

City of Mississauga  
**Corporate Report**



<p>Date: May 2, 2022</p> <p>To: Chair and Members of Advertising Review Panel</p>	<p>Originator's files:</p>
<p>From: Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works</p>	<p>Meeting date: May 17, 2022</p>

## Subject

**Third party advertisements on City property**

## Recommendation

That the criteria for advertisements and the process for an advertising review outlined in the City's Advertising and Sponsorship with the City Policy (03-09-01) be reviewed, as outlined in the corporate report dated May 2, 2022 from the Commissioner of Transportation and Works, titled "Third party advertisements on City property".

## Background

The City of Mississauga permits advertising on City property, at City programs and in City media under the conditions outlined in the Advertising and Sponsorship with the City policy (see Appendix 1). City ads, and third-party ads on City property, must comply with this policy.

Third party ads appear on City property because the City has agreements in place with various advertising contractors who manage advertising media space (sell and install ads) on various infrastructure assets. The advertising contractors include Outfront Media (ads on transit shelters), Lamar Transit Advertising (ads on buses), Astral Media (ads on Digital Gateway Sign facing Burnhamthorpe Road) and AllVision (ads on digital overpass signage). The City obtains revenue, access to media space for City communications, and other benefits through separate agreements with each of these companies.

The City's Advertising Review Panel reviews requests to investigate any advertising located on City property or City materials. Requests can be submitted by a Mississauga resident, City staff person, or elected official using the Request for Review of Advertising form (see Appendix 2) available on the City's website. An advertiser may also request a review of an advertising decision by submitting that form, along with a picture/copy of the advertising to which the complaint relates, to the City Clerk's Office.

## Comments

The City's Advertising and Sponsorship with the City Policy (03-09-01) was last reviewed in November 2020 and is due to be reviewed next in 2023 as part of the City's three-year policy review cycle. While the policy was last updated in 2020 to expand on sponsorship, it has received mostly housekeeping updates since 2010. At that time, the City's Legal Services advised on which policy criteria should be included based on court decisions that dealt with freedom of expression protection. There have been case law developments since 2010 that confirm and detail the City's obligation to make advertising decisions in accordance with the *Charter*, as discussed in a separate report from the City Solicitor dated May 9, 2022.

In August 2010, City Council established the Advertising Review Panel and since then has met once (on May 31, 2018) to review a particular advertisement. At that time, the threshold requirement was reached for the Panel to meet – the City Clerk's Office received at least five Request for Review of Advertising forms, from five Mississauga residents, about an advertisement. Discussion took place during that review on why the City did not have grounds to refuse the ad under review, and accordingly, did not direct the advertisement to be removed.

City staff and City advertising contractors continue to rely on the Advertising and Sponsorship with the City Policy to make decisions about whether a particular ad would be permitted on an infrastructure asset, such as a bus shelter or digital overpass sign. The courts have recently confirmed that staff and the Advertising Review Panel must also engage in a *Charter* analysis. Reviewing the policy criteria for advertisements and the process for an advertising review would be beneficial prior to the next scheduled policy review in 2023 to ensure the City's policy is reflective of relevant case law.

For example, an advertising campaign that appeared on transit shelters in Mississauga was the focus of a recent *Mississauga News* article on April 29, 2022. Through Outfront Media, the Understance ads also appeared beyond Mississauga on transit shelters in Vaughan, Newmarket, Oakville, Richmond Hill, Markham, King City and Aurora. City staff determined that the four-week campaign, which began on March 21, 2022, did not offend the City's policy criteria for acceptable advertising. MiWay received only two complaints about this particular advertising campaign while it was displayed.

## Financial Impact

While agreements with advertising contractors generate revenue and other benefits to the City, financial considerations play no role in determining whether a particular advertisement is in compliance with the Advertising and Sponsorship with the City Policy.

## Conclusion

The City's Advertising and Sponsorship with the City Policy was last reviewed in November 2020 and is due to be reviewed next in 2023 as part of the City's three-year policy review cycle. Reviewing the policy criteria for advertisements and the process for an advertising review would be beneficial prior to the next scheduled policy review in 2023 to ensure the City's policy is reflective of changes since 2010 in relevant case law.

## Attachments

Appendix 1: Advertising and Sponsorship with the City policy (03-09-01)

Appendix 2: Request for Review of Advertising (form 2554)



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Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

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