



S 210209

This is the 1st affidavit
of Brent Smith in this proceeding *SP SA*
and it was made on ~~December 5, 2020~~ *January 2021*

File No. _____
Vancouver Registry

In the Supreme Court of British Columbia

Between

ALAIN BEAUDOIN, BRENT SMITH, JOHN KOOPMAN, JOHN VAN MUYEN,
RIVERSIDE CALVARY CHAPEL, IMMANUEL COVENANT REFORMED CHURCH, and
FREE REFORMED CHURCH OF CHILLIWACK, B.C.

Petitioners

and

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA,
and DR. BONNIE HENRY IN HER CAPACITY AS PROVINCIAL HEALTH OFFICER
FOR THE PROVINCE OF BRITISH COLUMBIA

Respondents

AFFIDAVIT OF BRENT SMITH

I, Brent Smith, of Langley, in the Province of British Columbia MAKE OATH AND SAY
AS FOLLOWS THAT:

1. I am one of the Petitioners herein and am the Pastor of Riverside Calvary Chapel (the "Church"), and as such I have personal knowledge of the matters herein deposed to except where stated to be on information and belief and where so stated, I verily believe them to be true.
2. I was ordained as a Pastor with Calvary Chapel in 1998. I received a Diploma in Pastoral Theology in 1993 from Pacific Summit Bible College. I am currently enrolled at Western Seminary out of Portland, Oregon and am in the process of earning my Masters in Applied Biblical Leadership. I have been in full time Pastoral Ministry for the last 25 years.

Riverside Calvary Chapel

3. Riverside Calvary Chapel is an independent Evangelical church, incorporated under the *BC Societies Act*, and a registered charity with the Canada Revenue

Agency. Our Church is in association with approximately 1800 other Calvary Chapels worldwide.

4. Our Church leases space in a retail strip mall property in the Township of Langley. Our Church operates out of two separate buildings in the same strip mall property. We have our offices and classrooms for Children's Ministry and other various functions in one building, and our Sanctuary is located across the parking lot in another building. Our sanctuary has a fire code capacity of 200 people.
5. Our Church financially supports various ministries operating locally and around the world. Our Church is regularly involved in humanitarian and religious missions trips to Mexico. We also support a local church in Rwanda and various new Calvary Chapel church plants in BC.
6. Our Church maintains a benevolent fund that we use to help people in our Church that are in need.
7. Our Church members are a diverse group of people made up from all walks of life and all ages.
8. Some of our Church distinctives include expositional Bible teaching verse by verse, and contemporary worship. Our Vision/Mission Statement is as follows:

We are a fellowship of believers who exist to know-grow-and-show. Our desire is to know God, to grow in our relationship with the Lord Jesus Christ, and to show Him before the world through the power of the Holy Spirit. We believe that one key way to accomplish this is through His Word, which He has given to reveal Himself to us and to direct our lives. That is why we give great emphasis to teach His Word verse by verse, chapter by chapter and book by book in our gatherings.
9. Our Church's beliefs, which we as individual members sincerely believe and adhere to, are attached as **Exhibit "A"** to this Affidavit. As a Church and as individuals, we believe in and are governed by the Bible as the Word of God, as described particularly in the following belief:

B. WE BELIEVE that the SCRIPTURES of the Old and New Testaments are the Word of God, fully inspired without error and the infallible rule of faith and practice. The Word of God is the foundation upon which this church operates and is the basis for which this church is governed. We believe that the Word of God supersedes any earthly law that is contrary to the Holy Scriptures. (Isaiah 28:13; Nehemiah 8:8; John 17:17; 2 Timothy 3:16-17; Hebrews 4:12; 1 Peter 1:23-25; 2 Peter 1:21)

Initial Church response to COVID-19

10. In response to the onset of the COVID-19 pandemic in Spring 2020, we stopped doing in person gatherings around March 15, 2020. This was solely because of our BC Health Officials asking for all public gatherings to stop. It was a two week order that we were willing to acquiesce to since we weren't sure what we were dealing with in regard to the severity of the coronavirus. We did continue to provide online services for our members and the general public. As two weeks turned into a month, and a month into two, it became apparent that the coronavirus was not posing the threat we had been told through the media it would be.
11. Further, I observed and became increasingly aware of the negative effects not having in-person meetings was having on our Church members, including extreme loneliness for some of our members, depression, anxiety, a sense of not belonging, and not receiving in-person prayer for God to heal them. Additionally, some people in our Church were not be able to access online viewing of our services for various reasons and they were greatly affected by the inability to be together as the Church is required to do by the Bible.
12. Our Church members were desperate to be back gathering in-person and our Church leadership were contemplating opening again for in-person services.
13. Our in-person Church services resumed on May 31, 2020. Our health officials had announced that churches and public gatherings were able to open up with 50 people. To accommodate this, we held three services on Sunday mornings at 50 people each. We removed chairs from the sanctuary in order to maintain physical distancing. Hand sanitizer stations were set up throughout the Church buildings. The sanctuary was cleaned and wiped down between each service. Masks were also provided. We also added a reservation link on our website in order for people to reserve a seat. When it reached 50, then no more reservations were accepted. We complied with all the Provincial Health Orders issued by the BC Provincial Government.

Church beliefs about in-person worship services

14. Our Church believes, as do I personally, that Christians are called to assemble, in-person, for regular corporate worship services. Christians not only gather together for worship out of love toward God, but also because it is *essential* to our spiritual health and because we are *commanded* to do so (Psalm 95:1, 2; Psalm 111:1; Psalm 122:1; Acts 2:46; Ephesians 5:19; 1 Timothy 4:13; Hebrews 10:23-25).
15. The traditions and examples of God's people gathering together in the Bible show us that worship service must be corporate and public. See for example, the Scripture passages listed as **Exhibit "B"** to this Affidavit.
16. We are called to worship God in the way that He has commanded in Scripture including, though not limited to, hearing the preaching of the Word, partaking of baptism and communion, singing His praises, praying together, confessing His name, exercising church discipline, and fellowshiping with other Christians (1 Timothy 4:13; 2 Timothy 4:2; Matthew 18:15-18; Acts 2:38; 1 Corinthians 11:23-26; Ephesians 6:18; Colossians 3:16; 2 Thessalonians 3:1). The laying on of hands for ordination and healing (James 5:14, 1 Timothy 4:14, Hebrews 6:2). Many of these aspects of worship cannot be replaced by online services.
17. The Church is not made to be apart. As seen from the many Scriptures, we have been called to gather in-person. There is a dynamic at work spiritually, emotionally and in our physical well-being as we do meet regularly.
18. Some of the benefits of meeting together are, mutual encouragement, caring for one another, praying for one another and corporate worship through singing together. We have seen people who have battled with depression or loneliness be completely transformed through the connections and in person gathering at our Church.
19. Our Church takes time to pray with people. We celebrate the foundational Christian practice of partaking in communion together (taking a small portion of

grape juice and wafer together with prayer and reflection).¹ These are religious practices and spiritual aspects of community that cannot be fully replicated online in an online format.

20. I have heard time and time again from our Church members that tuning into a livestream, or video, cannot compare to being present and hearing God's Word being taught in person. There is a spiritual dynamic at work that happens as God's people gather together.

21. People attending our Church have shared with me how being able to come together for worship services has been such a positive impact on their life. And in these days where churches have been closed, these people have expressed much thankfulness for our Church being open because, as Christians, gathering together has been a life source, keeping us going through uncertain times.

22. Both my family and I have benefitted by the worship gatherings as we receive encouragement and prayer from one another. It has been a way for us to also give back by being used of the Lord to bless others. This is a key purpose of the Church, which has been likened to the body of Christ in Scripture. Everybody does their part for the benefit and strengthening of the body (the Church).

Provincial Health Order prohibiting in-person worship gatherings

23. When BC's Provincial Health Officer issued an oral order on November 19th, 2020, prohibiting in person religious gatherings, our staff and leadership team met to discuss our response and action to be taken. After prayer and discussion, we decided that we would stay open and not prohibit people from coming to Church. We continue to livestream, but for many, including myself, the livestream does not qualify as proper Church gathering and worship. The majority of our church has been thankful that we have made this decision.

24. As Christians, I and the members of our Church submit to the lawful authority of civil government in all civil matters. Throughout Scripture, but most directly in Romans 13:1-7 and 1 Peter 2:13-17, God commands Christians to be subject to

¹ We have ordered and used special individually sealed communion cups that contain both the bread and juice so that we do not have to handle these items ourselves. We have them available for people to pick up on their own as they enter into the church.

the civil government as it is appointed by God and exists for the good of all. We are called to submit to civil authority in all civil matters regardless of whether we personally agree or disagree with their directives or judgements.

25. However, this duty to obey our civil authorities ends when they command that we engage in behavior contrary to God's Word or when they prohibit what God commands us to do. Ultimately, we must obey God rather than men (Acts 5:29). Concerning the function of the Church, the Lord Jesus Christ is the head over the Church. Government authority is limited concerning the church. All authority belongs to God, and He delegates authority to the civil government, the family, and the church (1 Timothy 6:15; Ephesians 1:21, Colossians 1:18). He has set Christ as head over the church and He is our highest authority.
26. The leadership of the Church takes very seriously its responsibility in obeying God's requirement of in-person gatherings and simultaneously taking every reasonable action to support the health and well-being of our members and our community.
27. In the six months since May 2020 that the Church had been meeting, we are not aware of any case of COVID-19 being transmitted at our Church. Anyone who is experiencing sickness or COVID-19 symptoms is told not to attend our Church. We actively complied with and exceeded the BC health guidelines, as described above.
28. Since the spring, it had become much clearer, which individuals were at risk of harm from COVID-19, and many of those individuals made the personal choice not to attend our in-person services.
29. In these circumstances, we could not, in accordance with our sincere religious beliefs cancel the in-person worship gatherings of our Church. To do so, I and the other members of our Church leadership believe would have been contrary to our responsibility to God and to well-being of our Church members.
30. In making the decision to reopen, we further committed ourselves to meeting and exceeding the prior health guidelines including:
- holding three services on Sunday mornings capped at 50 people;

- maintaining a reservation link on our website in order for people to reserve a seat and provide contact information;
- ensuring seating was spaced out to maintain and exceed physical distancing requirements;
- having hand sanitizer stations were set up throughout the Church buildings;
- cleaning and wiping down the sanctuary between each service;
- ensuring that attendees were provided with clean masks;
- having elders direct orderly and socially distanced entry of persons to the sanctuary and also constantly sanitizing the entry door;
- keeping our services to an hour so as to maintain a timely flow of people in and out of the building.

31. On Sunday Nov 29, 2020, our Church was visited by two bylaw officers and six RCMP officers. One of the bylaw officers came into our church before the first service began. I talked with him and he inquired if we were having people in the service. I said we were there to livestream our services but we would not turn people away from attending in person. He called for RCMP officers and two RCMP officers came out during our first service. One of the RCMP officers called a Supervisor who came to the church along with another three officers. I was conducting the service inside and I did not have any dealings with these officers. My Assistant Pastor, Randy Dyck, was the one speaking with them.

32. A ticket for \$2300 was issued to Riverside Calvary Chapel, a copy of which is attached as **Exhibit "C"** to this Affidavit. One of the RCMP officers told Randy Dyck that they would return later that day and issue more tickets if we were still meeting. They also said that individuals attending our service would risk being ticketed as well. This information has been passed on to me from Randy Dyck.

33. For the next service, we had 2 bylaw officers come along with 3 RCMP Officers. A concerned citizen, Kari Simpson, asked the officers on what basis we were being ticketed. They were unable to show any documentation or written order by which they were ticketing us. Kari recorded her interactions with the RCMP and bylaw officers of which I have been able to watch these recordings and see all that took

place. Randy Dyck was also on the scene observing all that took place. He has also relayed to me his observations of everything.

34. The three RCMP officers huddled up with the two bylaw officers and soon after got in their cars and drove away. No ticket was issued, and no one came back for our third and last service of the day.
35. On December 5, 2020, a letter was sent on behalf of Riverside Calvary Chapel to Dr. Bonnie Henry, John Horgan, and Adrien Dix, attached as **Exhibit "D"** to this Affidavit. The letter requested our BC Health Officials to remove the order and allow churches to open up based on the Scriptural evidence laid out in this letter. The letter also indicated that our Church was meeting and would continue to stay open.
36. On Sunday, December 6, 2020, two bylaw officers drove into the parking lot of our Church. They did not get out of their vehicles. They observed members of the Church entering the building. They then drove off.
37. On Sunday, January 3, 2021, our Church was again visited by two RCMP officers who I observed parked in our parking during the service. One of the Church ushers came to me during the service and told me that the officers wanted to speak with me. I left the service and went outside to speak with them. Although I was not preaching that Sunday, the officers issued to me personally a \$2300 ticket, a copy of which is attached as **Exhibit "E"** to this Affidavit. The officers warned that more tickets could be issued if our Church continued to meet. Our Church service had ended and the people exiting our Church observed as the police were talking to me.
38. All of this police and government action has caused some of our church members to be a little hesitant to come to Church. They are not looking for any trouble and don't want to be shamed. Plus, with the threat of individual tickets has put a fear into some wondering how they would be able to pay the fine. It has caused an uneasiness in some of our members to say the least.
39. I am concerned with what appears to be an arbitrary interference with the activities of the Church when, for example, in the very same strip mall as the Church, other

activities, including a restaurant, a beauty salon and a gym remain open for in-person service.

40. We have also had to deal with some concerns from our landlord of who we lease our church space from. His concerns have been with the police showing up and the image it brings to the rest of the tenants. Not only that, but the media reports make it sound like we are breaking the law and not upholding any safety measures. We have had a wonderful working relationship with our landlord for 8 years now, and if this partnership was to go sour it would greatly hurt our Church and potentially lead to our inability to renew our lease and have an adequate space to meet.

41. I swear this Affidavit *bona fide* in support of the Petition for Judicial Review, and for no improper purpose.

SWORN BEFORE ME at the City of)
LANGLEY, in the)
Province of British Columbia, on this)
5th day of December, 2020-2021)
January 28 2021)



BRENT SMITH

A Commissioner for Taking Affidavits
within the Province of British Columbia

Lilian Cazacu Notary Public
20385 64th Avenue
Langley, BC, V2Y 1N5, Canada
(604)375-2679 www.LCnotary.ca
PERMANENT COMMISSION

A. **WE BELIEVE** that there is one living and true GOD, eternally existing in three persons: The Father, the Son, and the Holy Spirit, equal in power and glory; that this triune God created all, upholds all, and governs all. (Genesis 1:1; Deuteronomy 6:4; Matthew 28:19; John 10:30; Hebrews 9:14; 1 John 5:7)

B. **WE BELIEVE** that the SCRIPTURES of the Old and New Testaments are the Word of God, fully inspired without error and the infallible rule of faith and practice. The Word of God is the foundation upon which this church operates and is the basis for which this church is governed. We believe that the Word of God supersedes any earthly law that is contrary to the Holy Scriptures. (Isaiah 28:13; Nehemiah 8:8; John 17:17; 2 Timothy 3:16-17; Hebrews 4:12; 1 Peter 1:23-25; 2 Peter 1:21)

C. **WE BELIEVE** in GOD THE FATHER, an infinite, personal Spirit, perfect in holiness, wisdom, power and love; that He concerns Himself in the affairs of men; that He hears and answers prayer; and that He saves from sin and death all who come to Him through Jesus Christ. (Deuteronomy 33:27; Psalms 90:2; Psalms 102:27; John 4:24; 1 Timothy 1:17; Titus 1:3)

D. **WE BELIEVE** in JESUS CHRIST, God's only begotten Son, begotten not made, conceived by the Holy Spirit. We believe in His virgin birth, sinless life, miracles and teachings, His substitutionary atoning death, bodily resurrection, ascension into heaven, perpetual intercession for His people and personal, visible return to earth. (Isaiah 7:14; Micah 5:2; Matthew 1:23; Mark 16:19; Luke 1:34-35; John 1:1-2; John 8:58; John 11:25; 1 Corinthians 15:3-4; Hebrews 1:8; 1 John 1:2; Revelation 1:8)

E. **WE BELIEVE** in the HOLY SPIRIT, Who came forth from the Father and the Son to convict the world of sin, righteousness, and judgment, and to regenerate, sanctify and empower for ministry all who believe in Jesus Christ; (Acts 1:8; 2 Corinthians 3:18; John 16:8-11; Romans 15:13,16; Hebrews 9:14)

F. **WE BELIEVE** the Holy Spirit indwells every believer in Jesus Christ and that He is an abiding Helper, Teacher, and Guide. (John 14:16-17, 16:8-11)

G. **WE BELIEVE** in the present ministry of the Holy Spirit and in the exercise of all the Biblical gifts of the Spirit. (Romans 12, 1 Corinthians 12 & 14)

Lilian Cazacu Notary Public
20385 64th Avenue
Langley, BC, V2Y 1N5, Canada
(604)375-2679 www.LCnotary.ca
PERMANENT COMM. NO. 11111

H. **WE BELIEVE** that all PEOPLE are sinners by nature and choice and, therefore, are under condemnation; that God regenerates by the Holy Spirit, those who repent of their sins and confess Jesus Christ as Lord; that Jesus Christ baptizes the seeking believer with the Holy Spirit and power for service, often subsequent to regeneration. (Acts 8:15-17; Titus 3:5)

I. **WE BELIEVE** in the universal CHURCH, the living spiritual body, of which Jesus Christ is the Head and all regenerated persons are members. (1 Corinthians 12:12-13; Ephesians 4:15-16)

J. **WE BELIEVE** that the Lord Jesus Christ committed two ORDINANCES to the Church: 1) baptism, and 2) the Lord's Supper. We believe in baptism by immersion and communion open to all. (Matt. 28:19; Acts 2:38; 1 Corinthians 11:23-26)

K. **WE BELIEVE** that the institution of marriage is ordained of God, that it is a holy ordinance which serves as a model of the relationship between our Lord Jesus Christ and His bride, the church as described in the Bible. Furthermore we believe that marriage is exclusively the legal union of one man with one woman. (Genesis 2:18-24, Matthew 19:5, 1 Corinthians 7:2)

L. **WE BELIEVE** also in the LAYING ON OF HANDS for the baptism of the Holy Spirit for ordination of pastors, elders, and deacons, and for receiving the perpetuity of the gifts of the Holy Spirit. (Acts 6:6, 8:17; 1 Timothy 4:14)

M. **WE BELIEVE** in the personal, visible RETURN OF CHRIST to earth and the establishment of His Kingdom, in the resurrection of the body, the final judgment and eternal blessing of the righteous and endless suffering of the wicked. (Matthew 16:27; Acts 1:11; Revelation 19:11-16, 20: 11-15)

N. **WE BELIEVE** in a literal Heaven and a literal Hell and that all those who place their faith, hope and trust in Jesus Christ will spend eternity in Heaven with the Lord, while those who reject Jesus' free gift of salvation will spend eternity separated from the Lord in Hell. (Matthew 5:3, 25:31-34; Hebrews 12:23; 1 Peter 1:4; Psalm 9:17; Matthew 5:22, 18:9; Luke 12:5)

O. **WE BELIEVE** in the Pre-Tribulation Rapture of the Church where all believers will meet the Lord in the air and be taken out of this world prior to the Tribulation that will come upon the earth. (Matthew 24:29-31; Luke 21:36; Romans 1:18, 5:9; 1 Thessalonians 5:9; 2 Peter 2:7-9; Revelation 5:7-10, 7:13-14; Zephaniah 2:1-3)

Leviticus 8:2-3, "Take Aaron and his sons with him, and the garments, the anointing oil, a bull as the sin offering, two rams, and a basket of unleavened bread; and gather all the congregation together at the door of the tabernacle of meeting. So Moses did as the LORD commanded him. And the congregation was gathered together at the door of the tabernacle of meeting."

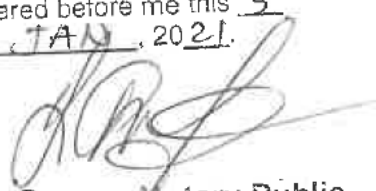
Deuteronomy 31:12, "Gather the people together, men and women and little ones, and the stranger who is within your gates, that they may hear and that they may learn to fear the LORD your God and carefully observe all the words of this law."

Joel 2:15-16, "Blow the trumpet in Zion, consecrate a fast, call a sacred assembly, gather the people, sanctify the congregation, assemble the elders, gather the children and nursing babes."

Jesus said in **Mathew 18:20**, "For where two or three are gathered in My name, I am there in the midst of them."

Psalms 22:22, "I will declare your name to My brethren; in the midst of the assembly I will praise you."

This is Exhibit " B " referred in the
Affidavit/Declaration of Brent Smith
Sworn/Declared before me this 5
day of JAN, 2021.


Lilian Cazacu Notary Public
20385 64th Avenue
Langley, BC, V2Y 1N5, Canada
(604)375-2679 www.LCnotary.ca
PERMANENT COMMISSION

This is Exhibit "C" referred in the Affidavit Declaration of Brend Smith sworn before me this 20 day of JAN, 2021.

OR CORPORATE NAME:
DRIVER NAMES (OR CORPORATE NAME CONTINUED): RIVERSIDE CALVARY CHAPEL
PROV / STATE: BC DRIVERS LICENCE NUMBER: [REDACTED] PRODUCED: [REDACTED] EXPIRY: [REDACTED] GENDER: [REDACTED] M/F: [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
ONLY: LAUREN BC

THE ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE THAT THE ABOVE NAMED, AS:
☐ DRIVER ☐ CYCLIST ☐ OWNER (Per Section 69(2) of the Motor Vehicle Act) ☒ OTHER (24hr Clock) 04:30
☐ PEDESTRIAN ☐ PASSENGER

VIOLATION DATE: 2020 11 24 AT THE TIME OF: 04:30
ON OR ABOUT: [REDACTED]

ON: [REDACTED] HIGHWAY (IF APPLICABLE): [REDACTED] AT OR NEAR: Leapley IN THE PROVINCE OF BRITISH COLUMBIA

Lillian Cazacu Notary Public
2038-44th Avenue
V2Y 1N5, Canada
www.LCnotary.com
604-875-2679
PERMANENT COMMISSION

DID COMMIT THE OFFENCE(S) INDICATED, UNDER THE FOLLOWING ACT OR ITS REGULATIONS:
☐ (MVA) MOTOR VEHICLE ACT ☐ (WLA) WILDLIFE ACT ☐ (LCA) LIQUOR CONTROL & LICENSING ACT ☐ (TCA) TRANSIT CONDUCT & SAFETY ACT
☐ (MCA) MOTOR CARRIER ACT ☐ (FAA) FIREARM ACT ☒ OTHER (SPECIFY) CRMA

DESCRIPTION OF OFFENCE(S)	ACT / REGS	SECTION	TICKETED AMOUNT
ITEM 35 CONTRAVENTION OF THE GATHERING AND RUMOURS ORDER	CRM	2(2)	\$2300
	<input type="checkbox"/> ACT <input type="checkbox"/> REGS		\$
	<input type="checkbox"/> ACT <input type="checkbox"/> REGS		\$
	<input type="checkbox"/> ACT <input type="checkbox"/> REGS		\$

THIS TICKETED AMOUNT CONSISTS OF THE FINE FOR THE ALLEGED OFFENCE AND A 15% VICTIM SURCHARGE LEVY.

INVOLVING THE VEHICLE: BEARING LICENCE PLATE: [REDACTED] PROV / STATE: BC PLATE NUMBER: [REDACTED] REG. NO.: [REDACTED] REG. NUMBER: [REDACTED]

REGISTERED OWNER NAME: [REDACTED]

VEHICLE MAKE: [REDACTED] TYPE: [REDACTED] COLOUR: [REDACTED] YEAR: [REDACTED] ACCIDENT: Y / N

IF YOU WISH TO DISPUTE ANY ALLEGATIONS OR FINE AMOUNT ON THIS VIOLATION TICKET YOU MAY DELIVER A NOTICE OF DISPUTE TO:

OR MAIL OR DELIVER A NOTICE OF DISPUTE AS DESCRIBED ON THE REVERSE

PROVINCIAL COURT HEARING LOCATION: [REDACTED] DATE OF SERVICE: [REDACTED] YEAR: [REDACTED] MM: [REDACTED] DD: [REDACTED]

ENFORCEMENT OFFICER'S SIGNATURE: [REDACTED] ORGANIZATION / DETACHMENT / LOCATION: [REDACTED]

SHADED AREAS OF THIS TICKET ARE NOT PART OF THE OFFENCE CHARGED.

ENFORCEMENT OFFICER'S SIGNATURE: [REDACTED]

IF THE ALLEGATIONS OR FINES ARE NOT DISPUTED (SEE REVERSE) WITHIN 30 DAYS, THIS TICKET WILL BE TREATED AS NOT DISPUTED. YOU WILL BE DEEMED TO HAVE PLEADED GUILTY TO THE ALLEGED OFFENCE(S) AND TO OWE THE COURT THE TICKETED AMOUNTS. YOUR SIGNATURE INDICATES YOU HAVE RECEIVED THIS TICKET AND IS NOT AN ADMISSION OF GUILT.



BRITISH COLUMBIA

**VIOLATION
PAYMENT & DISPUTE**

Offence Act

HOW TO PAY THIS TICKET

WHAT IS THE EASIEST WAY TO PAY?

You may pay by mail by sending your cheque or money order, payable to the Insurance Corporation of British Columbia (ICBC), in Canadian funds to the address below. Do not send cash in the mail. A receipt will NOT be sent back to you.

Revenue Administration
BAG 35505
VICTORIA, BRITISH COLUMBIA, V8W 4N0

NOTE: Your payment must be accompanied by a copy of the other side of this ticket, or a note including the Ticket Number (from the top right corner on the face of the ticket); your full name, address, driver's licence number and date of birth; the Violation Date, and Act and Section of the offence(s). If you do not provide these details, your payment might not be credited to you, and the ticketed amount(s) may remain outstanding. Dishonoured cheques will be subject to additional administrative charges. By paying any portion of the ticketed amount, you will be deemed to have pleaded guilty to the described offence(s), and the offence(s) will be added to your record as convictions.

IS THE FINE REDUCED IF I PAY WITHIN 30 DAYS OF RECEIVING THE TICKET?

Yes. If you are charged under the Motor Vehicle Act or Regulation and if the ticketed amount is over \$60.00 you pay \$25 less than the amount shown on the front of the ticket.

CAN I PAY FOR THIS TICKET IN PERSON?

Yes. You may make payments at any Driver Services Centre, Motor Licence Office or Government Agent's Office in the Province of British Columbia, during regular business hours. Present this copy of the ticket, along with your payment.

WHAT HAPPENS IF I DO NOT PAY?

If you do not pay or dispute this ticket within thirty (30) days of the Date of Service, the ticketed amount shown on the front will be payable to the Crown. The described offence(s) will be added to your record as convictions. In addition, you will be subject to collection activity.

NON-PAYMENT MAY AFFECT YOUR ABILITY TO OBTAIN OR RENEW LICENCES AND PERMITS ISSUED UNDER THE AUTHORITY OF THE LEGISLATION PERTAINING TO THE OFFENCE.

HOW TO DISPUTE THIS TICKET

CAN I DISPUTE THIS TICKET?

Yes. If you dispute the allegations or the fine portion of the ticketed amount you or your agent will have to go to the Provincial Court for a hearing at the location indicated on the face of this ticket.

HOW MUCH TIME DO I HAVE TO DISPUTE?

If you wish to dispute, you have up to 30 days from the Date of Service shown on the face of this ticket to deliver or mail your dispute notice.

HOW CAN A DISPUTE NOTICE BE MAILED?

If you wish to send your dispute notice by mail, write to the following address:

TICKET DISPUTE PROCESSING
BAG 43510
VICTORIA, BRITISH COLUMBIA, V8W 3P7

NOTE: Your dispute notice must be accompanied by a copy of the other side of this ticket or a note including:

- the Ticket Number (from the top right corner on the face of the ticket);
- your full name, address, driver's licence number and date of birth;
- the Violation Date, and Act and Section of the offence(s).

If you do not provide these details, the dispute might not be recorded, and you may be deemed to have pleaded guilty to the described offence(s).

CAN I DELIVER A DISPUTE IN PERSON?

Yes. You may deliver your dispute notice to the address indicated on the face of this ticket or to any Driver Services Centre, Motor Licence Office, Government Agent's Office or Provincial Court Registry. You will need to bring this copy of the ticket, and you may be required to fill out a Notice of Dispute form, as provided at that location.

WHAT HAPPENS AFTER MY DISPUTE HAS BEEN RECEIVED?

You will receive notification (in the mail) from the Provincial Court Registry, telling you the time and location for your hearing. If you do not attend the Court on the indicated date, the ticket will be treated as undisputed, the prescribed fine will immediately become payable to the Crown, and convictions of the described offence(s) will be added to your record. See above regarding NON-PAYMENT.

This is Exhibit "D" referred in the
Affidavit/Declaration of Brent Smith
Sworn/Declared before me this 5
day of JAN 20 2021 LP

November 30, 2020

Dear Premier Horgan, Health Minister Dix, and Provincial Health Officer Henry, Langley, BC, V2Y 1N5, Canada
(604)375-2679 www.LCnotary.ca
Lilian Cazacu Notary Public
20385 64th Avenue
PERMANENT COMMISSION

We would like to thank you for your daily efforts to serve the communities of British Columbia to ensure the health and well-being of our province.

It is with a spirit of gratefulness but also concern that we send this letter. On Thursday, November 19th, the Provincial Health Office announced that all social gatherings were to be suspended for two weeks, until at least Monday, December 7th. This *Provincial Health Office Order on Social Gatherings and Events* specifically included religious services, aside from a limited provision for baptisms, weddings, and funerals. It was also suggested that the suspension of worship services may be extended for a longer period of time.

We are writing to you today to respectfully request that you rescind this order. We also feel compelled to inform you of our intentions if this order is not rescinded, or if it is extended, and to express the biblical and practical reasons for our actions.

Our Biblical Reasons for Concern

The position of the Christian church concerning civil government is to submit to its lawful authority in all civil matters. Throughout Scripture, but most directly in Romans 13:1-7 and 1 Peter 2:13-17, God commands Christians to be subject to the civil government as it is appointed by God and exists for the good of all. We are called to submit to civil authority in all civil matters regardless of whether we personally agree or disagree with their directives or judgements.

However, this duty to obey our civil authorities ends when they command that we engage in behavior contrary to God's Word or when they prohibit what God commands us to do. Ultimately, we must obey God rather than men (Acts 5:29).

We believe that this public health order violates God's Word for two biblical reasons:

First, all Christians are called to assemble, in-person, for regular corporate worship services. Christians not only gather together for worship out of love toward God, but also because it is *essential* to our spiritual health and because we are *commanded* to do so (Psalm 95:1, 2; Psalm 111:1; Psalm 122:1; Acts 2:46; Ephesians 5:19; 1 Timothy 4:13; Hebrews 10:23-25). We are called to worship God in the way that He has commanded in Scripture including, though not limited to, hearing the preaching of the Word, partaking of the sacraments of baptism and communion, singing His praises, praying together, confessing His name, exercising church discipline, and fellowshiping with other Christians (1 Timothy 4:13; 2

Timothy 4:2; Matthew 18:15-18; Acts 2:38; 1 Corinthians 11:23-26; Ephesians 6:18; Colossians 3:16; 2 Thessalonians 3:1). Many of these aspects of worship cannot be replaced by online services.

Additionally, many churches and congregational members do not have the means to use technology, inhibiting them and isolating them all the more during this crisis. It is unwarranted to assume that every church or church member has the same access to or ability to utilize technology for the spiritual care they need and are rightly afforded by their citizenship.

We are thankful that this government's intentions involve the protection of human life. The protection of life is an essential Christian virtue in every area of society. But one of the many benefits of worship gatherings is the intentional identification of needs within vulnerable populations of our churches and communities. Churches are instrumental in providing critical spiritual, physical, mental, and emotional care as they are made aware of needs. In-person gatherings foster and facilitate the great comfort and help that our society needs, especially in times of trouble. No one would close hospitals as sickness increases, and yet as the fear and stress accompanying COVID-19 rages, the faith community is being asked to limit services.

Second, the Lord Jesus Christ is head over the church.

Government authority is limited concerning the church. All authority belongs to God, and He delegates authority to the civil government, the family, and the church (1 Timothy 6:15; Ephesians 1:21, Colossians 1:18). He has set Christ as head over the church and He is our highest authority.

While we recognize, with gratefulness, that the civil government has a role to play in maintaining the health and order of society, God has given local church governments specific authority over worship under the headship of Christ (Ephesians 4:11-12; 1 Timothy 3:1-7).

From March 16th to November 19th, the provincial government ordered that churches take certain precautions to limit the spread of COVID-19, notably by limiting worship service attendance to 50 people. Local churches abided by this order because they considered these restrictions to be reasonable given the novelty of the virus, the uncertainty about the nature and transmission of the virus, and the Christians' high respect for our civil authorities. Churches complied with the order but did so as an exercise of their own authority over worship, not because they believed the government should unilaterally mandate such restrictions. Respectfully, local churches now, as throughout the pandemic, retain the prerogative over worship services. We cannot and may not relinquish that role to the civil government.

Our Practical Reasons for Concern

We also have three practical concerns with this public health order.

First, the Canadian *Charter of Rights and Freedoms*, as a part of Canada's constitution, guarantees the freedom of conscience and religion, the freedom of thought, belief, opinion and expression, and the freedom of peaceful assembly for all Canadians. We stress that the *Charter* does not ultimately grant these freedoms to us. Rather, the Constitution recognizes freedoms that are granted by God and constrains the civil government from violating these freedoms. The preamble of the *Charter* recognizes this reality using the words "Canada is founded upon principles that recognize the supremacy of God." By forbidding corporate worship services, this public health order infringes on the constitutional rights of Christians and of churches in a manner that we do not believe is "reasonable in a free and democratic society."

Second, worship services are arbitrarily limited to a greater degree compared to other activities. Up to 50 people may still attend formal meetings. Virtually all for-profit businesses – grocery stores, retail stores, airlines – may continue to operate, provided that they have a safe plan of operation, while worship services, irrespective of the precautions taken, are prohibited. Throughout the pandemic, while larger businesses have been allowed proportionally greater numbers of people in their facilities at one time, larger churches have been treated with the same limits as smaller churches. This has disproportionately disadvantaged even greater numbers of citizens from attending their places of worship.

Further, although worship services have been regulated and considered to be the same as mass gatherings, events, or social gatherings, the purpose and nature of worship services is distinct from all other activities. Worship services are fundamentally different than birthday parties, social outings with friends, concerts, or sporting events. The current public health order, and every previous health order, save for perhaps the regional orders enacted earlier in November, fails to acknowledge these differences.

Third, instances of COVID-19 transmission at worship services in British Columbia have been infrequent. Local churches could give greater consideration to the government's order to temporarily halt worship services if the government could demonstrate with data that Christian worship services were major spreaders of COVID-19 over the past 8 months. To date, there is scant evidence – only one or two instances to the best of our knowledge – where COVID-19 has spread at worship services. Without evidence that worship services are significant contributors to the rise in COVID-19 cases province-wide, the current health order is far too broad.

Our Request and Intentions

In light of these biblical and practical issues, we, as local church leadership and local church governments, are writing to inform you of four items of concern. We sincerely believe that this

approach demonstrates our respect for the civil government, our concerns about the transmission of COVID-19, and our duty to continue to worship.

1. **We request that the government immediately rescind this restriction on worship services.** It is our sincere desire to obey the provincial government in all things lawful. We have no desire to contravene the health orders or engage in civil disobedience if it can be avoided.
2. Regardless of whether this order is rescinded or extended, **we hereby announce our intentions to continue in-person worship services after December 7th** for the reasons stated above.
3. Although we will continue in-person worship after December 7th, **we will continue to take numerous reasonable precautions to limit the likelihood of COVID-19 transmission.** As each local church government bears the authority and responsibility for their worship services, each will ensure specific protocols around the maximum number of worshippers at a service, the use of masks, the use of hand sanitizer, social distancing, contact tracing, the distribution of food and drink, and the use of shared items. Be assured that we take both the spiritual *and* physical, emotional, mental, and social health of our members and communities extremely seriously.
4. **If there is an outbreak of COVID-19 originating at our local church, we will work closely with health authorities** to ensure the safety of our members so we can resume services in a safe manner.

We hope this letter clarifies our position and intention. We wish to express our thankfulness for the many months of restraint in restrictions on corporate worship which allowed us to gather together in a limited way. We hope this respect for religious freedom can be restored, and respectful dialogue maintained between our institutions.

As we enter the Christmas season, our churches are filled with hope, as together, in-person, we will worship the One who was “born the King of angels”, and who died for us, and rose again, for our everlasting peace and joy.

May God bless you and grant you wisdom as you continue to lead our province through these extraordinary times.

B. Smith

Respectfully submitted,

Riverside Calvary Chapel



BRITISH COLUMBIA

Offence Act

**VIOLATION
TICKET**

21-249
AJ16958269

ISSUED TO:

SURNAME OR CORPORATE NAME SMITH			
GIVEN NAMES (OR CORPORATE NAME CONTINUED) Brent Philip		<input type="checkbox"/> YOUNG PERSON	
PROV / STATE BC	PRODUCED Yes	EXPIRY 2.20	GENDER M/F
ADDRESS [REDACTED]		<input type="checkbox"/> CHANGE OF ADDRESS	
CITY Langley	PROV / STATE BC	[REDACTED]	

THE ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED, AS:

- ☐ DRIVER ☐ CYCLIST ☐ OWNER (Per Section 85(2) of the Motor Vehicle Act)
☐ PEDESTRIAN ☐ PASSENGER ☒ OTHER

Pastor Exhibit "E" referred in the Affidavit/Declaration of **Brent Smith**

ON OR ABOUT **2021-01-03** AT THE TIME OF **11:10** (24hr Clock)

Sworn/Declared before me this **5** day of **JAN**, 20**21**.

ON **[REDACTED]** HIGHWAY (IF APPLICABLE) **Langley** IN THE PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE(S) INDICATED, UNDER THE FOLLOWING ACT OR ITS REGULATIONS:

- ☐ (MVA) MOTOR VEHICLE ACT ☐ (WCA) WILDLIFE ACT ☐ (LCA) LIQUOR CONTROL & LICENSING ACT
☐ (MCA) MOTOR CARRIER ACT ☐ (FAA) FIREARM ACT ☐ (TCR) TRANSIT CONDUCT & SAFETY ACT
☐ (CTA) COMMERCIAL TRANSPORT ACT ☒ OTHER (SPECIFY) **Covid-19 Related Measures**

Lillian Cazacu Notary Public
20385 64th Avenue
Langley, BC V2Y 1N5, Canada
(604) 875-2679
www.LCnotary.ca
NOTARY PUBLIC COMMISSION

DESCRIPTION OF OFFENCE(S)	ACT / REGS	SECTION	TICKETED AMOUNT
COUNT (1) Contravention of Gatherings + Events Under	<input checked="" type="checkbox"/> ACT CRMA	2(2)	\$2300.00
COUNT (2)	<input type="checkbox"/> ACT <input type="checkbox"/> REGS		\$
COUNT (3)	<input type="checkbox"/> ACT <input type="checkbox"/> REGS		\$

* THIS TICKETED AMOUNT CONSISTS OF THE FINE FOR THE ALLEGED OFFENCE AND A 15% VICTIM SURCHARGE LEVY.

INVOLVING THE VEHICLE BEARING LICENCE PLATE	PROV / STATE	PLATE NUMBER	NSC PLJ	NSC NUMBER
REGISTERED OWNER NAME				

VEHICLE MAKE	TYPE	COLOUR	YEAR	ACCIDENT Y / N
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IF YOU WISH TO DISPUTE ANY ALLEGATIONS OR FINE AMOUNT ON THIS VIOLATION TICKET, YOU MAY DELIVER A NOTICE OF DISPUTE TO:

Unit J7 - 19950 Willowbrook Drive, Langley, BC V2Y 1K9

OR MAIL, OR DELIVER A NOTICE OF DISPUTE AS DESCRIBED ON THE REVERSE.

PROVINCIAL COURT HEARING LOCATION ABBOTSFORD, BC	DATE OF SERVICE 2021-01-03
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ENF. OFFICER'S NO. 119330	ORGANIZATION / DETACHMENT / LOCATION RCMP LANGLEY
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SHADED AREAS OF THIS TICKET ARE NOT PART OF THE OFFENCE CHARGED

ENFORCEMENT OFFICER'S SIGNATURE

IF THE ALLEGATIONS OR FINES ARE NOT DISPUTED (SEE REVERSE) WITHIN 30 DAYS, THIS TICKET WILL BE TREATED AS NOT DISPUTED. YOU WILL BE DEEMED TO HAVE PLEADED GUILTY TO THE ALLEGED OFFENCE(S) AND TO OWE THE CROWN THE TICKETED AMOUNTS. YOUR SIGNATURE INDICATES YOU HAVE RECEIVED THIS TICKET AND IS NOT AN ADMISSION OF GUILT.

I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS VIOLATION TICKET

ALLEGED OFFENDER'S SIGNATURE

ALLEGED OFFENDER'S COPY



HOW TO PAY THIS TICKET

WHAT IS THE EASIEST WAY TO PAY?

You may pay by mail by sending your cheque or money order, payable to the Insurance Corporation of British Columbia (ICBC), in Canadian funds to the address below. Do not send cash in the mail. A receipt will NOT be sent back to you.

Revenue Administration
BAG #3505
VICTORIA, BRITISH COLUMBIA, V8W 3N9

NOTE: Your payment must be accompanied by a copy of the other side of this ticket, or a note including:

- the Ticket Number (from the top right corner on the face of the ticket);
- your full name, address, driver's licence number and date of birth;
- the Violation Date, and Act and Section of the offence(s).

If you do not provide these details, your payment might not be credited to you, and the ticketed amount(s) may remain outstanding. Dishonoured cheques will be subject to additional administrative charges. By paying any portion of the ticketed amount, you will be deemed to have pleaded guilty to the described offence(s), and the offence(s) will be added to your record as convictions.

IS THE FINE REDUCED IF I PAY WITHIN 30 DAYS OF RECEIVING THE TICKET?

Yes. If you are charged under the Motor Vehicle Act or Regulation and if the ticketed amount is over \$58.00 you pay \$25 less than the amount shown on the front of the ticket.

CAN I PAY FOR THIS TICKET IN PERSON?

Yes. You may make payments at any Driver Services Centre, Motor Licence Office or Government Agent's Office in the Province of British Columbia, during regular business hours. Present this copy of the ticket, along with your payment.

WHAT HAPPENS IF I DO NOT PAY?

If you do not pay or dispute this ticket within thirty (30) days of the Date of Service, the ticketed amount shown on the front will be payable to the Crown. The described offence(s) will be added to your record as convictions. In addition, you will be subject to collection activity.

NON-PAYMENT MAY AFFECT YOUR ABILITY TO OBTAIN OR RENEW LICENCES AND PERMITS ISSUED UNDER THE AUTHORITY OF THE LEGISLATION PERTAINING TO THE OFFENCE.

HOW TO DISPUTE THIS TICKET

CAN I DISPUTE THIS TICKET?

Yes. If you dispute the allegations or the fine portion of the ticketed amount you or your agent will have to go to the Provincial Court for a hearing at the location indicated on the face of this ticket.

HOW MUCH TIME DO I HAVE TO DISPUTE?

If you wish to dispute, you have up to 30 days from the Date of Service shown on the face of this ticket to deliver or mail your dispute notice.

HOW CAN A DISPUTE NOTICE BE MAILED?

If you wish to send your dispute notice by mail, write to the following address:

TICKET DISPUTE PROCESSING
BAG #3510
VICTORIA, BRITISH COLUMBIA, V8W 5P7

NOTE: Your dispute notice must be accompanied by a copy of the other side of this ticket or a note

including:

- the Ticket Number (from the top right corner on the face of the ticket);
- your full name, address, driver's licence number and date of birth;
- the Violation Date, and Act and Section of the offence(s).

If you do not provide these details, the dispute might not be recorded, and you may be deemed to have pleaded guilty to the described offences.

CAN I DELIVER A DISPUTE IN PERSON?

Yes. You may deliver your dispute notice to the address indicated on the face of this ticket or to any Driver Services Centre, Motor Licence Office, Government Agent's Office or Provincial Court Registry. You will need to bring this copy of the ticket, and you may be required to fill out a Notice of Dispute form, as provided at that location.

WHAT HAPPENS AFTER MY DISPUTE HAS BEEN RECEIVED?

You will receive notice in the mail from the Provincial Court Registry, telling you the time and location for your hearing. If you do not attend the Court on the indicated date, the ticket will be treated as undisputed, the prescribed fine will immediately become payable to the Crown, and convictions of the described offences will be added to your record. See above regarding NON-PAYMENT.