

CITATION: City of Mississauga v. PSCC No. 1136 et al , 2025 ONSC 4711
COURT FILE NO.: CV-25-4269
DATE: 2025 08 15

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: The Corporation of the City of Mississauga, Moving Applicant

AND:

Peel Standard Condominium Corporation No. 1136, Peel Standard Condominium Corporation No. 1140, and Persons Unknown, Respondents

BEFORE: M.T. Doi J.

COUNSEL: John Russo and Sarah Rustomji, for the Moving Applicant

Kim Ferreira and Jennifer J. Lake, for the Respondents Peel Standard Condominium Corporation No. 1136 and Peel Standard Condominium Corporation No. 1140

HEARD: August 12, 2025

ENDORSEMENT

Overview

[1] The Corporation of the City of Mississauga (the “City”) seeks an interim statutory injunction and an interim *quia timet* injunction to restrain the respondents from contravening the City of Mississauga Nuisance Gathering By-law 0211-2023 that prohibits and regulates nuisance gatherings in the municipality (the “By-law”). The subject of this matter is a commercial property known as Ridgeway Plaza in Mississauga.

[2] The respondents Peel Standard Condominium Corporations No. 1136 (“PSCC 1136”) and 1140 (“PSCC 1140”) (collectively, the “Corporations”) are responsible for managing the common elements of Ridgeway Plaza on behalf of the commercial unit owners.

[3] Since 2023, unsanctioned large-scale gatherings have taken place at Ridgeway Plaza each year on August 13th and 14th to celebrate Pakistan Independence Day, and on August 19th to celebrate Afghanistan Independence Day, respectively. Due to the high-volume of attendees each year, these events constituted prohibited nuisance gatherings under the By-law and regrettably led

to overcrowding problems and other issues that led to significant safety risks for attendees and others at the plaza, as further discussed below. The “unknown” respondents in this matter are unidentified persons that organized, created, or attended these gatherings at Ridgeway Plaza.

[4] Unsanctioned large-scale gatherings at Ridgeway Plaza have been scheduled to occur on August 13-14 and 19, 2025 on recent social media posts. At times in the past, over 3,000 people appeared at these gatherings. On this motion, the City is seeking an order for interim injunctive relief in respect of the unlawful gatherings to enforce compliance with the Nuisance Gathering By-law and to mitigate significant risks to public safety.

[5] On August 13, 2025, I granted in part the City’s motion for temporary injunctive relief with reasons to follow. Below are my reasons for making this decision.

Background

[6] The parties delivered a voluminous evidentiary record for the motion. The key relevant facts may be summarized as follows.

[7] Business activity at Ridgeway Plaza started around March 2023. The various restaurants and food establishments operating at the plaza offer culturally-diverse food options that are very popular with patrons. Ridgeway Plaza predominantly features food-related establishments and is one of the largest halal restaurant hubs in North America. It has become a trendy late-night food and social destination, with some of the establishments operating until 4:00 am on weekends. Municipal legislation does not restrict the hours of operation in the plaza.

[8] The City supported the development of Ridgeway Plaza and issued business licences to the owners of its commercial condominium units that are independently operated.

[9] Ridgeway Plaza came to regularly attract hundreds, if not thousands, of attendees at various unsanctioned large-scale gatherings in the common areas of the plaza, including its parking lot. As a result, the plaza began to experience issues from these large-scale gatherings.

[10] Starting around June 2023, the City received a series of complaints about Ridgeway Plaza due to unsanctioned large gatherings, traffic congestion, blocked access and fire routes, illegal use of fireworks, loud noise, and garbage accumulation, among other things.

[11] The City made repeated requests to the board of directors for the respondent Corporations to address the public safety and other concerns with the large-scale gatherings at Ridgeway Plaza. The Corporations installed stop signs and speed bumps in the plaza and hired additional security. However, the large-scale gatherings went largely unchecked. Collectively, the Corporation's relatively modest efforts did little to manage or control the gatherings.

[12] When it became apparent to City officials that the Corporations would not take meaningful steps to address the issues related to the large-scale gatherings, officials with the municipal by-law enforcement office ("By-law Enforcement"), Peel Regional Police ("PRP"), and Mississauga Fire and Emergency Services ("MFS") conducted a coordinated enforcement blitz at Ridgeway Plaza in October 2023. On November 16, 2023, the City advised the Corporations in writing of multiple by-law violations. Despite this effort, the enforcement blitz did little to mitigate the concerns with the scale of the gatherings and the associated public safety issues.

[13] On December 13, 2023, the City passed the Nuisance Gathering By-law in a further effort to control the scale of the Ridgeway Plaza gatherings and address the public safety concerns. However, the unsanctioned large-scale events went largely unabated. A request by the City for the Corporations' contingency plans for large-scale gatherings at the plaza went unanswered.

[14] Aside from larger-scale gatherings that occur at Ridgeway Plaza on weekends, a pattern of very large-scale gatherings has emerged on specific dates involving thousands of people gathering annually at the plaza, as further discussed below. The nature and magnitude of these gatherings contravened the Nuisance Gathering By-law and created serious risks to public safety.

[15] Over the past few years, unsanctioned large-scale gatherings at Ridgeway Plaza have taken place to celebrate Pakistan Independence Day annually. The first such celebration took place on August 13 and 14, 2023 and was attended by an estimated 1,500 to 2,000 people on each day. Social media posts of the event show that Ridgeway Plaza was overrun with people to the point where it would have been difficult for emergency first responders to enter the plaza to deal with fire, medical, or other public safety emergencies. The Corporations hired some paid duty police to help manage the large-scale crowd, but the gathering was not effectively managed or abated.

[16] In or around late July 2024 and early August 2024, businesses operating at Ridgeway Plaza and others posted social media content to advertise another celebration for Pakistan Independence

Day on August 13 and 14, 2024 at the plaza. In advance of this unsanctioned event, the City asked the Corporations in writing for their contingency plans for managing the event at the plaza. The City's request went unanswered.

[17] On August 13 and 14, 2024, By-law Enforcement, PRP and MFS attended Ridgeway Plaza as part of a joint task force operation to control the crowd at the large-scale gathering. Among other things, City officials observed multiple entry points to the plaza at a standstill with vehicles unable to move due to the density of traffic and pedestrians. Officials estimated the number of attendees at Ridgeway Plaza to approach 2,500 on August 13, 2025 and exceed 3,000 on August 14, 2024. They also saw the unlawful use of fireworks at the plaza. Importantly, at one point during the event, PRP told MFS and By-law Enforcement to depart the location as PRP could no longer guarantee their safety due to the size of the crowd. By-law Enforcement found the 2024 Pakistan Independence Day to be a "nuisance gathering" that contravened the Nuisance Gathering By-law and laid charges against the Corporations.

[18] Similar unsanctioned large-scale events were held at Ridgeway Plaza annually to celebrate Afghanistan Independence Day that falls on August 19 each year.

[19] On August 19 2024, By-law Enforcement, PRP, and MFS attended Ridgeway Plaza in anticipation of an unsanctioned large-scale event taking place. Once again, extensive vehicular and pedestrian traffic led to blockages of key access and fire routes at the plaza.

[20] Given recent social media posts and the history of annual celebrations at Ridgeway Plaza, I was satisfied that unsanctioned annual large-scale events to celebrate Pakistan Independence Day and Afghanistan Independence Day would, in all likelihood, again occur there on August 13-14 and 19, 2025, respectively. I recognized that the celebrations are important to community members with Pakistani and Afghan cultural ties, and that these gatherings are meant to be joyful occasions to celebrate these cultures and the richness of the multicultural diversity that we all share. I also found that these gatherings at Ridgeway Plaza would again place public safety at serious risk due to overcrowding-related issues unless appropriate remedial action was taken.

[21] Despite filing an extensive evidentiary record, the Corporations filed no evidence to show that their security or other representatives took meaningful steps to disperse the crowds from prior large-scale gatherings at Ridgeway Plaza, or otherwise tried to discontinue the gatherings when

the plaza was overrun with people and vehicles that clogged and obstructed the premises. During submissions, Corporations' counsel advised as an officer of the court that his clients only recently (i.e., on August 11, 2025, just one day before the injunction motion returned on August 12, 2025) provided Ridgeway Plaza security with formal authority under the *Trespass to Property Act*, RSO 1990, c. T.21 to direct attendees to leave the premises. Based on this, I understood that the Corporations never authorized or instructed its security before then to disperse crowds at any large-scale events or gatherings at the plaza regardless of how large or dense the gatherings became. In any event, the Corporations filed no evidence to meaningfully explain how it proposed to manage large-scale gatherings or prevent any violations of the Nuisance Gathering By-law at the plaza.

The Nuisance Gathering By-law

[22] The City's Nuisance Gathering By-law provides as follows:

"Nuisance Gathering" means a gathering on a Premises, which by reasons of the conduct of the Persons in attendance, results in any one or more of the following activities occurring:

- a) public disorderly conduct;
- b) public drunkenness or public intoxication;
- c) the unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
- d) the deposit of refuse on public or private property;
- e) damage to or destruction of public or private property;
- f) pedestrian traffic, vehicular traffic, or illegal parking that obstructs the free flow of traffic or could interfere with the ability to provide emergency services;
- g) unreasonable noise, including loud music or shouting that is of such a volume or nature that it is likely to disturb the inhabitants of the City;
- h) unlawful open burning or fireworks;
- i) public disturbances, including public brawls or public fights; or
- j) outdoor public urination or defecation; or
- k) a Car Rally that includes any of the activities outlined in sections (a) to (j);

"Owner" means a Person who is the registered owner of a property and includes a property manager, tenant or any other Person who otherwise has rightful possession or possessory control of any property;

“Person” includes any individual person, a corporation, a condominium corporation, including its directors and officers, a partnership, any other form of business or legal association or entity, and the heirs, executors and administrators or other legal representative of a Person, including their respective heirs and assigns;

“Premises” means any public or private place in Mississauga, including but no limited to Highways, parks, parking lots, yards appurtenant to a building or dwelling or vacant lands.

...

2. No Person shall sponsor, conduct, continue, host, create, allow, cause or permit a Nuisance Gathering.
3. No Person shall attend a Nuisance Gathering.
4. No Person, individually or jointly with others, or an Owner, shall allow, cause or permit a Nuisance Gathering on Premises.
5. Every Person who sponsors, conducts, continues, hosts, creates, allows, causes or permits a Nuisance Gathering shall take all reasonable and lawful actions to end a Nuisance Gathering. [Emphasis added]

Legal Principles

a. Motions against Unknown Persons

[23] In cases involving unsanctioned events in breach of a municipal by-law, courts may grant injunctive relief without notice against unknown persons with procedural fairness where the three-part injunctive test under *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 SCR 311 is met, there is urgency for the order, and the moving party has provided full and frank disclosure: *City of Ottawa v. Persons Unknown*, 2022 ONSC 1151 at para 29; *The Corporation of the Town of Wasaga Beach v. Persons Unknown*, 2023 ONSC 4929 at para 23; *City of Waterloo v. Persons Unknown*, 2025 ONSC 1572 at para 25. In addition, an injunction may be brought against non-parties on the basis of the long-standing principle that non-parties are bound to obey an order: *City of Ottawa* at para 30; *Town of Wasaga* at para 23; *City of Waterloo* at para 25.

b. Statutory Interlocutory Injunction to Enforce Municipal By-laws

[24] Section 440 (*Power to restrain*) of the *Municipal Act, 2001*, SO 2001, c. 25, authorizes a municipality to bring an application to restrain a person or persons from contravening its by-laws:

440 If any by-law of a municipality or by-law of a local board of a municipality under this or any other Act is contravened, in addition to any other remedy and to any penalty imposed by the by-law, the contravention may be restrained by application at the instance of a taxpayer or the municipality or local board.

[25] Where a municipality seeks an injunction under s. 440 of the *Municipal Act* by alleging that a by-law is being breached, it must demonstrate a serious question to be tried by establishing a strong *prima facie* case on a balance of probabilities: *The Corporation of the City of Windsor v. Persons Unknown*, 2022 ONSC 1168 at para 53; *City of Ottawa* at para 41. If the municipality satisfies this criterion, the usual remedy is an interlocutory injunction to restrain the ongoing breach: *City of Ottawa* at para 40. The municipality need not prove that it will suffer irreparable harm or address the balance of convenience as the public authority is presumed to act in the public's best interests and a contravention of the by-law is considered to be irreparable harm to the public interest: *City of Windsor* at para 52; *City of Ottawa* at para 41; *The Township of Amaranth v. Ramdas*, 2020 ONSC 2428 at para 54; *City of Waterloo* at para 28.

[26] Where a clear breach of a municipal by-law is shown, the court retains a limited residual discretion to not grant the injunction in truly exceptional circumstances: *Newcastle Recycling Ltd. v. Clarington (Municipality)*, 2005 CanLII (ONCA) at para 32; *City of Windsor* at para 52; *City of Ottawa* at para 63, citing *City of Waterloo* at para 30, citing *Oglaza v. JAKK Tuesdays Sports Pub Inc.*, 2021 ONSC 7473 at para 25. The onus to raise the exceptional circumstances lies with a respondent: *City of Windsor* at para 56. These exceptional circumstances are limited and could include: the offending party has ceased the activity and/or provided clear and unequivocal evidence that the unlawful conduct will cease; the injunction is moot and would serve no purpose; there is a right that pre-existed the enactment that was breached; there is uncertainty that the offending party is flouting the law; and the conduct at issue is not what the enactment was intended to prevent: *Ibid*, citing *Gavin Downing v. Agri-Cultural Renewal Co-operative Inc. O/A Glencolton Farms ("ARC") et al*, 2018 ONSC 128 at para 113; *City of Waterloo* at paras 133-134.

c. Interlocutory *Quia Timet* Injunction

[27] The court may grant an interlocutory injunction, “where it appears to be just or convenient to do so”: s. 101 of the *Courts of Justice Act*, RSO c C.43. The test for a prohibitive interlocutory injunction tracks the following three-part test under common law:

- a. Is there a serious question to be tried? In other words, has the moving party presented a case which is not frivolous or vexatious?
- b. Will the moving party, if unsuccessful, suffer irreparable harm which cannot be compensated other than through the granting of an injunction?
- c. Does the balance of convenience favour the moving party? In other words, who will suffer the greater harm from the granting or refusal of an interlocutory injunction, pending a decision on the merits?

RJR-MacDonald at paras 40, 44-56, 59 and 78; *City of Ottawa* at paras 34-36; *Town of Wasaga Beach* at para 23.

[28] A *quia timet* injunction restrains wrongful acts that are threatened or imminent but have not yet commenced: *City of Waterloo* at para 37. This form of injunctive relief is sought in apprehension of future harm: *Town of Wasaga Beach* paras 28-29. Where a *quia timet* injunction is sought, the usual three-part test under *RJR-MacDonald* is applied: *Canadian National Railway v. John Doe*, 2023 ONSC 6860 at para 6.

Analysis

a. Motion against Unknown Persons

[29] Given the by-law contraventions and serious public safety risks associated with the impending large-scale gatherings at Ridgeway Plaza, as further set out below, I was satisfied that interim injunctive relief against the unknown respondents could be granted as City had met the injunctive test under *RJR-MacDonald*, established urgency for the order, and made full and frank disclosure in bringing the motion.

b. A Statutory Injunction Should be Granted against the Unknown Respondents

[30] I was satisfied that an interim statutory injunction should be granted against the unknown respondents. The evidence of the by-law contraventions and serious risk to public safety from the impending unsanctioned large-scale gatherings at Ridgeway Plaza was clear and overwhelming.

[31] I found that unknown persons were promoting, sponsoring, and creating unsanctioned large-event gatherings at Ridgeway Plaza for August 13-14 and 19, 2025 (i.e., to coincide with Pakistan Independence Day and Afghanistan Independence Day). Recent social media posts on June 27, 2025, July 29, 2025, and August 4, 2025 confirmed that unknown persons were engaged

in these planning activities. Given the celebrations that occurred at Ridgeway Plaza in past years, it was plainly obvious that similar unsanctioned large-scale gatherings were being planned to once again occur at the plaza to mark these annual occasions.

[32] The City led ample evidence to establish that the overcrowding at Ridgeway Plaza during these prior unsanctioned large-scale gatherings led to excessive crowding and congestion that obstructed emergency first responders from being able to access the premises in the event of an emergency, contrary to s.1(f) and 3-5 of the Nuisance Gathering By-law. In addition, the record clearly established a further range of contraventions of the Nuisance Gathering By-law during the prior gatherings, including unreasonable noise and the unlawful use of fireworks, among other things. By planning similar upcoming gatherings, I found that unknown persons were contravening s. 5 of the Nuisance Gathering By-law. Taking everything into account, I found that the City had established a strong *prima facie* case that the Nuisance Gathering By-law was being and would continue to be contravened by unknown persons if injunctive relief were not granted.

[33] Given the multiple contraventions of the Nuisance Gathering By-law and the serious public safety risks and other concerns with the impending unsanctioned large-scale gatherings, I found no exceptional circumstances to credibly justify exercising my limited discretion to not grant an interim statutory injunction against the unknown persons in this case: *City of Windsor* at para 56.

[34] Turning to the respondent Corporations, I found on the evidentiary record for this motion that a statutory injunction should not be granted against them at this time as the evidence did not establish that they are presently engaged in ongoing violations of the Nuisance Gathering By-law. In careful reasons, Dawe J. (as he then was) held in *Corporation of the Town of Richmond Hill v. 2284573 Ontario Inc.*, 2019 ONSC 2825 at para 14 that a breach of a bylaw must be “ongoing” to support an order for injunctive relief under the *Municipal Act*: see also *Markham v. Eastown Plaza Ltd.*, [1992] OJ No 1716 (Gen Div) at para 11; *Innisfil (Town) v. Innisfil Land Holdings Inc.*, 2003 CanLII 26184 (ONSC) at para 24; *Municipality of Metropolitan Toronto v. N.B. Theatrical Agencies Inc.*, 1984 CanLII 2092 (Ont HC). After reviewing the jurisprudence, I agreed with the analysis in *Town of Richmond Hill* and accepted that a municipality cannot obtain injunctive relief against a respondent under s. 440 of the *Municipal Act* by relying on past by-law contraventions that have ended and are no longer ongoing. In this case, there was evidence that the Corporations were no longer acquiescing to large-scale gatherings at Ridgeway Plaza and had taken some steps,

albeit in non-diligent fashion, to bolster its security complement to manage anticipated large-scale gatherings and mitigate congestion.

[35] Based on the foregoing, and with some reservations, I found that the Corporations were not engaged in ongoing by-law contraventions. In addition, I found some uncertainty as to whether the Corporations were flouting the City's by-law: *City of Windsor* at para 56. In the circumstances, I declined to grant a statutory injunction against the Corporations.

c. A *Quia Timet* Injunction Should be Granted in Respect of All Respondents

[36] As set out below, I was satisfied that a *quia timet* injunction should be granted as against all of the respondents.

[37] On the first arm of the *RJR* test, I found that the City had clearly met its onus to demonstrate a serious issue to be tried. From the record, it was clear that the Nuisance Gathering By-law was being contravened by social media posts to promote the unauthorized large-scale gatherings at Ridgeway Plaza on Pakistan Independence Day and Afghanistan Independence Day. Given the documented history of the previous large-scale gatherings at the plaza and the associated by-law contraventions from the gatherings, I found a significant likelihood that the planned celebrations for those events this year would again contravene the by-law and cause serious public safety risks.

[38] On the second arm of the *RJR* test, I found clear and compelling evidence of a significant probability of irreparable harm should the unauthorized large-scale gatherings at Ridgeway Plaza take place. The breach of the Nuisance Gathering By-law is itself an irreparable harm: *City of Waterloo* at para 43. In addition, similar past gatherings clearly resulted in serious risks to public safety as emergency first responders could not access the plaza due to blocked lanes and fire routes that vehicles and pedestrians had clogged. Past gatherings also led to further by-law contraventions including the illegal use of fireworks, the accumulation of excessive garbage and debris, and excessive noise, among other contraventions. As unsanctioned large-scale gatherings historically occurred at Ridgeway Plaza on dates posted to social media, I accepted the City's submission that the impending Pakistan Independence Day and Afghanistan Independence Day gatherings set for August 13-14 and 19, 2025 on recent social media posts would likely occur and cause irreparable harm if injunctive relief were not granted in respect of these events.

[39] I found that the corporate and unknown respondents either distanced themselves from the responsibility of managing the large-scale crowds, or were indifferent to the serious public safety risks and other concerns from the overcrowding at Ridgeway Plaza during prior annual gatherings. These gatherings led to multiple breaches of the Nuisance Gathering By-law and serious risks to public safety due to the large and densely packed crowds. For their part, the corporate respondents either went along with or acquiesced to the prior unsanctioned large-scale gatherings at the plaza without taking meaningful steps to limit or disburse the crowds when the plaza became densely packed, or to otherwise ensure that emergency first responders could access the plaza to mitigate the public safety risks from the overcrowding. Based on this, I found that the City had established that this harm flowed from the Corporations' conduct or inaction.

[40] On the third arm of the *RJR* analysis, I found on a balance of convenience that the City would suffer the greater harm if an injunction were not granted.

[41] The risks to public safety related to the large-scale overcrowding at Ridgeway Plaza are serious. Were a fire to break out or a person to suffer a health crisis during a large-scale gathering, the inability of first responders to access the plaza to provide emergency services or urgent care could well have critical if not fatal consequences.

[42] In considering this matter, I was mindful of the important rights to freedom of association and peaceful assembly under s. 2(d) of the *Charter* that are implicated by the relief being sought. However, *Charter* rights or values are not absolute or unqualified and do not allow a person to disregard lawful municipal enactments or compromise public safety: *City of Ottawa* at paras 49-50; *City of Waterloo* at para 47. As Watt ACJ aptly noted in *City of Ottawa* at para 49, every *Charter* right must be balanced against other important rights and values. Given the serious risk to public safety from the large-scale gatherings at Ridgeway Plaza that contravened the City's by-law and caused irreparable harm, I found that the right to freedom of association did not tilt the balance of convenience in favour of the respondents.

[43] Taking everything into account, I found that an interim *quia timet* injunction should be granted to restrain and enjoin all respondents from contravening the Nuisance Gathering By-law and to enforce compliance with its terms given the serious risk to public safety and the other issues associated with the impending large-scale gatherings at Ridgeway Plaza. I found that the City

stood to suffer greater and significant harm than the respondents if an interim injunction were not granted for the unsanctioned events pending a decision on the merits. In addition, I found that the injunctive relief sought was reasonable and proportional given the temporal and spatial limits that would not prohibit activity that is otherwise compliant and lawful.

[44] I recognize the importance of Pakistan Independence Day and Afghanistan Independence Day to celebrants who engage in festivities to commemorate the historic and cultural significance of these occasions. These celebrations serve to shape the fabric of our diverse and multicultural community. That said, the City led strong evidence of a well-founded apprehension of harm with a high degree of probability due to the serious risk to public safety from overcrowding at the events and associated non-compliance with its by-law. The interim injunctive relief was not meant to ban or unduly impede the celebrations but to address serious public safety concerns with the impending large-scale gatherings at Ridgeway Plaza by enforcing the City's by-law in the public interest.

[45] The City urged the court to restrain businesses at Ridgeway Plaza by limiting their hours of operation during the days in question as a means of reducing the numbers of event attendees. However, the City did not name any of these businesses in the application nor give notice of any intention to seek injunctive relief against them. In the circumstances, I declined to grant any such relief against these businesses at the plaza.

Outcome

[46] Based on the foregoing, orders for interim injunctive relief were granted in accordance with these reasons. The City was directed to issue a digital press to broadly disseminate the interim injunction orders. I further directed that the respondents may move on at least twenty-four hours notice to set aside the orders.

Date: August 15, 2025

M.T. Doi J.

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ENDORSEMENT

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