Furthermore, telling the police to “get the fuck out”, is not a breach because it did not interfere with policing activities. In an Alberta case (*R. v. Edwards*, 2004 ABPC 14 (CanLII)), It was held that a yelling at police officers by itself, including telling them to “fuck you” to one of them and repeating “fucking pigs” and other obscenities (paras 4 – 11) was not enough to result in an unlawful act. In that case it was *only* unlawful because the accused was interfering with a homicide investigation:

> [91] Police officers are members of the public who are entitled to enjoy the Queen’s peace as well as other members. Frequently police are called to deal with unruly citizens who yell at them. Evidence of yelling at police officers who attend for these purposes will not be enough, in itself, to cause a disturbance of a public place. However, police officers like any other individual can be distracted from their ordinary and customary use of the place. Here, the police were confronted by the accused’s protracted yelling and shouting while protecting a homicide scene.

Additionally, while violence is excluded from freedom of expression, the concept of “violent expression” is sharply curtailed. In a recent case at the Ontario Court of Appeal *Bracken v. Niagara Parks Police*, 2018 ONCA 261 (CanLII), a man stood in Grand View Plaza in Niagara Parks, holding a sign reading, “Trump is right. Fuck China. Fuck Mexico.” He also called Niagara Parks Police “a power tripping fucking idiot” and a “fucking piece of shit.” Niagara Parks Police issued him tickets for violations of the Niagara Parks Act. The ONCA decided that he was within his rights to freedom of expression and made a comment on the how much latitude exists before freedom of expression is violent:

> [36] Some methods of expression are categorically excluded from the scope of s. 2(b) – specifically, violence and threats of violence. This limit is internal to s. 2(b); once it is established that the method of expression is, for example, an act of violence, the constitutional inquiry is at an end and the state is not required to justify any limit on the expression.

[37] State actors are not required to justify limits on expression that is violent or threatens violence because, according to longstanding doctrine, there are no competing interests capable of justifying it. As this court explained in Fort Erie, at para. 30: “to give acts of violence even defeasible protection under s. 2(b) would give them an unacceptable legitimacy.… It would be tantamount to declaring … that an individual’s self-expression through acts of violence could, in some conceivable circumstances, take priority over the public good of protecting persons by restraining acts of violence.” That said, because the consequences of characterizing expression as violent are extreme – the characterization conclusively defeats the Charter claim without canvassing whether there are any competing considerations – this court cautioned at para. 50 against expanding the category of what constitutes violence or threats of violence. The violence exception to the scope of freedom of expression remains sharply limited.

[38] In its written submissions, the respondent proposed an expansion to the violence exception to encompass “emotionally violent” expression. This submission was expressly rejected by this court in Fort Erie, at para. 49. Put simply, the emotional impact of expression on a third party has no bearing on the question of whether that expression was conveyed through a violent act. Thus, the Supreme Court has held that even hate speech is not inherently violent, despite the risk that such expression will have an emotionally damaging impact on its targets: Keegstra, at pp. 731-732.