

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

FAIR CHANGE COMMUNITY LEGAL CLINIC

Applicant

- and -

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS
REPRESENTED BY THE ATTORNEY GENERAL OF ONTARIO**

Respondent

- and -

CANADIAN CIVIL LIBERTIES ASSOCIATION

Intervener

**FACTUM OF THE INTERVENER
CANADIAN CIVIL LIBERTIES ASSOCIATION**

ADDARIO LAW GROUP LLP
101-171 John Street
Toronto, Ontario M5T 1X3
F. (866) 714-1196

Frank Addario (25220O)
T. (416) 649-5055
E. faddario@addario.ca

Rebecca Amoah (82108N)
T. (416) 649-5047
E. ramoah@addario.ca

Counsel for the Intervener,
Canadian Civil Liberties
Association

Table of Contents

PART I – STATEMENT OF THE CASE 1

A. Overview 1

PART II – ISSUES AND THE LAW..... 1

A. Sections 2 and 3(2) of the Act Infringe Section 2(b) of the Charter 2

 1. Asking for Support with Meeting Basic Needs – An Expressive Activity Attracting Constitutional Protection 3

 2. The Methods the Impacted Population Use to Express Support does not Eliminate the Activity’s Constitutional Protection 3

 3. The Location where the Expression Occurs does not Eliminate the Activity’s Constitutional Protection 4

 4. The Effects of the Impugned Provisions on Speakers and Listeners Infringe Freedom of Expression..... 4

B. The Impugned Provisions Infringe Section 7 of the Charter 5

 1. Potential Imprisonment Under the Act Infringes on the Right to Liberty 6

 2. Prohibitions Under the Act Infringe the Right to Security of the Person 7

 3. The Impugned Provisions are Grossly Disproportionate and Violate the Principles of Fundamental Justice 8

C. The Impugned Provisions are not Saved by Section 1 of the Charter..... 8

 1. There are Other, Less Rights-Impairing Means to Protect Community Members from Violence and Intimidation 8

 2. The Deleterious and Salutary Effects are Not Proportionate 9

PART III – PART IV – ORDER REQUESTED..... 10

PART I – STATEMENT OF THE CASE

A. Overview

1. This Application raises fundamental questions about freedom of expression, the right to equal treatment, and freedom from unjustified state interference.
2. In response to the “growing visibility” of poverty and homelessness, the Ontario government introduced the *Safe Streets Act* (the “Act”). The Act has a direct impact on those experiencing homelessness and income insecurity (the “impacted population”), by prohibiting aggressive solicitation and soliciting from a captive audience.
3. Sections 2, 3(2), and 5 of the Act infringe freedom of expression by limiting unhoused and low-income people’s ability to ask for monetary or other support. These interactions promote truth-seeking and speakers’ and listeners’ self-actualization – values that lie at the core of section 2(b) of the *Charter*.
4. Sections 2, 3(2), and 5 of the Act infringe section 7 of the *Charter*. These provisions do not conform to the principles of fundamental justice because the penalties imposed are grossly disproportionate to the impacted population, who cannot afford to pay cumulative fines, and may be imprisoned as a result. Potential imprisonment violates the impacted population’s liberty interests. The inability to obtain a livelihood by asking for support violates unhoused and low-income people’s security of the person.
5. These infringements are not saved by section 1 of the *Charter*.

PART II – ISSUES AND THE LAW

6. The CCLA makes three submissions:
 - a. Sections 2, 3(2), and 5 of the Act infringe section 2(b) of the *Charter* by criminalizing expression aimed at communicating with other community members or generating income allowing unhoused and low-income people to meet their basic needs.

- b. Section 5 of the Act infringes section 7 of the *Charter* because fines and imprisonment may lead to deprivations of unhoused and low-income people's security of the person and liberty interests. The penalties under the Act do not align with the principles of fundamental justice because they are grossly disproportionate to unhoused and low-income people who are unlikely to be able to pay the fines imposed and are more likely to be imprisoned for subsequent convictions.
- c. Sections 2, 3(2), and 5 of the Act are not saved by section 1 of the *Charter*. These provisions do not fulfill the pressing and substantial objective of protecting community members from violence and intimidation, particularly those who are most vulnerable and require the state's protection. There are other proportional means to achieve the Act's objective.

A. Sections 2 and 3(2) of the Act Infringe Section 2(b) of the *Charter*

7. Freedom of expression promotes truth-seeking, social and political decision-making, and self-actualization. These fundamental principles and values, which directly engage individual human dignity, underpin the section 2(b) analysis.¹

8. There are three criteria for establishing a section 2(b) violation:

1. The activity has expressive content;
2. The method by which and the location where the expression was made does not eliminate the constitutional protection the expressive activity attracts; and
3. The purpose or effect of the legislation restricts freedom of expression.²

9. Section 2(b) of the *Charter* protects "any activity or communication that conveys or attempts to convey meaning."³ The Courts apply this protection to all content neutrally, including "all expressions of the heart and mind, however unpopular, distasteful or contrary to the mainstream," whether they are spoken or heard.⁴

¹ *Irwin Toy Ltd v Quebec (Attorney General)*, [1989] 1 SCR 927, p 976; *Ford v Quebec*, [1988] 2 SCR 712, pp 765-66.

² *Canadian Broadcasting Corp v Canada (Attorney General)*, 2011 SCC 2, para 38; *Montreal (City) v 2952-1366 Quebec Inc*, [2005] 3 SCR 141, para 56.

³ *Thomson Newspapers Co v Canada (AG)*, [1998] 1 SCR 877, para 81.

⁴ *Irwin Toy Ltd v Quebec (Attorney General)*, [1989] 1 SCR 927, para 968; *R v Bracken*, 2017 ONCJ 319, para 30.

1. *Asking for Support with Meeting Basic Needs – An Expressive Activity Attracting Constitutional Protection*

10. Freedom of expression does not only protect those Canadians who are articulate enough to explain why they deserve a warm meal, or a bus token, or some socks. The interactions that the Act limits help other community members recognize unhoused and low-income people's human dignity. The prohibited expression promotes community participation – a value at the core of section 2(b) of the *Charter*.⁵ When asking for monetary or other support, unhoused and low-income people are not only asking other community members to spare some change – they are asking them to see their humanity.

2. *The Methods the Impacted Population Use to Express Support does not Eliminate the Activity's Constitutional Protection*

11. The prohibition on “aggressive” solicitation infringes free expression protected by section 2(b) of the *Charter*. Unhoused and low-income people's expression may be disturbing because their lived experiences are disturbing. They are commonly communicating through trauma, mental illness, and addiction.⁶ But disturbing expression should not be denied *Charter* protection. Only expression rising to threats or physical violence should be limited, without a constitutionally adequate justification.⁷

12. Section 2 of the Act does not limit the definition of “aggressive” solicitation to solicitation which, viewed objectively, threatens or endangers the person solicited. This provision goes further, allowing prosecutions based on subjective fear alone. A subjective

⁵ *R v Banks*, 2007 ONCA 19, [para 122](#).

⁶ Bill O'Grady, Stephen Gaetz, Kristy Buccieri, *Can I See Your ID? The Policing of Youth Homelessness in Toronto* (Toronto: JFCY & Homeless Hub, 2011), p 35, Application Record (“AR”), Vol 3, p 816.

⁷ *Saskatchewan Human Rights Tribunal v Whatcott*, 2013 SCC 11, [para 112](#).

interpretation alone, even one held by a reasonable person, cannot defeat the protected freedom of expression.⁸

3. *The Location where the Expression Occurs does not Eliminate the Activity's Constitutional Protection*

13. The Act targets expression directed at audiences on public property – ATMs, public washrooms, taxi stands, bus stops, parking lots, and roadways.⁹ Many unhoused and low-income people use these spaces to sleep and shelter themselves from the elements because they do not have private spaces to retreat to.¹⁰

14. The essential expressive activity at issue at these locations – asking for monetary or other support – does not conflict with democratic discourse, truth-seeking, and individual self-actualization for speakers and listeners.¹¹

15. The core activity prohibited by sections 2, 3, and 5 of the Act – asking for monetary or other support – has expressive content. The Supreme Court has explained that the section 2(b) analysis should focus on the core expressive activity rather than potential “excess” effects. Such excesses do not eliminate the constitutional protection that extends to asking for support where captive audiences may be located.¹²

4. *The Effects of the Impugned Provisions on Speakers and Listeners Infringe Freedom of Expression*

16. While the purpose of the Act may be compatible with section 2(b) of the *Charter*, the effects of the impugned provisions infringe freedom of expression.

⁸ Bill O’Grady, Stephen Gaetz, Kristy Buccieri, *Can I See Your ID? The Policing of Youth Homelessness in Toronto* (Toronto: JFCY & Homeless Hub, 2011), p 29, AR, Vol 3, p 810.

⁹ *Safe Streets Act*, 1999, SO 1999, c 8, [s 3\(2\)](#).

¹⁰ Bill O’Grady, Stephen Gaetz, Kristy Buccieri, *Can I See Your ID? The Policing of Youth Homelessness in Toronto* (Toronto: JFCY & Homeless Hub, 2011), pp 20-21, 77, 79, AR, Vol 3, pp 801-02, 858, 860.

¹¹ *R v Banks*, 2007 ONCA 19, [para 122](#).

¹² *Canadian Broadcasting Corp v Canada (Attorney General)*, 2011 SCC 2, [paras 43, 45](#); Bill O’Grady, Stephen Gaetz, Kristy Buccieri, *Can I See Your ID? The Policing of Youth Homelessness in Toronto* (Toronto: JFCY & Homeless Hub, 2011), pp 14, 22, AR, Vol 3, pp 795, 803.

- a. Requests for Support Engage Unhoused and Low-Income People’s Human Dignity and Promote Other Community Members’ Self-Actualization

17. Requests for support engage the impacted population’s human dignity – a value lying at the core of section 2(b) of the *Charter*. Sections 2 and 3(2) of the Act prohibit activities that enable unhoused and low-income people to interact with other community members, share their lived experiences, and receive the monetary or other support they need to meet their basic needs. These prohibitions limit the impacted population’s ability to exercise their agency.

18. The interactions prohibited by the Act also enable other community members to recognize unhoused and low-income people’s agency and human dignity. Learning about trauma, mental illness, and addiction from the people who are directly impacted, and helping them get what they need, promotes other community members’ individual self-actualization and builds empathy.

- b. Requests for Support Inform the Responding Community Members’ Social and Political Decision Making

19. Sections 2 and 3(2) of the Act also infringe the listener’s section 2(b) rights by limiting their ability to interact with the impacted population on issues that inform how they vote, demonstrate, and volunteer. Direct exposure to unhoused and low-income people promotes informed social and political decision-making.

B. The Impugned Provisions Infringe Section 7 of the *Charter*

20. Section 7 of the *Charter* protects against state interference with liberty or security of the person that does not conform to the principles of fundamental justice.¹³

¹³ *Charkaoui v Canada (Citizenship and Immigration)*, [2007] 1 SCR 350, [para 19](#).

21. To meet this test, a *Charter* claimant must establish a “sufficient causal connection” between the impugned legislation and the limit on life, liberty, or security of the person, measured on a balance of probabilities.¹⁴

1. *Potential Imprisonment Under the Act Infringes on the Right to Liberty*

22. Section 7 of the *Charter* protects against imprisonment and the threat of imprisonment, except in accordance with the principles of fundamental justice.¹⁵

23. Section 5 of the Act undermines unhoused and low-income people’s liberty interests because they are likely to accumulate debt they cannot pay and trigger a prison sentence on subsequent convictions.¹⁶ Once released, many unhoused and low-income offenders have no money and nowhere to go. They are discharged into homelessness and income insecurity.¹⁷ They may be unable to obtain a driver’s licence, affordable housing, gainful employment, or social assistance.¹⁸ As such, the impact of section 5 of the Act goes against two of the most basic goals of sentencing: proportionality and specific deterrence.¹⁹ In the case of the impacted population, neither goal can be achieved because of the effects of income insecurity and homelessness.

24. Steep fines and potential imprisonment have a disproportionate impact on those who are most marginalized – unhoused and low-income people living with trauma, mental illness, and addiction. Impacted population members likely cannot pay and will never be able to pay a fine imposed under the Act. Many unhoused and low-income people plead

¹⁴ *Bedford v Canada (Attorney General)*, [2013] 3 SCR 1101, [para 76](#).

¹⁵ *Fleming v Ontario*, 2019 SCC 45, [para 65](#).

¹⁶ Bill O’Grady, Stephen Gaetz, Kristy Buccieri, *Can I See Your ID? The Policing of Youth Homelessness in Toronto* (Toronto: JFCY & Homeless Hub, 2011), p 75, AR, Vol 3, p 856.

¹⁷ Bill O’Grady, Stephen Gaetz, Kristy Buccieri, *Can I See Your ID? The Policing of Youth Homelessness in Toronto* (Toronto: JFCY & Homeless Hub, 2011), p 7, AR, Vol 3, p 788.

¹⁸ Affidavit of Joanna Nefs, Exhibit C, AR, Vol 2, p 414.

¹⁹ *Criminal Code*, RSC 1985, c C-46, [ss 718.1, 718.2](#).

guilty or do not bring a defence because they cannot retain a lawyer.²⁰ They are effectively sentenced to “increasingly large debt loads” or prolonged imprisonment.²¹

2. *Prohibitions Under the Act Infringe the Right to Security of the Person*

25. The prohibitions under the Act deprive unhoused and low-income people of the ability to obtain a livelihood by criminalizing the only way they can meet their basic needs. Sections 2, 3(2), and 5 of the Act deprive unhoused and low-income people of the ability to secure an income that will allow them to live dignified lives, which has a serious and profound effect on their psychological integrity.²²

26. In *Gosselin v Quebec (Attorney General)*, the Supreme Court noted that the right to security of the person may be infringed by deprivations of “economic rights fundamental to human...survival.”²³ Unhoused and low-income people are commonly social assistance recipients.²⁴ Since social assistance rates have fallen “well below” the poverty line since 1993, many unhoused and low-income people have no choice but to rely on support from other community members to meet their basic needs.²⁵ Unhoused and low-income people may also disproportionately lack educational attainment, training, skills, and experience, which limits the employment opportunities available to them. Further, based on how Ontario Works and the Ontario Disability Support Program are structured, those who do end up

²⁰ Bill O’Grady, Stephen Gaetz, Kristy Buccieri, *Can I See Your ID? The Policing of Youth Homelessness in Toronto* (Toronto: JFCY & Homeless Hub, 2011), pp 7, 21, AR, pp 788, 802.

²¹ Bill O’Grady, Stephen Gaetz, Kristy Buccieri, *Can I See Your ID? The Policing of Youth Homelessness in Toronto* (Toronto: JFCY & Homeless Hub, 2011), p 30, AR, p 811.

²² *Blencoe v British Columbia (Human Rights Commission)*, [2000] 2 SCR 307, para 57.

²³ *Irwin Toy Ltd v Quebec (Attorney General)*, [1989] 1 SCR 927, p 1003; *Gosselin v Quebec (Attorney General)*, [2002] 4 SCR 429, para 80.

²⁴ Affidavit of John Stapleton, para 22, AR, Vol 3, p 1006.

²⁵ Affidavit of John Stapleton, paras 19, 23, AR, Vol 3, pp 1004, 1006.

employed but earn more than a certain amount may lose their social assistance entitlement, including any ancillary housing, medical, and social benefits they rely on.²⁶

3. *The Impugned Provisions are Grossly Disproportionate and Violate the Principles of Fundamental Justice*

27. The prohibitions and penalties at issue are grossly disproportionate to the Act's purpose – protecting community members against violence or intimidation. In practice, fines and imprisonment counteract that purpose. The Act does not protect unhoused and low-income community members. Sections 2, 3(2) and 5 of the Act have the effect of disappearing social problems like homelessness and poverty without meaningfully addressing them, while aggravating the trauma and marginalization the impacted population experiences.²⁷ These effects are “totally out of sync” with the Act's purpose and cannot be supported.²⁸

C. The Impugned Provisions are not Saved by Section 1 of the Charter

28. The limits imposed by sections 2, 3(2), and 5 of the Act on unhoused and low-income people's section 2(b) and 7 Charter rights are not reasonable or demonstrably justified under section 1 of the Charter.

1. *There are Other, Less Rights-Impairing Means to Protect Community Members from Violence and Intimidation*

29. While the Act has a pressing and substantial objective – to protect community members from violence and intimidation – and there may be a causal link between the Act and that objective, sections 2, 3(2), and 5 do not impair unhoused and low-income people's

²⁶ Affidavit of John Stapleton, paras 24-29, AR, Vol 3, pp 1007-09.

²⁷ Bill O'Grady, Stephen Gaetz, Kristy Buccieri, *Can I See Your ID? The Policing of Youth Homelessness in Toronto* (Toronto: JFCY & Homeless Hub, 2011), p 35, AR, Vol 3, p 816.

²⁸ *Canada (Attorney General) v PHS Community Services Society*, [2011] 3 SCR 134, [para 133](#).

Charter rights no more than reasonably necessary.²⁹ There are other less rights-impairing means to achieve the Act's objective.³⁰

30. Over decades, community underinvestment, social assistance cutbacks, and an overreliance on emergency services triggered the housing and income insecurity crises.³¹ Governments across Canada have neglected to tackle the underlying causes of homelessness and income insecurity. The state has simultaneously empowered law enforcement to contain and control unhoused and low-income people, reinforcing the stigmatized perception that unhoused people are dangerous.³² In the 23 years the Act has been law, policing and punishment have not resolved the housing and income insecurity crises. Unhoused and low-income people still need support.

2. *The Deleterious and Salutary Effects are Not Proportionate*

31. In the final balancing exercise, the deleterious and salutary effects of the impugned provisions must be viewed contextually, considering:³³

- a. **The nature of the harm and the inability to measure the harm:** Sections 2, 3(2), and 5 of the Act have physical and psychological impacts on unhoused and low-income people. Some harms, like a fine or a prison sentence, are measurable, whereas others, like injury to human dignity, are not.
- b. **The vulnerability of the protected group:** Unhoused and low-income people are among the most vulnerable community members. They are typically marginalized based on multiple protected grounds. Sections 2, 3(2), and 5 of the Act further marginalize the impacted population them by limiting their ability to express their basic needs and interact with other community members.

²⁹ *R v Butler*, [1992] 1 SCR 452, pp 491, 501-504.

³⁰ *Ontario (Attorney General) v G*, 2020 SCC 38, para 75.

³¹ Bill O'Grady, Stephen Gaetz, Kristy Buccieri, *Can I See Your ID? The Policing of Youth Homelessness in Toronto* (Toronto: JFCY & Homeless Hub, 2011), p 23, AR, Vol 3, p 804.

³² Bill O'Grady, Stephen Gaetz, Kristy Buccieri, *Can I See Your ID? The Policing of Youth Homelessness in Toronto* (Toronto: JFCY & Homeless Hub, 2011), pp 23-24, AR, Vol 3, pp 804-05.

³³ *Thompson Newspapers Co v Canada (Attorney General)*, [1998] 1 SCR 877, para 125.

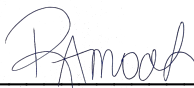
- c. **Subjective fears and apprehension of harm:** The impact population's subjective fears and apprehensions around the effects of criminalizing homelessness are supported by logic, reason, and social science evidence.³⁴
- d. **The nature of the infringed activity:** Sections 2, 3(2), and 5 of the Act limit unhoused and low-income people's ability to express their needs and seek monetary or other support necessary to obtain a livelihood. That need outweighs whatever discomfort some community members may experience when interacting with a vulnerable person.³⁵

32. The Act has the effect of punishing, rather than promoting, unhoused and low-income people's inherent human dignity, and does not advance a commitment to social justice or equality.³⁶ Revenue generation and other benefits of the Act do not outweigh the unreasonable limits on unhoused and low-income people's constitutionally protected rights.

PART III – PART IV – ORDER REQUESTED

33. The CCLA submits that sections 2, 3(2) and 5 of the Act are unconstitutional and should be declared of no force or effect. The CCLA does not seek costs and requests that the Court not award costs against the CCLA.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 1st day of December, 2023.



ADDARIO LAW GROUP LLP

101-171 John Street
Toronto, Ontario M5T 1X3
F. (866) 714-1196

Frank Addario (252200)

T. (416) 649-5055
E. faddario@addario.ca

³⁴ Affidavit of Joanna Nefs, Exhibit H, AR, Vol 2, pp 700-04; *BC Freedom of Information and Privacy Association v British Columbia (Attorney General)*, 2017 SCC 6, [para 58](#).

³⁵ Bill O'Grady, Stephen Gaetz, Kristy Buccieri, *Can I See Your ID? The Policing of Youth Homelessness in Toronto* (Toronto: JFCY & Homeless Hub, 2011), p 34, AR, Vol 3, p 815.

³⁶ *R v Oakes*, [\[1986\] 1 SCR 103](#), p 136.

Rebecca Amoah (82108N)

T. (416) 649-5047

E. ramoah@addario.ca

Counsel for the Intervener, Canadian
Civil Liberties Association

SCHEDULE “A”

AUTHORITIES

1. *BC Freedom of Information and Privacy Association v British Columbia (Attorney General)*, [2017 SCC 6](#)
2. *Bedford v Canada (Attorney General)*, [\[2013\] 3 SCR 1101](#)
3. *Blencoe v British Columbia (Human Rights Commission)*, [\[2000\] 2 SCR 307](#)
4. *Canada (Attorney General) v PHS Community Services Society*, [\[2011\] 3 SCR 134](#)
5. *Canadian Broadcasting Corp v Canada (Attorney General)*, [2011 SCC 2](#)
6. *Charkaoui v Canada (Citizenship and Immigration)*, [\[2007\] 1 SCR 350](#)
7. *Fleming v Ontario*, [2019 SCC 45](#)
8. *Ford v Quebec*, [\[1988\] 2 SCR 712](#)
9. *Gosselin v Quebec (Attorney General)*, [\[2002\] 4 SCR 429](#)
10. *Irwin Toy Ltd v Quebec (Attorney General)*, [\[1989\] 1 SCR 927](#)
11. *Montreal (City) v 2952-1366 Quebec Inc*, [\[2005\] 3 SCR 141](#)
12. *Ontario (Attorney General) v G*, [2020 SCC 38](#)
13. *R v Banks*, [2007 ONCA 19](#)
14. *R v Bracken*, [2017 ONCJ 319](#)
15. *R v Butler*, [\[1992\] 1 SCR 452](#)
16. *R v Oakes*, [\[1986\] 1 SCR 103](#)
17. *Saskatchewan Human Rights Tribunal v Whatcott*, [2013 SCC 11](#)
18. *Thomson Newspapers Co v Canada (AG)*, [\[1998\] 1 SCR 877](#)

SCHEDULE “B”

RELEVANT LEGISLATIVE PROVISIONS

Safe Streets Act, [1999, SO 1999, c 8](#)

Definition

1. In sections 2 and 3, “solicit” means to request, in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means. 1999, c. 8, s. 1.

Definition

2. (1) In this section, “aggressive manner” means a manner that is likely to cause a reasonable person to be concerned for his or her safety or security. 1999, c. 8, s. 2 (1).

Solicitation in aggressive manner prohibited

(2) No person shall solicit in an aggressive manner. 1999, c. 8, s. 2 (2).

Examples

(3) Without limiting subsection (1) or (2), a person who engages in one or more of the following activities shall be deemed to be soliciting in an aggressive manner for the purpose of this section:

1. Threatening the person solicited with physical harm, by word, gesture or other means, during the solicitation or after the person solicited responds or fails to respond to the solicitation.
2. Obstructing the path of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation.
3. Using abusive language during the solicitation or after the person solicited responds or fails to respond to the solicitation.
4. Proceeding behind, alongside or ahead of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation.
5. Soliciting while intoxicated by alcohol or drugs.
6. Continuing to solicit a person in a persistent manner after the person has responded negatively to the solicitation.

Definitions

3. (1) In this section, “public transit vehicle” means a vehicle operated by, for or on behalf of the Government of Ontario, a municipality in Ontario or a transit commission or authority in Ontario, as part of a regular passenger transportation service; (“véhicule de transport en commun”)

“roadway” has the same meaning as in the Highway Traffic Act; (“chaussée”)

“vehicle” includes automobile, motorcycle, van, truck, trailer, bus, mobile home, traction engine, farm tractor, road-building machine, bicycle, motor-assisted bicycle, motorized snow vehicle, streetcar and any other vehicle drawn, propelled or driven by any kind of power, including muscular power. (“véhicule”) 1999, c. 8, s. 3 (1); 2002, c. 17, Sched. F, Table.

Solicitation of captive audience prohibited

(2) No person shall,

- (a) solicit a person who is using, waiting to use, or departing from an automated teller machine;
- (b) solicit a person who is using or waiting to use a pay telephone or a public toilet facility;
- (c) solicit a person who is waiting at a taxi stand or a public transit stop;
- (d) solicit a person who is in or on a public transit vehicle;
- (e) solicit a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot; or
- (f) while on a roadway, solicit a person who is in or on a stopped, standing or parked vehicle. 1999, c. 8, s. 3 (2).

Permitted fund-raising by charities

(3) Subsection (2) does not apply to fund-raising activities that meet the following conditions:

- 1. They are conducted by a charitable organization registered under the Income Tax Act (Canada) on a roadway where the maximum speed limit is 50 kilometres per hour.
- 2. They are permitted by a by-law of the municipality in which the activities are conducted. 2005, c. 32, s. 1.

Offence

5. (1) Every person who contravenes section 2, 3 or 4 is guilty of an offence and is liable,

- (a) on a first conviction, to a fine of not more than \$500; and
- (b) on each subsequent conviction, to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. 1999, c. 8, s. 5 (1).

Subsequent conviction

(2) For the purpose of determining the penalty to which a person is liable under subsection (1),

- (a) a conviction of the person of a contravention of section 2 is a subsequent conviction only if the person has previously been convicted of a contravention of section 2 or 3;

- (b) a conviction of the person of a contravention of section 3 is a subsequent conviction only if the person has previously been convicted of a contravention of section 2 or 3; and
- (c) a conviction of the person of a contravention of section 4 is a subsequent conviction only if the person has previously been convicted of a contravention of section 4. 1999, c. 8, s. 5 (2).

Criminal Code, [RSC 1985, c C-46](#)

Purpose

718 The fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:

- (b) to deter the offender and other persons from committing offences; R.S., 1985, c. C-46, s. 718 R.S., 1985, c. 27 (1st Supp.), s. 155 1995, c. 22, s. 6 2015, c. 13, s. 23

Fundamental principle

718.1 A sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender. R.S., 1985, c. 27 (1st Supp.), s. 156; 1995, c. 22, s. 6.

FAIR CHANGE COMMUNITY LEGAL
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and

HER MAJESTY THE QUEEN IN RIGHT OF
OF ONTARIO
Respondent

Court File No.: CV-17-577519

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT TORONTO

**FACTUM OF THE INTERVENER
CANADIAN CIVIL LIBERTIES ASSOCIATION**

ADDARIO LAW GROUP LLP
101-171 John Street
Toronto, ON M5T 1X3

Frank Addario (25220O)
T. (416) 649-5055
E. faddario@addario.ca

Rebecca Amoah (82108N)
T. (416) 649-5047
E. ramoah@addario.ca

Counsel for the Intervener, Canadian Civil
Liberties Association