

RE: Graphic Flyers

March 16, 2022

Dear Colleagues,

I am grateful to staff for preparing the flyer bylaws that council requested. However, we are not obliged to pass them and listed below are some objective reasons why it might be better not to do so.

This is not a municipal issue

The content of flyers delivered by private organizations to private residences is not under municipal oversight. For similar complaints, residents would be told this is a civil matter outside the jurisdiction of the municipality.

A remedy already exists

Residents who wish not to receive the flyers in question can make use of the Trespass to Property Act

The remedy is being honoured

The group delivering the flyers is on public record saying that they do not trespass.

Our bylaw will be challenged

The group's lawyers have informed us that a challenge is "inevitable".

The LTC has lost a similar lawsuit

Precedents have been set in our own city that uphold the freedom of expression for related matters.

No other municipality has taken this course

One might presume that their legal teams have advised against it.

Tax dollars are on the line

Taxpayers will cover the costs of the suit and the likely award of costs against us.

We will be accused of violating the constitution

The bylaw will be seen as interfering with freedom of expression.

We will be accused of overstepping our authority

This would typically be a provincial matter.

We will be accused of not acting impartially

Those engaged in the pro-choice/pro-life debate are not impacted equally.

There may be unintended consequences

Our actions could result in a situation less favourable than the present.

I encourage you to vote down the committee recommendation and advise residents to protect their rights using the Trespass to Property Act.

Sincerely,

Michael van Holst