

Dear Regional Council,

In light of anti-trans/anti-2SLGBTQQIA+ demonstrations, as well as attempts to address the harassment and intimidation of women on Council, I want to bring your attention to a solution already tried and tested in Ontario courts and that comes from Niagara itself, though sadly Niagara residents don't enjoy this protection yet.

This is amending/enacting a nuisance bylaw to add anti-harassment and anti-intimidation.

The first part has already been done in London and was successfully used to prosecute street preachers who were harassing women. The second part is an additional measure taken by Calgary specifically because of anti-trans protests.

It comes from a Niagara Parks case against the late Fred Bracken who claimed his charter rights allow him to say whatever he wants. An Ontario superior court judge disagreed, laying the basis for London's bylaw.

This was recommended to the St. Catharines City Council by its Anti-Racism Advisory Committee, which I chaired, in the last term of City Council, and was referred to staff, but never implemented.

It has the advantages of:

- not requiring provincial legislation
- not relying on the police to be more “assertive,” as it can be enforced by by-law enforcement or police

I am including below the recommendation from the previous St. Catharines Anti-Racism Advisory Committee based on the London by-law, the London by-law, and also the Calgary by-law proposal including anti-intimidation.

Thank you,

Saleh Waziruddin, member of the Executive Committee – Niagara Region Anti-Racism Association

[#1 St. Catharines Anti-Racism Advisory Committee recommendation](#)

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.”

(see attachment)

[#2 London by-law](#)

<https://london.ca/by-laws/public-nuisance-law-ph-18>

Public Nuisance By-law - PH-18

4.1 UNNECESSARY INTERFERENCE WITH USE AND ENJOYMENT OF PUBLIC PLACE

(1) In section 4.1 only, “Public Place” is defined as: “Public Place” includes a Highway, public park, or other lands to which the public has access as of right or by invitation and includes private property that is exposed to public view.

(2) 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.

#3: Calgary by-law proposal with anti-intimidation

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<https://www.calgary.ca/bylaws/street-harassment.html>

How the bylaw will work

Enforceable in public spaces

Beginning June 1, 2022, the Public Behaviour Bylaw 54M2006 restricts harassment of another person in a public space.

In the bylaw, to ‘harass’ is defined as:

Communicating with a person in a manner that could reasonably cause offence or humiliation, including conduct, comment, or actions that refers to the person’s:

- *race/colour/ancestry/place of origin*
- *religious beliefs*
- *disability*
- *age*
- *marital status*
- *source of income*
- *family status*
- *gender/gender identity/gender expression*
- *sexual orientation;*
- *or includes a sexual solicitation or advance*

This can include but is not limited to:

- *Personalized attacks*
- *Insults or slurs*
- *Obscene behaviours or comments*
- *Behaviour designed to humiliate and intimidate*
- *Interference with someone's use of a public space*

The **bylaw** applies to any instance of harassment behaviour in a space within Calgary where the public has access. This includes businesses such as restaurants, on sidewalks, in libraries, etc.

Infractions carry a fine of \$500, which is meant to act as a deterrent of the behaviour. Every report and potential violation of this **bylaw** will be approached seriously and investigated.