

WHITBY ON NOTICE

WHITBY - Lawyers funded by the Justice Centre have sent a legal warning letter to the Town of Whitby, advising Council that its policy prohibiting members of the public from recording council and committee meetings violates the Charter and must be repealed.

The letter was sent on behalf of Jeanette Miller, a retired insurance broker, Durham Region resident, and mother of two adult daughters, after she was prevented from recording her own public delegation at a Whitby Sustainability Committee (WSC) meeting on June 4, 2025.

Constitutional lawyer Darren Leung said, "Recording and sharing public meetings is a form of expression protected by section 2(b) of the Charter. While there are limited circumstances where governments may restrict recording, an open meeting of town council is not one of them."

The Justice Centre for Constitutional Freedoms announces that lawyers have sent a legal warning letter to the Town of Whitby, advising Council that its policy prohibiting members of the public from recording council and committee meetings violates the Charter and must be repealed.

Ms. Miller became involved in climate policy advocacy after growing concerned about the rising cost of government climate programs and what net-zero policies could mean for families struggling with heating, transportation, and everyday living costs.

She had been granted permission to speak to the WSC about climate and energy policy as a volunteer with Canadians for Sensible Climate Policy and wanted to record her presentation so it could be shared with others as an example of citizen participation in local government. Approximately two minutes into her presentation, a WSC member interrupted her delegation and informed Ms. Miller and her companion that the Town of Whitby prohibits audio and video recording by members of the public at council and committee meetings.

The WSC also declined Ms. Miller's request to obtain a copy of the delegation's presentation recorded by the Town.

Constitutional lawyer Darren Leung said, "Recording and sharing public meetings is a form of expression protected by section 2(b) of the Charter. While there are limited circumstances where governments may restrict recording,

an open meeting of town council is not one of them."

"The Town of Whitby's prohibition on public recording undermines transparency and democratic accountability, and it must be repealed to comply with the Charter," he added.

The Justice Centre was founded in 2010, they defend the constitutional freedoms of Canadians through litigation and education.

Their vision is a free society where governments uphold human dignity by respecting fundamental rights and freedoms, and where Canadians can realize their potential and fulfil their aspirations. Their mission is to defend the constitutional freedoms of Canadians through litigation and education.

Their beliefs

Equality: They believe that every Canadian should be treated equally by governments and by the courts, regardless of race, ancestry, ethnicity, age, sex, religion, political conviction or personal characteristics.

Expression: They believe that all Canadians should be free to express peacefully their thoughts, opinions and beliefs without fear of censorship, persecution or oppression, as per Section 2 of the Canadian Charter of Rights and

Freedoms.

Information: They believe the ability of the news media to gather and disseminate information, independent of government control and interference, is necessary for the functioning of a free and democratic society. They believe this same freedom is also the foundation of higher learning and education.

Autonomy: They believe all Canadians have the right to self-determination to make fundamental life choices for themselves and their children as free and responsible members of society, as protected under Section 7 of the Canadian Charter of Rights and Freedoms.

Assembly: They believe Canadians have the freedom to gather together publicly and peacefully to express, promote, pursue and defend their common interests. This includes the freedom of Canadians to peaceful protest and demonstrations on public property.

Responsibility: They believe every Canadian has a responsibility to recognize, protect and preserve their human rights and constitutional freedoms.

Public restriction primarily started in Oshawa and spread across the region. Oshawa is notorious for such

acts. As they pass bylaws and make up policy that restricts access and allows them to control who has access.

City of Oshawa has gone so far as to move city council meeting to times that they know no one can show up do to work.

Most recently, Pickering and the attacks by staff and fellow council members on citizens and fellow councillor. Judy May Griffiths of Pickering stated:

"On March 25, 2024, I was arrested after delivering a lawful public deputation at Pickering City Hall. I had already left the council chamber when police detained and arrested me. The charges were subsequently withdrawn after it became clear that the factual record did not support them and requested evidence was not disclosed.

This lawsuit is not about disruption. It is about the fundamental right of residents to speak freely at City Hall without fear of retaliation, excessive force, or improper abuse of authority.

Throughout the case, the defense requested disclosure of any communications between City of Pickering officials, council members, and attending police officers on the date of the incident. According to court records, this material was not pro-

duced by the City or Durham Regional Police before the scheduled hearing.

With the prosecution unable to provide the requested information, the case did not proceed.

Darren Leung, said. "Millers case is not an isolated one. There are many across the province."

Municipal critics have noted that municipalities suffer from border line criminal collusion. Good old boy's clubs are formulated and anyone opposing them are legally attacked with policy, bylaw in an attempt to oppose criticism.

Pickering councillor Lisa Robinson is another example. Year and half pay cut. This first term councillor has questioned procedure and policy numerous time. Only to have to face integrity commissioners that have shown time and time again favoritism toward the municipality that pays their fees.

Whitby, just recently has jumped on the scene with it's own rouge councillor questioning policy, procedure and bylaws.

We contacted the town of Whitby no one returned our calls by the time we went to press.

Time will tell if actual legal law challenges are brought forth.



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