

City of St. Albert

Opt-in Flyer Distribution

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Presented by:

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Economic Development

Administrative Backgrounder

Administration provide a report, including recommendations, that explores the possibility of requiring that marketing flyers delivered within St. Albert are an opt-in rather than an opt-out service, similar to email subscriptions, and that the issue is presented to the EAC for review and/or comment prior to being presented to Council.

Strategic Priority #6

- Environmental Stewardship: Explore innovative environmental and conservation opportunities.

Corporate Business Plan 2019-2021

- Enhance waste minimization strategies with emphasis on reduce and reuse activities.

Background

- Canadian Anti-Spam Legislation (CASL) regulates the distribution of electronic-based commercial advertisements (requiring an “opt-in” from subscribers, as referenced in the motion).

Background

- Not aware of any Municipalities in Canada that regulate the distribution of flyers by an “Opt-In” program.
- Halifax and Calgary – have regulated the distribution of flyers through bylaws that forbid the distribution of flyers when a resident has posted a sign on their property noting their intent to not receive flyers

Background

- There are three major businesses who regularly distribute marketing flyers within St. Albert as part of their business model.
 - Postmedia Network Inc. (Edmonton Journal, Flyer Force, Edmonton Sun etc.);
 - Great West Newspapers Limited Partnership (St. Albert Gazette);
 - Canada Post.

Considerations

- Determine the most appropriate legislative mechanism to accomplish the intent of the motion – this could take the form of amendments to an existing bylaw like the Community Standards Bylaw, or through a new bylaw with the sole purpose of regulating flyers

Considerations

- Legal advice has been received from the City Solicitor regarding constitutional right infringement (e.g., the right to freedom of expression) opt-in flyer regulation may cause and whether it will legally pass the test for an exception.

Considerations

- With the federal government having legal jurisdiction over “postal service”, it is doubtful whether any municipal bylaw would be effective to constrain Canada Post from delivering flyers.

Considerations

- Concerns regarding the impact these regulations would cause to businesses/organizations whose revenues depend on the ability to distribute printed materials, and would thus be negatively affected by a reduced ability to distribute these materials.

Considerations

- Policing and enforcing an opt-in regulatory service poses regulatory/administrative challenges, and would require a significant amount of financial and staffing resources.

Considerations

- A public engagement campaign would need to be undertaken by Administration to inform residents about the new regulations, how they may opt-in to receive flyers, and how they may report related regulatory offenses.

Considerations

- This issue was presented to the Environmental Advisory Committee (EAC) for feedback. The EAC is supportive of enabling residents to reduce their consumption of flyers, and recognizes that flyer distribution consumes large amounts of paper and energy.

Recommendation

- As an alternative, Council may amend the motion to regulate the distribution of flyers through an opt-out service, similar to what has been done by the Cities of Calgary and Halifax.