

Legislative
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2 CHARLES III, 2024

Bill 208

An Act respecting the safe access to religious institutions

Mr. J. Fraser

Private Member's Bill

1st Reading June 5, 2024

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Sacred Spaces, Safe Places Act, 2024*.

Section 1 provides that the purpose of the Act is to protect access to religious institutions.

Section 2 defines a religious institution as being a building or structure, or part of a building or structure, that is primarily used for religious worship, including a church, mosque, synagogue or temple, or a cemetery.

Section 3 prohibits certain activities in an access zone for a religious institution, which include advising a person to refrain from accessing the institution, persistently requesting that a person refrain from accessing the institution or certain actions for the purpose of dissuading a person from accessing the institution.

Section 4 establishes access zones for religious institutions and provides for the extent of the zones.

Sections 5 to 9 provide for enforcement. Section 5 provides for offences, while section 6 provides that a person may not be convicted of an offence for contravening a prohibition in an access zone unless the person knew or, at any time before the contravention, was given notice of, the location of the relevant access zone. Section 7 provides for a right to damages for losses resulting from contraventions. Section 8 gives the Superior Court of Justice the power to grant an injunction, on an application by a person, to restrain a person from contravening a prohibition under section 3. Section 9 provides for powers of arrest without a warrant.

An Act respecting the safe access to religious institutions

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Purpose of Act

1 The purpose of this Act is to protect access to religious institutions by protecting the safety, security, health and privacy of persons seeking to access these institutions.

Definitions

2 In this Act,

“property”, in relation to a religious institution, means,

- (a) property within the meaning of the *Land Titles Act* if that Act applies to the land where the religious institution is located, or
- (b) property within the meaning of the *Registry Act* if that Act applies to the land where the religious institution is located; (“*unité foncière*”)

“religious institution” means a building or structure, or part of a building or structure, that is primarily used for religious worship, including a church, mosque, synagogue or temple, or a cemetery. (“*établissement religieux*”)

Prohibitions in access zones for religious institutions

3 (1) While in an access zone established under section 4 for a religious institution, no person shall,

- (a) advise or persuade, or attempt to advise or persuade, a person to refrain from accessing the institution;
- (b) persistently request that a person refrain from accessing the institution;
- (c) for the purpose of dissuading a person from accessing the institution,
 - (i) continuously or repeatedly observe the institution or persons entering or leaving the institution,
 - (ii) physically interfere with or attempt to physically interfere with the person,
 - (iii) intimidate or attempt to intimidate the person, or
 - (iv) repeatedly approach, accompany or follow the person or a person known to the person; or
- (d) engage in threatening conduct.

Same

(2) No person shall repeatedly communicate by telephone, fax or electronic means with a person for the purpose of dissuading the person from accessing the institution, after the person being communicated with has requested that such communications cease.

Access zones religious institutions

4 (1) An access zone is established for each religious institution.

Extent of zone

(2) The access zone established under subsection (1) consists of the property on which the religious institution is located and the area within 150 metres from the boundaries of the property.

Offences

5 A person who contravenes section 3 is guilty of an offence and, on conviction, is liable,

- (a) in the case of a first offence under this Act, to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months, or to both;
- (b) in the case of a second or subsequent offence under this Act, to a fine of not less than \$1,000 and not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Limit on conviction — knowledge or notice of zone

6 A person may not be convicted of an offence for contravening section 3 unless the person knew or, at any time before the contravention, was given notice of, the location of the relevant access zone.

Damages

7 A person who suffers loss as a result of a contravention of section 3 by another person has a right of action for damages against that person.

Injunction

8 On application by a person, including the Attorney General, the Superior Court of Justice may grant an injunction to restrain a person from contravening section 3.

Arrest without warrant

9 A police officer may arrest without warrant a person the officer believes, on reasonable and probable grounds, has committed, or is committing, an offence under this Act.

Commencement

10 This Act comes into force on the day it receives Royal Assent.

Short title

11 The short title of this Act is the *Sacred Spaces, Safe Places Act, 2024*.