

August 28, 2026

Mayor Andrea Horwath
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Hatim Kheir
Direct Line: [REDACTED]

Chief Frank Bergen
Hamilton Police Service
155 King William Street
Hamilton, ON L8R 1A7

VIA EMAIL: [REDACTED]

Dear Mayor Horwath and Chief Bergen:

RE: Recent actions violating the *Charter* freedoms of expression and peaceful assembly

We are a 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 freedoms of Canadians.

We are writing to warn you that recent actions of the City of Hamilton (the "**City**") and the Hamilton Police Service (the "**HPS**") to target a planned event based on the views and beliefs of the organizers infringe the *Canadian Charter of Rights and Freedoms* (the "**Charter**") and are contrary to the values of a free and democratic society.

We are aware that the Dominion Society of Canada (the "**Dominion Society**") is intending to hold a conference ("**DomCon**") in Hamilton on August 29, 2026.

HPS and the City have taken the following action to prevent the Dominion Society from holding a conference in Hamilton:

1. Mayor Horwath stated that the City will not rent any City-owned venues to the Dominion Society.¹

¹ *Anti-immigration group moves planned conference out of Hamilton amid pressure*, Tayler, E., CHCH News, August 26, 2026: <https://www.chch.com/chch-news/anti-immigration-group-moves-planned-conference-out-of-hamilton-amid-pressure/>.



2. Mayor Horwath took the extraordinary additional step of writing to local businesses to influence them not to rent to the Dominion Society.²
3. The HPS, through Inspector Darren Murphy, has stated that “Dom Con is not welcome in Hamilton.”³
4. The HPS issued a news release encouraging venues not to rent to the Dominion Society and asking the public to report venue bookings to the HPS as though it were a crime.⁴

The collective actions of the City and the HPS amount to the use of government power to prevent or hinder an expressive assembly in the City of Hamilton. These actions infringe the freedoms of expression and peaceful assembly, guaranteed by sections 2(b) and 2(c) of the *Charter*.

Regardless of whether one views the expression as offensive or not, section 2(b) of the *Charter* protects expression that would occur at DomCom. Further, that expression would be classified as political expression, which is the “single most important and protected type of expression.”⁵ The City and HPS actions and statements show a purpose, and likely an effect, of stifling that expression because of its content, which constitutes a deliberate infringement of section 2(b) of the *Charter*. The City’s decision not to rent venue space to the Dominion Society is a further direct infringement.

It is particularly concerning that HPS—law enforcement with the monopoly on force—is pressuring private venues in the City not to permit an expressive event to occur on their property, merely because the City and HPS disagree with it. This is directly contrary to Canada’s constitutional ethos of freedom, as explained by the Supreme Court of Canada:

Freedom can primarily be characterized by the absence of coercion or constraint. If a person is compelled by the state or the will of another to a course of action or inaction which he would not otherwise have chosen, he is not acting of his own volition and he cannot be said to be truly free.⁶

Further, section 2(c) of the *Charter* protects the right to peaceful assembly. Government action that discourages “the collective pursuit of a common purpose by restricting or prohibiting a public gathering or assembly” violates section 2(c).⁷ The City and HPS have used their considerable influence and control of city-owned property to restrict the ability of the Dominion Society to gather, thus violating its right to peaceful assembly.

The Superior Court of Quebec, less than one month ago, issued a judgement condemning similar actions to those of the City and HPS. In *Harvest Ministries International v. Proulx*, Justice Trudel ruled that the Quebec Minister of Tourism violated the *Charter* when she order that a lease with a Christian

² *Ibid.*

³ *Ibid.*

⁴ *DomCon Continues to Search for Hamilton Venue*, Hamilton Police Service, August 27, 2026: <https://hamiltonpolice.on.ca/news/domcon-continues-to-search-for-hamilton-venue/>.

⁵ *Harper v. Canada (Attorney General)*, 2004 SCC 33 at para. 11 per McLachlin C.J.

⁶ *R v Big M Drug Mart Ltd.*, [1985] 1 SCR 295, 1985 CanLII 69 (SCC) at para. 15.

⁷ *Hillier v. Ontario*, 2025 ONCA 259 at para. 36.



organization be terminated because she disagreed with the views of the organization.⁸ The Court found that the Minister infringed the right to freedom of expression without justification because “[p]reventing a message that displeases the Minister or causes deep unease within the government from being conveyed in the public sphere does not constitute an urgent and genuine objective that justifies a restriction of freedom of expression [trans.].”⁹ Additionally, the Court order the Minister to pay over \$60,000 in compensatory and punitive damages.

Similar to the conduct of Minister Proulx sanctioned by the Court in *Harvest Ministries*, HPS has described the messaging of DomCon as “divisive and exclusionary”, claiming that it “can negatively impact the sense of safety and belonging” in Hamilton.¹⁰ No crime is alleged, merely political disagreement and a concern that the Dominion Society’s message could be upsetting. Neither are valid purposes for limiting freedom of expression. Accordingly, the City and HPS’s *Charter*-violating conduct is not constitutionally justified.

We urge the City and HPS to immediately cease and retract their unconstitutional actions, and commit to upholding the *Charter* freedoms of all Canadians.

Yours sincerely,

CHARTER ADVOCATES CANADA

Per:



Hatim Kheir
Staff Lawyer

⁸ *Harvest Ministries International v. Proulx*, [2026 QCCS 2975](#).

⁹ *Ibid.* at para. [131](#).

¹⁰ *DomCon Continues to Search for Hamilton Venue*, Hamilton Police Service, August 27, 2026: <https://hamiltonpolice.on.ca/news/domcon-continues-to-search-for-hamilton-venue/>.

