

COPYRIGHT AND DISCLAIMER

A GUIDE TO THE LAW IN ALBERTA REGARDING

HOMELESS RIGHTS

version: 2011

GENERAL

All information is provided for general knowledge purposes only and is not meant as a replacement for professional legal advice. If you have a personal legal question that requires legal advice, please consult a lawyer.

COPYRIGHT

Copyright 2011, Student Legal Services of Edmonton. All rights reserved. Copying any material, in whole or in part, is prohibited unless prior consent has been obtained. Some material may be subject to copyright from an outside source and thus there may be different restrictions on the reproduction of this material.

LIMITATION OF LIABILITY

Student Legal Services of Edmonton is not liable for any loss or damage caused by an individual's reliance on information or material obtained from Student Legal Services of Edmonton. By accessing the information, individual's agree that any usage is at their own risk.

INFORMATIONS AND OPINIONS

In some instances, information obtained by Student Legal Services of Edmonton may have been provided by outside sources. Even with the high standards set by Student Legal Services of Edmonton, we accept no responsibility for the accuracy and reliability of the material. Opinions and Informations provided by third parties does not represent that of Student Legal Services of Edmonton.

HOMELESS RIGHTS

MY RIGHTS-POLICE..... 2
 When can I sue the police?..... 2
 What is ‘more force’? 2
 Limitations you may face when suing the Police.
 3
 Cost..... 3
 Credibility..... 3

MY RIGHTS-SECURITY GUARDS..... 3

MY RIGHTS-SLEEPING OUTSIDE..... 4
 Private Property..... 4
 Public Property..... 4

MY RIGHTS-MY CHILDREN..... 4

MY RIGHTS-ASKING FOR \$\$, AND HANGING OUT (LOITERING)..... 4
 Hanging out (loitering)..... 5

MY RIGHTS-INCOME ASSISTANCE (WELFARE, DISABILITY)..... 6

REFERRAL NUMBERS..... 7

MY RIGHTS-POLICE

When police approach you: **STAY CALM, BE NICE AND REMEMBER:**

- a. You only have to give your name and birth date. You do NOT have to talk to the police, you do NOT have to answer any questions until after you speak with a lawyer.
- b. You have a right to know the police officer’s name and badge number. They have cards with this information, and you can ask to have one to help you remember.
- c. Police are NOT allowed to abuse, threaten, or treat you badly for any reason.
- d. You have a right to make a complaint about the police. (See “how to get help.”)
- e. Police CANNOT search you or take your stuff if they are NOT arresting you. You can stay calm, SAY NO, and tell police you don’t want to be searched.
- f. If police are arresting you, they have to tell you why. You have a right to know.
- g. If you are arrested, police have to let you speak to a lawyer. There are free lawyers for you to speak to.

1. When can I sue the police?

You have a right to sue if the police: searched, arrested, or detained you (you were ‘jacked up’) without a legal reason; took your stuff, damaged it, destroyed it without a legal reason; or used more force against you than they needed.

2. What is ‘more force’?

You can’t sue the police if they have only sworn at you or yelled at you. You can’t sue the police if you see them doing something wrong to someone else.

To sue the police, they must have, without a legal reason: physically hurt or threatened to hurt you; used their police power to make you do something you didn’t want to- like being searched;

A GUIDE TO THE LAW IN ALBERTA REGARDING HOMELESS RIGHTS

use their police power to stop you from doing something you want to do- like stay silent or leave; taken or damaged your stuff.

3. Limitations you may face when suing the Police.

- a. **Cost:** In order to sue the police you will need to pay a lawyer to take your case to court. This can be very expensive.
- b. **Credibility:** When you sue the police it will be your story of what happened against their story of what happened. It can be difficult to have the court believe your story over the police.

*** See Student Legal Services pamphlet ‘How to Initiate a Complaint Against the Edmonton Police Services.’**

MY RIGHTS–SECURITY GUARDS

- a. 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 why they are making you leave.
- b. Security guards have to treat everyone equally. You can ask for a security guard’s name and who they work for, and make a complaint. (See “how to get help”)
- c. You **DO NOT** have to give a security guard any information, not even your name.
- d. A security guard **CANNOT** bother you if you are outside, like on the sidewalk in front of their store or in the alley out back.
- e. A security guard can **ONLY** arrest you if they see you taking something, hurting someone or committing other crimes like running from the police. Security guards can hold you until the police come.
- f. Security guards can **ONLY** search you if they arrest you. If you are **NOT** under arrest, you can say **NO**. You do **NOT** have to let a security guard search you.

A GUIDE TO THE LAW IN ALBERTA REGARDING HOMELESS RIGHTS

- g. Security guards can **ONLY** pat search you. They **CANNOT** search your bags or other belongings without you saying it’s ok.

MY RIGHTS–SLEEPING OUTSIDE

1. 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, this is illegal. You can be asked to leave and/or charged for trespassing.

2. Public Property

As a general rule camping on public property, like in a park or on the street, is against the law and you can be ticketed and asked to leave.

If you are camping in public and get a ticket or are arrested for doing so, please seek legal advice. There are situations, like when you have no other options, where camping in public may be permitted.

MY RIGHTS–MY CHILDREN

This is a complex area of the law. If you have had your children removed, are dealing with a custody dispute, or are not getting the child support you feel you are entitled to please see the resource page and contact a lawyer or the Family Law Information Center for advice.

MY RIGHTS–ASKING FOR \$\$\$, AND HANGING OUT (LOITERING)

1. Asking people for money
 - a. On **PUBLIC** property **REMEMBER:**

A GUIDE TO THE LAW IN ALBERTA REGARDING HOMELESS RIGHTS

- i. Be respectful, nice, polite, and DON'T get into fights or argue with people.
 - ii. In general you have a right to ask for money on public property.
 - iii. You DO NOT have a right to harass people-- you can ask for money once, don't touch people, follow people, or continue to ask after they've said no.
 - iv. DO NOT ask for money in a way that blocks the sidewalks or road (for example: standing in front of a store entrance)
 - v. DO NOT ask for money on city transit (LRT, buses, or transit stations). You may be fined \$50 for doing this.
 - vi. You DO NOT have a right to "disturb the peace or enjoyment" of other people or "interfere with any events" in public parks. Asking for money, may be considered a disruption and you may be fined up to \$100.
 - vii. If you are caught harassing people or blocking traffic, you may be fined up to \$250.
- b. You DO NOT have a right to ask for money on PRIVATE property without permission. Parking Lots are often privately owned. You can be ticketed and charged for trespassing if you are caught on private property without permission.

2. Hanging out (loitering):

It is against the law to loiter on PUBLIC property; loitering means 'lack of purposeful activity.' This means you CANNOT hang out when you have no reason for doing so. BUT if you are waiting for a friend, for example, then you have a reason; seek legal advice if you are ticketed.

It is against the law to loiter on transit (bus, LRT) or in transit stations. Loitering here means you CANNOT stay in a station

A GUIDE TO THE LAW IN ALBERTA REGARDING HOMELESS RIGHTS

longer than you need to catch your next bus/LRT, or ride the bus/LRT longer than you need to get to your stop.

MY RIGHTS--INCOME ASSISTANCE (WELFARE, DISABILITY)

- a. You have a right to collect money to help you meet your basic needs like food, clothing, shelter, and health care.
- b. You have a right to 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 disability. You will need to speak with your doctor or psychiatrist about applying for disability.
- c. If you are in a financial emergency and desperately need money to cover your rent or for food, you can ask your worker for an "Emergency Needs Assessment." Your worker has the ability to give you money for emergency situations.
- d. If you have applied and been denied you have a right to appeal this decision

--> see the referral page to get help and more information with income assistance

A GUIDE TO THE LAW IN ALBERTA REGARDING HOMELESS RIGHTS

REFERRAL NUMBERS

HOW TO GET HELP OR MORE INFORMATION:

Legal Services

Student Legal Services.....	780-429-2226
Legal Aid.....	780-427-7575
Edmonton Community Legal Centre.....	780-702-1725
Family Law Information Centre.....	780-415-0404
John Howard Society.....	780-428-7590
Elizabeth Fry Society.....	780-427-2681

Health Services

Boyle McCauley Health Centre.....	780-422-7333
-----------------------------------	--------------

you can get help here without a health care card
needle exchange available

Income Assistance and Disability

Workers' Compensation Board.....	780-498-8640
AB Works Contact Centre.....	1-866-644-5135
Edmonton North AB Service Centre (137 Avenue).....	780-415-8116
Edmonton West AB Service Centre (200 Stony Plain Rd.).....	780-415-6500
Edmonton South AB Service Centre (Gateway Blvd.).....	780-644-2888