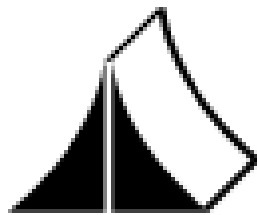




Type of law:
CIVIL LAW

A 2015 Alberta Guide to the Law

HOMELESS RIGHTS



Student Legal Services
of Edmonton

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HOMELESS RIGHTS



Police/Security guards



- Remember to be respectful at all times
- You only have to give a police officer your name, birth date, and address. You do not have to give that information to a security guard.
- Police can only search you if you give them permission or they have another lawful reason (for example, they arrest you or have a search warrant). You can say no to a search if the police have no other lawful reason to search you.
- You can ask a police officer for his/her name and badge number.

Panhandling



- You cannot panhandle aggressively.
- You can ask for money once, but you CANNOT touch people, or follow people
- Don't ask for money in a way that blocks the sidewalks or road.
- If you are intoxicated or under the influence of drugs while you are panhandling you can be ticketed for aggressive panhandling
- Panhandling with a weapon on your person is assault. You can be arrested for this.

SLEEPING OUTSIDE



- As a general rule, camping on public property (like in a park or on the street) is against the City of Edmonton bylaws. You can be ticketed \$100 for this.
- If you have a friend or family with a house or land, you can camp anytime they let you.
- If you camp on private property (e.g. mall, home, church, parking lot, etc.) without permission, you can be asked to leave or charged with trespassing.

HOUSING



Places that have a housing 1st program to assist you in finding and affording a home:

- Bent Arrow Traditional Healing Society
- Bill Rees YMCA
- Bissell Centre
- Boyle Street Community Services
- DiverseCity Housing
- E4C Case Management
- George Spady Centre
- Hope Mission
- Jasper Place Health and Wellness Centre
- Pathways to Housing

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HOMELESS RIGHTS

MY RIGHTS: POLICE



When Police approach you: **STAY CALM, BE NICE** and **REMEMBER:**

- You only have to give them your name, address and birthdate. You **DO NOT** have to talk to the police. You **DO NOT** have to answer any questions or make any statements.
- You have a right to know the police officers name and badge number.
- Police are not allowed to abuse, threaten or treat you badly for any reason.
- Police can **ONLY** search you if you give them permission or they have another lawful reason (for example they arrest you or have a warrant to search you or the area). You can say **NO** to a search if the police have no other lawful reason for searching you.
- If you are being arrested the police have to tell you why. You have a right to know what the charge is.
- If you are being arrested the police have to let you speak to a lawyer. They have to give you the free 1-800 number for the lawyer referral service and the number for legal aid. The number for legal aid is 780-428-7575. The number for the lawyer referral service is 1-800-661-1095.
- You have a right to make a complaint about the police. If you feel your rights have been violated, make sure you try to get the officer's name and badge number and write down what happened. Make sure to point out the time and date of the incident.
 - For information on how to make a complaint against the police, see our pamphlet *How to Initiate a Public Complaint against the Edmonton Police Service and /or Security Guards*

MY RIGHTS: SECURITY GUARDS



- Security guards work for private businesses or stores. They are allowed to ask you to leave, remove you or ban you. They have to treat you fairly and give you a reason for why they are making you leave.
- You **DO NOT** have to give a security guard any information, not even your name.

- A security guard **CANNOT** bother you if you are outside on the side walk in front of their store or in the alley out back if this is public property.
- Security guards usually cannot arrest or detain you. A security guard can **ONLY** arrest you if they see you committing a crime or running from the police. Security guards can hold you until the police come.
- Security guards can only search you if they arrest you. They can only pat search you. They **CANNOT** search your bags or other belongings without you saying it's ok.
- If you are not under arrest, you **CAN** say **NO**. You **DO NOT** have to let a security guard search you.
- Security Guards have to treat everyone equally. If a security guard mistreats you, or discriminates against you, you can ask for their name and who they work for, and make a complaint.
 - For information on how to make a complaint, see our pamphlet *How to Initiate a Complaint Against the Edmonton Police Service and/or Security Guards*

MY RIGHTS: PANHANDLING



- In general you have the right to ask people for money if you are on public property.
- When panhandling you should be respectful.
- You cannot panhandle aggressively. This means that you cannot harass people – you can ask for money once, but you **CANNOT** touch people, follow people or continue to ask after they have said no. Don't ask for money in a way that blocks the sidewalks or road. It is also considered aggressive panhandling if you are intoxicated or under the influence of drugs while you are asking people for money.
 - You can be fined \$250 for aggressive panhandling.
- You can be charged with assault if you panhandle with a weapon on your person.
- You can be fined for “disturbing the peace or enjoyment” of other people or “interfering with any events” in public parks. Asking for money may be considered a disruption.
- You do not have the right to ask for money on **PRIVATE** property unless you have permission. Parking lots are often privately owned. You can be ticketed and charged with trespassing if you are caught on private property without permission.

- You do not need a Busking licence in Edmonton, but you do need permission before busking at a transit station. You also need to follow all the by-laws that may relate to busking (e.g. don't block sidewalks or entrances to business, don't panhandle aggressively, noise levels, etc.).

MY RIGHTS: LOITERING

You have a right to be in a public place if it is for a purpose. Meeting a friend is a valid purpose. You cannot hang out when you do not have a reason for doing so.

It is against the law to loiter on transit (bus, LRT) or in transit stations. This means that you cannot stay longer in a station or bus shelter than you need to in order to catch your next bus/LRT. You also cannot ride the bus/LRT longer than the time needed to get to your stop. You can be fined \$250 for this.

There is also a bylaw against bullying. Bullying is defined as repeatedly communicating with anyone under the age of 18 in a way that causes them to feel harassed. You can be fined \$250 for this.

MY RIGHTS: SLEEPING OUTSIDE

Private Property

If you have a friend or family with a house or land, you can camp anytime they let you.

If you camp on private property without permission, you can be asked to leave or charged with trespassing.

Public Property

As a general rule, camping on public property (like in a park, on a bench, or in the river valley) is against the law and you can be ticketed. The fine amount for camping in a park is \$100.

You cannot set up any type of permanent or temporary structure (like a tent) on city owned parkland. You are also not allowed to be on city parkland (like the river valley) between the hours of 11pm and 5am, or other times a park is closed.

If you are camping on public property and get a ticket or are arrested please seek legal advice. There are situations, like when you have no other options, where camping in public may be permitted. Your safest choice, to avoid getting a ticket, is to stay in a shelter.

However, if you are turned away from all available shelters because there is not enough room and are given a ticket for sleeping outdoors, please seek legal help.

MY RIGHTS: HOUSING

There is no right to housing in Canada. However there are programs to assist you in finding housing. Edmonton has a housing program administered by Homeward Trust that can be accessed through many agencies. The agencies that provide housing programs in Edmonton are:

- Bent Arrow Traditional Healing Society
- Bill Rees YMCA
- Bissell Centre
- Boyle Street Community Services
- DiverseCity Housing
- E4C Case Management
- George Spady Centre
- Hope Mission
- Jasper Place Health and Wellness Centre
- Pathways to Housing



To enter into a housing program you must have some form of income (e.g. Alberta Works income support, AISH, or employment).

Boyle Street Community Services offers three housing programs.

1. Housing Registry

- This program is for people who are able to be housed on their own without assistance. If you have been evicted, have no credit or bad credit, don't have a down payment or references, you may qualify for this program.
- To access this program speak to housing services at Boyle Street Community Services (10116 105 Ave, Edmonton).

2. Housing First.

- This program is for people who need more assistance to live on their own such as people with addictions issues or who need help learning to budget, cook, clean, etc.
- If you have addiction issues, mental health issues, or have been on the street for a long time you may qualify for this program. At Boyle Street Community Services you must be referred to this program by a worker (e.g. Street Works worker, Family Support worker, etc.).

3. Urgent Families

- If Alberta Works is paying for you to stay in a motel you may qualify for this program.

- To enter this program you need to be referred by your Alberta Works worker, or you can do a self-referral through Homeward Trust.
- It generally takes up to 21 one days to get into a home, maybe longer if you require a larger place.

If you have an eviction notice due to missed rent payments you may be able to access the Emergency Needs Allowance through Alberta Works to help pay back your debt. To apply for this funding go to your nearest Alberta Service Centre.

If you feel you are being wrongfully evicted, Student Legal Services may be able to help you at a Residential Tenancies Dispute Resolution Services hearing. For more information call our Civil law office at 780-492-8244.

MY RIGHTS: INCOME ASSISTANCE



You can receive money to help meet your basic needs like food, clothing, shelter and health care.

You can collect extra assistance if you have a disability. A disability may include: long term unemployment, HIV, HEP C, TB, depression, schizophrenia and other mental health disabilities, and physical disabilities. You will need to speak with your doctor or psychiatrist about applying for disability assistance (AISH). If you are in a financial emergency and desperately need money to cover your rent or food, you can ask your worker for an “Emergency Needs Assessment.” Your worker has the ability to give you money for emergency situations.

If you have applied for assistance and have been denied, you have a right to appeal the decision. You can appeal through the Alberta Appeals Secretariat. Call 780-427-2709 if you want to appeal your decision. In some instances Student Legal Services can help you with an appeal. Contact our Civil law office at 780-492-8244 for more information.

MY RIGHTS: HEALTH CARE



Generally you need to have proof of medical insurance (Health Care Card or Alberta Health Care number) before you receive medical treatment. However in the case of an emergency, a hospital must treat you even without proof of insurance. You can order a new Alberta Health Care card over the phone at 780-427-1432. They require your name, mailing address, phone number (or number where you may be contacted), personal health care number and date of birth.

The **Boyle McCauley Health Centre** is the only medical clinic in Edmonton that does not require patients to have a Health Care Card. You can call or drop in to make an appointment. Walk in clinic hours are from 5pm to 8pm Monday through Thursday and Saturdays from 9am to 12:30pm. Registration begins at 4:30pm Monday through Thursday and 9am on Saturdays.

MY RIGHTS: CASHING CHEQUES

You can cash government cheques at any bank with a teller free of charge with photo ID or two pieces of ID with your name and signature (Canadian government – E.g. GST rebate, tax returns, child tax credit; and Alberta government – E.g. income support, AISH). You do not have to have an account at the bank for the bank to cash the government cheque. The bank can decide not to cash cheques over \$1500.

If the bank won't cash your cheque, what can you do?



- The bank must give you a letter saying it will not cash your cheque. If you do not receive it, ask for it. The bank must also tell you how to contact the Financial Consumer Association of Canada (FCAC) (1-866-461-3222).
- Tell the bank you want to make a complaint. By law, all banks and federally regulated trust or loan companies must have a complaint-handling process.

MY RIGHTS: VOTING



If you are a Canadian citizen and are 18 or older you have the right to vote. There are 3 types of elections: Federal, Provincial and Municipal. Each type of election requires registration. Usually registration requires identification and an address, however each level of government has policies that allow homeless people to vote without having a permanent home.

Federal Elections

Federal elections require voters to register and prove their identity and address.

You can register to vote on Election Day at the polling station. To register you must have some sort of ID. You can either have:

- ✓ ONE piece of identification with your picture name and address. However, if the address on your ID is not current you will need a “letter of confirmation of residence” from a shelter or soup kitchen to prove that you are eligible to vote at that polling station;

- ✓ Or TWO pieces of ID: one with your name and current address (a “letter of confirmation or residence” can be used); AND another piece of ID with your name. There are a variety of types of ID that are accepted some common ones are:

- a library card,
- debit card,
- parolee card,
- label on a prescription container,
- identity bracelet issued from a hospital,
- and more.



- ✓ Or TWO pieces of ID with your name on it and have someone who knows you attest to your address. This person must live in the same polling division district and can only attest for one person.
 - Note: a polling division is not the same as being in the same constituency. A constituency is made up of several polling divisions. In large urban areas, a polling division is sometimes just a few blocks.
 - If you are homeless and want to vote in a Federal election, your best bet is to get a “letter of confirmation of residence from a shelter or soup kitchen and bring in another piece of ID with your name on it, such as a library card. In Edmonton you can get a library card for free from any library branch.

Provincial Elections

For Provincial elections you must have been a resident of Alberta for at least six months. The ID requirements are similar to Federal Elections. You must have either:

- ✓ ONE piece of photo government ID with your current address; or
- ✓ TWO pieces of ID. One with your name and one with your name and address. A shelter or soup kitchen can give you an “Attestation of Identity and Ordinary Residence for Homeless Elector” form. This is similar to the “letter of confirmation of residence” needed for Federal Elections.
 - **Note:** there may be some differences in what forms of ID are accepted with the Federal and Provincial governments. Each government sets its own rules for elections. For example in an Albertan election, a parolee card is not a valid form of ID, but a prescription insert is. During an election you can ask staff at a shelter or soup kitchen for more information on what forms of ID are acceptable.
- ✓ If your name is already on the electors list you DO NOT have to show ID. You just need to bring in your voter card that you received in the mail.

Municipal Elections

You must be a resident of Alberta for at least six months, and you must be living in the municipality you want to vote in.

As with Federal and Provincial elections you need to have proof of name and address. For municipal elections in Alberta, you can use an “Attestation of Identity and Ordinary Residence for Homeless Elector” form from a shelter or soup kitchen as your proof of address. You will also need another form of ID with your name.

Rules can vary from city to city so during an election ask at a shelter or soup kitchen for the rules that apply for the area you live in.

WHERE CAN I GO FOR HELP OR MORE INFORMATION?



Legal Resources

- Student Legal Services.....780-429-2226
Can give you legal information and help you with some types of criminal, family and civil matters.
- Legal Aid.....780-428-7575
Free legal information, lawyers who may represent you for a reduced rate if you earn less than a certain amount
- Edmonton Community Legal Centre.....780-702-1725
Free legal information, and evening legal assistance.
- Family Law Information Centre.....780-415-0404
Information about family court processes, the paperwork and documents to be filled out along with help completing them (Example: applying for a child custody order)
- John Howard Society.....780-428-7590
Information, support, advocacy, and connection to resources
- Elizabeth Fry Society.....780-427-2681
Court workers explain court procedure and terminology, provide legal referrals, and offer practical assistance and support to those appearing in court

Health Services

- Boyle McCauley Health Centre.....780-422-7333
10628 96 St NW, Edmonton, AB
You can get help here without a health care card
Needle exchange available

Income Assistance

- Alberta Works Contact Centre.....1-866-644-5135
Call for the address of the nearest Alberta Service Centre
- Workers' Compensation Board.....780-498-8640

Complaints

- Financial Consumer Association of Canada (FCAC).....1-866-461-3222

Housing First Providers

- Homeward Trust.....780-496-2630
- Bent Arrow Traditional Healing Society.....780-481-3451

Bill Rees YMCA.....	780-429-9622
Bissell Centre.....	780-423-2285 Ext. 263
Boyle Street Community Services.....	780-424-4106 Ext. 292
E4C Case Management.....	780-424-7543
George Spady Centre.....	587-524-1530
Hope Mission.....	780-422-2018
Jasper Place Health and Wellness Centre.....	780-481-4001
Pathways to Housing.....	780-497-7146

Shelters

Edmonton Women's Shelter (WIN House)	(24 Hour Crisis Line) 780-479-0058
Shelter and support for women with or without children who are fleeing domestic violence	
Lurana Shelter	(Crisis Line) 780-424-5875
High security shelter and support for women with or without children who are fleeing domestic abuse	
SAGE Seniors Safe House.....	780-702-1520
Emergency housing for men and women over 60 years of age who are leaving abusive situations	
A Safe Place (Sherwood Park)	(24 Hour Crisis Line) 780-464-7233
Shelter and support for abused women and their children, including free transportation (from Edmonton, Sherwood Park, & Fort Saskatchewan) for admission to the shelter	
Women's Emergency Accommodation Centre (WEAC).....	780-423-5302
9611-101A Ave, Edmonton AB	
An emergency place to stay for homeless women, new women admitted at 9pm every night	
Hope Mission Emergency Shelter.....	780-422-2018
9908-106 Ave, Edmonton AB	
A safe place to sleep for those living on the streets. Separate shelter areas available for men, women, couples, and youth. Open at 8pm every night.	

Second Stage Shelters

- La Salle Residence.....780-482-2190
A second stage shelter (transitional housing for up to a year) & support for women and their children who have left abuse and are leaving a front-line crisis agency
- Wings of Providence.....780-426-4985
Second stage housing (longer term) & accompanying support for women and their children who have experienced family violence

Food Hampers

- Edmonton's Food Bank.....780-425-4190
- The Mustard Seed.....(*after hours only*) 780-426-5600
- The Salvation Army.....780-424-9222
- Wecan Food Basket Society.....(*reduced cost food*) 780-413-4525

Hot Meals

- Bissell Centre.....780-423-2285
- Hope Mission.....780-422-2018
- Marian Centre.....(*emergency meals; 18+ yrs*) 780-424-9222
- Operation Friendship Society.....(*55+ yrs*) 780-408-2967
- The Mustard Seed.....780-426-5600