

Bill 6: The Safer Municipalities Act

A Guide for Community Service Providers

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About This Guide

Bill 6, the [Safer Municipalities Act, 2025](#) is an Ontario law that expands police powers to address the public consumption of illegal substances. While it affects anyone who spends time in public, it has the biggest effect on people who are unhoused or do not have stable housing. This guide explains what the law permits, what your rights are, and what courts have said about the limits of what police can do.

This guide contains legal information, not legal advice. Every situation is different. If you or someone you serve needs legal advice, contact a lawyer or legal clinic.

Scope: This guide covers Ontario provincial law (Bill 6) and, where noted, Toronto-specific municipal rules. Sections that apply only to Toronto are clearly marked.

It is important to remember that there is often a difference between the law on paper and policing in practice. Police conduct in reality can differ from the rules they are supposed to follow.

What Does Bill 6 Allow Police Officers to Do?

Under Bill 6, a police officer who has reasonable grounds to believe (meaning a real, fact-based belief, not just a guess or a hunch) that a person is using an illegal drug in a public place may:

- Direct the person to stop consuming the substance
- Direct the person to leave the public place
- Seize substances that are in plain view
- Require identifying information (name, date of birth, address) only after the person has failed to comply with a direction
- Arrest the person without a warrant if reasonable grounds exist

The legal threshold is “reasonable grounds to believe”, meaning the officer must personally believe that the person is consuming an illegal substance, and that belief must be based on real facts that would convince a reasonable person. A guess or a hunch is not enough. Bill 6 does not set out specific operational policies for how officers decide when to approach, those decisions are up to individual police services and may differ from one service or unit to another.

Bill 6 only applies to the consumption (active use) of an illegal substance. Simply having a substance on you (possession) without using it is not a Bill 6 offence, though it may be a criminal offence under federal law.

What Bill 6 Does Not Allow

- Demand that you produce a physical ID document (health card, driver's licence, etc.)
- Search your person without consent or lawful authority
- Enter a supervised consumption site
- Stop and question you without reasonable grounds
- Arrest or question you simply for being in a public space

Penalties

Not following a lawful police direction under Bill 6 is a provincial offence (a type of offence under Ontario law, less serious than a criminal charge). If convicted, the maximum penalty is a fine of up to \$10,000, imprisonment for up to six months, or both. In practice, penalties imposed may be less or much less than these maximums, but it is too soon to know what the usual practice will be.

1. If someone is randomly stopped on the street, do police have the authority to require them to answer questions, show ID, or share their name and address?

A police officer can try to talk to you at any time, just like any other person can. But you do not have to stay and listen unless the officer is arresting you, holding you for investigation (called being detained), or giving you a ticket for breaking a provincial law.

Do I Have to Answer Questions?

No. Outside of providing identifying information when lawfully required, you do not have to answer any other questions and can choose to remain silent.

When Can Police Require My Name and Address?

Bill 6 sets out a two-step process before police can lawfully require identifying information:

1. **Reasonable grounds:** The officer must have reasonable grounds to believe you are consuming an illegal substance in a public place. Mere suspicion is not enough, the belief must be based on real facts that would convince a reasonable person.
2. **You did not follow the direction:** The officer must first tell you to stop using the substance or to leave the area. You must not follow that direction. Only then can the officer ask for your identifying information.

Key point: You are only required to provide identifying information if you have received a direction AND have not complied with it. If you have not received a direction, or if you have complied with it, you are not required to provide information.

If you do not comply with a direction and then also fail to provide identifying information, that is an additional offence. The only information police can require is your name, date of birth, and address. You do not have to answer any other questions.

Refusing to give your name, date of birth, and address when lawfully required is itself an offence under Bill 6. It is also an arrestable offence, meaning police can arrest you without a warrant if they have reasonable grounds to believe you have refused to identify yourself after being lawfully directed to do so.

Unclear area of law: Bill 6 says you must comply "promptly" with a direction, but does not define what "promptly" means. Courts have not yet decided how quickly a person must act before they can be treated as having refused to comply.

Do I Have to Show ID?

No. Bill 6 does not require you to produce a physical identification document such as a health card, driver's licence, Ontario photo card, or passport. Outside of specific contexts like being stopped while driving, Ontario law does not require you to carry ID on you. Not having an ID card is not against the law under Bill 6.

If you are lawfully required to provide identifying information under Bill 6, you must give your name, date of birth, and address verbally. You do not need to have a document to show.

What About Street Checks (Carding)?

A “street check” is when police stop someone in a public place to ask questions, often including their name, date of birth, and address. When police ask someone to show an ID card, this is sometimes called "carding."

Under Ontario’s regulated interaction rules, in effect since January 2017, when police approach you for a street check they must:

1. Tell you why they want your information;
2. Tell you that you are not required to provide it; and
3. Give you a receipt of the interaction.

The receipt must contain the officer’s name, badge number, instructions for accessing any data collected about you, and contact information for the Law Enforcement Complaints Agency (LECA).

Exception: These street check rules do not apply when the law already requires you to give information. Under Bill 6, if a police officer has given you a direction and you have not followed it, the officer can require your name and other information without following the street check steps above.

If you decide not to provide information during a routine street check (where no Bill 6 direction has been issued), the officer cannot stop you from leaving.

Two things to remember: (1) You do not have to tell the police anything other than your name, date of birth, and address when lawfully required. (2) You should always ask to speak to a lawyer.

How Do I Know if I Am Being Detained?

Detention is not limited to physical restraint. Courts have said that you can be "psychologically detained", this means you feel you cannot leave because of what the officer is saying or doing, even if they are not physically holding you. Whether you have been detained depends on the situation, including what the officer said, how they said it, where you were, and whether they gave you a direction.

If you are not sure whether you are being detained, you can ask: “Am I free to go?” If the officer says yes, you can walk away.

2. What policies are police using to determine when people get approached?

Bill 6 itself sets only one policy threshold: the officer must have **reasonable grounds to believe** that a person is consuming an illegal substance in a public place. This is a legal test, not a step-by-step checklist for officers to follow. It means the officer must personally believe the illegal act is occurring, and that belief must be supported by compelling and credible information, not a guess, not a hunch, and not based only on how someone looks or where they are.

What Would and Would Not Meet This Threshold?

While every situation is fact-specific, the following examples illustrate the general boundary:

Likely sufficient:

- An officer directly observes a person injecting, smoking, or inhaling a substance they reasonably believe to be illegal
- An officer observes a person actively consuming a substance alongside visible drug kit (e.g., a pipe, needle, or foil) in a situation where all the facts together support the belief that the substance is illegal

Likely not sufficient:

- A person is sitting near drug paraphernalia but is not actively consuming anything
- A person seems intoxicated, but the officer has no reason to believe a specific illegal drug is being used, as the person could be affected by alcohol or prescription medication
- A person is simply present in an area allegedly known for drug use
- A person looks unhoused or is sleeping in a public space

Important: Bill 6 does not set out specific operational policies or standard operating procedures for how officers decide when to approach. Those decisions are up to each police service and may be different from one service or unit to another. As of the date of this guide, no Ontario police service has published public operational directives specific to Bill 6 enforcement. The only binding legal standard is the “reasonable grounds to believe” threshold set out in the Act itself.

If you believe an officer approached you without reasonable grounds, that is something a lawyer can challenge. Document the interaction as thoroughly as possible (see Question 4 below).

3. What assurances are there that the officer will turn on the body camera?

Toronto-specific: The following section addresses Toronto Police Service policies and applies only to interactions with TPS officers.

Toronto Police Service policy requires officers to activate their body-worn camera (BWC) before all direct interactions with the public for law enforcement purposes. Officers are also required not to intentionally prevent their BWC from capturing video and to keep it active until the interaction is complete.

Important: These are internal policy requirements, not legislation. This means there is less formal assurance that officers will follow them in every case, and an officer who does not follow the policy does not automatically break the law or give you a legal claim.

What if an Officer Does Not Record the Interaction?

Courts have drawn a distinction between deliberate and inadvertent failures to record:

- **Deliberate suppression:** In one Ontario case, an officer who intentionally muted a BWC specifically to withhold observations about a person during an investigation was found to have violated section 7 of the Charter. However, this was a narrow, fact-specific finding. Courts have not made a general rule that deliberately turning off a body camera always violates your Charter rights.
- **Inadvertent or operational failure:** Courts have consistently held that a careless or unintentional failure to activate a BWC, or a direction not to activate for legitimate operational reasons (such as protecting the identity of undercover officers), does not violate your rights under the Charter.

There is currently no legislation that creates a right to be recorded during a police interaction. The TPS body camera policy does not give you a legal right to have the interaction recorded.

Filing a Complaint About a Police Officer

Complaints about police misconduct can be filed with the Law Enforcement Complaints Agency (LECA), a civilian oversight body covering all municipal, regional, and provincial police in Ontario.

4. How should someone decline the interaction and avoid police escalation?

De-escalation is often the most important practical tool in any police interaction. The goal is to protect your legal rights while avoiding giving the officer a reason to take things further, such as holding you for questioning, arresting you, or searching you.

Practical Steps

1. **Stay calm and be polite.** Your tone and body language matter. Speak clearly and avoid raising your voice. Keep your hands visible and avoid sudden movements. Being polite does not mean giving up your rights, it means exercising them in a way that is less likely to provoke escalation.
2. **Ask: “Am I free to go?”** This is the single most important question. If the officer says yes, walk away calmly. If the officer says no or does not answer clearly, you are likely being detained and have the right to know why.
3. **If given a direction, comply if you can.** If an officer directs you to stop consuming a substance or to leave a public place, complying immediately ends the Bill 6 interaction. Once you have complied, the officer has no further authority under Bill 6 to require your identifying information.
4. **Assert your rights verbally, not physically.** You can say: “I do not consent to being searched,” “I want to speak to a lawyer,” or “I choose to remain silent.” But do not physically resist, even if you believe the officer is acting unlawfully. Physical resistance can lead to additional charges (resisting arrest, assaulting a police officer) and increases the risk of harm. Assert your rights with words, challenge unlawful conduct later through a complaint or with a lawyer.
5. **Do not argue the law on the street.** If you believe the officer is wrong, the place to challenge that is usually in court, not during the interaction. Arguing or debating with the officer is unlikely to change the outcome and may escalate the situation.

6. **Ask for a lawyer immediately if detained or arrested.** Say: “I want to speak to a lawyer before I say anything.” Under section 10(b) of the Charter, police must give you a reasonable opportunity to contact a lawyer before questioning you further.
7. **Document the interaction.** Note the officer’s name, badge number, time, and location. Ask for a receipt. If there are witnesses, note who they are. This information will be important if you later want to file a complaint or challenge the interaction in court.

Key point: Comply now, challenge later. Your rights are best protected by a lawyer after the fact, not by confrontation during the interaction.

If Police Begin Searching You

If police start searching you without your permission, you can clearly say: “I do not consent to being searched.”

Do not physically resist. If police continue searching you after you have stated your non-consent, do not resist physically. Resisting could lead to additional charges. You will have the opportunity to tell a lawyer what happened. A judge may later decide that anything found during an illegal search cannot be used against you in court.

What if Someone Is Overdosing?

Bill 6 includes an emergency services exemption. If someone is overdosing and you call 911, no one at the scene can be charged with a Bill 6 offence based on what police see when they arrive. This protection covers the person who called for help, the person experiencing the overdose, and anyone who stayed at the scene to help or to receive emergency services.

This exemption is separate from the federal *Good Samaritan Drug Overdose Act*, which provides similar protection from criminal drug possession charges when someone calls 911 for an overdose.

5. Is there an age where people’s rights change?

Yes. Because Bill 6 creates provincial offences, the protections for young people are found in the Provincial Offences Act (POA), the Ontario law that deals with non-criminal offences. Under the POA, a “young person” is someone aged 12 to 15 (inclusive) at the time of the alleged offence.

If You Are a Young Person Charged with a Bill 6 Offence

- You cannot generally be sentenced to imprisonment
- You cannot be fined more than \$1,000
- Your parent or guardian must be notified if you are required to appear in court
- Your identity cannot be published

Children under the age of 12 cannot be convicted of a provincial offence.

Young people are also entitled to have their rights explained in age-appropriate language, and have the right to have a parent, guardian, or trusted adult present during police questioning.

A Note on Criminal Charges

If a young person is charged with a criminal offence (as opposed to a provincial offence under Bill 6), different rules apply. The federal *Youth Criminal Justice Act* (YCJA) governs criminal proceedings for people aged 12 to 17 and gives extra protections, including the right to have a parent or guardian with them before saying anything to police. The YCJA does not apply to Bill 6 offences, but it would apply if a young person were charged with a criminal offence arising from the same interaction (for example, a drug possession charge under the *Controlled Drugs and Substances Act*).

6. What happens when someone doesn't have identification?

Bill 6 does not require you to produce a physical identification document. It does not matter whether you have an ID card or not.

If you are lawfully required to provide identifying information under Bill 6 (i.e., you have received a direction and have not complied), the only information police can require is your name, date of birth, and address, provided verbally. You do not need to have a document to show. Failing to produce an ID document is not an offence.

Outside of specific contexts like being stopped while driving, Ontario law does not impose a general duty to carry or produce physical ID.

7. When do police have the authority to search a person?

Section 8 of the Canadian Charter of Rights and Freedoms protects everyone from unreasonable search and seizure. This protection is about your privacy. Courts have said there are three types of privacy that are protected: your body, your personal information, and your home and belongings.

Does Bill 6 Allow Police to Search Me?

No. Bill 6 does not grant police any authority to search a person. The Act uses the word “seize” but never “search.” Any search power must come from outside Bill 6.

It is important to understand that Bill 6 only applies when someone is actively using an illegal substance. Simply having a substance on you (possession) is not a Bill 6 offence. However, possession of a controlled substance may be a criminal offence under the federal *Controlled Drugs and Substances Act*. This means a person could face no Bill 6 consequences but still face criminal charges for possession.

A police officer can lawfully search a person only in limited circumstances:

1. With the person’s informed and freely given consent;
2. When specifically authorized by another statute; or
3. As part of a lawful arrest, or in some limited situations, when they are lawfully holding you for investigation.

After an arrest, police may search for weapons, items that could cause injury or aid escape, and evidence related to the offence.

During a detention (short of arrest), police may conduct a limited pat-down search only if they have reasonable grounds to believe their safety or the safety of others is at risk. They cannot go through your pockets unless they feel something they have good reason to believe is a weapon or is dangerous.

De-escalating any interaction before police develop grounds for arrest is important: once an arrest is made, broader search powers follow.

What Can Police Seize Under Bill 6?

A police officer may seize substances when all three conditions are met:

1. The substances are in plain view;
2. The substances are near the person; and
3. The officer has reasonable grounds to believe the substances are illegal.

Substances that are not immediately visible cannot be seized under this provision. The officer must also have a lawful reason for being in that place.

Before any seizure can happen, the officer must first have reasonable grounds to believe that a person has committed an offence under the Act. The officer may also destroy any seized substances on the spot.

What if the Interaction Becomes a Criminal Matter?

A Bill 6 interaction can give rise to criminal charges. If an officer observes a person in possession of a controlled substance, the officer may detain or arrest the person under the *Criminal Code* or the *Controlled Drugs and Substances Act*. When this happens, the rules change in important ways:

- **Search after arrest:** Once you are lawfully arrested, police can search you for weapons, evidence of a crime, and anything that could help you escape. This is a significant change from the Bill 6 context, where police have no search power at all.
- **Right to counsel:** Under section 10(b) of the Charter, anyone detained or arrested has the right to speak to a lawyer without delay.
- **Right to silence:** You do not have to answer police questions or give a statement. Anything you say can be used as evidence.

Key point: If a Bill 6 interaction escalates to a criminal detention or arrest, ask to speak to a lawyer immediately. Say: "I want to speak to a lawyer before I say anything."

Can Police Search a Tent or Encampment?

This is an evolving and unsettled area of law. Courts in other provinces (particularly British Columbia) have found that a tent set up on public land may not have the same privacy protection as a home, and that police may not need special reasons to search a tent on public land. However, BC court decisions do not have to be followed in Ontario, but Ontario judges may find them convincing.

The Supreme Court of Canada has confirmed that merely being present in a public space does not mean a person consents to identification or surveillance. How Ontario courts will ultimately treat encampment searches under Bill 6 remains to be determined.

8. What authority do police have to enter a drop-in? Do they need a warrant?

What Counts as a “Public Place”?

Bill 6 defines a “public place” as any place to which the general public is invited or permitted access. It specifically includes tents or other structures being used as homes in a public place when that use is not allowed by law. Supervised consumption sites are explicitly excluded.

Are Drop-In Centres Public Places?

Because drop-in centres sometimes function as spaces open to members of the public, they may qualify as public places under Bill 6. However, drop-in centres do not appear to be the primary enforcement targets of this legislation. In parliamentary debate, the Solicitor General cited parks, public transit, and residential neighbourhoods as the key target areas. While this does not mean drop-in centres are excluded from Bill 6’s reach, they may be subject to less enforcement attention in practice.

What if a Drop-In Centre Restricts Who Can Enter?

The answer may be different for a drop-in centre that controls access at the door. Bill 6 defines a “public place” as a place to which “the general public” is invited or permitted. If a centre does not admit the general public but instead limits entry to people who meet specific criteria, there is an argument that it does not count as a “public place” under Bill 6. The more restrictive the screening process, the stronger this argument becomes.

However, this is not a certainty. For example, courts have held that a venue does not stop being a “public place” simply because it calls itself a private club or charges a nominal membership fee. The restriction on who can enter must be real and meaningful, not just a rule on paper. A drop-in centre that screens for eligibility in a meaningful way, such as by serving only a defined population and turning away people who do not meet the criteria, would have a stronger argument than one that admits essentially anyone who walks in. It is important to note that this interpretation has not yet been tested in court and may or may not be adopted when the issue is first presented before a judge.

Can Police Enter a Drop-In Centre?

Police officers have the same right to enter a drop-in centre (or any other place the public is permitted to access) as any member of the public. If the drop-in is truly public, the police likely do not require a warrant to enter.

In contrast, police usually need a warrant (a court order) to enter private property. Under the *Trespass to Property Act*, the legal occupier of premises can prohibit or restrict entry by telling someone they are not welcome on the premises. An officer who enters after being told entry is not permitted could be trespassing. After being told not enter, police would generally need a warrant, the occupier's permission, or an emergency situation to enter.

Additionally, if a drop-in centre usually restricts access to its premises (see above), the analysis likely changes. A centre that is not a "public place" under Bill 6 would be treated more like private premises. However, this is an untested argument in the Bill 6 context, and organizations considering this approach should seek specific legal advice.

9. If there is an incident off property, when do police have the authority to enter the drop-in?

Under a legal rule called "hot pursuit," a police officer is allowed to chase and follow a person into a private or semi-private space to finish an arrest that has already started. This is generally true in the case of a criminal arrest. For this to apply in the Bill 6 context, the following conditions would generally need to be met:

1. A Bill 6 direction must already have been issued;
2. The officer must have begun initiating an arrest or detention before the person entered the centre; and
3. The offence, the initiation of arrest, and the pursuit must form a single continuous event with no significant break.

Courts have held that there is no place that provides sanctuary from a lawfully initiated arrest. However, if a person enters a drop-in centre before an officer begins to initiate an arrest or detention, going inside the centre could count as following the direction to leave the public place under Bill 6.

10. Is there an expectation that police will stop people in encampments, and if so, what is the authority for that?

Bill 6 applies to anyone consuming an illegal substance in a public place, and the law specifically includes tents or other structures being used as homes in a public

place when that use is not allowed by law. This means encampments are within the scope of Bill 6.

However, Bill 6 only authorizes police to act when they have reasonable grounds to believe a person is consuming an illegal substance. Simply being present in an encampment is not enough. A person who is sleeping, resting, or occupying a tent without consuming an illegal substance is not committing an offence under Bill 6.

Municipal Enforcement (Toronto-Specific)

Toronto-specific: Under the Toronto Municipal Code (Chapter 608), a person who takes “possession” of a park space by setting up a structure or storing belongings (i.e., an encampment) may be subject to enforcement action. The City of Toronto has typically, but not always, provided written notice and a period of at least 72 hours before requiring people to vacate an encampment.

These municipal timing and notice requirements are separate from Bill 6. If the police separately have Bill 6 grounds (meaning they see someone using illegal drugs in public), they can give a Bill 6 direction without first following the city’s encampment notice process.

11. When do the police have a right to ask people to leave a gathering?

Bill 6 contains no specific provisions about gatherings. Police powers to address gatherings in parks come primarily from municipal bylaws.

Under Bill 6, police can order a person to leave any public place if they have reasonable grounds to believe that person is consuming an illegal substance. This includes gatherings. But the authority is tied to the individual’s conduct (consuming an illegal substance), not to the gathering itself.

Toronto-specific: The Toronto Municipal Code (Chapter 608) regulates park use and prohibits camping, lodging, or erecting structures in parks without a permit. Unauthorized gatherings in parks may also be subject to municipal enforcement, separate from Bill 6.

Trespass to Property Act changes: Bill 6 also changed the *Trespass to Property Act*. Courts must now treat it as more serious if a person returns to premises after being told to leave and more than 24 hours have passed since the notice was given. A court must also consider whether the person is likely to

trespass again in the future. These are called aggravating factors, meaning they can lead to a higher penalty.

12. Is there anything else helpful to know?

Information for Service Providers

Can our organization ask police to leave? If your drop-in centre is a place the public is permitted to access, police have the same right to enter it as any other member of the public. If you are the lawful occupier of a private space, you can ask the police to leave. If police refuse to leave, that may form the basis for a legal complaint or a complaint to LECA. Staff should document the interaction.

What should staff do during a police interaction with a client? Staff can: observe and document the interaction (including the officer's name and badge number), calmly remind the person of their rights, offer to contact a lawyer or duty counsel on the person's behalf, and file a complaint with LECA after the fact if they believe the officer acted improperly.

Should we have a policy on police interactions? It is good practice for drop-in centres to have an internal policy addressing police interactions. A policy might cover: how staff should respond when police enter the facility, procedures for observing and documenting police interactions with clients, how to support a client after a police interaction (including connecting them with legal help), and how and when to file complaints with LECA. Having a written policy helps staff respond consistently and protects both clients and the organization.

Can we post signage about rights? Yes. There is no legal restriction on posting information about legal rights in your facility. Signage reminding people of their right to remain silent, their right to ask for a lawyer, or the steps in a Bill 6 interaction can help people respond calmly and effectively.

Quick Reference

If police approach you in connection with Bill 6:

1. **Stay calm.** Be polite. De-escalation is often the best tool to avoid problematic interactions.
2. **Ask: “Am I free to go?”**
3. **If given a direction to stop or leave,** comply if you can.
4. If you cannot or do not comply, you may be required to give your name, date of birth, and address.
5. **You do not have to answer any other questions.**
6. **Say: “I want to speak to a lawyer.”**
7. If searched without consent, say: “I do not consent to being searched”, but do not physically resist.
8. **Note the officer’s name and badge number. Ask for a receipt.**
9. If someone is overdosing and you call 911, no one at the scene can be charged under Bill 6 based on what police find when they arrive.

For legal help, contact your local community legal clinic (see <https://www.legalaid.on.ca/legal-clinics/>) or call Legal Aid Ontario at 1-800-668-8258.