



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

**Proposed Amendments to Chapter 693, Signs, Article II,
Election Signs**

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| Date: | August 22, 2014 |
| To: | City Council |
| From: | City Solicitor |
| Wards: | All |
| Reason for Confidential Information: | This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions. |
| Reference Number: | |

SUMMARY

Item LS30.1 proposes amendments to Article II, Election Signs of Chapter 693, Signs, including modifications to the amount of time that election signs may be displayed from 25 days to 21 days. At its August 18, 2014 meeting, the Licensing and Standards Committee recommended that Council adopt amendments to Chapter 693, Article II, including an amendment that would reduce the time for the erection and display of election signs to 14 days. The media has reported this decision may give rise to litigation against the City and this report responds to the potential litigation relating to this issue.

RECOMMENDATIONS

The City Solicitor Recommends that:

1. City Council adopt the confidential recommendations as set out in Attachment 1 – Confidential Information.
2. The Confidential Attachment shall remain confidential as it contains advice or communications about litigation or potential litigation that affects the City, with

the exception of the confidential recommendation which may be released publicly once adopted by Council.

FINANCIAL IMPACT

There is no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

At its meeting of August 25, 26 and 27, 2010, City Council, amended Section 693-9B of Chapter 693, Article II, Election Signs, to shorten the allowable time period for the erection and display of election signs to 21 days prior to the election date, rather than the from 25 days for the 2010 municipal election only. The reduction in time was required to ensure that the first day upon which signs were permitted did not fall on a date of religious or cultural significance that might prevent individuals from engaging in the activities inherent in erecting and displaying election signs.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.MM52.34>

At its meeting of May 26, 2014, Licensing and Standards Committee requested the Executive Director, Municipal Licensing and Standards, to review the City's existing election sign by-law and report to the August 18, 2014 Licensing and Standards Committee meeting on any recommended changes.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.LS28.5>

Additionally, the Licensing and Standards Committee requested the Executive Director, Municipal Licensing and Standards, to review a request to reduce the period for election signs to three weeks prior to the election date.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.LS29.5>

At its meeting of August 18, 2014, Licensing and Standards Committee amended and adopted the recommendations of the Executive Director, Municipal Licensing and Standards, including recommending reducing the period for election signs to fourteen days.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.LS30.1>

ISSUE BACKGROUND

Article II, Election Signs of Chapter 693, Signs, provide regulations on the display of election signs within the City of Toronto. The display of election signs is an activity that is central to, and protected under, section 2(b) of the *Canadian Charter of Rights and Freedoms (Charter)* because such signs are expressive activities in furtherance of participation and discourse in a free and democratic society.

This right is balanced with the City's responsibility to ensure that such communications do not cause unwelcome effects on the public, including safety concerns and visual

blight. In addition to size and location regulations on election signs, the City reasonably limits the display of election signs to a specific time period prior to voting day to ensure that sufficient resources are available for the task of ensuring that election signs do not unduly adversely affect the public.

Due to media reports that this decision may give rise to litigation against the City, this report provides additional information and advice.

Further comments are contained within Confidential Attachment 1.

COMMENTS

The time period in the 2010 election was temporarily reduced to 21 days and this coincides with the recommendations made in the August 1, 2014 recommendation of the Executive Director of Municipal Licensing and Standards. However, the Licensing and Standards Committee recommend that the time period be reduced to 14 days. There have been media reports discussing the possibility of legal action challenging the legality of the decision to reduce the time period to 14 days. As a result of these concerns, I felt that it was appropriate to prepare this report, including the confidential attachment, for City Council in its consideration of the matter.

Further comments, including legal advice, are contained in Confidential Attachment 1.

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SIGNATURE

Anna Kinastowski
City Solicitor

ATTACHMENTS

Confidential Attachment 1 – Legal Comments - Proposed Amendments to Article II, Election Signs of Chapter 693, Signs