

THE QUEEN'S BENCH
Winnipeg Centre

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, and
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,

- and -

THE ASSOCIATION FOR REFORMED POLITICAL ACTION (ARPA) CANADA

Intervener.

TRUE COPY

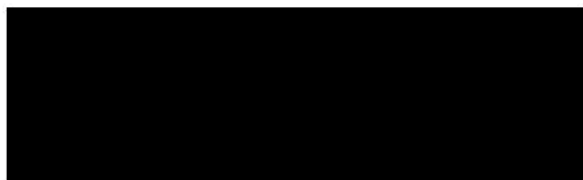
JUDGMENT

FILED
QUEEN'S BENCH

FEB 15 2022

JAY GOLITS
WINNIPEG

Manitoba Justice
Legal Services Branch



Per: Michael Conner
Denis Guénette

THE QUEEN'S BENCH
Winnipeg Centre

THE HONOURABLE)
CHIEF JUSTICE)
GLENN D. JOYAL)

Thursday, October 21, 2021

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,
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JUDGMENT

THIS APPLICATION WAS HEARD by videoconference at the Law Courts, 408 York Avenue, Winnipeg, Manitoba on February 9 and 10, 2021, in the presence of counsel for the Applicants and the Respondents, and on May 3 to 7, 10, 12, and 13, 2021, in the presence of counsel for the Applicants, the Respondents and the Intervener.

ON READING the Notice of Application as amended and re-amended.

AND ON READING the briefs submitted by each of the Applicants and the Respondents and on hearing the submissions made by their respective counsel for the issues considered by this Court on February 9 and 10, 2021, regarding the constitutional validity of sections 13 and 67 of *The Public Health Act*, C.C.S.M. c. P210;

AND ON READING the affidavit of Dale Wohlgemuth affirmed December 14, 2020, the affidavit of Roger Thomas affirmed January 6, 2021, the affidavits of Christopher Lowe sworn December 30, 2020 and March 25, 2021, the affidavits of Thomas Rempel affirmed January 7 and March 26, 2021, the affidavits of Riley Toews affirmed January 5 and March 24, 2021, the affidavits of Tobias Tissen affirmed January 5 and March 26, 2021, the affidavits of Ross MacKay affirmed January 4 and April 1, 2021, the affidavits of Dr. Jay Bhattacharya sworn January 5 and March 31, 2021, the affidavit of Dr. Thomas Warren sworn March 30, 2021, the affidavit of Dr. Joel Kettner sworn April 1, 2021, the affidavit of David Hersey sworn April 20, 2021, the affidavits of Dr. Jared Manley Peter Bullard affirmed March 5 and April 29, 2021, the affidavits of Dr. Carla Loeppky affirmed March 4 and April 30, 2021, the affidavits of Dr. Jason Kindrachuk affirmed March 2 and April 29, 2021, the affidavit of Szilveszter Jozsef Komlodi affirmed March 5, 2021, the affidavits of Lanette Siragusa affirmed March 5 and April 30, 2021, the affidavits of Dr. Brent Roussin affirmed March 8 and April 30, 2021, and the affidavit of Dr. James Blanchard affirmed April 20, 2021; and on hearing the cross-examinations of each of Tobias Tissen, Dr. Jay Battacharya, Lanette Siragusa, Dr. Jason Kindrachuk, Dr. Carla Loeppky, Dr. James Blanchard, Dr. Brent Roussin, Dr. Jared Manley Peter Bullard, Dr. Thomas Andrew Warren, and Dr. Joel Kettner;

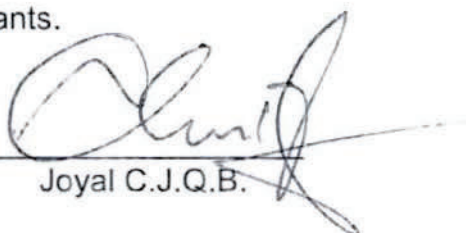
AND ON READING the briefs submitted by counsel for each of the Applicants, the Respondents, and the Intervener, and on hearing submissions of counsel for each of the Applicants, the Respondents, and the Intervener as it relates to the validity or operability of the following public health orders made pursuant to section 67 of *The Public Health Act*: Order 1(1) of the COVID-19 Prevention orders made on November 11, 2020 (as it relates to the limit on outdoor gatherings); Orders 1(1), 2(1), 15(1) and 15(3) of the COVID-19 Prevention orders made on November 21, 2020; Orders 1(1), 2(1), 16(1) and

16(3) of the COVID-19 Prevention orders made on December 22, 2020; and Orders 1(1), 2(1), 16(1) and 16(3) of the COVID-19 Prevention orders made on January 8, 2021.

THIS COURT ORDERS THAT:

1. The Applicants' challenge to the constitutional validity of sections 13 and 67 of *The Public Health Act*, C.C.S.M. c. P210 is dismissed.
2. The Applicants' challenge on constitutional and administrative law grounds to the validity or operability of Order 1(1) of the COVID-19 Prevention orders made on November 11, 2020 (as it relates to the limit on outdoor gatherings); of Orders 1(1), 2(1), 15(1), and 15(3) of the COVID-19 Prevention orders made on November 21, 2020; of Orders 1(1), 2(1), 16(1) and 16(3) of the COVID-19 Prevention orders made on December 22, 2020; and of Orders 1(1), 2(1), 16(1) and 16(3) of the COVID-19 Prevention orders made on January 8, 2021, is dismissed.
3. There is no order of costs against the Applicants.

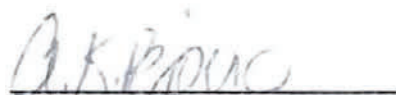
February 11, 2022



Joyal C.J.Q.B.

APPROVED AS TO FORM:

For the Applicants:



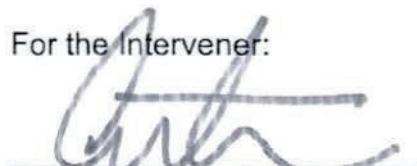
Per. Allison Pejovic
Pejovic Law

For the Respondents:



Per: Michael Conner/ Denis Guénette
Manitoba Justice, Legal Services Branch

For the Intervener:



Per. André Schutten
The Association for Reformed
Political Action (ARPA) Canada