



THE ACACIA GROUP

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November 17, 2022

Office of the Mayor
Attention: Mayor Josh Morgan
300 Dufferin Avenue

London, Ontario N6B 1Z2

By Email: mayor@london.ca

Mayor Tory:

Re: Motion (4.2) D. Ronson - Signage Containing Graphic Images of Alleged Aborted Fetuses
Our Client: Canadian Centre for Bioethical Reform
Our File No.: 3422095

I am legal counsel to the Canadian Centre for Bioethical Reform (“CCBR”). I write you in relation to the above-noted motion which seeks to explore means through which the City of London (the “City” or “London”) may amend its sign bylaw to prevent the posting of certain materials. The motion specifically mentions “images of aborted fetuses” which my client is known for distributing as part of its efforts to educate Canadians on the realities of abortion.

This letter is to advise you of the *Charter* implications of implementing bylaws or other municipal rules which would specifically target the distribution of flyers and other written materials and more specifically, the communication of certain messaging. Any bylaw or rule seeking to limit the mediums through which political, advocacy, educational, or religious organizations may communicate would be subject to *Charter* scrutiny and vulnerable to a *Charter* challenge. The law on freedom of expression, particularly with respect to political expression, is quite clear that the bar for censorship is high. I could list a series of court decisions from various courts, including the Supreme Court of Canada, which demonstrate that justifying such censorship is a high bar, but instead, I will direct you to two recent Ontario decisions involving the matter:

1. [CHP v. Hamilton \(City\), 2018 ONSC 3690](#) of the Divisional Court of Ontario; and,
2. [Bracken v Fort Erie \(Town\) 2017 ONCA 668](#) of the Ontario Court of Appeal.

These decisions dealt with municipalities attempting to curtail political freedom of expression. In both decisions, the Courts are clear that being offended by the expression in question is not sufficient grounds to censor it (*CHP* at para. 43; and *Bracken* at para. 30).





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Be advised then that should the City implement a bylaw or rule which would limit freedom of expression through the distribution of written materials, it will be inviting a *Charter* challenge which we are certain, given the extensive case law on the subject, would be successful. The CCBR encourages you, therefore, to carefully consider its obligations under the *Charter of Rights and Freedoms* and, in particular, section 2(b).

Yours truly,

THE ACACIA GROUP

Albertos Polizogopoulos

C.c.: City Council Members:

- Councillor Hadleigh McAlister (hmcAlister@london.ca)
- Councillor Shawn Lewis (slewis@london.ca)
- Councillor Peter Cuddy (pcuddy@london.ca)
- Councillor Susan Stevenson ([Councillor Morley@toronto.ca](mailto:Councillor_Morley@toronto.ca))
- Councillor Jerry Pribil (jpribil@london.ca)
- Councillor Sam Trosow (strosow@london.ca)
- Councillor Corrine Rahman (corahman@london.ca)
- Councillor Steve Lehman (slehman@london.ca)
- Councillor Anna Hopkins (ahopkins@london.ca)
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