



Justice Centre

for Constitutional Freedoms

April 13, 2020

Sent via email to executive@saskhealthauthority.ca

Saskatchewan Health Authority
Scott Livingstone, CEO
Saskatoon City Hospital
701 Queen Street
Saskatoon, SK S7K 0M7

Dear Mr. Livingstone:

Re: Illegal and unjustified violation of *Charter* freedoms

We write to express our concern with recent actions of the Saskatchewan Health Authority which have unjustifiably violated citizens' *Charter* freedoms of peaceful assembly, association and religion.

According to public news reports,¹ the Saskatchewan Health Authority deemed a planned drive-in Easter service in Nipawin to be a "mass gathering" prohibited by Saskatchewan's current Public Health Order. This drive-in religious service had been meticulously planned so as not to violate the Public Health Order, and had also been approved by municipal officials.

The concept of a drive-in religious service is a creative way that faith communities can carry out their religious services and provide community and encouragement to parishioners while ensuring compliance with social distancing measures. Attendees stay in their cars and tune into the live service via their radios. Many such services occurred without incident across Canada this past weekend with reported success.²

The reason provided for Saskatchewan Health Authority's cancellation of similar services was ostensibly its concern that people would leave their vehicles and engage in personal interactions without social distancing. This explanation is based on a suspicion of a mere hypothetical that was deliberately rejected by the church in its meticulous plan for conducting the Easter service, which provided for participants to be exclusively in their vehicles. If the Saskatchewan Health Authority consistently applied this same approach equally to the entire province, it would lead to a ban on all public parking during the Covid-19 outbreak.

Citizens across the country are attempting, in a good-natured manner, to comply with the extraordinarily restrictive measures which have been imposed. Some of these measures are arguably justifiable, depending on their scope and duration. The Covid-19 outbreak does not, however, suspend the exercise of the *Charter*. The restriction of public religious gatherings in which people exclusively occupy their personal vehicles on a parking lot while worshipping is irrational, unnecessary and not a minimal impairment of *Charter* rights. Government authorities like the Saskatchewan Health Authorities may only infringe Canadians'

¹ <https://www.cbc.ca/news/canada/saskatchewan/drive-in-easter-sunday-service-nipawin-saskatchewan-covid-19-coronavirus-1.5529917>

² <https://edmonton.ctvnews.ca/it-was-uplifting-church-marks-easter-with-drive-in-service-1.4893279;>
<https://www.cbc.ca/news/canada/nova-scotia/church-holds-drive-in-easter-service-in-nova-scotia-1.5530291>

constitutional rights if the government authority can demonstrate a pressing and substantial justification for doing so. There is no justification for prohibiting people from parking in the same parking lot for a “drive-through” religious service when drive-through restaurant windows and grocery stores are open.

We request an immediate response from you confirming that the Saskatchewan Health Authority has rescinded its decision to deem drive-in religious services a violation of the Public Health Order.

Sincerely,



for: Jay Cameron
Litigation Manager
Justice Centre for Constitutional Freedoms

cc: Scott Moe, Premier of Saskatchewan