of Cobourg has seen impacts of homelessness in the community and in addition to another converging crisis being the opioid crisis.

Since 2019 the Town of Cobourg and the County has seen the impact of homelessness and the opioid crisis within the municipal boundaries and staff has continued to respond to the impacts within the community on a daily basis. The calls for enforcement that the municipal law enforcement specifically are dealing with have evolved and are more complicated and has taken away from traditional enforcement activities within the community and based on legislative framework, the Town can only address the impacts of homelessness and other challenges within the community through enforcement by-laws and regulations, but the Town could also engage with collaborative efforts with levels of government, and community organizations by working together to address community concerns in a proactive and partnered approach.



In legal terms, the legislative framework assigns specific responsibility for housing and homelessness services to the County as described in this report and previous reports received by Council. Other aspects of homelessness also fall to the responsibility of the County under its role in the administration of income supports as well as its initiative in developing a community safety and well-being plan.

The Town does not have any specific statutory responsibility in providing homelessness services. Despite this, Cobourg has broad authority to pass by-laws in relation to “health, safety and well-being of persons” in the Town under its general power under the *Municipal Act, 2001* provided.

With the above being said, Municipal Law Enforcement, Cobourg Police and Cobourg Fire will continue to provide service levels required based on needs of the community and considering the impacts of operations.

It is hard to predict what costs that the specific areas of the Town community management will be required directly related to the relocation of the shelter and the anticipated new operating model at 310 Division Street, but staff have provided the below information on some current costs that have been realized through interactions directly related to homelessness and the opioid crisis and activity in the community.

### **Municipal Law Enforcement Activity and cost related to Homelessness in the Community:**

Based on MLE’s responses (reactive to complaints & proactive to community concerns) the department has listed the calls for service within a 500-meter radius related primarily to the Transition House location. Also included are the areas/situations ancillary to those which are specific to the existing shelter location and includes such areas as our Transit Shelter which saw a significant amount of use from persons who were denied access to Transition House as well as the Encampment location from occupiers on the Brookside land. There are other areas including Downtown, Victoria Hall and isolated Town Park circumstances which could be said to reflect perhaps an additional 10% of calls/costs associated to the facility at Transition House.

#### **Transition House location:**

Average Annual Calls for Service and General Patrols (12 calls for 2 hrs., @ officers rate x 2 officers + vehicle costs = **\$4,239.36**.

#### **Brookside Encampment:**

Calls for Service and Re-inspections (40hrs., @ officers rate + 40 re-inspections + 24 patrols/vehicle costs) = **\$15,436.08**.

#### **Transit Shelter:**

Response to Calls for Service costing \$55/hr (hourly rate for two officers approx.. 45min.) and 90 inspections annually = **\$4,950**

Full Shift assignment involving a static post of an Officer at site (\$296 in staffing plus \$80/vehicle or \$376/day for 5 days) = **\$1,880**

Considering the costs outlined above on the current encampment located at the Brookside property, these are new costs that have occurred in 2023 initiating at the end of the summer which municipal law enforcement regularly attends for enforcement duties at the encampment to support the health, safety and well-being of persons in the surrounding area and to address by-law violations. With the addition of shelter spaces in our community resulting from the introduction of the intended new low-barrier shelter facility location which will include additional beds is anticipated to help assist all levels of government including the Town when dealing with individuals living rough on public property and would help eliminate the long-term encampments and support those vulnerable individuals in our community. This does not necessarily mean the costs will be eliminated, but they may be reduced because of regular proactive enforcement and a new location for County Social Services support with a more integrated shelter and more low-barrier access.

Lastly, outside of the traditional ways of dealing with community management within the sphere of lower-tier municipal government, staff agree that working collaboratively with the County of Northumberland and Transition House would be most beneficial option for all Cobourg residents to help with a smooth community transition for the new location, including those Cobourg residents that will be seeking the client services of the 310 Division Street shelter. Homelessness” is a matter noticeably absent from the listed spheres of jurisdiction. No one level of municipal government is assigned exclusive jurisdiction. However, both levels may have some equally valid basis to take actions in relation to the general issue or matter and in this instance, the entity responsible for Social Services is meeting their objectives and targets relating to housing needs within the service manager’s service area and integrating a new shelter system within the County. The Town should be seen supporting the community’s need and understanding the County roles, but also be sure that the Town’s concerns are addressed prior to and during the operations.

That being said, the Town sees the benefit of the introduction of a Community Liaison Committee with the County and Transition House to allow for better community integration within the surrounding community. The establishment of the committee would be to share and disseminate information, identify issues and concerns that impact area residents, identify and discuss solutions to those issues and concerns, and develop ongoing communications protocols between the community and Durham Region as well as the service provider and identify risk and risk mitigation.

### **Municipal Regulations and Enforcement:**

The Town of Cobourg does have broad authority to pass by-laws in relation to “health, safety and well-being of persons” in the Town under its general power under the *Municipal Act, 2001* provided such matters.

Enforcement staff are responsible for administering and enforcing Town by-laws to maintain order, safety and community standards in the community. As requested by Council, staff have identified recommendations for greater enforcement.

The Town’s Public Nuisance By-Law #048-2016 regulates public nuisances within the Town of Cobourg. The By-law was recently amended in 2023 to reflect contemporary provisions with the addition of administrative monetary penalties and enhanced regulations pertaining to littering on public or private property; an expanded definition of public places which include private property that is exposed to public view and a comprehensive list of activities defining a nuisance to include;

- (i) soliciting, including, without limitation,
  - 1) soliciting a person who is using, waiting to use, or departing from an automated teller machine;
  - 2) soliciting a person who is using or waiting to use a public toilet facility;
  - 3) soliciting a person who is waiting at a public transit stop;
  - 4) soliciting a person who is in or on a public transit vehicle;
  - 5) soliciting a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot;
  - 6) while on a roadway, solicit a person who is in or on a stopped, standing or parked vehicle.
- (ii) loitering in any public place after having been requested by an officer to move on;
- (iii) fighting, screaming, yelling or using profane or abusive language or gestures;
- (iv) carrying open liquor;
- (v) obstructing, interfering with or otherwise impeding the movement of persons or vehicles;
- (vi) remaining in or refusing to leave a public place after it is closed and/or when ordered to leave by an officer;
- (vii) littering;
- (viii) defacing, damaging or vandalizing public or private property;
- (ix) expectorating in a public place;
- (x) obstructing an officer in the course of his or her duties;
- (xi) anything which is injurious to the health, or indecent, or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property; and
- (xii) any other activity or conduct that is disorderly, annoying, unpleasant or obnoxious

Section 128 of the *Municipal Act, S.O. 2001, c.25*, as amended, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

Additionally, Section 133 of the *Municipal Act, S.O. 2001, c.25*, as amended, provides that a municipality may enact By-laws for the health, safety and well-being of persons and for the protection of persons and property.

In conjunction with the current provisions of the Nuisance By-law and authority pursuant to the Municipal Act, further amendments may be introduced to enhance the provisions of the Nuisance By-law.

Attachment #1 being a by-law to amend Nuisance By-law 048-2016 would further enhance the ability to enforce nuisance related incidents on public and private property and specifically prohibit the consuming of illegal drugs in a public place or on private property exposed to public view.

### **A Licensing and/or a Permit System for Emergency Shelters**

The primary goals of business licensing are to address issues related to:

- Public health and safety;
- Consumer protection;
- Nuisance control; and
- The general well-being of persons.

Municipalities under the authority of the *Municipal Act, 2001* have the following powers when it comes to licensing of businesses within their jurisdiction;

- a) rights powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;
- b) the authority to implement business licensing in the interest of health and safety, well-being of person, consumer protection and nuisance control;
- c) the ability to pass by-laws for imposing fees or charges to permits and services provided;
- d) the power to impose a system of administrative penalties to encourage compliance with a by-law.

The Town of Cobourg does not currently have any licensing/permit schedule applicable to regulating the County's proposed emergency shelter at 310 Division Street or any emergency shelter within the Town of Cobourg.

In addition, municipalities have powers under the *Planning Act* to pass zoning by-laws for prohibiting the use of land or the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law.

It is anticipated that with the new Zoning By-law staff will also be looking at licensing as a tool to deal with issues of health and safety. Licensing is a better way to regulated landlords and operators versus the Zoning By-law whereby zoning is not a tool to regulate people or their actions.

No existing examples of a municipality licensing an emergency shelter were identified through the Towns review of Ontario municipalities. The norm appears to be administration and management through a comprehensive set of emergency shelter policies, guidelines and standards that are typically tied to funding sources. While zoning is the appropriate tool to regulate use, height, density, parking and setbacks, municipalities must be careful not to zone lands based on the “user” versus the “use”. Implementing zoning regulations beyond the legislated authority of the *Planning Act* can be challenged. Zoning By-law cannot zone for people or their relationship or status.

Staff reviewed the existing legal tools and authorities available to the Town for classifying the emergency shelter as a business to which a licence/permit process could be applied pursuant to a *Municipal Act* by-law passed by the Town. Secondary to this element, consideration was given to the question that if licensing of such a business can be applied, or to what extent does the ownership by the County have on effective enforcement measures.

As indicated by a legal review that Staff attained under the *Municipal Act, 2001*, and related case law regarding the enactment of licensing by-laws to regulate matters regarding “health, safety and well-being of persons” and “the protection of persons and property” is within the Town of Cobourg’s jurisdiction and, pursuant to subsection 8(4) of the *Municipal Act, 2001*, such a by-law can “be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate”. Furthermore, the Town’s legal identified case law and reference material in which a system of licensing was enacted by by-law for “lodging-homes” accessed by “homeless persons”.

In response to the direction by Council and in consultation with our legal review some of the operating standards for emergency shelters could be addressed through an Emergency Shelter Licence By-law. The by-law would establish operating requirements and an approved operational plan. The requirements must have a clear connection to the business activities and a direct impact on the public interest. Failure to comply with the requirements may result in fines/penalties.

For shelter operators, shelter standards related to compliance with the approved operational plan, communicating guest expectations to shelter guests, and dealing

with shelter guests that are violent or disorderly could be considered under the Business Licence Bylaw. Operational plans are an educational tool to encourage businesses to adopt specific measures to comply with other municipal bylaw requirements (such as noise).

The operational plan allows applicants to acknowledge their understanding of relevant bylaw requirements (including the operating requirements), and describe specific policies, procedures, and other measures for complying with the requirements.

Staff would review operational plans and accept or refuse the operational plan based on the applicable minimum standards and stakeholder expectations. The plan could also be used to recommend best practices that cannot be mandated through licensing or to provide links to other resources. Enforcement under the Business Licence Bylaw does not result in immediate business closure and is limited to issuing fines, and in some cases, cancelling, suspending, refusing, or imposing conditions on licences.

Attached to the report is a draft Emergency Shelter Licence By-law that would apply to the shelter proposed at 310 Division Street, and if passed today, would include the current shelter at 10 Chapel Street, if approved by Council. In addition the licensing regime would apply to any other emergency shelter, new or existing, within the Town of Cobourg and for example would include the requirement of Cornerstone Family Violence and Prevention Centre Shelter.

The annual cost for monitoring compliance, conducting inspections, enforcement costs licence/permit issuance and licensing revenues will be included in the 2025 Operating Budget. Impacts on the 2024 Operating Budget for the remainder of the fiscal year are marginal and estimated at \$5,000.

### **Other considerations:**

An additional consideration and information that could be proposed to the County of Northumberland and Transition House regarding the new proposed location and operation of 310 Division Street also is derived from and included in the 2023 Vink Shelter System Review and received by County Council was on the recommendation that was proposed in the three-six (3-6) months timeframe related specifically to Street Outreach. Street outreach is focused on getting people off the streets and into housing and getting people connected to services. The role of street outreach is critical to this effort. Outreach is core to identifying and connecting the most vulnerable individuals who, for several reasons, are unable to access an existing system. Best practices point to 24/7 outreach services as being the most effective way to make contact with people experiencing homelessness Available 24 hours per day, seven days a week, year-round, outreach staff focus on establishing supportive relationships as a first step in

addressing an individual's immediate health and safety needs. They also provide supports to move into housing.

### **Recommendations Related to Street Outreach Services**

The consultants' recommendations related to street outreach services in Northumberland County are outlined below:

#### **Recommended Service Delivery Levels and Model**

**17.** It is recommended that the County have 1 FTE dedicated to street outreach.

**18.** If more than one service provider is involved in providing street outreach to individuals living rough, it is recommended that the County work with street outreach service providers to document a systematic approach to street outreach services.

*Consultant Commentary) - This may include developing maps and schedules to be used by outreach workers as well as assessments, and other outreach materials. Providers must have a clear plan of when and where they will conduct outreach which is convenient and appealing for individuals experiencing homelessness (e.g., in the evenings).*

#### **Communication with the Public about Outreach**

**20.** It is recommended that Northumberland County prepare communication materials for the public about what they should do in various situations when they see someone sleeping rough. It is also recommended that the County designate and promote the phone number for the County's Outreach services as a number that residents can call if they see someone experiencing homelessness in the community who may need supports.

#### **Services Working as Part of a Homelessness System**

**21.** It is recommended that Northumberland County have discussions with Northumberland United Way about opportunities to encourage or require service providers providing outreach and funded through the United Way to align with a Housing First system approach to addressing homelessness.

#### **Expectations Related to Effective Service Delivery**

**22.** The County should outline standards for staff or external service providers in delivering street outreach services. Recommended key expectations have been provided in a separate document.

#### **Monitoring of Performance**

**23.** It is recommended that Northumberland County establish targets and develop regular monitoring of key performance measures for street outreach services. Suggested output and outcome measures and targets have been provided in a separate document.

Council may also want to direct staff to look into working with the County and inquiring if there will be additional services added to the Street Outreach within the community that could also support the upgrade within the Shelter System, and with the recommendations also coming directly from the Shelter System Review in which the County is starting to implement with the relocation of the shelter at 310 Division.

## **5. Financial Impact and Budget**

There are no direct financial or budget impacts related to this staff report. Some of the costs associated with homelessness have been detailed in the Staff report. Depending on the Council direction, staff will provide an update to Council on costs associated with the relocated shelter at 310 Division Street and its impact of service levels and costs, if any.

## **6. Relationship to Council's Strategic Plan Priorities 2023 to 2027 and beyond:**

Thriving Community

Promotes community well-being and ensures places for all to enjoy

Service Excellence

Valuing and understanding residents expectations, recognizing the importance of staff and public safety while ensuring that policies and practices are effective.

Sustainability

Ensures social well-being while protecting the Town's amenities for use and enjoyment by residents and visitors.

## **7. Public Engagement:**

Municipal Staff have not yet engaged the public on the contents of the report, draft by-laws and options that are being considered by Council in this staff report as follow up from the January 31, 2024 Regular Council Meeting. Cobourg Council may want to consider engagement on any of the proposed recommendations and drafts to solicit public feedback.

Although, it should be noted that Council and Staff have received correspondence and a petition related to 310 Division Street and Staff have been forwarding these to Council and placing on the Council agendas.



**8. Attachments:**

Attachment #1: A by-law to amend Nuisance By-law 048-2016  
Attachment # 2: Emergency Care Establishment Licensing By-law  
Attachment # 3: Amendments to User Fee & Charges By-law  
Attachment # 4 - Consolidated Nuisance Bylaw v3(048-2016)

**9. Report Not Considered by  
Standing Committee Because:**

Time Sensitive Issue (information received too late for Standing Committee consideration)

Urgent Matter (issue arose after this month's Standing Committee Meeting)

Other: Click or tap here to enter text.