

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2024

Item 23, Report No. 25, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan, via recorded vote, on June 25, 2024, as follows:

By approving the recommendation contained in Communication C25, memorandum from the Deputy City Manager, Community Services, dated June 24, 2024, as follows:

That the amendments to the proposed Protecting Vulnerable Social Infrastructure By-law, as outlined in Communication C25, be approved by Council; allowing the City to be more proactive and therefore better able to ensure the health, safety and wellbeing of the public; and

By receiving the following Communications:

- C4. Tala Muktar, dated June 18, 2024;***
- C5. Independent Jewish Voices, dated June 18, 2024;***
- C6. Jennie Fallis, dated June 17, 2024;***
- C7. Maricelle Tia, dated June 17, 2024;***
- C8. Felix P, dated June 17, 2024;***
- C9. Gary Kasper, dated June 17, 2024;***
- C10. Jennifer Crinion, dated June 18, 2024;***
- C11. Taryn Slawter, dated June 17, 2024;***
- C12. Andria Babbington, Toronto & York Region Labour Council, COPE 343, Don Mills Road, Don Mills, dated June 17, 2024;***
- C13. Anas T, dated June 18, 2024;***
- C14. Christine G. Ebadi, dated June 18, 2024***
- C15. Karen Osorio, dated June 18, 2024;***
- C16. Sophia Os, dated June 18, 2024;***
- C20. Sheri Cowan, Centre Street, London, dated June 22, 2024; and***
- C21. Petition from concerned residents, dated June 25, 2024.***

23. BY-LAW TO PROTECT VAUGHAN'S VULNERABLE SOCIAL INFRASTRUCTURE

The Committee of the Whole recommends:

- 1. That the recommendation contained in the following report of the Deputy City Manager, Community Services, dated June 18, 2024, be approved;**
- 2. That the comments and communications of the following speakers be received:**
 - 1. Rabbi Avram Rothman, Aish Thornhill Community Synagogue, Clark Avenue, Thornhill;**
 - 2. Daniel Korobkin, Beth Avraham Yoseph of Toronto Congregation, Spring Gate Boulevard, Thornhill, and Communication C4., dated June 11, 2024;**

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2024

Item 23, CW Report 25 – Page 2

3. Gary Gladstone, Reena, Clark Avenue, Thornhill;
 4. James Nguyen, Vietnamese Association of Vaughan, Rutherford Road, Vaughan;
 5. Mira Hamat, Coldwater Court, Thornhill;
 6. Stephen Ellis, The Legal Centre for Palestine, Summeridge Drive, Vaughan;
 7. Zehavi Zynoberg, Centre for Israel and Jewish Affairs, Bathurst Street, North York;
 8. Fawzy Manaa, Canadian Muslim Public Affairs Council, Wild Cherry Lane, Mississauga;
 9. Rabbi Mordechai Loiterman, Eitz Chaim Schools, York Hill Boulevard, Vaughan;
 10. Mendy Finkelstein, Promenade Circle, Thornhill, and Communication C76., dated June 17, 2024;
 11. Patrick Simaan, Halo Court, Vaughan;
 12. Rudy Barell, Developing and Nurturing Independence, Clark Avenue West, Thornhill;
 13. Melissa Pang, Independent Jewish Voices - Toronto & York Region Chapter, Woodbine Avenue, Toronto, and Communication C90.;
 14. Mohammed Shaikh, Oldham Street, Woodbridge;
 15. Braedon Balko, Nadia Avenue, Vaughan;
 16. Rabbi Mendel Kaplan, Chabad Flamingo, Bathurst Street, Thornhill; and
3. That the following communications be received:
- C2. Lauren, Thornhill, dated June 11, 2024;
 - C3. Zachary Dulberg, Vaughan, dated June 11, 2024;
 - C5. Drs. Robert & Esther Libman, Thornhill, dated June 11, 2024;
 - C6. Dr. Howard Tenenbaum, Rose Green Drive, Thornhill, dated June 11, 2024;
 - C7. Stella Seigel, dated June 11, 2024;
 - C8. Jenn V, dated June 11, 2024;

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2024

Item 23, CW Report 25 – Page 3

- C9. Ruth Pupko, dated June 11, 2024;**
- C10. Geni and Ilya Bahar, dated June 11, 2024;**
- C11. Terry Walman, dated June 11, 2024;**
- C12. Risa Dulberg, dated June 11, 2024;**
- C13. Ron Simon, Toscana Road, Woodbridge, dated June 11, 2024;**
- C14. Joanne Asher, dated June 11, 2024;**
- C15. Risa Dulberg, dated June 11, 2024;**
- C16. Evie Shulman, dated June 11, 2024;**
- C17. Camila Kucharczuk, dated June 11, 2024;**
- C18. Bernice Robins, dated June 11, 2024;**
- C19. Laurence Price, Robinwood Trail, Thornhill, dated June 12, 2024;**
- C20. RM Brown, dated June 11, 2024;**
- C21. Karen & Idan Shlesinger, dated June 11, 2024;**
- C22. Belinda Schneeweiss, dated June 11, 2024;**
- C23. Lisa Speers, Vaughan, dated June 11, 2024;**
- C24. Rhonda Fromstein, Dewbourne Avenue, York, dated June 11, 2024;**
- C25. Sarra Sobel, dated June 11, 2024;**
- C26. Morgan Smyth, Wellington Street East, Toronto, dated June 12, 2024;**
- C27. Laura Jacob, dated June 12, 2024;**
- C28. Daniel Freudman, dated June 12, 2024;**
- C29. Sharon Singer, Orchard View Boulevard, Toronto, dated June 12, 2024;**
- C30. David Brill, dated June 12, 2024;**
- C31. Stephen Wise, Thornhill, dated June 12, 2024;**
- C32. Natalie Blum, Thornhill, dated June 12, 2024;**
- C33. Irving Siegel, dated June 13, 2024;**

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2024

Item 23, CW Report 25 – Page 4

- C34. Most Rev. Francis Leo, Metropolitan Archbishop of Toronto, Yonge Street, Toronto, dated June 12, 2024;**
- C35. Charles Ticker, dated June 13, 2024;**
- C36. Bernice Royce, dated June 13, 2024;**
- C40. Kevin Zeilig, dated June 14, 2024;**
- C41. Lorraine, dated June 14, 2024;**
- C42. Cara and Art Altman, dated June 14, 2024;**
- C43. Petition from concerned residents, dated June 14, 2024;**
- C44. Alan Kaplan, dated June 14, 2024;**
- C45. Jacob Steinberg, dated June 14, 2024;**
- C46. Henry Pukier, dated June 14, 2024;**
- C47. Rhonda Madorsky, dated June 14, 2024;**
- C48. Beverley Freedman, Valley Vista Drive, Vaughan, dated June 14, 2024;**
- C49. Barb Leonard, dated June 14, 2024;**
- C50. Heather Shapero, dated June 12, 2024;**
- C51. Marla Lukofsky, dated June 11, 2024;**
- C52. Talia Nascon and Family, Thornhill, dated June 11, 2024;**
- C53. Laurence Price, Robinwood Trail, Thornhill, dated June 11, 2024;**
- C54. Randy Hebscher, dated June 11, 2024;**
- C55. Sean FitzGerald, dated June 11, 2024;**
- C56. Michelle, dated June 11, 2024;**
- C57. Yvonne Azuelos, dated June 14, 2024;**
- C58. Arnie Gotfryd, dated June 14, 2024;**
- C59. Shari Braham, dated June 15, 2024;**
- C60. Saleh Yacoub, Thornhill, dated June 16, 2024;**
- C61. Liora Sturm, dated June 16, 2024;**
- C62. Trevor Harris, dated June 16, 2024;**
- C63. Inna Rozenfeld, Thornhill, dated June 16, 2024;**

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2024

Item 23, CW Report 25 – Page 5

- C64. Belinda Cheung, Vaughan, dated June 16, 2024;**
- C65. Avie Herman, dated June 16, 2024;**
- C66. Reu Ben, dated June 16, 2024;**
- C67. David Fenig, dated June 16, 2024;**
- C68. Rabbi C.R. Kohn, dated June 16, 2024;**
- C69. Bezalel and Hadassah Lebovic, dated June 16, 2024;**
- C70. Tallie Rabin, Vaughan, dated June 16, 2024;**
- C71. Sidney Tannenbaum, dated June 17, 2024;**
- C72. Gila Rabin, dated June 16, 2024;**
- C73. N. Zuchter, dated June 17, 2024;**
- C74. Nancy Mortiz-Farajun, dated June 17, 2024;**
- C75. Steven Grossman, dated June 17, 2024;**
- C77. Daniel Orner, Heatherton Way, Thornhill, dated June 17, 2024;**
- C78. Khaled Al-Qazzaz, The Canadian Muslim Public Affairs Council, Bristol Circle, Oakville, dated June 17, 2024;**
- C79. Amanda Kohl, dated June 17, 2024;**
- C80. Melissa Lantsman, M.P. - Thornhill, Centre Street, Thornhill, dated June 17, 2024;**
- C81. Benjamin Yosipovich, Vaughan, dated June 17, 2024;**
- C82. Petition from concerned residents, dated June 14 to June 17, 2024;**
- C88. Bryan Keshen, Reena, Clark Avenue West, Thornhill, dated June 3, 2024; and**
- C89. JP Hornick, OPSEU/SEFPO, dated June 17, 2024.**

Recommendations

1. THAT Council approve the Protecting Vulnerable Social Infrastructure By-law, substantially in the form as provided in Attachment 1 of this report.

Committee of the Whole (2) Report

DATE: Tuesday, June 18, 2024

WARD(S): ALL

TITLE: BY-LAW TO PROTECT VAUGHAN'S VULNERABLE SOCIAL INFRASTRUCTURE

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

This report is further to a Member's Resolution presented by Mayor Steven Del Duca to Committee of the Whole on May 8, 2024, directing staff to return with a By-law, to be considered and voted upon by Council, that prohibits demonstrations of a nature that intimidate, incite hatred, violence, intolerance or discrimination within 100 metres, or within a reasonable distance, of a religious institution, school, childcare centre, hospital or congregate care facility.

Report Highlights

- Although hate crimes have been an ongoing concern in communities across the GTA, recent and ongoing international events have heightened tensions and increased incidence levels in Vaughan and those around the world. Public protests have also escalated and raised concerns over heightened violence, intimidation, and disrupted access to vulnerable social infrastructure.
- In his comments to Committee of the Whole on May 7, 2024, the Mayor stressed that the intent of his Member's Resolution is for staff to draft a By-law that protects all City of Vaughan residents.
- Staff are proposing the draft By-law, included as Attachment 1 to this report, which seeks to balance the fundamental importance of freedom of expression and freedom of assembly with the City's concern for the safety and well-being of its community members accessing vulnerable social infrastructure.

Recommendations

1. THAT Council approve the Protecting Vulnerable Social Infrastructure By-law, substantially in the form as provided in Attachment 1 of this report.

Background

Council approved a Member's Resolution directing staff to return with a by-law to protect Vaughan's vulnerable social infrastructure.

On May 7, 2024, Mayor Del Duca introduced a Member's Resolution: *Protecting Vaughan's Vulnerable Social Infrastructure* that identified the need for the City to take further action to help prevent unsafe protests that intimidate residents and incite hatred or violence. The Mayor's Member's Resolution also highlighted two large-scale protests that took place in Thornhill in March 2024 near synagogues, schools, childcare facilities, and congregate care facilities which led to Vaughan's residents having feelings of considerable distress and intimidation.

The Member's Resolution speaks to the need for all levels of government to take responsibility and work together to protect people in the places and spaces in our community where they may already be at their most vulnerable, such as at schools, hospitals, childcare centres, places of worship and congregate care facilities to safeguard the quality of life for residents of the City of Vaughan.

Finally, the Mayor's Member's Resolution directed staff to return with a by-law to protect Vaughan's vulnerable social infrastructure, while also safeguarding the right to peaceful protest or demonstration.

The Member's Resolution was unanimously approved during the May 7, 2024, Committee of the Whole (1) meeting, and was ratified during a Special Council meeting also on May 7.

Previous Reports/Authority

[Mayor Del Duca's Member's Resolution Re: Protecting Vaughan's Vulnerable Social Infrastructure, dated Tuesday May 7, 2024](#)

[Correspondence from Chief MacSween, York Regional Police Re: Members Resolution for Vulnerable Infrastructure Protest By-law](#)

[Correspondence from Jack Oliveira, LIUNA! Local 183 & LIUNA! OPDC Re: Resolution – Protecting Vaughan's Vulnerable Social Infrastructure](#)

Analysis and Options

International unrest has escalated in the past months, leading to increased feelings of intimidation and distress in communities in Vaughan and around the world.

Since the events that took place in Israel on October 7, 2023, the geopolitical unrest has escalated tensions in Canada, including across municipalities in the Greater Toronto Area. Hate crimes have been on the rise in the past six months, with a 93% increase reported by the Toronto Police Service compared to the same period last year, with the vast majority of crimes being categorized as antisemitic. Outside of Vaughan, several acts of violence and intimidation have occurred. For instance, in Toronto, Anshei Minsk Shul was vandalized and damaged on June 1, 2024 and shots were fired at Bais Chaya Mushka Elementary School on May 27, 2024. A fire was intentionally set at a place of worship for the Jewish community in Vancouver on May 30, 2024. In Montreal, there have been multiple incidents from November 2023 to May, 2024 of Jewish schools being shot at. In Mississauga in February 2024, rocks were thrown through the window of a mosque; this incident occurred on the anniversary of a deadly mosque attack in Quebec City that killed six people.

Since the war in the Middle East began in October 2023, the number of hate or bias incidents has risen by 104.5% in York Region (as of January 2024). The Ontario government is providing \$3.7 million over the next three years to the York Regional Police to help in three key areas to continue the province's plan to help protect communities, support victims of crime and keep people safe, which will assist in expanding targeted response to hate crime in the community.

The Vaughan community has seen several acts of intimidation, such as the vandalism at Chabad House of Maple on November 14, 2023, and the bomb threat targeting the Jaffari Community Centre on November 16, 2023, at which time the building was evacuated, and YRP officers conducted a search of the area. No physical injuries were reported, but community members were left emotionally affected. The bomb scare was determined not to be a credible threat, but criminal investigators and the hate-crime unit were notified. In March 2024, two large-scale protests took place in Thornhill, in close proximity to synagogues, schools, childcare facilities and congregate care facilities.

As a result of the events occurring worldwide and within Vaughan, Vaughan residents have experienced feelings of considerable distress and intimidation. For instance, residents affected by the protests in Thornhill reported that they felt trapped, targeted, terrorized, and intimidated. Some residents felt that both their physical and mental well-being was put at risk due to the atmosphere of fear and intimidation created by the protests.

The *Municipal Act* allows municipalities to pass by-laws relating to the health, safety and well-being of persons, and to prohibit and regulate matters that, in the opinion of Council, are or could become or cause public nuisances.

Municipalities are given the authority under the *Municipal Act* to pass by-laws respecting the health, safety, and well-being of persons. The *Municipal Act* further allows a municipality to prohibit and regulate public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances. The *Municipal Act* further states that the opinion of council with respect to what constitutes a public nuisance, if arrived at in good faith, is not subject to review by any court.

Staff are of the opinion that protests within Vaughan can reasonably be considered a matter relating to the health, safety, and well-being of its citizens. Likewise, certain types of protests can be considered a public nuisance.

The draft By-law seeks to balance the fundamental importance of freedom of expression and freedom of assembly with the City's concern for the safety and well-being of its community members while accessing vulnerable social infrastructure.

The proposed By-law would prohibit anyone from organizing or participating in a nuisance demonstration within 100 metres of the property line of any vulnerable social infrastructure.

Under the proposed By-law, a nuisance demonstration is a protest that causes a reasonable person to either (i) be intimidated, and/or (ii) be unable to access vulnerable social infrastructure. The By-law clarifies that being intimidated means a person is concerned for his or her safety and security. The By-law also explains that while intimidation can be caused by actions or expressions that incite hatred, violence, intolerance or discrimination, these are not the only behaviours that can lead to intimidation.

Vulnerable social infrastructure means a childcare centre, a congregate care facility, a hospital, a school or a place of worship. These types of facilities provide essential services to Vaughan's communities, and staff are of the opinion that all individuals should be able to access these essential services free from intimidation. Further, past experience has suggested that these locations are especially vulnerable as they have been the target of, or affected by, protests or acts of intimidation.

The By-law would also give the Deputy City Manager, Community Services, or designate, authority to close any roadway (including, boulevard, sidewalk, trail or pathway) or public place (including facility, park or parking lot) and redirect vehicular or

pedestrian traffic when necessary to ensure the health, safety and well-being of residents during or in anticipation of any nuisance demonstration.

The maximum fine associated with violating the proposed By-law would be \$100,000.

Other jurisdictions within Canada have sought to regulate protests in an effort to protect vulnerable social infrastructure.

To assist in drafting the requested By-law, staff conducted a jurisdictional scan of other Canadian municipalities to see how protests have been regulated. Several municipalities regulate protests through their noise by-laws by prohibiting noise that is likely to disturb their inhabitants (e.g. Ottawa: Bylaw No. 2017-255). Other approaches taken include a municipality limiting where a protest can take place in consideration of its size (e.g. Ottawa: Bylaw No. 2001-260 Special Events By-law), a municipality requiring a special event permit to be obtained for gatherings in a park with over 25 persons (Toronto Municipal Code, Chapter 608, Parks), a municipality prohibiting certain protests to take place within 100 meters of an entrance to a recreation facility or a library (Calgary: Bylaw 17M2023 Safe and Inclusive Access Bylaw) and a municipality prohibiting any communication by a person in a public space that would cause another person, reasonably in all the circumstances, to feel harassed (Edmonton, Bylaw No. 14614 Public Places Bylaw).

A similar jurisdictional scan was completed to understand how the Canadian federal government and provincial governments regulate protests. In British Columbia, the province enacted legislation that created “access zones” around abortion clinics, and the homes and offices of abortion providers. These zones are carved out public space, which exclude protestors from their immediate vicinity. The Ontario government enacted legislation that prohibits certain activities within safe access zones, such as abortion clinics and facilities. Such prohibited activities include a person performing or attempting to perform an act of disapproval concerning issues related to abortion services. Additionally, the "Safe Zones Around Religious Institutions Act, 2022" (Schedule 9 of Bill 86, the "Our London Family Act - Working Together to Combat Islamophobia and Hatred, 2022") was developed by the National Council of Canadian Muslims and debated in the Ontario Legislature in 2022. This legislation proposed that a \$25,000 fine be imposed on any person who performed an act of intimidation or disturbance, distributed hate propaganda, or uttered threats within 50 metres of the boundary of a place of worship. While the Bill was carried on a first reading, the Legislature was dissolved before the second reading meaning the proposed legislation could not be passed.

In the federal context, Bill C-3 amended the *Criminal Code* of Canada to create a new intimidation offence that protects health care workers or persons seeking health care services against intimidating conduct including threats or other forms of violence that are intended to provoke fear or to interfere with the duties of a health care worker or to impede a person from receiving health care services.

This legislative scan indicates that the City's proposed By-law complements the existing legislative schemes in place across Canada. That is, while the City's proposed By-law takes a relatively novel approach to regulating protests, it is still consistent with how other municipalities have sought to reasonably regulate protests across Canada.

The proposed By-law would allow Council to protect vulnerable social infrastructure while also respecting the right to peaceful protest.

Under the *Canadian Charter of Rights and Freedoms*, individuals have a fundamental right of freedom of expression and freedom to protest and demonstrate peacefully. Such expression is an important element of democratic society. The Canadian courts have established that fundamental rights have limits and, as such, there is a need to reasonably and responsibly balance the rights of freedom of expression and freedom of assembly against the health, safety and well-being of all persons in Vaughan's communities.

The proposed 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.

In accordance with the May 7, 2024, Protecting Vaughan's Vulnerable Social Infrastructure Member's Resolution, staff will consult with York Regional Police to develop an enforcement plan.

Under the proposed By-law, York Regional Police (YRP) officers are enforcement officers with authority to enforce the By-law. Mayor Del Duca's Member's Resolution directed staff to engage with YRP regarding a joint enforcement framework. Staff have had discussions with YRP regarding the proposed By-law, and will continue to collaborate to develop an enforcement plan.

Financial Impact

There are no known financial impacts related to the enactment of this By-law.

Operational Impact

This report was prepared in consultation with Legal Services and York Regional Police. The proposed By-law will provide City of Vaughan Enforcement Services staff with additional enforcement tools to address nuisance demonstrations near vulnerable social infrastructure.

Broader Regional Impacts/Considerations

The recommendations in this report will also provide YRP and other law enforcement agencies with additional tools to address nuisance demonstrations in Vaughan within 100 metres of vulnerable social infrastructure.

Conclusion

The City of Vaughan is a community that prides itself in its diversity and inclusiveness. This diversity fuels creativity, innovation and vibrancy, but by its very nature, can sometimes also engender discourse and tension. Recent events abroad have tested the cohesiveness and resiliency of our communities. While the City understands that discourse and its resulting social tension is often a necessary, and integral, element of a healthy democracy, it also recognizes the practical need to continue to ensure the safety, security, well-being and long-term cohesiveness of its constituent communities. As such, it is recommended that Council adopt measures to draw a balance between free discourse and community viability, by limiting nuisance demonstrations in proximity to vulnerable social infrastructure.

For more information, please contact: Susan Kelly, Director and Chief Licensing Officer, By-law and Compliance, Licensing and Permit Services, ext. 8952

Attachments

1. Proposed Protecting Vulnerable Social Infrastructure By-law

Prepared by

Rudi Czekalla-Martinez, Manager, Policy and Business Planning, By-law and Compliance, Licensing and Permit Services, ext. 8782.

Rebecca Hall-McGuire, Legal Counsel, Municipal & Environmental Law, ext. 8475

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XXX-2024

A By-law to prohibit Nuisance Demonstrations within one hundred metres of Vulnerable Social Infrastructure.

WHEREAS section 8(1) of the *Municipal Act, 2001* S.O. 2001, c. 25 (“*Municipal Act*”) provides that the powers of a municipality under the statute be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs, as they consider appropriate, and enhance their ability to respond to municipal issues;

AND WHEREAS section 11(2)6. of the *Municipal Act* provides for a municipality to pass by-laws respecting the health, safety and well-being of *Persons*;

AND WHEREAS section 35 of the *Municipal Act* provides that a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway;

AND WHEREAS section 102.1 of the *Municipal Act* provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

AND WHEREAS section 128(1) of the *Municipal Act* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS section 128(2) of the *Municipal Act* provides that the opinion of council under section 128(1), if arrived at in good faith, is not subject to review by any court;

AND WHEREAS section 426 of the *Municipal Act* provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under a by-law passed under the *Municipal Act*;

AND WHEREAS section 429 of the *Municipal Act* provides for a municipality to establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act*;

AND WHEREAS section 434.1 of the *Municipal Act* provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

AND WHEREAS section 444 of the *Municipal Act* provides for a municipality that is satisfied that a contravention of a by-law of the municipality passed under the *Municipal Act* has occurred to make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS Council recognizes the fundamental right of freedom of expression for people to protest and demonstrate peacefully and further recognizes that such expression is an important element of democratic society;

AND WHEREAS Council also recognizes the need to reasonably and responsibly balance such rights against the health, safety and well-being of members of its communities;

AND WHEREAS Council recognizes that behaviours such as intimidation, inciting hatred, violence, intolerance or discrimination may have negative effects on the health, safety and well-being of its citizens;

AND WHEREAS Council deems certain social infrastructure to be especially vulnerable to public *Nuisance Demonstrations*, and further deems it necessary for such social infrastructure to have protection from such *Nuisance Demonstrations* in order to protect the well-being of users of the *Vulnerable Social Infrastructure*;

AND WHEREAS Council, in good faith, and in accordance with section 128 of the *Municipal Act*, has established what constitutes or could become a *Nuisance Demonstration*, as set out hereunder;

AND WHEREAS nothing in this By-law is intended to prevent peaceful protests or demonstrations, including those that occur as part of a labour union strike;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1.0 Short Title

- (1) This By-law shall be known and cited as the “Protecting Vulnerable Social Infrastructure By-law”.

2.0 Applicability and Scope

- (1) The provisions of this By-law apply to all properties, or parts thereof, that are located within one hundred (100) metres of *Vulnerable Social Infrastructure*.

3.0 Definition and Interpretation

- (1) In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.

- (2) Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in section 3.0(4) of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.

- (3) Any reference to a statute, regulation, by-law or other legislation shall include such statute, regulation, by-law or legislation as amended, re-enacted, replaced, or superseded.

- (4) For the purposes of this By-law:

“**Administrative Monetary Penalties By-law**” means the Administrative Monetary Penalties By-law 063-2019, as amended or its successor;

“**City**” means The Corporation of the City of Vaughan, or the area within the jurisdiction of The Corporation of the City of Vaughan, as the context requires;

“**Childcare Centre**” means a daycare facility licensed under the *Child Care and Early Years Act, 2014*, S.O. 2014, c. 11, Sched. 1 and its regulations;

“**Congregate Care Facility**” means a Long Term Care Facility, Retirement Residence, Supportive Living Facility, and Independent Living Facility, as these terms are defined in the *City’s Comprehensive Zoning By-law 1-2021*;

“**Designated By-law**” has the same meaning as in the *Administrative Monetary Penalties By-law*;

“Enforcement Officer” means a *Person* appointed by *Council* as a Municipal Law Enforcement Officer, pursuant to section 15.2 of the *Police Services Act*, R.S.O. 1990, c. P. 15, to enforce the provisions of this By-law or a sworn member of York Regional Police, Ontario Provincial Police, Royal Canadian Mounted Police, or any other *Person* so authorized;

“Hospital” means a hospital as defined under the *Public Hospitals Act*, R.S.O. 1990, c. P.40 and its regulations;

“Nuisance Demonstration” means 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.

“Order” means a written or oral direction given by an *Enforcement Officer*, to discontinue an activity, and that is in accordance with section 444 of the *Municipal Act*,

“Person” means a natural individual or any other legal entity, such as a corporation, as required by context;

“Place of Worship” has the same meaning as set out in *City’s* Comprehensive Zoning By-law 1-2021, being one or more buildings used for the gathering of a religious or faith-based organization for spiritual purposes.

“School” means a school as defined in the *Education Act*, R.S.O. 1990, c. E.2 and its regulations;

“Vulnerable Social Infrastructure” means a *Childcare Centre*, a *Congregate Care Facility*, a *Hospital*, a *School*, or a *Place of Worship*.

4.0 Nuisance Demonstrations Prohibited

- (1) No *Person* shall organize or participate in a *Nuisance Demonstration* within one hundred (100) metres of the property line of any *Vulnerable Social*

Infrastructure.

- (2) For greater certainty,
 - (a) section 4.0(1) is not intended to prohibit peaceful gatherings, protests or demonstrations, including any such activities that occur as part of a labour union strike;
 - (b) a *Nuisance Demonstration* is a public nuisance pursuant to section 128 of the *Municipal Act*.

5.0 Enforcement Powers

- (1) An *Enforcement Officer* may enter on land, premises, or buildings at any reasonable time for the purpose of carrying out an inspection to determine compliance with:
 - (a) a provision of this By-law or any other by-law;
 - (b) an *Order* issued under this By-law or any other by-law.
- (2) An *Enforcement Officer* who finds a contravention of this By-law may give an *Order* to the *Person* who has contravened this By-law.
- (3) In accordance with the *Municipal Act*, for the purposes of an inspection pursuant to section 5.0(1) of this By-law, an *Enforcement Officer* may:
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any *Person* concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a *Person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (4) For greater certainty, Part 5.0 authorizes an *Enforcement Officer* to require individuals to provide their name, address and identification, and the *Enforcement Officer* is permitted to use that information in the course of the investigation and to enforce this By-law.

- (5) No *Person* shall hinder or obstruct an *Enforcement Officer* from exercising duties under this By-law.
- (6) The Deputy City Manager, Community Services, or designate, is authorized to order the closure of any highway, including roadway, boulevard, sidewalk, trail or pathway, the closure of any public place, including facility, park, or parking lot, and/or redirect vehicular or pedestrian traffic in any way, including the placing of barricades, where necessary to ensure the health, safety, and well-being of citizens during or in anticipation of any *Nuisance Demonstration*.

6.0 Fines

- (1) Every *Person* who is guilty of an offence under this By-law is subject a fine under the *Municipal Act*, such that:
 - (a) a minimum fine shall not be less than \$500 and a maximum fine shall not exceed \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not be less than \$500 and a maximum fine shall not exceed \$10,000, however, the total of all of the daily fines for the offence is not limited.

7.0 Administrative Monetary Penalties

- (1) Instead of issuing a fine under the *Municipal Act* for an offence of a By-law, an *Enforcement Officer* may issue an administrative monetary penalty to the *Person* who has contravened the By-law, in accordance with the *Administrative Monetary Penalties By-law*.
- (2) If a *Person* is required to pay an administrative monetary penalty under section 7.0(1), no fine shall be laid against that same *Person* for the same violation.
- (3) The amount of the administrative monetary penalty for a breach under this By-law is \$750.
- (4) Every *Person* who commits an offence or obstructs an *Enforcement Officer* or authorized agent of the *City* who is in the course of enforcing this By-law or conducting an investigation to do same, is subject to an administrative

monetary penalty on each subsequent day in which the offence continues.

- (5) For greater clarity, the refusal to provide identification when requested to do so by an *Enforcement Officer* is considered obstruction, in accordance with section 426 of the *Municipal Act*, and is an offence under section 7.0(4) of this By-law.
- (6) If an *Order* has been issued under this By-law and the *Order* has not been complied with, the contravention of such *Order* shall be deemed to be a continuing offence for each day, or part of a day, that the *Order* is not complied with, and the *Person* shall be subject to a penalty of \$1,500 for each day or part of a day the offence continues.
- (7) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the *Administrative Monetary Penalties By-law*, including the right to request a review of the matter in accordance with the provisions of that By-law.

8.0 Cost Recovery and Unpaid Fines and Penalties

- (1) The *City's* Treasurer may add any unpaid fine or administrative monetary penalty to the tax roll for any property in the *City* of which all of the owners are responsible for paying a fine or administrative monetary penalty, and may collect it in the same manner as municipal taxes.

9.0 Severability

- (1) Where a court of competent jurisdiction declares any provision of this By-law to be invalid, or to be not in force, or without effect, it is the intention of the Council in enacting this By-law that the remainder of this By-law shall continue to be in force and applied and enforced in accordance with its terms to the fullest extent possible according to law.

10.0 Conflict with Other *City* By-laws

- (1) Where there is a conflict or contradiction between this By-law and any other by-law of the *City*, the provisions establishing the more restrictive standard shall prevail.

11.0 Designated By-law

(1) Schedule 1 of the *Administrative Monetary Penalties By-law* is hereby amended by including this By-law as a *Designated By-law*.

12.0 Force and Effect

(1) This By-law shall come into force and effect on the date enacted by Council.

Voted in favour by City of Vaughan Council this 25th day of June, 2024.

Steven Del Duca, Mayor

Todd Coles, City Clerk