

City Hall
100 Queen Street West
East Tower, 4th floor
Toronto, Ontario M5H 2N2

Tel: 416-392-3551
Paul.R.Johnson@toronto.ca
www.toronto.ca

March 28, 2023

Mr. John Elvidge, City Clerk
City Clerk's Office
100 Queen Street West
12th Floor, West Tower
Toronto, ON M5H 2N2

Dear Mr. Elvidge,

Re: Administrative Inquiry Regarding Hate Sponsored Rallies

Councillor Pasternack submitted an Administrative Inquiry to seek information on the City's Hate Sponsored Rallies policy and responses. This letter provides a response to this request. It has been developed in collaboration with People & Equity, Legal Services, Corporate Security, Municipal Licensing and Standards, Transportation Services, Parks, Forestry, and Recreation, and the Toronto Police Services.

Introduction

City divisions and the Toronto Police Services collaborate to ensure appropriate action is taken in response to the application of multiple policies, procedures, and laws related to hate activity, as enumerated below. As previously reported to City Council ([2019.EX5.3, Hate Sponsored Rallies](#)), the City's policies regarding hate activity support the prevention of hate speech on public property.

Response

Please find below responses to each of the questions submitted.

1. What police and city staff responses are planned to enforce the City of Toronto Hate Sponsored Rallies policy either prior to the above mentioned events or in the aftermath should city bylaws, provincial statute or Criminal Code violations take place?

The City of Toronto's [Hate Activity Policy](#) affirms the City's commitment to eliminating hate activity and advancing a hate-free City, as required under the [Human Rights and Anti-Harassment/Discrimination Policy](#) (HRAP), and consistent with governing legislation, including the Ontario Human Rights Code, and the Criminal Code of Canada. The purpose of the Hate Activity Policy is to assist in the identification of a hate motivated crime or incident and identify appropriate ways to respond. [The Hate Activity](#)

[Procedures](#) set out the City of Toronto procedures for handling hate activity incidents or allegations under the Hate Activity Policy.

The City of Toronto requires potential users of City-owned public space, facilities, parks and property to certify that they will not be conducting any business that violates the Criminal Code of Canada, all hate propaganda laws, and the Ontario Human Rights Code. All authorized users of public space, facilities and properties, and recipients of City grants utilizing such space, must sign the City's Declaration of Compliance with Anti-Harassment/Discrimination Legislation and City Policy Form.

Should hate activity be found to have occurred on City property, the City can cancel the permitted event, choose to not approve future permits requested by the event organizer(s), or take other appropriate action in consultation with Legal Services. However, the City does not issue permits for rallies or protests that take place on City-owned land, including parks or roadways. Organizers who contact the City about permits for rallies or protests are encouraged to contact the Toronto Police Services, Special Events Planning Unit to make arrangements for traffic control and Toronto Police Services presence (if required).

When City staff are alerted to rallies or protests on City-owned land, Bylaw Enforcement Officers (BEOs) are notified and dispatched to enforce City bylaws. Bylaw enforcement issues are addressed on a case-by-case basis to make sure reasonable, fair and appropriate actions are taken. For example, under *Municipal Code Chapter 608, Parks*, BEOs may issue charges for authorized organized gatherings of more than 25 persons in a park, if an organizer is identifiable. Similarly, *Toronto Municipal Code, Chapter 591, Noise*, prohibits unreasonable and persistent noise (for example, noise that is not amplified). As well, there may be charges issued under other relevant bylaws, such as *Toronto Municipal Code, Chapter 693, Signs*, which prohibits posterage on City property, except on designated City kiosk columns & message boards. Municipal Licensing and Standards (MLS) may also remove posters if BEOs are made aware of posters promoting hate speech.

BEOs do not respond to demonstrations, disorderly behaviour, or criminal activities. MLS collaborates with other enforcement agencies such as Toronto Police Services for unauthorized organized gatherings on City property, or if required, protests, marches, or demonstrations in other public spaces.

The Toronto Police Service's response to hate crimes is found in Procedure 05-16 "Hate/Bias Crime". This Procedure provides clear direction to police officers responding to hate crimes, including potential hate crimes at rallies.

Within Toronto Police Services, Emergency Management and Public Order (EMPO) is notified of most events, including demonstrations and protests, planned in the City. The event is assessed by Police Services to ascertain the impact on City services, conflict with other events in the City, and to determine which police resources are required.

The primary role of Toronto Police Services at demonstrations and protests is the preservation of the peace and public safety. Toronto Police Services ensures that individuals are able to exercise their rights pursuant to the *Canadian Charter of Rights and Freedoms*, such as freedom of assembly and freedom of speech.

Recognizing that some demonstrations and protests are contentious and can attract counter-protests, Toronto Police Services takes additional specific steps to ensure public safety during such events. Police Services staff mobilize resources to ensure the effective collection of evidence during these events, should there be any incidents of violence or other criminal behaviour. To accomplish this, Intelligence Services – Security Section works with EMPO as well as other Police units such as the Video Production, Public Safety Unit, Mounted Unit and Traffic Services. By having sufficient resources in place prior to, and during the event, incidents of hate crime as well as other criminal offences can be mitigated.

There are established communication channels between the Toronto Police Services, the City's Corporate Security personnel, and staff in MLS' Bylaw Enforcement team. When either Toronto Police Service or City staff become aware in advance of a rally, teams communicate with one another so that existing protocols may be activated. This is summarized in "Addendum 1 - Corporate Security Flow Charts" of the staff report in 2019.EX5.3, Hate Sponsored Rallies.

Corporate Security and Toronto Police Service meet every Friday to review any protests and their potential impact on City property. If during intelligence gathering, Corporate Security finds information to suggest the rally may attend a City property, such as Nathan Phillips Square, staff will work on a Security Plan in partnership with Toronto Police Services. If Corporate Security becomes aware of any incidents that are believed to violate any laws or by-laws, staff immediately bring this to the attention of the Toronto Police Service for the applicable action and response.

2. Will Toronto police create a Toronto Police Service General Occurrence report for review by the Attorney General of Ontario for the potential prosecution of any hate inspired crimes committed?

The Toronto Police Service's procedure requires officers to generate a general occurrence in relation to hate crimes, including hate propaganda offences. In the event a hate crime is brought to the attention of the Toronto Police Service in respect to a protest or otherwise, a report will be generated and assigned for investigation. The Toronto Police Service's Intelligence Service – Security Section, Hate Crime Unit (HCU) will be notified of the report and actively support the investigation by leveraging the expertise within the unit. The HCU takes seriously any allegation of hate crime and will ensure a complete and thorough investigation has been conducted. The HCU will also consult with the Ministry of the Attorney General's office regarding hate motivated criminal charges, as required on a case-by-case basis.

3. What actions will city staff take to recover the millions of dollars in costs incurred by the City of Toronto at these illegal events?

The City of Toronto does not currently charge for the recovery of costs for any non-permitted rallies, protests or demonstrations that occur on its property. Any cost recovery must not infringe on the right to use public space for expression as protected by the Charter.

4. In the four years since the Hate Sponsored Rallies policy was adopted, have City of Toronto staff issued trespass warning letters or pressed charges under the Trespass Act against any of the leaders or participants in past hate activity on city property?

Corporate Security has not issued any trespass warning letters or charges under the Trespass to Property Act on City properties, including Nathan Phillips Square, in relation to Hate Activity.

Sincerely,



Paul Johnson
City Manager

cc: Tracey Cook, Deputy City Manager, Infrastructure & Development Services;
Josie Scioli, Deputy City Manager, Corporate Services;
Paul Raftis, Deputy City Manager, Community and Social Services;
Myron Demkiw, Chief of Police, Toronto Police Services;
Mary Madigan-Lee, Chief People Officer, People & Equity;
Wendy Walberg, City Solicitor, Legal Services;
Dwaine Nichol, Director, Corporate Security;
Carleton Grant, Executive Director, Municipal Licensing and Standards;
Barbara Gray, General Manager, Transportation Services;
Janie Romoff, General Manager, Parks, Forestry & Recreation.