

Graphic Image Delivery

Date: June 26, 2023
To: Executive Committee
From: City Council
Wards: Ward: All

CITY COUNCIL DECISION

City Council on June 14 and 15, 2023, referred Motion MM7.17 to the Executive Committee for consideration.

RECOMMENDATIONS

Councillor Dianne Saxe, seconded by Councillor Paula Fletcher, recommends that:

1. City Council direct the City Manager, in consultation with the City Solicitor, to report to the October 11, 12 and 13, 2023 meeting of City Council with a draft by-law regulating the unsolicited delivery of graphic images to residences, so that recipients have a choice whether they wish to view such images; such by-law to be modelled on the London Disturbing Images by-law and should require that any graphic image or photograph purporting to show a fetus, if delivered to a residence:

- a. be fully concealed within a sealed envelope or package, marked with:
 - i. the name and address of the person responsible for delivery of the graphic image; and
 - ii. a warning that the envelope or package “contains a graphic image that may be offensive or disturbing to some people”.

2. City Council direct the Executive Director, Municipal Licensing and Standards to report to the Executive Committee by the end of 2023, proposing how to govern the display of graphic disturbing images in the public right of way.

SUMMARY

Many Toronto residents are protesting being forced to view graphic anti-abortion images, in their homes, and in public spaces, without their consent. Activists have been putting open flyers with such images into residents' mail boxes in communities across Canada. These flyers cause significant harm and distress, especially to young children and to people who have had miscarriages or abortions. Being forced to view these flyers in their homes violates their rights to privacy and to conscience.

To protect residents from these harms, while protecting freedom of expression, municipalities such as London, Ontario, and Calgary have adopted by-laws requiring that graphic flyers showing fetuses be enclosed in envelopes with a warning and identifying information. St. Catharines' Council has instructed staff to prepare such a by-law.

London, Ontario was the first city in Canada to adopt such a by-law, and it has successfully reduced the number of abusive graphic flyers. Toronto has authority to pass a similar by-law here.

The City should also regulate graphic, disturbing images in public spaces and the public right of way. Such regulation is a longstanding request of City Council. There have been at least three separate Motions requesting that Municipal Licensing and Standards develop such regulations, but no such action has been taken:

December 5, 2017: MM35.10 Distribution and Display of Graphic Images

July 23, 2018: MM44.35 Use of the Public Right of Way for Display of Graphic Images

June 15, 2022: MM45.22 Prohibition and Regulation of Graphic Imagery Distributed to Private Residences and Displayed in the Public Realm

This problem continues to recur, most recently outside of a number of high schools where students were subjected to graphic imagery that spread false or misleading information about reproductive health.