

Attachment 5 – Proposed By-Law Amendment

SCHEDULE A

ARTICLE XII Access to Social Infrastructure

§ 743-53. Purpose.

City Council affirms that the City's streets and sidewalks are for all and that no person should be impeded from access to Social Infrastructure and its programs and services.

§ 743-54. Definitions.

A. As used in this Article, except as otherwise indicated, the following terms have the meanings indicated:

ACCESS AREA – An area established by the General Manager under Subsection 56A and covers any City Property that is within 20.0 metres from the boundaries of the property on which the Social Infrastructure is located.

ATTEST – A statement to confirm that something is true, genuine, or authentic.

CHILDCARE CENTRE – Has the same meaning as in the Child Care and Early Years Act, 2014, S.O. 2014, c. 11, Sched. 1.

CITY PROPERTY – Any property owned, leased or under the control of the City including a street.

ENFORCEMENT OFFICER – Any person who is designated as a provincial offences officer pursuant to the Provincial Offences Act, R.S.O. 1990, c. P.33.

GENERAL MANAGER– The General Manager of Transportation Services for the City of Toronto and his or her designate or successor.

OPERATOR – A person who owns or controls the entity operating out of or managing the Social Infrastructure.

OPERATING HOURS – The hours posted by the Owner for when the Social Infrastructure is open or used for public access.

OWNER - The registered owner of the property where the Social Infrastructure is located and includes an Operator.

PLACE OF WORSHIP – Has the same meaning as in City of Toronto Zoning By-law 569-2013.

PROPERTY - Property within the meaning of:

(1) the Land Titles Act if that Act applies to the land where the Social Infrastructure is located, or

(2) the Registry Act if that Act applies to the land where the Social Infrastructure is located.

SCHOOL – A school as defined in the Education Act, R.S.O. 1990, c. E.2 and its regulations.

SQUARE – Means a square as set out in section 1 of former City of Toronto Municipal Code Chapter 237, Nathan Phillips Square and/or as set out in section 1 and/or subsection 22A of City of Toronto Municipal Code Chapter 636, Public Squares.

SOCIAL INFRASTRUCTURE – A Childcare Centre, a Place of Worship, or a School.

B. For greater clarity, the following Articles in this Chapter do not apply to this Article, and the provisions of this Article apply and prevail in the event of any conflict or inconsistency between this and any other provision in this Chapter:

- (1) Article I – Terminology
- (2) Article VIII – Municipal Remedial Action
- (3) Article IX – Appeals
- (4) Article X – Fees
- (5) Article XI – Administration and Enforcement

§ 743-55. Prohibitions in Access Area for Social Infrastructure.

A. While in an Access Area, no person shall:

- (1) perform or attempt to perform an act of disapproval concerning a person's attendance at, use of, or attempts to attend or use Social Infrastructure;
- (2) persistently request that a person refrain from accessing Social Infrastructure;
- (3) obstruct, hinder or interfere or attempt to obstruct, hinder or interfere with another person's access of or attempt to access Social Infrastructure; or
- (4) express an objection or disapproval towards any person based on race, ancestry, place of origin, colour, ethnic origin, citizenship, religion/creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or the receipt of public assistance by any means, including graphic, verbal, or written means.

B. Where an Access Area has been established, subsection A applies during:

- (1) the time periods which commence one hour before the Operating Hours of the Social Infrastructure adjacent to the Access Area and end one hour after the Operating Hours of the Social Infrastructure adjacent to the Access Area; and
- (2) the times when the Social Infrastructure adjacent to the Access Area is being used by the Owner for the primary purposes of its operation as a Childcare Centre,

Place of Worship or School.

- C. Subsection A does not apply to:
- (1) actions or messaging by or with the consent of the Owner at the Social Infrastructure adjacent to the Access Area; or
 - (2) a Square.
- D. For greater certainty, Subsection A does not prohibit peaceful gatherings, protests or demonstrations, including any such activities that occur as part of a labour union strike, information pickets and/or activities related to labour disputes.

§ 743-56. Establishing Access Area.

- A. The General Manager shall establish an Access Area for Social Infrastructure if:
- (1) The City receives a request from an Owner of Social Infrastructure in a form prescribed by the General Manager that meets the following criteria:
 - (a) The Owner attests that an activity listed in subsection 55A has occurred within the previous 90 days on City Property located within 20.0 metres from the boundaries of the property on which their Social Infrastructure is located;
 - (b) The Owner attests that access to the Social Infrastructure has been impeded as a result of the activity listed in subsection 55A that has occurred within the previous 90 days; and
 - (c) The Owner attests that they have reason to believe an activity listed in subsection 55A will occur again or continue to occur on any City Property located within 20.0 metres from the boundaries of the property on which their Social Infrastructure is located.
- B. The City shall provide notice to the public that an Access Area has been established for Social Infrastructure by:
- (1) posting a notice on the City's website which includes:
 - (a) The address of the related Social Infrastructure;
 - (b) A description of the area covered by the Access Area; and
 - (c) The 180-day term of the Access Area; and
 - (2) posting or requiring the Owner to post signage in a form satisfactory to the General Manager in locations determined by the General Manager with such locations potentially including on the property on which the Social Infrastructure is

located or on or around the Access Area.

C. Term of Access Area; Renewal.

- (1) An Access Area shall be in effect for a term of 180 days beginning on and including the date the notice in Subsection B(1) is posted on the City's website.
- (2) An Access Area may be renewed for additional 180-day terms if the General Manager receives request(s) for renewal that meet the criteria in subsection 56A(1) prior to the commencement of any additional term.

D. Notice to Owner, Owner posting signage where required.

- (1) Where the General Manager establishes an Access Area in accordance with Subsection A, the General Manager shall notify the Owner who submitted the request.
- (2) Where required by the General Manager in accordance with Subsection B(2), the Owner shall post signage in a form satisfactory to the General Manager in locations determined by the General Manager during the term of the Access Area.

E. False, inaccurate, misleading request.

- (1) No Owner shall provide inaccurate, misleading or otherwise incorrect information in their attestations or request to the City.
- (2) If an Owner is convicted of an offence under Subsection E(1), the General Manager shall immediately rescind the establishment of the Access Area.

§ 743-57. Fines and Offences.

- A. Every person who contravenes any provision of this Article is guilty of an offence and on conviction is liable to a fine under the Provincial Offences Act.
- B. In addition to offences referred to in § 743-57A, every person is guilty of an offence under this Article who:
 - (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this Article;
 - (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the City of Toronto Act, 2006; and
 - (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other

document prepared, submitted or filed under this Article.

- C. When a corporation contravenes any provision of this Article, every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine under the Provincial Offences Act.
- D. When a corporation fails to comply with an order or other direction made under this Article, every director or officer who concurs in such non-contravention is guilty of an offence and on conviction is liable to a fine under the Provincial Offences Act.
- E. Each offence is designated as a continuing offence.

§ 743-58 Notice; Orders to comply.

- A. An Enforcement Officer who finds a contravention of this Article shall notify the person involved in the contravening acts, which may include:
 - (1) Information regarding the boundaries of an Access Area;
 - (2) Notification that the contravening acts are not permitted in an Access Area;
 - (3) A request for the person to immediately cease the contravening acts or leave the Access Area;
 - (4) Information regarding the consequences of failing to comply with the request, including potential enforcement under this Article.
- B. Notice under subsection A will be provided in a manner that is reasonable under the circumstances, including but not limited to verbal communication, posted written notices, and loudspeakers.
- C. For clarity, notice under subsection A may not be provided where an Enforcement Officer determines there is an immediate threat to the health, safety, well-being or security of the public.
- D. An Enforcement Officer who finds a contravention of this Article may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under section 384 or 385 of the City of Toronto Act, 2006.
- E. An order may be served:
 - (1) personally on the person to whom it is directed;
 - (2) by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed; or
 - (3) by email, at any email address determined by the General Manager to be related to the person, in which case it shall be deemed to have been given on the day it is emailed.
- F. If the City is unable to effect service under this Article or the delay necessary to give an order would result in circumstances that endanger the health, safety well-being or security of any person or similarly serious consequences, a placard stating the terms of the order and placed in a conspicuous place on or near the property of the

recipient of the order and/or the property on which the Social Infrastructure is located shall be deemed to be sufficient notice to the person to whom the order is directed.