

City of Mississauga
Corporate Report



<p>Date: November 28, 2024</p> <p>To: Mayor and Members of Council</p>	<p>Originator's files:</p>
<p>From: Graham Walsh, J.D., City Solicitor & Director, Legal Services</p>	<p>Meeting date: December 11, 2024</p>

Subject

Feasibility of Implementing a By-law to Prohibit Certain Forms of Protest Near Places of Worship

Recommendation

1. That the report titled "Feasibility of Implementing a By-law to Prohibit Certain Forms of Protest Near Places of Worship", dated November 28, 2024, from the City Solicitor & Director of Legal Services, be received for information.
2. That City Council direct the City Solicitor to conduct research, consult with experts and hold public consultations as may be necessary to report back to Council with a Report and, if necessary, a draft by-law, recommending the preferred course of action to address protests occurring near places of worship.

Executive Summary

- At its meeting held on November 13, 2024, City Council passed Resolution No. 0233-2024 directing city staff to consider the feasibility of implementing a by-law that prohibits demonstrations within 100 metres, or within reasonable distance, of places of worship at the earliest possible time.

The City of Vaughan and the City of Brampton have each passed a bylaw to prohibit nuisance demonstrations occurring near places of worship.

- Considering recent critical letters addressed to the City of Brampton by the Canadian Civil Liberties Association and the Coalition of Hindus of North America, including a letter addressed to this City Council from the Ontario Gurdwaras Committee and various deputations made during the November 13 2024, City Council meeting, Legal Services is seeking formal direction to conduct research, consult with experts and hold public

Council	2024/11/28	2
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consultations as may be necessary to report back to Council with a Report and, if necessary, a draft bylaw, to recommend the preferred course of action to address violent protests occurring near places of worship.

Background

Increasingly, various places of worship located in the Greater Toronto Area (the “GTA”) have been subjected to violent protests and demonstrations making it intimidating and dangerous for worshippers to access their place of worship.

On November 20, 2024, the City of Brampton passed By-law No. 173-2024, being the *Protecting Places of Worship from Nuisance Demonstrations By-law*. On June 25, 2024, the City of Vaughan passed By-law No. 143-2024, being the *Protecting Vulnerable Social Infrastructure By-law*.

Both by-laws have a similar definition for a “Nuisance Demonstration”, whereby one or more persons, publicly and in person, protest against something or express views on any issue, in any manner, whether it is intended or not, that is likely, on an objective standard, to cause a reasonable person to be intimidated, meaning that they are either concerned for their safety or security, or they are unable to access their place of worship (in the Brampton by-law) or vulnerable social infrastructure (in the Vaughan by-law). Intimidation includes actions or expressions that incite hatred, violence, intolerance or discrimination. Both by-laws establish a 100-metre zone within which it is prohibited from organizing or participating in a nuisance demonstration.

Present Status

The by-law passed by the City of Brampton was met with written criticism by the Canadian Civil Liberties Association and the Coalition of Hindus of North America. Their letters are attached to this Report as Appendix 1 and Appendix 2. The letters are informative and highlight the need to proceed with caution when considering by-laws that may restrict the freedom of expression and the people’s right to use public spaces.

Appendix 3 to this Report includes a letter and a backgrounder sheet addressed to this City Council and expresses the views of the Ontario Gurdwaras Committee in connection with Council Resolution 0233-2024. In particular, this letter highlights that the Resolution was passed without any consultation with the Sikh community.

Comments

City staff have reviewed the letters attached to this Report and are of the opinion that further research must be conducted before recommending a by-law to City Council that is modeled on the City of Vaughan and City of Brampton by-laws. The research to be conducted would include

consultation with Charter of Rights experts and public consultation with affected community groups.

Financial Impact

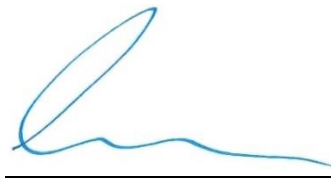
There are no current financial impacts arising from the recommendations contained in this report. The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in this Financial Impact section.

Conclusion

Considering the by-laws that have been passed by the City of Vaughan and the City of Brampton to prohibit nuisance demonstrations, City Council passed Resolution No. 0233-2024 on November 13, 2024, directing City staff to consider the feasibility of implementing a by-law that prohibits demonstrations within 100 metres, or within reasonable distance, of places of worship at the earliest possible time. City staff are now recommending that Council proceed with caution and that any consideration of the feasibility of such a by-law should include proper research and consultation with experts and members of the public.

Attachments

- Appendix 1: Letter from the Canadian Civil Liberties Association to Brampton
- Appendix 2: Letter from Coalition of Hindus of North America to Brampton
- Appendix 3: Letter from Ontario Gurdwaras Committee to City Council



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