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VIA ELECTRONIC MAIL

February 2, 2026

Darren Leung

Direct Line: [REDACTED]

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Reeve Heffer and Members of the  
North Huron Municipal Council  
Box 90, 274 Josephine Street  
Wingham, ON N0G 2W0

Dear Reeve Heffer and Members of Council:

**RE: North Huron Council recording policy and ban on Stephen Hill and Brad Carther**

We are a registered charity and civil society organization with the purpose of upholding Canada's constitutional freedoms, civil rights and human rights. We litigate across Canada to defend the constitutional rights of Canadians.

We are concerned about section 20.2 of the Rules of Procedure By-law (the "**By-law**"), which prohibits any member of the public from recording any open session of the Municipality of North Huron Council's (the "**Council**") meetings. The By-law provides:

At a Meeting of Council or a Committee, the use of cameras, electric lighting equipment, flash bulbs, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by the public, including accredited or other representatives of any news media whatsoever, will not be permitted. Only audio and/or video recording devices operated by the Township shall be allowed during a Meeting.

This prohibition on recording is unconstitutional and must be rescinded immediately.

Further, the Council's 60-day ban of two residents, Messrs. Stephen Hill and Brad Carther, from attending Council chambers is arbitrary and a breach of their constitutional rights. It must also be rescinded immediately.

## BACKGROUND

I understand that Mr. Hill attended an open Council meeting on January 15, 2026. He was seated next to Mr. Carther. Mr. Carther was apparently recording the meeting with his cellular phone. Reeve Heffer then demanded that Mr. Carther stop recording, in accordance with the By-law. Mr. Carther refused to comply. At this point, the Reeve adjourned the meeting and requested that 911 be called.

The Ontario Provincial Police ("OPP") arrived shortly and asked Mr. Carther to leave. The Reeve also demanded that Mr. Hill be removed, even though he had not breached any rules.

Both Messrs. Carther and Hill were escorted from chambers by the OPP. The OPP then demanded that they produce their identification before they were allowed to leave.

## COUNCIL HAS A DUTY TO RESPECT THE *CHARTER*

To the extent that the By-law prevents residents from recording Council proceedings, it is unconstitutional. Recording and broadcasting has been held by the Supreme Court of Canada as an expressive activity protected under section 2(b) of the *Canadian Charter of Rights and Freedoms* ("*Charter*").<sup>1</sup>

Governments are required to allow free expression on their property, so long as the expression at issue serves to enhance: (1) democratic discourse; (2) truth finding; and/or (3) self-fulfillment.<sup>2</sup> Recording a meeting of Council clearly fulfills all three of these purposes, while a ban on recording diminishes them.

Council meetings are public by their nature and are statutorily required to be held in the open, notwithstanding some narrow exceptions.<sup>3</sup> When Council holds its meetings in public, the free engagement of residents with their elected representatives is a fundamental component of democracy. Where any limitations on freedom of expression are imposed, they must be minimal and also carefully crafted to invite public engagement rather than to constrain or stifle it.

In short, members of the public have every right to record public municipal council meetings anywhere in Canada. There is thus no reason why Messrs. Hill and Carther should not be permitted to record public meetings of Council.

## THE BAN FROM COUNCIL IS ARBITRARY AND UNCONSTITUTIONAL

Furthermore, Council's ban on Messrs. Hill and Carther from attending public meetings of Council for 60 days is arbitrary. In Mr. Hill's case, he was not breaching any of the by-laws in a manner that could have warranted removal. Mr. Hill was not acting in a disruptive manner. A total ban on a resident's ability to attend public meetings has been held to be an unconstitutional breach of section 2(b) of the *Charter*.<sup>4</sup> As Mr. Hill did not breach any rules, nor

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<sup>1</sup> *Canadian Broadcasting Corp v Canada (Attorney General)*, [2011 SCC 2](#) at paras 40-41.

<sup>2</sup> *City of Montreal v 2952-1366 Quebec Inc*, [2005 SCC 62](#) at para 74.

<sup>3</sup> *Municipal Act, 2001*, S.O. 2001, c. 25 at s. 239.

<sup>4</sup> *Bracken v. Regional Municipality of Niagara Corporation*, [2015 ONSC 6934](#) at para 73.

was he acting in a disruptive manner, Council's ban is arbitrary.

In Mr. Carther's case, his removal was for breaching the no-recording prohibition in the By-law. As stated above, that provision is unconstitutional. As his ban is underpinned by an unconstitutional By-law, it too cannot stand. There is no evidence that Mr. Carther behaved in a disruptive manner.

## THE 911 CALL

Finally, we would warn Council that calling 911 in this situation was entirely inappropriate. Emergency services should not be abused when there is clearly no reasonable apprehension of danger. Neither Messrs. Hill or Carther did anything that could cause a reasonable person to view it as requiring emergency services, such as the OPP. Misuse of police resources by Council is entirely inappropriate in a free and democratic society and also takes resources away from the community that may actually require emergency services.

## CONCLUSION

The *Charter* applies to the Municipality of North Huron, and the By-law relied upon to remove and ban Messrs. Hill and Carther from chambers is unconstitutional. The ban on recording violates their freedom of expression under section 2(b) of the *Charter*. This limitation is not a justifiable limit in a free and democratic society.

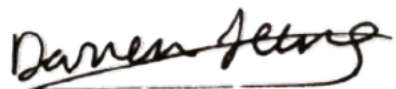
We require Council to conduct meetings in a way that respects *Charter* rights. We further require that Council immediately rescind section 20.2 of the By-law and the 60-day bans placed on Messrs. Hill and Carther.

We ask Council to respond to the concerns raised in this letter by February 9, 2026.

Yours truly,

CHARTER ADVOCATES CANADA

Per:



DARREN LEUNG

Staff Lawyer

CC: Paul Heffer, Reeve [REDACTED]  
 Kevin Falconer, Deputy Reeve [REDACTED]  
 Ric McBurney, Councillor [REDACTED]  
 Chris Palmer, Councillor [REDACTED]  
 Anita van Hittersum, Councillor [REDACTED];  
 Lonnie Whitfield, Councillor [REDACTED]  
 Mitch Wright, Councillor [REDACTED]