

COURT FILE NUMBER 2103.00079

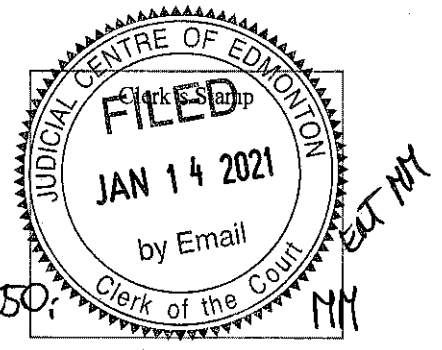
COURT QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

APPLICANT ALBERTA HEALTH SERVICES

RESPONDENT GRACE LIFE CHURCH OF
EDMONTON AND JAMES COATES

DOCUMENT **ORIGINATING APPLICATION**



\$250;
Inv. 037066 JC

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Alberta Health Services
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To appear by video:
<https://www.albertacourts.ca/qb/court-operations-schedules/scheduling>
Civil Chambers - Virtual Courtroom 50 (ELC QB)
To appear by telephone:
Dial In Number: 780-851-3573
Access code: 969 378 739

NOTICE TO THE RESPONDENT

This application is made against you. You are a respondent.
You have the right to state your side of this matter before the Court.
To do so, you must be in Court when the application is heard as shown below:

Date January 21, 2021

Time 10:00 a.m.

Where Law Courts
1A Sir Winston Churchill Square
Edmonton, AB

Before Whom Presiding Justice in Chambers

Go to the end of this document to see what you can do and when you must do it.

Basis for this claim:

1. The Respondent, James Coates is the Pastor of Grace Life Church of Edmonton, 51529A Range Road 262, Parkland County, Alberta (the "Church"). The Church is not compliant with the Chief Medical Officer of Health ("CMOH") of Alberta's Records of Decision – CMOH 26-2020 and 42-2020 pursuant to the *Public Health Act*, RSA 2000, c P-37 ("the Act"), in response to a public health emergency.
2. Pursuant to the Act, the Applicant issued a written Order of an Executive Officer on December 17, 2020 requiring that Respondents comply with the above orders of the CMOH.
3. The Respondents have not complied with the Order of an Executive Officer issued with respect to the Premises.

Remedy sought:

4. An Order allowing this application to proceed with an abridgement of time for service of this application, an order declaring that service is in order or, in the alternative, proceeding on an *ex parte* basis pursuant to section 66.2 of the Act, if necessary;
5. An Order stating that the Respondents and any other persons operating or attending at the Property shall:
 - a. Comply with the terms of the Executive Officer's Order, dated December 17, 2020; and
 - b. Comply with the provisions of the Act, and CMOH Orders 26-2020 and 42-2020.
6. An Order that the Respondents and any other person at the Property, shall grant access to any Executive Officer (as defined in the Act) to allow him or her to attend the Property, without notice, during the hours of 8:00 a.m. to 8:00 p.m. to allow the Executive Officer to exercise his or her powers under sections 59 and 60 of the Act;
7. An Order that, in the event the Respondents or any other person refuses to grant any Executive Officer access to the Church or hinders or interferes with the Executive Officer in the exercise of his or her powers, then any member of any Police Service, as defined in

the Police Act, RSA 2000, c. P-17, (“Law Enforcement”), is directed to accompany and assist the Executive Officer and use such reasonable force as they consider appropriate to gain access to the Property and allow the Executive Officer (or anyone assisting the Executive Officer) to exercise his or her power pursuant to sections 59 and 60 of the Act;

8. An Order that, upon the Respondents or any other person being in breach of the terms of the Court’s Order, the Applicant may, bring him or her at the earliest possible time before a Justice of the Court of Queen’s Bench to show cause why he or she should not be held in contempt of Court, provided that such person shall have been previously served with a copy of the Court’s Order by a member of Law Enforcement or an Executive Officer and, upon being given an opportunity to do so, does not thereafter obey the Court’s Order; and
9. Should the Respondents be unrepresented, an Order invoking rule 9.4(2)(c), such that the Respondents’ approval of the form of Order would not be required.
10. Such further and other relief as the Court deems appropriate.

Affidavit or other evidence to be used in support of this application:

11. Affidavit of Executive Officer Janine Hanrahan, sworn on January 14, 2021, filed, and
12. Such further and other material as counsel may advise and the Court permits.

Applicable Acts and regulations:

13. Sections 29(2)(b)(i), 59, 60, 62, 66.2, 71 of the *Public Health Act*,
14. Rules 3.8 – 3.14, 6.3, 6.4 and 13.5 of the *Alberta Rules of Court*, Alta Reg 124/2010.

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant and against all persons claiming under the applicant. You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant is entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form. If you intend to rely on an affidavit or other evidence when the originating application is heard or considered, you must reply by giving reasonable notice of that material to the applicant.