

Appendix A – TTC Policy 13.1.2 Advertising on TTC Property (current approved policy)

13.1.2 Advertising on TTC Property Policy – Current to Summer 2025

1.0 RESPONSIBILITY

Head - Marketing and Customer Experience

2.0 PURPOSE

2.1 To establish the criteria for the acceptability of Advertisements for posting on TTC Property and the process by which Advertisements will be reviewed and accepted.

3.0 OBJECTIVE

3.1 The Canadian Charter of Rights and Freedoms (the “Charter”) guarantees everyone the rights and freedoms set out therein, including the right to freedom of expression. In a 2009 court decision, the Supreme Court of Canada ruled 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.

3.2 The limitations on the content of an Advertisement set out in this policy must be viewed in the context of the TTC’s limited legal ability to deny an Advertisement under the Charter, as provided by clause 3.1, while also ensuring that it continues to provide a safe and welcoming public transit system.

3.3 This policy sets out the decision-making process and responsibility with respect to the acceptability and removal of Advertisements on TTC property. The TTC Board reserves the right to review any Advertisement to determine whether it complies with the requirements as set out in this policy.

4.0 DEFINITIONS

The following definitions apply within the context of advertising on TTC Property.

4.1 Advertiser

The entity requesting from the Company to post Advertisement(s) on TTC Property.

4.2 Advertisement

Any message (the content of which is controlled by the Advertiser), or proposed message, with the intent to influence TTC riders’ choice, opinion, or behaviour, which message is posted (or is to be posted), and includes Advocacy Advertisements and Election Signs.

4.3 Advocacy Advertisement

An Advertisement which presents information or a point-of-view that attempts to influence public opinion on specific political, economic, or social issues.

4.4 Applicable Laws

Any federal, provincial or municipal law, rule, statute, regulation, by-law (including City of Toronto by-laws), order, ordinance, protocol, policy, notice, direction, judgment, or other

requirement issued by any government, board, commission or tribunal, or any court or regulation-making entity, or regulatory authority having jurisdiction over advertising. Applicable laws shall include TTC policies. For greater clarity, Applicable laws include the Ontario Human Rights Code.

4.5 ARP

Refers to the TTC Advertising Review Panel. The ARP is made up of TTC staff whose role it is to review Advertisements in accordance with Sections 6 and 7 of this policy.

4.6 ASC

Refers to Advertising Standards Canada. ASC is the not-for-profit Canadian advertising industry body committed to creating and maintaining community confidence in advertising, and to ensuring the integrity and viability of advertising through industry self-regulation.

4.7 ASC Code

Refers to the Canadian Code of Advertising Standards. The ASC Code is the advertising industry's principal instrument of advertising self-regulation in Canada administered by ASC. The ASC Code sets the criteria for acceptable advertising and forms the basis upon which advertising is evaluated in response to consumer, trade, or special interest group complaints.

4.8 Company

The entity which has contracted with the TTC for the right to sell advertising space on TTC Property for the purpose of posting Advertisements.

4.9 Election Signs

As defined in Chapter 693 of the City of Toronto Municipal Code.

4.10 TTC Property

All lands, facilities, structures, stations, and vehicles owned, leased, occupied, or maintained by the TTC, including platform video screens.

5.0 PROCESS FOR ADVERTISEMENT POSTING ON TTC PROPERTY

5.1 The Advertiser is to deal directly with the Company.

5.2 The Company is responsible for interpreting and implementing this policy. The Company shall accept and post any Advertisement that meets the guidelines for acceptance in accordance with this policy.

5.3 Any Advertisement with reference to public transit and/or the TTC must be presented by the Advertiser to the Company for review and acceptance prior to the production of the Advertisement. The Company shall forward the Advertisement to TTC staff for further review and acceptance.

6.0 REVIEW

6.1 If, in the opinion of the Company, an Advertisement does not comply with the guidelines for acceptance under this policy, the Company shall forward the Advertisement to TTC staff. TTC

staff shall review the Advertisement and determine whether the Advertisement complies with the guidelines for acceptance under this policy. If TTC staff determines that the Advertisement does not comply with the guidelines for acceptance under this policy, the Advertisement shall not be permitted to be posted on TTC Property, and the Company will be so advised. The Company shall advise the Advertiser accordingly.

6.2 In the event TTC staff determines that an Advertisement does not comply with the Guidelines for Acceptance as set out in Section 8 of this policy, the Advertiser may request, through the Company, a review by ARP of the TTC staff decision. ARP shall review the decision of TTC staff for determination as to whether TTC staff properly applied this policy.

6.3 A review by TTC staff and ARP under this policy shall be in accordance with the prevailing advertising review process and in the context of the objective of providing a safe and welcoming public transit system.

7.0 COMPLAINTS

7.1 A person wishing to make a complaint about an Advertisement posted on TTC Property may file the complaint with ASC at www.adstandards.com. Should the TTC receive a complaint of an Advertisement posted on TTC Property, the TTC shall direct the complainant to file the complaint with ASC at www.adstandards.com.

7.2 In the event that ASC determines that a complaint is not within its mandate to investigate, the complaint shall be referred to ARP for review to determine whether the Advertisement at issue complies with the Guidelines for Acceptance as set out in Section 8 of this policy.

7.3 The TTC shall have the right to reject, remove, or to have the Company remove, any Advertisement from TTC Property at no cost to the TTC.

8.0 GUIDELINES FOR ACCEPTANCE

8.1 Any Advertisement must meet all of the following:

8.1.1 Comply with Applicable Laws.

8.1.2 Comply with the ASC Code.

8.1.3 Comply with any rule, procedure, by-law, or code of any professional regulatory body.

8.1.4 Comply with the Objective as set out in Section 3 of this policy.

8.1.5 Not discredit the business or service of public transit, the TTC or its employees, nor have an adverse effect on the image of the TTC, or public transit, as a safe and reliable form of transportation.

8.2 The Advertiser is responsible to satisfy itself that the Advertisement complies with Applicable Laws.

8.3 As part of any review or complaint, the TTC, ARP or ASC, as applicable, may consider information contained in the Advertisement, including logos, website addresses and referenced websites, the content of the website addresses and the referenced websites, and the background and history of the Advertiser and any other entity referenced in the Advertisement.

9.0 REFERENCE SOURCES

- The Canadian Code of Advertising Standards
- City of Toronto Municipal Code and By-laws
- Ontario Human Rights Code