

**Subject: Safe Access to Social Infrastructure By-law**

**File Number: ACS 2026-EPS-PPD-0002**

**Report to Joint Meeting of Emergency Preparedness and Protective Services  
Committee and Public Works and Infrastructure Committee on 17 April 2026  
and Council 22 April 2026**

**Submitted on April 8, 2026 by Samantha Montreuil, Interim Manager, Public Policy  
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**Ward: Citywide**

**Objet : Règlement concernant l'accès sécuritaire aux  
infrastructures sociales**

**Numéro de dossier : ACS 2026-EPS-PPD-0002**

**Rapport présenté au Comité des services de protection et de préparation aux  
situations d'urgence et du Comité de l'infrastructure et des travaux publics  
Rapport soumis le 17 avril 2026**

**et au Conseil le 22 avril 2026**

**Soumis le 8 avril 2026 par Samantha Montreuil, gestionnaire par intérim, Services  
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**Quartier : À l'échelle de la ville**

## REPORT RECOMMENDATION(S)

**That the Emergency Preparedness and Protective Services Committee and Public Works and Infrastructure Committee recommend that Council approve the Safe Access to Social Infrastructure By-law, as described in this report and in the general form set out in Document 1.**

## RECOMMANDATION(S) DU RAPPORT

**Que le Comité des services de protection et de préparation aux situations d'urgence et le Comité de l'infrastructure et des travaux publics recommandent au Conseil d'approuver le *Règlement concernant l'accès sécuritaire aux infrastructures sociales* décrit dans le présent rapport et exposé dans sa forme générale au document 1.**

## EXECUTIVE SUMMARY

In response to Council's direction on the Feasibility Assessment - Vulnerable Social Infrastructure By-law ([ACS2025-EPS-PPD-003](#)), staff have developed a Safe Access to Social Infrastructure By-law ("Safe Access By-law"), attached as Document 1.

The recommended by-law responds to Council's direction and is designed to prioritize safe access to vulnerable social infrastructure while ensuring that measures are proportionate and minimally impair fundamental freedoms, including freedom of expression, assembly, and association. The Safe Access By-law establishes regulations to provide for safe access to and from designated social infrastructure facilities, including places of worship, schools, child care centres, hospitals and community health centres, and residential care facilities such as long-term care homes and congregate care facilities.

New regulations include:

- "Safe access zones" extending 50 metres on public lands from any access point to a designated facility, where demonstrations are prohibited and additional rules prohibit conduct that may impede safe access, as set out in Section 17 of Document 1 and as described on p. 27 of this report
- A targeted and application-based approach, applying protections only to the facilities seeking them without preventing demonstrations at government facilities and diplomatic properties, as described on p. 26

- A time-limited approach that limits the application safe access rules from one-hour before a facility opens until one hour after it closes and causes safe access zones to expire after one year, subject to renewal as described on p. 29
- Exemptions for labour demonstrations as directed by Council and further described on p. 30
- Penalties consistent with other City of Ottawa By-laws, providing for escalating penalties where warranted, as described on p. 30

Exemptions and procedural safeguards are included to ensure that lawful demonstrations and fundamental rights are respected, consistent with Council's direction and evolving legal standards.

Consistent with Council's direction, the recommended by-law was developed following consultation and engagement with impacted communities, including with the Ottawa Police Service Board and the Ottawa Police Service, and reflects consideration of evolving legislation and jurisprudence, as described in the Background section.

### **Consultations and public opinion research**

Staff conducted broad, multi-channel consultations to inform the development of the Safe Access By-law, including public notification via the By-law Review webpage, Engage Ottawa, social media, and direct outreach to approximately 300 individuals and organizations. Participants could provide input online, by email, or by phone.

Consultation included:

- Online engagement: Over 9,100 visits to Engage Ottawa, with 2,600 participants completing questionnaires or polls.
- City-wide polling: Ekos Research Limited conducted a random sample survey showing 76% support for a Safe Access By-law, with 18% opposed ( $\pm 3\%$ , 95% confidence).
- Written submissions and public delegations capturing diverse perspectives.
- Targeted engagement: Meetings with Councillors, community organizations and other impacted groups.

The input was polarized, opponents cited Charter concerns and sufficiency of existing laws, while proponents supported lawful demonstrations with reasonable limits to prevent obstruction, harassment, or intimidation.

Findings guided the by-law's design, including permitted/prohibited activities, eligible infrastructure, exemptions, temporal limits, and administration/enforcement measures. Accessibility, equity, and rights considerations informed safe access zone size and protections for mobility device users and service animals, ensuring that demonstrations can be seen and heard while maintaining safe access.

The Staff conducted broad consultations conducted by Staff are described on p.23 and the consultation results are summarized on p. 34 and detailed in Document 3: Consultation Summary.

Staff further engaged Ekos Research Limited to conduct a city-wide random sample survey to assess public opinion on this issue. The full Ekos report is attached as Document 4.

### **Financial Implications**

During initial implementation and socialization of the by-law, it is difficult to reliably estimate the volume of applications that may be received. The only jurisdiction with a similar by-law is the City of Toronto, where 47 facilities have registered since their by-law came into force on July 2, 2025. As such, staffing and resourcing requirements will be more appropriately assessed over time as demand and operational impacts are better understood.

### **RÉSUMÉ**

En réponse à l'*Étude de faisabilité – Règlement sur les infrastructures sociales vulnérables* ([ACS2025-EPS-PPD-003](#)), le personnel a préparé le *Règlement concernant l'accès sécuritaire aux infrastructures sociales* (ci-après, le « *Règlement sur les zones d'accès sécuritaire* »), qui est joint aux présentes (document 1).

Le règlement recommandé, qui répond aux directives du Conseil, vise à privilégier l'offre d'un accès sécuritaire aux infrastructures sociales vulnérables tout en assurant des mesures proportionnelles qui limitent le moins possible les libertés fondamentales, comme la liberté d'expression, de réunion et d'association. Il instaure des règles qui garantiront un accès sécuritaire aux infrastructures sociales désignées, comme les lieux de culte, les écoles, les centres de garde d'enfants, les hôpitaux, les centres de santé communautaires et les établissements de soins pour bénéficiaires internes (ex. : foyers de soins de longue durée et établissements de soins collectifs).

Voici ce que prévoit le nouveau règlement :

- Des « zones d'accès sécuritaire » sur les terrains publics formant un rayon de 50 mètres à partir de tout point d'accès à un établissement désigné, où sont interdits les manifestations et, selon des règles supplémentaires, les comportements pouvant compromettre la sécurité de l'accès, comme il est indiqué à l'article 17 du document 1 et à la p. 27 du présent rapport.
- Une approche ciblée, selon laquelle les mesures de protection ne s'appliqueront qu'aux infrastructures qui les demandent, sans empêcher la tenue de manifestations autour d'installations gouvernementales et sur des propriétés à mission diplomatique, comme il est indiqué à la p. 26.
- Une limitation dans le temps qui circonscrit l'application des règles d'accès sécuritaire à la période commençant une heure avant l'ouverture de l'installation et se terminant une heure après sa fermeture et fait expirer les zones d'accès sécuritaire après un an, sous réserve d'un renouvellement, comme il est indiqué à la p. 29.
- Des exemptions pour les manifestations de travailleuses et travailleurs, à la demande du Conseil, comme il est expliqué à la p. 30.
- Des sanctions qui cadrent avec les autres règlements de la Ville d'Ottawa, dont la gravité ira croissant lorsque nécessaire, comme il est indiqué à la p. 30.

Le règlement prévoit des exemptions et des protections procédurales qui assureront le respect des droits fondamentaux, comme celui de faire des manifestations légales, conformément aux directives du Conseil et suivant l'évolution des normes juridiques.

Comme l'a demandé le Conseil, le règlement recommandé a été formulé après consultation des groupes concernés, comme la Commission de service de police d'Ottawa et le Service de police d'Ottawa, et tient compte de l'évolution de la législation et de la jurisprudence, comme l'indique la section « Contexte ».

### **Consultations et recherche sur l'opinion du public**

Le personnel a mené de vastes consultations dans différents canaux pour guider l'élaboration du *Règlement sur les zones d'accès sécuritaire*. Il a notamment avisé le public sur la page Web « Examens en cours », sur le site Participons Ottawa et dans les médias sociaux et communiqué directement avec environ 300 personnes et

organismes. Les participantes et participants pouvaient fournir leurs commentaires en ligne, par courriel ou par téléphone.

Voici les différentes méthodes de consultation employées :

- Consultations en ligne : Le site Participons Ottawa a été visité plus de 9 100 fois, et 2 600 personnes ont rempli des questionnaires ou des sondages.
- Sondage à l'échelle de la ville : EKOS Research Associates a sondé un échantillon aléatoire. En tout, 76 % des personnes appuyaient la création d'un règlement sur les zones d'accès sécuritaire, et 18 % s'y opposaient (marge d'erreur de  $\pm 3$  %, et intervalles de confiance de 95 %).
- Observations écrites et prises de parole représentant différents points de vue.
- Consultations ciblées : Entretiens avec les conseillères et conseillers, les organismes communautaires et d'autres groupes concernés.

Les avis allaient d'un extrême à l'autre : les personnes défavorables au règlement invoquaient la Charte et la suffisance des lois existantes, tandis que les personnes favorables appuyaient l'imposition de limites raisonnables aux manifestations légales pour prévenir l'obstruction, le harcèlement et l'intimidation.

Les résultats ont orienté la conception du règlement, comme les activités autorisées et interdites, les infrastructures admissibles, les exemptions, les limites temporelles et les mesures administratives et d'application. Le personnel a tenu compte de considérations liées à l'accessibilité, à l'équité et aux droits pour définir les dimensions de la zone d'accès sécuritaire et les mesures de protection des personnes utilisant des aides à la mobilité et des animaux d'assistance, pour permettre aux manifestations d'être vues et entendues tout en assurant un accès sécuritaire.

Les résultats de ces vastes consultations menées par le personnel sont décrits à la p. 23; ils sont résumés à la p. 34 et présentés en détail dans le document 3 (*Consultations publiques : ce que nous avons appris*).

De plus, le personnel a engagé Ekos Research Associates pour qu'elle sonde un échantillon aléatoire à l'échelle de la ville en vue d'évaluer l'avis du public sur cette question. Le rapport complet de cette firme se trouve ci-joint (document 4).

### **Implications financières**

Il est difficile d'estimer de manière fiable le nombre de demandes que la Ville pourrait recevoir durant la mise en œuvre et la diffusion initiales du règlement. La seule autre

municipalité disposant d'un règlement semblable est la Ville de Toronto, où 47 infrastructures se sont enregistrées depuis l'entrée en vigueur du règlement le 2 juillet 2025. La Ville sera mieux à même de définir les besoins en personnel et en ressources à mesure que la demande et les répercussions opérationnelles se préciseront.

## **BACKGROUND**

This report addresses the issue of providing safe access to vulnerable social infrastructure sites. The issue was first raised on October 30, 2024 through Council Motion [No. 2024-45-07](#) that directed staff to consider the feasibility of adopting a by-law to protect vulnerable social infrastructure and report findings as part of the staff report on the review of the special events by-laws in Q1 2025.

The resulting Feasibility Assessment - Vulnerable Social Infrastructure By-law ([ACS2025-EPS-PPD-003](#)) was considered at a Joint Meeting of the Emergency Preparedness and Protective Services Committee and Public Works and Infrastructure Committee on May 15 and 16, 2025 and by City Council on May 28, 2025. At this meeting, Council adopted the Joint Committee's recommendation directing staff to develop a Vulnerable Social Infrastructure By-law for the City of Ottawa within a nine-month timeline, incorporating the following considerations:

**Prohibition of Demonstrations Near Vulnerable Social Infrastructure:** The by-law shall prohibit demonstrations within a defined distance of vulnerable social infrastructure. Vulnerable social infrastructure may include, but is not limited to, places of worship, schools, hospitals, and long-term care and congregate care facilities.

**Time-Limited Protective Zones:** Staff shall consider establishing time-limited protective zones that are active only during operational hours or specific high-risk periods. The scope of the by-law shall be narrowly tailored to minimize any infringement on Charter-protected rights and freedoms, while ensuring adequate Charter protection for vulnerable individuals.

**Protective Distance:** Staff shall assess and recommend an appropriate protective distance of up to 80 meters around vulnerable social infrastructure and shall also consider other means of protecting safe access such as delegated authority for staff or other officials to erect barricades and close highways, as may be appropriate.

**Targeted Application:** The by-law shall include provisions to ensure that the protective zones do not apply to demonstrations that are not specifically directed at the protected vulnerable social infrastructure.

**Labour/Internal Exemption:** The by-law shall explicitly exempt lawful labour union protests, strikes, pickets, or any other activities undertaken as part of a labour dispute or negotiation or other types of internal dispute involving the owners or occupants of the vulnerable social infrastructure.

**Scope of Government-Owned Infrastructure:** The by-law shall apply to government-owned property only where the primary function of the building or facility is to provide medical care, education, or long-term care or congregate care services. The by-law shall explicitly exclude from its scope buildings such as embassies, Ottawa City Hall, and the Parliament of Canada, even if such buildings contain education facilities, clinics, or other care services onsite.

**Offences and Penalties:** Staff include appropriate offences and penalties in the by-law that are consistent with those found in comparable City of Ottawa by-laws.

**Safe Access Approach:** Staff shall incorporate a "safe access approach" to ensure that the by-law facilitates unimpeded and safe access to vulnerable social infrastructure while respecting the right to lawful protest.

**Consultation and Engagement:** As part of the by-law development process, staff shall conduct consultations and engagement with affected communities, including property owners and operators of vulnerable social infrastructure, community organizations, advocacy groups, and members of the public.

**Interagency Collaboration:** Staff in By-law and Regulatory Services, and Legal Services shall work, in coordination with the Ottawa Police Services, under the direction of Ottawa Police Service Board, on the City's enforcement plan, to develop an enforcement strategy that is consistent with the Municipal Act, 2001, the Community Safety and Policing Act, 2019, and other applicable federal and provincial laws.

**Reporting Timeline:** Staff shall report back to the Emergency Preparedness and Protective Services Committee within nine months with a draft by-law, an implementation plan, and an assessment of resource implications.

**Contingency for Provincial or Federal Legislation:** If, within the nine-month period, the provincial or federal government enacts legislation pertaining to

vulnerable infrastructure, the General Manager of the Emergency and Protective Services department report back to Emergency Preparedness and Protective Services Committee with an analysis of such legislation.

Staff further received direction “to formally consult with the Host Nation through the Algonquin Anishinaabe Consultative Circle regarding the proposed Vulnerable Social Infrastructure By-law, and to ensure that concerns raised by Elders and Host Nation leaders – particularly related to protest rights on unceded territory – are meaningfully considered as part of the stakeholder engagement process.”

### **Environmental scan**

The Ontario Human Rights Commission reports “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.”<sup>1</sup> This is supported by Statistics Canada data on police-reported hate crime in Canada that shows the number of police reported hate crimes has more than doubled in the period between 2018 and 2026, with 4,777 reported cases in 2023.<sup>2</sup> This same data shows Ontario ranked second among all provinces, with 15.6 incidents per 100,000 people. The 2024 data showed 4,882 incidents, a 2 per cent increase.<sup>3</sup>

Statistics Canada data from the Uniform Crime Reporting Survey further shows a 23 percent increase in charges for Assault – Level 2, 5 per cent increase in Criminal Harassment and 8 per cent increase in Uttering Threats, between 2011 and 2021.<sup>4</sup>

Ottawa is not immune to this trend. Ottawa Police Service reported increases in hate crimes of approximately 19% between 2022 and 2024, with a four percent decrease

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<sup>1</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 10 Dec 2025

<sup>2</sup> Statistics Canada, **Police-reported hate crime in Canada, 2023**, (<https://www150.statcan.gc.ca/n1/daily-quotidien/250325/dq250325a-eng.htm>), accessed 10 Dec 2025

<sup>3</sup> Statistics Canada, **Police-reported hate crime, number of incidents and rate per 100,000 population, Provinces, Territories, Census Metropolitan Areas and Canadian Forces Military Police, Table: 35-10-0191-01**, (<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510019101>), accessed 10 Dec 2025

<sup>4</sup> Statistics Canada, Canadian Centre for Justice and Community Safety Statistics, **Uniform Crime Reporting Survey - Table 1: Selected police-reported crimes, urban and rural police services, all provinces, 2021** (<https://www150.statcan.gc.ca/n1/pub/85-002-x/2023001/article/00002/tbl/tbl01-eng.htm>), accessed 10 Dec 2025

reported in 2024. Research also suggests that hate crimes are underreported, and it is very likely that there are more incidents that remain unreported.”<sup>5</sup>

An Ottawa Police Service 2023 Community Needs Survey indicated that 64 per cent of respondents felt that community safety had decreased over the previous three years.<sup>6</sup> Additional research from Statistics Canada, citing supporting research from the Global Center for Pluralism indicates that “Feeling unsafe can have negative impacts at both the social and the individual level, by reducing social cohesion or resulting in poorer physical or mental health and well-being.”<sup>7</sup>

It is within this environment that Ottawa has also seen a rise in demonstrations, as described under the Ottawa Context heading. While most demonstrations are peaceful and lawful, there have been reported incidents in Ottawa, and across Canada, involving allegations of hate, harassment or other criminal activities including:

- 2019: Drag Queen Story Hour at Westcliffe Community Centre (Ottawa)
- 2022: “Freedom Convoy” demonstrations (Ottawa)
- 2023: Demonstrations involving members of the Eritrean diaspora (various Canadian cities)
- 2023: Demonstrations at the Embassy of Senegal (Ottawa)
- 2023: Broadview Elementary School demonstration (Ottawa)
- 2024: Demonstrations involving Hindu and Sikh communities (Brampton)
- 2024: Pro-Palestinian rallies (Ottawa)
- 2024: Soloway Jewish Community Centre demonstration (Ottawa)
- 2025-2026: “Canada First” protests (Toronto)

As an indication of the increasing prevalence of hate and harassment occurring during public events, the Government of Canada has provided \$1.5 million in emergency

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<sup>5</sup> Julian Roberts, **Disproportionate Harm: Hate crime in Canada**, Department of Justice ([https://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/wd95\\_11-dt95\\_11/wd95\\_11.pdf](https://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/wd95_11-dt95_11/wd95_11.pdf)), p. viii, accessed 10 dec 2025

<sup>6</sup> Ottawa Police Service, **2023 Community Needs Survey**, (<https://pub-ottawa.escribemeetings.com/filestream.ashx?DocumentId=140903>), accessed 30 Jan 2026

<sup>7</sup> Statistics Canada, **Perceptions of personal safety among population groups designated as visible minorities in Canada during the COVID-19 pandemic**, (<https://www150.statcan.gc.ca/n1/pub/45-28-0001/2020001/article/00046-eng.htm>), accessed 30 Jan 2026.

funding to provide additional security and offset rising insurance costs for 2023-2024 Pride-associated festivals. The government further committed to introduce a new Action Plan to Combat Hate that “will include measures to combat hateful rhetoric and build safer, more inclusive communities.”<sup>8</sup>

The Ontario government has also announced \$25.5 million in funding for grants “to help address the rise of hate incidents against religious and minority groups,” further noting that “There were more than 1,500 police-reported hate crimes in Ontario in 2021.”<sup>9</sup>

Legislative responses to address hate, harassment and other problematic behaviours at demonstrations are discussed under the following section.

In consultations, many opponents and supporters of the by-law acknowledged that most demonstrations in Ottawa are peaceful, and that incidents are usually caused by individuals who attend specifically to provoke conflict. Supporters of the by-law noted that accessing social infrastructure often requires walking through crowds of demonstrators, leaving them uncertain whether they might encounter such individuals or any violence.

With the increase in incidents of hate and harassment generally experienced, in Ottawa and elsewhere in Canada and the world, users of social infrastructure indicated that members of their communities are increasingly choosing to abstain from accessing facilities when demonstrations are taking place. This disrupts their ability to access education, health care, and social services that are fundamental to their well-being as well as interfering with their ability to fully participate in their community, which is particularly harmful in the case of equity seeking groups and religious communities. This by-law aims to provide community members with clear access to designated facilities and to ensure that no person is impeded from accessing social facilities, programs and services, while still allowing demonstrations to occur at a distance which allows them to be seen and heard from a facility.

In consultations, staff heard about a particularly dangerous incident at the protest for the Soloway Jewish Community Centre where protesters surrounded a vehicle trying to exit

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<sup>8</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>9</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 30 Jan 2025

the parking lot of the facility. The car lurched forward into the crowd of demonstrators. Some reported that this was because the driver panicked, others reported that this was an intentional attempt to move the protestors. This type of volatile conflict is unsafe for all involved. The recommended safe access zone is also intended to create a buffer between demonstrators and users of the facility to help prevent this type of direct confrontation and conflict.

### **Legal considerations**

The development of safe access regulations must include consideration of existing law as well as current legislative initiatives, as described in this section.

#### *Canadian Charter of Rights and Freedoms*

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. To mitigate this risk, staff have worked closely with Legal Services and external legal counsel to ensure that the proposed regulations serve important municipal purposes, are proportional, and minimally impair freedom of expression, to address the requirements under Section 1 of 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.” 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>10</sup> These rights are not absolute and governments such as municipalities may impose reasonable

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<sup>10</sup> Department of Justice, **Guide to the Canadian Charter of Rights and Freedoms**, (<https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html>), accessed 30 Jan 2026

limits for important purposes such as ensuring public health, well-being, 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.

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 provided they can be tied to a provincial head of power under the *Municipal Act, 2001* or another 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”, this authority is constrained within the provincial authorities assigned by the Constitution and the specific statutes passed by the provincial legislature.

#### *Criminal Code*

The [Criminal Code, \(R.S.C., 1985, c. C-46\)](#) contains various provisions empowering police to respond to behaviours that may occur at protests and demonstrations.<sup>11</sup> For example:

- [Section 31](#) (Arrest for breach of peace) allows a police officer to arrest anyone they witness committing a breach of the peace. The officer can also arrest someone they reasonably believe is about to join in or renew the disturbance.
- [Section 63](#) (Unlawful assembly) defines an unlawful assembly as a gathering of three or more people with a common purpose that causes others to reasonably fear a disturbance of the peace or that it will provoke others to do so.
- [Section 64](#) (Riot) defines a riot as an unlawful assembly that has begun to disturb the peace tumultuously.

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<sup>11</sup> The Honourable Paul S. Rouleau, Commissioner, “Report of the Public Inquiry into the 2022 Public Order Emergency”, Vol 1: Overview, February 2023 at [p. 25](#).

- [Section 175](#) (Causing disturbance, indecent exhibition, loitering, etc.) provides that everyone not in a dwelling-house who causes a disturbance in or near a public place or loiters in a public place and in any way obstructs persons who are in that place is guilty of an offence punishable on summary conviction.
- [Section 176\(1\)](#) (Obstructing an officiant clergyman) states that, “[e]very person is guilty of an indictable offence and liable to imprisonment for a term of not more than two years or is guilty of an offence punishable on summary conviction who,
  - (a) by threats or force, unlawfully obstructs or prevents or endeavours to obstruct or prevent an officiant from celebrating a religious or spiritual service or performing any other function in connection with their calling, or
  - (b) knowing that an officiant is about to perform, is on their way to perform or is returning from the performance of any of the duties or functions mentioned in paragraph (a)
    - (i) assaults or offers any violence to them, or
    - (ii) arrests them on a civil process, or under the pretence of executing a civil process.”
- [Section 176\(2\)](#) states that, “[e]very one who wilfully disturbs or interrupts an assemblage of persons met for religious worship or for a moral, social or benevolent purpose is guilty of an offence punishable on summary conviction.”
- [Section 180](#) (Common nuisance) makes it an offence to commit a common nuisance, punishable by up to two years in prison if it endangers public safety or health or causes physical injury. A common nuisance occurs when someone performs an unlawful act or neglects a legal duty, putting public safety, health, or property at risk, or obstructing public rights shared by all Canadians.
- [Section 264.1](#) (Uttering threats) makes it an offence for anyone to knowingly utter, convey, or cause someone to receive a threat. This includes threats to cause death or bodily harm to a person and to damage property.
- [Section 319\(1\)](#) (Public incitement of hatred) makes it an offence to publicly communicate statements that incite hatred against an identifiable group, where such incitement could lead to a breach of the peace. The offence is punishable by up to two years in prison if indictable, or a lesser penalty if punishable on summary conviction.

[Section 423\(1\)](#) (Intimidation) lists various behaviours, including the use of violence or threats of violence, that amount to an offence punishable on summary conviction when done “wrongfully and without lawful authority, for the purpose of compelling another person to abstain from doing anything that he or she has a lawful right to do, or to do anything that he or she has a lawful right to abstain from doing”.

423.2 (1) Every person commits an offence who engages in any conduct with the intent to provoke a state of fear in

- (a) a person in order to impede them from obtaining health services from a health professional;
- (b) a health professional in order to impede them in the performance of their duties; or
- (c) a person, whose functions are to assist a health professional in the performance of the health professional’s duties, in order to impede that person in the performance of those functions.

*Obstruction or interference with access*

- (2) Every person commits an offence who, without lawful authority, intentionally obstructs or interferes with another person’s lawful access to a place at which health services are provided by a health professional.
- [Section 430\(1\)\(c\)](#) (Mischief) states that every one commits mischief who wilfully “obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property,” and section 430(4.1) further states that everyone who commits mischief in relation to religious property<sup>12</sup> or an educational institution,<sup>13</sup> if the commission of the mischief is motivated by “bias, prejudice or hate based on colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression or mental or physical disability”, is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years and is guilty of an offence punishable on summary conviction.

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<sup>12</sup> i.e. “a building or structure, or part of a building or structure, that is primarily used for religious worship — including a church, mosque, synagogue or temple —, an object associated with religious worship located in or on the grounds of such a building or structure, or a cemetery” (see section 4.101(a)).

<sup>13</sup> i.e. “a building or structure, or part of a building or structure, that is primarily used by an identifiable group [as defined in subsection 318(4) as an educational institution] — including a school, daycare centre, college or university —, or an object associated with that institution located in or on the grounds of such a building or structure” (see section 4.101(b)).

*Bill C-9, Combatting Hate Act*

The federal [Bill C-9, Combatting Hate Act](#) is a reaction to the increase in police-reported hate crimes and hate-motivated incidents, which mainly targeted race or ethnicity and religion.<sup>14</sup> Bill C-9 would not create safe access zones of any kind. Instead, Bill C-9 would amend the *Criminal Code* to create four new criminal offences:

- (1) an intimidation offence that prohibits conduct that is intended to provoke a state of fear in another person to impede them from accessing religious or cultural institutions and other specified places;
- (2) an offence that prohibits the intentional obstruction of a person's lawful access to such places;
- (3) a hate crime offence to more explicitly denounce hate-motivated crime; and
- (4) an offence that prohibits wilfully promoting hatred against any identifiable group by displaying, in any public place, the Nazi swastika or certain hate or terrorist symbols used or associated with a listed entity<sup>15</sup> or specifically, or any symbol resembling any of the foregoing.

Bill C-9 would also amend the *Criminal Code* to include the following definition:

**hatred** means the emotion that involves detestation or vilification and that is stronger than disdain or dislike;

While C-9 is not yet legislation, the Bill and the legislative process are instructive in that:

1. The Bill provides an indication of the types of behaviour that are likely to be considered criminal.
2. The Attorney General indicated that, regardless of Bill C-9, municipalities have a role in regulating activities on public lands, including lands adjacent to social infrastructure.
3. The debate around C-9 illustrates the challenges of regulating expressive activity under the Charter.

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<sup>14</sup> The Department of Justice reports that police-reported that most hate crimes targeting religion were directed towards Jewish (60%) and Muslim (17%) populations (see: "Canada introduces legislation to combat hate crimes, intimidation, and obstruction" September 19, 2025, online (News Release): [Department of Justice](#)).

<sup>15</sup> See [section 83.01\(1\)](#) of the *Criminal Code*.

### *Community Safety and Policing Act, 2019*

Section 8 of [Regulation 392/23 Adequate and Effective Policing \(General\)](#), (Major events policy) under the [Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1](#), provides that Police Chiefs are responsible for establishing procedures on police action in respect of protests, demonstrations and occupations, with “careful consideration to civil liberties and community values”. City staff will work, in coordination with the Ottawa Police Service Board and the Ottawa Police Service to develop an enforcement strategy that is consistent with the *Municipal Act, 2001*, the *Community Safety and Policing Act, 2019*, and other applicable federal and provincial laws.

### *Keeping Ontario Open for Business Act, 2022*

The [Keeping Ontario Open for Business Act, 2022](#) establishes prohibitions and enforcement mechanisms to prevent persons from impeding access to, egress from or ordinary use of protected transportation infrastructure. “Protected transportation infrastructure” is defined in Section 1 as any land or water border crossing point between Ontario and the United States, any airport that regularly accommodates flights directly between Ontario and a country other than Canada that is prescribed by the regulations made under the Act, and any other transportation infrastructure that is of significance to international trade that is prescribed by the regulations made under the Act.

Section 2 sets out the main prohibitions in the Act. Subsection 2 (1) prohibits persons from impeding access to or egress from, or the ordinary use of, protected transportation infrastructure, or from directly or indirectly causing such access, egress or ordinary use to be impeded, if the impediment has or is reasonably expected to have the effect of disrupting ordinary economic activity or interfering with the safety, health or well-being of members of the public. Subsection 2 (4) prohibits persons from knowingly aiding a person in doing something prohibited under subsection (1).

### *Trespass to Property Act*

The issuance of a Trespass to Property Notice may be considered by private property owners in order to exclude persons from a premises in accordance with the [Trespass to Property Act, R.S.O. 1990, c. T.21](#). The Ottawa Police Service (OPS) administers an Agent Status program that gives OPS officers the authority from the property owner, to prohibit entry to their property and, when necessary, to remove someone from a property. For City Property, Council has previously approved a Public Conduct Policy and Trespass to Property Procedures.

*Bill 16, Sacred Spaces, Safe Places Act, 2025*

In recent years, Ontario has seen a rise in antisemitism and Islamophobia<sup>16</sup> including incidents at synagogues and mosques.<sup>17</sup> In response, a private member's bill was introduced in the legislature, [Bill 16, Sacred Spaces, Safe Places Act, 2025](#). This proposed Act is modelled after the *Ontario Safe Access to Abortion Act, 2017*<sup>18</sup> and aims to protect access to religious institutions by prohibiting certain harassing and intimidating behaviours in designated access zones up to 150 metres around religious institutions. The prohibited behaviours include advising, persuading, requesting, and dissuading people from accessing a religious institution, including through repeated observation, physical interference, intimidation, repeated approaches and threatening conduct.<sup>19</sup>

Bill 16 was ordered for its second reading in the Ontario legislative assembly on May 8, 2025. However, the bill has yet to be considered by the Standing Committee on Justice Policy and it is whether this Bill will be enacted.

*Safe access to schools and places of worship (British Columbia)*

On March 7, 2026, The Premier of British Columbia announced proposed legislation to address safe access to schools and places of worship:

- Bill 12, The Safe Access to Schools Amendment Act
- Bill 13, The Safe Access To Places of Public Worship Act (SAPPWA).

BC's Safe Access to Schools Act, passed in 2024, establishes 20 metre safe access zones around schools. This legislation is set to expire in July 2026. Bill 12 would extend

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<sup>16</sup> For example, the Toronto Police Service Hate Crime Unit reported in their [2024 Annual Hate Crime Statistical Report](#) that in 2024, there were 443 reported hate crimes in Toronto representing a 19% increase from the 372 occurrences reported in 2023. Hate crime has generally increased year-over-year since 2019, with a sharp increase of 80% in 2023 that commenced immediately following the October 7 attack by Hamas on Israel. In 2024, Anti-Jewish occurrences accounted for 40% of the reported hate crimes in Ontario (177 occurrences) and Anti-Jewish mischief-related occurrences represent the highest, 33% (148 occurrences) of the total reported hate crimes in 2024.

<sup>17</sup> See the following articles detailing examples of incidents: Stewart Bel, "Suspect charged with hate crimes spree that included attacks at 5 Toronto synagogues", March 17, 2025, online: [Global News](#); "Man charged in suspected hate-motivated incident at Scarborough mosque" October 15, 2024, online: [CBC News](#).

<sup>18</sup> [Bill 16, Sacred Spaces, Safe Places Act, 2025](#).

<sup>18</sup> Hansard Transcript, June 5, 2024, 1<sup>st</sup> Sess. 43<sup>rd</sup>, online: [Legislative Assembly of Ontario](#).

<sup>19</sup> Bill 16, Sacred Spaces, Safe Places Act, 2025 at [s. 3](#)

the in-force period until 2028, noting that “[since] 2023, there have been more than 40 protest disruptions outside K-12 schools interrupting students’ learning.”<sup>20</sup>

Bill 13 would institute similar protections for places of worship as “part of government’s response to a rising trend of vandalism and other harmful behaviour targeting religious buildings and disrupting people’s access to and use of places of worship.”<sup>21</sup> This legislation would be subject to review in 2030.

### **Approaches in other municipalities**

Examples of how other municipalities have addressed this issue include:

**City of Brampton:** The [Protecting Places of Worship from Nuisance Demonstrations By-law](#) prohibits nuisance demonstrations within 100 meters of a place of worship. A nuisance demonstration is distinguished from a peaceful protest in that it causes a reasonable person to feel intimidated or unsafe or otherwise prevents them from safely accessing the place of worship.

**City of Calgary:** The [Safe and Inclusive Access By-law](#) prohibits protests “objecting to an idea or action related to human rights” within 100 meters of every community center and library, from one hour before they open until one hour after they close, and further prohibits blocking access to these facilities.

**Town of Oakville:** The [Safe Access to Places of Worship By-law](#) restricts certain forms of protest activities within 50 metres of places of worship as well as areas used on a temporary basis to host religious ceremonies or services, during for the period of one hour before a ceremony or service until one hour after it concludes.

**City of Toronto:** The [Access to Social Infrastructure By-law](#) establishes access zones of 50 metres around specific houses of worship, childcare centres, or community centres. Access Zones are established by application from the site operator and prohibit obstruction of access to the site, including expressions of disapproval or discouragement directed at persons accessing the facility.

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<sup>20</sup> Province of BC, “**Protecting access to places of worship, schools**“, 09 Mar 2026 (<https://news.gov.bc.ca/releases/2026PREM0013-000238>), accessed 09 Mar 2026

<sup>21</sup> Ibid

**City of Vaughan:** The [Protecting Vulnerable Social Infrastructure By-law](#) prohibits organizing or participating in a nuisance demonstration within 100 metres of the property line of any vulnerable social infrastructure (such as a place of worship, school, childcare centre, hospital or congregate care facility). A nuisance demonstration is distinguished from a peaceful protest in that it causes a reasonable person to feel intimidated or unsafe or otherwise prevents them from safely accessing the facility.

The diverse approaches taken in these jurisdictions are the result of different local needs as well as the evolving policy thinking surrounding municipal regulation of public spaces and the balancing of competing interests between demonstrators at these facilities and the clients that rely on these facilities for physical and emotional well-being.

Calgary's Safe and Inclusive Access By-law was enacted in March 2023, making it the first example of such a by-law within Canada and has been in force since that date. The by-law was enacted in response to discrimination against the 2SLGBTQQIA+ community at events hosted at public libraries and swimming pools.<sup>22</sup> Calgary's by-law has been subjected to judicial review on questions of constitutionality and compliance with Alberta provincial laws. The first case, *Canadian Constitution Foundation v Calgary (City)*, addressed the non-constitutional concerns raised with the by-law. The decision at the Court of King's Bench of Alberta found the by-law to be within municipal authority and appropriately constructed. In the second case, *R v. Heather*, a person was convicted for offences under the by-law by the Alberta Court of Justice. However, this case is now under appeal at the Court of King's Bench of Alberta.

Staff further note that a constitutional challenge has been filed regarding the City of Vaughan's Protecting Vulnerable Social Infrastructure By-law. However, decisions have not been rendered regarding the constitutionality of either by-law at the time of this report.

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<sup>22</sup> *Canadian Constitution Foundation v Calgary (City)*, 2025 ABKB 519, para [2]

**Ottawa context**

Following the adoption of Vaughan's by-law, Council approved Motion [No. 2024-45-07](#) directing staff to consider the feasibility of a similar by-law for Ottawa. A protest at the Soloway Jewish Community Centre on 26 September 2024, and a series of protests at Broadview Public School, including a protest and counter-protest on 09 June 2023, were cited as examples of protests which interfered with the normal use of public space and with access to social infrastructure.

These protests also caused concern for the safety and wellbeing of staff and clients at those facilities. The protest at the Soloway Jewish Community Centre is alleged to have included use of hate speech and incitements to violence.<sup>23</sup> The messages of the protesters were amplified towards the long-term care home located on the same site. During consultations, staff heard that this loud noise was incredibly disruptive and harmful to residents of the home, some of whom suffer from dementia. Staff also heard that parents were advised to pick up their children from the school and daycare also located on site out of concern for the safety and well-being of the students. Significant violations of by-laws are also alleged to have occurred.

With respect to the protest at Broadview school, staff heard in their consultations that the protest was harmful to the wellbeing of students, particularly those who may have been part of the 2SLGBTQQIA+ community or questioning their identity to see these protests with messages targeting their community. The increased conflict between protesters and counter-protesters and police presence in close proximity to the school is also said to have scared children and interfered with their sense of security. The school had to implement various security measures to mitigate the risks to children such as requiring indoor recess and rerouting buses. Parents were also required to pick up their children at different times.

The protests at the Soloway Jewish Community Centre and Broadview school were commonly referenced in the Engage Ottawa survey as well as consultations with interested groups, and in delegations at the May 2025 joint committee meeting and were widely reported in the media.

Other examples of demonstrations that have prevented or interfered with community members from accessing social infrastructure include demonstrations targeting

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<sup>23</sup> Sarkiya Ranen, "[Anti-Israel protest leaves seniors feeling 'unsafe' to be a Jew](#)" New York Journals, 03 Oct 2024

community health centres during vaccination campaigns and demonstrators blocking ambulances at hospitals during the Covid 19 pandemic.

Ottawa Police Service reported 404 demonstrations between September 1, 2023, and August 31, 2024, as reported in the Feasibility Assessment - Vulnerable Social Infrastructure By-law ([ACS2025-EPS-PPD-003](#)) (p. 6). Subsequent to the feasibility study, the [2024 Ottawa Police Service Annual Report](#) showed that the police were deployed to 352 demonstrations in 2024 (p. 2) with Public Works data showing 156 demonstrations that required support from the Traffic Management Unit in the Public Works department. By-law and Regulatory Services further identified more than 50 service requests related to demonstrations concerning noise, use of fireworks and other by-law offences.

In 2025, Public Works supported 144 demonstrations, marches and processions (marches with a religious purpose) across the City, and By-law and Regulatory Services responded to approximately 30 service requests for noise or sign violations connected to demonstrations. Ottawa Police Service data indicates they attended 415 demonstrations in 2025.

The Ottawa Police Service Board has responsibility for governance and oversight of the Ottawa Police Service, and it is the Major Events Policy (CR-17) “sets out the Board’s expectations with regard to major event planning and policing, and provides direction to the Chief of Police to ensure the Board’s expectations and obligations are met.”

The Ottawa Police Service Board is currently in the process of developing a new Major Events Policy Framework, as required under the *Community Safety and Policing Act, 2019*. Given that the Ottawa Police Service is the lead enforcement agency for managing public order and safety during demonstrations, the forthcoming Major Events Policy will help to determine how safe access regulations are enforced.

### **Key considerations**

The key considerations that informed staff’s approach to safe access to vulnerable social infrastructure included:

- Consideration of the *Canadian Charter of Rights and Freedoms*, including:
  - consideration of the “Oakes test” used by the Courts to determine if a limit on fundamental freedoms can be justified in a free and democratic society, as required under Section 1 of the *Charter*

- The values and principles identified by the Supreme Court in [R. v. Oakes](#), including “respect for the inherent dignity of the human person, commitment to social justice and equality, accommodation of a wide variety of beliefs, respect for cultural and group identity, and faith in social and political institutions which enhance the participation of individuals and groups in society.” (Paragraph 64)
- The captive audience doctrine, which protects individual privacy and the right not to be required to listen to unwanted speech, with specific consideration for persons in residential care and child care facilities.
- Feedback received through community engagement and consultations
- Principles and practices of Equity, Diversity, Inclusion and Belonging (EDIB)
- The [City of Ottawa 2023-2026 Strategic Plan](#) and the long term goal that “Ottawa residents experience a good quality of life and live in neighbourhoods that are diverse, inclusive, safe, connected, accessible and affordable.” (p. 8)
- The [City of Ottawa By-law Review Framework](#)

### **Consultation plan**

Feedback received through consultation and engagement has informed the recommendations of this report.

In addition to general public engagement, staff sought input from:

- the owners, operators and clients of various types of social infrastructure, including faith communities, education, health, and social services providers,
- activists, interest groups, labour groups, student groups,
- the Accessibility Advisory Committee, and
- our Algonquin Anishinabeg host nation.

Consultations included individual meetings with interested parties as well as an Engage Ottawa page with background information, contact information, a public questionnaire and quick polls. A separate questionnaire was used to collect input from the owners and operators of social infrastructure, and Ekos Research Inc. was retained to conduct a city-wide random sample survey. Consultation outcomes are presented in the ‘Discussion’ and ‘Consultation’ sections of the report.

## DISCUSSION

**Recommendation: That the Emergency Preparedness and Protective Services Committee and Public Works and Infrastructure Committee recommend that Council approve the Safe Access to Social Infrastructure By-law, as described in this report and in the general form set out in Document 1.**

The draft Safe Access By-law, attached as Document 1 and as described below, responds to Council's direction to protect safe access to vulnerable social infrastructure while appropriately balancing the competing rights of residents to demonstrate. The recommended by-law focuses on ensuring safe access to vulnerable social infrastructure facilities by regulating behaviours that are occurring on the City's highway or public property in the vicinity of the facility.

In keeping with Council's direction, the regulations would prohibit demonstrations within an established safe access zone adjacent to a vulnerable social infrastructure facility with an exemption for labour demonstrations.

The key components of the recommended Safe Access By-law are set out below.

### **Prescribed Vulnerable Social Infrastructure**

The draft Safe Access By-law would apply to the following types of vulnerable social infrastructure facilities:

1. Places of worship
2. Schools
3. Child care facilities
4. Healthcare facilities
5. Residential care facilities

#### *Places of worship*

Staff have included places of worship in the recommended by-law as directed by Council. As part of our consultations, staff heard the importance of faith communities to the wellbeing of their members and the impediments faced by faith communities while accessing those facilities in light of the recent rise in hate and harassment within Ottawa and across Canada.

#### *Schools and child care facilities*

Staff have included schools and child care facilities in the recommended by-law given that the primary function of these facilities is the care and education of our children.

The vulnerability of youth merits additional protection from behaviours that negatively impact their well-being and sense of safety. During consultations, staff heard that protests such as at Broadview School were harmful to children and families accessing the school by subjecting individuals to messaging that undermined their sense of well-being. The escalation of conflict between protest and counter-protesters compromised a sense of security for children accessing the school. The definition of “child care facility” does not include home-based day cares, as these are secondary uses of a residential property and not social infrastructure within the scope of this by-law review.

#### *Healthcare facilities*

The Criminal Code was amended in 2021 to address intimidation of health workers and patients, including threats or other forms of violence, and impeding access to health facilities and services. These protections apply to all health care facilities and health care professionals. Under the recommended Safe Access By-law, hospitals and integrated community health centres would be eligible to request safe access zones in addition to these new Criminal Code protections. The recommended by-law would provide additional protection against nuisance noise and use of pyrotechnics, and the by-law offences for obstructing or hindering access provide an additional enforcement option to address prohibited conduct without criminal charges.

#### *Residential care facilities*

Staff have included residential care facilities in the recommended by-law, recognizing the vulnerability of persons living in care, as well as the captive audience doctrine discussed in the “Key considerations” section. For this reason, the recommended definition of residential care facilities includes licensed long-term care homes and congregate care facilities as contemplated by Council’s direction.

#### *Consideration for community centres and libraries*

Staff considered whether community centres and libraries should also be included in this by-law, given that these facilities often provide safe spaces for groups without dedicated facilities. Staff did not include these in the draft by-law, as:

- Community centres and libraries are places for discussing and debating ideas and frequently host meetings of public interest

- Recreation Culture and Facility Services (RCFS) and the Ottawa Public Library have robust code of conduct and terms of use policies, and protocols to manage controversial activities. Both RCFS and the Ottawa Public Library indicated that additional measures were not required at this time.

### *Shelters*

Staff considered if emergency shelters should be identified as social infrastructure and included within the scope of this framework. While not identified in Council's motion, staff's equity analysis identified shelters given that they provide accommodation and supports to the City's most vulnerable population. The disruption caused by Freedom Convoy participants at Shepherds of Good Hope on 29 January 2022 was identified as an example of demonstration activity interfering with the operation of the facility and intimidating staff and patrons. However, it was the only identified example and staff evaluated this risk against concern that proposed regulations could be misapplied to the detriment of unhoused persons congregating around the shelter without any intention to disrupt services. Consideration was also given to the principle of minimal impairment and limiting the scope of regulations where possible. As such, staff have not included emergency shelters in the Safe Access By-law, as drafted.

### *Other Government-Owned Infrastructure*

When an eligible social infrastructure facility is adjacent to, or co-located with, other government facilities, the by-law provides a flexible approach to provide for both safe access to the social infrastructure and the right to demonstrate at a government facility. Section 11 of the by-law provides the General Manager of Public Works with delegated authority to modify a safe access zone to ensure it does not impede the ability to demonstrate on public lands adjacent to an administrative building of any federal, provincial or municipal government, crown corporation, court of law, or embassy or diplomatic mission.

### **Application-based approach**

Under the draft by-law, the owners or operators of any of these types of facilities can apply to the City to establish safe access zones. This approach recognizes that not all owners or operators of vulnerable social infrastructure facilities may want or need safe access protections. Input on this issue revealed that the owners and operators of social infrastructure indicated a strong preference for automatic protection at 58 per cent compared to 5 per cent for an application-based system. However, staff had to balance this with Council's direction for time-limited application as well as the requirement to

minimally impair fundamental freedoms. Discussions with individual operators indicated that an application-based approach would be acceptable provided that the application process is straightforward.

As a result, the recommended application process will be streamlined and easy to navigate. It will be based on an online application based on the information required in Section 5 of the draft by-law:

- Name and title of applicant
- Confirmation that the applicant is the owner or operator of the facility
- The type of facility
- Contact information
- A map or site plan showing access points to the facility

The applicant will be required to attest that there is a reasonable apprehension that conduct prohibited by the by-law may occur within 50 metres of the facility. Staff recommend no fee or cost recovery fee for applications and the draft by-law provides for rapid review, approval and implementation.

Staff assess that this approach helps achieve a reasonable balance.

### **Safe access zones and protective distance**

Staff recommend that safe access zones extending with a radius of 50 metres from any access point to social infrastructure can provide for safe access to and from the facility while allowing demonstrations to proceed at a distance from which participants can be easily seen and heard. Under Section 1 of the draft by-law, attached as Document 1, access points are defined as “any point on the property line where a private right-of-way, such as a walkway, doorway, or driveway, abuts a public right-of-way”.

Staff considered options between 20 metres and 80 metres; the maximum limit established by Council’s motion. Staff assessment included evaluation of the impact of distance on the ability to communicate through speech and signs. For the purpose of this analysis, staff used a consistent sign standard of black print on a white background and bold printing.

- From 20 metres, speech at a normal speaking volume is clearly audible for persons with typical hearing and signs with printing at least 5 cm high are legible for persons with typical vision or corrected vision at this distance.
- From 50 meters, a person at a normal speaking volume may still be heard but may be drowned out by traffic or other environmental noise. They may have to shout to be heard. Print on signs would need to be at least 13 cm high to be legible at this distance.
- From 80 meters, a person would require a sound amplification device to be heard in most urban settings. Print on signs would need to be at least 20 cm high.

Staff further note concerns expressed during consultations about the unintended consequences of pushing demonstrations away from social infrastructure and into surrounding residential areas and the potential impacts on the surrounding community.

#### *Rationale for the 50-Metre Distance*

Staff have conducted a jurisdictional scan and a 50 metres zone is consistent and comparable with other municipalities such as Toronto and Oakville, as well as the 50 metres safe access zone for abortion clinics established pursuant to Ontario's *Safe Access to Abortion Services Act, 2017*.

A 50-metre safe access zone represents a measured approach to allow protests to occur at a reasonable distance and protect access to safe access to social infrastructure, while also considering legal, alignment, and operational factors. While a demonstrator's speech and signage are least impacted at 20 metres, 50 metres still allows participants to be seen and heard without requiring amplification or excessively large signs.

In terms of alignment, the 50-metre distance conforms with Council direction to staff on May 28, 2025. Operationally, it mitigates the potential for demonstrations to spill into residential areas, balancing community impact, enforcement feasibility, and traffic considerations. Overall, the 50-metre distance provides a practical, legally informed, and operationally reasonable approach.

#### **Focus on conduct that impedes safe access**

Section 17(1) of the draft by-law, attached as Document 1, would prevent anyone from hindering or obstructing access to a safe access zone. Section 17(2) prohibits obstructive behaviours within the established safe access zone, including:

- Any act of protest or demonstration
- Discouraging someone from using a facility
- Obstructing or hindering someone from accessing a facility, including specific offences for disrupting persons using a mobility device or service animal

In consultations, staff heard that interfering with individual access to a facility or service conflicts with the purpose of the types of social infrastructure identified. Results from the online questionnaire showed that respondents have experienced difficulty accessing facilities due to:

- Demonstration or protest outside the facility (18 per cent)
- Behaviour that is abusive, intimidating, or harassing (20 per cent)
- Discrimination based on protected grounds (21 per cent)
- Obstruction of roads, sidewalks or entrances/exits (24 per cent)

The by-law further prohibits causing unusual noise to disturb the peace and comfort of people within designated facilities. This measure was deemed prudent based on consultations with enforcement staff concerning the protest at the Jewish Community Centre and Ottawa Police reports concerning loudspeakers being used to disrupt various facilities.

### **Time limited application of safe access zone**

Staff have addressed Council's direction concerning time-limited application in two ways:

- Safe access zones apply to facilities, other than residential care facilities, only for the period of one hour before the facility opens until one hour after the facility closes.
- Safe access zones expire after 12 months, unless the facility reapplies and re-attests to their reasonable apprehension that prohibited conduct may occur.

This is recommended to provide more flexibility for demonstrations when it does not interfere with the public use of the facility. However, staff are recommending that the safe access zones for residential facilities apply at all times, given that many of the residents cannot always leave by themselves and are therefore captive audiences.

## **Exemptions and exclusions**

The draft Safe Access By-law, if adopted, would not apply to:

- labour union strikes, information pickets or activities related to a labour dispute
- transient marches passing through a safe access zone, subject to the conditions specified in Section 17.

Section 18 gives the General Manager of Public Works authority to direct marches around or through safe access zones to ensure that they do not unduly interfere with unrelated demonstrations, such as a protest march that incidentally passes a protected facility.

## **Offences and penalties**

Staff have addressed Council's direction regarding appropriate offences and penalties consistent with those found in comparable City of Ottawa by-laws by providing for fines consistent with the *Provincial Offences Act*, with a minimum fine not to exceed \$500. This will provide for set fines at levels consistent with the Highway Events By-law (No. 2025-243) and similar municipal by-laws.

## **Administration**

Staff recommend that the General Manager of Public Works be designated as the administrative authority for this by-law. This recommendation is founded on the pre-existing delegated authority to manage activities on public rights-of-way, included in the Delegated Authority By-law (No. 2025-69) and the Highway Events By-law (No. 2025-243). Administration under the General Manager of Public Works would serve to integrate the designation of safe access zones with the Voluntary Demonstration Notification System and the existing communications protocols between the City and Ottawa Police Service (OPS) and with demonstration organizers. Under this approach, City and OPS staff can identify when social infrastructure may be impacted by a march or demonstration and advise the organizers accordingly.

The draft by-law, attached as Document 1, uses an application process to designate facilities for protection and to establish the safe access zones around each one. This serves to limit the application of the by-law to only those facilities that are seeking additional protection based on their reasonable apprehension of being targeted for disruption.

Section 10 of the by-law extends to the General Manager of Public Works delegated authority over the right of way to all municipal lands adjacent to designated facilities. Section 11 provides discretion to modify a safe access zone to ensure it does not interfere with the ability to demonstrate at any adjacent government facility, crown corporation, courthouse, embassy or diplomatic mission. Section 18 also provides authority to direct the passage of marches through or around bubble zones. These measures serve to minimize impairment to the fundamental freedoms and provide appropriate balance between the competing interests of demonstrators and social infrastructure users.

Under the draft Safe Access By-law, Public Works would receive and verify applications and, provided all requirements are met, establish the safe access zones and publish the notification on Ottawa.ca. This information would also be shared with Ward Councillors and the Ottawa Police Service.

The General Manager would also notify the owner or operator of the facility of any sign requirements. Signs would be provided by the City, at an anticipated cost of \$150 each. Each sign would include a unique serial number and reference 3-1-1 and ottawa.ca to provide additional notification for the public and prompt them about where to get more information. Installation of signs will be the responsibility of the facility operator and signs must be installed on their private property.

Section 13 of the draft by-law would establish offences related to the installation, alteration or removal of signs.

The draft by-law includes rules to manage safe access zones, including refusing or revoking designations if the applicant is not eligible, does not comply with the by-law, or ceases to be the owner or operator of the facility. The General Manager is empowered to ask for additional information and an administrative review process is established in Section 15 to ensure administrative fairness.

### **Enforcement**

The draft Safe Access By-law, attached as Document 1, could be enforced by the Ottawa Police Service (OPS) or By-law and Regulatory Services. The Ottawa Police Service continues to be the lead agency for maintaining public order and scene management. By-law and Regulatory Services provides supporting enforcement for municipal by-laws when requested by OPS.

The draft by-law utilizes an order-based approach. This requires that the enforcement officer issue a verbal or written order to comply with the by-law. The officer may then charge for violating the order. This provides an extra step to ensure that the person committing the offence is aware of the violation and consequence for non-compliance and has the opportunity to cease committing the offence before they are charged.

The by-law provides for escalating enforcement practices, beginning with education and escalating to a warning, an order and an offence (ticket), or issuing a summons for repeated or serious violations. Should Council enact this by-law, set fines would be established to be consistent with violations of the Highway Events By-law (2025-243) and other by-laws, with set fines ranging between \$150 and \$500 depending on the severity of the offence.

The by-law has been designed to complement existing laws and by-laws and could provide an additional tool to maintain public order and manage community nuisance and mobility for patrons and staff of designated facilities. This aligns with the primary role of each service partner.

This by-law does not make recommendations regarding the delivery of police services or staffing. These issues remain the purview of the Ottawa Police Services Board and the Ottawa Police Service. Staff did consult with both the Board and the Service during this review and note that the Ottawa Police Services Board's Policy and Governance Committee is currently undertaking [Modernization of the Major Events Policy Framework](#), as required under the *Community Safety and Policing Act, 2019* and approved by the committee on July 7, 2025.

The enforcement partners recommend that, should Council enact the Safe Access By-law, a period of three (3) months be provided before the in-force date to provide for the development of protocols and training, fabrication of signs and development of digital forms and supporting materials. As such, the draft by-law establishes an in-force date of 01 August 2026.

## FINANCIAL IMPLICATIONS

There are no financial implications with this report, as costs for initial implementation of the Safe Access to Social Infrastructure By-law will be absorbed within existing budgets.

## LEGAL IMPLICATIONS

As outlined in this report and described in more detail in the Legal Framework section, the *Municipal Act, 2001* gives City Council broad authority under subsection 8(1) to manage municipal matters in a way it considers appropriate. This authority includes the ability to regulate, prohibit, or require certain actions relating to matters identified in the Act. These include broad authorities under section 10, as well as the ability to address public nuisances (section 128), noise (section 129), and to adopt by-laws that limit the public's common law right of passage over a highway (section 35).

Subsection 10(1) gives Council broad by-law-making powers to address matters the municipality considers necessary or desirable in the public interest. This includes by-laws related to:

- the social well-being of the municipality (s.10(2)5);
- the health, safety, and well-being of people (s.10(2)6); and
- the protection of persons and property (s.10(2)8).

Under section 2 of the *Canadian Charter of Rights and Freedoms*, everyone has fundamental freedoms, including freedom of expression, freedom of religion, the freedom of assembly and association. These freedoms, however, are not unlimited. Section 1 of the Charter allows reasonable limits on these rights when such limits can be clearly justified in a free and democratic society. When municipalities regulate activities that may affect Charter rights, they must balance individual freedoms with broader community interests. This is done through the proportionality analysis established by the Supreme Court of Canada in *R. v. Oakes*. For the purposes of a section 1 analysis, the *Oakes* test considers:

1. Pressing and Substantial Objective: Whether the by-law's purpose is important enough to justify limiting a Charter right.
2. Proportionality Between the Objective and the Means Used, including:
  - Rational Connection – the limit must be rationally connected to the objective.
  - Minimal Impairment – the by-law must limit rights no more than reasonably necessary.

- Final Balancing – there must be proportionality between the objectives of the by-law and its effects.

The Supreme Court has emphasized that applying the *Oakes* test requires flexibility and sensitivity to the social and factual context of each case.

While any safe access by-law carries some risk of legal challenge, the proposed by-law has been developed with careful attention to Charter rights and the requirements of section 1. As explained in this report, Council, as the municipality's legislative and policy-making body, should be satisfied that the proposed limits are reasonable, justified, proportionate, and minimally impair expressive freedoms. Several municipalities have adopted similar by-laws in response to safety concerns and changes in social conditions that affect access to social infrastructure.

The proposed by-law seeks to take a targeted and measured approach. It seeks to respect the right to protest while also addressing concerns about health, safety, and access to important community infrastructure and services. The by-law applies only to facilities that apply and qualify for designation. Applicants must demonstrate that a safe access concern exists. Once designated, protests must take place at least 50 metres from the facility during hours of operation, as indicated on posted signage. The designation is for a period of one-year.

The by-law also incorporates education and communication requirements. Before any enforcement action is taken, individuals must be given notice, (either verbally or in writing), and clear signage will be posted. These measures help ensure that impacts on Charter rights are kept to a minimum while still protecting safe access.

In addition to an internal review by Legal Services, the City Solicitor obtained advice from external legal counsel. A confidential legal opinion has been filed with the City Clerk and is available for review by members of Council.

## **CONSULTATION**

Public notification of this review occurred through the By-law Review webpage on [ottawa.ca](http://ottawa.ca), [Engage Ottawa](#), a Public Service Announcement, social media and earned media coverage. Staff invited approximately 300 individuals and organizations to consult on this issue using email, web forms or telephone as needed. The Public Policy Development Service's email address and phone number were also featured prominently on both websites, so that any interested party would know who to contact.

The Engage Ottawa webpage for this by-law review received more than 9,100 visits with more than 2,600 visitors engaging by completing the questionnaire or voting in a quick poll. A complete summary of consultation methodology and results can be found in Document 3 – Consultation Summary.

Staff further retained Ekos Research Ltd. to conduct a random sample survey of Ottawa residents to better understand city-wide opinions and experiences. The Ekos Research Report is attached as Document 4 – Public Opinion. The analysis provided includes city-wide analysis as well as by geographic area and age.

Staff conducted one-on-one and group meetings with community organizations and Councillors to consult on this issue and better understand their ward concerns.

Staff note that public input was highly polarized, with most individual engagements either strongly supportive or strongly opposed to the enactment of a Safe Access By-law. The public opinion research showed that 76 per cent of residents supported the development of a Safe Access By-law while 18 per cent were opposed (Document 4, p. 16). These results are considered accurate plus or minus 3 per cent at a 95 per cent confidence level.

Of the 2,522 responses to the questionnaire on Engage Ottawa, 1,181 were ‘strongly opposed’ and 189 were ‘somewhat opposed’ to the development of a vulnerable social infrastructure by-law (54 per cent) compared to 913 that were ‘strongly supportive’ and 135 that were ‘somewhat supportive’ of creating a by-law (42 per cent). (Document 3, p. 3).

Opponents of developing a Safe Access By-law expressed belief or concern that the by-law would violate the Charter of Rights and Freedoms. They also argued that the by-law was unnecessary, either due to insufficient evidence of harm or the sufficiency of existing laws and by-law. Opponents were concerned that the by-law could cause harm to marginalized communities by suppressing their voice and by biased enforcement.

Proponents of the by-law indicated support for demonstrations that do not interfere with the normal use of a facility but indicated a requirement for reasonable limitations on demonstration activity. This was particularly true for regulations to prevent being obstructed from accessing facilities and services or being harassed or intimidated. Proponents were concerned that existing laws and enforcement practices were not sufficient.

Information collected through consultations informed staff consideration of:

- Permitted and prohibited activities
- Types of infrastructure
- Exemptions and exclusions
- Administration and enforcement

## **ACCESSIBILITY IMPACTS**

Staff invited consultation with the Accessibility Advisory Committee. Staff met with the Chair and Vice-Chair and a copy of the presentation was provided in accessible format to all committee members, inviting additional input. This discussion included both the importance of access to social infrastructure and the importance of demonstrations as an agent for change, as well as considerations staff should undertake when developing regulations. This helped to inform the recommended size of safe access zones as well as the prohibitions against obstructing a person using a mobility device and interfering with a service animal included in Section 16.

Staff also consulted with the Disability Justice Network of Ontario. This group was opposed to implementing a Safe Access By-law, arguing that protest was an important vehicle for the advancement and protection of rights for persons with disability and should not be infringed.

The City is committed to ensuring that all information that will be made available to the public will be compliant with the City's obligations under the *Accessibility for Ontarians with Disabilities Act, 2005*, (AODA) and the Integrated Accessibility Standards Regulation (IASR). This would apply to the implementation of a Safe Access By-law, if directed.

## **DELEGATION OF AUTHORITY IMPLICATIONS**

This by-law extends the delegated authority of the General Manager of Public Works to manage City-owned highways, as specified in the Delegated Authority By-law (No. 2025-69) and Highway Events By-law (2025-243), as amended, to control pedestrian and vehicular travel and access to City lands within a safe access zone. This is required to give the General Manger authority to establish safe access zones.

The By-law would also authorize the General Manager to modify a safe access zone so as to ensure it does not impede the ability to demonstrate on public lands adjacent to an

administrative building of any federal, provincial or municipal government, crown corporation, court of law, embassy or diplomatic mission. The General Manager would be further authorized to direct marches in a manner that provides for safe access to be maintained.

By harmonizing the authority under the General Manager of Public Works, management of safe access zones can be fully integrated with the City's transportation network and the voluntary notification system for demonstrations.

## **INDIGENOUS, GENDER AND EQUITY IMPLICATIONS**

### **Indigenous Policy Considerations**

Public Policy Development Services invited consultation from our Algonquin Anishinabeg host nation, as well as urban Indigenous groups. Following protocol for Indigenous engagement, as outlined by the Indigenous Relations Branch within the Community and Social Services Department, staff first reached out to the four host nation groups in Ottawa:

- The Algonquin Anishinabeg Nation Tribal Council;
- Algonquin Nation Programs and Services Secretariat;
- Kitigan Zibi Anishinabeg First Nation; or
- The Algonquins of Pikwakanagan First Nation;

Staff subsequently contacted the Algonquin Anishinabe Cultural Consultative Circle to arrange a consultation however the Consultative Circle did not convene during the period of this review.

In addition to contacting the host nation, staff reached out to the broader urban Indigenous community through organizations such as the Wabano Centre for Aboriginal Health, Tungasuvvingat Inuit, and the Assembly of Seven Generations, a youth-led Indigenous group with significant advocacy experience and ties to the youth indigenous community. While none of these organizations opted to meet on this issue, all groups were informed and provided with materials and contact information.

### **Gender and Equity Implications**

Staff considered if libraries and community centres should be included as eligible social infrastructure, given the importance of these facilities as safe spaces for 2SLGBTQQIA+, youth, seniors and cultural groups that do not have dedicated facilities.

The project team consulted with the Ottawa Public Library and with various facilities staff in the Recreation, Culture and Facility Services department and determined that community centres and libraries should not be included in the draft by-law, for the following reasons:

- Both spaces serve as community gathering points for debate and discussion, and frequently hold meetings that are of public interest
- Both the Ottawa Public Library and Facility Services have robust terms of use policies and agreements in place, as well as protocols to address safety concerns related to demonstration activity on site or in close vicinity

Staff reviewed available data on harassment and discrimination in Canada, noting the disproportionate impact on women, two-spirited and transgendered persons and visible minorities. Staff also noted that 2021 Canadian Census data for Ottawa showed that 65 per cent of persons employed in health care; in education, law and social, community and government services; and in art, culture, recreation and sport are women. Staff also heard first-hand accounts from staff made to feel unsafe because of protest activity outside their facilities.

Staff considered data related to recent increases in hate crime and harassment as risk factors that could be mitigated through a Safe Access By-law.

Conversely, staff heard from advocacy groups about the importance of protest for social change and to protect and advance the rights of minority groups. This included discussion of scenarios, such as protest at a long-term care home providing substandard care. These discussions informed the rights balancing assessments of staff, leading to the recommended approach of a minimal “bubble” that will allow protest to be seen and heard, while also providing for safe access to and from facilities.

## **RISK MANAGEMENT IMPLICATIONS**

There are risk implications. These risks have been identified and explained in the report, including in the legal implications section and in the confidential legal opinion on file with the City Clerk.

## **TERM OF COUNCIL PRIORITIES**

A Safe Access By-law, as drafted in Document 1, could benefit the 2023-2026 Term of Council Priorities for “A city that has affordable housing and is more livable for all” and “A city that is more connected with reliable, safe and accessible mobility options” by providing for safe and reliable access to health, education and social services.

## **SUPPORTING DOCUMENTATION**

**Document 1: Safe Access By-law** Issued separately and held on file.

**Document 2: Summary of Council's direction** Issued separately and held on file.

**Document 3: Public opinion regarding vulnerable social infrastructure** Issued separately and held on file.

**Document 4: Consultation summary** Issued separately and held on file.

## **DISPOSITION**

Should Council adopt the recommendations of this report, Public Policy Development Services (EPS) will coordinate the legislative process for the enactment of the by-law and the application for set fines in consultation with By-law and Regulatory Services.

Public Works would undertake work to establish administrative processes and communications materials and complete the design and fabrication of signs.

The Chief of By-law and Regulatory Services would continue to consult with the Ottawa Police Service on training and enforcement and Legal Services will monitor the status any related court challenges, reporting to Council as necessary.