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## Durham Region Transit Report

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To: Durham Region Transit Executive Committee  
From: General Manager, Durham Region Transit  
Report: #2023-DRT-03  
Date: January 11, 2023

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**Subject:**

Durham Region Transit Advertising Policy

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**Recommendation:**

That the Transit Executive Committee approve the revised Durham Region Transit Advertising Policy, Attachment #1.

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**Report:**

**1. Purpose**

1.1 The purpose of this report is to seek approval of the recommended revisions to Durham Region Transit's (DRT) advertising policy (Policy).

**2. Background**

2.1 Management of waste at DRT bus stops has remained generally unchanged since 2006. DRT currently maintains three separate agreements with vendors for managing bus stop waste containers. A strategic objective of DRT is to standardize the management of waste at DRT bus stops across the network in a cost-efficient manner.

2.2 DRT recently issued a request for quotation (# Q-723-2022) to supply, install and maintain waste and recycling containers at bus stops. Before issuing the request for quotation, the draft bid documents were shared with local area municipalities for an opportunity to provide feedback. This will be an advertisement incentive fee-based program payable to DRT.

- 2.3 The current Policy was approved by the Transit Executive Committee (TEC) on September 9, 2020. It is the policy of Durham Region Transit (DRT) to make available advertising space on DRT Property with the intent to generate operating revenue while ensuring advertising does not compromise the value or reputation of public transit, DRT, or the Region of Durham (Region).
- 2.4 Existing advertising contracts generate annual revenue by selling space on buses and shelters to the public. The term “structure” within the current definition of DRT Property is not apparent on the face of the use of the term to include waste containers, and the Policy must be revised.

**3. Revised Advertising Policy**

- 3.1 The revisions proposed to the policy are noted in the table below.

<u>ORIGINAL Policy</u>	<u>REVISED Policy</u>
<b><u>Definition</u></b>	
DRT Property: All land, facilities, structures, stations, and vehicles owned, leased, occupied, under contract or maintained by DRT.	DRT Property: All land, facilities, structures, stations, vehicles, <b>and waste containers and other amenities related to and ancillary to the delivery of transit service</b> , that are owned, leased, occupied, <b>under contract to</b> or maintained by DRT.

- 3.2 This revision will enable DRT to consider waste containers and other amenities to generate additional operating revenue.

**4. Related Reports**

- 4.1 2009-DRT-26 Proposed Revised Durham Region Transit Advertising Policy
- 4.2 2020-DRT-14 DRT Advertising Policy
- 4.3 2020-DRT-17 DRT Advertising Policy

**5. Financial Implications**

5.1 There are no financial implications related to the revised policy.

**6. Relationship to Strategic Plan**

6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

a) Service Excellence

- 5.1 Optimize resources and partnerships to deliver exceptional quality services and value

**7. Next Steps**

7.1 Upon approval of the recommendation, DRT will make the policy available on the DRT website ([www.durhamregiontransit.com](http://www.durhamregiontransit.com)), including a link to the Ad Standards Canada where customers can learn more about Ad Standards Canada, including the complaint process.

**8. Attachments**

Attachment #1: Durham Region Transit Advertising Policy, revised

Respectfully submitted,

Original signed by:

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Bill Holmes  
General Manger, DRT

Recommended for Presentation to the Committee

Original signed by:

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Elaine C. Baxter-Trahair  
Chief Administrative Officer



## Policy Manual

<b>Title: Advertising Policy</b>	
<b>Issued: December 2, 2009</b>	<b>Page #: 1 of 3</b>
<b>Revised: January 11, 2023</b>	
<b>Approved by: General Manager, Durham Region Transit</b>	

### 1. Policy Statement

- 1.1 It is the policy of Durham Region Transit (DRT) to make available advertising space on DRT Property with the intent to generate operating revenue while ensuring advertising does not compromise the value or reputation of public transit, DRT, or the Region of Durham (Region).

### 2. Purpose

- 2.1 To ensure advertising requirements comply to legal requirements, the Canadian Code of Advertising standards, and the corporate values of the DRT and the Region.

### 3. Objective

- 3.1 The Canadian Charter of Rights and Freedoms (the "Charter") guarantees everyone the rights and freedoms set out therein, including the right to freedom of expression. In a 2009 court decision, the Supreme Court of Canada ruled that a public transit agency is subject to the Charter in its role as the host of advertising. If DRT chooses to accept advertising on DRT property, it must not limit a potential advertiser's freedom of expression by refusing advertising except as permitted under Section 1 and/or 2(b) of the Charter, as applicable.
- i) Section 1: Guarantees the rights and freedoms set out in the Charter subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.
  - ii) Section 2(b): Freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication
- 3.2 The limitations on the content of advertising set out in this policy must be viewed in the context of DRT's limited legal ability to deny an Advertisement under the Charter, while also ensuring that it continues to provide a safe and welcoming public transit system.

## 4. Definitions

**Advertiser:** The entity requesting from the Company to post Advertisement(s) on DRT Property.

**Advertising Standards Canada:** The not-for-profit Canadian advertising industry body established to create and maintain community confidence in advertising and to ensure the integrity and viability of advertising through industry self-regulation.

**Advocacy Advertising:** An Advertisement which presents information or a point-of-view that attempts to influence public opinion on specific political, theological, economic or social issues, groups or organizations, or individuals.

**Advertisement:** Any paid or in-kind communications that are designed to influence, educate or inform the public, and includes Advocacy Advertisements and election signs.

**Advertising Space:** The space on DRT Property made available for advertising to be displayed as set out in the contract between the Company and DRT.

**Canadian Code of Advertising Standards (Code):** The advertising industry's principal instrument of advertising self-regulation, administered by Advertising Standards Canada, which sets the criteria for acceptable advertisements and forms the basis upon which advertisements are evaluated in response to consumer, trade, or special interest group complaints.

**Company:** An entity which has contracted with DRT for the rights to sell advertising space on DRT Property for posting Advertisements

**DRT Property:** All land, facilities, structures, stations, vehicles, and waste containers and other amenities related to and ancillary to the delivery of transit service, that are owned, leased, occupied, under contract to or maintained by DRT.

## 5. Advertising requirements

5.1 Advertisements must comply with all applicable legislation, regulations and bylaws in force in the Province of Ontario, including, but not limited to:

- Ontario Human Rights Code
- Canadian Charter of Rights and Freedoms
- Criminal Code of Canada

5.2 The Advertisement must comply with the Canadian Code of Advertising Standards, and related Interpretation Guidelines, as may be amended from time to time.

- 5.3 Advocacy advertisements must visibly display:
- i) the name of the sponsoring group and clear information on how to contact the advertiser; and
  - ii) the disclaimer “The views and opinions expressed in this advertisement or by the sponsor of this advertisement, are not endorsed by DRT or the Region of Durham.”
- 5.4 Requests for placement of non-English language Advertisements must be accompanied by a Certified Translation (English) of the Advertisement content.
- 5.5 Advertisements are prohibited on DRT Property where the Advertisement discredits the business or service of public transit, DRT or its employees, or the Region of Durham or its employees, or have an adverse effect on the image of DRT, or public transit, as a safe and reliable form of transportation.
- 5.6 Any Advertisement with reference to public transit and/or DRT or the Region of Durham, except where DRT or the Region of Durham are the advertiser, shall be forward by the Company to DRT staff for review and acceptance in accordance with this policy.
- 5.7 The acceptance of an Advertisement does not constitute express or implied endorsement of the content or message of the advertisement by DRT, including any person, organization, products, services, information or viewpoints it may contain, or of the advertisement sponsor itself.

## **6. Review**

- 6.1 The Company is responsible for interpreting and implementing this policy. The Company shall accept any Advertisement that meets the advertising requirements specified in section 5.
- 6.2 DRT retains the right to reject all artwork, content, colour, graphics, nature, size, quantity and placement of advertisements. Rejections of advertisements shall only be exercised if, in the sole opinion of DRT, the advertising is in contravention of this Policy, or presents a risk to pedestrians, vehicular safety, or community standards or morals.
- 6.3 DRT shall have the right to reject, remove or have the Company remove, any Advertisement from DRT Property at no cost to DRT.

## **7. Complaints**

- 7.1 Complaints about any Advertisement posted on DRT Property may be submitted to Advertising Standards Canada for review under the Code using their online portal at: <https://adstandards.ca/complaints/how-to-submit-a-complaint>.
- 7.2 The Company shall remove from DRT Property, at no cost to DRT, any advertisement that is deemed by Ad Standards Canada to violate the Code.

- 7.3 Complaints that raise issues outside of the scope of the Code may be directed by the public or Advertising Standards Canada to General Manager, DRT, for review. The Code is available at:  
<https://adstandards.ca/code/the-code-online>.
- 7.4 Complaints received by the General Manager, DRT that are outside of the scope of the Code, shall be reviewed by DRT staff in consultation with the Region's legal department in accordance with article 6.2 and 6.3 of this policy.
- 7.5 For additional information regarding this policy, please contact Communications Manager, Transit.