

Alexander Surgenor

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Owen Jaggard

Director of Legislative Services/Clerk, Town of Aylmer
46 Talbot Street West
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August 7, 2026

Sent via e-mail from asurgenor@theccf.ca to ojaggard@town.aylmer.on.ca

RE: Impact of By-Law 28-26 and July 31st Q&A on Freedom of Expression

Dear Mr. Jaggard,

I am Counsel with the Canadian Constitution Foundation (the “CCF”). The CCF is a national legal charity that defends Canadians’ rights and freedoms through education, communications and litigation.

We have reviewed the Town of Aylmer’s By-Law 28-26, the supplementary policy documentation provided to candidates dated July 31, 2026¹ (the “Q&A”). We are concerned that aspects of the Q&A regarding candidates’ use and depiction of public places violate Section 2(b) of the *Charter of Rights and Freedoms*, which guarantees everyone freedom of expression subject only to such reasonable limits as are demonstrably justified in a free and democratic society. Alternatively, aspects of the By-Law itself may violate Section 2(b).

We have two primary concerns. First, the Q&A prevents candidates from establishing booths in public parks, including at private events where a rental or permit has been issued to an event organizer. This is an overbroad and unreasonable limit on the expression of candidates and attendees. The Supreme Court of Canada² and the Ontario Court of Appeal³ have recognized that parks are places where freedom of expression is protected and expected. As Justice B.W. Miller wrote in *Bracken*, “[a]n aspect of freedom of expression is the ability to address people in places where crowds are known to congregate.”⁴

Second, the guidance on filming town assets is an overbroad and unreasonable limit on the expression of candidates who wish to promote their campaigns on social media. The guidance states that deliberately featuring a recognizable municipal asset, including but not limited to “Town Hall, the East Elgin

¹ <https://getinvolved.aylmer.ca/q-a-for-prospective-and-registered-candidates>

² *Committee for the Commonwealth of Canada v. Canada*, [1991] 1 S.C.R. 139, at p. 154, per Lamer J.

³ *Bracken v. Niagara Parks Police*, 2018 ONCA 26, para 41.

⁴ *Ibid*, para 44.

Community Complex, Old Town Hall, the Police Station, the Fire Station, the Operations and Parks building, municipal water towers, the pool, splash pad, lagoons and Palmer Park bandshell”, as part of a campaign presentation constitutes use of a Corporate Resource for an election-related purpose. This is a severe restriction on candidates’ expressive rights and not a reasonable interpretation of the By-law. Here too, these aspects of the By-Law may violate Section 2(b).

While some limits on where candidates for municipal office may campaign and the use of certain corporate resources are reasonable and constitutional, these limits go too far in restricting expression.

We request that you update your Q&A to comply with the requirements of Section 2(b) of the *Charter* by August 20, 2026, or we will consider our next steps.

I await your considered response and thank you for your attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'A. Surgenor', written in a cursive style.

Alexander Surgenor
Counsel, the Canadian Constitution Foundation