



**MEMO / NOTE DE SERVICE**

**INFORMATION PREVIOUSLY DISTRIBUTED / INFORMATION DISTRIBUÉ  
AUPARAVANT**

**TO: Emergency Preparedness and Protective Services and Public Works and  
Infrastructure Joint Committee**

**DESTINATAIRE : Comité des services de protection et de préparation aux  
situations d'urgence et Comité de l'infrastructure et des travaux publics**

**FROM: Ryan Perrault, General  
Manager, Emergency and Protective  
Services**

**Contact:  
Valérie Bietlot, Manager, Public  
Policy Development Services**

**EXPÉDITEUR : Ryan Perrault,  
directeur général, Services de  
protection et d'urgence**

**PERSONNE RESSOURCE :  
Valerie Bietlot, gestionnaire, Services  
d'élaboration des politiques  
publiques**

**DATE: May 15, 2025**

**15 MAI 2025**

**FILE NUMBER: ACS2025-EPS-PPD-003**

**SUBJECT: Feasibility Assessment - Vulnerable Social Infrastructure By-law**

**OBJET : Étude de faisabilité – Règlement sur les infrastructures sociales  
vulnérables**

**EXECUTIVE SUMMARY**

The purpose of this memorandum is to respond to Council Motion 2024-45-07 directing staff to consider the feasibility of implementing a vulnerable social infrastructure by-law (also referred to as a “bubble zone by-law”), similar to the City of Vaughan’s, to address harassment and hate speech around vulnerable infrastructure.<sup>1</sup>

The feasibility assessment indicates that while the development and implementation of a “bubble zone by-law” is feasible, this approach should be informed by research, engagement, and consultation. Therefore, a comprehensive by-law review is recommended before moving forward.

While there are existing laws and regulations available to the Ottawa Police Service to address harassment or other anti-social behaviours, these measures typically apply after the fact. The intended impact of safe access regulations is to prevent behaviours that obstruct individuals’ safe access to sites such as religious institutions or daycare centres. The review of a bubble zone approach may also help address public nuisance behaviours that don’t rise to the level of criminal offences but impede access to certain facilities. Although additional laws or regulations needed to support policing efforts related to criminal offences may require action from senior levels of government, City Council can consider measures within its municipal authority to regulate for public health, safety, and well-being and to mitigate public nuisances.

### **Risk of legal challenge**

The enactment of a municipal safe access by-law carries risk of being challenged as it restricts individuals from protesting or demonstrating within certain areas of the City. This could be criticized as an unreasonable infringement on the right to freedom of expression and the right of peaceful assembly guaranteed under the Canadian *Charter of Rights and Freedoms* (the Charter). Any government action, such as a municipal by-law or policy, that purports to restrict, limit or infringe on a fundamental freedom or right guaranteed by the Charter is only acceptable if such limit is reasonable, prescribed by law, and demonstrably justified in a free and democratic society pursuant to Section 1 of the Charter. Therefore, it will be crucial to seek legal guidance and review relevant case law in the development of regulations to ensure that any restrictions serve important municipal purposes, are proportional, and minimally impair freedom of expression, so they can be justified under Section 1 of the Charter. This legal review would be especially important for the key elements of any potential by-law including:

1. determining the types of negative activities that would trigger the application of the by-law,
2. the types of social infrastructure around which a protective zone is required, and,
3. the size or geographic limits of the protective zone itself.

Staff also note that safe access regulations are relatively new at a municipal level and are largely untested. No charges have yet been laid under the City of Vaughan's by-law, and the City of Calgary is currently defending two legal challenges to its Safe and Inclusive Access By-law, the first by-law of this type in Canada. One challenge is for a judicial review of the entire by-law, while the second is an appeal of a conviction made under the by-law. Staff caution that it would be prudent to assess the outcome of those proceedings before moving forward with similar regulations here. Additionally, the effectiveness of municipal bubble zone regulations in preventing or mitigating harassment around vulnerable infrastructure sites or services remains unknown.

### **By-law review recommended**

A comprehensive by-law review is recommended should Council direct staff to proceed with the development of a safe access by-law in Ottawa. This process would include research and review of the legal implications, and consultation with affected departments, property owners or operators of vulnerable properties, community organizations, advocacy groups, and members of the public. Ongoing work and engagement with the Ottawa Police Service as well as By-law and Regulatory Services would also be required to identify the responsibilities for enforcement and understand the considerations affecting implementation of any future regulations, including resourcing and training needs. This review is estimated to take approximately nine months and would likely require a budget to facilitate consultations.

### **BACKGROUND**

Safe access regulations prohibit certain activities within a prescribed distance from key sites or services. In Vaughan's case, the City identified a need to act in response to two large-scale protests in 2024 near synagogues and other vulnerable infrastructure that were seen as intimidating to residents and potentially inciting hatred or violence<sup>2</sup>. As a result, the Vaughan Protecting Vulnerable Social Infrastructure By-law was passed in 2024. This by-law prohibits individuals from organizing or participating in a nuisance demonstration within 100 metres of vulnerable sites such as places of worship, childcare centres, schools or hospitals. The Vaughan by-law further defines a "nuisance demonstration" as a protest that would cause a reasonable person to be intimidated (i.e., concerned for one's health or safety) or be unable to access these facilities.

The City of Brampton passed its Protecting Places of Worship from Nuisance Demonstrations By-law in November 2024 in response to recent protests around religious sites that resulted in several arrests.<sup>3 4</sup> It defines nuisance demonstrations in a similar manner to the Vaughan by-law but focuses exclusively on ensuring access to places of worship, not other types of social infrastructure. Peaceful gatherings, protests, or demonstrations are not prohibited (including labour demonstrations and protests against foreign governments).

Several Ontario municipalities are studying or reviewing potential regulations for safe access to vulnerable social infrastructure. Toronto City Council directed staff to develop a vulnerable social infrastructure by-law in May 2024 and to report back in early 2025. However, a report to the Toronto Police Services Board in December 2024 recommended additional research and fulsome public consultations before providing recommendations.<sup>5</sup> Public consultations were launched in March 2025 and will continue until May, but the date of a staff report is unknown.

In November 2024, Council in the City of Mississauga directed staff to consider the feasibility of implementing a by-law to prohibit demonstrations within 100 metres or a reasonable distance from places of worship and to report back with a recommendation as soon as possible. This direction was in response to concerns regarding recent protests in Mississauga, Peel Region, and in the Greater Toronto and Hamilton Area which focused on places of worship. Staff subsequently recommended that further research be conducted and the public consultation occur with affected groups, with a recommendation on whether to proceed with a by-law expected in May.<sup>6</sup>

In December 2024, the Council of the Town of Oakville directed staff to consult and conduct research on a by-law to address certain forms of protests within a reasonable distance of vulnerable infrastructure such as places of worship, schools, hospitals, and daycares, and to report back with recommendations.<sup>7</sup>

#### Current approach for demonstrations in Ottawa

The Ottawa Police Service is the lead agency for all enforcement matters related to demonstrations and is supported by By-law and Regulatory Services, Traffic Management, Ottawa Paramedic Service, and other City departments as necessary. In addition, the Ottawa Police Service-led Integrated Event Command Table (IECT) is the coordinating body for municipal response to demonstrations anticipated to have

moderate to significant impacts on residents. While the Special Events on City Streets By-law includes demonstrations within the scope of “special events”, the requirement to obtain a permit for demonstrations has not been enforced, recognizing the fundamental freedoms of expression and peaceful assembly enshrined in Section 2 of the Charter. In instances where assemblies are not peaceful, the *Criminal Code* and other statutes such as the *Highway Traffic Act*, as well as municipal by-laws for noise, traffic and parking and other areas of municipal concern, have been the primary regulatory tools for maintaining public order and mitigating community nuisance and mobility impacts. A proposed new approach for demonstrations focusing on a voluntary notification process and system will be addressed in the staff report on the Review of Special Event By-laws to be considered by the Joint Emergency Preparedness and Protective Services and Public Works and Infrastructure Committee meeting in May 2025.

### The rise in hate activities

According to the Ontario Human Rights Commission:

“In recent years, Ontario has seen a rise in hate activities against individuals and groups based on colour, ethnicity, race, creed, gender, and sexual orientation, among other grounds.

The Supreme Court of Canada said that hatred involves vilification and detestation of identifiable groups, implying that individuals are to be despised, scorned, denied respect, and subjected to ill treatment based on their group affiliation. Hatred thrives on insensitivity, bigotry, and destruction of both the target group and of the values of our society.

The rise in hate activities is a critical issue that requires a multi-faceted approach involving government, public and private sector organizations and civil society alike”<sup>8</sup>

This statement is supported by data from the Ottawa Police Service Hate and Bias Crime Unit annual statistics, which show a 13 per cent increase in hate crime investigations in 2022<sup>9</sup>, followed by a further 19.5 per cent increase in 2023, reaching a total of 403 reported incidents<sup>10</sup> The rise of hate crime incidents has prompted the Ontario government to announce \$25.5 million in funding for grants “to help address the rise of hate incidents against religious and minority groups,” noting that “There were more than 1,500 police-reported hate crimes in Ontario in 2021.”<sup>11</sup>

### Hate at demonstrations

Ottawa has seen a recent increase in demonstrations and other protest activities, with Ottawa Police Service reporting 404 demonstrations between September 1, 2023, and August 31, 2024. Staff’s preliminary assessment suggests this trend is likely due to several factors, including:

- Global affairs and conflicts that have mobilized citizens locally, serving as a catalyst for increased protest activity;<sup>12</sup>
- Ottawa’s population includes marginalized communities that often use demonstration activity to raise visibility and awareness.<sup>13</sup>
- Opposition to progress on social issues, such as transgender rights and equity, as well as diversity and inclusion initiatives, which some groups may perceive as conflicting with their beliefs<sup>14</sup>
- Issues such as cost of living (wages, inflation) and return-to-work mandates, have contributed to a higher frequency of labour actions.<sup>15</sup>

Preliminary research also indicates that harassment and hate speech during protest and counterprotest have affected many religious, ethno-cultural and 2SLGBTQQIA+ events and groups in Ottawa and across Canada.<sup>16 17 18 19</sup> The growing prevalence of this issue led the Government of Canada to provide \$1.5 million in emergency funding to event organizers for enhanced security and to offset rising insurance costs for 2023-2024 Pride festivals. The federal government also committed to introducing a new Action Plan to Combat Hate that “will include measures to combat hateful rhetoric and build safer, more inclusive communities.”<sup>20</sup>

## Fundamental freedoms under the Charter

Section 2 of the Charter establishes that “Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion, and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.”<sup>21</sup>

As explained by the Department of Justice Canada, “these freedoms are set out in the Charter to ensure that Canadians are free to create and express their ideas, gather to discuss them and communicate them widely to other people. These activities are basic forms of individual liberty. They are also important to the success of a democratic society like Canada. In a democracy, people must be free to discuss matters of public policy, criticize governments and offer their own solutions to social problems.”<sup>22</sup>

These rights are not absolute and governments such as municipalities may impose reasonable limits for important purposes such as ensuring public health and safety. Any government action, such as a municipal by-law or policy, that purports to restrict, limit or infringe on a fundamental freedom or right guaranteed by the Charter is only acceptable if such limit is reasonable, prescribed by law, and demonstrably justified in a free and democratic society pursuant to Section 1 of the Charter.”<sup>23</sup>

## Oakes Test

The Supreme Court of Canada developed the Oakes test to determine whether an infringement on fundamental freedoms is a reasonable limit in a free and democratic society. In relation to a by-law such as a Vulnerable Social Infrastructure By-law, the test includes the following:

1. The by-law’s objective must be pressing and substantial (i.e., sufficiently important to justify limiting a Charter right)
2. There must be proportionality between the by-law’s objective and the means used to achieve it:

- a. The limits imposed by the by-law must be rationally connected to the by-law's objective.
- b. The limits must impair the right or freedom no more than is reasonably necessary to accomplish the objective.
- c. The benefits of the infringements must outweigh its consequences.<sup>24</sup>

To justify the implementation of safe access zones around vulnerable social infrastructure under Section 1 of the Charter, these requirements must be met. Given the limited examples of safe access zones in Ontario, a thorough review of applicable case law is advised, including monitoring legal challenges and initiatives by other levels of government.

Thus far, the establishment of safe access zones by Provinces has been determined to be reasonable in specific circumstances involving access to health care. These zones have been used within Canada to prevent harassment of staff and patients of abortion providers at health care clinics.<sup>25</sup> In Ontario, health care clinics may apply to the Ministry of the Attorney General or Ministry of Health and Long-Term Care for a buffer zone ranging from 50 metres to 150 metres from facility entrances. Abortion service providers are also granted automatic safe access zones of 150 metres around their homes.<sup>26</sup> Ontario's legislation creating safe access to abortion services places restrictions on freedom of expression, including making it illegal to:

- Perform acts of disapproval about issues related to abortion by any means;
- Repeatedly observe a clinic or facility, or those entering or leaving it, with the intent to discourage access to or provision of abortion services;
- Physically interfere with or intimidate a patient or provider to discourage access to or provision of abortion services.<sup>27</sup>

Guidance on this issue is provided in *Dieleman*, a decision of an Ontario court which addressed safe access regulations. Although this case specifically concerns abortion services, it offers a useful framework for considering similar policies. The Court found that peaceful picketing aimed at communicating information is legal.<sup>28</sup> Additionally, while mass picketing serves an expressive purpose and is protected under Section 2(b) of the Charter, it may be considered a misuse of public property when it is intimidating and disruptive and thus can be properly regulated.<sup>29</sup> The judge in *Dieleman* also found that

while the exercise of speech in public spaces such as streets or parks is fundamentally important, it is not without limitations. The form of expression must be compatible with the function or intended purpose of the place. The judge relied upon a decision of the Supreme Court of Canada which stated in part:

*“A person who is in a public place for the purpose of expressing himself must respect the functions of the place and cannot in any way invoke his or her freedom of expression so as to interfere with those functions”<sup>30</sup> (para 642).*

As such, it may be possible to develop a municipal by-law to create safe access zones in particular circumstances. For example, restrictions may be justified on protests adjacent to schools while students are present and the facility is in use for normal school activities, to protect students’ ability to learn. However, the same restrictions may not apply if the school is hosting a school board meeting or community event.

#### Avoiding conflict with existing laws

When considering possible municipal regulation for safe access to vulnerable sites, it will be important to avoid conflict with or infringement of any existing federal or provincial laws. Various by-laws across Canada seeking to regulate or prohibit certain activities (e.g. prohibition against public fighting or the regulation of hours of operation of certain businesses) have been challenged for alleged infringement of the federal Parliament’s constitutional jurisdiction over the federal criminal law power. These types of by-laws have generally been found not to infringe upon the criminal law power as long as they can be tied to a provincial head of power under the *Municipal Act, 2001* (or equivalent) or other statute.

Municipal regulatory authority is established under provincial law, which is largely focused on administrative, property and civil matters. In Ontario, the powers of a municipality are established under the *Municipal Act, 2001* (among other key statutes). While Section 10(2), paragraph 4, of the *Municipal Act, 2001*, provides that municipalities may regulate for the “health, safety and well-being of persons”<sup>31</sup>, this authority is constrained within the provincial authorities assigned by the Constitution and the specific statutes passed by the provincial legislature, such as the *Ontario Human Rights Code*.

Separately, under the *Community Safety and Policing Act, 2019*, Section 8 of Regulation 392/23 *Adequate and Effective Policing (General)*, Police Chiefs are responsible for establishing procedures on police action in respect of protests, demonstrations and occupations, with the above noted caution regarding “careful consideration to civil liberties and community values”. These procedures would have to be considered in the development of any future by-law.

#### City of Vaughan Protecting Vulnerable Social Infrastructure By-law

On 25 June 2024, the City of Vaughan enacted By-law 143-2024, A By-law to prohibit Nuisance Demonstrations within one hundred metres of Vulnerable Social Infrastructure. The By-law’s key definitions include:

“Nuisance Demonstration” means one or more *Persons*, publicly and in person, protesting something or expressing 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 *Vulnerable Social Infrastructure*. For greater certainty, intimidation can be caused by, but not only by, actions or expressions that incite hatred, violence, intolerance or discrimination;

“Vulnerable Social Infrastructure” means a *Childcare Centre*, a *Congregate Care Facility*, a *Hospital*, a *School*, or a *Place of Worship*.<sup>32</sup>

Under the by-law, anyone who organizes or participates in a Nuisance Demonstration is committing a public nuisance under the *Municipal Act, 2001*. If a by-law officer or police officer determines that a demonstration meets the definition of a nuisance demonstration, they can issue an order to discontinue the activity. Penalties for violating the by-law may include an administrative monetary penalty of \$750 or \$1,500 per day for non-compliance with an order. Fines under the *Municipal Act, 2001* are also available.

#### City of Calgary Safe and Inclusive Access By-law

Calgary adopted the **Safe and Inclusive Access By-law (17M2023)** on March 14, 2023, “to create safe and inclusive access to recreation facilities and libraries”.<sup>33</sup>

The by-law's key definitions include:

“publicly accessible property” means all or any part of a building, structure, or parcel of land to which members of the public have access as of right or by express or implied invitation;

“specified protest” means an expression of objection or disapproval towards an idea or action related to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation by any means, including graphic, verbal, or written means, but does not include messaging at an event scheduled by a recreation facility.

Specified protests are prohibited in recreation facilities and on any publicly accessible property within 100 metres of the entrance to a recreation facility or library for the period from one hour before it is open, during operation, and until one hour after it closes. The prohibition does not apply to messaging at an event scheduled by a recreation facility.

A constitutional challenge has been filed against Calgary's by-law, with a judicial review at the Court of King's Bench of Alberta beginning in February 2025, however no decision is available yet. The challenge, brought by the Canadian Constitution Foundation, argues that the by-law infringes upon freedom of expression. The Court is being asked to determine whether the City of Calgary has the authority to enact such a by-law.<sup>34</sup> This challenge is also the basis for a separate appeal of a conviction made under the by-law.

## **DISCUSSION**

Based on a preliminary review, staff acknowledge that hate and harassment are growing issues. While these matters are partially regulated through the [Criminal Code](#) and the [Ontario Human Rights Code](#), municipalities may have a role in regulating and enforcing against non-criminal harassment and nuisance behaviour in public spaces that obstruct access to certain facilities. However, a cautious approach is recommended to avoid unjustified infringements on Charter-protected rights and freedoms, as well as potential conflicts with existing laws and authorities.

Should the City proceed with developing a safe access by-law, it will be essential to demonstrate, with evidence, the public need for such restrictions. This will require data collection, analysis, and public consultation and engagement. Understanding the equity and human rights implications, both for and against regulation, will be critical. Given the Vaughan and Calgary by-laws remain untested, any similar regulatory initiative by the City of Ottawa would carry significant risk of constitutional challenges. Therefore, judicial guidance from case law in this area will be important to consider.

#### City of Vaughan approach

Vaughan limits the scope of its by-law to nuisance demonstrations. The by-law does not restrict peaceful protests, only those that lead to intimidation or deny access to designated facilities. This distinction is an important first consideration under Section 1 of the Charter and the Oakes test. Should Ottawa consider a similar by-law, it will be necessary to define which specific activities should be restricted. The approach taken in Vaughan differs from that of Calgary, which limits protests based on the protected classes under the Alberta Human Rights Code. While both approaches may appear reasonable, neither has been tested by the courts, and it is unclear which would best serve the needs of Ottawa's residents. The appropriate distance to protect the use of a facility and ensure the safety and well-being of its occupants may vary depending on the circumstances.

Finally, the Vaughan by-law may be enforced by either a by-law officer or a police officer. Staff would need to consult with all enforcement partners to determine the most effective implementation and enforcement strategy for Ottawa's unique circumstances.

#### Further study and analysis

Staff recommend the following areas of review to assess policy options for a 'bubble zone' by-law:

1. Further research and data gathering concerning harassment, hate speech and other incidents occurring around vulnerable social infrastructure sites in Ottawa.
2. A jurisdictional scan and consultation with cities that have relevant by-laws will need to be conducted to assess possible approaches, benefits and challenges. Approaches in other global capitals may also provide useful insights.

3. A legal opinion is recommended to assess possible regulations considering the Charter and to identify any encroachments on provincial or federal jurisdiction.
4. Public consultations and engagement will be required to assess the extent of harassment impacting users of public facilities, including a Gender-based Plus and equity, diversity and inclusion analysis.
5. The development of an enforcement strategy, including identifying resource requirements within Emergency and Protective Services (By-law and Regulatory Services) and other City departments, as well as the Ottawa Police Service. This work should also include a review of resources and timelines for any education and training that may be required.

### Timeline and resources for by-law review

Staff estimate that a by-law review of this type will take approximately nine months to complete, which would include engagement and consultation, including potential public opinion research, may be required. .

There is no staff capacity to conduct this review during this Term of Council. If Council directs this work, an existing by-law review would need to be removed from the existing Council-approved by-law review work plan. Alternatively, the development of a bubble zone by-law could be considered and prioritized for the next Term of Council's work plan, subject to its approval. If directed, Public Policy Development would lead the review, with support from Legal Services, Public Safety Service, By-law and Regulatory Services, Public Works, Public Information and Media Relations, and Gender and Race Equity, Inclusion, Indigenous Relations, and Social Development Services. Extensive consultation with the Ottawa Police Service and other policing and security partners would also be recommended.

### **CONCLUSION**

As neither the Vaughan nor Calgary by-laws providing safe access to social infrastructure have been tested in court, the constitutionality of each approach remains unsettled. While safe access laws for abortion services have established a foundation for potential regulations, the Court has set a very high bar for justifying such limits and determining their scope. Although the need to protect the human rights, safety, and well-being of residents, as well as to preserve their access to social infrastructure , is pressing and substantial, staff recommend that a comprehensive review and consultation process be undertaken to ensure proportionality before enacting a by-law that would restrict protest activity.

Ryan Perrault  
General Manager  
Emergency and Protective Services

CC: Senior Leadership Team

## REFERENCES

---

- <sup>1</sup> City of Ottawa, **Council Minutes 45, Motion No.2024 - 45-07**, (<https://pub-ottawa.escribemeetings.com/Meeting.aspx?Id=3efcc478-d9c4-4d92-a0f7-b92814759074&Agenda=PostMinutes&lang=English&Item=56&Tab=attachments>), accessed 13 Nov 2024)
- <sup>2</sup> City of Vaughan, **Report on By-law to Protect Vaughan’s Vulnerable Social Infrastructure** (<https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=177104>), accessed 01 September 2024
- <sup>3</sup> City of Brampton, **Protecting Places of Worship from Nuisance Demonstrations By-law 173-2024** ([https://www.brampton.ca/EN/City-Hall/Bylaws/All Bylaws/Protecting Places of Worship from Public Nuisance Demonstrations By-law 173-2024.pdf](https://www.brampton.ca/EN/City-Hall/Bylaws/All%20Bylaws/Protecting%20Places%20of%20Worship%20from%20Public%20Nuisance%20Demonstrations%20By-law%20173-2024.pdf)), accessed 01 Mar 2025
- <sup>4</sup> CTV News, **“Brampton city council passes legislation to restrict protests nearby places of worship”**, (<https://www.ctvnews.ca/toronto/article/brampton-city-council-passes-legislation-to-restrict-protests-nearby-places-of-worship/>), accessed 01 Mar 2025
- <sup>5</sup> City of Toronto, **Council Decision CC24.2 - Policy Framework - City Response to Demonstrations**, (<https://secure.toronto.ca/council/agenda-item.do?item=2024.CC24.2>), accessed 01 Mar 2025
- <sup>6</sup> City of Mississauga, **Corporate Report November 28, 2024 Feasibility of Implementing a By-law to Prohibit Certain forms of Protest Near Places of Workshop**, (<https://pub-mississauga.escribemeetings.com/filestream.ashx?DocumentId=65428>), accessed 01 Mar 2025
- <sup>7</sup> Town of Oakville, **December 10, 2024, Report Roles and Responsibilities in Managing Protests**, (<https://pub-oakville.escribemeetings.com/filestream.ashx?DocumentId=79532>), accessed 01 Mar 2025
- <sup>8</sup> Ontario Human Rights Commission, **“Taking action to build awareness and challenge hate in Ontario”** (<https://www.ohrc.on.ca/en/taking-action-build-awareness-and-challenge-hate-ontario>), accessed 05 June 2023
- <sup>9</sup> Ottawa Police Service, **“Annual Hate crimes data show a 13% increase in reporting to police”** (<https://www.ottawapolice.ca/en/news/annual-hate-crimes-data-show-a-13-increase-in-reporting-to-police.aspx>), accessed 06 June 2023
- <sup>10</sup> Ottawa Police Service, **“Annual Hate Crimes data show a 19% increase in reporting to police in 2023”** (<https://www.ottawapolice.ca/en/news/annual-hate-crimes-data-show-a-19-increase-in-reporting-to-police-in-2023.aspx>), accessed 05 Nov 2024
- <sup>11</sup> Province of Ontario, **Ontario Strengthening Supports to Combat Hate and Create Safer Communities** (<https://news.ontario.ca/en/release/1003017/ontario-strengthening-supports-to-combat-hate-and-create-safer-communities>), accessed 20 June 2023
- <sup>12</sup> Global News, **Canada’s police chiefs warn ‘unprecedented’ protests are straining forces** (<https://globalnews.ca/news/10697255/canada-police-protests-demand/>), accessed 15 Jan 2025
- <sup>13</sup> Canadian Civil Liberties Association, **“Freedom of Expression, the Right to Protest, and Academic Freedom in a Time of Crisis”** (<https://ccla.org/fundamental-freedoms/freedom-of-expression-the-right-to-protest-and-academic-freedom-in-a-time-of-crisis/>), accessed 15 Jan 2025
- <sup>14</sup> BC Office of the Human Rights Commissioner, **From Hate to Hope: Report of the Inquiry into hate in the COVID-19 pandemic**, ([https://bchumanrights.ca/wp-content/uploads/BCOHR\\_C\\_Hate-in-the-pandemic.pdf](https://bchumanrights.ca/wp-content/uploads/BCOHR_C_Hate-in-the-pandemic.pdf)), accessed 15 Jan 2025, p. 156 ]

- 
- <sup>15</sup> Canadian Centre for Policy Alternatives, **Public sector workers are leading a big uptick in strikes in Canada**, (<https://www.policyalternatives.ca/news-research/public-sector-workers-are-leading-a-big-uptick-in-strikes-in-canada/>), accessed 15 Jan 2025
- <sup>16</sup> CBC News, **Protesters, counter-protesters shut down Ottawa streets over LGBTQ rights in schools** (<https://www.cbc.ca/news/canada/ottawa/protesters-counter-protesters-shut-down-ottawa-streets-over-lgbtq-rights-in-schools-1.6972439>), accessed 15 Jan 2024
- <sup>17</sup> CBC News, **3 men charged after violent protests outside GTA Hindu temple, Sikh gurdwara**, (<https://www.cbc.ca/news/canada/toronto/temple-brampton-alleged-violent-altercation-protest-peel-police-1.7372541>), accessed 15 Jan 2025
- <sup>18</sup> Tristan Hopper, National Post: First Reading, **“How Montreal descended into two, near-simultaneous violent riots”** (<https://nationalpost.com/opinion/first-reading-how-montreal-descended-into-two-near-simultaneous-violent-riots>), accessed 15 Jan 2024
- <sup>19</sup> Brendan Kergin, Vancouver Is Awesome, **“Woman injured, youth arrested after violence, potential hate crime at Vancouver protest”**, (<https://www.vancouverisawesome.com/local-news/woman-injured-youth-arrested-violence-at-vancouver-protest-hate-crime-9597545>), accessed 15 Jan 2025
- <sup>20</sup> Government of Canada, **“Minister Marci Ien announces emergency security funding to support Pride organizations amidst increased hate”** (<https://www.canada.ca/en/women-gender-equality/news/2023/06/minister-marci-ien-announces-emergency-security-funding-to-support-pride-organizations-amidst-increased-hate.html>), accessed 06 June 2023
- <sup>21</sup> *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11, s 91(24), Section 2
- <sup>22</sup> Government of Canada, **Charterpedia: Section 2(a) Freedom of Religion**, (<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art2a.html>), accessed 07 Nov 2024
- <sup>23</sup> Government of Canada, *Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK)*, 1982, c 11, Section 1
- <sup>24</sup> Government of Canada, **Charterpedia: Section 1 – Reasonable limits**, (<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art1.html>), accessed June 5, 2023
- <sup>25</sup> *R. v. Spratt*, 2008 BCCA 340 (<https://www.canlii.org/en/bc/bcca/doc/2008/2008bccca340/2008bccca340.html?autocompleteStr=r%20v%20spratt%20bccca&autocompletePos=2>), accessed 04 Mar 2025
- <sup>26</sup> Province of Ontario, **Safe Access Zones** (<https://www.ontario.ca/page/safe-access-zones>), accessed June 12, 2023
- <sup>27</sup> Province of Ontario, **Safe Access Zones** (<https://www.ontario.ca/page/safe-access-zones#section-1>), accessed June 12, 2023
- <sup>28</sup> *Ontario (Attorney-General) v. Dieleman*, 1994 CanLII 7509 (ON SC), (<https://www.canlii.org/en/on/onsc/doc/1994/1994canlii7509/1994canlii7509.html>), para 507
- <sup>29</sup> *Dieleman*, para 605
- <sup>30</sup> *Dieleman*, para 642
- <sup>31</sup> Province of Ontario, *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, Section 10(2)
- <sup>32</sup> City of Vaughan, *Protecting Vulnerable Social Infrastructure By-law (143-2024)*, Section 2
- <sup>33</sup> City of Calgary, **Safe and Inclusive Access By-law**, (<https://www.calgary.ca/bylaws/safe-and-inclusive-access-bylaw.html>) accessed 01 Dec 2024
- <sup>34</sup> Jade Markus, CBC News, **“Calgary bylaw aimed at protecting LGBTQ events faces legal challenge”** (<https://www.cbc.ca/news/canada/calgary/calgary-bylaw-lgbt-events-1.6975678>), accessed 16 Jan 2025