

City of Mississauga
Corporate Report



<p>Date: June 12, 2025</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Graham Walsh, J.D., City Solicitor and Commissioner of Legislative Services</p>	<p>Meeting date: June 18, 2025</p>

Subject

Options to address certain forms of protests near places of worship (City Wide)

Recommendation

1. That Council provide direction to staff on the following options for the City of Mississauga to address violent and/or disruptive protests occurring near places of worship, as outlined in the report from the City Solicitor and Commissioner of Legislative Services dated June 12, 2025, and entitled "Options to address certain forms of protests near places of worship (City Wide)":

Option 1: Maintain Current Approach and Advocate for Legislative Change

- a) Continue to rely on existing legislative and enforcement tools to address violent and/or disruptive protests occurring near places of worship, including: (1) the City of Mississauga's Nuisance Gathering By-law 0211-2023; (2) other applicable City by-laws; (3) relevant provisions of the Criminal Code of Canada and common law police powers (enforced by Peel Regional Police); (4) the *Trespass to Property Act*; and (5) court injunctions initiated by private property owners.
- b) Council to authorize the delivery of letters to the following officials:
 - i. The Honourable Sean Fraser, Minister of Justice and Attorney General of Canada, requesting that the Criminal Code of Canada be amended to establish a criminal offence, punishable by incarceration, for engaging in harassment or violence near places of worship; and
 - ii. The Honourable Doug Downey, Attorney General of Ontario, expressing support for the passage of *Bill 16, Sacred Spaces, Safe Places Act, 2025*, which seeks to protect access to places of worship.

Option 2: Direct the Development of a By-law

Direct that a by-law is necessary to address violent and/or disruptive protests occurring near places of worship, and that staff report back to Council in Fall 2025 with a draft by-law and accompanying report outlining the proposed regulatory framework, legal considerations and enforcement approach.

Executive Summary

- On December 11, 2024, City Council passed Resolution No. 0260-2024 directing the City Solicitor to conduct research, consult with experts and hold public consultations as may be necessary to report back to Council with a report and, if necessary, a draft by-law, recommending the preferred course of action to address protests occurring near places of worship.
- Peel Regional Police (“PRP”) has confirmed that Mississauga has experienced one notable violent protest incident near a place of worship. On November 3, 2024, a protest took place at Sri Guru Singh Sabha Malton at 7280 Airport Road. PRP responded, managed the situation, and successfully dispersed the protesters.
- This report presents two options for the City of Mississauga (the “City”) to address violent and/or disruptive protests occurring near places of worship.
- Should Council approve Option 1, the City would continue to rely on existing legislative and enforcement tools to address violent and/or disruptive protests near places of worship. These tools include: (1) the City of Mississauga’s Nuisance Gathering By-law 0211-2023; (2) other applicable City by-laws; (3) provisions under the Criminal Code of Canada and the common law police powers (enforced by PRP); (4) the *Trespass to Property Act*; and (5) court injunctions sought by private property owners. In addition, staff recommend that Council issue formal correspondence to the Honourable Sean Fraser, Minister of Justice and Attorney General of Canada, and the Honourable Doug Downey, Attorney of General of Ontario, asking senior levels of government to examine this issue and consider broader legislative responses.
- Should Council approve Option 2, staff will return to Council in the Fall 2025 with a report and draft by-law to address violent and/or disruptive protests occurring near places of worship. However, a key consideration is the possibility of a legal challenge. The City may be subject to a court application asserting that such a by-law constitutes an unreasonable infringement on the rights to freedom of expression and peaceful assembly, as protected under the Canadian Charter of Rights and Freedoms (the “Charter”). Defending such a by-law in court could result in significant legal costs for the City.

- A by-law prohibiting certain forms of protests near places of worship, as contemplated under Option 2, would require careful consideration of the enforcement-related challenges, which are outlined in this report
- The findings of the public engagement and consultation showed that residents and community groups recognize that the right to protest must be balanced with the need to ensure safety and non-disruption at places of worship. However, the responses received were mixed with no clear consensus on whether residents and community groups support the development of a new by-law to regulate protests near places of worship. For example, over 13,600 residents visited the engagement website from March 15 to April 17, 2025. More than half of respondents (53.4 per cent) to the resident survey (554 total responses) viewed the adoption of a by-law regulating protests near places of worship positively, while 40.6 per cent viewed it negatively. However, when asked the question ‘Should the City develop a by-law to regulate protests near places of worship?’ through a quick poll, 56.7 per cent of the 668 respondents answered ‘No’ while 41.9 per cent answered ‘Yes.’

Background

On May 5, 2024, a minor non-violent protest took place outside of Sri Guru Singh Sabha Malton, a Sikh place of worship, at 7280 Airport Road in Mississauga during the Khalsa Day Parade.

On November 3, 2024, a violent protest occurred at the Hindu Sabha Temple in Brampton after members of a group called *Sikhs for Justice* held a protest while consular officials from India were visiting. Then later that same day a protest occurred at the Sri Guru Singh Sabha Malton.¹ PRP responded and were successful in ending the violence and dispersing the protesters. We are advised by PRP that 11 arrests were made in connection with Brampton and Mississauga protests of November 3, 2024. The protest at the Sri Guru Singh Sabha Malton was the only violent incident that occurred in Mississauga in 2024.

On December 11, 2024, City Council passed Resolution No. 0260-2024 directing the City Solicitor to conduct research and hold public consultations and report back to Council with a Report recommending the preferred course of action to address protests occurring near places of worship.

A copy of Resolution No. 0260-2024 and the corporate report dated November 28, 2024 from the City Solicitor entitled “Feasibility of Implementing a By-law to Prohibit Certain Forms of Protest Near Places of Worship” are attached as Appendix 2 and 3 respectively.

Present Status

Since the November 3, 2024 protest at the Sri Guru Singh Sabha Malton at 7280 Airport Road, no further violent protests have occurred in Mississauga.

The City does not issue permits for demonstrations, rallies, protests or vigils and recognizes the Charter protected right of peaceful assembly and freedom of expression. The City engages PRP where there are acts of violence and/or speech that threatens violence or incites hate, contrary to the Criminal Code of Canada. The City's Municipal Law Enforcement Officers ("MLEOs") do not have the resources to engage in large-scale crowd control tactics and must work with PRP. The PRP takes the lead in determining how to respond to large protests and demonstrations, particularly where violence is occurring.

In February 2025, the City kicked off a comprehensive research and consultation process to help inform whether the City should pass a by-law to prohibit certain forms of protests near places of worship in Mississauga (the "proposed by-law"), which included the following:

- research into how other municipalities addressing this issue;
- research on case law and constitutional implications;
- consultation with a constitutional law expert with the Canadian Civil Liberties Association ("CCLA") as well as obtaining an external legal opinion;
- consultations with other municipalities; and
- engagement with members of the public and affected community groups through an online survey.

Comments

Municipality Authority

Municipalities are given broad powers under the *Municipal Act, 2001* S.O. 2001, c. 25 (the "Act") to pass by-laws respecting the health, safety, and well-being of persons as well as the protection of persons and property, including consumer protection.² Further, municipalities are authorized to prohibit and regulate public nuisances, including matters, that in the opinion of Council, are or could become or cause public nuisances. The Act also states that the opinion of Council with respect to what constitutes a public nuisance, if arrived in good faith, is not subject to review by any court.³

Should Council wish to proceed with Option 2, the proposed by-law would be enacted pursuant to the above noted sections of the Act.

By-laws in Other Municipalities

Several municipalities have reviewed the feasibility of a similar by-law (commonly referred to as "bubble zone by-laws") and with the exception of Ottawa, have already passed bubble zone by-laws.

The City of Toronto

On May 22, 2025, Toronto City Council passed a motion to amend its Streets and Sidewalks By-law to provide access to social infrastructure. The by-law amendment will come into force on July 2, 2025.⁴

In December 2024, Toronto City Council directed the City Manager and staff to report to City Council in the first quarter of 2025 with a proposed by-law, with an emphasis on protecting vulnerable institutions such as places of worship, faith-based schools and cultural institutions. The City Manager tabled a report for City Council's consideration during the May 21-23, 2025 City Council meeting.⁵

The by-law amendment protects social infrastructure, defined as a (i) childcare centre, (ii) a place of worship, (iii) or a school, and provides for the possible establishment of a protected access area consisting of 50 metres from the property boundary lines. However, property owners are required to submit a written request attesting to the need for the establishment of an access area. Where an access area has been established, the prohibitions in the by-law will apply one hour before the operating hours of the social infrastructure adjacent to the access area and end one hour afterwards as well as during the times the social infrastructure adjacent to the access area is being used by the owner for the primary purposes of its operation.

If the property owner can satisfy the City of Toronto's criteria, the property owner will thereafter post a public notice that a protected access area has been established, and the access area will remain in place for one year. An access area may be renewed for additional one-year terms if City of Toronto staff receive a renewal request that satisfies the criteria prior to the commencement of an additional term. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine under the *Provincial Offences Act*.⁶

The City of Ottawa

On October 30, 2024, Ottawa City Council directed staff to consider the feasibility of implementing a vulnerable social infrastructure by-law similar to the City of Vaughan's to address harassment and hate speech around vulnerable institutions.⁷ On May 15, 2025, City of Ottawa staff issued a memorandum to the Emergency Preparedness and Protective Services and Public Works and Infrastructure Joint Committee.⁸ On May 28, 2025 Ottawa City Council voted to direct staff to develop a vulnerable social infrastructure by-law for the City of Ottawa within a nine-month timeline. "Vulnerable Social Infrastructure" may include, but is not limited to, places of worship, schools, hospitals, and long-term care and congregate care facilities. Staff were directed to incorporate a number of considerations into the by-law, including:

- prohibiting demonstrations within a defined distance of vulnerable social infrastructure;
- time-limited protected zones (active only during operational hours/high risk periods);
- scope of the by-law should be narrowly tailored to minimize any infringement on Charter-protected rights while ensuring adequate Charter protection for vulnerable individuals);
- protective distances (up to 80 metres);

- targeted application (by-law should not apply to demonstrations that are not specifically directed at the protected vulnerable social infrastructure);
- labour/internal exemption (explicitly exempt lawful union protests, strikes, pickets, etc.), scope of government-owned infrastructure (by-law to apply only where the primary function of the building/facility is to provide medical care, education, or long-term care or congregate care services);
- offences and penalties;
- safe access approach (facilitate unimpeded safe access to vulnerable social infrastructure while respecting the right to lawful protest);
- consultation and engagement; and
- interagency collaboration.

The direction also states that if within the nine-month period, the provincial or federal government enacts legislation pertaining to vulnerable infrastructure, then staff will report back with an analysis of such legislation.⁹

The City of Vaughan

In response to several incidents (such as the act of vandalism at the Chabad House of Maple on November 14, 2023, and a bomb threat targeting the Jaffari Community Centre on November 16, 2023),¹⁰ the City of Vaughan passed Bylaw No. 143-2024¹¹ on June 25, 2024, being the Protecting Vulnerable Social Infrastructure By-law (the “Vaughan By-law”). The Vaughan By-law prohibits individuals from organizing or participating in a “Nuisance Demonstration” within 100 metres of vulnerable social infrastructure, such as childcare centres, congregate care facilities, hospitals, schools or places of worship. A “Nuisance Demonstration” is defined in the Vaughan By-law as:

“...one or more persons “publicly and in person, protesting against something or expressing views on any issue, in any manner, whether it is intended or not, that is likely, on an objective standard, to cause a reasonable Person to be intimidated, meaning that they are either concerned for their safety or security, or they are unable to access Vulnerable Social Infrastructure. For greater certainty, intimidation can be caused by, but not only by, actions or expressions that incite hatred, violence, intolerance or discrimination”.

The Vaughan By-law specifically states that it is “not intended to prohibit peaceful gatherings, protests or demonstrations, including any such activities that occur as part of a labour union strike.”

However, on December 9, 2024 the City of Vaughan did not enforce its by-law during an anti-Israeli protest occurred in front of the Beth Avraham Yoseph synagogue as an Israeli real estate event was being held, as reported by Jonathan Rothman of The Canadian Jewish News on December 11, 2024.¹²

The City of Brampton

On November 20, 2024, the City of Brampton passed By-law No. 173-2024, being the *Protecting Places of Worship from Nuisance Demonstrations By-law*¹³ (the “Brampton By-law”). The Brampton By-law was passed in response to violent protests and demonstrations that occurred outside of a temple.¹⁴

The Brampton By-law is similar to the Vaughan By-law, except that it’s limited to “Nuisance Demonstrations” occurring near places of worship only. It prohibits Nuisance Demonstrations within 100 metres of the property line of any place of worship. In addition to peaceful protests/demonstrations and protests/demonstrations in relation to labour strike action, the Brampton By-law also exempts persons that are peacefully protesting against foreign governments at a place of worship.

The Town of Oakville

On December 16, 2024, after receiving a staff report,¹⁵ Oakville Town Council directed staff to engage in virtual public consultation and to research and investigate a draft by-law for Oakville to address certain forms of protests within a reasonable distance from vulnerable community infrastructure. Staff issued a subsequent report to Council on May, 2025.¹⁶ On May 12, 2025 Oakville Town Council approved the Safe Access to Places of Worship By-law 2025-088¹⁷ (the “Oakville By-law”), restricting certain forms of protest activities near places of worship as well as areas used on a temporary basis to host religious ceremonies or services. The Oakville By-law specifies what actions are not allowed within 50 metres of any place of worship to maintain safe public access.

The Oakville By-law takes effect immediately and does not prohibit peaceful gatherings, protests or demonstrations, including but not limited to those related to lawful work actions. Other key highlights of the Oakville By-law include when it is in effect, specifically, only during the times when a ceremony or service is taking place. The rules in the Oakville By-law apply one hour before and one hour after operational hours or a scheduled event.

Council also directed that consideration of the Oakville By-law's applications to any other forms of vulnerable social infrastructure, such as hospitals, schools, daycares, and libraries, in Oakville be deferred for one year. This pause will provide additional time for the federal government to fulfill its commitment made during the 2025 federal election to introduce protective legislation. Town of Oakville staff have also been instructed to monitor federal developments and bring a report back to Council by June 1, 2026, evaluating the potential for extending the Oakville By-law's application to include other vulnerable social infrastructure.¹⁸

The City of Calgary

On March 14, 2023 the City of Calgary passed the Safe and Inclusive Access By-law 17M2023 to “create safe and inclusive access to recreation facilities and libraries” (the “Calgary By-law”).¹⁹ It was introduced in response to protests outside city pools and libraries, many of which were aimed at the LGBTQ+ community.

The Calgary By-law limits “specified protests” on “publicly accessible property” within 100 metres of an entrance to a recreation facility or a library. It limits protests based on the protected classes under the Alberta Human Rights Code. “Specified protests” are defined in the Calgary By-law as an “expression of objection or disapproval towards an idea or action related to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation by any means, including graphic, verbal, or written means, but does not include messaging at an event scheduled by a recreation facility.” The rules in the Calgary By-law apply one hour before and one hour after operational hours or a scheduled event.

However, the Calgary By-law is currently the subject of two separate litigation proceedings. We understand as follows:

- On November 26, 2024, Mr. Larry Heather was convicted under Section 3(1) of the Calgary By-law,²⁰ however, the conviction is being appealed by Mr. Heather. At the time of writing this report, we understand that the hearing scheduled for April 4, 2025 did not proceed because the matter was placed in a case management process and an appeal hearing date will be determined at some point in the future.
- An application for judicial review was launched by the Canadian Constitutional Foundation before the Alberta Court of King’s Bench challenging the constitutional validity of the Calgary By-law. It was scheduled for a two day hearing on February 25-26, 2025.²¹ However, we understand that the hearing was stayed (paused) pending the final determination of the Heather appeal. The parties are also waiting to find out if the CCLA intends to participate as an intervenor in the matter. As such, a decision on the constitutional challenge has not been rendered.

An overview of bubble zone by-laws in other municipalities is set out in Appendix 4.

Engagement and Consultation

In addition to consultations with other local municipalities and the CCLA, the City’s Communications team undertook comprehensive public engagement and consultation as part of City staff’s research process.

A comprehensive marketing communications campaign with various tactics was launched to inform, educate, and encourage residents to share their experiences and ideas, resulting in over 13,600 residents visiting the engagement webpage from March 15 to April 17, 2025.

The public consultation included two surveys (a resident survey and a community group survey), a “Quick Poll” survey question (“Should the City develop a by-law to regulate protests near places of worship?”), a community group toolkit (available in several languages), and consultations with the CCLA on March 26, 2025, as noted herein.

Summary of Consultation Feedback across all Surveys

The results of the consultation indicate that residents and community groups generally acknowledge the importance of balancing the right to protest with the need to ensure safety and prevent disruption at places of worship. However, the responses received were mixed with no clear consensus on whether residents and community groups support the development of a new by-law to regulate protests near places of worship. For example, more than half of respondents (53.4 per cent) to the resident survey (554 total responses) viewed the adoption of a by-law regulating protests near places of worship positively, while 40.6 per cent viewed it negatively. However, when asked ‘Should the City develop a by-law to regulate protests near places of worship?’ through a quick poll, 56.7 per cent of the total 668 respondents answered ‘No’ while 41.9 per cent answered ‘Yes.’

Overall, the survey results expressed different views on how to respond to this complex issue (see Appendix 5: “Regulating Protests Near Places of Worship May 2025 Summary: What We Heard Report”). The findings include:

- Balancing the right to protest with the need to ensure safety and non-disruption at places of worship must be considered.
- While most respondents (79%) had not personally experienced protests near places of worship, there is a notable concern about the increasing frequency of such events. This concern is reflected in the support for a by-law to regulate protests, with over half of the respondents viewing it positively (53.4%). However, other respondents (40.6%) viewed such regulation negatively, highlighting the importance of protecting freedom of speech and assembly.
- Safety and security emerge as critical priorities, with respondents emphasizing the need to prevent violence, harassment, and intimidation. There is also a strong call for regulations to be clear, consistent, and fairly enforced, ensuring that all places of worship are treated equally.
- Respondents were divided on whether existing legislation is sufficient (40% felt that yes, the existing by-law is sufficient; 36.4% felt it is not), indicating a need for further discussion and evaluation.
- Respondents also suggest alternative approaches, such as increased police presence, strengthening existing by-laws, and community education campaigns.

Options

Option 1: Maintain Current Approach and Advocate for Legislative Change

There are a number of tools that currently exist to address violent and/or disruptive protests occurring near places of worship in Mississauga.

1. Criminal Code of Canada

PRP have expansive powers under the Criminal Code of Canada²² to address violent protests near places of worship. These powers include the following:

- 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. Additionally, anyone lawfully assisting the officer in maintaining the peace is justified in making an arrest.
- 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. Even if an assembly starts off lawful, it can become unlawful if the participants begin to act in a way that would have made the gathering illegal from the outset.
- Section 176(1) (Obstructing an officiant clergyman) states that “Every 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 “Every 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 (Nuisances) 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 (Assaults) 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) makes it an offence for anyone who, “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.”
- 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 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”, then they are 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.
 - For the purposes of Section 430(4.1), “property” is defined under Section 430(4.101) as:
 - (a) 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;
 - (b) 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.

2. The *Community Safety and Policing Act, 2019*

The *Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched., Regulation 392/23 entitled “Adequate and Effective Policing (General)” under Section 8 provides a requirement for each chief of police to establish written procedures for its public order unit. Section 8(5) of this Regulation imposes a requirement to establish written procedures pertaining to police action in respect of protests, demonstrations and occupations. This is an important consideration and PRP should engage with the City of Mississauga to determine if their Section 8(5) written procedures are effective in dealing with protests at or near places of worship.

3. Common Law Powers of the Police

In addition to powers given to police under legislation like the Criminal Code of Canada, police also have common law powers granted to them by the courts (commonly referred to as the Ancillary Powers Doctrine), which are not explicitly granted by legislation but are considered reasonably necessary powers for the police to have to fulfill their duties. The Supreme Court of Canada has recognized these common law powers to assist police in creating temporary perimeters or buffer zones in specific circumstances.²³ These powers are particularly useful when crowd control needs to be exercised by the police.

As referred to in the CCLA Letter (referenced herein) on page 3, police can use their common law powers when necessary to “create and enforce space between two groups that are protesting against each other or allow for appropriate access to community buildings or private property.”

4. Court Injunctions

Property owners (including those owning places of worship) may wish to file an application under Section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 for a court injunction to restrain demonstrations and protests within a certain perimeter of the place of worship, where there is a high probability of a risk of harm.

In November 2024, for example, the Ontario Superior Court of Justice in the case of *Lakshmi Narayan Mandir v. John Doe and Jane Doe*,²⁴ granted the applicant temple Lakshmi Narayan Mandir in Toronto an injunction restraining protests within 100 metres of the temple to allow safe access to an event organized by the Consulate General of India called a consular camp.

Similarly, in October 2024, the Supreme Court of British Columbia in *Khalsa Diwan Society v. Doe*,²⁵ granted an injunction to the Khalsa Diwan Society to create a 50 meter “buffer zone” around a Sikh place of worship to allow a consular camp to proceed. The leaders of the place of worship in Vancouver sought a pre-emptive injunction to establish a buffer zone around this specific place of worship. The injunction was sought ahead of consular camps, which were to be

held on November 2 and 16, 2024. These consular camps are held each year for "seniors of Indian descent to complete administrative tasks with the Government of India, primarily in relation to their pensions, without the need for attending in person at the Indian consulate."

5. *Trespass to Property Act*

The *Trespass to Property Act*, R.S.O. 1990, c. T.21 ("TPA") may be used by property owners or occupiers to protect property from unauthorized entry. Section 2(1) of the TPA makes it an offence for persons to enter or engage in prohibited activities on a property without the owner's permission. It is also an offence where a person does not leave the premises immediately after being directed to do so. Upon conviction, a person is liable to a maximum fine of \$10,000.

Private property owners may seek to enforce the TPA where protestors enter their property without permission or for the purposes of impeding access. Where deemed appropriate, the City as a property owner may also seek to enforce the TPA where persons are engaging in prohibited activities on City properties.

6. The City's Nuisance Gathering By-law

The City enacted the [Nuisance Gathering By-law 211-2023, as amended](#) (the "Nuisance Gathering By-law") on December 13, 2023. The Nuisance Gathering By-law prohibits persons from attending, sponsoring, conducting, hosting, allowing, causing or permitting a Nuisance Gathering in a public or private place in the Mississauga. The definition of a "Nuisance Gathering" includes the following activities:

- public disorderly conduct;
- damage or destruction of public or private property;
- pedestrian traffic that could interfere with the ability to provide emergency services;
- unreasonable noise, including loud music or shouting that is of such a volume or nature that it is likely to disturb the inhabitants of the City;
- public disturbances, including public brawls or public fights;

The penalties upon a conviction for an offence of the Nuisance Gathering By-law may result in a minimum fine of \$500 and maximum fine of \$100,000, including the provision for continuing and special fines.

The Nuisance Gathering By-law is not intended to target or curb lawful and peaceful protests taking place in Mississauga. However, there may be situations where enforcement under the Nuisance Gathering By-law is warranted in the context of a violent or disruptive protest occurring near a place of worship.

7. Other City By-laws

Other City by-laws may also be relied upon in the context of protests occurring near places of worship. These include:

- [Noise Control By-law 0360-1979, as amended](#) – regulates and prohibits noises that may cause a disturbance to residents. This includes persistent sounds, amplified sounds and auditory signalling devices.
- [Parks By-law 0197-2020, as amended](#) – regulates and prohibits activities in the City’s parks. For example, it states that no person shall “engage in riotous, boisterous, violent, threatening, or illegal activity, or use profane or abusive language, which includes hatred against an identifiable group” or “any activity that, if in the opinion of Parks Staff or Officers, creates a nuisance or that interferes with the use and enjoyment of the Park by other persons” or “any activity that may cause injury or damage to any person, animal, Tree, Shrub, Plant, property, or Park Amenity. This by-law could be used if a faith-based group is worshipping in a municipal park and being harassed.
- [Debris and Anti-Littering By-law 0219-1985, as amended](#) – prohibits the throwing, placing or depositing of refuse or debris on private or City property, without consent.
- [Special Events Temporary Road Closure By-law 0051-2006, as amended](#) – prohibits the organization or participation of a special event on a highway unless a permit has been issued. The definition of “special event” also includes a demonstration.
- [Highway Obstruction By-law 0357-2020, as amended](#) – prohibits obstructions on a highway. This prohibition also includes obstructions such as parking of equipment (without permission under applicable City by-laws); throwing, placing or depositing of dirt, glass, handbills, paper or other refuse and debris.

Option 2: Direct development of a by-law to address violent and/or disruptive protests occurring near places of worship

Under Option 2, Council would be asking staff to draft a specialized by-law that creates a bubble zone around places of worship within which certain forms of protest would not be permitted. Should Council wish to proceed with Option 2, staff will come back in the Fall 2025 with a report and a draft by-law. Under this scenario, the City should consider the Charter and enforcement related implications of enacting such a by-law.

1. A proposed by-law prohibiting certain forms of protests near places of worship would likely be an infringement of Charter-protected rights of freedom of expression and

freedom of peaceful assembly. It may be considered an unreasonable infringement on protestors' Charter rights and could expose the City to a court challenge.

2. From a practical perspective, the proposed by-law would pose several enforcement challenges for the City's MLEOs.

These points are discussed in greater detail below.

1. Charter Considerations

The proposed by-law, which would restrict protests near places of worship, will likely be found to infringe the constitutionally protected right of freedom of expression. Section 2(b) of the Charter²⁶ provides that everyone has the fundamental freedom of "thought, belief, opinion and expression, including freedom of the press and other media of communication". Such a by-law would likely engage the Charter protected freedoms in s. 2(c) (freedom of peaceful assembly) and s. 2(d) (freedom of association) as well.

The Supreme Court of Canada has enunciated in leading case law that freedom of expression was entrenched in the Constitution "to ensure that everyone can manifest their thoughts, opinions, beliefs, indeed all expressions of the heart and mind, however unpopular, distasteful or contrary to the mainstream,"²⁷ and that the repugnancy of the ideas being expressed is not sufficient to justify restricting the expression.²⁸

Staff from Legal Services, along with lawyers from the Town of Oakville and Cities of Brampton and Ottawa met with the CCLA on March 26, 2025 to discuss CCLA's position with respect to bubble zone by-laws. Subsequently, the CCLA outlined its Charter-related concerns in a letter to the City of Mississauga, dated March 31, 2025 (the "CCLA Letter"). In it, the CCLA references a number of court decisions that underscore the importance of freedom of expression and freedom of assembly in Canadian Society.

A copy of the CCLA Letter can be found in Appendix 6 of this report.

The City as a government entity is subject to the Charter, which provides constitutional protections for freedom of expression (s. 2(b)) and peaceful assembly (s. 2(c)). Canadian case law has held that freedom of expression and the freedom to peacefully assemble includes the right to participate in peaceful demonstrations and protests. It includes the right to protest on public lands and streets.²⁹

The rights protected in the Charter are not absolute and must be balanced with the rights of others. While the Charter protects the right of peaceful assembly, there is no right to protest violently, damage property, incite hate speech or threaten the safety of others.

The Legal Test in *R. v Oakes*, 1986

It is acknowledged that governments can and do take actions or make laws that infringe a person's Charter rights; however, such actions or laws must be justified under section 1 of the Charter, which states that the Charter "guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." This phrase has received judicial interpretation.

In the 1986 *R. v. Oakes* case³⁰, the Supreme Court of Canada outlined a 4-part test for determining whether a government action that infringes a Charter right is justified pursuant to section 1 of the Charter. This test is commonly referred to as the Oakes Test. To be justified under section 1 of the Charter, a government action or law that infringes Charter rights must have (i) a pressing and substantial objective; (ii) be rationally connected to achieving this objective; (iii) minimally impair the right to expression; (iv) have benefits that outweigh the deleterious effects of the action or law.

It is important to note that to-date Mississauga has only experienced one notable violent protest near a place of worship. As a result, the City should consider whether the proposed by-law would be necessary in Mississauga, given that it hasn't been a major issue in this city. Further, other effective tools are available to address violent and/or disruptive protests near places of worship that are less infringing on Charter rights and freedoms.

The City must exercise caution when considering a by-law that would limit a protestor's Charter-protected rights, as it could expose itself to a costly Charter challenge if the Oakes Test cannot be satisfied. It should be noted that although the Calgary By-law is currently before the courts, final decisions have not yet been rendered. As such, to-date bubble zone by-laws have not been judicially considered in Canada.

Bubble Zones and Abortion Services: *Safe Access to Abortions Act*, 2017

In Ontario, the establishment of safe access zones to protect access to abortion services has not been carried out through municipal by-laws. Instead, this issue has been addressed through provincial legislation, being the *Safe Access to Abortions Act*, 2017 S.O. 2017, c. 19, Sched. 1. It allows for safe access zones to be established around eight (8) private abortion clinics and other facilities that offer abortion services (hospitals, medical clinics, etc.), as well as the offices and homes of clinic staff, and other regulated health professionals that provide these services. Prohibitions include activities (which would include protests) near these facilities that intimidate, harass, or interfere with individuals accessing or providing abortion services.

While this provincial legislation is instructive, it can be distinguished from a place of worship bubble zone by-law on the basis that it protects only eight (8) private clinics and only those hospitals and medical clinics that actually apply for the creation of a safe zone.³¹ On the other hand, a place of worship bubble zone by-law would have a much larger impact on the city since it captures a significant number of buildings and a wide range of protest activities.

2. Enforcement Challenges

The introduction of a proposed by-law regulating protests near places of worship would present several enforcement-related challenges for the City's MLEOs.

As advised by the City's Enforcement Division, MLEOs are not trained or equipped to manage or disperse large or violent crowds. In the event of an unruly or aggressive protest, by-law officers would be required to defer to PRP to maintain public safety and restore order. This operational dependency highlights a fundamental limitation in the City's enforcement capacity for managing high-risk protest activity.

Should Council proceed with a by-law modeled after bubble zone by-laws adopted in other Ontario municipalities, the interpretation and consistent application of the by-law may present further challenges. For example, many existing bubble zone by-laws define restricted activity in terms such as "intimidation" within a "Nuisance Demonstration" or "Specified Protest". However, the concept of intimidation is inherently subjective, and enforcement could vary depending on individual perceptions and context. What one person may find intimidating, another person may not. This variability introduces risk and uncertainty for enforcement staff when determining whether a by-law violation has occurred.

Additionally, many bubble zone by-laws clarify that they are not intended to prohibit peaceful protests. However, it could be argued that even a peaceful protest might feel intimidating to someone attempting to access a place of worship, creating further ambiguity in enforcement. There are also challenges with determining whether a protest falls within the scope of the by-law, especially in cases where the purpose of the gathering is unclear or not explicitly stated.

From a practical perspective, not all places of worship are easily identifiable. Some are located within multi-use or commercial buildings, and not all have clear signage or distinguishable boundaries. Determining which areas of a property qualify as a place of worship — including whether specific rooms within a building are used for worship — would add complexity to enforcement efforts.

Regardless of whether the City enacts a new by-law, MLEOs will continue to rely on PRP for enforcement of the Criminal Code of Canada in response to violent or disruptive protest activity. While there may be situations where enforcement under the Nuisance Gathering By-law or other City by-laws is appropriate, these would need to be assessed on a case-by-case basis, and often in coordination with PRP.

Should Council proceed with the development and implementation of a by-law regulating protests near places of worship, additional enforcement resources would be required to ensure effective, fair, and consistent application. The following areas outline the anticipated resource impacts:

Staffing Requirements

- **Increased Field Presence:** Protests — particularly if scheduled on weekends or evenings — would require a greater field presence during non-standard hours. Current staffing levels may not support proactive monitoring or timely response to protest activity occurring outside core hours.
- **Dedicated Enforcement Support:** The City may need to designate a specialized enforcement team or assign dedicated officers to manage protest-related activities. These officers would require a higher level of training and coordination with PRP.

Training

- **Charter and Legal Compliance:** Enforcement staff would require training on the Charter, particularly regarding the rights to freedom of expression and peaceful assembly, and how these intersect with municipal by-law enforcement.
- **De-escalation and Crowd Dynamics:** Officers would benefit from specialized training in protest de-escalation, crowd behaviour recognition, and risk assessment, which are not part of standard MLEO training.
- **Evidence Collection:** Training would be required on documenting violations in high-scrutiny environments, including video evidence gathering, incident reporting, and preparing material for potential legal challenges.
- **Scenario-Based Training:** Simulated exercises could help MLEOs gain practical exposure to handling sensitive enforcement scenarios involving places of worship and public gatherings.

Operational Supports

- **Personal Safety Equipment:** Given the possibility of high-tension situations, MLEOs may require enhanced personal protective equipment (PPE) and body-worn cameras to ensure their safety and support accountability.
- **Communications Equipment:** Enhanced real-time communication tools, such as radio interoperability with PRP or GPS-enabled dispatch systems, may be required for coordinated response.
- **Policy and Standard Operating Procedures Development:** New standard operating procedures (SOPs) would be required to guide enforcement staff in handling protest-related incidents, including escalation protocols, documentation standards, and post-incident debriefing.

- **Legal and Risk Management:** Additional legal support will be required to advise on enforcement decisions, review evidence packages, and support potential court proceedings if the by-law is challenged.

These resource needs are essential to ensure that any enforcement activity related to the proposed by-law is carried out in a safe, lawful, and procedurally fair manner, while also mitigating the risk of legal, operational or reputational harm to the City.

Should Council direct that a by-law be developed, staff will conduct a thorough needs analysis to assess the full scope of enforcement and operational implications. A detailed breakdown of Full-Time Equivalent (FTE) requirements, as well as associated training, equipment, and administrative support needs (and all associated costs), will be included if staff return to Council with a draft by-law and accompanying report.

Financial Impact

There are no current financial impacts arising from the recommendations contained in this report.

Conclusion

Legal Services staff have reviewed the feasibility implementing a by-law to prohibit certain forms of protests near places of worship. The findings from the public engagement and consultation process indicate that residents and community groups recognize the importance of balancing the right to protest with the need to ensure safety and prevent disruption at places of worship. However, the responses received were mixed with no clear consensus on whether residents and community groups support the development of a new by-law to regulate protests near places of worship.

This report outlines two options for Council's consideration:

- **Option 1** would rely on existing tools to address violent or unruly protests near places of worship. Under this option, staff also recommend that Council authorize letters to be sent to the Honourable Sean Fraser, Minister of Justice and Attorney General of Canada, and the Honourable Doug Downey, Attorney of General of Ontario, to encourage senior levels of government to consider broader legislative solutions.
- **Option 2** would direct staff to return to Council in Fall 2025 with a report and draft by-law to address violent and/or disruptive protests near places of worship. Should Council choose this option, careful consideration must be given to the Charter implications and enforcement-related challenges outlined in this report.

Legal Services will continue to monitor relevant court decisions and any new provincial or federal legislation that may impact those wishing to protest near places of worship. Updates will be provided to Council as new information becomes available.

Attachments

Appendix 1: Report References

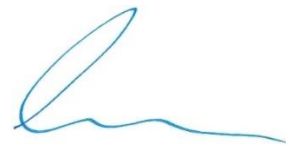
Appendix 2: Resolution No. 0260-2024

Appendix 3: Corporate report dated November 28, 2024, from the City Solicitor entitled “Feasibility of Implementing a By-law to Prohibit Certain Forms of Protest Near Places of Worship”

Appendix 4: Overview of “Bubble Zone” By-laws in other Municipalities

Appendix 5: Regulating Protests Near Places of Worship – May 2025 Summary: What We Heard Report

Appendix 6: Letter from CCLA, dated March 31, 2025



Graham Walsh, J.D., City Solicitor and Commissioner of Legislative Services

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