

September 16, 2021

London City Council
300 Dufferin Avenue
London ON
N6B 1Z2

Attn: Community and Protective Services Committee
Re: Proposed 'No Flyer' By-Law

Good Afternoon Councilors,

I am contacting you today on behalf of the Viewer Discretion Legislation Coalition. Our Board of Directors has recently reviewed the Report to Community & Protective Services Committee regarding Flyer Deliveries to Residential Properties. As a result of this review, there are some concerns we would like to raise.

We note that the council has referred to bylaws in Ottawa, Calgary, Halifax and Winnipeg that regulate flyer delivery, but remain neutral about the content of said flyers. It is our position that the content of the flyers is pertinent to the objective of this bylaw.

The 'Voluntary Compliance' approach is also a significant point of concern. It has been proven time and time again that 'No Flyer' signs are ineffective at limiting or reducing the delivery of these graphic flyers. The organization that supplies the flyers and the groups that deliver them have ignored multiple orders from Ad Standards Canada calling for them to amend or withdraw their advertisements.

Additionally, 'No Flyer' signs have historically been ignored by the distributors. We, at the VDLC, have been combatting these graphic images for nearly a year. While delivering our own flyers, we noted that mailboxes with 'No Flyer' signs were still receiving the graphic pamphlets. As a sidenote, we do NOT deliver our own flyers to these mailboxes. We have, however, seen these graphic image flyers sticking out of 'No Flyer' mailboxes. To go even further, some of our organization members opted to post "No Graphic Anti-Abortion Flyers" signs and still had them left in the mailbox. The people delivering these flyers are making the choice to deliberately ignore the wishes of homeowners. This will not change if there is no enforcement method for this bylaw. We implore you to implement an efficient way for people to report this proposed offence as well as to issue some kind of nominal fine. A bylaw with no enforcement or fine attached to it will essentially be of no force or effect. With all due respect, in reading the bylaw, it appears to be an attempt to placate constituents rather than an attempt to tackle the problem.

We were also surprised to see that the report did not include anything regarding the display of graphic road signs across the city, considering how pervasive they have been in London. In reviewing the petition that was presented to city council, we do note that the petition was focused specifically on the pamphlets, but we are of the position that the road signs are also an issue that requires municipal action.

We have seen protests with the graphic signs taking place at main intersections, near schools, and outside Victoria Hospital. Our Board of Directors is currently working with the hospital to arrange enforcement of the Bubble Zone Law (under the *Safe Access to Abortion Services Act, 2017*) to protect patients and passers-by from the graphic displays. There is municipal action that can be taken pertaining to similar protests near schools and other public spaces. For your consideration, we have attached a link¹ that refers to an existing Calgary bylaw that we believe could be mirrored here in London.

We understand that the Council has concerns about the freedom of expression. As it can be seen in the first section of the *Charter*, rights and freedoms are subject to reasonable limits as can be demonstrably justified in a free and democratic society. Causing serious traffic hazards, traumatizing children, and harming the community, as a whole, are certainly reasons why a limit on the freedom of expression could be justified.

These issues were brought to Council's attention nearly one year ago. We cannot and will not stand idly by while this inaction continues. We have conducted countless hours of research pertaining to this issue both from a legal perspective and a social perspective. We would be more than happy to share this research with the council in the hopes of enacting bylaws that will affect real change.

We look forward to hearing from you.

Respectfully,

The VDLC

¹ <https://www.cbc.ca/news/canada/calgary/advocacy-sign-bylaw-calgary-schools-1.5751698>