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October 21, 2025

Principal Jason Monteith and Chair Roxanne Dunmore
Ancaster High Secondary School
374 Jerseyville Road West
Hamilton, ON
L9G3K8

Hatim Kheir

Direct Line: [REDACTED]
Email: [REDACTED]

VIA EMAIL: [REDACTED]

Dear Mr. Monteith:

RE: Ancaster High Secondary School Council Recording Prohibition

We are counsel for Catherine Kronas, a parent member on the Ancaster High Secondary School Council (the "**Council**"). We are writing to warn you that your prohibition on recording public Council meetings (the "**Recording Ban**") is unconstitutional.

Background

On Wednesday, September 17, 2025, the Council held its first meeting of the year. At the start of the meeting, you stated that the meeting may not be recorded so to protect the "privacy and integrity" of participants.

The Recording Ban Violates the Right to Freedom of Expression

The HWDSB is a government entity. It is a creature of statute which exercises powers conferred on it by the provincial legislature.¹ It engages in public education which is an inherently governmental function.² Accordingly, the HWDSB and, by extension, Ancaster High Secondary School is bound by the *Canadian Charter of Rights and Freedoms* and is obligated to take the values underlying the *Charter* into account when making the decisions.³

¹ *York Region District School Board v. Elementary Teachers' Federation of Ontario*, [2024 SCC 22](#) at para. [79](#).

² *Ibid* at para. [81](#).

³ *Canadian Charter of Rights and Freedoms*, Part I of *The Constitution Act, 1982*, Schedule B to the *Canada Act 1982 (UK)*, [1982, c 11](#) [Charter]; *Commission scolaire francophone des Territoires du Nord-Ouest v. Northwest Territories (Education, Culture and Employment)*, [2023 SCC 31](#) at paras. [60-65](#).

Section 2(b) of the *Charter* protects the right to the freedom of “expression, including freedom of the press and other media of communication.”⁴ Photography and audio and video recording are expressive activity protected by s. 2(b).⁵

While the location of an expressive activity may remove it from the ambit of s. 2(b) protection, this is not the case with Council meetings open to the public. The ability of attendees to record increases the community’s ability to understand Council’s deliberations beyond the tiny minority of parents who are able to attend meetings.⁶

School councils are democratically elected and public council meetings foster local democratic decision-making and civic engagement. The taking and sharing of photos and videos permits a wider range of the public to learn about Council’s deliberations and provide input to sitting members.

Further, neither the HWDSB nor the Principal has any statutory authority to regulate or prohibit the conduct of school council meetings. School councils are governed directly by Ontario Regulation 612/00, which explicitly requires that council meetings “shall be open to the public.”⁷ That regulation does not provide for restrictions on recording, nor does it empower either the Principal or the Board to impose them.

In fact, Board members are prohibited from serving as chair of the Council and the Principal is a non-voting member.⁸ The Ontario Divisional Court recently found that Regulation 612/00 creates a “largely independent relationship” between school councils and schools and their school boards.⁹ The court stated that allowing for a school council to be controlled by school board personnel is contrary to the “clear legislative intention...that school councils be independent of and advisory to schools.”¹⁰ For the Board to purport to regulate school council meetings through the principal, or otherwise, is a severe intrusion into the school council’s autonomy and contrary to the Regulation 612/00.

The purported justification of protecting “privacy and integrity” are insufficient to outweigh the importance of free expression. While protecting privacy can be an important objective, Council meetings are public venues. In such a setting, it is unreasonable not to expect that one’s image can be collected and disseminated. Recordings at Council meetings would contain little to no biographical information, making the impact on privacy little to non-existent.

The Supreme Court’s finding that restrictions on recording picket-lines was disproportionate to the benefit of allowing picketers to control their personal information is analogous. In that matter, the prohibition on recording, without regard for the nature of the information collected, the purpose for which it was collected or the situational context, was unreasonable.¹¹

⁴ *Charter*, *supra* note 3, [s. 2\(b\)](#).

⁵ *Canadian Broadcasting Corp. v. Canada (Attorney General)*, [2011 SCC 2](#) at paras. [40-41](#).

⁶ *Ibid* at para. [45](#).

⁷ *School Councils and Parent Involvement Committees*, [O. Reg 612/00](#), s. 12(4).

⁸ *Ibid*, at ss. 8(3), 14(3).

⁹ *Zemer et al. v. Toronto District School Board*, [2025 ONSC 4551](#) at para. [54](#).

¹⁰ *Ibid*, at para. [56](#).

¹¹ *Alberta (Information and Privacy Commissioner) v. United Food and Commercial Workers, Local 401*, [2013 SCC 62](#) at paras. [25-26](#).

The School Must Act to Protect Freedom of Expression

We write this letter to warn you that the Recording Ban infringes the freedom of expression of those attending its meetings and those who would want to see the recordings.

HWDSB, through Principal Monteith, does not have authority to impose the Recording Ban and should cease preventing constitutionally protected activity immediately. Should you fail to rectify this violation of Canadians' constitutional freedoms, the HWDSB may face legal action.

We look forward to your response.

Yours sincerely,

CHARTER ADVOCATES CANADA

Per:

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

Hatim Kheir
Staff Lawyer