



This is the 1<sup>st</sup> affidavit  
of Garry Vanderveen in this proceeding  
and it was made on February 8<sup>th</sup>, 2021

File No. S 210209  
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 GARRY VANDERVEEN**


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

1. I am the Pastor of Christ Covenant Church in Langley, BC 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 have reviewed the first affidavit of Dr. Brian Emerson made February 2, 2021. I provide this affidavit in reply to the statements in that affidavit related to requests for reconsideration pursuant to section 43 of the *Public Health Act*, including at paragraphs 57-59 and Exhibit 12.
3. On December 7, 2020, I submitted on behalf of Christ Covenant Church a request to Dr. Bonnie Henry pursuant to sections 38 and 43 of the *Public Health Act*, requesting approval of our proposed protocol and/or reconsideration of her Public Health Order prohibiting in-person worship services. See email, letter and protocol attached as **Exhibit "A"** to this Affidavit.
4. Despite sending this request to Dr. Henry's email provided for contact in the public health order, the only response I have received to date from Dr. Henry's office was an

automatic reply confirming that the message had been received, attached as **Exhibit "B"** to this Affidavit.

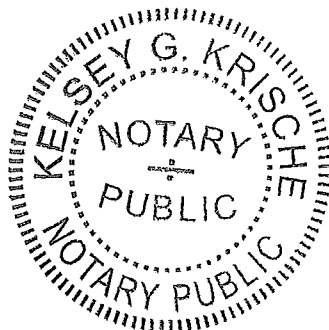
5. I am aware that many others have asked the BC government to reconsider the prohibition of in-person worship services. MLA Michael de Jong, QC, sent a letter dated January 21, 2021, attached as **Exhibit "C"** to this Affidavit, asking Attorney General David Ebby to take into account the concerns of many faith communities expressed in the letter in advising the Minister of Health and public health officials. The letter states that "[u]nder the circumstances, modifying the present Order of the Provincial Health Officer to allow for in person religious gatherings with appropriate safeguards seems a reasonable, appropriate and necessary step."
6. I swear this Affidavit *bona fide* and for no improper purpose.

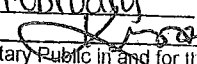
SWORN BEFORE ME at the )  
City of Langley, )  
in the Province of British Columbia, )  
on this 8<sup>th</sup> day of February, 2021. )

  
\_\_\_\_\_  
A Commissioner for Taking Affidavits  
within the Province of British Columbia

  
\_\_\_\_\_  
GARRY VANDERVEEN

KELSEY KRISCHE  
- NOTARY PUBLIC -  
201 - 20171 92A AVENUE  
LANGLEY, B.C. V1M 3A5  
TEL. (604) 888-6605



This is Exhibit " A " referred to in  
the Affidavit of Garry Vanderveen  
Sworn before me this 8<sup>th</sup> day of  
February, 2021  
  
A Notary Public in and for the Province of B.C.

From: **Garry Vanderveen** <grvdveen@gmail.com>

Date: Mon, Dec 7, 2020 at 3:54 PM

Subject: The December 7th Provincial Health Order

To: <ProvHlthOffice@gov.bc.ca>, <Maria.Szabo@gov.bc.ca>, <premier@gov.bc.ca>, <AG.Minister@gov.bc.ca>, <agwebfeedback@gov.bc.ca>, <pssgwebfeedback@gov.bc.ca>, <elizabeth.brodкин@fraserhealth.ca>, <mark.bigham@fraserhealth.ca>, <Fernando.mejiamulet@fraserhealth.ca>, <Ariella.zbar@fraserhealth.ca>, <emily.newhouse@fraserhealth.ca>, <Tako.VanPopta@parl.gc.ca>, <megan.dykeman.MLA@leg.bc.ca>, <mayorcouncil@tol.ca>, <murray.power@rcmp-grc.gc.ca>

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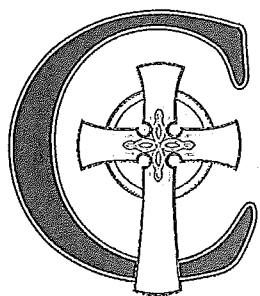
Dear Premier Horgan, Attorney General Eby, Health Minister Dix, Provincial Health Officer Henry, Fraser Health Officers, Langley Township Mayor and Councillors, MP Van Popta, MLA Dykeman, and Langley RCMP Superintendent Power, and others,

Please note that I have attached our request in response to the Provincial Health Order issued today.

Regards,

Rev. Garry Vanderveen  
Christ Covenant Church (PCA - Canada West Presbytery)  
604-309-3116





# CHRIST COVENANT CHURCH

December 7, 2020

Dear Premier Horgan, Attorney General Eby, Health Minister Dix, Provincial Health Officer Henry, Fraser Health Officers, Langley Township Mayor and Councillors, MP Van Popta, MLA Dykeman, Langley RCMP Superintendent Power and others,

We would like to thank you for your diligent labours. You have an immense responsibility, and we want you to know that we uphold you in our daily prayers.

As you know, faith communities are a tremendous blessing in British Columbia and continue to be a vital part of the community fabric in our province. **Faith communities are at the centre of life for people of all ages, every demographic, and every racial and ethnic group in this province, and offer vital services to their own members and to their neighbours.** Whether it be spiritual nourishment, feeding the hungry, comforting the sick, walking beside those with mental health struggles, offering hospitality to new Canadians, or providing community and love – faith communities are essential to the health and well-being of this province.

While we understand the need to protect and promote the well-being of our neighbours, especially the most vulnerable among us, we are disappointed that the latest restrictions have effectively banned our congregation's Sunday morning worship service.

We submit our concerns to you with our commitment to seek the welfare, not merely of the church, but of our neighbours. We believe God has called us to diligently pray for and seek the peace and prosperity of this province, and this work cannot be separated from our worship. We are, therefore, committed to adopting and enforcing COVID-19 protocols (see our proposed written proposal) and believe that our worship services are among the safest public places in our community.

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[www.langleychurch.org](http://www.langleychurch.org)

Mail: 21670 Maxwell Crescent | Langley, BC V2Y 2P9 | 604-309-3116 | grvdveen@gmail.com

*grvdveen*

## **Our Religious Beliefs**

We believe that God requires us to gather in person at least once a week to celebrate the Eucharist, and our governing documents prevent us from celebrating the Eucharist virtually.

We believe that human beings are, above all, spiritual beings. For us, the celebration of the Eucharist at least weekly is essential for human flourishing. Without it, our health and well-being suffer.

We believe that the church exists to serve and care for our neighbours, including the vulnerable, struggling, sick and dying. While we are able to serve the broader community virtually in some ways (just as doctors can have phone consultations, we can Zoom for some spiritual support) there are important aspects of care that demand physical presence (just as doctors need to be present for surgery, we need to be present to comfort the dying). Additionally, virtual attendance discriminates against those who, for no fault of their own, lack the ability or means to use this technology.

## **The Effect of the Provincial Order**

As you know, the Provincial Health Order affects religious bodies in different ways, depending upon their beliefs and governing documents. For Roman Catholics, as Archbishop Miller observed, the order does not forbid daily Mass *per se*, but restricts it to the priest and those who are assisting the production of the virtual service. For Presbyterian churches like ours, however, the order effectively bans our weekly Sunday morning service. Our governing documents do not recognize a virtual service as a valid mode of celebrating the Eucharist.

In short, we grieve that the Provincial Health Order has placed us in a difficult position. **If we obey the present order, we act contrary to our religious beliefs as regulated by our governing documents. On the other hand, if we obey our religious beliefs as regulated by our governing documents, we act contrary to the law of our province.**

## **Our Appeal**

We humbly request that Premier Horgan, Health Minister Dix and Public Health Officer Henry publicly acknowledge that the latest Provincial Health Order affects faith communities differently, depending upon their religious beliefs and governing documents. As noted, given our religious beliefs and governing documents, this order limits our freedoms of religion and peaceful assembly.

We humbly request that Dr. Henry consult with more faith communities, such as ours, to promote greater understanding of how orders affect those communities differently, depending upon their specific religious beliefs and governing documents. Our hope is that public health orders will reflect the delicate balance between protecting life and respecting the fundamental freedoms of religion and peaceful assembly.

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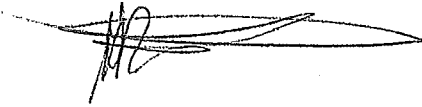
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We humbly request that, in keeping with the *BC Public Health Act* (38 and/or 43), Dr. Henry approve the following attached agreement (*PHA* (38)) and/or request for reconsideration (*PHA* (43)), effective immediately until a less restrictive Public Health Order is issued. Our proposal accomplishes the following:

1. Allows us to worship on Sunday mornings in keeping with our religious beliefs and governing documents.
2. Meets or exceeds the objective of the latest Provincial Health Order.
3. Achieves the delicate balance of protecting life and respecting the fundamental freedoms of religion and peaceful assembly.

Respectfully submitted on behalf of Christ Covenant Church,

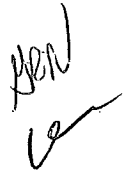


Rev. Garry Vanderveen

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# CCC's COVID-19 Protocol

*The following are to be read, understood, and observed by all who worship at  
Christ Covenant Church  
Effective Immediately*

## Definitions

- **household:** group of persons living under one roof sharing the same kitchen every day
- **mask:** proper cloth non-medical face covering that fits snugly and completely covers the nose and mouth.
  - (for mask guidelines, see: <https://www.canada.ca/content/dam/hc-sc/documents/services/publications/diseases-and-conditions/covid-19-safely-use-non-medical-mask-face-covering/covid-19-safely-use-non-medical-mask-face-covering-en.pdf>)

## Basic Information

- The following are suspended:
  - childcare
  - Sunday School
  - refreshments
  - fellowship meals
  - use of kitchen and drinking fountains
- Persons in the following categories are not permitted to attend:
  - anyone who is sick or feels sick, even only slightly..
  - anyone told by Public Health to self-isolate or quarantine
- Persons in the following categories are advised not to attend, because they are at higher risk of complications from COVID-19:
  - anyone over the age of 65
  - anyone with underlying health conditions (e.g., high blood pressure, chronic lung disease, diabetes, obesity, asthma, and compromised immune system)

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*Handwritten signature*

## Facilities

- Our two rooms — the Sanctuary (capacity 49) and the Fellowship Hall (or Parkside Room, capacity 49) — are separated by a transparent acrylic wall. These rooms have separate entrances and exits, separate washrooms, separate ushers, and separate sections of the parking lot and grounds. There is no movement between these rooms (and their extensions into the parking lots and grounds).
- Circulation fans will run continuously.
- Chairs are grouped into **household** boxes [see definition of **household** above] separated by more than two metres from one another.
- Washrooms may be used, but hands are to be sanitized beforehand, and afterwards washed with soap and water for 20.
- Drinking fountains and the kitchen are not used.
- We will not use communion trays or collection bags.

## Signing Up For In-Person Services

- We hold two separate identical morning services on Sundays (9am and 11am). These services last 90 minutes.
- We also hold a different evening service on Sundays at 5pm. This service lasts 60 minutes.
- Up to 49 persons can sign up to attend a given service in the Sanctuary
- Up to 49 persons can sign up to attend a given service in the Fellowship Hall (Parkside Room).
- The 11am and 5pm services are livestreamed for the benefit of those who do not attend in person.
- Visitors wishing to attend must inquire with [cccorganizers@gmail.com](mailto:cccorganizers@gmail.com).

## Arriving, Attending, Leaving

- **Masks** [see above definition] are required at all times everywhere on the church property, except within assigned boxes.
  - Face shields may **also** be worn, but **only if** the person is also wearing a mask
- The Eucharist will be celebrated at each morning service, but each household brings its own bread and wine.
- Use the sanitizer pump in your vehicle or at the entrance and exit door.
- Do not touch doors, handles, walls or anything in the building, except for your chair, kneeler, hymnal, and worship bulletin.

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- Households will enter together and proceed promptly to their seating box.
- A 2-metre / 6-foot distance is maintained at all times between persons of different households, as much as possible. (This of course means no contact of any kind.) This includes music and worship leaders and audio/visual technicians.
- Everyone is encouraged to use online banking for tithes and offerings. Otherwise, offerings may be dropped in the appropriate baskets at the exit.
  - Exit through the exit doors and proceed directly to your vehicle. Those nearest the exit depart first, and no one moves toward the exit doors until there is plenty of space.

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grv  
u

This is Exhibit " B " referred to in  
the Affidavit of Garry Vanderveen  
Sworn before me this 8<sup>th</sup> day of  
February, 2021  
  
A Notary Public in and for the Province of BC

9

----- Forwarded message -----

From: **Prov Hlth Office HLTH:EX** <ProvHlthOffice@gov.bc.ca>  
Date: Mon, Dec 7, 2020 at 3:55 PM  
Subject: Automatic reply: The December 7th Provincial Health Order  
To: Garry Vanderveen <grvdveen@gmail.com>

KELSEY KRISCHE  
- NOTARY PUBLIC -  
201 - 20171 92A AVENUE  
LANGLEY, B.C. V1M 3A5  
TEL. (604) 888-6605

Thank you for your email to the BC Office of the Provincial Health Officer. This automated response confirms that your message has been received.

Unfortunately, due to the high volume of correspondence regarding the COVID-19 pandemic received by this inbox, it is not always possible to respond to every email and responses are experiencing delays. However, please be assured that we are listening and we do read every email that is received.

If you are writing about COVID-19, please refer to the information below for some immediate information and reference tools:

- \* If you or a family member believes they are displaying symptoms of COVID-19, please use the BC COVID-19 Self-Assessment Tool. If the tool advises you are demonstrating relevant symptoms, please call 811 to speak with a healthcare professional: <https://covid19.thrive.health/>
- \* For answers to common questions about COVID-19, please consult HealthLinkBC and the BC Centre for Disease Control at: <https://www.healthlinkbc.ca/health-feature/coronavirus-disease-covid-19> and <http://www.bccdc.ca/health-info/diseases-conditions/covid-19>
- \* For non-medical information about the virus, including the latest information on travel recommendations and physical distancing, as well as access to support and services from the provincial and federal governments, please call the toll-free phone line (open 7:30 am to 8:00 pm, seven days a week): 1-888-COVID19 (1-888-268-4319).

We appreciate the time that you have taken to write.

Please do not reply to this message.

Be Kind  
Be calm  
Be safe





LEGISLATIVE ASSEMBLY  
of BRITISH COLUMBIA

This is Exhibit " C " referred to in  
the Affidavit of Gary Vanderveen 10  
Sworn before me this 8<sup>th</sup> day of  
February 2021  
A Notary Public in and for the Province of BC

January 21<sup>st</sup>, 2021

Hon David Eby  
Attorney General and Minister Responsible for Housing  
Room 232, Parliament Buildings  
Victoria, B.C. V8V 1X2

KELSEY KRISCHE  
- NOTARY PUBLIC -  
201 - 20171 92A AVENUE  
LANGLEY, B.C. V1M 3A5  
TEL. (604) 888-6605

Dear Minister Eby:

I am writing to communicate the concerns that have been expressed to me by a number of spiritual organizations representing a broad cross section of religions. These faith-based agencies have asked that I transmit their frustration with the provisions of the Order of the Provincial Health Officer that imposes a total ban on holding "a worship or other religious service, ceremony or celebration in British Columbia". It is my hope, and theirs, that you will take these concerns and the submissions that follow into account when providing advice to the Provincial Health Officer in advance of any discussions to extend the present order. These groups ask that the provisions imposing a total ban on religious services not be renewed. In the alternative, they ask that the provisions of the Order be amended in a manner that will permit certain in-person religious gatherings to occur.

The groups that have contacted me universally acknowledge the challenges confronting government and public health officials in managing through the myriad of issues that have arisen during the COVID-19 pandemic. In turn, they would ask that the government recognize that during the time religious gatherings were still permitted under prior public health orders virtually every organized spiritual agency took all prescribed steps to limit the size of gatherings and ensure that all required safeguards against transmission were in place at all times.

The essence of the concerns today is that there is a fundamental inconsistency between how secular and religious gatherings are being treated by the Public Health Order. The frustration I am hearing is further amplified by the fact that, unlike many of the secular activities accommodated by the Order, religious gatherings are specifically protected by the first fundamental freedom enumerated in the Charter of Rights and Freedoms. Section 2(a) of the Charter protects the freedom of religion of all Canadians.

.../2

BC Liberal Official Opposition  
Parliament Buildings  
Victoria, BC V8V 1X4

Ken  
W

In considering this matter and the need to find a reasonable balance between legitimate public health requirements and the rights protected by the Charter, I would emphasize to you the importance of in-person gatherings for religious practice. This is a matter that Canada's highest courts have ruled upon in determining that religious freedom under the Charter protects the "socially embedded nature of religious belief". The Supreme Court of Canada has found that the Charter protects "not merely a right to hold religious opinions but also an individual right to establish communities of faith, the autonomous existence of which is indispensable for pluralism in a democratic society." (Mounted Police Association of Ontario v. Canada (Attorney General), 2015 SCC1; Loyola v. Quebec (Attorney General), 2015 SCC12.

It would seem self-evident that the Order banning religious gatherings infringes upon the Charter rights of British Columbians by prohibiting individuals from meeting in any way to worship in accordance with their religious beliefs. As you know, in order for such an infringement to be upheld, it must be "demonstrably justified" as being reasonable, minimally impairing and proportional.

I must tell you that for many, many British Columbians, the information that has been publicly disclosed does not justify a total ban on religious gatherings. In addition, these citizens are challenged to understand how it is that so many secular activities are able to continue in modified form where no accommodation whatsoever has been provided for religious practices. If the government is in possession of evidence upon which the decision to prohibit all religious gatherings has been based there are tens of thousands of British Columbians who would like to see that evidence.

For these British Columbians the existing Orders create a clear double standard that marginalizes religious practices while accommodating secular activities that are undoubtedly important but do not enjoy the same measure of constitutional protection.

I cite for your consideration the following examples that have been brought to my attention

- A Pilates class (as a "group low intensity exercise") can be held in a church gym or hall. But the moment someone reads out loud from a Bible, Quran, Guru Granth Sahib or other holy book, it becomes prohibited behavior.
- A band can perform songs at a hotel lounge (under the order respecting Food and Liquor Serving Promises and Retail Establishments Which Sell Liquor, Dec. 30, 2020). But if a band performs religious songs, that becomes a prohibited worship service.
- A group of people can meet as a "support group" to support each other for "grief, disability, substance use, addiction or another psychological, mental or physical health condition." But the Order prohibits the same people from meeting together at a church or temple to provide spiritual support to each other.

-3-

I am unable to explain to people how it is that a hundred people can meet, talk and socialize at their own tables for an entire evening at a restaurant and shopping mall food fair but the same activity would be prohibited at a church or temple that is designed to seat over 1,000 people.

These examples and many others seem to reveal a purposeful intention on the part of government that when a religious aspect replaces a purely secular purpose for a similar activity, it is only the behavior that includes a spiritual dimension that is prohibited. As a result, religious activities and gatherings are being marginalized purely because they are religious. This runs directly contrary to the principles enunciated by the Supreme Court of Canada which has previously ruled that

"... religious belief ties the individual to a community of believers and is often the central or defining association in her or his life. The individual believer participates in a shared system of practices and values that may, in some cases, be described as "a way of life". If religion is an aspect of the individual's identity, then when the state treats his or her religious practices or beliefs as less important or less true than the practices of others, or when it marginalizes her or his religious community in some way, it is not simply rejecting the individual's views and values, it is denying her or his equal worth."

The people and religious groups adversely impacted by the present Order do not accept the proposition that some religious services can operate online as an excuse for imposing a total prohibition on gatherings. Although most goods can now be purchased online, retail stores are permitted to welcome customers. Even though one can eat and exercise at home, restaurants and gyms are open. Reasonable minded people are being forced to conclude that the government and its public health officials have determined that religious services and supports are less essential than non-religious activities despite the fact that the communal aspects of religion is not only a constitutionally protected activity but one that the Supreme Court of Canada has deemed to be essential to religious practitioners.

From my conversations with numerous individuals and religious organizations it is clear to me that the vast majority of these agencies are willing and able to abide by guidelines designed to restrict the transmission of COVID-19. They are as capable as any other organization to develop a safety plan that conforms with guidelines and need only be given an opportunity to do so.

I have written to you today in your capacity as B.C.'s Attorney General to learn your views on this important issue that is impacting the Constitutional rights of many thousands, if not millions, of British Columbians. It is my further hope that you will take the information and the submissions I have included in this letter into account when providing your advice to the Ministry of Health and public health officials.

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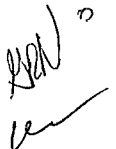
Neither I, nor the people on whose behalf I am writing, wish to diminish the magnitude of the challenges that public health officials have faced this past year. However, British Columbians are also relying upon you to ensure that these officials discharge their public health responsibilities in a way that is fair, equitable and above all, consistent with the constitutional rights of all British Columbians. Under the circumstances, modifying the present Order of the Provincial Health Officer to allow for in person religious gatherings with appropriate safeguards seems a reasonable, appropriate and necessary step.

I thank you for your attention to this matter and look forward to your reply.

Yours truly,



Michael G. de Jong, QC  
MLA, Abbotsford West  
Critic for the Attorney General





This is the 1<sup>st</sup> affidavit  
of Garry Vanderveen in this proceeding  
and it was made on February 16, 2021

File No. S 210209  
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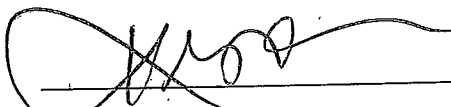
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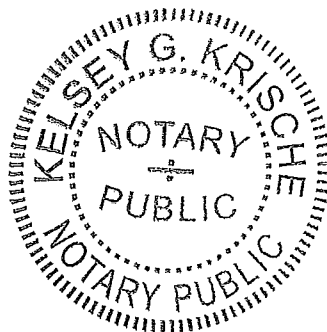
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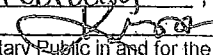
  
A Commissioner for Taking Affidavits  
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GARRY VANDERVEEN

KELSEY KRISCHE  
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Date: Mon, Dec 7, 2020 at 3:54 PM

Subject: The December 7th Provincial Health Order

To: <ProvHlthOffice@gov.bc.ca>, <Maria.Szabo@gov.bc.ca>, <premier@gov.bc.ca>, <AG.Minister@gov.bc.ca>, <agwebfeedback@gov.bc.ca>, <pssgwebfeedback@gov.bc.ca>, <elizabeth.brodkin@fraserhealth.ca>, <mark.bigham@fraserhealth.ca>, <Fernando.mejiamulet@fraserhealth.ca>, <Ariella.zbar@fraserhealth.ca>, <emily.newhouse@fraserhealth.ca>, <Tako.VanPopta@parl.gc.ca>, <megan.dykeman.MLA@leg.bc.ca>, <mayorcouncil@tol.ca>, <murray.power@rcmp-grc.gc.ca>

KELSEY KRISCHE  
- NOTARY PUBLIC -  
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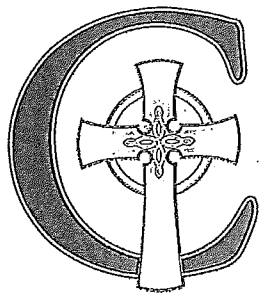
Dear Premier Horgan, Attorney General Eby, Health Minister Dix, Provincial Health Officer Henry, Fraser Health Officers, Langley Township Mayor and Councillors, MP Van Popta, MLA Dykeman, and Langley RCMP Superintendent Power, and others,

Please note that I have attached our request in response to the Provincial Health Order issued today.

Regards,

Rev. Garry Vanderveen  
Christ Covenant Church (PCA - Canada West Presbytery)  
604-309-3116





# CHRIST COVENANT CHURCH

December 7, 2020

Dear Premier Horgan, Attorney General Eby, Health Minister Dix, Provincial Health Officer Henry, Fraser Health Officers, Langley Township Mayor and Councillors, MP Van Popta, MLA Dykeman, Langley RCMP Superintendent Power and others,

We would like to thank you for your diligent labours. You have an immense responsibility, and we want you to know that we uphold you in our daily prayers.

As you know, faith communities are a tremendous blessing in British Columbia and continue to be a vital part of the community fabric in our province. **Faith communities are at the centre of life for people of all ages, every demographic, and every racial and ethnic group in this province, and offer vital services to their own members and to their neighbours.** Whether it be spiritual nourishment, feeding the hungry, comforting the sick, walking beside those with mental health struggles, offering hospitality to new Canadians, or providing community and love – faith communities are essential to the health and well-being of this province.

While we understand the need to protect and promote the well-being of our neighbours, especially the most vulnerable among us, we are disappointed that the latest restrictions have effectively banned our congregation's Sunday morning worship service.

We submit our concerns to you with our commitment to seek the welfare, not merely of the church, but of our neighbours. We believe God has called us to diligently pray for and seek the peace and prosperity of this province, and this work cannot be separated from our worship. We are, therefore, committed to adopting and enforcing COVID-19 protocols (see our proposed written proposal) and believe that our worship services are among the safest public places in our community.

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[www.langleychurch.org](http://www.langleychurch.org)

Mail: 21670 Maxwell Crescent | Langley, BC V2Y 2P9 | 604-309-3116 | grvdveen@gmail.com

*grvdveen*

### **Our Religious Beliefs**

We believe that God requires us to gather in person at least once a week to celebrate the Eucharist, and our governing documents prevent us from celebrating the Eucharist virtually.

We believe that human beings are, above all, spiritual beings. For us, the celebration of the Eucharist at least weekly is essential for human flourishing. Without it, our health and well-being suffer.

We believe that the church exists to serve and care for our neighbours, including the vulnerable, struggling, sick and dying. While we are able to serve the broader community virtually in some ways (just as doctors can have phone consultations, we can Zoom for some spiritual support) there are important aspects of care that demand physical presence (just as doctors need to be present for surgery, we need to be present to comfort the dying). Additionally, virtual attendance discriminates against those who, for no fault of their own, lack the ability or means to use this technology.

### **The Effect of the Provincial Order**

As you know, the Provincial Health Order affects religious bodies in different ways, depending upon their beliefs and governing documents. For Roman Catholics, as Archbishop Miller observed, the order does not forbid daily Mass *per se*, but restricts it to the priest and those who are assisting the production of the virtual service. For Presbyterian churches like ours, however, the order effectively bans our weekly Sunday morning service. Our governing documents do not recognize a virtual service as a valid mode of celebrating the Eucharist.

In short, we grieve that the Provincial Health Order has placed us in a difficult position. **If we obey the present order, we act contrary to our religious beliefs as regulated by our governing documents. On the other hand, if we obey our religious beliefs as regulated by our governing documents, we act contrary to the law of our province.**

### **Our Appeal**

We humbly request that Premier Horgan, Health Minister Dix and Public Health Officer Henry publicly acknowledge that the latest Provincial Health Order affects faith communities differently, depending upon their religious beliefs and governing documents. As noted, given our religious beliefs and governing documents, this order limits our freedoms of religion and peaceful assembly.

We humbly request that Dr. Henry consult with more faith communities, such as ours, to promote greater understanding of how orders affect those communities differently, depending upon their specific religious beliefs and governing documents. Our hope is that public health orders will reflect the delicate balance between protecting life and respecting the fundamental freedoms of religion and peaceful assembly.

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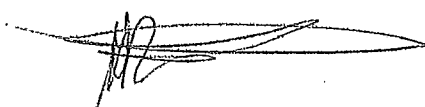
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We humbly request that, in keeping with the *BC Public Health Act* (38 and/or 43), Dr. Henry approve the following attached agreement (*PHA* (38)) and/or request for reconsideration (*PHA* (43)), effective immediately until a less restrictive Public Health Order is issued. Our proposal accomplishes the following:

1. Allows us to worship on Sunday mornings in keeping with our religious beliefs and governing documents.
2. Meets or exceeds the objective of the latest Provincial Health Order.
3. Achieves the delicate balance of protecting life and respecting the fundamental freedoms of religion and peaceful assembly.

Respectfully submitted on behalf of Christ Covenant Church,

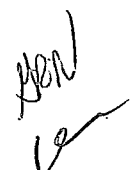


Rev. Garry Vanderveen

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# CCC's COVID-19 Protocol

*The following are to be read, understood, and observed by all who worship at  
Christ Covenant Church  
Effective Immediately*

## Definitions

- **household:** group of persons living under one roof sharing the same kitchen every day
- **mask:** proper cloth non-medical face covering that fits snugly and completely covers the nose and mouth.
  - (for mask guidelines, see: <https://www.canada.ca/content/dam/hc-sc/documents/services/publications/diseases-and-conditions/covid-19-safely-use-non-medical-mask-face-covering/covid-19-safely-use-non-medical-mask-face-covering-en.pdf>)

## Basic Information

- The following are suspended:
  - childcare
  - Sunday School
  - refreshments
  - fellowship meals
  - use of kitchen and drinking fountains
- Persons in the following categories are not permitted to attend:
  - anyone who is sick or feels sick, even only slightly..
  - anyone told by Public Health to self-isolate or quarantine
- Persons in the following categories are advised not to attend, because they are at higher risk of complications from COVID-19:
  - anyone over the age of 65
  - anyone with underlying health conditions (e.g., high blood pressure, chronic lung disease, diabetes, obesity, asthma, and compromised immune system)

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## Facilities

- Our two rooms — the Sanctuary (capacity 49) and the Fellowship Hall (or Parkside Room, capacity 49) — are separated by a transparent acrylic wall. These rooms have separate entrances and exits, separate washrooms, separate ushers, and separate sections of the parking lot and grounds. There is no movement between these rooms (and their extensions into the parking lots and grounds).
- Circulation fans will run continuously.
- Chairs are grouped into **household** boxes [see definition of **household** above] separated by more than two metres from one another.
- Washrooms may be used, but hands are to be sanitized beforehand, and afterwards washed with soap and water for 20.
- Drinking fountains and the kitchen are not used.
- We will not use communion trays or collection bags.

## Signing Up For In-Person Services

- We hold two separate identical morning services on Sundays (9am and 11am). These services last 90 minutes.
- We also hold a different evening service on Sundays at 5pm. This service lasts 60 minutes.
- Up to 49 persons can sign up to attend a given service in the Sanctuary
- Up to 49 persons can sign up to attend a given service in the Fellowship Hall (Parkside Room).
- The 11am and 5pm services are livestreamed for the benefit of those who do not attend in person.
- Visitors wishing to attend must inquire with [cccorganizers@gmail.com](mailto:cccorganizers@gmail.com).

## Arriving, Attending, Leaving

- **Masks** [see above definition] are required at all times everywhere on the church property, except within assigned boxes.
  - Face shields may **also** be worn, but **only if** the person is also wearing a mask
- The Eucharist will be celebrated at each morning service, but each household brings its own bread and wine.
- Use the sanitizer pump in your vehicle or at the entrance and exit door.
- Do not touch doors, handles, walls or anything in the building, except for your chair, kneeler, hymnal, and worship bulletin.

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*grvdveen*

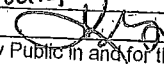
- Households will enter together and proceed promptly to their seating box.
- A 2-metre / 6-foot distance is maintained at all times between persons of different households, as much as possible. (This of course means no contact of any kind.) This includes music and worship leaders and audio/visual technicians.
- Everyone is encouraged to use online banking for tithes and offerings. Otherwise, offerings may be dropped in the appropriate baskets at the exit.
  - Exit through the exit doors and proceed directly to your vehicle. Those nearest the exit depart first, and no one moves toward the exit doors until there is plenty of space.

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[www.langleychurch.org](http://www.langleychurch.org)

Mail: 21670 Maxwell Crescent | Langley, BC V2Y 2P9 | 604-309-3116 | grvdveen@gmail.com

*grv*

This is Exhibit " B " referred to in  
the Affidavit of Garry Vanderveen  
Sworn before me this 8<sup>th</sup> day of  
February 2021  
  
A Notary Public in and for the Province of BC

9

----- Forwarded message -----

From: **Prov Hlth Office HLTH:EX** <ProvHlthOffice@gov.bc.ca>  
Date: Mon, Dec 7, 2020 at 3:55 PM  
Subject: Automatic reply: The December 7th Provincial Health Order  
To: Garry Vanderveen <grvdveen@gmail.com>

KELSEY KRISCHE  
- NOTARY PUBLIC -  
201 - 20171 92A AVENUE  
LANGLEY, B.C. V1M 3A5  
TEL. (604) 888-6605

Thank you for your email to the BC Office of the Provincial Health Officer. This automated response confirms that your message has been received.

Unfortunately, due to the high volume of correspondence regarding the COVID-19 pandemic received by this inbox, it is not always possible to respond to every email and responses are experiencing delays. However, please be assured that we are listening and we do read every email that is received.


If you are writing about COVID-19, please refer to the information below for some immediate information and reference tools:

- \* If you or a family member believes they are displaying symptoms of COVID-19, please use the BC COVID-19 Self-Assessment Tool. If the tool advises you are demonstrating relevant symptoms, please call 811 to speak with a healthcare professional: <https://covid19.thrive.health/>
- \* For answers to common questions about COVID-19, please consult HealthLinkBC and the BC Centre for Disease Control at: <https://www.healthlinkbc.ca/health-feature/coronavirus-disease-covid-19> and <http://www.bccdc.ca/health-info/diseases-conditions/covid-19>
- \* For non-medical information about the virus, including the latest information on travel recommendations and physical distancing, as well as access to support and services from the provincial and federal governments, please call the toll-free phone line (open 7:30 am to 8:00 pm, seven days a week): 1-888-COVID19 (1-888-268-4319).

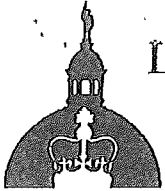
We appreciate the time that you have taken to write.

Please do not reply to this message.

Be Kind  
Be calm  
Be safe







LEGISLATIVE ASSEMBLY  
of BRITISH COLUMBIA

This is Exhibit " C " referred to in  
the Affidavit of Gary Vanderveen 10  
Sworn before me this 8<sup>th</sup> day of  
February 2021  
A Notary Public in and for the Province of BC

January 21<sup>st</sup>, 2021

Hon David Eby  
Attorney General and Minister Responsible for Housing  
Room 232, Parliament Buildings  
Victoria, B.C. V8V 1X2

KELSEY KRISCHE  
- NOTARY PUBLIC -  
201 - 20171 92A AVENUE  
LANGLEY, B.C. V1M 3A5  
TEL. (604) 888-6605

Dear Minister Eby:

I am writing to communicate the concerns that have been expressed to me by a number of spiritual organizations representing a broad cross section of religions. These faith-based agencies have asked that I transmit their frustration with the provisions of the Order of the Provincial Health Officer that imposes a total ban on holding "a worship or other religious service, ceremony or celebration in British Columbia". It is my hope, and theirs, that you will take these concerns and the submissions that follow into account when providing advice to the Provincial Health Officer in advance of any discussions to extend the present order. These groups ask that the provisions imposing a total ban on religious services not be renewed. In the alternative, they ask that the provisions of the Order be amended in a manner that will permit certain in-person religious gatherings to occur.

The groups that have contacted me universally acknowledge the challenges confronting government and public health officials in managing through the myriad of issues that have arisen during the COVID-19 pandemic. In turn, they would ask that the government recognize that during the time religious gatherings were still permitted under prior public health orders virtually every organized spiritual agency took all prescribed steps to limit the size of gatherings and ensure that all required safeguards against transmission were in place at all times.

The essence of the concerns today is that there is a fundamental inconsistency between how secular and religious gatherings are being treated by the Public Health Order. The frustration I am hearing is further amplified by the fact that, unlike many of the secular activities accommodated by the Order, religious gatherings are specifically protected by the first fundamental freedom enumerated in the Charter of Rights and Freedoms. Section 2(a) of the Charter protects the freedom of religion of all Canadians.

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*[Handwritten signature]*

In considering this matter and the need to find a reasonable balance between legitimate public health requirements and the rights protected by the Charter, I would emphasize to you the importance of in-person gatherings for religious practice. This is a matter that Canada's highest courts have ruled upon in determining that religious freedom under the Charter protects the "socially embedded nature of religious belief". The Supreme Court of Canada has found that the Charter protects "not merely a right to hold religious opinions but also an individual right to establish communities of faith, the autonomous existence of which is indispensable for pluralism in a democratic society." (Mounted Police Association of Ontario v. Canada (Attorney General), 2015 SCC1; Loyola v. Quebec (Attorney General), 2015 SCC12.

It would seem self-evident that the Order banning religious gatherings infringes upon the Charter rights of British Columbians by prohibiting individuals from meeting in any way to worship in accordance with their religious beliefs. As you know, in order for such an infringement to be upheld, it must be "demonstrably justified" as being reasonable, minimally impairing and proportional.

I must tell you that for many, many British Columbians, the information that has been publicly disclosed does not justify a total ban on religious gatherings. In addition, these citizens are challenged to understand how it is that so many secular activities are able to continue in modified form where no accommodation whatsoever has been provided for religious practices. If the government is in possession of evidence upon which the decision to prohibit all religious gatherings has been based there are tens of thousands of British Columbians who would like to see that evidence.

For these British Columbians the existing Orders create a clear double standard that marginalizes religious practices while accommodating secular activities that are undoubtedly important but do not enjoy the same measure of constitutional protection.

I cite for your consideration the following examples that have been brought to my attention

- A Pilates class (as a "group low intensity exercise") can be held in a church gym or hall. But the moment someone reads out loud from a Bible, Quran, Guru Granth Sahib or other holy book, it becomes prohibited behavior.
- A band can perform songs at a hotel lounge (under the order respecting Food and Liquor Serving Premises and Retail Establishments Which Sell Liquor, Dec. 30, 2020). But if a band performs religious songs, that becomes a prohibited worship service.
- A group of people can meet as a "support group" to support each other for "grief, disability, substance use, addiction or another psychological, mental or physical health condition." But the Order prohibits the same people from meeting together at a church or temple to provide spiritual support to each other.

-3-

I am unable to explain to people how it is that a hundred people can meet, talk and socialize at their own tables for an entire evening at a restaurant and shopping mall food fair but the same activity would be prohibited at a church or temple that is designed to seat over 1,000 people.

These examples and many others seem to reveal a purposeful intention on the part of government that when a religious aspect replaces a purely secular purpose for a similar activity, it is only the behavior that includes a spiritual dimension that is prohibited. As a result, religious activities and gatherings are being marginalized purely because they are religious. This runs directly contrary to the principles enunciated by the Supreme Court of Canada which has previously ruled that

"... religious belief ties the individual to a community of believers and is often the central or defining association in her or his life. The individual believer participates in a shared system of practices and values that may, in some cases, be described as "a way of life". If religion is an aspect of the individual's identity, then when the state treats his or her religious practices or beliefs as less important or less true than the practices of others, or when it marginalizes her or his religious community in some way, it is not simply rejecting the individual's views and values, it is denying her or his equal worth."

The people and religious groups adversely impacted by the present Order do not accept the proposition that some religious services can operate online as an excuse for imposing a total prohibition on gatherings. Although most goods can now be purchased online, retail stores are permitted to welcome customers. Even though one can eat and exercise at home, restaurants and gyms are open. Reasonable minded people are being forced to conclude that the government and its public health officials have determined that religious services and supports are less essential than non-religious activities despite the fact that the communal aspects of religion is not only a constitutionally protected activity but one that the Supreme Court of Canada has deemed to be essential to religious practitioners.

From my conversations with numerous individuals and religious organizations it is clear to me that the vast majority of these agencies are willing and able to abide by guidelines designed to restrict the transmission of COVID-19. They are as capable as any other organization to develop a safety plan that conforms with guidelines and need only be given an opportunity to do so.

I have written to you today in your capacity as B.C.'s Attorney General to learn your views on this important issue that is impacting the Constitutional rights of many thousands, if not millions, of British Columbians. It is my further hope that you will take the information and the submissions I have included in this letter into account when providing your advice to the Ministry of Health and public health officials.

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-4-

Neither I, nor the people on whose behalf I am writing, wish to diminish the magnitude of the challenges that public health officials have faced this past year. However, British Columbians are also relying upon you to ensure that these officials discharge their public health responsibilities in a way that is fair, equitable and above all, consistent with the constitutional rights of all British Columbians. Under the circumstances, modifying the present Order of the Provincial Health Officer to allow for in person religious gatherings with appropriate safeguards seems a reasonable, appropriate and necessary step.

I thank you for your attention to this matter and look forward to your reply.

Yours truly,



Michael G. de Jong, QC  
MLA, Abbotsford West  
Critic for the Attorney General

