

FROM HARASSMENT TO ACTUAL ISSUE OF \$2,750 FINES - UNACCEPTABLE...

OSHAWA BY-LAW CRACK-DOWN: MUSEUM REPORTS \$2,750 IN FINES AS MASON TEMPLE CHALLENGES CITY WARNING. Downtown organizations question why property owners seeking help with trespassing and disorder face enforcement themselves. By The Central Newspaper

OSHAWA — A downtown museum reporting \$2,750 in municipal fines and a Masonic Temple warned about possible enforcement are raising a pointed question: why should organizations struggling with trespassing, vandalism and public disorder face penalties over conduct they say they repeatedly report?

The Canadian Automotive Museum says it just received \$1,500 in by-law fines related to nuisance activity on its property. Plus previous tickets totaling 2,750. Fines that the Museum just can't afford. Nearby, Oshawa Mason Temple Building Ltd. says a City warning has compounded frustration over recurring problems at 91 Centre Street South.

The cases involve different enforcement stages. The museum reports fines already issued; the Temple correspondence describes a warning that an order could follow. Together, they have intensified complaints about property-owner responsibility and the response to downtown safety concerns.

According to correspondence supplied for this story, Senior Municipal Law Enforcement Officer George Shaw contacted the Temple on September 18 after observing individuals "loitering and consuming what appears to be narcotics. (homeless, vagabonds)". Shaw said officers would ask them to leave and involve Durham Regional Police if they refused. But he also told the organization municipal enforcement is "not a private security service," advising preventative security measures and suggesting police assistance or private security. "An ongoing failure to prevent Nuisance activity occurring on 91 Centre St S may result in an order to comply under the City of Oshawa Nuisance By-law 65-2009," the correspondence states. Temple representatives' response was blunt: **"COMPLY WITH WHAT?"**.

The real issue is not about safety as that should be the responsibility of police. The problem here is the City negligence to do something about the City homeless problem, that they in part allowed to get out of control. The Mason 's position is...

They maintain they are trying to stop the activity, not encouraging it. Robert Livingstone, secretary of Oshawa Temple Building Ltd., challenged the warning directly. "If your email is intended as a joke, it's not going over well. If you're serious, it's going over worse, many more times over," he wrote.

Livingstone said he personally contacts police three to four times weekly, with others associated with the building also calling. "There is a NO TRESPASS-

ING order on file with DRPS and signage posted around the property," he wrote. Temple representatives say approximately 600 members use the building and have endured trespassing, graffiti, vandalism, suspected drug use and people defecating on the property. Their concern is that reporting unwanted conduct has not resolved it, while the City's warning places additional responsibility on their organization. The problem should not be that of taxpayers property owners but that of the city. As it is a public safety/health hazard to all citizens. Shaw also suggested the property might qualify for Oshawa's Graffiti and Vandalism Remediation Fund to assist with preventative measures. What an insult to both the museum and Masons lodge.

THE MUSEUM'S CALL FOR HELP

At 99 Simcoe Street South, the Canadian Automotive Museum describes similar pressures. "The urgency of the situation has increased in the past two weeks," its October 1 statement says, reporting "\$1,500 in municipal by-law fines related to nuisance activity on Museum property, including trespassing, littering and loitering. "The museum says these are behaviours it has "repeatedly taken steps to prevent and address."

Its board first raised concerns with municipal and regional representatives in 2024, according to the statement. In September, it wrote to Mayor Dan Carter and council seeking support and an opportunity to present. The museum says Carter acknowledged the correspondence and referred it to municipal, regional and police contacts. As of October 1, no meeting had been confirmed.

The independent charitable organization says it welcomes approximately 15,000–20,000 visitors annually and preserves more than 100 historic vehicles. Staff report repeated property damage, multiple weekly police calls and concerns from families, seniors and school groups. The museum says it has installed cameras, improved lighting and supplied security footage to police and City staff.

Despite those efforts, it says it "cannot reasonably address these challenges on its own." Parking revenue declined more than 34 per cent between 2023 and 2025, according to the museum. It also reports visitor comments expressing concern about surrounding conditions. "We want our visitors, staff, volunteers and neighbours to feel safe downtown, and we want businesses and cultural organizations to succeed here," said executive director and curator Alexandra Miller-Gerrard. "We are looking for partnership and practical solutions that allow the Museum and the broader downtown community to thrive." Private ownership does not automatically prevent enforcement.

Section 128 of Ontario's Municipal Act authorizes municipalities to regulate public nuisances. Oshawa's definition of a public place includes property accessible by right or invitation and private property exposed to public view. Section 3.1 prohibits causing, creating or permitting a nuisance. Listed activities include littering, vandalism, obstruction and loitering after an officer requests someone move on. Section 4.1 allows an officer satisfied that a contravention occurred to order the offender, someone causing or permitting it, or the owner or occupier to discontinue the activity. **(The issues is that these are unwanted individuals entering private property in the form of trespass and it is a police issue tha the police are not fully addressing due to the magnitude of the problem.) Therefor the problem is not one of the land owners but that of the municipality that has been negligible to formulate an issue on the homeless and open drug use.)**

Section 4.2 requires particulars identifying the contravention and location, plus a compliance date. Section 5 provides penalties for contraventions and failures to comply with orders. The distinction matters: authority to issue an owner an order does not automatically establish every alleged direct violation by that owner. The published consolidation's administrative penalties are \$250 initially, \$350 for a repeat and \$450 thereafter, under its one-year escalation rules. It does not prescribe a flat \$1,500 administrative penalty. **(if thee administrative penalties 'city cash grab/additional hidden tax'. Can be said to also be applicable to every business downtown**

Oshawa. Including the South end Legion that has exhausted every avenue in keeping the homeless from using their property as a make shift camp.)

Section 7 separately provides conviction-based court fines, beginning at \$300, with higher ranges for repeat convictions. The problem with the bylaw is that it only applies if the activity in question is 'ALLOWED'. In these cases the acts are out of the control of the land owners. They can't control of those homeless, the activities in many cases are a contravention of the criminal code. Therefore it is a police matter. But if police do not attend or the activities (crimes) are allowed to continue without any prosecution. The land owners can't expect to fork out of pocket for private security to do the work of police. Police calls, trespass notices and preventative investments could be relevant evidence in a challenge. They should be examined alongside the City's evidence rather than treated as proof that every penalty is valid or invalid. Oshawa's published appeal process directs recipients to request administrative-penalty screening within 21 days of the infraction date. A further hearing can be

requested within 21 days of the screening decision. The problem with these hearings is that in many cases they are biased and considered to be nothing short of "kangaroo hearings'.

Durham Region's August 2026 Built for Zero report card identifies at least 1,979 people experiencing homelessness across the region. Its municipal breakdown lists 948 in Oshawa — approximately 48 per cent of the regional total. By these statistics along it indicates that the street security issue is not a taxpayers responsibility but that of municipality. 2026 is an election year. One would think that those councillors representing the downtown would make this priority one as it has the potential of escalating and finishing off the downtown core. To expect land owners to pay for security during a time of economic chaos is nothing short of insanity and a clear example of the lack of leadership at city hall. "The major reason for the increase in homeless in that area (with expanding issues elsewhere) is that the homeless hub in Ajax closed down," says Rick Kerr, Oshawa Ward 4 City and Regional Councillor. This is a classic example of the type of leadership we have at city hall and the type of leadership voters should stay away from. How dare he blame Ajax for his lack of representation of the people in his ward. Claims Joe Ingino 2022 Mayoral candidate and Durham top municipal politics critic. "In my opinion it is a disgrace. Where is Giberson? Is he still running for the office of the Mayor? Giberson and Kerr are responsible for the situation downtown. In part they supproted safe injection sites. The supported in part the influx of homeless. To blame it on Ajax is disgraceful. Councillor Kerr continues. "Although the Region of Durham...receives millions of dollars from both the federal and provincial governments and is responsible for homelessness assured the city that they would not be an impact, this resulted in well over 100 individuals coming to Oshawa (the estimate is higher than this)," the councillor alleged. "There have been pictures of homeless individuals and their belongings along the curb at Memorial Park and up against the south wall of the Masonic Temple which faces onto Memorial Park. It has meant more people at the Back Door Mission and around Saint George's Church (Center Street at Debwevin Milikan formally Bagot Street). The Masonic Temple and Saint George's have also received notices – but not financial ticketing, which is a concern of mine," the councillor pointed out. Joe Ingino added: "This councillor is either blind or insane. He has to go. He has sat in council watching the city slowly erode and has done nothing. Shame on you and Giberson. They have to go." For organizations paying for repairs, cameras and cleanup, responsibility divided

among governments can leave a practical gap: who coordinates the response when repeated calls fail to resolve conditions? The museum is asking for precisely that coordination. Its request connects immediate protection of staff and visitors with broader support for people in crisis. In a supplied social-media post, Ward 3 candidate Matthew Schaffer questioned how downtown institutions can operate while dealing with discarded needles, litter and public defecation. "Enforcing by-laws has its place, but enforcement alone doesn't solve the underlying problem," he wrote. Schaffer proposed exploring capital assistance for an enclosure and considering how by-laws are applied in particular downtown circumstances. In another supplied social-media post, Christeen Thornton expressed support for the museum and criticized elected leadership. "Now they've fined one of our most economically important museums," she wrote. "Oshawa is an automotive town, the museum is part of the preservation of that important history." The real question is wil the City be targeting the epicenter of the problem? The famous The Back Door Mission is virtually a magnet for homeless from other municipalities (as

well as Oshawa). It needs to be either moved out of our downtown or closed down allowing any in such need to visit the 70,000 SF HART hub in Whitby (which recently received \$70 million from the federal government to complete its facilities). How about: Cornerstone needs to be moved out of the downtown. This is an organization partially funded by the federal government for individuals released from prison. Will all these facilities also be subject to fines as they are the major problem to the core? In an email: 'How about the City of Oshawa fix the homeless problem, get rid of safe injection sites, and help these people help themselves. If I'm caught trespassing I'll get put in jail. Maybe put the trespassers in jail for a while so they can sober up or in Whitby Psych for mental disorders to get some medications that will hopefully help them. There are options other than putting the onus on citizens and businesses. R. W. Bro. Beau Reine Secretary Parkwood Lodge No. 695 The word is circulating along the ranks of both the Masons and the Royal Canadian Legion 43. As they have had enough with being ignored. The Legion branch week before had hosted a public meeting to address this same issue. Cont. pg. 3



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