

December 22, 2024

London Transit Commission Chairperson Stephanie Marentette and Vice-Chair Scott Collyer:

I am writing to express my concerns about the advertisements on LTC buses from a group called "Let Kids Be." I also understand this must be addressed directly by the LTC Board, so I stress I am speaking here for myself.

While concerns have already been brought forward from several members of the public about the propriety of the ad, LTC has stated that it doesn't violate their ad policy because it contains neither graphic nor offensive images, and because it doesn't violate the Charter of Rights as it pertains to free speech.

I respectfully differ and suggest the Commission may pull the ads. LTC policy is much broader and must be applied purposefully in a flexible manner based on the wider context of this controversy.

The important context is that the "Let Kids Be" campaign seeks to change Ontario laws to restrict rights around gender transitions. The law currently allows children of pubescent age to access various treatments where doctors, psychologists and caregivers concur it is in the interest of the child's ability to maintain good mental and physical health. Yet "Let Kids Be" seeks to restrict access for minors to medical treatments including gender-affirming surgery and the use of hormone therapy. The website contains several provocative messages including that "doctors should not be cutting off healthy body parts", and that "gender ideology reinforces unhelpful and outdated gender stereotypes" in a backdrop of bright colors and happy cartoons.

According to a CBC London news story, "Members of London's transgender community say a new ad appearing on London Transit Commission (LTC) buses this week carries a message with the potential to harm young people who seek, or are receiving, medical care related to their gender identity."

In addition to the CBC news report, several residents have sent me very compelling e-mails speaking to the harm caused by this messaging. One sums it up well when she says, "[t]he damage and distress these transphobic bus ads can cause to already marginalized trans kids is enough reason they should be removed immediately." She adds this is "[e]specially a few months after the City, in partnership with LTC, launched the "Stop Tolerhating" campaign."

I've received many similar letters from residents pointing out how they feel that the 'Let Kids Be' bus ad campaign is hateful, dangerous and misleading. They point to LGBTQIA+ youth who see and take the LTC buses every day in this city who are being negatively impacted. Pointing to a mental health crisis in London, one resident writes "[q]ueer youth are at significant greater risk for mental health crises, suicide, homelessness and addiction."

LTC must follow the advertising guidelines which are based on the Charter as well as human rights codes which prohibit condoning personal discrimination that 'demean, denigrate, or disparage identifiable persons, groups or organizations', which 'undermine human dignity', or which 'encourage attitudes that offend public decency'. In evaluating the propriety of these bus ads, the Commission must consider the contents of the website, not simply the visual image of the bus ads on their face.

In making this submission, I emphasize that the London Transit Commission Advertisement Policy (October 2020) states

"...the Commission cannot limit the expression of a party who advertises with them **unless** the Commission has a pressing and substantial objective in doing so, and any such limit shall impair freedom of expression minimally."

It states as its Guiding Principles that

- *"The Commission recognizes that the Charter rights of advertisers will occasionally conflict with the rights of other individuals and groups. The Commission will strive to seek an appropriate balance whenever an issue of competing rights arises.*
- *The Commission will be guided by the principles of the Human Rights Code in avoiding discrimination against advertisers and members of the public." [emphasis added]*

And its Criteria for Advertisements further states

*“Prior to declining or removing any advertisements the Commission **shall consider the competing interest** of parties involved and allow such parties the opportunity to provide input before a final decision is reached.*

*Under no circumstances will an advertisement that **contravenes** any existing law or regulation be permitted.” [emphasis added]*

Contrary to the assertion reported in the CBC story that the Freedom of Expression protections of section 2(b) of the Charter or Rights act as a bar for rejecting an ad, it is clear from the face of the policy, that the Commission is under an obligation to undertake a balancing of the competing interests of the stakeholders. In doing this balancing, the Commission must consider whether there is a pressing and substantial objective in limiting the expression of a party. Taking into account the appreciable harm that the ads may cause as well as the broader context of this controversy, I believe there is.

In closing, there is present such a pressing and substantial objective that would justify limiting the advertiser’s expression in this situation and that the Commission has an affirmative obligation to address this conflict. I’d like to thank Commission members for giving this pressing issue their serious consideration and would like to note I am submitting these comments in my individual capacity.

Sam Trosow

Cc’s: