

SUPERIOR COURT OF JUSTICE – ONTARIO

RE: The Church of God of Aylmer and Heinrich Hildebrandt, Applicants

AND:

Ontario (Attorney General) and Aylmer Police Service, Respondent

BEFORE: Campbell J.

COUNSEL: Lisa D.S. Bilty, for the Applicants

HEARD: Considered in chambers

ENDORSEMENT

- [1] The Applicants have commenced a proceeding by way of Notice of Application issued May 11, 2020. They seek a number of forms of relief including a declaration that regulations under the Emergency Management and Civil Protection Act violate the Applicant’s freedom of peaceful assembly guaranteed by section 2(c) of the *Canadian Charter of Rights and Freedoms* and that the violation is not justified under section 1 of the *Charter*. They also seek an interim injunction enjoining the Respondent Aylmer Police Service from enforcing or relying on the regulations.
- [2] The Applicants have requested that the Application be heard on an urgent basis in an email forwarded to the Court on May 13, 2020. Counsel for the Applicants submit that the matter is urgent because it concerns the violation of the fundamental *Charter* right and the violation is not justified under section 1 of the *Charter*. They state they are seeking “clarity on the issue as to whether churches and other faith-based institutions may hold ‘drive-in’ services which adhere to the intent of the public health measures.”
- [3] In these circumstances, before determining the issue of urgency, I direct the Applicants to prepare a motion for an interim injunction and supporting material. The Application and motion are to be served on the Respondents. Once served, arrangements can be made with me through the Trial Coordinator, to consider the issues of urgency and case management of the Application. Communication with the Trial Coordinator will be by email addressed to the Court at the email address St.Thomas.SCJ@ontario.ca.

