

Memo

To: Members of Council

From: Legal Department & Municipal Enforcement Services

CC: Jane Clohecy, Chief Administrative Officer
Michael Mizzi, Commissioner of Community Development
Sheryl Ayres, Commissioner of Corporate Services
Paul Damaso, Commissioner of Community Services
Phoebe Fu, Commissioner of Community Infrastructure
Julie Clarke, Director of Corporate Strategy and Government Relations

Date: April 8, 2026

Subject: Safe Access to Places of Worship By-law Update

Background

On December 16, 2024, following receipt of the [Roles and Responsibilities in Managing Protests staff report](#) at the [December 16, 2024 Council Meeting](#), Town Council directed staff to engage in virtual public consultation and to research and investigate a draft by-law to address certain forms of protests within a reasonable distance of vulnerable community infrastructure.

In responding to Council's direction, on May 1, 2025, staff brought forward a report for Council to receive: [Potential Protest By-law near Vulnerable Social Infrastructure staff report and appendices](#). Due to public disruption at the Council meeting, the meeting was adjourned and reconvened at the [May 12, 2025, Council meeting](#), where Council approved the following:

1. That the revised draft By-law 2025-088, be passed, which includes the following amendments:
 - a. The by-law shall apply only to places of worship as well as premises used on a temporary basis to host religious ceremonies or services;

- b. The by-law shall apply only during the times that such ceremonies or services are actively taking place, including a reasonable period immediately before and after;
 - c. The by-law shall apply to all municipal properties, or parts thereof, within fifty (50) metres from the boundaries of the properties in paragraph a.
2. That the revised draft By-law 2025-089, by-law to amend Administrative Penalties for Non-Parking Violations and Orders By-law 2021-038, be passed.
3. That consideration of the by-law's application to any other forms of vulnerable social infrastructure (such as healthcare, social services, or educational institutions) shall be deferred for a period of one year, to allow time for the federal government to act on its commitment made during the 2025 federal election as announced by Prime Minister Mark Carney to introduce protective legislation.
4. That staff be directed to monitor federal developments and return to Council with a report and recommendations no later than June 1, 2026 regarding the potential future expansion of the by-law's application to other vulnerable social infrastructure.
5. That 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.
6. A copy of this resolution shall be forwarded to the Minister of Justice and Attorney General of Canada, the Minister of the Attorney General for Ontario, the Members of Parliament and Provincial Parliament for Oakville, the Association of Municipalities of Ontario, and the Federation of Canadian Municipalities, to express the Town of Oakville's support for federal action to protect places of worship and other community spaces from targeted protest and hate-motivated disruption.

Comments

In response to item 4 of the Council direction noted above, staff can advise that the federal government introduced Bill C-9, *An Act to amend the Criminal Code (hate*

propaganda, hate crime and access to religious or cultural places), on September 19, 2025, known as the *Combatting Hate Act*.¹

Bill C-9 would amend the *Criminal Code* to among other things,

- create an offence of wilfully promoting hatred against any identifiable group by displaying certain symbols in a public place
- repeal the defence based on the expression of opinions on religious subjects or texts in relation to the offences of wilful promotion of hatred or antisemitism
- create a hate crime offence of committing an offence under that Act or any other Act of Parliament that is motivated by hatred based on certain factors
- create an offence of engaging in any conduct with the intent to provoke a state of fear in a person in order to impede their access to places that are primarily used:
 - for religious worship, or
 - by an identifiable group
 - for administrative, social, cultural or sports activities or events,
 - as an educational institution, including a daycare, or
 - as a residence for seniors
- create an offence of intentionally obstructing or interfering with a person's lawful access to such places.

The Bill was passed by the House of Commons on March 25, 2026 and is currently proceeding to the Senate. Civil liberties groups including the Canadian Civil Liberties Association have raised concerns about the Bill, arguing it could criminalize peaceful protest and silence unpopular expression. The Minister of Justice examined Bill C-9 for any inconsistency with the Charter pursuant to their obligation under section 4.1 of the *Department of Justice Act*.²

In June 2025, the City of Vaughan received a Notice of Application by the Canadian Civil Liberties Association seeking to quash Vaughan's By-law prohibiting nuisance demonstrations within one hundred metres of vulnerable social infrastructure for illegality, pursuant to s. 273(1) of the *Municipal Act*.³ A hearing date has not yet been set for this application.

¹ [Government Bill \(House of Commons\) C-9 \(45-1\) - Third Reading - Combatting Hate Act - Parliament of Canada](#)

² [Bill C-9: An Act to amend the Criminal Code \(hate propaganda, hate crime and access to religious or cultural places\)](#)

³ [NOTICE OF APPLICATION - 23-JUNE-2025 0DU3JAJT.pdf](#)

Staff will continue to monitor these matters and report back to Council in 2027 regarding the potential future expansion of the Town’s “Safe Access to Places of Worship By-law” to other vulnerable social infrastructure.