



REPORT TO

REGULAR BOARD

CITY OF TORONTO'S PROPOSED BY-LAW AMENDMENTS TO ENSURE ACCESS TO SOCIAL INFRASTRUCTURE

For surely, I know the plans I have for you, says the Lord, plans for your welfare and not for harm, to give you a future with hope. ~Jeremiah 29:11

Drafted

May 12, 2025

Meeting Date

May 22, 2025

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RECOMMENDATION REPORT

Vision: *IN GOD'S IMAGE: Growing in Knowledge, with Justice and Hope.*

Mission: *Nurturing the faith development and academic excellence of our Catholic learning community through the love of God, neighbour, and self.*



MULTI-YEAR STRATEGIC PLAN
2022 - 2025

IN GOD'S IMAGE: Growing in Knowledge, with Justice and Hope



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A. EXECUTIVE SUMMARY

The City of Toronto is considering bylaw amendments at its May 21-23, 2025, meeting to prohibit certain behaviours near social infrastructure, which is defined as a childcare centre, a place of worship or a school, to mitigate barriers to access where identifiable communities and children gather. This report provides an overview of the proposed bylaw amendments, examines similar legislation in Brampton, Calgary, and Vaughan, and offers recommendations for the Toronto Catholic District School Board (TCDSB) to consider in response to the proposed amendments.

The cumulative staff time required to prepare this report was 7 hours.

B. PURPOSE

1. The purpose of this report is to inform the Board of Trustees about the City of Toronto's proposed bylaw amendments to ensure access to social infrastructure and to provide recommendations on how the TCDSB can respond.
2. Feedback is informed by consideration for the safety and well-being of students and staff, the protection of faith-based educational environments (such as TCDSB schools), and the balance between public safety and constitutional rights.

C. BACKGROUND

1. The TCDSB Communications Department, Safe Schools Department and Area Superintendents have a history of working collaboratively with SafeTO, Toronto Police Services, other school boards and community organizations to manage past demonstrations near schools to protect the safety and well-being of students, staff, families.
2. On April 17, 2025, the City of Toronto invited school boards to participate in consultations regarding a proposed bylaw aimed at mitigating the impacts of demonstrations near vulnerable institutions.
3. At its April 24th, 2025, Regular Board Meeting, the Board of Trustees referred an invitation to participate in a public consultation on a proposed demonstrations by-law to protect vulnerable institutions to staff for a report on the Board's position.
4. Consultations sought input on public experiences with demonstrations, perspectives on areas the bylaw might apply to, definitions of "vulnerable

institutions," and considerations for developing and implementing the bylaw. The City of Toronto provided an online survey and opportunities for written submissions and community-focused discussions. Consultations on the proposed by-law closed on May 1, 2025. The City of Toronto will now be discussing proposed by-law amendments at their May 21-23, 2025, Council meeting.

D. EVIDENCE/RESEARCH/ANALYSIS

1. Toronto: Proposed Bylaw Amendments to Ensure Access to Social Infrastructure

- The proposed bylaw amendments would apply to City of Toronto streets and sidewalks near social infrastructure such as schools, places of worship and childcare. "School" is defined in the proposed by-law amendment as defined in the *Education Act*, R.S.O. 1990, c. E.2 and its regulations. The Board would be considered an "owner" under the proposed by-law amendment. If passed, amendments to the City of Toronto's Streets and Sidewalks Bylaw would come into effect on July 2, 2025.
- The City reports show that the intent of the by-law amendment is to ensure access to social infrastructure is not impeded by prohibiting certain activities and conduct on City property. The proposed bylaw amendments are request based and short-term, allowing owners of social infrastructure to apply to establish an "access area," which covers cover any City property that is within 20 metres from the boundaries of the property for a 180-day period.
- To be successful, an application must show that the prohibited behaviour occurred outside the building within the past 90 days, that it impeded access to the premises, and that there is a reasonable concern that it may happen again. The 80-day prohibition is renewable and would be enforced by by-law enforcement officers who could fine violators up to \$5,000.
- If passed, the City plans to take an education-first approach to promote voluntarily compliance and conduct outreach to owners of social infrastructure to ensure they understand the bylaw's application and request process for the 20-metre access area.
- While the proposed bylaw amendment would prohibit certain behaviours which impact access to social infrastructure within certain locations at certain times (during operating hours, as well as one hour before and one after) it does not prohibit peaceful gatherings, protests or demonstrations, including any such activities that occur as part of a labour union strike, information pickets and/or activities related to labour disputes.

- Prohibited behaviours includes those that pose unreasonable physical, psychological and emotional barriers to accessing the social infrastructure.

2. Comparative Municipal Bylaws

- **Brampton:** In response to violent protests outside a Hindu temple, Brampton enacted a bylaw prohibiting nuisance demonstrations within 100 meters of places of worship. The bylaw defines nuisance demonstrations as those that cause a disturbance or threaten public safety, causing a reasonable person to be intimidated, meaning that they are either concerned for their safety or security; intimidation can be caused by, but not only by, actions or expressions that incite hatred, violence, intolerance or discrimination.
- **Calgary:** Calgary's Safe & Inclusive Access Bylaw restricts specified protests within 100 meters of entrances to city-operated recreation facilities and libraries, particularly those objecting to human rights-related issues. The bylaw aims to prevent harassment and ensure safe access to public facilities.
- **Vaughan:** Vaughan's Protecting Vulnerable Social Infrastructure By-law prohibits nuisance demonstrations within 100 meters of vulnerable institutions, including schools, childcare centres, hospitals, and places of worship. The bylaw defines nuisance demonstrations similarly to Brampton's bylaw and seeks to balance freedom of expression with the safety and well-being of community members. Of the municipal bylaws being compared, Vaughan's is the only one that includes schools as vulnerable institutions.
- **Ottawa (Exploring):** The City of Ottawa is exploring a proposed by-law on vulnerable social infrastructure. Staff have recommended a cautious approach that includes a comprehensive and consultation process to ensure proportionality due to legal challenges in Calgary and other jurisdictions where similar by-laws remain untested.

3. Legal Considerations and Challenges

- The Canadian Charter of Rights and Freedoms guarantees freedoms of expression and peaceful assembly. However, these rights are subject to reasonable limits prescribed by law. Municipalities must ensure that bylaws regulating demonstrations are narrowly and reasonably tailored to address specific harms, such as harassment or obstruction, without unduly infringing on constitutional rights. The City of Calgary is currently the subject of an ongoing court challenge by The Canadian Constitution

Foundation, along with an appeal of a conviction made under the new Safe and Inclusive Access bylaw.

E. METRICS AND ACCOUNTABILITY

Should the proposed bylaw amendments proceed, the TCDSB can:

1. **Monitor:** Track incidents of prohibited behaviour near TCDSB schools, noting any disruptions, safety concerns or barriers to access.
2. **Partner:** Safe Schools can partner with the City of Toronto Bylaw, SafeTO, Toronto Police Services and other community partners to establish the appropriate protocol for tracking and reporting to ensure student and staff safety.
3. **Report:** Provide updates to the Board of Trustees on developments related to the bylaw and its implications for TCDSB schools, including whether prohibited behaviour has occurred within 20 metres of a school property, if it has impeded access to the property, and if it is believed to occur again. Should this happen, the Board can consider applying for an “access area,” prohibiting specific behaviours which prevent access to the impacted property for a 180-day period.

F. STAFF RECOMMENDATION

Staff recommend that the Chair of the Board write a letter to Toronto City Council outlining the following for their consideration:

- **Definition of Social Infrastructure:** Should the proposed bylaw amendments proceed, the Board expresses its support for the inclusion of schools, child care centres, and places of worship in the definition of social infrastructure.
- **Enhanced Safety Measures:** The Board supports enhanced safety measures in and around school zones to protect students and staff. If passed, the Board encourages the City of Toronto to work with school boards, childcare centres, places of worship, Toronto Police Services, and SafeTO to establish access areas around their properties.
- **Charter Compliance:** Given the Charter challenge and judicial review currently underway in Calgary, encourage the City to ensure their bylaw amendments align with the Canadian Charter of Rights and Freedoms,

balancing the rights to freedom of expression and assembly with the need to protect vulnerable institutions.

- **Enhance Partnerships:** Should the proposed bylaw amendments proceed, the TCDSB will work with SafeTO, the City School Board Advisory Committee, City of Toronto Bylaw Enforcement, Toronto Police Services, and other school boards to assess the implications for the Board and develop appropriate protocols and strategies.
- **Monitoring and Reporting:** The TCDSB will monitor, document, and report any prohibited behaviour on City of Toronto property near its schools, including any impacts on nearby schools and childcare facilities.