

Friday, May 16, 2025

RE: CC30.5 - Proposed By-law Amendment to Provide Access to Social Infrastructure

Dear Mayor Chow and Toronto City Councillors,

The Toronto Environmental Alliance urges you to listen to the thousands of residents and numerous community organizations that have raised deep concerns and registered their opposition to any bylaw that unreasonably impairs or limits Charter rights to freedom of assembly. We previously [sent a letter outlining our concerns](#) jointly signed by over 20 other environmental groups.

Now that we have the proposed wording of the bylaw, our concerns remain. While less expansive than the City of Vaughan bylaw, the proposed wording of the Toronto by-law remains unnecessary with respect to prohibitions against harassment or obstruction since those are both already illegal. It also remains unconstitutional in prohibiting simple expressions of disapproval. Instead of passing this bylaw, we ask Council to consider solutions that strengthen local democracy rather than erode it.

Chill Effect on Peaceful Protests

As an environmental movement, the right to peacefully protest is central to building public awareness, fighting injustice, and pushing governments to take action. Our rights and freedoms have been fundamental in securing, and continuing to uphold, the significant environmental protections that we have today. In Canada and around the world, protests have compelled governments to take serious climate action by developing stronger climate plans and targets. In 2019, our movement used the momentum generated by powerful youth-led protests to get the City of Toronto to declare a climate emergency and eventually adopt the TransformTO Net Zero Strategy, a climate plan that serves as a model for other municipalities.

We believe that adding a new bylaw on top of existing laws will create a chill effect on peaceful protests in Toronto by generating confusion and fear among those who wish to exercise this right. By creating a pathwork of zones where demonstrations are limited on city streets and sidewalks, the proposed bylaw could create confusion and a fear of civic engagement among many groups. This includes equity-owed residents and youth, who have less access to other democratic processes and resources to understand how the bylaw would differ from existing laws. The plan for “targeted engagement” of these groups does not consider the loss of trust that will accompany the bylaw.

The staff report notes the following: *Through the public consultation process and directed engagement with Indigenous, Black and equity-deserving communities, the City received feedback expressing the critical importance of demonstrations and the potential negative impact on freedom of*

expression and civic engagement. While the proposed bylaw amendment would 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, the City recognizes that the existence of bylaw provisions of this nature may result in community members feeling like they are unable to peacefully demonstrate.

Although we note the exemption for peaceful protest, the determination of what qualifies as an “act of disapproval” in the bylaw’s wording will leave many peaceful organizers unable to understand whether their march or demonstration - which may include a variety of signs and means of expression - would risk being stopped. The inclusion of schools (and child care centres located within schools) as Access Areas could also hinder and confuse youth organizers of school climate protests like Fridays for Future. We have serious concerns that this creates an avenue for those who oppose the aims of the climate, social justice and labour movements to attempt to stop peaceful protest by capitalizing on the confusion created by this proposed bylaw, since it will be difficult to validate accusations of “acts of disapproval” and it will compel frontline City bylaw officers to become arbiters in complex scenarios for which they are not appropriately trained.

Bylaw Opens Door to Further Infringing on Rights & Freedoms

We strongly urge City Council not to go down the path of adopting a bylaw that unnecessarily and unreasonably limits residents’ rights and freedoms. While the approach of scoping the bylaw on specific locations and times is described as seeking to “limit the impairment to Charter rights”, you must consider the broader impact of having such a bylaw on the books. This opens the door to City Council (and future Councils) using this framework to expand the bylaw to take an even broader approach, such as including additional locations to the list of so-called prescribed social infrastructure, and extending the distance and duration of “Access area” terms. Each of these actions could have profound implications for restricting lawful democratic activity in the future. This calls for you to recognize the historic and precedent-setting impact of your vote on this bylaw.

Every Torontonian deserves to be kept safe from physical violence and hate crimes. But existing laws already prohibit physical violence, uttering threats, damaging property, and other behaviour the City is seeking to prevent. The police also already have broad powers to allow for appropriate access to buildings and private property. As such, this bylaw is neither justified nor necessary. In fact, it will likely stop many Torontonians who are experiencing violence and hate from exercising their democratic freedoms.

Solutions that Strengthen Local Democracy

We recognize that as locally-elected representatives you feel a tremendous responsibility to help your constituents feel safe and be heard. It would be a sad day for our local democracy if, in seeking to protect residents, Council overrides the overwhelming public concern you’ve heard about upholding our rights and freedoms by enacting a bylaw that limits them instead.

On such an important question, the scope of the public consultation, as directed by Council, should have been framed first around *whether* to develop a bylaw, rather than *how*. Despite this, the documented public response was solidly opposed to such a bylaw moving forward.

The questions that need to be asked are: *how can the City of Toronto play an important role in building an inclusive, caring and free society? What work can the City undertake with community partners to help people with different viewpoints peacefully coexist? How can members of City Council lead by example?*

This moment calls for you to work together as a Council, alongside communities, to find solutions to the serious concerns and experiences of residents in a manner that strengthens our democratic processes and institutions.

Moving forward, we call on City Council champion solutions that focus on bridge-building among communities who are currently divided and feeling vulnerable, unseen, or unheard, and supporting work to remove barriers and deepen civic participation. This type of initiative honours the work of generations past who fought hard to secure rights and freedoms, and helps to ensure that this generation, and the generations ahead, have the tools they need to build a hopeful, just and climate-safe future.

We believe that the current moment is one where democratic engagement is more important than ever. We join the many voices calling for our City to protect our Charter rights to assembly and the basic tools of a healthy and free democracy. We ask you to vote against this bylaw.

Sincerely,



Emmay Mah
Executive Director
Toronto Environmental Alliance