

## STREET LAW SMARTS #16

# PARKS

All property belongs to someone. Public property belongs to the city, to the province or to the federal government.

The owner or occupier of property (e.g. manager, tenant, employee or other authorized person) can make rules not only about *who* can use their property, but also *what* can be done on that property.

### City parks

Parks that are within a city (e.g. Grange Park, Alexandra Park in Toronto) are usually owned by the local municipality and governed by their specific park by-laws. While each by-law is different, they usually prohibit the same type of conduct and give the police and municipal by-law officers the power to issue tickets. In the city of Toronto for example, the following activities are prohibited in city parks:

- swearing
- throwing things (e.g. beer bottles)
- creating a nuisance by frightening, annoying, disturbing others or loitering
- injuring trees
- setting up a tent without a permit
- dwelling, camping or lodging in a park without a permit
- doing anything violent, threatening or illegal
- setting off fireworks
- being too loud
- drinking alcohol

The City of Toronto by-law also makes it illegal to be in a Toronto park between the hours of midnight and 5:30a.m., unless you have a permit.

Generally, people are allowed to be in public spaces. However, dwelling in a park without a permit is prohibited. Accidentally falling asleep or having a nap is probably not dwelling in a park. If you get a ticket for violating a park rule, you should consider fighting the charge or asking for a fine reduction. See **Tickets**, below, for more information.

## **Provincial parks**

Some parks are owned by the province (e.g., Algonquin Park). Provincial laws for these parks make it illegal to beg or solicit, litter, create a disturbance, camp overnight without a permit, and trespass unlawfully by being in the park after closing hours.

## **Tickets**

Any police officer, provincial offences officer, or municipal employee can order you to stop a prohibited activity or to leave the park. You must obey or you will lose your permission to stay in the park and you could also get a trespassing ticket. If you are drinking in the park, you may get a ticket under the *Liquor Licence Act*.

**See Street Law Smarts #14: Tickets**

## **Getting arrested?**

If arrested, you should immediately ask to speak to a lawyer or duty counsel. You should not make any statement before you have had the opportunity to speak with a lawyer. Your rights when you are placed under arrest will depend on what you are being arrested for, and whether you have been arrested by the police or by a civilian.

For more information, see:

**Street Law Smarts #12: Stops and searches by police**

For more information on specific offences, see:

**Street Law Smarts #17: Trespassing**

**Street Law Smarts #19: Alcohol**