

To: Mayor Ed Holder, Members of the Community and Protective Services Committee and City Clerk

From: Deanna Ronson

Re: 4th Meeting, March 1, 2022, Item 4.3 Draft By-laws: Program Regulating Distribution of Flyers By-law and Distribution of Graphic Flyers to Residential Properties By-law

Regarding the recommendation from the Deputy City Manager on actions be taken to the proposed flyer by-laws Appendix A, B, C and D, it is my hope that the Mayor and all Committee Members will **accept all four by-laws** and refer them to Council for a vote.

As some of you are new to this Committee, you may not know that since the Fall of 2020, I have been advocating for a by-law that would ban flyers containing graphic images of alleged aborted fetuses.

I am grateful that the Community and Protective Services Committee has recognized the harm and psychological distress that these flyers have had on residents across our city. I'm also pleased that City Staff has come back with a proposed by-law that will meaningfully protect London's homeowners by banning flyers with these graphic anti-abortion images and implement a monetary penalty on both the person delivering the flyer and the distributor (Appendix C and D).

While several Committee members have stated that they recognize the harm that these graphic flyers have had on our community, I think it's important that this harm be noted in Appendix "C" (Page 55 of the Agenda for the 4th Meeting of the CPSC), under the "Whereas subsection 10(2)".

It should be recorded in this by-law that the City received substantial evidence of the harm to residents in the form of a petition signed by 4k Londoners, a PPM and countless phone calls and emails to Council members, with residents stating the distress that these flyers had caused.

The Canadian Centre for Bio-ethical Reform (CCBR) has already stated publicly that they will pursue legal action if Appendix "C" is passed (<https://bit.ly/3BWA0Ix>) and I'm sure that this issue will be addressed during the in camera session with the City's Solicitor.

The CCBR are bullies.

They are intent on not only using their hate propaganda to bully people with uteruses who may seek healthcare, but they're also intent on bullying our City Councillors, members of whom have been elected to (in part) protect residents from harm.

I sincerely hope that the Mayor and Committee members will not give in to the threats from the CCBR.

If the CCBR decides to follow through on their threats, the City would have the opportunity to invoke Section 1 of the Charter of Rights and Freedoms.

The test for making out a prima facie violation of 2(b) is very low, and under the case law the issue becomes whether the impugned measure can be justified under Section 1 of the Charter. There are several significant cases that show how a prima facie violation of 2(b) will nonetheless survive a constitutional challenge after the application of section 1 (R v Butler regarding obscenity, R v Keegstra regarding hate speech and R v Sharpe regarding child pornography to name three prominent examples). Should a measure restricting leaflet distribution be challenged, a court would likely find a Section 2(b) violation but then turn to a full Section 1 analysis. (Prof. Sam Trosow)

City Council has the opportunity to pass a very important and necessary by-law. Based on the legal advice that I have heard, I have no doubt that Appendix C and D will stand up to a legal challenge. I only hope that the Committee Members of the CPSC will stand up to the challenge and vote to refer Appendix C and D to Council to be passed as a new by-law.

Thank you all for your time.

Submitted on February 27, 2022
by Deanna Ronson, London, ON
Member of ARCC