

Dear Mayor Olivia Chow and Members of City Council,

Re: Item 2025CC30.5 - Proposed "Bubble Zone" Bylaw Amendment

Social Planning Toronto (SPT) is a non-profit, charitable organization that conducts research, provides policy analysis, and convenes and supports diverse groups of organizations, community leaders, and advocates to take action that leads to a more equitable, and socially and economically just city. We work with civil society partners that collectively serve some of the most economically and socially marginalized residents across the city. Close to 70 of those [partners signed onto a joint letter](#) drafted by SPT and previously submitted to Council on this item. The signatories included multi-service frontline agencies, settlement agencies, healthcare and childcare providers, and faith leaders. This letter is a follow-up to that joint letter, which was drafted prior to the release of the staff report and proposed bylaw amendment.

While the proposed bylaw amendments are narrower in scope than we have seen in other municipalities, we still believe (and this opinion is based on [legal expertise](#)) new bylaws or changes to existing bylaws that limit Charter-protected rights and freedoms are either unnecessary (i.e. other tools already exist to protect communities from hate) or unconstitutional.

We appreciate the efforts of the City Manager's Office and legal staff to present a bylaw amendment that responds to community feedback and is narrower in scope than other municipalities. However, the bylaw amendment contradicts itself and is still too broad. It claims that it does not prohibit peaceful gatherings, protests or demonstrations, including activities that are part of a labour union strike, information pickets and/or activities related to labour disputes. Two of the restricted activities are already against the law, and the other two ("act of disapproval" and "express an objection or disapproval towards any person" based on identity) are much too vague, overly restrictive, and could lead to Charter challenges.

The proposed bylaw amendment still presents a significant risk to peaceful expression and assembly, and is not necessary with existing police powers. This was evidenced by

Toronto police Staff Supt. Frank Barredo's remarks at Toronto City Council on December 18, 2024 (Evening Session):

at 1:56:00 -- "In all honesty, a bylaw would be somewhat low on the range of things that we would be looking at. Public safety is our paramount concern, but of course Charter rights weighs very heavily as we wrestle with the limitations on Charter expression with reasonable enjoyment of the city by other people not involved in demonstrations."

At 2:13:39 -- "So, as a general principle in policing, we'd never turn away tools that might be useful in our toolbox. But, if I'm being perfectly honest with you, we have essentially created bubble zones, de facto bubble zones, already. For instance, Mount Sinai Hospital was impacted by one protest, I would characterize it as a one-off, and since that moment we decided that there would be no further protest activity along University Avenue, along hospital row. We didn't need a bylaw to do that, we simply set up rows of police officers and said you will not come down this way."

We very much appreciate the desire amongst the Mayor and Council to support all residents to feel safe and at home, and to be able to participate in every aspect of civic life.

But the proposed bylaw amendment won't protect Torontonians from hate. It won't target those who engage in hateful expression. Instead, it will end up targeting marginalized communities that need their rights and freedoms protected.

Toronto is often referred to as the most multicultural city in the world. With over 250 ethnicities represented, 190 languages spoken across its many vibrant neighbourhoods, and more than half our residents born outside of Canada (me included), it's clear diversity isn't just tolerated here. It is—as the City's motto notes—our strength.

Research reveals that diversity enhances a city's economic vitality, drives innovation and promotes creativity. Research also shows that to realize all the many advantages of a diverse city, all residents must have equal access to government resources, infrastructure, and services, **equal rights to use of public spaces**, and **equal access to civic activities and decision-making processes**, including those protected under our Charter of Rights and Freedoms.

Marginalized groups have long used their fundamental rights to freedom of expression and peaceful assembly to advocate for social and policy changes that we all now can enjoy. These include certain voting rights, workers' rights, justice for Indigenous, Black, racialized, newcomer, Jewish, and 2SLGBTQIA+ communities, protection for the environment, and families fleeing violence.

Social movements throughout Toronto's history—from the Movement for Black Lives Matter to the Metro Days of Action, from rent strikes and picket lines to vigils, and rallies—have drawn on the power of people coming together in the streets to condemn injustices, build solidarity, and push for systemic change. These gains would not have happened without the right to protest. Many of these past protests caused discomfort, many were perceived as nuisances, many people disapproved of such protests. But history has proven that when we protect these fundamental freedoms, including ideas that are unpopular and in the “minority”, we as a society are better off.

The bylaw's equity impact statement and consultation report are aligned with the view of SPT and our partners:

"The City recognizes that the existence of bylaw provisions of this nature may result in community members feeling unable to peacefully demonstrate in Toronto. This could potentially contribute to further marginalization of groups, as well as potentially impact the City's community relations, and current and future engagement with Indigenous, Black and equity-deserving communities.

The public consultation process for a proposed bylaw included directed engagement with the Indigenous community, Black community, 2SLGBTQ+ community, racialized communities, newcomers, youth, seniors, legal and civil liberties groups, human rights organizations, faith-based groups, labour groups and organizations and community organizations. Most of these groups expressed the critical importance of demonstrations in Toronto and the potential negative impact of any form of a bylaw on freedom of expression and civic engagement."

Comparisons have been made to 'safe access zones' around facilities providing abortion services, however, such laws were created to protect people seeking specific services, in this case reproductive healthcare, from being harassed. In contrast, the proposed bubble zone bylaw amendment will still yield too broad a stroke. This kind of bylaw lacks clarity on the people being impacted and the issues being protested, with lots left up to discretion. A multitude of words and actions can be interpreted as an “act of disapproval”. There are simply too many ways this bylaw could be used to inhibit democracy, and silence dissent and marginalized voices.

We have to consider how this proposed bylaw will be interpreted by future governments and leaders. Given what is happening in the U.S., we must also consider worst-case scenarios. Who will have the discretion to decide what is an act, or words, of “disapproval”? Creating this kind of bylaw amendment opens the door for future, more restrictive provisions.

People should be allowed to live their lives free from harassment and discrimination, and this includes the right to access their places of worship, schools, and childcare centres. We already have laws in place to protect people from hate speech and harassment. These laws can and should be upheld. As our city continues to see a concerning rise of anti-Semitism, Islamophobia, and anti-Palestinian racism, any initiative that combats hate crimes and violence must also protect the right to protest, not inhibit this right.

SPT has long been a convener of community-based groups, frontline service providers, and local residents. We have been hearing firsthand about the negative impacts this proposed bylaw will have on work these groups do around issues such as protecting healthcare, drawing attention to gender based violence, racism, and violence against 2SLGBTQ+ communities, advocating for income support programs, and rights for migrants, to name a few.

No version of a bubble zone bylaw or amendment will protect the Torontonians that need our support the most. This proposed bylaw amendment is still too broad, too vague, and too open to misuse.

Now, more than ever, especially in what may be the world’s most diverse city, we need to protect democracy and the rights of marginalized communities to dissent and give voice to injustices.

A handwritten signature in black ink, appearing to read 'Jin Huh', with a small dot at the end.

Jin Huh
Executive Director
Social Planning Toronto