



May 16, 2025

Mayor and City Councillors
City of Toronto
100 Queen St W,
Toronto, ON M5H 2N3

Via email: mayor_chow@toronto.ca et al

Dear City of Toronto's Mayor and Councillors:

Re: Proposed “Bubble Zone” Bylaw Amendment (Item 2025.CC30.5)

The Canadian Civil Liberties Association (CCLA) and the Centre for Free Expression (CFE) are writing today in response to the proposed “bubble zone” bylaw amendment which will be considered by the Toronto City Council between May 21st and 23rd, 2025 (the “Proposed Bylaw”).

The CCLA is an independent, national, nongovernmental organization that was founded in 1964 with a mandate to defend and foster the civil liberties, human rights, and democratic freedoms of all people across Canada. Key aspects of its mission include fighting against government overreach and defending freedom of expression and freedom of peaceful assembly. The CFE, based at Toronto Metropolitan University, is a non-partisan organization, founded in 2015, that promotes and defends informed public discourse which is foundation of genuine democracy. CFE works in collaboration with academic and civil society organizations across Canada and internationally.

Working toward a more inclusive and equal society is a goal both our organizations share. It is also one that the government must pursue without unreasonably and unjustifiably infringing on fundamental freedoms. In this regard, we acknowledge the care with which the municipal staff have drafted the Proposed Bylaw, which is less rights-infringing than other bylaws recently adopted in other municipalities.

Having said that, our position remains that this bylaw represents a significant risk to peaceful expression and assembly, and on balance is not necessary in light of the already-existing police powers.

The public consultation conducted by the City itself shows that the majority of the population does not consider a bubble zone by law to be necessary.¹ This popular position is consistent with the Proposed Bylaw's legal implications. The text of the Proposed Bylaw clearly states that its purpose is to prevent access to certain community infrastructure from being impeded.² However, the police already have broad powers to protect access to property and to intervene in the event of a threat

¹ City of Toronto, *Public Consultation Overview and Data*, Attachment 2 to City Council Agenda Item 2025.CC30.5, s. 2.1.

² Proposed Bylaw, s. 743-53.

to human physical safety, including during protests.³ Therefore, a new bylaw is simply unnecessary—as acknowledged by Toronto’s very own police service.⁴

However, should the City continue to move forward with this proposal, there are a few specific points we urge Councillors to turn their minds to.

In its current form, the Proposed Bylaw goes beyond its stated objective. In particular, it prevents people in Toronto who are present in an “Access Area” from performing or attempting to perform an act of disapproval concerning a person’s attendance at a “Social Infrastructure”,⁵ or expressing an objection or disapproval towards any person based on a prohibited ground of discrimination.⁶ Such restrictions directly infringe freedom of expression and the right to peaceful protest in public spaces — two fundamental freedoms guaranteed by the *Canadian Charter of Rights and Freedoms*.

These provisions effectively prohibit peaceful demonstrations within a certain perimeter,⁷ which is inconsistent with the section of the Proposed Bylaw stating that this regulation “does not prohibit peaceful gatherings, protests or demonstrations . . .”.⁸ These provisions are indeed so broad that they go as far as prohibiting people from shaking their heads or booing within an Access Area —

³ Police using their common law police powers can, when necessary, create and enforce space between two groups that are protesting against each other or allow for appropriate access to community buildings or private property. See *Knowlton v R*, [1974] SCR 443; *R v Fleming*, 2019 SCC 45, at para 10, 13, 44-56, 81-86. Criminal laws are also available. While the *Criminal Code* does target a wide range of physically violent conduct, it also prohibits a host of other conduct that does not involve physical violence. For instance, the *Criminal Code* prohibits uttering threats of damage to property, bodily injury, and death, as well as criminal harassment and intimidation. Aiding, abetting, or counselling others to commit these offences is also criminal conduct. In appropriate circumstances, individuals may also be charged with mischief or arrested for breach of the peace. See the *Criminal Code*, RSC 1985, c C-46, at s. 21(1)(b) and (c), 31, 264.1, 318-319, 423 and 430.

⁴ Testimony of Toronto police Staff Supt. Frank Barredo at Toronto City Council - December 18, 2024 (Evening Session), at [1:56:00](#) (“In all honesty, a bylaw would be somewhat low on the range of things that we would be looking at. Public safety is our paramount concern, but of course *Charter* rights weighs very heavily as we wrestle with the limitations on *Charter* expression with reasonable enjoyment of the city by other people not involved in demonstrations. So, there is many, many things that are continuously being weighed, wrestled with I would say, and a bylaw, I mean, we would want to see it of course but it would be disingenuous to suggest that a bylaw would somehow change the dynamics significantly on the ground for us. Because quite frankly a bylaw would be a lesser priority relative to all the entirety of other things that we would be thinking about and trying to protect at a demonstration.”) and [2:13:39](#) (“So, as a general principle in policing, we’d never turn away tools that might be useful in our toolbox. But, if I’m being perfectly honest with you, we have essentially created bubble zones, de facto bubble zones, already. For instance, Mount Sinai Hospital was impacted by one protest, I would characterize it as a one-off, and since that moment we decided that there would be no further protest activity along University Avenue, along hospital row. We didn’t need a bylaw to do that, we simply set up rows of police officers and said you will not come down this way. Gardiner Expressway is another one, Avenue Road is another one. There are many examples where we simply said you shall not pass. So, we, as the police of jurisdiction in this case in Toronto, we have said this is a reasonable limitation. We can create no-go zones simply for public safety reasons and in many cases, we have used kinetic force to enforce this action and made arrests associated to those kinds of blockades. Again, it really requires us to balance what is reasonable, and again we frequently seek and receive legal advice as to what is permissible, what is reasonable, in a free society such as ours.”).

⁵ Proposed Bylaw, s. 743-55 (A) (1).

⁶ Proposed Bylaw, s. 743-55 (A) (4).

⁷ For the purposes of the *Charter*, a demonstration is peaceful up to the point of violence or threat of violence. See *Bracken v Fort Erie (Town)*, 2017 ONCA 668 at para 49 and 52.

⁸ Proposed Bylaw, s. 743-55 (D).

as these could be seen as acts of disapproval concerning a person's attendance at a "Social Infrastructure". A free and vibrant democracy should surely not prohibit this type of conduct. Hence, should City Councillors choose to proceed with the Proposed Bylaw despite its unnecessary nature, we urge them to remove subparagraphs 743-55 (A) (1) and (4) from the list of prohibited behaviours in "Access Areas".

Finally, we note that, in many respects, the Proposed Bylaw provides safeguards that mitigate, without eliminating, the infringements on freedom of expression and the right to peaceful protest. These elements are key distinctions between this Proposed Bylaw and more rights-infringing examples. To the extent that the Council chooses to adopt a bubble zone bylaw, which we hope it does not, it is crucial that these safeguards remain part of it, including:

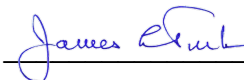
- "Access Area" perimeter of 20 metres;⁹
- "Access Area" application limited to specific time periods and infrastructure's primary purposes;¹⁰
- process to establish an "Access Area";¹¹
- temporary duration of an "Access Area";¹²
- possibility to rescind an "Access Area";¹³
- right to notice and opportunity to leave before being found in contravention of the bylaw;¹⁴ and
- penalty scheme tied to the *Provincial Offences Act*.¹⁵

We thank you for your attention to this letter. We would welcome the opportunity to meet with you to discuss this important issue further.

Sincerely,



Ana s Bussi res McNicoll
Director
Fundamental Freedoms Program
Canadian Civil Liberties Association



James L. Turk
Director

Centre for Free Expression

⁹ Proposed Bylaw, s. 743-54 (A), "Access Area".

¹⁰ Proposed Bylaw, s. 743-55 (B).

¹¹ Proposed Bylaw, s. 743-56.

¹² Proposed Bylaw, s. 743-56 (C).

¹³ Proposed Bylaw, s. 743-56 (E).

¹⁴ Proposed Bylaw, s. 743-58.

¹⁵ Proposed Bylaw, s. 743-57.