



April 24, 2020

Sent via email to [info@aylmerpolice.com](mailto:info@aylmerpolice.com)

Aylmer Police Department  
20 Beech St. East  
Aylmer, ON N5H 3H6

Attention: Police Chief Zvonko Horvat

Dear Sir:

**Re: Restrictions on Drive-In Religious Services Violate the Charter**

We have been retained by The Church of God in Aylmer (“the Church”).

We write to express our concern with your recent statements to *The London Free Press*<sup>1</sup> in which you declare that you have instructed officers to lay charges under the provincial *Emergency Measures and Civil Protections Act*, should the Church proceed with a drive-in service.

This is notwithstanding that such a service was successfully conducted at the Church on the two preceding weekends, to the complete satisfaction of your officers who attended on both occasions.

According to this news article, you have deemed any further drive-in church services in Aylmer to be in breach of emergency orders banning gatherings of more than five people.

These services have been meticulously planned to avoid any breach of public health concerns. All congregants will remain in their own vehicles, which are themselves spaced out in the parking area. No one is permitted to enter the church building, even to use the washroom facilities. Only five people will be on the platform to conduct the service, maintaining proper social distancing the entire time. Congregants will have the service broadcast into their vehicles over FM radio.

We would suggest that the measures taken by the Church provide much more safety to public health than long lineups of people waiting to get into the liquor store, or sitting in their vehicles bumper to bumper at the Tim Horton’s drive-thru – all permitted activities.

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<sup>1</sup> <https://bit.ly/3eNr9lg>

To many citizens in your community, religious services are anything but “non-essential”. While most people recognize that we are in challenging times, and that we must all make sacrifices for the greater good, creative efforts to arrive at solutions which uphold citizens’ fundamental freedoms of peaceful assembly, association, conscience and religion as guaranteed by our *Canadian Charter of Rights and Freedoms*, while at the same time respecting the need for social distancing, should be encouraged rather than arbitrarily banned and fined. Many such services have occurred without incident across Canada with success, as reported in the media.<sup>2</sup>

In Saskatchewan, the Health Authority recently cancelled drive-in Easter gatherings over apparent concerns that people would leave their vehicles and engage in personal interactions without social distancing. This explanation was purely hypothetical and unfounded, and when our organization, the Justice Centre for Constitutional Freedoms, brought this unreasonable heavy-handedness to the attention of the Saskatchewan Premier, Scott Moe, the guidance was quickly changed to permit drive-in services, provided certain conditions were met.<sup>3</sup>

As you can see from Saskatchewan’s new guidance<sup>4</sup>, authorities were able to find a way to accommodate the religious needs of the community with the task of maintaining social distancing in a satisfactory manner to all. This is the sort of important public relations work that is needed by authorities such as yourself, to ensure the continued goodwill of the citizenry to accept what would otherwise be considered draconian, unreasonable limits on our fundamental freedoms.

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 on 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 Aylmer Police Department may only infringe Canadians’ constitutional rights if such authorities 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-in religious service when drive-thru restaurant windows and grocery stores are open.

To ensure that you are satisfied that the event will proceed in a safe manner, as it did on the previous two Sundays, the Church is willing to hire two off-duty police officers at its own expense to assist in maintaining social distancing at the event.

We request an immediate response from you confirming that the Aylmer Police Department has rescinded its decision to ticket the church and its members, provided they abide by the conditions set out herein.

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<sup>2</sup> <https://bit.ly/2S0Er4c>; <https://bit.ly/2S5e5Os>

<sup>3</sup> <https://www.jccf.ca/saskatchewan-government-reverses-course-allows-drive-in-religious-services/>

<sup>4</sup> <https://www.saskatchewan.ca/government/news-and-media/2020/april/18/covid-19-update-april-18>

Sincerely,



**Lisa D.S. Bildy, JD, BA**  
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*"Defending the constitutional freedoms of Canadians"*

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