

**Attachment 1:**

**Policy Framework – City Response to Demonstrations**

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## 1. PURPOSE

Demonstrations are public gatherings where people assemble around a common purpose as a form of peaceful assembly and expression. The freedoms of expression and peaceful assembly are enshrined under the *Canadian Charter of Rights and Freedoms*. Unlike other organized events, the City does not issue permits for demonstrations on publicly accessible City property. Examples of demonstrations include but are not limited to protests, rallies and vigils.

Demonstrations occurring anywhere in the city are events where the Toronto Police Service (TPS) serves as the primary responder and enforcement agency to preserve the peace, maintain public safety and uphold the right to demonstrate lawfully. While the City of Toronto (City) is not the primary responder for demonstrations, the City collaborates with the TPS and coordinates specific activities in response as appropriate and based on the circumstances of the situation.

The *Policy Framework – City Response to Demonstrations* (Framework) aims to:

- Clarify the City's role, jurisdiction and municipal tools available to respond to demonstrations, including the role of applicable City divisions
- Establish common terminology and guiding principles to ensure clarity and consistency in the coordination of activities across City divisions
- Provide an overarching foundation of how the City coordinates its activities to determine an appropriate response based on the circumstances of the situation
- Balance the City's legal obligation to uphold Charter-protected rights and freedoms, alongside the City's commitment to promoting respectful conduct, inclusion, an environment free from hate and a safe Toronto for all

## 2. SCOPE

The Framework applies to City divisions and informs the City's coordination when demonstrations occur on or potentially impact publicly accessible City property. Recognizing that each situation is unique, City divisions will assess on a case-by-case basis in determining an appropriate response based on the circumstances of the situation and in a manner consistent with applicable operational practices and procedures.

## 3. TERMS AND DEFINITIONS

The following terms and definitions apply under this Framework:

### 3.1. Demonstration

Demonstrations are public gatherings where people assemble around a common purpose as a form of peaceful assembly and expression. Unlike other organized events, the City does not issue permits for demonstrations on publicly accessible City property. Examples of demonstrations include but are not limited to protests, rallies and vigils.

### 3.2. Publicly Accessible City Property

Publicly accessible City property refers to City of Toronto owned or occupied public and open spaces that are accessible to the public and where demonstrations have or could likely gather, such as:

- City parks
- Public right-of-way (e.g. streets, sidewalks)
- Public squares under the City's jurisdiction (e.g. Albert Campbell Square, David Pecaut Square, Mel Lastman Square, Nathan Phillips Square)

## 4. CITY OF TORONTO JURISDICTION

### 4.1. Demonstrations on or Potentially Impacting Publicly Accessible City Property (other than City Streets and Sidewalks)

Although the City does not issue permits for demonstrations on publicly accessible City property and the TPS is the primary responder for demonstrations, as the owner and occupier of municipal properties, the City coordinates a response to demonstrations occurring on or potentially impacting publicly accessible City property with the TPS as appropriate.

### 4.2. Demonstrations on City Streets and Sidewalks

Demonstrations occurring on City streets and sidewalks fall in the public safety domain for the TPS to respond. The City coordinates a response when requested by the TPS to support the TPS's response as appropriate.

### 4.3. Demonstrations on or Potentially Impacting Property Managed by City Agencies and Corporations

City agencies and corporations, in accordance with their mandate, delegated authority and board-approved bylaws and policies, coordinate with the TPS a response to demonstrations occurring on or potentially impacting property within their jurisdiction. In some situations, City involvement may be required as appropriate.

### 4.4. Demonstrations on Other Government Properties

Demonstrations that occur on federal, provincial or other municipalities' properties are outside of the City's jurisdiction.

### 4.5. Demonstrations on Private Property

Demonstrations that occur on private property are mainly outside of the City's jurisdiction. In some situations, such demonstrations may result in potential bylaw violations. In these circumstances, the City coordinates a response when requested by the TPS to support the TPS's response as appropriate.

## 5. GUIDING PRINCIPLES

While the TPS is the primary responder for demonstrations, the City's approach shall be informed and guided by the following principles when collaborating with the TPS to coordinate an appropriate response based on the circumstances of the situation.

### 5.1. Respecting Charter Rights

The [\*Canadian Charter of Rights and Freedoms\*](#) protects a number of rights and freedoms. Under the Charter, everyone has the following fundamental freedoms:

- Freedom of conscience and religion
- Freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication
- Freedom of peaceful assembly
- Freedom of association

The City has a legal obligation to uphold Charter rights and freedoms, including the freedoms of expression and peaceful assembly. Although Charter rights are not absolute, any limits imposed by a government must be reasonable and justified in a free and democratic society.

### 5.2. Diversity, Our Strength: Applying a Reconciliation and Equity Lens

The City's motto, "Diversity, Our Strength," reflects the value and strength of the diverse communities, groups and people that make up Toronto. The City values the contributions made by all residents and recognizes the dignity and worth of all people in Toronto. Toronto's diversity uniquely positions the city often as a primary site for demonstrations in response to local, domestic and global issues.

The City strives to apply a reconciliation and equity lens to its activities, as reflected in actions such as the City's equity and human rights training, equity lens tool, [Reconciliation Action Plan](#), [Toronto Action Plan to Confront Anti-Black Racism](#), and ongoing community engagement. The City's coordination in response to demonstrations shall reflect and align with the City's commitments to advancing reconciliation, equity, diversity and inclusion.

### 5.3. Keeping Toronto Safe for All

The City recognizes public spaces fulfill important functions for the community. While the City respects peaceful and lawful demonstrations, the City will not tolerate criminal conduct or acts that endanger others, threaten public safety, damage property, impede access to essential services and critical infrastructure, or promote hatred and violence. Working in collaboration with the TPS, the City is committed to ensuring a safe and hate-free Toronto for all.

### 5.4. Alignment with City Policies and Procedures: Human Rights, Anti-Harassment/Discrimination and Hate Activity

The City's coordination in response to demonstrations shall be aligned and consistent with established City policies and procedures, articulating the City's commitment to promoting respectful conduct, inclusion and an environment free from hate. These policies and procedures include:

#### 5.4.1. Hate Activity Policy

The goal of the City's [Hate Activity Policy](#) is to establish and maintain a hate-free City. The policy's purpose is the identification of a hate motivated crime or incident and appropriate ways in which to respond.

This policy applies to all City employees, volunteers, Accountability Officers and their staff, and elected officials and their staff. Applicable agencies and corporations are required to have policies consistent with this policy. Citizen advisory committees/bodies, members of the public, service recipients, visitors to and users of City facilities/public space and individuals conducting business with, for or with support from the City of Toronto are expected to adhere to the intent of this policy on City property and when engaging with the City, in addition to their obligations under provincial and federal law.

#### 5.4.2. Hate Activity Procedures

The City has established [Hate Activity Procedures](#) for handling hate activity incidents or allegations under the City's Hate Activity Policy, including reporting, responding and follow-up to a hate activity incident.

Incidents of suspected hate activity involving City-owned facilities, City-run services or involving employees of the Toronto Public Service contrary to the City's Hate Activity Policy must be reported to the Human Rights Office by City of Toronto management.

#### 5.4.3. Human Rights and Anti-Harassment/Discrimination Policy

The City's [Human Rights and Anti-Harassment/Discrimination Policy](#) (HRAP) recognizes the dignity and worth of every person (whether resident, service recipient or employee) and strives to create a climate of understanding and mutual respect.

This policy applies to all City of Toronto employees, volunteers, Accountability Officers and their staff, elected officials and their staff, and to all aspects of the employment relationship. Citizen advisory committees/bodies, members of the public, service recipients, visitors to and users of City facilities/public space, and individuals conducting business with, for or with support from the City of Toronto are expected to adhere to this policy.

Individuals who have concerns regarding harassment or discrimination related to City services, use of City facilities or the conduct of employees of the Toronto Public Service contrary to the HRAP can file a complaint to the City's [Human Rights Office](#). The Human Rights Office does not have jurisdiction over the TPS.

#### 5.4.4. Toronto Corporate Security, Planned and Unplanned Hate Rally Response Plan

The City's Corporate Security [Hate Rally Response Plan](#) outlines the City's security response plan for planned and unplanned demonstrations where there may be hate activity on or potentially impacting publicly accessible City property. The plan maps out the responsibilities and actions of the City's Corporate Security team and the TPS upon

awareness of demonstrations where there may be hate activity on or potentially impacting publicly accessible City property.

## 6. ROLE OF THE TORONTO POLICE SERVICE (TPS)

The TPS is the primary responder for demonstrations occurring in the city. The TPS has effective authority, enforcement powers and training to respond to demonstrations.

The primary role of the TPS at demonstrations is the preservation of the peace and public safety. The TPS ensures that public safety is maintained while individuals are able to lawfully exercise their rights pursuant to the *Canadian Charter of Rights and Freedoms*. The TPS upholds the right to demonstrate lawfully, while limiting disruptions to the city and residents. Public updates and communications regarding demonstrations are also issued by the TPS as needed.

Recognizing that some demonstrations may be contentious and attract counterdemonstrations, the TPS takes additional steps to ensure public safety during such events. Alleged unlawful conduct is investigated by the TPS and may be the subject of police enforcement either immediately or at a future time.

## 7. ROLE OF APPLICABLE CITY DIVISIONS

Applicable City divisions are engaged to assess, support and align efforts with the TPS to coordinate an appropriate response based on the circumstances of the situation.

### 7.1. Corporate Real Estate Management (CREM)

#### 7.1.1. Corporate Security

Corporate Security is responsible for setting security standards and partnering with City divisions for the protection of City employees and assets, utilizing a mix of proactive and reactive security measures. Corporate Security provides security leadership for City-wide issues and is responsible for all aspects of security for City facilities. Corporate Security provides professional and sustainable City-wide security services that enable and enhance a safe and welcoming environment.

In the event of demonstrations or the likelihood of expected demonstrations occurring on or potentially impacting publicly accessible City property, Corporate Security is immediately engaged. Corporate Security responds proactively and in real-time to demonstrations taking place on or potentially impacting publicly accessible City property with the TPS. The City's Corporate Security personnel assess the situation and develop an appropriate security and response plan with the TPS.

#### 7.1.2. Facilities Management

Facilities Management works in conjunction with Corporate Security to ensure the City's facilities and adjoining lands are secured for demonstrations taking place on or potentially impacting publicly accessible City property, such as developing a proactive

space management plan and deploying barricades to protect City infrastructure where necessary and appropriate.

## 7.2. Municipal Licensing and Standards (MLS)

When the City becomes aware of demonstrations on publicly accessible City property, Bylaw Enforcement Officers (BEOs) are notified by the TPS and, where necessary and appropriate, attend to enforce applicable City bylaws. Bylaw enforcement issues will be addressed on a case-by-case basis considering the evidence. When requested by the TPS, MLS has an ancillary role that is focused on enforcement action of applicable City bylaws prior to the start of a demonstration.

The City's BEOs do not respond to disorderly behaviour or criminal activities. BEOs do not have the authority to stop a demonstration, nor are they emergency responders. MLS collaborates with other enforcement agencies, such as the TPS, who have effective authority, enforcement powers and training to respond.

## 7.3. Toronto Emergency Management (TEM)

The City may coordinate its resources to support the TPS's response to emergencies that have potential impacts to the normal operations of the City and its divisions, agencies and corporations. TEM serves as the emergency management coordinating body for the City and may act as a central point of contact with the TPS during the activation of an Incident Management Team (IMT) in the Emergency Operations Centre (EOC) during an emergency.

The City will be positioned to support the TPS's response in an emergency, which could include large-scale demonstrations by:

- Assigning TEM Liaison Officers to the TPS's Major Incident Command Centre (MICC) or other command posts
- Assigning an IMT and activating the City's EOC
- Coordinating City resources through TEM's on-call function

## 7.4. Transportation Services (TS)

Where a demonstration occupies a portion or an entire area of the street, TS may deploy particular and appropriate traffic control equipment (e.g. signage, portable vehicle message signs, suitable traffic control barrels, jersey barriers) to redirect traffic and potentially dangerous vehicle access to the demonstration area. TS also collaborates with Solid Waste Management Services to clean the right-of-way of any garbage and debris on the road following the disbandment of the demonstration, as well as remove other materials that are unsafely placed which could be a hazard to pedestrians, cyclists or motorists.

## 7.5. Permitting Divisions

Although the City does not issue permits for demonstrations on publicly accessible City property, the City's permitting divisions that manage City spaces for permitted events may become aware of demonstrations taking place on or potentially impacting publicly accessible City property. The City's Corporate Security personnel and/or the TPS are engaged to respond as appropriate.



City spaces are managed and permitted by various City divisions: Corporate Real Estate Management (CREM); Economic Development and Culture (EDC); Parks, Forestry and Recreation (PFR); and Transportation Services (TS).

| Permitting Division | Examples of Permitted Spaces  |
|---------------------|---|
| CREM                | <ul style="list-style-type: none"> <li>• Spaces at: <ul style="list-style-type: none"> <li>○ City Hall</li> <li>○ Metro Hall</li> <li>○ Civic Centers</li> <li>○ St. Lawrence Market</li> <li>○ Union Station</li> </ul> </li> <li>• Albert Campbell Square</li> <li>• David Pecaut Square</li> </ul> |
| EDC                 | <ul style="list-style-type: none"> <li>• Museums and Cultural Centres (i.e. Assembly Hall, Clark Centre for the Arts, Spadina Museum, Colborne Lodge)</li> <li>• Nathan Phillips Square</li> </ul>  |
| PFR                 | <ul style="list-style-type: none"> <li>• Community recreation centres</li> <li>• Park amenities</li> <li>• Mel Lastman Square</li> </ul>  |
| TS                  | <ul style="list-style-type: none"> <li>• Public right-of-way (including roads, sidewalks and boulevards)</li> </ul>   |

## 7.6. Legal Services

Legal Services provides legal advice and expertise to City Council, City divisions and agencies. The City's legislative powers and available tools to respond to demonstrations need to balance the City's jurisdiction and legal obligation to respect Charter-protected rights and freedoms. As the City has a legal obligation to uphold Charter-protected rights and freedoms, any enforcement taken by the City will require consultation with the City Solicitor to determine the appropriate response. While the Charter guarantees certain rights and freedoms, it is subject to reasonable limits prescribed by law that can be demonstrably justified in a free and democratic society.

# 8. CITY ACTIVITIES AND MEASURES

While the TPS plays the primary role in responding to demonstrations to ensure the preservation of the peace and public safety, the City coordinates specific activities and may employ available measures and municipal tools as appropriate to support the response.

## 8.1. City-TPS Collaboration

The City maintains and promotes ongoing and regular communication with the TPS. The City's collaboration with the TPS ensures open information and intelligence sharing, identification of opportunities, and a coordinated proactive and real-time response to demonstrations.

City-TPS communication channels include:

- TEM and other City divisions, agencies and corporations have established weekly and monthly communications with the TPS to review and discuss both planned and unplanned events
- Established communication channels between staff in MLS's bylaw enforcement team and the TPS
- Regular meetings with Corporate Security and the TPS to share intelligence and create security plans for events and demonstrations held on or potentially impacting publicly accessible City property

Where the City becomes aware of individuals or groups wishing to hold a demonstration in a public space, they should be directed to complete the TPS's [Notice of Demonstration](#). If the City is in receipt of such notice, it will coordinate to ensure appropriate response protocols are put into place.

## 8.2. Bylaw Enforcement

The City works with the TPS who have effective authority, enforcement powers and training to respond to demonstrations. While the City's bylaws do not directly regulate demonstrations, applicable City bylaws that prohibit prescribed activities and conduct may be enforced where necessary and appropriate.

## 8.3. Corporate Security Response

When the City becomes aware of demonstrations on or potentially impacting publicly accessible City property, the City's Corporate Security personnel are engaged and work in collaboration with the TPS to assess and respond as appropriate. During the demonstration, Corporate Security and the TPS monitor and take appropriate action as required. Following the disbandment of the demonstration, Corporate Security staff are to debrief with other City and TPS staff and document lessons learned in preparation for future events.

## 8.4. City Staff Notification

### 8.4.1. Corporate Security Communication to Senior Leadership

For planned demonstrations on or potentially impacting publicly accessible City property, Corporate Security sends a weekly briefing to the Office of the Deputy City Manager, Corporate Services (DCMO-CS) and members of Strategic Public and Employee Communications (SPEC). DCMO-CS notifies applicable senior City leadership as appropriate. For unplanned demonstrations on or potentially impacting publicly accessible City property, Corporate Security sends situational updates to the DCMO-CS and members of SPEC, in addition to impacted Division Heads.

### 8.4.2. Facility Update to Staff

Staff communications regarding access impediments from demonstrations on publicly accessible City property will be issued as a facility update by SPEC to affected City staff as appropriate.

### 8.5. Permitting Response

The City does not issue permits for demonstrations on publicly accessible City property. The City does not provide logistical support or services (e.g. power, barricades, furniture, audio-visual equipment, set-up) for non-permitted events. Should permitting divisions become aware of demonstrations on or potentially impacting publicly accessible City property, Corporate Security and/or the TPS are to be engaged to respond as appropriate.

Where the City becomes aware of individuals or groups wishing to hold a demonstration in a public space, they should be directed to complete the TPS's [Notice of Demonstration](#). If the City is in receipt of such notice, it will coordinate to ensure appropriate response protocols are put into place.

### 8.6. Trespass to Property Act

The *Trespass to Property Act* allows owners or occupiers of lands, including the City, an enforcement mechanism to prevent unauthorized entry on their premises, prohibit certain activities while on their property, or remove unauthorized individuals from the premises. The *Trespass to Property Act* may be used by private property owners and by various levels of governments for lands under their respective control.

As owners and occupiers of municipal properties, the City can elect to use the trespass to property powers to prohibit a person from engaging in prohibited activities on its properties, or to prohibit the entry on the premises. A breach of a trespass notice issued under the *Trespass to Property Act* may result in a fine of up to \$10,000 upon conviction.

The use of the *Trespass to Property Act* on public properties may be subject to review by the courts. The effectiveness of the *Trespass to Property Act* as a tool in public spaces is highly dependent on the facts of the situation. Where a factual basis supports such utilization, the municipality's use of a trespass authorization can also work in conjunction with an existing private property one.

### 8.7. Civil Remedies

The City may seek an injunction by applying to the Superior Court pursuant to section 101 of the *Courts of Justice Act* and/or section 380 of the *City of Toronto Act, 2006*. If the City was successful in the application, the Court would issue an order restraining a person from continuing to contravene a provision of a bylaw or law.