

File No. CI 20-01-29284

THE QUEEN'S BENCH
Winnipeg Centre

APPLICATION UNDER: *The Constitutional Questions Act, C.C.S.M., c. 180*

AND UNDER: The Court of Queen's Bench Rules, M.R. 553/88

IN THE MATTER OF: *The Public Health Act, C.C.S.M. c. P210*

BETWEEN:

**GATEWAY BIBLE BAPTIST CHURCH, PEMBINA VALLEY BAPTIST
CHURCH, REDEEMING GRACE BIBLE CHURCH, THOMAS REMPEL,
GRACE COVENANT CHURCH, SLAVIC BAPTIST CHURCH, CHRISTIAN
CHURCH OF MORDEN, BIBLE BAPTIST CHURCH, TOBIAS TISSEN,
ROSS MACKAY**

Applicants,

– and –

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
MANITOBA, DR. BRENT ROUSSIN in his capacity as CHIEF PUBLIC
HEALTH OFFICER OF MANITOBA, and DR. JAZZ ATWAL in his capacity
as ACTING DEPUTY CHIEF OFFICER OF HEALTH OF MANITOBA**

Respondents.

AFFIDAVIT OF RILEY TOEWS
AFFIRMED MARCH 24, 2021

JUSTICE CENTRE FOR CONSTITUTIONAL FREEDOMS
D. Jared Brown / Allison Kindle Pejovic / Jay Cameron



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TOBIAS TISSEN, ROSS MACKAY**

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Respondents.

AFFIDAVIT OF RILEY TOEWS

I, Riley Toews, of the Town of Gretna, in the Province of Manitoba,

MAKE OATH AND SAY AS FOLLOWS:

1. I have personal knowledge of the facts and matters hereinafter deposed to by me, except where same are stated to be based upon information and belief, and those I do verily believe to be true.
2. I write this affidavit in response to the affidavits filed by the Respondents in this matter.
3. Mr. Szilveszter Jozsef Komlodi refers in his affidavit to mental health supports provided by the Government of Manitoba, such as online mental health counselling, "Help Next Door", and various online activities which are supposed to improve Manitobans' quality of life while encouraging us to stay home.
4. Prior to my involvement with this case, I had never heard of any of these mental health supports. The Respondents never reached out to me at any time to offer counselling or any other support for my inability to hold in-person worship services.
5. Even if they had reached out to me in this matter, I would have declined. Counselling services are *not* a sufficient replacement for corporate worship. I maintain that it is our duty before the true and living God to obey His command to gather. As stated in my initial affidavit, the gathering of the church is not incidental to our worship or identity; it is a core element. To worship as God commands, we must be together in person. To ban what God has commanded and then to offer counseling as an alternative is quite frankly insulting, and entirely misses the point that I've made. God requires that we gather. Technology, while helpful, is *not* a sufficient replacement for the gathering of the Church and it is not the role

of the government to declare to us that it is. This is a matter of conscience and freedom of religion; both of which are protected in our *Charter*, and have been trampled under these Public Health Orders.

6. For myself as a Pastor, it has been very difficult seeing people languishing under the effects of the Public Health Orders. I have seen depression and anxiety take their toll on my friends and congregants. Video calls, and the interaction afforded by technology have not been sufficient to counteract these effects.

7. It has weighed heavily on me knowing that what my people needed was forbidden by the Public Health Orders. This has been an incredibly difficult time to be a Pastor. Trying to respond to the ever-changing lockdown orders and attempting to meet the needs of our people through it all, has made this past year a very stressful one at times.

8. One of the most upsetting elements of the Public Health Orders was that they treated worship gatherings as if they were simply another public gathering of no more or less importance than any other type of gathering. The worship required by the true and living God *cannot* be grouped in with concerts, sporting events and other gatherings, and then deemed *non-essential*. The treatment of the worship of God in this manner is an affront which I find outrageous in the fullest sense of the term.

9. The Respondents should not waste their time and *our* money promoting online activities as a means to improve mental health. Re-opening churches fully with no restrictions and the rest of society is the only way, in my opinion, to truly help people out of this darkness.

Government programs are *not* a sufficient replacement for life and freedom. What the government offers through these programs, falls ludicrously short of making up for what they have taken from the people.

10. The Respondents have not once ever tried to meet with me to discuss how these closures would negatively affect my congregation or what possible way we could work around the closures, other than the Public Health Orders themselves which directed us to close or be open in small groups.

11. Further, in response to Dr. Brent Roussin's affidavit, we have communicated with our congregation since March 2020 that no one is to come to church who is feeling unwell. It is not our intention to be belligerent or reckless. As pastors, we care deeply about our people, and desire that they be healthy in every way (physically, spiritually, mentally, and emotionally).

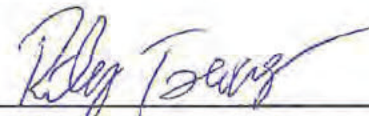
12. I make this affidavit *bona fide*.

AFFIRMED before me in the City of)
Winnipeg, in the Province of)
Manitoba, this 24th day of March,)
2021.)



A Barrister-at-law entitled to
practice in the Province of
Manitoba

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RILEY TOEWS