



Justice Centre

for Constitutional Freedoms

December 1, 2020

Sent via email

Hon. Brian Pallister
Premier of Manitoba
204 Legislative Building
450 Broadway
Winnipeg, MB R3C 0V8

Dear Premier Pallister,

I write on behalf of a coalition of faith leaders in Manitoba who are concerned about the harsh government restrictions on religious gatherings.

Currently, places of worship are closed, and you have recently prohibited drive-in church services.

Faith groups have gone above and beyond to comply with restrictions and intrusive public health requirements over the past challenging nine months. 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 services have successfully occurred without incident across Canada.

The stated reason provided by Dr. Brent Roussin in his cancellation of drive-in church services was his concern that people might hypothetically leave their vehicles to use the restroom facilities at the church. Aside from being purely speculative in nature, this explanation completely ignores the fact that Manitobans are free to park in large numbers at big-box stores such as Costco and Walmart, where they exit their vehicles and often stand outside together in large lineups. Customers at these stores are also permitted to use the restroom facilities. If safety is not an issue in big-box store parking lots, why is it an issue at church parking lots, where most families in vehicles will stay inside to listen to the service on the radio?

There is no scientific or medical justification to prohibit drive-in church services when the same, or even riskier behavior in terms of hypothetically transmitting Covid-19 is permitted by the Province of Manitoba at big-box stores.

Citizens across the country are attempting to comply with the extraordinarily restrictive and draconian measures which have been imposed. The Covid-19 pandemic does not, however, suspend the operation 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, indefensible, and clearly not a minimal impairment of *Charter* rights. The Province of Manitoba may only infringe Canadians' 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-in" religious service when big-box store parking lots and drive-through restaurant windows are open for business. And even if those parking lots were also closed to the public, there is no evidence that Covid-19 can spread between parked vehicles with closed windows.

We request an immediate response from you confirming that the Province of Manitoba has rescinded its decision to deem drive-in religious services a violation of the November 22, 2020 Public Health Order.

If we have not heard from you by the end of the day on Thursday, December 3, 2020, we will file an Injunction Application for an immediate hearing on the issue of drive-in religious services.

We look forward to hearing from you.

Sincerely,



**Allison Kindle Pejovic,
Staff Lawyer, Justice Centre for Constitutional Freedoms**

Tel: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

"Defending the constitutional freedoms of Canadians"

cc. [REDACTED], Constitutional Law Section, Legal Services Branch, Manitoba Justice, via email: [REDACTED]