

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.

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**AFFIDAVIT OF TOBIAS TISSEN**  
**AFFIRMED MARCH 26, 2021**

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



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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 TOBIAS TISSEN**

I, Tobias Tissen of the City of Steinbach, 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. The Respondents have provided evidence that they have spent money trying to help Manitobans' mental health issues throughout the pandemic by offering such services as online counselling. Mr. Szilveszter Jozsef Komlodi's affidavit describes mental health supports provided by the province, including a help phone line and online recreation.
4. Reading about these mental health supports in Mr. Komlodi's affidavit came as a surprise to me. The Respondents never offered me counselling or any other support after they took away my right to worship. All I have received from the Respondents for all of the stress they have caused me in ordering that churches stay closed and restricted is ticket after ticket as I continue to attempt to follow God's plan and Word.
5. I can honestly say that the amount of stress that I have experienced because of these closures and restrictions is immeasurable. All of my life I have been a peace-loving, law-abiding citizen, and the near constant run-ins and stand-offs with law enforcement in respect of our church's services is taking a heavy toll on me mentally. Never in my wildest dreams would I have thought that I would have to go through so much stress and hardship in order to obey the scriptures and my convictions. Online counselling or calling a "help line" will not remedy my despair or fix what the Respondents have taken away from me.
6. I believe that the only thing that will alleviate the stress, immense upset and depression that the Respondents have caused me would be to be able to worship freely without restrictions. What good can counselling do, when as a Christian you cannot gather in-person with your whole

congregation? I would, however, have appreciated the gesture and effort if a Manitoba government official had reached out to me and apologized for these closures, and discussed the situation with me and the rationale for keeping a liquor store open while closing my church. Dr. Roussin in his affidavit says that public health officials balance potential unintended adverse mental health effects of restrictions. He, (or any of the Respondents) never attempted to reach out to me to discuss what these mental affects might be and how their restrictions would affect me.

7. I am the Church of God's primary public representative. To my knowledge, the Respondents' have never attended (or sent a third party to attend) my church to inspect its ventilation system. I have never witnessed anyone from the Manitoba government come inside the Church of God.

8. In response to Dr. Brent Roussin's affidavit, I have communicated with our congregation since March 2020 that no one is to come to church who is feeling unwell or has cold or flu-like symptoms.

9. I make this affidavit *bona fide*.

**AFFIRMED** before me in the City of )  
Winnipeg, in the Province of )  
Manitoba, this 26<sup>th</sup> day of March, )  
2021. )

*[Handwritten Signature]*

*[Handwritten Signature]*

Commissioner for Oaths in and for )  
the Province of Manitoba )

TOBIAS TISSEN

My Commission Expires: *July 31/21*