

The Docket

Christmas 2020



Justice Centre
for Constitutional Freedoms

Free speech victory for Edmonton man ticketed for peaceful public expression

On October 20, the Justice Centre successfully defended Dale Malayko, a retired Edmonton firefighter, at a trial at the Provincial Court of Alberta. Malayko had been issued an Edmonton noise bylaw ticket for peacefully expressing his opinions on a public sidewalk. Mr. Malayko is part of a centuries-old tradition of “street preaching” and offers free Bibles to those who pass by. The Court ruled that Mr. Malayko’s street preaching is not in fact “a noise that disturbs the peace of another” and threw out the ticket.



Landowners appeal court ruling that would remove trailer signs on private land and violate free expression

With the help of the Justice Centre, Foothills County landowners and a local advertising business, Spot Ads Inc., are appealing an Alberta court ruling that would force the removal of all trailer signs on private property within the County. The County bars both political and commercial expression on trailers on private property, while simultaneously permitting large billboards next to public roads. The Court of Queen’s Bench ruled on September 8, 2020, that although Foothills County’s bylaw violates freedom of expression, the County’s subjective view of aesthetics justifies the violation. The Alberta Court of Appeal is expected to hear this appeal in 2021.



City of London warned after slapping business with \$880 ticket for welcoming mask-exempt customers

The Justice Centre issued a legal warning against the City of London, Ontario, not to carry out its threat to issue daily fines to a small business owner for posting a sign welcoming mask-exempt customers to her small store. On October 16, Heather Rulton was ticketed \$880 for posting a sign on her door that states her business does not ask customers to explain why they are not wearing a mask. Unless the City of London withdraws this ticket, the Justice Centre will defend Ms. Rulton and her freedom of expression in court.



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Yaniv sues a female-only beauty pageant for discrimination

Since 2018, Jessica Yaniv, born Jonathan Yaniv, a biological male and now self-identifying as a female, has filed more than sixteen human rights complaints with the BC Human Rights Tribunal against small salons run mostly by immigrant women who refused to provide Yaniv with a “Brazilian” bikini wax. The women had informed Yaniv that they do not wax male genitalia due to personal discomfort, safety concerns, lack of training and/or religious objections. Yaniv alleged discrimination on the basis of gender identity and gender expression.



The Justice Centre represented several of these women, without charge (as we do for all clients), and Yaniv’s complaints were dismissed in 2019. Yaniv was ordered to pay \$6,000 in costs to the women. Two more similar complaints filed against other women in January 2020 were withdrawn by Yaniv in September, after learning the Justice Centre would represent those women.

Meanwhile, Yaniv has filed a new human rights complaint against Canada Galaxy Pageants, a beauty pageant for women and girls, after being informed that the pageant accepts only biological women and girls, as well as fully transitioned transgender contestants who no longer possess male genitalia. All of the contestants in the Pageant, including girls as young as six, change their clothing and undress in common areas. No males, including contestants’ fathers, are allowed in that space, to protect the safety, privacy and comfort of the contestants. Contestants from teens and up also compete in a swimwear category. The Justice Centre represents the Pageant and will argue that women and girls have the right to female-only safe places.

Governments asked to provide evidence that lockdowns do more good than harm

Government data and statistics show that COVID-19 is a serious threat to elderly people with serious pre-existing health conditions it also threatens a very small number of people under 60. COVID-19 does not have a significant impact on overall life expectancy. For example, in Alberta the average age of those reported as COVID-19 deaths is 83, whereas life expectancy is 82. As of late November 2020, 400 Albertans had died of COVID-19, in the context of 27,000 Albertans dying each year. The Justice Centre has asked provincial governments to provide specific data on the harms inflicted on Canadians by the cancellation of medically necessary surgeries that have resulted from lockdown measures. The *Canadian Charter of Rights and Freedoms* requires governments to show that lockdown measures are actually doing more good than harm.



Thanks to your faithful and generous support, the Justice Centre is able to defend the constitutional freedoms of Canadians.

#253, 7620 Elbow Drive SW, Calgary, AB, T2V 1K2 | 403-475-3622 | info@jccf.ca

