



# Justice Centre

for Constitutional Freedoms

September 18, 2020

Via email: [health.minister@gov.ab.ca](mailto:health.minister@gov.ab.ca)

Hon. Tyler Shandro  
Minister of Health  
423 Legislature Building  
10800 – 97 Avenue  
Edmonton, AB T5K 2B6

Dear Minister Shandro,

**RE: *Arbitrary and Harmful Quarantine Requirement in Alberta***

We write on behalf of [REDACTED], a resident of Alberta and owner of a small business. In order to keep her business operational, she was required to travel to Mexico on September 9, 2020.

Ms. [REDACTED] is also the proud owner of [REDACTED], an energetic 80-pound year-old Golden Retriever (see enclosed pictures). Taking Cooper for his much-needed daily walks has been important and necessary for Ms. [REDACTED]' own physical and mental health during the lockdown.

On September 17, 2020, Ms. [REDACTED] called Alberta Health Services to confirm that upon her return, she could still walk her dog in her quiet neighbourhood provided she avoided any contact or proximity with other people. To her distress, Ms. [REDACTED] was informed that for the entirety of her 14-day mandatory quarantine required by section 3(a) of CMOH Order 05-2020, she is not permitted to take a walk, even to walk her dog alone. She was informed that this isolation requirement would not change even if Ms. [REDACTED] tested negative for COVID-19.

The express restriction on taking a walk, even while physically distanced from other people, is not found in CMOH Order 05-2020. Upon further review, this overbroad interpretation of the requirement to quarantine appears to only be found in the enclosed COVID-19 information sheet, published by the Government of Alberta back in March 2020. This information sheet does not have the force of law.

Regardless, preventing Ms. [REDACTED] from leaving her home to walk alone with her dog is a serious infringement of her personal liberty as protected by section 7 of the *Canadian Charter of Rights and Freedoms*. Ms. [REDACTED] has not committed any crime, yet she has been informed that she is to be incarcerated in her home. House arrest is used in the criminal context for a reason: it is a punishment. Its use can only be justified in accordance with the requirements of due process and, in a criminal context, after conviction for an offence on the “beyond a reasonable doubt” standard. None of these safeguards are in place in the instant circumstance.

We write to seek your written confirmation that Ms. [REDACTED] will not be subject to penalty or punishment from the Alberta Government for responsibly exercising her *Charter* rights by walking her dog in her neighbourhood in a manner ensuring over two metres of physical distancing from any other people.

We require your response no later than September 25, 2020.

Sincerely yours,



Marty Moore

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Enclosures

cc: Dr. Deena Hinshaw, Chief Medical Officer of Health