



# ARVAY FINLAY LLP

File No: 20210

23 May 2018

## VIA EMAIL

Pattison Outdoor  
ttcinfo@pattisonoutdoor.com

Toronto Transit Commission  
Legal Department  
1900 Yonge Street  
Toronto, ON, M4S 1Z2  
lori.matorcevic@ttc.ca

Dear Sirs/Mesdames:

**Re: *Refusal by Pattison Outdoor and/or the Toronto Transit Commission to display advertisements from People for the Ethical Treatment of Animals***

---

We are counsel to People for the Ethical Treatment of Animals (“PETA”).

We write in regards to the apparent refusal by Pattison Outdoor (“Pattison”) and/or the Toronto Transit Commission (“TTC”) to display advertisements proposed by PETA. PETA has on multiple occasions emailed proposed advertisements to Pattison at the designated email address for advertising on the TTC, being [ttcinfo@pattisonoutdoor.com](mailto:ttcinfo@pattisonoutdoor.com). PETA has received no response to its inquiries.

For example, on March 23, 2018, Matt Freeman, Senior Media Placement Coordinator for PETA, sent a proposed advertisement to the designated email address, and stated: “We’d like to pay to run the below ad within the Toronto Transit System ASAP.” Having received no response, on March 28, 2018, Mr. Freeman sent a follow up email.

On March 29, 2018, Mr. Freeman sent four more proposed advertisements to the designated email address, and stated: “I am submitting these ads to run on Toronto Transit.” To date, no response has been received to any of Mr. Freeman’s email inquiries. The relevant emails from Mr. Freeman, along with the proposed advertisements, are appended to this letter as Schedule “A”.

Given that no response has been received to PETA’s inquiries, we do not know with certainty whether it is only Pattison that has determined not to display PETA’s advertisements, or whether both Pattison and the TTC have made this determination. However, given that section 6.1 of the Advertising on TTC Property Policy (the “Policy”) provides that if, in Pattison’s opinion, a proposed advertisement does not comply with the relevant guidelines in the Policy then Pattison “shall” forward the proposed advertisement to TTC staff for review, at present we assume that both Pattison and the TTC have determined not to display PETA’s proposed advertisements.

**[www.arvayfinlay.ca](http://www.arvayfinlay.ca)**

Victoria Office: 360 – 1070 Douglas Street, Victoria, BC V8W 2C4 | T: 250-380-2788 | F: 1-888-575-3281  
Vancouver Office: 1710 – 401 West Georgia Street, Vancouver, BC V6B 5A1 | T: 604-696-9828 | F: 1-888-575-3281

As you know, section 3.0 of the Policy specifically notes that, as a public transit agency, the TTC is subject to the *Charter of Rights and Freedoms* as a result of a 2009 Supreme Court of Canada ruling. We presume this is a reference to *Greater Vancouver Transportation Authority v Canadian Federation of Students – British Columbia Component*, 2009 SCC 31.

In our view, all of the advertisements proposed by PETA comply with the Policy and the Canadian Code of Advertising Standards (the “ASC Code”). Further, and irrespective of whether the proposed advertisements comply with the Policy and/or the ASC Code, in our view existing law concerning the right to free expression set out in section 2(b) of the *Charter* directs that Pattison and the TTC cannot lawfully refuse to display the advertisements that have been proposed by PETA. That is, in our view, the apparent refusal by Pattison and the TTC to display the advertisements that have been proposed by PETA unreasonably violates PETA’s right to free expression under section 2(b) of the *Charter*.

Accordingly, we request that you respond to the undersigned at your earliest convenience, and in any event by no later than **June 1, 2018**, to explain the apparent refusal to display the proposed advertisements. Based on that response, or if we do not receive any response, we may determine to challenge this refusal in the Ontario Superior Court of Justice.

ARVAY FINLAY LLP

Per: 

Arden Beddoes

AMB/sn

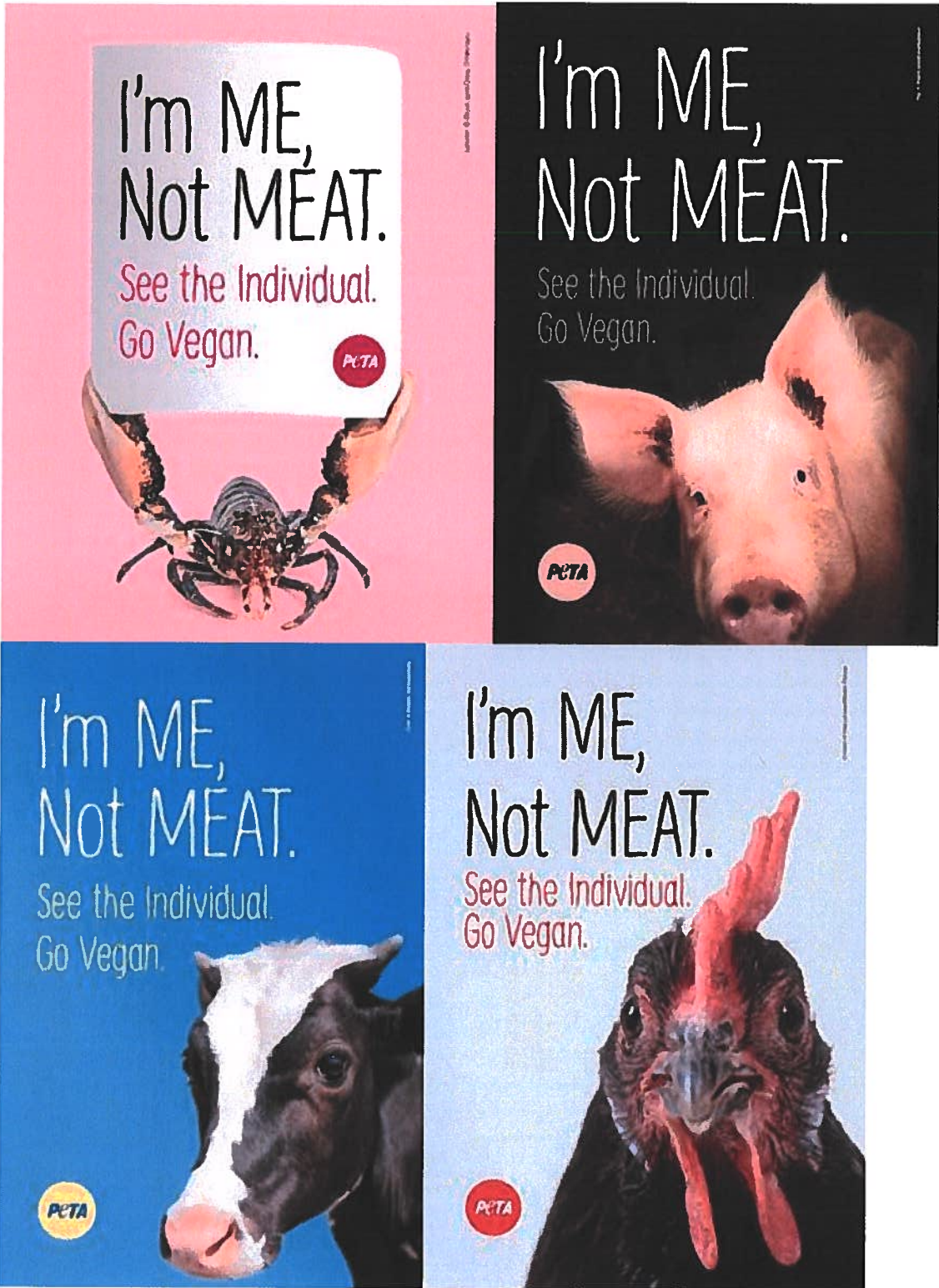
# Schedule A

## Arden Beddoes

---

**From:** Matt Freeman <mattf@peta.org>  
**Sent:** Thursday, March 29, 2018 2:01 PM  
**To:** ttcinfo@pattisonoutdoor.com  
**Subject:** Follow up: Advertising Inquiry - Toronto

I am submitting these ads to run on Toronto Transit.



Regards,

Matt Freeman

**From:** Matt Freeman  
**Sent:** Wednesday, March 28, 2018 11:56 AM  
**To:** 'ttcinfo@pattisonoutdoor.com'  
**Subject:** Follow up: Advertising Inquiry - Toronto

Hello,

This is just a follow up to the email I sent on Friday.

Thank you.

Matt Freeman

---

**From:** Matt Freeman

**Sent:** Friday, March 23, 2018 4:34 PM

**To:** 'ttcinfo@pattisonoutdoor.com' <[ttcinfo@pattisonoutdoor.com](mailto:ttcinfo@pattisonoutdoor.com)>

**Subject:** Advertising Inquiry - Toronto

Hello,

My name is Matt Freeman, media placement coordinator for People for the Ethical Treatment of Animals. We'd like to pay to run the below ad within the Toronto Transit System ASAP.

Artwork:

**HORRIFIC ANIMAL ABUSE.  
ARE YOU REALLY  
DOWN WITH THAT?**

Geese suffer for Canada Goose's down-filled jackets.  
See the footage at [PETA.org/CanadaGoose](http://PETA.org/CanadaGoose).



Thank you. I look forward to hearing from you.

Regards,

**Matt Freeman | Senior Media Placement Coordinator**  
**People for the Ethical Treatment of Animals**  
1536 16<sup>th</sup> St. N.W., Washington, DC 20036  
202-540-2193 (office) | 571-471-4875 (mobile)  
[MattF@peta.org](mailto:MattF@peta.org)