

# **Anti-Street Harassment Provision to Anti-Nuisance By-law**

## **Recommendation**

That council pass an amendment to the anti-nuisance by-law to add an anti-street harassment provision that “No person shall, in a Public Place, unnecessarily interfere with another person’s use and enjoyment of the Public Place by using abusive or insulting language as a personal invective.”

## **Summary**

There has been a Canada-wide campaign by the National Council of Canadian Muslims for municipal anti-street harassment by-laws in the wake of Black Muslim women being harassed in public. The City of London has passed and enforced such a by-law based on a legal precedent from Niagara where a judge ruled that Charter Rights do not allow for personal or abusive language as a personal invective. The 2020 list of hate crimes reported by the Niagara Region Police Service include an incident of homophobic slurs, and there is a letter to the Mayor about how some Muslim women in St. Catharines are uneasy because of harassment incidents in nearby municipalities, including one who is now too afraid to go out for walks. Residents of St. Catharines should be able to enjoy the same protections that residents of London enjoy from considering street harassment a public nuisance.

## **Relationship to Strategic Plan**

This recommendation relates to the Social Sustainability Goal of “Strive for the highest quality of life for all citizens.” Street harassment prevents the enjoyment of public places by those who are members of groups targeted for harassment.

## **Background**

A series of harassment of Black Muslim women in Edmonton prompted the National Council of Canadian Muslims to launch a campaign for municipalities to enact anti-street harassment by-laws.

The report on 2020 police-reported hate crimes by the Niagara Regional Police Service does list at least one such incident of harassment with homophobic slurs in St. Catharines, so it is an issue here as well.

The City of London enacted an amendment to their anti-nuisance by-law to ban street harassment, with the legal basis of the case *Bracken v. Niagara Parks Police*, 2018 ONCA 261 where the judge found that Charter Rights do not protect the following two

elements: “(1) disturbing other persons and (2) using abusive or insulting language.” The City of London has successfully enforced this by-law to prosecute two men who were harassing women.

Incidents of street harassment towards Muslims have been reported in the news recently and one resident has written a letter to the Mayor about a local Muslim woman who is too afraid to go out for walks.

The residents of London enjoy protection from street harassment and there is an opportunity for the residents of St. Catharines to enjoy the same protection.

## **Report**

The Ontario Court of Appeals case *Bracken v. Niagara Parks Police*, 2018 ONCA 261 provides a legal basis for St. Catharines to prohibit street harassment, providing the by-law specified the following two elements “(1) disturbing other persons and (2) using abusive or insulting language,” as a form of public nuisance. The City of London has enacted such a by-law and successfully enforced it.

The current nuisance by-law could be amended to add a provision banning street harassment using the City of London’s by-law as a model. This will provide the basis for allowing the City to take enforcement actions against those who engage in street harassment of residents. It will also satisfy the widespread demand across Canada to protect residents from street harassment through such a by-law. The Niagara Regional Police Services report of 2020 police-reported hate crimes shows such harassment does exist in St. Catharines.

## **Financial Implications**

There are no financial implications associated with this report.

## **Conclusion**

Passing a by-law declaring street harassment to be a public nuisance would help the city address any street harassment and protect residents from interference with enjoying public places.

### **Prepared by**

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[This is the person who the author submits the report.]