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Subject: [External Sender] TTC ad ban
Date: September 26, 2024 3:39:02 PM
Attachments: [Fwd TTC Advertising.eml.msg](#)

Hello IEC committee,

With respect to the motion regarding Fossil Fuel Advocacy Advertising on City Assets, please consider the attached letter which Just Earth sent to Mr. Myers and other members of the TTC Board, and copied to all councillors, on August 8. In it the author, Just Earth member and former MP Lynn McDonald, makes a trenchant argument based on the TTC's stated policy based on Section 1 of the Charter, which she argues is misguided because Section 1 importantly includes the clause **"reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."** Ms. McDonald is famously responsible for the 1988 non-smokers' rights legislation which was groundbreaking. At that time the issue of advertisers' rights under the Charter was raised and successfully placed under severe limits.

We noted that Cllr Saxe's motion does not mention Section 1 of the Charter upon which the TTC policy is based, as per Ms. McDonald's argument.

We suggest that the TTC Board's interpretation of section 1 of the Charter be included along with a rebuttal which can be simply done with an addition of a "whereas" clause. It may possibly curtail any challenges to the motion by the TTC Board or fossil fuel advertisers which are based on Section 1 of the Charter.

Joyce Hall on behalf of Just Earth

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"reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."



JUST EARTH
A Coalition for
Environmental Justice

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August 8, 2024

Dear Mr. Myers and other TTC Board Members:

RE: TTC ADVERTISING

Just Earth asks that the TTC ban advertising promoting fossil fuel dependence in any form. We are an environmental NGO based in Toronto, a member of the Climate Action Network (CANRac) and the Toronto Climate Action Network (TCAN). It is well known that fossil fuels are the largest contributors to carbon emissions and our current climate crisis. Thus, the urgency of transitioning our economy to renewable energies cannot be overstated. Any promotion of the gas and oil companies in any conceivable form runs counter to that objective.

We have read the [TTC advertising policy](#) which references a 2009 Supreme Court of Canada ruling that “a public transit agency (like the TTC) is subject to the Charter in its role as the host of advertising. If the TTC chooses to accept advertising on TTC Property, it must not limit the expression of an Advertiser by refusing an Advertisement except as permitted under Section 1 and/or 2(b) of the Charter, as applicable.”

Our right to life, liberty and security of the person, as stated in [Section 7 of the Charter](#), is threatened by the climate crisis. The TTC policy cites the right of advertisers to freedom of expression and cites [Section 1](#). In fact, Section 1 limits our rights and freedoms to “**reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.**” The law in this case is the one adopted by Canada in 2016 in its ratification of the Paris Accord. It commits Canada to reducing our GHG emissions by 30% over 2005 amounts by 2030.

The TTC is misinterpreting the restrictions set out in its policy. It is a reasonable limit under **Section 1** to ban fossil fuel advertising in any form on TTC streetcars.

In addition, the city of Toronto has [adopted an ambitious strategy](#), of which Torontonians are proud, to reduce community-wide greenhouse gas emissions in Toronto to net zero by 2040, one of the most ambitious in North America. Given that the city has just experienced a record rainfall and severe flooding event exacerbated by Climate Change—one that will cost the city a billion dollars in damages—it is surprising that the TTC would allow any Oil and Gas advertising on its fleet or property at all.

We also note that [Montreal has banned Pathways Alliance ads](#) on its Bikeshare service, Bixi. If Montreal can ban greenwashing on its public transportation services, why can't Toronto? If Toronto does not yet have an advertising policy that requires alignment with strategic goals and applies to the TTC, this is an opportunity to develop one.

If the TTC continues to allow the massive, but subtle, fossil fuel ads on the sides of streetcars, or anywhere else, we will consider filing a complaint under the Advertising Code.

Yours truly,
On behalf of Just Earth,
Lyn Adamson, Rita Bijons, Rose Dyson, Dorothy Goldin Rosenberg,
Joyce Hall, Susan James, Lynn McDonald, Ronny Yaron, Frans Schryer

Please reply to info@justearth.net

Cc: Mayor Chow and other city councillors

