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May 20, 2025

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 the Development of the Proposed Demonstrations Bylaw**

Councillor Bravo submitted an Administrative Inquiry to seek information regarding the development of a proposed bylaw addressing impacts of demonstrations near certain locations. This letter provides a response to this request. It has been developed in collaboration with the City Manager's Office and Legal Services.

Introduction

At its meeting on December 17 and 18, 2024, City Council directed the City Manager, in consultation with the City Solicitor, applicable City divisions, the Toronto Police Service and other applicable stakeholders, to report to City Council in the first quarter of 2025, informed by public consultations and a constitutional legal expert opinion on the Charter Rights implications from the City Solicitor, with a proposed by-law, with an emphasis on protecting vulnerable institutions such as places of worship, faith-based schools and cultural institutions, that supports the City's commitment to keeping Torontonians safe from hate and protects Charter rights that address impacts of demonstrations that target people based on their identity as prohibited under the Ontario Human Rights Code.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.CC24.2>

In response to Council's direction, the City Manager submitted a report to the May 21, 22 and 23 meeting of City Council entitled Proposed By-law Amendment to Provide Access to Social Infrastructure (Item - [2025.CC30.5](#)).

Response

Please find below responses to each of the questions submitted.

*1. What tools already exist (through the Criminal Code, municipal bylaws, municipal use of trespass notices, etc.) to achieve the stated goal of 'protecting vulnerable institutions'? How was the application of those other tools assessed and weighed against a proposed bylaw?*

City staff conducted a jurisdictional scan reviewing applicable bylaws and legislation to support the development of a proposed bylaw. The jurisdictional scan identified that the City's current bylaws do not regulate demonstrations as a standalone concept. There are, however, applicable City bylaws that prohibit certain activities and conduct that could occur during a demonstration. The Trespass to Property Act also provides 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 Criminal Code outlines the conduct that constitutes criminal offences, including behaviours that cross the line from peaceful demonstration to criminality. Examples of criminal offences include: unlawful assembly (s. 63); riots (s. 64); nuisance (s. 180); harassment (s. 264); public incitement of hatred (s. 319); intimidation (s. 423); intimidation, obstruction and interference preventing access to health services (s. 432.2); and mischief (s. 430).

Further details are outlined in the City Manager's report entitled Proposed By-law Amendment to Provide Access to Social Infrastructure (Item - [2025.CC30.5](#), [Attachment 1: Jurisdictional Scan](#)) submitted for Council consideration at its meeting on May 21, 22 and 23, 2025.

*2. What tests have been employed to determine if the existing tools were insufficient to provide protection? What literature (including Charter analyses, court records, and expert opinions) has been used to make the assessment and to design the tests?*

City staff conducted a jurisdictional scan reviewing applicable bylaws and legislation to support the development of a proposed bylaw. A literature search was also conducted to identify relevant and available research to support City staff's work. Additional factors unique to Toronto that were considered include the City's sprawl and density, its built environment including public right-of-way widths, the City's role in bylaw administration and enforcement, and Toronto's diversity. City staff were also informed by feedback from the public consultation. The City undertook a multi-pronged approach for public consultation to maximize opportunities for public input and enable broad participation and inclusive representation.

City staff's recommendations were based on learnings from the jurisdictional scan, research and diverse feedback received through the public consultation process. Further details are outlined in the City Manager's report entitled Proposed By-law Amendment to Provide Access to Social Infrastructure (Item - [2025.CC30.5](#), [Attachment 1: Jurisdictional Scan](#)) submitted for Council consideration at its meeting on May 21, 22 and 23, 2025.

Legal information is outlined in a supplementary report from the City Solicitor on the Proposed By-law Amendment to Provide Access to Social Infrastructure submitted for Item [2025.CC30.5](#) for Council consideration at its meeting on May 21, 22 and 23, 2025.

*3. How have City of Toronto staff evaluated the likelihood of a legal challenge to a proposed demonstration bylaw and its alignment with protections under the Charter of Rights and Freedoms?*

Legal information is outlined in a supplementary report from the City Solicitor on the Proposed By-law Amendment to Provide Access to Social Infrastructure submitted for Item [2025.CC30.5](#) for Council consideration at its meeting on May 21, 22 and 23, 2025.

*4. What are the legal opinions from the City Solicitor and any external legal advice (if applicable), in full, which have been provided to the City in the development of the proposed by-law?*

Legal information is outlined in a supplementary report and confidential attachment from the City Solicitor on the Proposed By-law Amendment to Provide Access to Social Infrastructure submitted for Item [2025.CC30.5](#) for Council consideration at its meeting on May 21, 22 and 23, 2025.

*5. What are the potential costs associated with the City of Toronto defending the bylaw against a Charter challenge? How have those costs been estimated? Are there additional non-monetary risks to factor into account?*

The defence of the proposed by-law will be handled by in-house legal staff. There may be some incidental costs to the defence, including filing and expert witness fees, and these costs will be absorbed within the Legal Services budget. Should the City be unsuccessful in defending the by-law in civil court, there may be costs awarded to the applicant which the City would be responsible to pay.

*6. What tests or analysis did staff use to determine the threshold for enforcement of the proposed bylaw? What ongoing tests will be employed to determine a need for enforcement?*

The City Manager's Office and Legal Services worked closely together, in consultation with the Toronto Police Service, and informed by feedback from City divisions with applicable subject-matter expertise, such as Municipal Licensing and Standards and Transportation Services, to respond to Council's direction.

Further details on the proposed enforcement approach are outlined in the City Manager's report entitled Proposed By-law Amendment to Provide Access to Social Infrastructure (Item - [2025.CC30.5](#)) submitted for Council consideration at its meeting on May 21, 22 and 23, 2025.

*7. Should the proposed demonstrations by-law come into force, who will authorize enforcement and what criteria are recommended to be used?*

Should Council adopt the proposed bylaw amendment, it could provide Bylaw Enforcement Officers supported by police with an additional mechanism to assist them in enabling safe

access to social infrastructure. As part of an education-first approach, the proposed bylaw amendment could also be used as an educational tool to promote proactive and voluntary compliance. The proposed bylaw amendment also contains a provision requiring that enforcement staff provide notice of bylaw contravening activity prior to laying any charges.

This would allow persons to voluntarily comply with the bylaw prior to being subject to any further enforcement action. The bylaw would permit Bylaw Enforcement Officers to escalate from education to enforcement when education has not been effective.

Further details on the proposed enforcement approach for the proposed bylaw amendment is outlined in the City Manager's report entitled Proposed By-law Amendment to Provide Access to Social Infrastructure (Item - [2025.CC30.5](#)) submitted for Council consideration at its meeting on May 21, 22 and 23, 2025.

*8. Which City Division is recommended to enforce the bylaw? Has that Division confirmed they would have the necessary budgetary resources to enforce the bylaw?*

If adopted by Council, the City Manager's Office will support Transportation Services to administer the proposed bylaw amendment as part of the transition to prepare for the new bylaw provisions coming into effect. Transportation Services will be responsible for the administration of the proposed bylaw amendment, including the intake, processing and review of requests, liaison with stakeholders, complaints and public notice requirements. Estimated financial implications to Transportation Services of \$1.6 million for 12 staff and a one-time purchase of vehicles and laptops for 2025 associated with administering the bylaw amendment will be managed within Transportation Services' 2025 Operating Budget. Future staffing and resourcing will be identified and reported through future budget processes as required.

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Further details on the proposed enforcement approach for the proposed bylaw amendment is outlined in the City Manager's report entitled Proposed By-law Amendment to Provide Access to Social Infrastructure (Item - [2025.CC30.5](#)) submitted for Council consideration at its meeting on May 21, 22 and 23, 2025.

*9. How has Toronto Police Service and/or the Toronto Police Service Board been involved in the development of the draft bylaw?*

Since Council's direction in December 2024, City staff have been advancing work on a proposed bylaw in consultation with the Toronto Police Service.

If adopted by Council, the City Manager's report entitled Proposed By-law Amendment to Provide Access to Social Infrastructure (Item - [2025.CC30.5](#)) recommends City Council forward the item for information to the Toronto Police Service Board.

*10. What are the budgetary implications of enforcement of the bylaw? If exact costs cannot be estimated, what is the estimated range of the financial impact?*

Transportation Services will be responsible for the administration of the proposed bylaw amendment, including the intake, processing and review of requests, liaison with stakeholders, complaints and public notice requirements. Estimated financial implications to Transportation Services of \$1.6 million for 12 staff and a one-time purchase of vehicles and laptops for 2025 associated with administering the bylaw amendment will be managed within Transportation Services' 2025 Operating Budget. Future staffing and resourcing will be identified and reported through future budget processes as required.

Further details on the financial impact is outlined in the City Manager's report entitled Proposed By-law Amendment to Provide Access to Social Infrastructure (Item - [2025.CC30.5](#)) submitted for Council consideration at its meeting on May 21, 22 and 23, 2025.

Sincerely,



Paul Johnson  
City Manager

cc: Jean Abou Saab, Interim Chief of Staff, City Manager's Office  
Wendy Walberg, City Solicitor