

## **Advertising Review Panel**

**Date**

2018/05/31

**Time**

10:04 AM

**Location**

Civic Centre, Committee Room B,  
300 City Centre Drive, Mississauga, Ontario, L5B 3C1

**Members Present**

Councillor Nando Iannicca	Ward 7
Councillor Pat Saito	Ward 9
Councillor Sue McFadden	Ward 10

**Members Absent**

Mayor Bonnie Crombie	Ex-Officio (Other Municipal Business)
Councillor Karen Ras	Ward 2

**Staff Present**

Geoff Marinoff, Director, Transit  
Ryan Cureatz, Manager, Marketing  
Ivana Di Millo, Director, Communications  
Mary Ellen Bench, City Solicitor  
Peter Fularczuk, Legal Counsel  
Nicole McInerney, Senior Communications Advisor  
Barbara Johnstone, Executive Assistant, Ward 7  
Sacha Smith, Manager, Legislative Services, Office of the City Clerk  
Allyson D'Ovidio, Legislative Coordinator, Office of the City Clerk

**Find it online**

<http://www.mississauga.ca/portal/cityhall/advertisingreviewpanel>

1. **CALL TO ORDER** – 10:04 AM

Councillor Nando Iannicca volunteered to sit as Chair of the Panel. All members agreed.

2. **APPROVAL OF THE AGENDA** – Approved (Councillor McFadden)

3. **DECLARATION OF CONFLICT OF INTEREST** - Nil

4. **MATTER CONSIDERED**

4.1. **Request for Review of Advertisement on MiWay Buses**

Geoff Marinoff, Director, Transit provided background information with respect to the complaints received from members of the public regarding the advertisement under review on MiWay buses. Mr. Marinoff noted the term of the advertisement, May 18, 2018 to July 14, 2018 as well as the status.

Mary Ellen Bench, City Solicitor, discussed relevant case law, the City's Advertising Policy and the Canadian Code of Advertising, noting that municipalities are also subject to the Charter of Rights and Freedoms. Ms. Bench further noted the advertisement under review does not offend the regulations and does not present safety concerns.

Ms. Bench provided the following Legal Opinion: "The Supreme Court of Canada decision in *Greater Vancouver Transportation Authority v. Canadian Federation of Students*, which dealt with advertisements on buses and freedom of expression protection, makes it clear that the City does not have grounds to refuse the ad."

Members of the Panel engaged in a discussion with respect to the nature of the complaints received. Members suggested that religious leaders work together to promote diversity and inclusion in a more suitable way in the future.

Based on the information provided, the advertisement will remain in place on the sides of the 14 MiWay buses for the duration of the assignment, from May 18, 2018 to July 14, 2018. All members agreed.

**DECISION**

IN THE MATTER OF 43 "Request for Review of Advertising" forms received between May 25, 2018 and May 29, 2018, filed by applicants with the Office of the City Clerk as per the Advertising Review Panel Terms of Reference, with respect to an Advertisement on 14 MiWay buses.

AND IN THE MATTER of the meeting of the Advertising Review Panel on May 31, 2018, to review and address the “Requests for Review of Advertisement” on MiWay buses.

IT IS THE DECISION of the Advertising Review Panel:

THAT the information provided by City staff be received for information. The Panel accepted the clear legal advice provided; the City does not have grounds to refuse the ad. The ad does not offend the Canadian Code of Advertising Standards and the City Solicitor advised that “the Supreme Court of Canada decision in *Greater Vancouver Transportation Authority v. Canadian Federation of Students*, which dealt with advertisements on buses and freedom of expression protection, makes it clear that the City does not have grounds to refuse the ad.” The advertisement will therefore remain in place on the sides of the 14 MiWay buses for the duration of the assignment, from May 18, 2018 to July 14, 2018.

This decision is final and binding.

Dated at the City of Mississauga, May 31, 2018.

Councillor Nando Iannicca, Ward 7  
Councillor Pat Saito, Ward 9  
Councillor Sue McFadden, Ward 10

Approved – (Councillor McFadden)

5. **ADJOURNMENT** – 10:18 AM (Councillor McFadden)