Bubble Zone Laws:
Protecting communities or cracking down on pro-Palestine dissent?

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May 2025

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Executive Summary

In recent months, several Canadian municipalities have moved to establish local "bubble zone" laws, creating blanket bans on protests in large sections of multiple Canadian cities. These measures – modelled after laws that create protest-free perimeters around sites like abortion clinics or hospitals – are now being applied to places of worship, schools, and community centres. The trend has accelerated in 2023–2024, amid large pro-Palestinian demonstrations against Israel's genocide in Gaza and Canadian complicity. These municipal bylaws, while framed as public safety tools, are disproportionately being used to suppress pro-Palestinian protest and other dissenting voices. The laws' broad language and expansive zones risk infringing on constitutional freedoms, chilling lawful protest, and empowering authorities to selectively enforce against what they perceive to be unpopular or controversial. This brief examines the rise of these bubble zone bylaws and their impacts, and offers policy recommendations to safeguard democratic expression while addressing genuine safety concerns.

Key concerns: The new municipal bubble zone bylaws often use vague terms like "nuisance demonstration" and ban protests within 50–100 metres of designated sites, creating wide no-protest zones. Legal experts and civil liberties groups warn[1] that these measures go beyond what is necessary to prevent harm, raising serious Charter of Rights issues. The trigger for many of these bylaws has been pro-Palestinian protests, fueling perceptions of selective application. Officials have justified[2] the laws with rhetoric about surging antisemitism and "hateful mobs," but this broad-brush approach risks labeling legitimate protest as hate and leveraging "public safety" as a pretext to silence dissent. If left unexamined, these measures could set a troubling precedent wherein municipalities dictate where and when citizens may voice dissent.

Core recommendations: Canadian policymakers should approach local protest buffers with extreme caution. Blanket bans on demonstrations near "vulnerable" sites should be narrowly tailored, used only as a last resort, and subject to rigorous Charter scrutiny. Instead of permanent no-protest zones, cities can rely on existing laws against violence and harassment – rather than preemptively quashing peaceful assemblies. Clear standards and independent oversight are needed to prevent selective enforcement. Ultimately, all levels of government must affirm that protecting public safety *and* the right to peaceful protest are not mutually exclusive. This brief urges a balanced approach: address genuine safety needs with proportionate responses, while upholding Canada's commitment to free expression and assembly. Policymakers should also recognize that pro-Palestine speech and protest is legitimate and not hateful.

Recommendations at a glance: Canadian policymakers at all levels must move beyond reactive, punitive approaches to protest and instead develop principled, rights-based frameworks that treat dissent as essential to democracy—not a threat. This means repealing or revising vague protest exclusion bylaws, ending reliance on zoning tools and injunctions that target political speech, and using existing legal mechanisms only where actual harm occurs. Laws must be applied equally across political contexts, with oversight to prevent selective enforcement. At

the same time, governments should reaffirm the distinction between dissent and hate in public discourse, proactively seek judicial clarity on protest restrictions, and invest in public education to strengthen understanding of Charter-protected freedoms. This includes the right to protest against Israel's genocide of Palestinians in Gaza, and to protest the Canadian government's failure to uphold its commitments to human rights, international law, and its own anti-genocide laws—primarily through the Criminal Code and the Crimes Against Humanity and War Crimes Act.

Introduction: Protests and Policy Responses

The years 2023–2024 saw an increase of protest activity in Canada related to international and domestic issues. In particular, Israel's genocide in Gaza prompted large, weekly demonstrations across Canadian cities. Thousands of Canadians took to the streets in solidarity with Palestinians, and to condemn antisemitism and Islamophobia. At times, these protests brought tensions into neighborhoods – with some rallies occurring near places of worship, community centers, and schools. For example, in early March 2024, hundreds of pro-Palestinian protesters gathered[3] outside Montreal's Federation CJA building to protest a talk by Israeli military reservists who participated in the genocide in Gaza. The next day, another protest outside Montreal's Spanish and Portuguese Synagogue – which was hosting an real estate event that sells land in illegal settlements in Palestine – drew[4] a heavy police presence as well. Similar scenes played out in the Toronto area, where demonstrations took place outside a synagogue in Thornhill which was hosting the same real state event.

Public officials reacting to these incidents did not call out the controversial nature of these events - whether hosting soldiers who participated in the genocide in Gaza or selling Palestinian land in illegal settlements – but rather framed the protests as a threat to public order and community safety. "There's a crisis of antisemitism in Canada. The numbers… are through the roof in Toronto since Oct. 7," claimed[5] Richard Marceau of the Centre for Israel and Jewish Affairs (CIJA) in late 2023. In a joint statement, CIJA and Federation CJA described[6] pro-Palestinian demonstrations as "hostile antisemitic protests" that were "specifically targeting synagogues, community centres, and even hospitals, stoking fear in the hearts of Canadian Jews across the country." Such characterizations blurred the line between peaceful political protest and hate-fueled harassment. Statements like these were not only made by pro-Israel organizations but also by many Canadian policy makers and police departments to justify[7] their actions against the pro-Palestine solidarity movement.

Against this backdrop, political leaders at the municipal level started a wave of proposals – and in some cases, fast-tracked bylaws – to create protest exclusion zones around sites deemed vulnerable. Often dubbed "bubble zones" (borrowing a term from laws shielding abortion clinics), these measures typically ban demonstrations within a specified distance (e.g. 50 or 100 metres) of certain locations like places of worship, schools, community centres, and hospitals. Elected officials justified these moves as necessary to ensure worshippers can pray in peace, children can attend school without fear, and community events can proceed safely. "Our goal is to make sure whether you go to a mandir, gurdwara, synagogue, a mosque, a church – everyone can pray in peace, free of violence and intimidation," explained[8] Brampton Mayor Patrick Brown when his city enacted a protest buffer bylaw in late 2024.

However, civil libertarians, legal experts, and some community members have voiced strong misgivings. They note that Canada already has laws against harassment, hate speech, and violence. Blanket bans on protesting near certain venues, they caution, risk sweeping up lawful peaceful protests and suppressing freedom of expression. These critics also point out an apparent pattern: the new bubble zone laws are being invoked primarily in response to pro-

Palestinian demonstrations. This raises a concern that the measures, intentionally or not, serve to disproportionately curtail one side of a political debate.

This policy brief explores the evolution of these municipal bubble zone laws and analyzes their implications. We begin with a short overview of the legal concept of protest buffer zones in Canada, to provide context on how and why they have been used in the past. We then review recent municipal actions – focusing on five cities (Vaughan, Brampton, Toronto, and Ottawa) – to illustrate how the trend has unfolded in practice. A core critique section will examine the key issues at stake: the legal ambiguity of these bylaws, the potential political motivations behind them, their uneven application and enforcement, and the broader impact on democratic freedoms. Finally, we offer recommendations for policymakers on balancing safety concerns with the fundamental right to protest. The goal is to inform a principled policy response that resists reflexive crackdowns and instead upholds Canada's commitment to pluralism and open dialogue.

Bubble Zones in Canada: Legal and Historical Overview

"Bubble zone" laws refer to legal buffers that restrict protesting or certain activities within a defined radius of a specific location. In Canadian law, they have a history rooted primarily in two contexts: (1) protecting access to abortion services, and (2) safeguarding health facilities and other services during the COVID-19 pandemic. These historical precedents form the backdrop against which today's municipal protest bans are being modeled.

Abortion Clinic Buffer Zones: Canada's first bubble zone laws emerged in the 1990s to address aggressive anti-abortion protests. In 1995, British Columbia enacted the Access to Abortion Services Act, creating 50-metre "access zones" around clinics and doctor's offices to ensure women could obtain abortion services without facing harassment. Newfoundland and Labrador followed[9] in 1996. Over the past two decades, other provinces including Ontario, Quebec, Alberta, and the Atlantic provinces have implemented similar legislation or regulations to protect abortion providers and patients. For example, Ontario's Safe Access to Abortion Services Act, 2017 automatically establishes a 50-metre no-protest zone (expandable to 150 metres by regulation) around abortion clinics. These laws were crafted to curb a very specific harm: the harassment, intimidation, and physical obstruction of women seeking medical care. Courts have generally upheld such limits as a reasonable balance between freedom of expression and the privacy and security rights of patients and health workers. The justification is that without such zones, protesters shouting at or physically impeding patients right at clinic doors would effectively deny women safe access to a lawful medical service – a clear harm the state has interest in preventing.

Pandemic-Era Safe Zones: A second wave of bubble zone-style measures came during the COVID-19 pandemic. In late 2021, as protests against vaccine mandates and public health measures erupted – including disruptive demonstrations at hospitals and schools – several governments took action. The federal government amended[10] the Criminal Code to make it an offence to intimidate health-care workers or obstruct access to health facilities, directly targeting the tactics of some anti-vaccine protesters. Provinces also responded: British

Columbia passed[11] legislation establishing 20-metre safe access zones around hospitals, testing sites, and K-12 schools to deter anti-public health protests. Quebec and Nova Scotia similarly enacted[12] temporary laws barring protests within 50 metres of hospitals and clinics during the pandemic. These measures, much like the abortion clinic laws, were meant to protect individuals seeking or providing essential services (health care, education) from being impeded or menaced at a vulnerable time. They were generally time-limited or tied to the state of emergency. While not without controversy, they responded to widely perceived *exceptional* circumstances – a global pandemic – where ensuring unimpeded access to hospitals and vaccination sites was a pressing public objective.

Key Characteristics: Two common threads in these historical bubble zones are worth noting. First, they were enacted at provincial or federal levels, aimed at addressing province-wide or nationwide issues of access and safety. Municipalities until recently were not leading the charge on such restrictions. Second, the focus was on protecting *entrances and immediate premises* of facilities from obstruction and harassment – essentially creating a small oasis of neutrality where patients or workers could come and go freely. The radius was typically limited (often 50 metres or less), and the laws often specified prohibited behaviors (like advising against services, physically interfering, or intimidating). The intent was not to ban protest per se, but to relocate it a short distance away so that targets could enter safely. In effect, protesters could still convey their message within earshot or eyesight in many cases, but not *on the doorstep* of the facility.

This context underscores a critical point: bubble zones have been treated as *extraordinary* curtailments of speech, permitted only where the harm of not having them is very high (e.g. inability to access medical care) and where the restriction is tightly limited in scope. The Supreme Court of Canada's jurisprudence on freedom of expression (Section 2(b) of the Charter) recognizes that while expression is broadly protected, reasonable limits can be justified under Section 1 of the Charter if they pursue a pressing objective and impair the right no more than necessary. Laws creating protest-free zones must meet this test by showing a serious risk (such as violence or persistent harassment at specific sites) that cannot be managed by less restrictive means (like targeted injunctions or prosecutions of actual wrongdoers).

Expansion to Other Contexts: Outside of abortion and COVID measures, there have been few examples of bubble zone laws in Canada until now. Some municipalities have long had bylaws requiring permits for protests or noise control near certain buildings (for example, near hospitals or schools during certain hours), but these have generally not imposed blanket bans on expressive activity in the vicinity. That is why the current push by cities like Vaughan, Toronto, and others to create "community safety" bubble zones around places of worship and similar sites marks a significant evolution. It represents a shift from protecting access to services, toward protecting *individuals' experience of safety* at or near certain locations – a more subjective and broad standard. However, it raises new questions about how far such zones can go before they collide with fundamental freedoms.

In summary, Canada's experience with bubble zones before 2023 established that they are an exceptional tool used sparingly and carefully, in circumstances where specific vulnerable

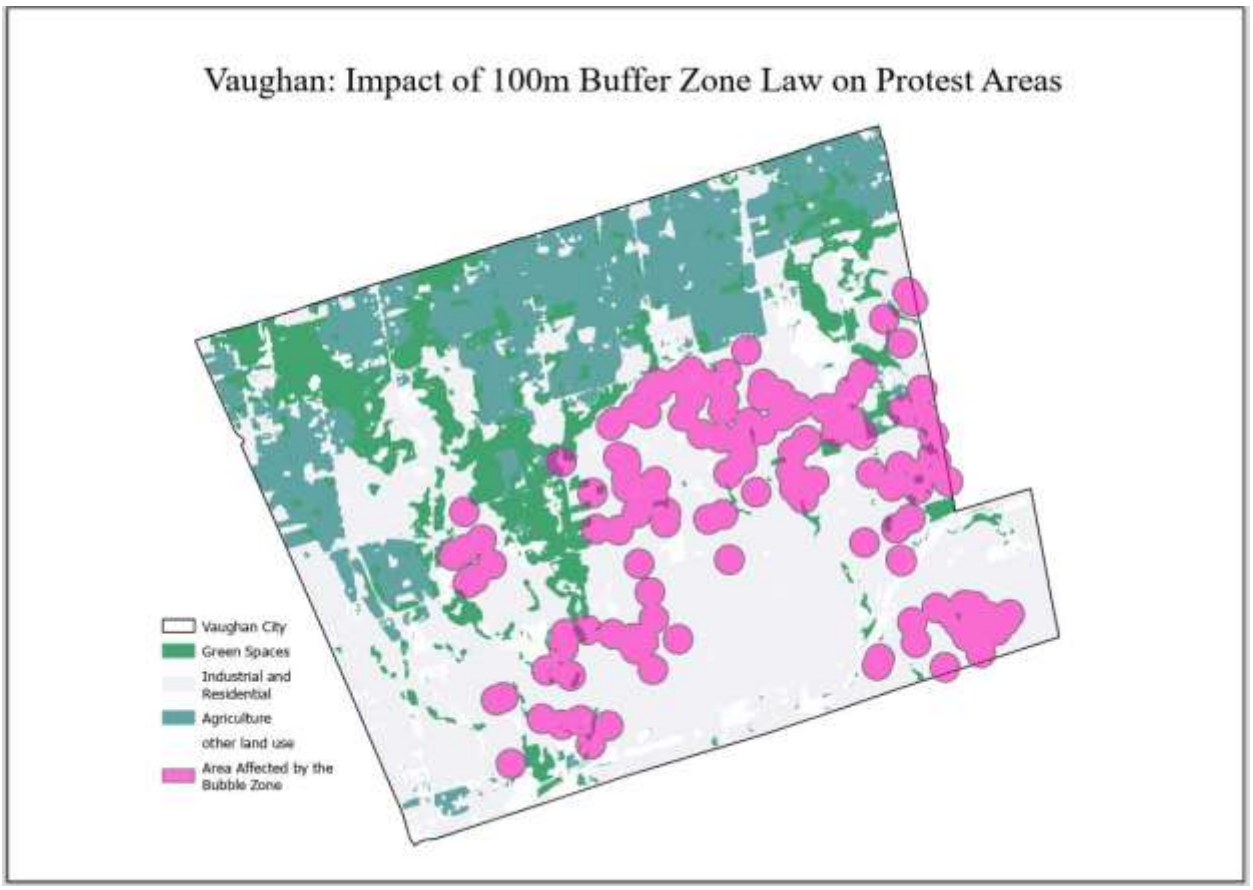
populations face direct harassment at specific sites. The new municipal bubble zone laws claim lineage from those precedents, but in practice they often cast a wider net. Understanding this history allows us to critically assess whether the current measures truly mirror the narrow purposes of earlier bubble zones, or whether they venture into new – and potentially constitutionally risky – territory.

Municipal Trends: Bubble Zone Bylaws Across Canadian Cities (2023–2024)

Municipal councils in several Canadian cities have recently considered or enacted bylaws to create protest buffer zones around "vulnerable" sites in their communities. While varying in scope, these local laws share a common impetus – they arose from specific protest incidents and public pressure to prevent such scenes from recurring. Below is a survey of key developments in five cities: Vaughan, Brampton, Toronto, and Ottawa. Each illustrates a facet of this emerging trend in local governance.

Vaughan, Ontario – Pioneering the Crackdown

The City of Vaughan, just north of Toronto, was the first municipality in Canada to pass a stand-alone "bubble zone" style bylaw in this wave. On June 25, 2024, Vaughan's council unanimously approved[13] the *Protecting Vulnerable Social Infrastructure* bylaw (No. 143-2024). The law prohibits anyone from "organizing or participating in a nuisance demonstration" within 100 metres of the property line of any "vulnerable social infrastructure," which is defined to include places of worship, schools, daycare centers, hospitals, and congregate care facilities. A "nuisance demonstration" is broadly defined[14] as any protest or public expression of views that, *on an objective standard*, would cause a reasonable person to feel intimidated – meaning concerned for their safety or unable to access the facility. Notably, the bylaw specifies that conduct can be deemed intimidating *even if it does not involve hate speech or violence*. The maximum penalty for violating the bylaw is a staggering $100,000 fine.



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This move was directly in response to protests outside Thornhill synagogues earlier in 2024. In one incident in March, a pro-Palestinian demonstration was held[15] against a real estate expo inside a synagogue (the event involved selling Palestinian land in illegal Israeli settlements). City officials, under Mayor Steven Del Duca, framed[16] the bylaw as a necessary step to protect residents amid rising international tensions referring to the Israeli genocide in Gaza. "Recent and ongoing international events have heightened tensions and increased incidence levels in Vaughan… protests have escalated and raised concerns over potential violence [and]

[1] The ARPCF created three maps to illustrate the impact of bubble zones on protest areas in Vaughan, Brampton, and Ottawa. Instead of producing its own map of Toronto, this report uses one created by TorontoToday.ca to demonstrate how such laws would affect protest areas in the city. Our team used ArcGIS to develop the maps featured in this report, relying on open data sourced from the Government of Ontario and the open data portals of the respective cities. We identified key locations subject to potential bubble zone legislation, including schools, places of worship, hospitals, and daycare centres.
To approximate the spatial footprint of these institutions, we researched the average size of such facilities. Our findings indicated that the minimum area typically ranges between 250 and 300 metres. For the purposes of this report, we deliberately used the lower bound of this estimate to ensure a conservative mapping approach—meaning the actual footprint of these locations could be significantly larger than what we represented.
Following this, we applied a uniform 100-metre buffer zone around each identified site. This buffer simulates the potential effect of proposed bubble zone laws, allowing us to visualize how such restrictions would limit public protest space within the cities of Vaughan, Brampton, and Ottawa.

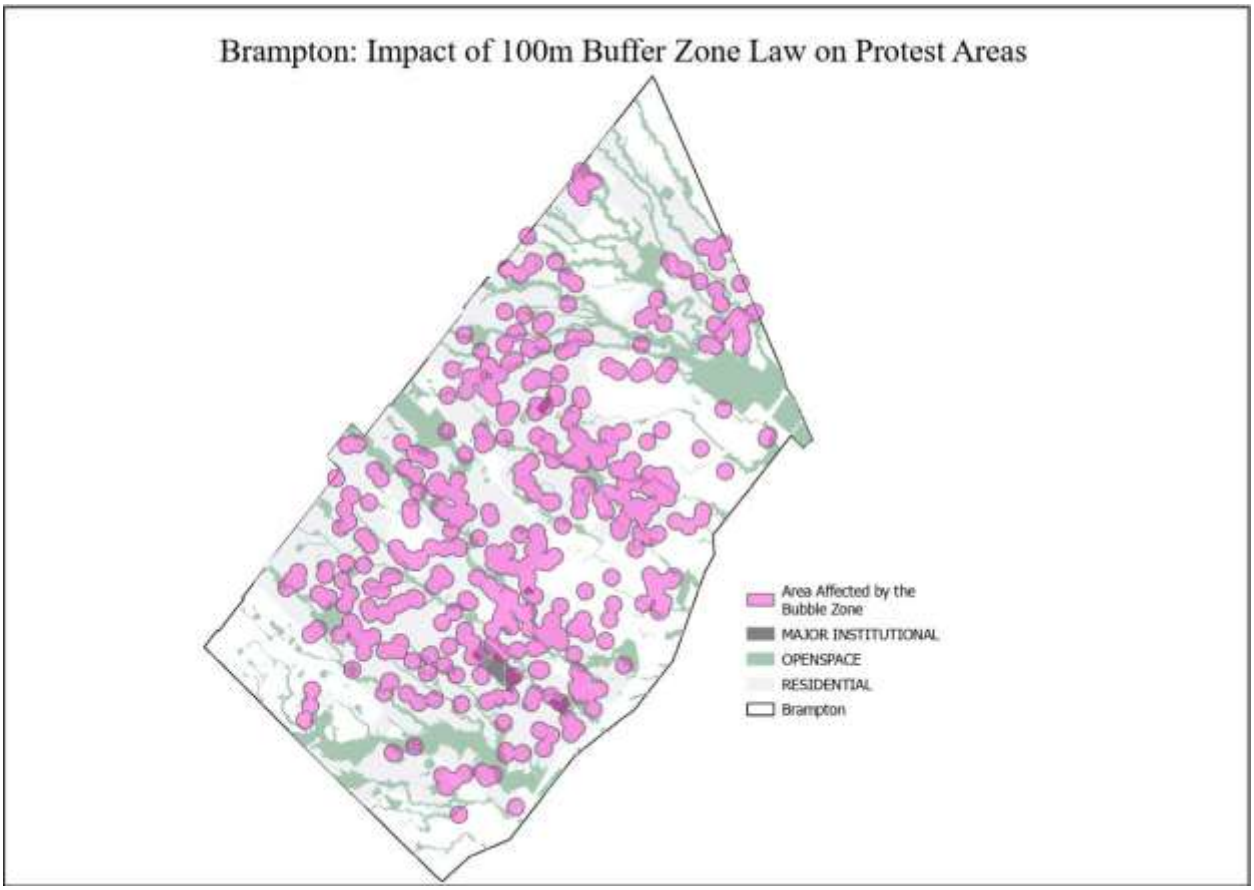
intimidation," a city backgrounder stated, underscoring Vaughan's commitment to remain "inclusive, accessible, respectful and safe for everyone." Del Duca's motion directing staff to draft the law explicitly mentioned prohibiting demonstrations that *"incite hatred, violence, intolerance or discrimination"* within 100 metres of vulnerable sites.

The bylaw took effect immediately, with enforcement[17] to be a joint effort by city bylaw officers and York Regional Police. Yet its first real test exposed cracks. On December 9, 2024, hundreds of pro-Palestinian protesters gathered[18] outside the Beth Avraham Yoseph synagogue in Thornhill against another event for land sales in illegal settlements – well inside the 100-metre restricted zone. Police reportedly made[19] a few arrests for disturbances but did not enforce the new bylaw to disperse the crowd. In the aftermath, Mayor Del Duca admitted[20] the bubble zone law had been a "disappointment" in that instance for not being able to fully silence the pro-Palestine protest, indicating it "needed work" and that both the public and police required better education on what the bylaw covered. His remarks suggest the city may revisit the law's wording or implementation. The Vaughan case reveals both the boldness of the new measures – a sweeping ban justified by fear of hate-fueled protests – and the practical challenges of enforcement when large groups test the limits.

Brampton, Ontario

Following Vaughan's lead, the City of Brampton (in the Greater Toronto Area) enacted[21] its own protest buffer bylaw in November 2024. Brampton's approach was similarly expansive: it makes it illegal to protest within 100 metres of any place of worship in the city. The council passed it unanimously. Mayor Patrick Brown and councillors presented the move as a response to *religious violence* that had recently flared up in Peel Region. In early November 2024, back-to-back confrontations between Hindu and Sikh groups outside temples and gurdwaras in Brampton had turned violent – videos showed[22] protesters using flagpoles and sticks as weapons, and police laid charges including against an off-duty officer who participated in a brawl. "That is not permitted in our city," declared[23] Councillor Paul Vicente, referring to protests that infringe on others' right to worship safely. City officials noted the policing cost of these clashes had climbed (around $400,000 for deployments to protect worship sites).

Brampton's bylaw, formally the *Protecting Places of Worship from Nuisance Demonstrations* bylaw, closely mirrors Vaughan's in defining a prohibited "nuisance" protest and in penalty (fines from $500 up to $100,000). However, Brampton included a notable exception: if a place of worship is rented out for a non-religious event (e.g. a cultural event or private function), the buffer zone rule does not apply during that time. "It does not include third-party rentals… it is specific to protecting the right to pray," Mayor Brown explained. This caveat was a deliberate attempt to narrow the bylaw's scope and "ensure it is upheld against any civil rights challenges." In effect, Brampton acknowledged[24] the criticism that Vaughan's law could unjustifiably ban protests even when a religious venue was hosting a secular or controversial event. By exempting third-party uses, Brampton's council tried to calibrate the balance: protecting worship services and congregants, while not totally insulating multi-purpose facilities from public accountability.



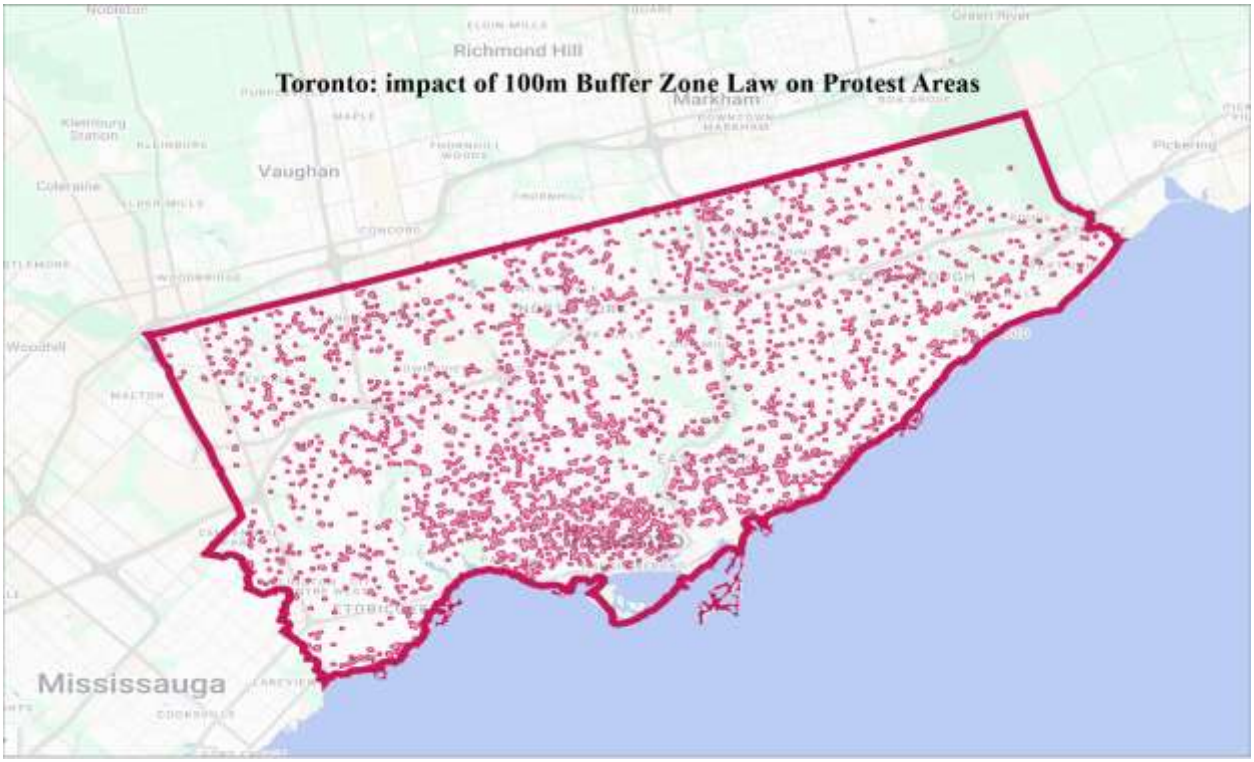
The Canadian Civil Liberties Association nonetheless warned[25] Brampton that even with a narrower scope, the bylaw's language was overbroad and vague. In a letter sent ahead of the final vote, CCLA argued the law "is likely to chill free speech and lawful, peaceful protests" due to open-ended definitions leaving too much discretion to police. The CCLA further highlighted[26] the massive fines as "irrational and disproportionate," and reminded council that any limits on peaceful protest must be minimal and proportionate to a real problem. Despite these objections, Brampton proceeded, becoming the second major city to implement a faith-oriented bubble zone. Early indications suggest the bylaw has not yet been tested by significant protests (as of early 2025 the "temperature has cooled on the ground," a Brampton councillor noted[27], but the potential for selective enforcement or legal challenge remains if and when it is applied.

Toronto, Ontario – Debating and Delaying Action

In Canada's largest city, Toronto, the idea of bubble zones around vulnerable community sites gained[28] traction in late 2023 but has faced a slower path. Toronto's discussion began after some high-profile demonstrations: in October 2023, amid the Israel–Hamas war, protesters gathered outside a North York Jewish school (associated with a community centre) and other Jewish institutions, sparking calls for better protection. Councillor James Pasternak, representing a district with a large Jewish population, became the leading advocate for a city bylaw to create protest-free zones at places of worship, faith-based schools, and similar

locations. A motion to direct staff to study "bubble zone" options was first considered in October 2023 and then again in May 2024. The initial proposal – which may have mirrored Vaughan's approach – was narrowly voted down in May, with council instead asking the City Manager to develop a broader action plan on demonstrations.

By December 2024, Toronto's City Council revisited the issue. In a meeting on Dec. 17–18, council voted[29] 17–5 in favor of a motion to have staff draft a "bylaw to protect vulnerable institutions, support keeping Torontonians safe from hate and protect Charter rights," and to report back by the first quarter of 2025.



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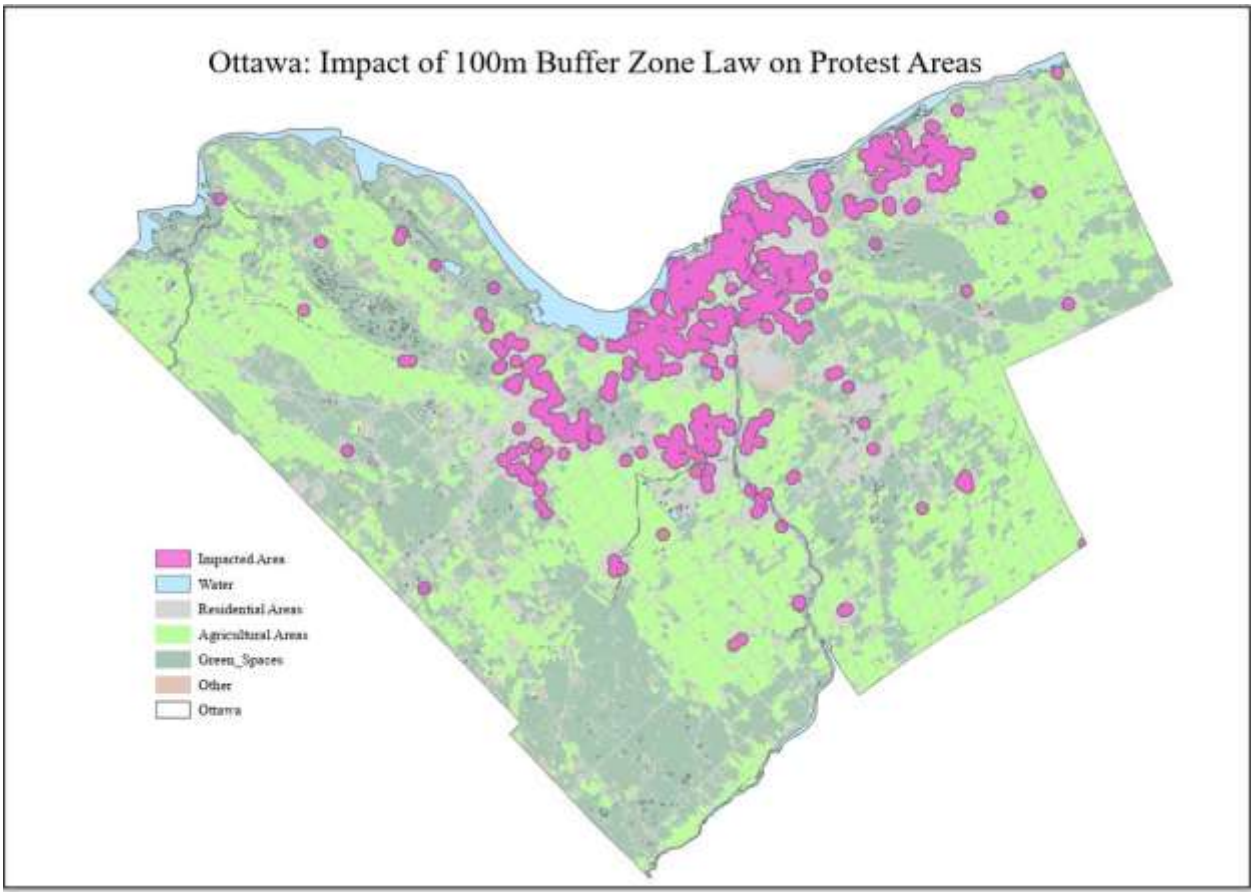
As of March 2025, Toronto's bubble zone plan has been delayed[31] indefinitely – city staff announced they need more time to consult the public and craft a legally sound approach. This delay angered Councillor Pasternak, who called it "deeply frustrating" and accused staff of not recognizing "the crisis in our city" with regard to threats against faith communities. Pasternak has been very blunt in his rhetoric: he claims[32] that the notion that moving protesters 50 or 100 metres away does not infringe any legitimate rights. "We're moving the protests back… so that people can enter their place of worship or faith-based school without harassment by these hateful mobs," he said[33], labeling objections about Charter violations "nonsense." His stance encapsulates the hard-line view that *any* protest at a religious site equals harassment and hate, thus justifying relocation. Other councillors, however, have quietly raised questions. They worry a Toronto bylaw could cover[34] vast swathes of the city – a map created by one media outlet showed that a 100-metre buffer around all schools and places of worship would blanket much of downtown Toronto. This has implications for where protests (of any kind) could even occur in

the core. For now, Toronto is studying[35] examples from Vaughan and even Calgary, and no law is yet in place. The city's cautious approach, influenced by legal advice and civil liberties concerns, demonstrates a recognition that this issue is complex. The outcome in Toronto may set an important precedent, given its size and diversity of communities affected.

Ottawa, Ontario – Studying the Issue

Ottawa did not experience the same level of direct confrontations at religious sites during 2023, but council members claim[36] that the rising hate crime statistics and incidents in other cities could be an indicator to invoke such laws. On October 30, 2024, Ottawa's City Council voted 22–3 to direct staff to study[37] the feasibility of a "Vulnerable Social Infrastructure" bylaw, essentially a bubble zone bylaw, for their city. The motion's sponsor, Councillor Allan Hubley, argued[38] that exploring this tool was prudent given community worries. "I have heard from many residents about concerns… near schools, near places of worship," Mayor Mark Sutcliffe said, supporting the study. "We must strike the right balance going forward".



The debate in Ottawa revealed a microcosm of the national arguments. Supporters on council cited[39] the example of Vaughan's bylaw (with its hefty fine) as showing one path, even as they acknowledged it hadn't been court-tested. On the other side, skeptics like Councillor Shawn Menard called[40] the idea "an expensive and ineffective move" that could lead to the government picking and choosing which protests are allowed – a dangerous precedent.

Another councillor noted[41] that much of the behavior of concern (harassment, trespassing, violence) is already illegal, implying a new bylaw might be redundant.

Ottawa's decision[42] was not to implement a bubble zone immediately, but to study models from Brampton, Calgary, Vaughan and elsewhere, and report back with recommendations in 2025. This measured approach means Ottawa might craft a more legally refined proposal, or it might decide that existing laws suffice. The mere fact of authorization to study, however, reflects how mainstream the bubble zone concept has become in policy circles within a year. What was once a rare tool for abortion clinics has evolved into a contemplated instrument for maintaining public order in cities. Most recently, despite ongoing Charter concerns, Ottawa Mayor Mark Sutcliffe announced on May 13, 2025, that he would support a motion instructing staff to begin drafting a bylaw to restrict protests near schools, hospitals, and places of worship[43]. Ottawa's ultimate course remains to be seen, but its internal deliberations – with voices urging caution – will contribute to the broader Canadian discourse on where to draw the line between protecting safety and preserving liberty.

Beyond the Five Cities: It is worth noting[44] that other municipalities (e.g. Mississauga, Hamilton, and Winnipeg) have also mulled similar bylaws, and the idea has surfaced in political campaigns. In early 2025, candidates in Ontario provincial by-elections debated[45] whether a province-wide bubble zone law was needed, with some opposition candidates pledging to push for it. The federal government, too, has been lobbied[46] by groups like CIJA to consider Criminal Code amendments that would criminalize certain protest tactics or hate symbols at these sites. All of this indicates that the concept of protest exclusion zones for community safety has leapt from local council chambers into higher-level political discourse.

In sum, Canadian municipalities are navigating uncharted waters with these bubble zone bylaws. Vaughan and Brampton charged ahead with sweeping bans and are now contending with implementation and public backlash concerns. Toronto and Ottawa are moving more deliberately, seeking that sweet spot of "keeping people safe from hate" while not trampling civil liberties – a balance easier stated than achieved. Together, these trends set the stage for a critical evaluation of bubble zones' merits and pitfalls, which we turn to next.

Core Critique of Municipal Bubble Zone Laws

The proliferation of local bubble zone laws in Canada has sparked a robust debate about their necessity, fairness, and legality. While the intentions – protecting communities from hate and harm – are laudable, the *means* chosen raise several red flags. This section presents a critique of these measures, focusing on the most significant concerns. Policymakers should weigh these issues carefully when considering existing or future protest-buffer bylaws.

Charter Rights at Risk (Legal and Constitutional Flaws):

The foremost concern is that blanket bans on protesting in broad zones around certain facilities infringe on Canadians' Charter-protected freedoms of expression and peaceful assembly. The Charter of Rights and Freedoms guarantees[47] citizens the right to protest and express dissent, even when their message is unpopular or uncomfortable. Any law curtailing that right must satisfy the strict test of reasonable limits in a free and democratic society. The municipal bubble bylaws, as drafted, are on shaky ground. They prohibit not specific illegal conduct, but *any demonstration* within a large radius that *might* cause someone to feel "intimidated." This is an extremely broad restriction: peaceful picketing, vigils, or leafleting – core political speech – could fall afoul of the law simply because a bystander claims to feel uneasy. As the CCLA warned[48], these bylaws use *"vague and open-ended definitions"* that leave too much to the subjective judgment of enforcement officers. Terms like "nuisance demonstration" or "intimidation" are not defined with the precision one would expect for a law that penalizes expression. Vague laws risk being struck down for overbreadth; they capture more conduct than necessary to achieve their aim.

Moreover, the sheer size of the restricted zones (100 metres in Vaughan and Brampton, for example) is hard to justify. A 100-metre radius around a downtown place of worship or school can encompass multiple city blocks. This goes well beyond ensuring people can enter a building safely – it effectively removes[49] a chunk of public space from the realm of free expression. It is worth noting that traditional bubble zones for health clinics were much tighter in scope (often 50m or less) and focused on entrances, not an entire neighbourhood. In a legal challenge, a court would ask: *is there a pressing objective, and is this sweeping ban a minimal impairment of rights?* The objective (preventing harassment and violence) is pressing, but the means seem far from minimal. Other laws already criminalize harassment, threats, assault, or blocking entry.

Those less impairing tools could be, and indeed have been, used to address violent protest behavior. For instance, during the Thornhill synagogue protest in December, police made arrests under existing laws for mischief or disturbances. The bubble bylaw added nothing except potential liability for peaceful protesters. Even Ontario's Solicitor General – a voice from a government often keen on law-and-order – suggested[50] these municipal bylaws "would [be] unlikely [to] stand up in court." If governments themselves doubt the constitutionality, that is a telling sign. In short, from a legal standpoint, the current bylaws likely overreach, failing the proportionality standard and inviting litigation that municipalities could well lose.

Vague Standards and Overbroad Definitions:

Hand-in-hand with the Charter issue is the problem of vagueness. The language used in these bylaws practically invites arbitrary or discriminatory enforcement. Phrases[51] like "likely to cause a reasonable person to be intimidated" set a nebulous threshold. What is a "reasonable" response and who defines intimidation? As long-time civil rights observers note, such subjective criteria allow enforcement to be driven by perceptions and complaints (often by those opposed to the protest's message) rather than any objective harm. This was evident[52] in Vaughan's communications around its bylaw: the city asserted that even protests without hate speech could qualify as intimidation. Essentially, *if people feel intimidated, that's enough.* But feelings are not a solid legal standard. Without clear parameters – e.g. prohibiting only physical obstruction, violence, or threats – police on the ground must guess where the line is. One officer might view loud chanting as intimidation; another might not.

The CCLA's Director of Fundamental Freedoms, analyzing[53] Brampton's bylaw, put it succinctly: *"It leaves it to police officers to make subjective and unpredictable determinations."* Such unfettered discretion is anathema to the rule of law. It can lead to enforcement based on implicit bias or political pressure. Indeed, consider how these laws might be applied to different scenarios: A vocal protest against Israel's actions might be deemed intimidating simply for passing by a synagogue; but would an equally loud pro-choice protest be stopped 100m from a church that was hosting an anti-abortion speaker? The standards should not shift depending on content, yet vague laws create that possibility. Furthermore, the bylaws label the prohibited protest as a "nuisance" – a term usually reserved for minor civil infractions like noise or property clutter. This framing minimizes the seriousness of what is being regulated (political expression) and could encourage treating protesters as mere troublemakers to be removed at convenience.

Disproportionate Spatial Restrictions (The Exclusion of Public Space):

A core critique is that these bylaws carve out *too much* public space as off-limits for protest. In democratic societies, streets, sidewalks, and parks are traditional forums for assembly and expression. Creating wide "no protest" buffers around many sites significantly shrinks the available public forum. For example, Vaughan's 100-metre rule around **all** listed types of sites covers a great deal of its urban area; similarly, if Toronto applied[54] a 50–100 m rule around every school and place of worship, huge portions of the city would effectively become protest-free zones. This is a radical reconfiguration of public space norms. It not only affects the protesters – who are forced well away from their intended audience or symbol – but it also deprives the public of hearing dissenting voices in many places. The visibility and location of a protest are part of its message. Standing directly outside a gathering sends a strong signal to those inside; being forced a block away diminishes the impact and can render the protest invisible. As Professor Richard Moon noted, while some limited[55] buffer may be justified to prevent physical interference, *"not… a zone that completely insulates the meeting place from any exposure to protest."* The current bylaws risk doing just that – insulating certain events or institutions from the sight and sound of opposition.

Additionally, these spatial exclusions often ignore whether the activity inside the "protected" site is actually vulnerable or related to the site's ordinary function. A place of worship, for instance, might host a political rally or a public lecture on a specific issue. In such cases, is it fair or necessary to ban protesters from gathering out front to voice disagreement? Brampton's bylaw attempted[56] to address this by exempting third-party rentals, implicitly recognizing that not everything happening at a religious location is sacred. But other bylaws (like Vaughan's) offer no such nuance. This overbreadth means even if an institution is being used to promote a political cause (say, fundraising for a foreign military, or advocating a social policy), opponents cannot stage a protest at the door, even peacefully. The *content-neutral* appearance of protecting all vulnerable sites masks a potentially content-based effect: protests against certain activities get shut down due to location.

Selective Enforcement and Political Motivation:

While bubble zone bylaws are written in neutral terms, in practice they appear to be enforced – or not enforced – selectively, often aligned with political sensitivities. The fact that these laws were spurred by pro-Palestinian protests is a case in point. There is a perception of bias: that authorities moved swiftly to clamp down on demonstrations largely composed of pro-Palestine groups out of concern for the sense of security of institutions hosting pro-Israel events. In contrast, when far-right or Islamophobic protesters targeted mosques or Muslim community events in the past, we did not see a rush by cities to create buffer zones around mosques. Anti-Muslim incidents were typically handled through policing and existing hate crime laws.

Similarly, during the Freedom Convoy protests in Ottawa (which certainly intimidated residents), the solution pursued was injunctions and emergency powers, not a permanent no-protest zone downtown once the crisis passed. This contrast raises uncomfortable questions: *Are bubble zones a tool being rolled out only when the affected community has some political influence?* The involvement[57] of groups like CIJA and B'nai Brith - which have lobbied for such legislation at all levels - suggests a concerted effort to leverage political power to obtain protections for pro-Israeli political views under the guise of vulnerability. There is nothing wrong with advocacy – indeed, protecting Jewish communities from antisemitism is vital – but when laws emerge rapidly in one context, one must ask whether similar measures would be extended to other vulnerable groups in an even-handed way.

Selective enforcement is also a concern at the operational level. The Vaughan synagogue protest in December illustrated[58] that police may choose not to enforce a bylaw, perhaps due to concerns about escalating a crowd or doubts about the law's validity. In that case, despite clear violation, the protest was allowed to proceed (with only criminal acts handled). One could easily imagine the opposite scenario elsewhere: a small group of, say, pro-Palestinian students quietly holding signs near a school could be dispersed or ticketed under the bylaw if authorities were so inclined, even though they posed no threat. Because the laws give broad discretion, enforcement can become selective suppression – targeting protests that officials find troublesome while ignoring others. Over time, this erodes trust in the neutrality of law enforcement. Activists might avoid organizing any protest for fear that, if their cause lacks approval, they'll be the ones hit with fines.

Underlying political motivations deserve scrutiny. It is notable that in election campaigns, candidates are seizing on bubble zones as a way to appear "tough on hate" and aligned with community safety. In Ontario's 2025 York Centre by-election, the Liberal candidate promoted[59] bubble zone legislation as part of a safety plan, while the incumbent PC MPP accused[60] him of grandstanding with a likely unconstitutional measure. This tug-of-war indicates that bubble zones are being used as political symbols. There's a risk of *virtue signalling legislation* – passing laws to show solidarity with one community or to check a political box, without fully considering the downsides. Once enacted, such laws remain on the books and can be used in ways far beyond the original intent. For example, a future city council might use a "vulnerable infrastructure" bylaw to break up a labour strike near a hospital, claiming patients feel intimidated – an application few would today endorse, but made possible by the precedent set now. Thus, short-term political calculus can yield long-term erosion of rights.

Chilling Effects on Legitimate Dissent:

Even without active enforcement, the mere existence of bubble zone laws can deter citizens from exercising their right to protest. The laws carry hefty penalties – fines up to $100,000, which for most people are ruinous. Faced with that risk, many organizers will simply relocate protests far away or cancel them altogether. The result is a chilling effect on expressive activity. People may refrain from protesting where they might possibly fall within some prohibited radius, especially if the zones aren't clearly marked. For example, an individual might think twice about holding a one-person demonstration with a sign on a sidewalk if there's a church or school on the block, lest it be construed as a bylaw violation. Marginalized groups, who already often feel scrutinized by police, will be particularly wary. A student-led protest for Palestinian human rights might avoid the vicinity of a campus Hillel out of fear that it would be instantly labeled intimidating. This self-censorship means certain messages fade from public view. The chilling effect undermines democratic discourse: our public squares lose voices that have every right to be heard, simply because those voices fear punishment.

The chilling effect is not speculative – it's by design. These bylaws were enacted *precisely* to "send a message" and preempt protests near sensitive sites. In Brampton, Councillor Toor argued[61] that although pro-Palestine protests had died down, "that level of concern still exists" in the community. The bylaw is a signal that "this is not permitted in our city." Such signals are heard loud and clear. While deterring violence is good, deterring peaceful protest is not. It's a delicate balance that a blunt instrument like a 100-metre ban cannot achieve. Every protest organizer now must consult a map and legal counsel – a high bar that will especially disadvantage grassroots movements. Over time, public engagement suffers. Ironically, this can make communities *less* safe in a civic sense: silencing peaceful outlets for dissent can breed frustration, or simply erode the sense of inclusive democracy that helps bind diverse communities.

"Public Safety" Rhetoric as a Double-Edged Sword:

City officials have repeatedly invoked ostensible goals of "public safety" and "preventing hate" to justify bubble zones. No one disputes that protecting citizens from violence and hate-motivated harassment is crucial. However, the rhetoric sometimes paints *all* protest at certain locations as tantamount to violence or hate. This is a dangerous conflation. Labeling protesters as "hate-fueled mobs" or implying that any demonstration near a place of worship is inherently hate motivated weaponizes the language of safety to shut down even lawful opposition. In Toronto, for example, Councillor Pasternak's reference[62] to protesters as "hateful mobs" casts a very broad brush. Similarly, the joint CIJA/Federation statements characterize[63] the pro-Palestinian protests as "antisemitic" and extremely dangerous. By framing the narrative this way, proponents make it politically difficult to oppose the bylaws ("How can you allow hateful mobs to run wild?"). The effect is to equate dissent – in this case, pro-Palestinian advocacy – with a security threat.

This rhetorical approach has troubling implications. It risks delegitimizing the underlying motivations of protesters by shifting the focus to alleged hatred. For members of the public not closely following, they might assume every Palestine solidarity protest is a hotbed of Jew-hatred and potential violence, which is not accurate. The "public safety" banner can also be a cover for quelling inconvenient protests that embarrass officials or disrupt business as usual. The question to ask is: *Is a permanent, generalized ban the only or best way to achieve safety?* Or is it simply the most politically expedient way to be seen as taking action, regardless of efficacy? By overusing the public safety justification, governments may actually weaken the very freedoms that ensure true long-term safety in a pluralistic society – the safety that comes from mutual understanding, dialogue, and the ability to air grievances openly rather than letting them fester.

Unintended Consequences and Enforcement Dilemmas:

Finally, it's important to consider the practical enforceability of these laws and potential unintended outcomes. Policing protests is already challenging; adding a layer of determining lawful vs unlawful location could strain resources and judgment. In a chaotic protest situation, will officers be measuring distances with a tape? For example, if protesters are at 80 metres from a church, must they be pushed to 100? What if they move – does a lawful protest suddenly become unlawful if it crosses an invisible line? These scenarios illustrate how bubble zones could escalate tensions on the ground. Police may be put in conflict with crowds sooner, solely over location rather than behavior, which could actually spark the very confrontations one hoped to avoid.

Furthermore, heavy fines and enforcement might flood courts with cases that judges could throw out as unconstitutional, or that juries might hesitate to convict on (jury nullification is possible if community sentiment sides with protesters). Cities might find themselves embroiled in costly litigation defending bylaws, diverting attention from more productive safety measures.

In summary, the new municipal bubble zones, as currently conceived, exhibit multiple flaws: they risk violating fundamental rights; they are vaguely and broadly drawn; they may be applied

unevenly and for political ends; and they chill and delegitimize important democratic expression. None of this is to downplay the real concerns about hateful or violent protests. Those **must** be addressed – but with targeted, proportionate responses. Blanket bubble laws treat all protesters as potential criminals, and all "sensitive" locations as closed to public demonstration, which is a disproportionate solution. In a democratic society, the default should always favor free expression, with restrictions as the exception. The bubble zone trend, if left unchecked, flips that default in certain spaces, which should give us all pause.

Conclusion and Recommendations

For Canadian policymakers at the municipal, provincial, and federal levels, the task now is to recalibrate. Rather than reacting on an ad-hoc, emotional basis to protest controversies, officials should develop clear, principled guidelines that protect both communities and constitutional freedoms. The recommendations provided here aim to chart that course:

- Engage the judiciary proactively by seeking a constitutional reference or encouraging court challenges to get timely rulings. It is better to know sooner rather than later if these laws are unconstitutional. This would help standardize approaches and avoid a patchwork of inconsistent policies that confuse the public and police.

- Reaffirm commitment to Charter rights in public discourse. Political leaders should be careful not to demonize entire protest movements because of the actions of a fringe few. The Montreal injunction, by naming groups like Independent Jewish Voices (a Jewish-led group critical of Israeli policy), sent a message that even Jewish dissenting voices were unwelcome, which was deeply hurtful to those activists. Governments should emphasize that criticism of a foreign government (e.g. Israel) is not the same as hatred toward a Canadian minority, and our laws recognize that distinction. This kind of clear messaging can reduce community tensions and isolate the true extremists.

- Canadian policymakers must reject reactive, punitive measures that treat protest as a threat. Instead, laws and policies should reflect the principle that dissent—especially against state violence or international injustice—is not only lawful but essential to democracy.

- Repeal or substantially revise protest exclusion bylaws that rely on vague or discretionary language such as "nuisance" or "intimidation." Where regulation is deemed necessary, any spatial limits must be narrowly drawn, time-limited, and subject to public oversight.

- Withdraw municipal reliance on injunctions, zoning tools, and discretionary policing that disproportionately target political protest. Where there is actual harm—such as threats, obstruction, or violence—existing Criminal Code provisions already provide enforcement tools without preemptively banning protest by location or affiliation.

- Enforce rights equally across protest contexts, ensuring that no political viewpoint is systemically privileged or criminalized. Selective enforcement must be tracked and

addressed through independent oversight bodies, with attention to how race, religion, or political expression influence police and legal responses.

- Invest in public education about Charter-protected protest rights, particularly in schools and civic institutions. Shifting the public discourse around protest—from a problem to be managed to a right to be defended—builds resilience against future calls for suppression.

To conclude, Canada's commitment to upholding Charter rights is being tested in this moment of heightened polarization. hateful incidents are real and must be addressed. The rise of municipal bubble zones shows how fear can lead us down a path of constraining liberty. It is up to us, through our elected officials and courts, to correct that course. We can protect communities from genuine harm and protect the right to dissent. It is not an either/or choice, but a matter of thoughtful policy design and the political will to uphold our fundamental values even under pressure.

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