

REPORT

Council

Meeting Date: May 1, 2025

FROM: Legal Department and Municipal Enforcement Services

DATE: April 15, 2025

SUBJECT: **Potential Protest By-law near Vulnerable Social Infrastructure**

LOCATION: Town-wide

WARD: Town-wide

Page 1

RECOMMENDATION:

That the report from the Legal Department and Municipal Enforcement Services titled “Potential Protest By-law near Vulnerable Social Infrastructure”, dated April 15 2025, be received.

KEY FACTS:

The following are key points for consideration with respect to this report:

- In December 2024, Council received a report regarding: [Roles and Responsibilities in Managing Protests](#) along with a confidential Legal report
- Council directed staff to engage in virtual public consultation on the development of a by-law to regulate certain forms of protests near vulnerable social infrastructure
- Forum Research Inc. was retained to conduct a telephone and online questionnaire that ran for three weeks (February 12 to March 5, 2025). Key findings include:
 - 61% (telephone) and 58% (online) of respondents think that Oakville needs a by-law to regulate protests around certain vulnerable social infrastructure
 - 16% (telephone) and 43% (online) of respondents remember at least one protest happening when they were planning to access vulnerable social infrastructure within the past year
 - 48% (telephone) and 31% (online) indicated the protest was at the hospital; 19% (telephone) and 8% (online) of those respondents indicated the protest had impacts on their access

- 8%(telephone) and 54% (online) remembered a protest at a place of worship; 14% (telephone) and 45% (online) of those respondents indicated the protest had impacts on their access
- In addition to Forum's report, staff reviewed several public submissions when preparing a draft by-law
- A draft by-law titled "Safe Access to Vulnerable Social Infrastructure By-law" was available online for public consultation between March 31 to April 13
- The Canadian Civil Liberties Association provided a submission on March 31, 2025 indicating regulatory regimes limiting intolerant, yet constitutionally protected, speech near community gathering spaces, are not reasonable and justifiable frameworks
- After review of the public submissions, the draft by-law has been revised for Council's consideration – regulation of large graphic signs has been removed and will be reported on a later date
- A confidential Legal report is also included in the agenda for Council's consideration.

BACKGROUND:

On December 16, 2024, Council received a report regarding: [Roles and Responsibilities in Managing Protests](#) along with a confidential Legal report. Council passed the following resolution:

1. That staff be directed to engage in virtual public consultation and engage experts as may be necessary on the development of a by-law to regulate certain forms of protests near vulnerable social infrastructure, recognizing that nothing in the by-law should prevent peaceful protests or demonstrations, and report back to Council with a draft by-law in the first quarter of 2025, including the following:
 - a. Clear Definition: The regulated conduct should be limited, properly defined and focused on activities impeding access to vulnerable social infrastructure, without encroaching on criminal law powers, i.e.: violence or hate speech.
 - b. Access Zone: Establishing an "access zone" from the property line of vulnerable social infrastructure that does not exceed what is reasonably necessary.
 - c. Penalty: Maximum penalties must be rational and proportionate.

Under the [Canadian Charter of Rights and Freedoms](#), individuals have a [fundamental right of freedom of expression and freedom to protest and demonstrate peacefully as well as freedom of religion](#). These fundamental rights can

have limits and, as such, there is a need to reasonably and responsibly balance these rights in a justifiable manner. For instance, hate speech, violent acts and speech promoting violence are illegal and are matters for the police.

A confidential Legal report is included in the agenda for Council's consideration.

COMMENT/OPTIONS:

Forum Research Findings

To implement the direction from Council, the town engaged in virtual public consultation on the development of a by-law aimed at regulating certain forms of protests near vulnerable social infrastructure, such as places of worship, hospitals, schools, daycares and libraries. To help facilitate this process, the town partnered with Forum Research Inc. (Forum) to conduct a telephone and online questionnaire that ran for three weeks starting February 12 to March 5, 2025, which was available to Oakville residents aged 18 years and older. The report from Forum is attached as (Appendix A). The key findings can be summarized as follows:

Support by-law (Oakville needs a by-law to regulate protests around certain vulnerable social infrastructure to ensure public access)

- 61% (telephone) and 58% (online)

Do not recall a protest (when planning to access any vulnerable social infrastructure within the past year)

- 84% (telephone) and 57% (online)

Recall a protest (when planning to access any vulnerable social infrastructure within the past year)

- 16% (telephone) and 43% (online)

No concerns (regarding protest encountered)

- 34% (telephone) and 16% (online)

Safety concerns (regarding protest encountered)

- 26% (telephone) and 41% (online)

Protest at hospital

- 48% (telephone) and 31% (online)

Impact on access to hospital

- 19% (telephone) and 8% (online)

Protest at place of worship

- 8% (telephone) and 54% (online)

Impact on access to places of worship

- 14% (telephone) and 45% (online)

As noted in Forum's report, the telephone questionnaire employed a random sampling method, ensuring its results provide an unbiased representation of Oakville residents' thoughts and opinions. As a result, these findings more accurately reflect the general population. The online open-link questionnaire allowed Oakville residents who were not part of the telephone sample to share their thoughts and experiences regarding protests and regulations. While the telephone results serve as the statistically valid representation of the town's population, results should be interpreted with caution, particularly those with fewer than 30 respondents.

Public Submissions

In addition to Forum's report, several public submissions were received from individuals and/or organizations that requested their input/expertise/experience be considered, which are summarized below and attached collectively as Appendix B.

Centre for Israel and Jewish Affairs

The Centre for Israel and Jewish Affairs (CIJA) submitted a letter in support of a protest by-law. The CIJA expresses concern for demonstrations near places of worship, schools, and community institutions, claiming rhetoric is antisemitic, and instills fear among members of the community. CIJA supports strong punitive measures for non-compliance and active enforcement.

Lions of Judah Organization

The Lions of Judah Organization (LOJ) submitted a letter in support of a protest by-law to ensure the protection of those who rely on vulnerable social infrastructure for their essential services, including places of worship and schools. The LOJ submission includes a compilation of videos from other jurisdictions (Brampton, Vaughan), which they indicate showcases the aggressive and harmful behaviors that have taken place.

Mark Sandler

Mr. Sandler submitted a letter in support of a protest by-law. He expresses concerns about rising antisemitism and the need to protect vulnerable communities, particularly the Jewish community, from what he sees as intimidation and harassment linked to targeted demonstrations.

Shaarei-Beth El Congregation

Comments were submitted on behalf of Shaarei-Beth El Congregation in support of a protest by-law due to concerns about rising antisemitism and the exposure of the community to acts of aggression and intimidation, which have led to the need for private security for protection and surveillance and requested that the protest perimeter be 100 metres. Additional comments express concern over the psychological impact past protests have had on

their community, particularly children, and the challenges their Congregation has faced in pursuing legal measures to ensure access.

Individual

This submission expresses concern about an increasing number of disturbances affecting the Hindu community and its places of worship and requests that the perimeter be 100 metres for houses of worship of all faiths.

St. Cuthbert's Anglican Church

Comments were submitted on behalf of St. Cuthbert's Anglican Church in support of a protest by-law. The submission supports establishing a 100-metre perimeter around places of worship and schools to ensure the safety and peace of worshippers, while upholding the right to peaceful assembly beyond these boundaries.

Mervyn Russell

This submission comments on a protest by-law including their view that demonstrations are a vital part of democracy allowing people to express their views on issues affecting human well-being. Additionally, the submission indicates their view that it is the responsibility of demonstration leaders to ensure participants act within the law and intervene to prevent violence, including involving the police if necessary.

Sandy N. von Kaldenberg

This submission opines that it is important when considering this matter that it be viewed in Oakville's local perspective.

Draft By-law for Public Consultation

The key findings from Forum's report together with the additional public comments received in March 2025 were considered in preparing a draft by-law as directed by Council. Additionally, staff reviewed examples of potential access zones around various vulnerable social infrastructure in Oakville at 20 metres, 50 metres and 100 metres, which are attached as Appendix C.

On March 19, 2025, Council received an information memo, which included the draft 'Safe Access to Vulnerable Social Infrastructure By-law' and an update on the proposed timing for reporting back to Council. The draft by-law was subsequently posted on the town's website and members of the public were invited to provide comments by April 13, 2025. The first draft by-law is attached as Appendix D. Key highlights of the draft by-law circulated for public comment include:

- Prohibits a 'Specified Protest' within 20 metres of any vulnerable social infrastructure one hour before/after operational hours, or one hour before/after any scheduled event

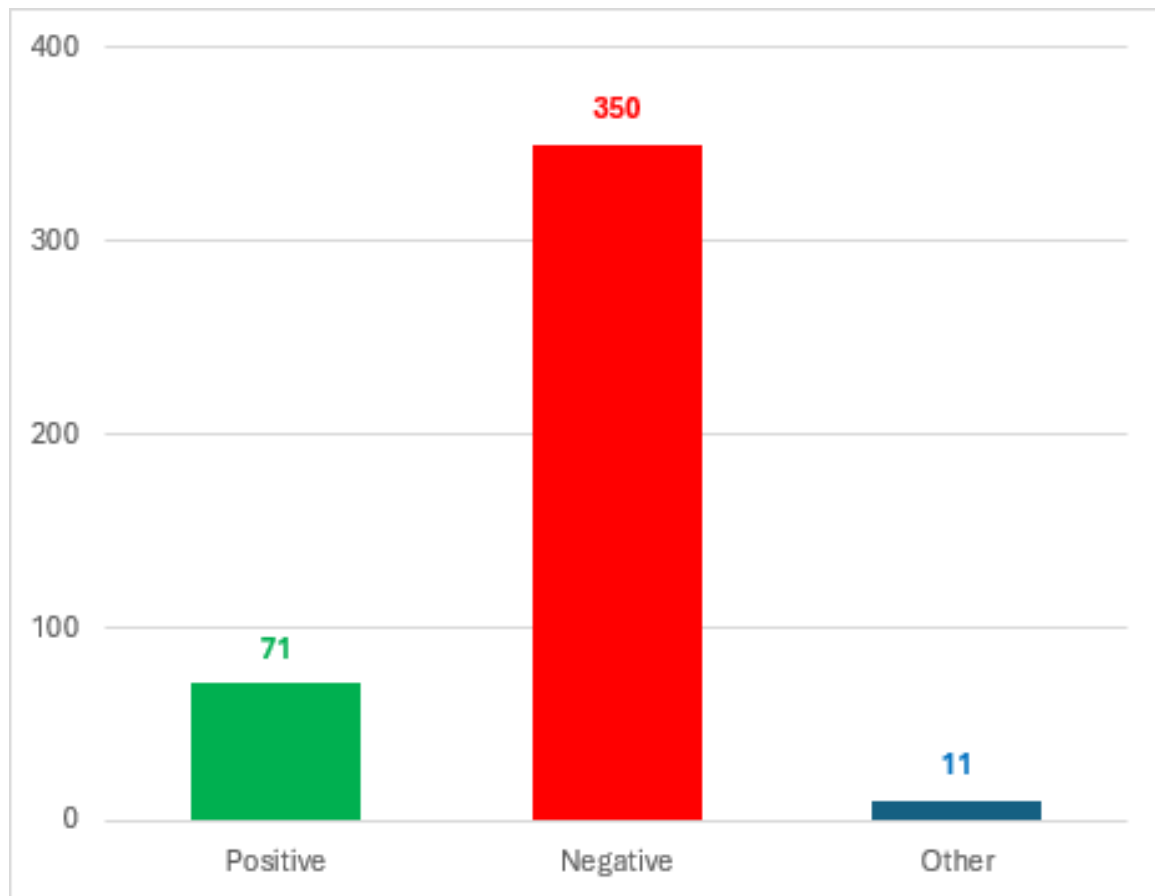
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- Vulnerable social infrastructure includes places of worship, the hospital, schools, daycares, and libraries
 - ‘Specified Protest’ includes:
 - advise/persuade a person to refrain from accessing vulnerable social infrastructure;
 - persistently request that a person refrain from accessing vulnerable social infrastructure;
 - physically interfere with a person accessing vulnerable social infrastructure;
 - repeatedly approach, accompany or follow a person accessing vulnerable social infrastructure; or
 - intimidate a person or otherwise do or say anything that could reasonably be expected to cause concern for a person's physical or mental safety.
 - Exempts peaceful gatherings, protests or demonstrations, including any such activities that occur as part of lawful labour action
 - Does not apply to organizers of protests
 - Prohibits large ‘graphic signs’ within 150 metres of the boundary of any vulnerable social infrastructure
 - Notice of violation and opportunity to leave
 - Enforcement options include the town’s administrative monetary penalties
 - Maximum penalty of \$25,000 for any charges proceeding under the *Provincial Offences Act*
 - Provides that Council, in good faith, has established that a Specified Protest within the vicinity of vulnerable social infrastructure, constitutes or could become a public nuisance

In addition to the public delegations at the December 2024 Council meeting, places of worship, the hospital, school boards, daycares licensed by the Region of Halton, and Oakville Public Library¹, were circulated for comments.

¹ Oakville Public Library has indicated that instances of protest activity at its locations have been infrequent (1 in the last 10 years). In the rare event such activity has occurred, it has remained small in scale and has been effectively managed using the Town and Library’s existing operational procedures, ensuring continued safe public access.

Public Comments on draft by-law

Over 400 public comments² were received on the draft by-law, which are briefly summarized below.

**Summary Table**

Comments were reviewed and categorized based on:

- **Positive:** Supported the by-law, either fully or in principle, including responses that endorsed the need for a by-law but raised concerns or suggestions about specific provisions
- **Negative:** Opposed to the by-law, either in general or due to concerns about its potential impact on Charter-protected rights
- **Other:** Did not clearly support or oppose the by-law, but offered comments, questions, or recommendations without taking a definitive position.

² A total of 6 responses (1 positive, and 5 negative) were identical to others, and considered to be duplicates and not included in the final count. There was also 1 comment that appeared to be entirely unrelated, which was not included in the final count.

The following summarizes some key themes/points raised through the public consultation regarding the proposed by-law:

- **Buffer Zones:** Many submissions in support of the by-law suggested expanding the access zone to 100m or 150m. Others flagged inconsistencies (e.g., 20m for protests vs. 150m for graphic images)
- **Location Concerns:** Some supported restrictions near schools, but not daycares. Others suggested extending the by-law to parks and all public buildings
- **Graphic Images:** Several comments across categories noted that the term “Graphic Images” is too vague or subjective. Some supported banning graphic images entirely near sensitive sites
- **Charter Rights & Expression:** A significant majority of submissions opposed to the by-law raised concerns about the by-law’s impact on freedom of expression, particularly for minority voices. Many viewed it as redundant with existing laws
- **Enforcement & Public Safety:** Calls were made for stronger enforcement (e.g., arrests, fines), especially for hate speech or violent behavior. Some suggested organizers should be responsible for protest-related security. Others felt current enforcement tools are sufficient
- **Penalties:** Requests among those comments in support of the by-law were made for higher fines to deter violations
- **Sound & Disruption:** Many comments that were in favour of the by-law called for a ban on sound amplification devices during protests
- **Clarity & Process:** Concerns were raised about vague language, especially around terms like “graphic images” and “disruption.” Recommendations included officer training and an appeal process
- **Other:** A few noted no harm had resulted from past protests and questioned the need for a new by-law. Others emphasized student protest rights and the need for consistent application.

Comments supportive of the draft by-law (71 received)

- Right to protest and freedom of speech are important, they should not negatively impact the right of access to vulnerable community infrastructure
- Recommend expanding the definition to include protests that are offensive, insulting, or likely to harm religious sentiments or disturb societal peace and harmony
- Fully support this by-law and believe it strikes an appropriate balance between the right to process and infringement on the rights of others to access social and healthcare services

- Rights and freedoms of speech should be safeguarded but there are limitations when one group seeks to intimidate others, especially when practicing their faith or kids attending school and/or attending community events
- By-law is necessary to protect people that want to visit the community infrastructures
- Agree that protestors should keep back and not show graphic images - this is not productive, and can cause harm to young people
- There is a reasonable limit to any peaceful gatherings, protests or demonstrations
- Distance should be farther than 20 metres, for the safety of those in public facilities like schools, hospitals and libraries. Recommend 30 to 40 metres
- Protestors should not be permitted within 150 metres of any school or place of worship
- 'Bubble' should be greater than 150 metres
- 100-metre requirement aligns with similar public safety measures and other municipalities (i.e., Vaughan, Brampton) and ensures a clearer separation between protest activity and vulnerable sites
- Add congregate care facilities and medical clinics
- Include noise making items such as speakers and megaphones
- Penalties should be stiffer/higher in value to discourage people from doing this

Comments opposed to the draft by-law (350 received)

- Restricting the right of Canadians to protest is anti-democratic and anti-Canadian
- Egregious attempt to silence those who want to express their thoughts in a peaceful and vivid way
- This is a democratic country, free speech and assembly are critical elements of a thriving democracy
- By labeling places like schools and places of worship as vulnerable you will prevent students from being able to engage in lawful student activism including walkouts or sit-ins
- It is every citizen's right to protest protected by the charter. If they feel inconvenienced, it is temporary
- This will be a very slippery slope

- This is just another attempt to silence people and the truth
- Concerned that this by-law will penalize peaceful protesters and compromise our democracy without making our communities safer
- Protesting is an important right of Canadian citizens
- Charter challenge will be proposed
- Don't see the need for this law. If there is violence, existing laws can take care of that
- The Criminal Code already regulates protest activity
- Every citizen should be able to express their opinions and protest without fear of repercussions due to restrictive bylaws
- No evidence of large-scale violence, and there is no need for restrictions
- There is no need to waste taxpayer money on such by-laws when protests occur infrequently and have not caused any disturbance
- Attempt to stifle legitimate free speech to appease the feelings of some
- Have yet to hear of a single instance locally where access to a vulnerable structure has been blocked by a protest leading to a detrimental outcome
- This by-law has the potential to create a negative effect on legitimate protest, discouraging citizens from participating in democratic discourse for fear of violating its vaguely defined terms
- Please do better than other countries and refrain from trying to demonize, intimidate, and silence those who are standing up for what is right
- This by-law is proposing to limit where protests are taking place - what is to stop the next by-law being to limit what the protest is about, and completely limiting free speech

Staff Comments

- Definition of 'Specified Protest'
 - Definition in the draft by-law is primarily modelled on the province's legislation regarding safe access to abortion services³
 - Town will be required to establish that it is not impeding on criminal law authority, and that the definition is not overly broad or vague
 - Clear definition of prohibited activities is necessary to avoid subjective bias – including things such as 'offensive language or gestures' is too broad/vague and does not provide an objective threshold

³ [Safe Access to Abortion Services Act, 2017, S.O. 2017, c. 19, Sched. 1 | ontario.ca](#)

- Calgary's [Safe & Inclusive Access Bylaw](#) definition applies to municipal facilities where the municipality, as both a service provider and employer, has a legislative duty under provincial human rights legislation to prevent discrimination/harassment
- Canadian Civil Liberties Association has indicated that any proposed by-law definition of what constitutes a 'nuisance demonstration', which includes speech that incites "intolerance or discrimination", while deeply painful, is neither violent nor criminal in nature
- 100 metre access zone
 - Staff reviewed several maps to assess the reasonableness and necessity of a potential 100 metre access zone, which informed the first draft as well as the revised draft by-law. As illustrated in the sample maps, 100 metres would extend far into residential areas and other private property
 - Allowing enforcement flexibility depending on the size/scale of the protest, e.g. expanding the perimeter to 100 metres for protests of 100+ people, is not an enforceable mechanism for the Halton Region Police Service
- Need for municipal-level legislation
 - The federal government is responsible for the Criminal Code which already addresses many of the activities noted of concern
 - The province has authority to enact laws protecting religious communities and others should they feel there is a pressing and substantial objective
 - The town is required to demonstrate there is a 'pressing and substantial' objective and that the law is rationally connected to that objective
 - Other town by-laws, such as the Municipal Right of Way By-law, the Public Nuisance By-law, and the Noise By-law, already address issues related to the negative impacts of sound amplification devices
- Resources for Enforcement
 - Resources of the HRPS would be required as Municipal Enforcement Officers are not trained or equipped to manage protests
- Omission of the ability to close streets
 - The town's [Temporary Road Closure By-law 2007-135](#) already delegates staff the power to close a highway temporarily for up to six months.

Canadian Civil Liberties Association

The Canadian Civil Liberties Association ("CCLA") is an independent, national, nongovernmental organization that was founded in 1964 with a mandate to defend and foster the civil liberties, human rights, and democratic freedoms of all people

across Canada. Their work encompasses advocacy, research, and litigation related to the criminal justice system, equality rights, privacy rights, and fundamental freedoms. Key aspects of their mission include “fighting against government overreach and defending freedom of speech and freedom of peaceful assembly.” Legal staff met with CCLA counsel together with several other municipal legal counsel (Mississauga, Brampton, Ottawa) to discuss generally by-laws prohibiting some forms of protest near certain community spaces. The CCLA clarified their position, specifically confirming that they do not support ‘bubble zone’ initiatives:

Vaughan’s by-law, and other similar regulatory regimes limiting intolerant—yet constitutionally protected—speech near community gathering spaces, are not reasonable and justifiable frameworks. CCLA is deeply concerned that these broad, punitive provisions will be used, and abused, if they remain unchallenged.

The CCLA commented that any proposed by-law definition of what constitutes a ‘nuisance demonstration’, which includes speech that incites “intolerance or discrimination”, while deeply painful, is neither violent nor criminal in nature, i.e.: ‘awful but lawful’. CCLA’s letter is attached as Appendix E.

Halton Regional Police Service

Although there have been reports of an increase in protests and demonstrations across the world, in Oakville, Halton Regional Police Service (“HRPS”) reported the following information regarding any protest-related crimes and complaints (however, statistics measuring the number of calls for service arising from public protests is not specifically tracked by HRPS):

- Zero crimes related to protests in 2020, 2022, 2023, and 2024
- Zero complaints from the public regarding protests
- Two protests were monitored in 2024
- Zero charges laid from protests in 2022, 2023, or 2024.

Currently, Facility Services coordinates operational plans with HRPS and monitors the size of protests, as needed, but town staff are not equipped or trained to engage with protesters. As such, enforcement of any by-law regulating specified protests would require the deployment of police officers and/or additional resources from the HRPS. In the event of a large protest, HRPS would engage the Public Order Units of the Hamilton Police Service and/or the Waterloo Regional Police Service on an as needed basis, given that the HRPS does not have a dedicated Public Order Unit of its own.

The town enforces many regulatory by-laws through the issuance of Administrative Monetary Penalties (AMPs) or by proceeding under the Provincial Offences Act.

This means that officers empowered to enforce town by-laws have the discretion to issue an AMP of \$300, with escalating penalties for repeat offences, or to pursue the matter in provincial court, where a conviction could result in fines of up to \$25,000 (Part I tickets could also be available with a maximum penalty of up to \$500). Officers may only choose one enforcement avenue per violation, not both, i.e.: AMP or Provincial Offences Act.

HRPS can proceed with criminal charges where warranted under the following Criminal Code of Canada sections:

- blocking or obstructing a highway (Section 423(1)(g))
- causing a disturbance (Section 175)
- common nuisance (Section 180)
- interfering with transportation facilities (Section 248)
- breach of the peace or imminent breach (Section 31)
- offensive volatile substance (Section 178)
- riots (Sections 32, 33, 64, 65, 67, 68, 69)
- unlawful assembly (Section 63)
- mischief (Section 430)
- intimidation (Section s.423 - physically stopping, blocking, threats, etc)

An arrest for breach of the peace, whether under the Criminal Code of Canada or the common law, does not result in a charge. The purpose of an arrest for breach of peace is to restore order. There are numerous other Criminal Code of Canada sections that may also apply to protest situations.⁴

Revised Draft By-law

After review of the public consultation comments, the draft by-law has been revised (Appendix F). The main revision to the draft by-law is removal of the graphic sign regulations. Staff have an outstanding direction from Council to report back regarding the display of graphic signs and will do so at a later date. A map of the vulnerable social infrastructure that would be impacted is included as Appendix G. Should Council choose to pass the revised draft by-law, an amendment to the Administrative Penalties for Non-Parking Violations and Orders By-law 2021-038 would also be required to permit the issuance of AMPs. A draft amendment to the by-law is attached as Appendix H.

Other Tools Available

Trespass/HRPS/Court Injunction

As previously reported, in the event of a non-peaceful protest, people can invoke the *Trespass to Property Act*, contact the Halton Regional Police Service, or seek a court injunction.

⁴ [Demonstrations, Protests and Marches - Halton Regional Police Service](#)

Provincial and/or Federal Legislation

Staff have been monitoring a member's Bill to protect safe access to religious institutions, but it has not proceeded beyond being ordered for second reading: [Sacred Spaces, Safe Places Act, 2024](#)

On April 10, 2025, Prime Minister Mark Carney announced the Liberal Party's crime prevention policies. The media release and backgrounder included language introducing legislation to make it a criminal offence to intentionally and willfully obstruct access to any place of worship, schools, and community centres; and a criminal offence to willfully intimidate or threaten those attending services at these locations. The timing for introducing and passing any such legislation is unknown. Should Council feel there is a need for provincial and/or federal legislation to address this issue, Council could pass a resolution such as:

Council requests the Attorney-Generals of Ontario and Canada introduce legislation to make it an offence to intentionally and willfully obstruct access to any place of worship, school, and other vulnerable social infrastructure, and an offence to willfully intimidate or threaten those attending services at these locations, while allowing peaceful protests or demonstrations.

CONSIDERATIONS:**(A) PUBLIC**

The town engaged in virtual public consultation on the development of a by-law aimed at regulating certain forms of protests near vulnerable community infrastructure. An online questionnaire was available to Oakville residents aged 18 years and older from February 12 to March 5, 2025. Several public submissions were also received from individuals and/or organizations that requested their input/expertise/experience be considered in the drafting of the by-law. A draft by-law titled "Safe Access to Vulnerable Social Infrastructure By-law" was available online for public consultation between March 31 to April 13. Over 400 public comments were received and summarized herein.

(B) FINANCIAL

Litigation on constitutional law issues, such as Charter challenges to any by-law, are costly as the town would require assistance from external experts.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

MES would be responsible for coordinating enforcement of any by-law through the HRPS. The Legal Department will be responsible for defending any legal challenges to any by-law.

(D) COUNCIL STRATEGIC PRIORITIES

This report addresses Council's strategic priority/priorities: Community Belonging and Accountable Government.

(E) CLIMATE CHANGE/ACTION

N/A

APPENDICES:

Appendix A – Forum Research Report

Appendix B – Public Submissions March 2025

Appendix C – Examples of access zones at 20m, 50m and 100m

Appendix D – Draft “Safe Access to Vulnerable Social Infrastructure By-law”

Appendix E – Canadian Civil Liberties Association letter

Appendix F – Revised Draft “Safe Access to Vulnerable Social Infrastructure By-law”

Appendix G – Map of Vulnerable Social Infrastructure

Appendix H – Draft by-law to amend the Administrative Penalties for Non-Parking Violations and Orders By-law 2021-038

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