

Clerk's Stamp:

COURT FILE NO. 2103-00079
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE EDMONTON
APPLICANT ALBERTA HEALTH SERVICES
RESPONDENTS GRACE LIFE CHURCH OF EDMONTON and JAMES COATES
DOCUMENT **AFFIDAVIT OF ROBERT CHOMIAK**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Justice Centre for Constitutional Freedoms #253, 7620 Elbow Drive SW Calgary, AB T2V 1K2
Attention: James S. M. Kitchen
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AFFIDAVIT OF ROBERT CHOMIAK

SWORN ON JANUARY 20, ~~2020~~ ²⁰²¹ 

I, Robert Chomiak, of the City of Edmonton, in the Province of Alberta, have personal knowledge of the following or I am informed and do verily believe that:

1. I am a member of Grace Life Church ("Grace Life") and my family regularly attends Grace Life for Sunday morning services. The Grace Life church building is located just outside of Edmonton (the "Church Building"). I sometimes serve Grace Life by performing specified duties.

December 13, 2020

2. On the morning of Sunday, December 13, I volunteered to assist managing the parking lot and front doors of the Church Building.

3. I arrived at Church Building at 9:00AM on the morning of Sunday, December 13. As I arrived, I observed two parked RCMP vehicles across the road, with an officer inside each vehicle.
4. The regular Grace Life Sunday morning service began at 10:30AM. Shortly after 10:30AM, the two RCMP vehicles and a third vehicle I believed was a government vehicle drove into the Church Building parking lot. The two RCMP officers and a government official got out of the vehicles and approached the Church Building. I and two other members of the church met the officers and official at the front door and began a conversation with them. These men were Adam Pilidge and Scott Tucker, who is a Deacon at Grace Life.
5. The officers indicated they wanted to enter the Church Building and escort the official with them. At this time, I learned the official was a health inspector with Alberta Health Services.
6. I explained to the officers that we at Grace Life considered the uninvited entry of police officers and government officials into the Church Building during our worship service to be a disturbance and a breach of section 176 of the *Criminal Code of Canada*. Attached to this affidavit as Exhibit "A" is a copy of section 176 of the *Criminal Code*.
7. One of the RCMP officers, who I learned was Officer Unger, responded by stating that he was authorized to arrest anyone that attempted to prevent his access to the Church Building. He further stated that he and the other officer were going to escort the health inspector inside the building so she could take a look around.
8. One of the Grace Life men with me, Scott Tucker told the officers that we would not attempt to prevent them entry into the Church Building, but that we wanted them to know they were not entering with our approval.
9. At no time during this visit did the RCMP officers or the AHS officer state that they were not there to interrupt the worship service.

10. The two officers and the health inspector entered the Church Building and I and the two men with me followed after them. Immediately upon the officers entering the building, several Grace Life attendees inside began filming the officers with their cell phones. I observed Officer Unger becoming agitated and telling the people around him to stay back.
11. I walked with the RCMP officers and the health inspector toward the auditorium. The health inspector and I engaged in a conversation regarding our auditorium's seating capacity. As the conversation progressed, I explained that at Grace Life, we do not hold multiple services because we believe it is wrong to break up the full body of Christ into two or more groups. I explained that we believe the full body of Grace Life believers must meet together for worship, participating in the sacraments of Baptism and the Lord's Supper and for much-needed fellowship.
12. The health inspector indicated she wanted to stay to observe the service. I asked if she and the RCMP officers could move to the balcony to observe the service from there as it would be less disruptive. She agreed and we went up to the balcony.
13. As I, the two Grace Life men with me, the health inspector and the two officers went upstairs, our conversation continued and we discussed social distancing and other government restrictions regarding COVID. I further explained how the restrictions interfere with our ability to practice our religious beliefs.
14. At this point, Officer Unger asked if we were concerned about everybody in the church getting a fine. We explained that the Pastor of Grace Life and the Board of Elders have carefully and repeatedly informed all our members of the relevant government restrictions with the goal of everyone who decides to attend understanding that attending comes with a risk of a fine or some other penalty.
15. After the service started, the health inspector indicated she wanted to take pictures of the congregation and the worship team. I asked if this was a violation of privacy because she had not obtained permission from those she was about to photograph. She responded that the public health orders override the privacy issues and she was allowed to take pictures

of anything she deemed necessary. She proceeded to take pictures of the worship team as they started to sing.

16. After taking the pictures, the health inspector said she was ready to leave. I, she, the men with me and the officers left the balcony and headed toward the front doors. The officers and the health inspector left, and the worship service continued.

December 20, 2020

17. On December 20, I arrived at church between 8:30 am and 9:00 am to be able to monitor the doors and the people who were coming into the Church Building.
18. Two RCMP vehicles and another vehicle arrived at our church and the occupants got out and approached the front door of the church. James Coates, myself and some ushers met them at the front doors.
19. James Coates interacted with the AHS inspector and indicated that he considered it unlawful for them to enter the building because to do so would be disruptive to the worship service that was starting, which is contrary to section 176 of the *Criminal Code of Canada*. He then indicated that we would allow the AHS inspector entrance into the church because we were threatened with arrest last time the AHS inspector and the RCMP officers were present.
20. We then escorted the AHS inspector and RCMP officers into the building and this time we took them straight up to our balcony where they are able to observe the auditorium.
21. During this visit they displayed a different attitude than their previous visit and said they did not want to interrupt our worship service.
22. The AHS inspector did not take any photos but wrote notes as the service was beginning.
23. One of the RCMP officers noted how nice it was to see families together again and how amazing it looked to see people interacting with each other.
24. After the worship service began the RCMP officers and AHS inspector left the building.

December 27, 2020

25. On December 27, 2020, I arrived at church between 8:30 am and 9:00 am to be able to monitor the doors and the people who were coming into the Church Building.
26. Two RCMP vehicles and another vehicle arrived at our church but this time, the RCMP officers stayed out of our parking lot and the AHS inspector drove in to our parking lot.
27. James Coates and I met the AHS inspector at the door and we indicated the same stance that we had previously that we believed her to be contravening section 176 of the *Criminal Code* by interrupting and disturbing our worship service. The AHS inspector stated she did not want to disrupt the service but need to see if we were complying.
28. We allowed her entrance into the building and I escorted her up to the balcony where she took notes of the service. After the service began, she finished taking notes and left the building.

January 10, 2021

29. On January 10, 2021, I arrived at church between 8:30 am and 9:00 am to be able to monitor the church doors and the people who are coming into the church.
30. Two vehicles arrived at our church and the occupants got out and approached our front door. James Coates, myself and some ushers met them at the front doors and they introduced themselves as AHS officers and one of them stated there were from “mental health”. Upon reviewing the Affidavit of Janine Hanrahan, affirmed January 14, 2021, I believe this person to be Dr. Samantha Cheuk.
31. We again communicated our objection to them disrupting our worship service by entering the building uninvited and conducting their investigation.
32. I escorted them up to the balcony where we engaged in conversation as to why we could not comply with the AHS regulations and how our church remaining open to our full congregation would be in in line with serving our community from a mental health and spiritual perspective.

- 33. We also indicated that we have not had any COVID-19 cases or any type of outbreak during our time of meeting with our full congregation since April 2020. I asked why AHS would not want to monitor our church as to why we would be able to have that many people meeting every week, without an outbreak, to see how this was working because it obviously was.
- 34. I also asked why schools were allowed to open to full occupancy when they have been proven to have outbreaks and we were not. Especially in light of the help we would be giving to the community as far as people’s mental health and spiritual needs.
- 35. No responsive answer was provided to my questions, other than that we should comply because we could be spreading COVID-19.
- 36. After the church service began, the AHS officers left and we escorted them outside the building.
- 37. Our head of the church Ushers, Scott Tucker and myself continued to talk with both of the AHS officers and indicated that we understood that their work in this area must be challenging and we prayed with them. We told them that we did not hold any ill will towards them and understood that they were performing their work duties and hoped that under different circumstances they could come back to our church to attend a service as an invited guest.
- 38. I swear this affidavit *bone fide*, for no improper purpose.

SWORN BEFORE ME at Edmonton,)
 Alberta, this 20 day of January 2021.)



Commissioner for Oaths in and for the
 Province of Alberta

DARREN L. RICHARDS
 BARRISTER & SOLICITOR



ROBERT CHOMIAK

This is Exhibit ^{"A"} Referred to in the Affidavit of
ROBERT CHOMIAK
 Sworn before me this 20th day of JAN 2021
 A Commissioner for Courts In and for the Province of Alberta

Criminal Code (R.S.C., 1985, c. C-46)

Act current to 2020-11-17 and last amended on 2020-07-01.

Obstructing or violence to or arrest of officiating clergyman

DARREN L. RICHARDS
 BARRISTER & SOLICITOR

176 (1) Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than two years or is guilty of an offence punishable on summary conviction who

(a) by threats or force, unlawfully obstructs or prevents or endeavours to obstruct or prevent an officiant from celebrating a religious or spiritual service or performing any other function in connection with their calling, or

(b) knowing that an officiant is about to perform, is on their way to perform or is returning from the performance of any of the duties or functions mentioned in paragraph (a)

(i) assaults or offers any violence to them, or

(ii) arrests them on a civil process, or under the pretence of executing a civil process.

Disturbing religious worship or certain meetings

(2) Every one who wilfully disturbs or interrupts an assemblage of persons met for religious worship or for a moral, social or benevolent purpose is guilty of an offence punishable on summary conviction.

Idem

(3) Every one who, at or near a meeting referred to in subsection (2), wilfully does anything that disturbs the order or solemnity of the meeting is guilty of an offence punishable on summary conviction.