

Supreme Court Will Not Hear Panhandling Case

The Supreme Court of Canada has refused to hear an appeal from the Ontario Court of Appeal's decision in *R v Banks*. The case concerns the constitutionality of provisions in Ontario's Safe Streets Act which prohibit certain types of solicitation and panhandling.

The Ontario Court of Appeal decision involved eleven individuals (the defendants) charged with approaching vehicles stopped in traffic, washing the windshields of the cars, and soliciting money from the drivers. Section 3(2)(f) of the Safe Streets Act prohibits this practice, commonly known as "squeegeeing."

The defendants unsuccessfully argued that the provisions violated their rights under sections [2\(b\)](#), [7](#), and [15](#) of the *Canadian Charter of Rights and Freedoms* (*Charter*). In regards to section 7 the Court found that, although the defendants' liberty rights were infringed, the deprivation was in accordance with the principles of fundamental justice and was thus constitutional. The Court also found a violation of the freedom of expression guaranteed by section 2(b) of the *Charter*, but held that the purpose of the *Safe Streets Act* (which prohibits various forms of aggressive panhandling and soliciting a captive audience), safety, was sufficiently important to justify the legislation under section 1 of the *Charter*. Finally, the Court held that there was no violation of the defendants' section 15 equality rights, as the law applied equally and indiscriminately to all people.

Due to the Supreme Court's refusal to hear an appeal of the case, the Ontario Court of Appeal's decision stands. The challenged provisions of the *Safe Street Act* will remain in effect.

Sources

- [R v Banks](#), 2005 CanLII 605 (ON S.C.).
- [R v Banks](#), 2007 CanLII 19 (ON CA).
- [Safe Streets Act](#), SO 1999, c 8

Further Reading

- Daina Young, [Prohibitions on Panhandling Engage Charter Rights](#), Centre for Constitutional Studies (31 May 2007).