



# Justice Centre for Constitutional Freedoms

July 6, 2018

VIA EMAIL AND FACSIMILE

Vali Marling,  
General Manager, Anvil Centre  
777 Columbia Street  
New Westminster, BC V3M 1B6  
Fax: 604 549 0776

Dear Ms. Marling:

***RE: Unlawful Cancellation of Rental***

We write on behalf of The Redeemed Christian Church of God BC, as represented by Grace Chapel. The Anvil Centre has cancelled a rental booking for a conference Grace Chapel had contracted with the Anvil Centre to host at the Centre on July 21, 2018. The cancellation was affected unlawfully and is an unjustifiable infringement of the constitutionally-protected freedom of expression.

We request the cancellation be reversed and that the Anvil Centre adhere to its contractual and constitutional obligations to permit Grace Chapel to proceed with its conference on July 21.

**Background**

Grace Chapel is a parish of the BC Redeemed Christian Church of God located in downtown New Westminster. Part of Grace Chapel's vision is to "build a multi-ethnic, diverse church where people of every nation in our community will worship God together in unity of the Spirit and will in turn impact their communities for Christ". In an effort to fulfill this vision, Grace Chapel serves the local community in various ways, such as regularly providing breakfast to homeless individuals.

On May 25, 2018, the leadership of Grace Chapel executed a contract with the City of Westminster to rent a portion of the Anvil Centre, which is a conference centre owned and operated by the City. The rental was for a religious youth conference called "Get a Grip", which was to be held on July 21, 2018. The theme for the conference is "LGBT: Let God Be True". The focus of the conference is to consider Biblical views regarding sexuality and identity issues. The conference is to be attended by youth and young adults aged 13-25.

Grace Chapel does not have a church building of its own. Church events are held in rented spaces throughout New Westminster, including the Anvil Centre.

On June 21, 2018, Grace Chapel received an email from Anvil Centre Director of Sales & Marketing, Heidi Hughes. Ms. Hughes stated that the Anvil Centre was reneging on the contract and cancelling the rental. The Anvil Centre had not expressed any concerns regarding Grace Chapel or the conference prior to June 21. The email stated:

We became aware today, that one of your event speakers / facilitators, Kari Simpson, highlighted for your July 21st, 2018 event, vocally represents views and a perspective that run counter to City of New Westminster and Anvil Centre booking policy.

Specifically Anvil Centre booking policy restricts or prohibits user groups if they promote racism, hate, violence, censorship, crime or other unethical pursuits. In accordance with our policy we are informing you that we are cancelling your booking and will immediately process a refund for the entirety of your booking fee.

Ms. Hughes did not state how the inclusion of a particular speaker at the conference caused Grace Chapel to “promote racism, hate, violence, censorship, crime or other unethical pursuits”, or how it is possible that this speaker’s “views” or “perspective” could contravene the Anvil Centre Booking Policy.

### **The *Charter* Guarantees Freedom of Expression**

The *Canadian Charter of Rights and Freedoms* guarantees Canadians the “fundamental freedoms” of expression, association, conscience and religion. As a government facility that is regularly used for expressive and associative activities, such as conferences, the Anvil Centre cannot deny use of its facilities in a manner that unjustifiably infringes the freedoms protected by section 2 of the *Charter*.<sup>1</sup>

The Anvil Centre is constitutionally prohibited from restricting expression on its premises, religious or otherwise, on the basis of the content of the expression. It cannot justify censorship by simply labelling expression it disapproves of as “racist” or “hateful”. Saying so does not make it so. Neither the leadership of Grace Chapel nor any of the conference speakers has in the past, or will on July 21, “promote racism, hate, violence, censorship, crime or other unethical pursuits”.

The Anvil Centre is legally obligated to uphold, as part of the freedom of expression, the right of citizens to hear and consider all views and perspectives. Section 2(b) of the *Charter* protects the right to receive expressive material as much as it does the right to speak.<sup>2</sup> By cancelling the rental, the Anvil Centre unjustifiably infringed the constitutional right of those intending to attend the conference to receive information, and to listen and consider diverse opinions on topics of interest to them.

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<sup>1</sup> *Greater Vancouver Transportation Authority v. Canadian Federation of Students — British Columbia Component*, 2009 SCC 31, at paras. 41-44.

<sup>2</sup> *Harper v. Canada (Attorney General)*, 2004 SCC 33, at paras. 17-18; *Little Sisters Book & Art Emporium v. Canada (Minister of Justice)*, 2000 SCC 69, at para. 41.

It is not against the public interest to hold and express diverse views regarding sexuality.<sup>3</sup> Further, governments at all levels are precluded from favouring any one belief system over another, including beliefs regarding sexuality and gender, and from discriminating against the expression of minority beliefs.<sup>4</sup>

Difficult though some may find the issues of human sexuality and gender, there must be room for free and open discussion about such issues, including religious, ideological and conscientiously-held beliefs regarding such issues. Peaceful, public expression regarding issues of sexuality and gender is entitled to protection under the fundamental Canadian value of free expression, even if such expression is unpopular or makes some people feel uncomfortable.

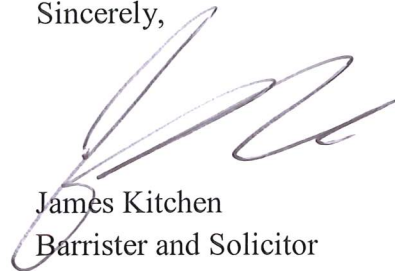
### **Conclusion**

Canada is a diverse, pluralistic, free and democratic society, not a police state where the “wrong” opinions are suppressed by an authoritarian government. We request that the Anvil Centre reverse its arbitrary cancellation of Grace Chapel’s July 21<sup>st</sup> rental.

Considering the urgent nature of this matter, we request a response from the Anvil Centre no later than the close of business on July 11, 2018.

Govern yourselves accordingly.

Sincerely,

A handwritten signature in dark ink, appearing to read 'James Kitchen', is written over a horizontal line.

James Kitchen  
Barrister and Solicitor

cc: Grace Chapel

Heidi Hughes, Anvil Centre Director of Sales & Marketing

New Westminster Mayor Jonathan X. Côté

City Councillors Bill Harper, Patrick Johnstone, Jaimie McEvoy, Chuck Puchmayr, Mary Trentadue, and Lorrie Williams

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<sup>3</sup> *Civil Marriage Act*, SC 2005, c 33, preamble; s 3.1.

<sup>4</sup> *Mouvement laïque québécois v Saguenay (City)*, 2015 SCC 16, at paras. 71-75.