



HOMELESSNESS: A PRIMER FOR BUSINESS

INFOSHEET #4

Panhandling and Trespass

Why do people panhandle?

People panhandle because they need money for something they want. Not everyone that panhandles is homeless, but many share the same issues: – addictions, mental health issues, disabilities, poverty, low levels of education, and unemployment.

How to respond to panhandling

Panhandling, unless it is deemed aggressive or soliciting a captive audience, is not illegal, and deciding whether to give or not is a personal decision. Good alternative use of your money can be made by donating to a local charity responding to homelessness, or by volunteering your time:

- ◆ RainCity Housing & Support Society

RainCity operates the 3030 Gordon Ave. emergency shelter & transitional housing facility
<http://www.raincityhousing.org>

- ◆ Hope for Freedom Society

Hope for Freedom operates the Tri-Cities homeless outreach program as well as the over-the-winter Tri-Cities mat shelter in host church venues
www.hopeforfreedom.org

If you don't want to give money to a person panhandling:

- ◆ Look at the person, be polite and say "Sorry, I don't have any cash on me"
- ◆ If you know a panhandler by name, offer to buy them a snack or meal or provide them with a copy of the Street Survival Guide

Aggressive panhandling

The BC Safe Streets Act was enacted in October, 2004. Under the terms of this act, a person commits an offence if they solicit money or another thing of value in a manner which:

1. Creates a concern for the solicited person's safety or security, such as obstructing one's path, using abusive language or continuing to solicit
2. Solicits a "captive audience", such as within 5 metres of a bus stop, ATM or a person getting in or out of a vehicle.
3. While on a roadway, solicits a person who is in or on a stopped, standing or parked vehicle.

In plainer language, it is not illegal for a person to panhandle or ask you for money. It is, however, illegal for a panhandler to create an uncomfortable or hostile environment by following you asking for change, continuing to ask after you have already declined, panhandling beside a bank machine, or to endanger themselves by soliciting in traffic.

Trespass Act

Under the BC Trespass Act, a person who has been directed by an occupier of premises, or by a person authorized by an occupier of premises, to leave the premises or stop engaging in an activity on or in the premises commits an offence if

- ◆ the person does not leave the premises or stop the activity
- ◆ or re-enters the premises or resumes the activity

where:

- ◆ “occupier” includes a person who has responsibility for and control over the condition of the premises or the activities carried out in the premises, and control over persons allowed to enter the premises
- ◆ “premises” includes a building or “enclosed” land
- ◆ “enclosed land” is defined as land surrounded by a lawful fence or posted with signs at ordinary access points

Essentially, a place of business would be deemed a “premises” and the staff, whether it be a loss prevention officer or a cashier, would be an occupier. As an occupier, staff are allowed to ask people to leave but they cannot discriminate. Under the Canadian Charter of Rights and Freedoms a person is protected from discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental and physical disabilities.

If someone is found on enclosed land, there is a presumption that he or she is there without the owner's permission. In other words, it is up to the trespasser to show that he or she has the permission of the occupier to be on the land.

A posted sign can be used to prohibit activities or access to unauthorized people. For example: a sign can be posted requiring backpacks be left at the front counter of a store.

Both the Trespass Act and the Safe Streets Act give police the power to arrest **if the person is found committing the act** but normally these are dealt with through violation tickets.