



This is the 1st affidavit
of Jack Schoeman in this proceeding
and it was made on February 8, 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 JACK SCHOEMAN

I, JACK SCHOEMAN, of Abbotsford, in the Province of British Columbia, MAKE OATH
AND SAY AS FOLLOWS THAT:

1. I am the Pastor of the Emmanuel Free Reformed Church of Abbotsford, B.C. 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 the affidavit related to mask wearing in religious services and to interfaith conference calls discussing how faith practices could be safely conducted in compliance with public health orders. See First Emerson Affidavit at paragraphs 62, 98, 110-12 and 114.
3. On Dec 14, 2020, I participated in a conference call with Dr. Bonnie Henry, Health Minister Adrian Dix and Premier John Horgan (the "Conference Call"). The Conference Call was initiated by Joleen Badger, Director of Executive Council Events with the Government of British Columbia. As described in a December 11, 2020 email sent to faith leaders (attached as **Exhibit "A"** to this Affidavit), the purpose of the Conference Call was to receive feedback and questions from faith leaders across the

province regarding the application and implementation of the provisions of the most recent Provincial Health Orders in faith communities.

4. I participated in the Conference Call as the delegated participant of the emeritus pastor of the Langley Free Reformed Church, Rev. Tom Aicken. See emails dated December 14, 2020, attached as **Exhibit “B”** to this Affidavit, between myself, Jolene Badger and Tom Aicken.
5. I noted and recall that during the Conference Call, Dr. Henry stated that during an in-person worship service, it is not contrary to the order to sing without a mask, so long as physical distancing can be maintained between members of different households.
6. Given the fact that Dr. Henry had issued a public health order prohibiting in-person worship services almost a month earlier, Dr. Henry’s comments on that occasion were rather perplexing to me.
7. This information was communicated by me and others to various faith communities, including Riverside Calvary Chapel, Immanuel Covenant Reformed Church and the Free Reformed Church in Chilliwack.
8. 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 HOUSTON
in the Province of British Columbia,
on this 10 day of February, 2021.

A Commissioner for Taking Affidavits
within the Province of British Columbia

A. AMY BADESHA

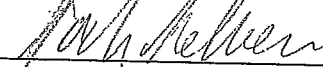
~~Notary Public~~

100 - 3240 Mt. Lehman Rd., Abbotsford, B.C. V4X 2M9
604 381 2222

604.381.2000

NO ADVICE SOUGHT NOR GIVEN.

ATTESTED ONLY BUT NOT DRAWN BY A. AMY BADESHA

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JACK SCHOEMAN

From: **Badger, Joleen GCPE:EX** <Joleen.Badger@gov.bc.ca>

Date: Fri, 11 Dec 2020 at 14:29

Subject: Invitation to Telephone Townhall with Premier Horgan- Monday, Dec 14

To: tmaicken@gmail.com <tmaicken@gmail.com>

Good afternoon,

You are invited to attend a telephone town hall with Premier John Horgan, Health Minister Adrian Dix and Provincial Health Officer Dr. Bonnie Henry, on **Monday December 14, 2020 at 10:30AM PDT**. Following from previous conversations, the focus of this call is to discuss the latest Provincial Health Orders related to faith communities.

To participate in this call, please use the personalized dial-in information below:

DIAL IN: 1- 866-891-6590

CUSTOM PIN: 1205

To confirm that you will participate, please reply to this email.

PLEASE DO NOT FORWARD THIS DIAL-IN INFORMATION. In order to allow us to handle such a large call volume, each PIN is unique to each caller, and will only work one time. If someone else uses your PIN, it will not allow you to also access the call. You may choose to designate your participation to another person if you are not able to join, or there is someone more appropriate - please reply with the name of the delegated participant to do so.

For those dialing in, please do so 20 minutes prior to the call at 10:10am PDT to ensure there is no delay in you being connected to the call.

There will be an opportunity to ask questions. If you would like to join the queue, please dial *1 during the call.

We look forward to having you participate.

Best,

Joleen Badger

Director of Executive Council Events

This is Exhibit "A" referred to in the Affidavit of
JACK BRIDGMAN
sworn before me at the City of FRASER
Province of British Columbia, this 10 day of
DECEMBER 2020

A. AMY BADESHA
A Notary Public in and for the Province of British Columbia

A. AMY BADESHA
Notary Public

100 - 3240 Mt. Lehman Rd., Abbotsford, B.C. V4X 2M9
604-381.2000

NO ADVICE SOUGHT NOR GIVEN.
ATTESTED ONLY BUT NOT DRAWN BY A. AMY BADESHA

From: tom aicken <tmaicken@gmail.com>
Sent: December 14, 2020 9:09 AM
To: Jack Schoeman <jackschoeman@outlook.com>
Cc: Joleen.Badger@gov.bc.ca
Subject: Re: Town Hall Meeting today

confirmed. HTA

On Mon, 14 Dec 2020 at 08:13, Jack Schoeman <jackschoeman@outlook.com> wrote:

Hello Jolene

You recently sent an invitation to Rev. To Aicken to attend the town hall meeting this morning. He will not be able to make it, but I have been asked to take his place. I am the counsellor for the Langley Free Reformed church.

I have the dial in information.

I will ask him to confirm this with you which is why I ccc'd him on this email.

Regards

Rev. Jack Schoeman

This is Exhibit "B" referred to in the Affidavit of

JACK SCHOEMAN
sworn before me at the City of PORTISBURG
Province of British Columbia, this 8th day of
DECEMBER 2020

A. AMY BADESHA
A Notary Public in and for the Province of British Columbia

A. AMY BADESHA
Notary Public

100 - 3240 Mt. Lehman Rd., Abbotsford, B.C. V4X 2M9
604.381.2000

NO ADVICE SOUGHT NOR GIVEN.
ATTESTED ONLY BUT NOT DRAWN BY A. AMY BADESHA



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of Jack Schoeman in this proceeding
and it was made on February 8, 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 JACK SCHOEMAN

I, JACK SCHOEMAN, of Abbotsford, in the Province of British Columbia, MAKE OATH
AND SAY AS FOLLOWS THAT:

1. I am the Pastor of the Emmanuel Free Reformed Church of Abbotsford, B.C. 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 the affidavit related to mask wearing in religious services and to interfaith conference calls discussing how faith practices could be safely conducted in compliance with public health orders. See First Emerson Affidavit at paragraphs 62, 98, 110-12 and 114.
3. On Dec 14, 2020, I participated in a conference call with Dr. Bonnie Henry, Health Minister Adrian Dix and Premier John Horgan (the "Conference Call"). The Conference Call was initiated by Joleen Badger, Director of Executive Council Events with the Government of British Columbia. As described in a December 11, 2020 email sent to faith leaders (attached as **Exhibit "A"** to this Affidavit), the purpose of the Conference Call was to receive feedback and questions from faith leaders across the

province regarding the application and implementation of the provisions of the most recent Provincial Health Orders in faith communities.

4. I participated in the Conference Call as the delegated participant of the emeritus pastor of the Langley Free Reformed Church, Rev. Tom Aicken. See emails dated December 14, 2020, attached as **Exhibit "B"** to this Affidavit, between myself, Jolene Badger and Tom Aicken.
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6. Given the fact that Dr. Henry had issued a public health order prohibiting in-person worship services almost a month earlier, Dr. Henry's comments on that occasion were rather perplexing to me.
7. This information was communicated by me and others to various faith communities, including Riverside Calvary Chapel, Immanuel Covenant Reformed Church and the Free Reformed Church in Chilliwack.
8. 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 Abbotsford,
in the Province of British Columbia,
on this 18 day of February, 2021.

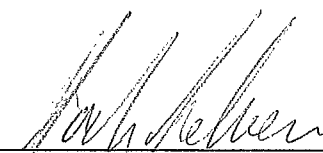
A Commissioner for Taking Affidavits
within the Province of British Columbia

A. AMY BADESHA

Notary Public

100 - 3240 Mt. Lehman Rd., Abbotsford, B.C. V4X 2M9
604.381.2000

NO ADVICE SOUGHT NOR GIVEN.
ATTESTED ONLY BUT NOT DRAWN BY A. AMY BADESHA



JACK SCHOEMAN

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To: tmaicken@gmail.com <tmaicken@gmail.com>

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To participate in this call, please use the personalized dial-in information below:

DIAL IN: 1- 866-891-6590

CUSTOM PIN: 1205

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There will be an opportunity to ask questions. If you would like to join the queue, please dial *1 during the call.

We look forward to having you participate.

Best,

Joleen Badger

Director of Executive Council Events

This is Exhibit "A" referred to in the Affidavit of
JANET BATESMAN
sworn before me at the City of RESCORON
Province of British Columbia, this 15 day of
FEBRUARY 2021

A. AMY BADESHA
A Notary Public in and for the Province of British Columbia

A. AMY BADESHA
Notary Public

100 - 3240 Mt. Lehman Rd., Abbotsford, B.C. V4X 2M9
604.381.2000

NO ADVICE SOUGHT NOR GIVEN.
ATTESTED ONLY BUT NOT DRAWN BY A. AMY BADESHA

From: tom aicken <tmaicken@gmail.com>
Sent: December 14, 2020 9:09 AM
To: Jack Schoeman <jackschoeman@outlook.com>
Cc: Joleen.Badger@gov.bc.ca
Subject: Re: Town Hall Meeting today

confirmed. HTA

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Hello Jolene

You recently sent an invitation to Rev. To Aicken to attend the town hall meeting this morning. He will not be able to make it, but I have been asked to take his place. I am the counsellor for the Langley Free Reformed church.

I have the dial in information.

I will ask him to confirm this with you which is why I ccc'd him on this email.

Regards

Rev. Jack Schoeman

This is Exhibit "B" referred to in the Affidavit of

JACK SCHOEMAN
sworn before me at the City of POWERS
Province of British Columbia, this 8th day of
DECEMBER 2021

A. AMY BADESHA
A Notary Public in and for the Province of British Columbia

A. AMY BADESHA
Notary Public

100 - 3240 Mt. Lehman Rd., Abbotsford, B.C. V4X 2M9
604.384.2000

NO ADVICE SOUGHT NOR GIVEN.
ATTESTED ONLY BUT NOT DRAWN BY A. AMY BADESHA



This is the 1st affidavit
of John Sikkema in this proceeding
and it was made on February 8, 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 JOHN SIKKEMA

I, JOHN SIKKEMA, a lawyer registered with the Law Society of Ontario, of Gatineau, in the Province of Quebec, MAKE OATH AND SAY AS FOLLOWS THAT:

1. I work in association with The Acacia Group law firm in Ontario, and together with Albertos Polizogopoulos, I act as legal counsel to a group of churches in British Columbia, listed in paragraph 3 herein, which are seeking an accommodation under sections 38 and 43 of the *Public Health Act*.
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. The churches referred to in paragraph 1 herein are the following:
 - a. Abbotsford Canadian Reformed Church, 33947 King Road, Abbotsford, BC V2S 7M7
 - b. Aldergrove Canadian Reformed Church Box 809, Aldergrove, BC V4w 2V1
 - c. Chilliwack Canadian Reformed Church, PO Box 238, Chilliwack, BC V2P 6J1

- d. Cloverdale Canadian Reformed Church, PO Box 34501, Clover Square Village 17790 #10 Hwy, Surrey, BC V3S 4P5
 - e. Houston Canadian Reformed Church, Box 36, Houston BC V0J 1Z1
 - f. Langley Canadian Reformed Church, 21804 52 Avenue, Langley, BC V2Y 1L3
 - g. Sardis Canadian Reformed Church, PO Box 1018, Vedder Crossing PO Chilliwack, BC, V2R 3N7
 - h. Smithers Canadian Reformed Church, Box 2229, Smithers, BC V0J 2NO
 - i. Vernon Canadian Reformed Church, 5600 MacDonald Road, Vernon, BC V1B 3L2
 - j. Willoughby Heights Canadian Reformed Church, 7949 202Aa street, Langley, BC V2Y 1W8
 - k. Yarrow Canadian Reformed Church, 42285 Yarrow Central Road, Chilliwack, BC V2R 5E3
4. On behalf of these churches, The Acacia Group submitted a letter containing a request for reconsideration to the Provincial Health Officer of British Columbia (Exhibit A to this affidavit) with an accompanying COVID-19 safety plan (Exhibit B to this affidavit).
 5. The letter is signed by Albertos Polizogopoulos, Acacia Group partner, but the following email and fax messages were sent by me.
 6. The letter (Exhibit A) and safety plan (Exhibit B) were sent on January 8, 2021, via email to ProvHlthOffice@gov.bc.ca, as directed in the "Gatherings and Events" public health orders. Attached as Exhibit C is a copy of the auto reply I received after submitting the letter and safety plan.
 7. On January 14, 2021, the letter and safety plan were sent via fax to the Ministry of Health, to Dr. Bonnie Henry's attention, with another request for a timely response.
 8. On January 25, 2021, the letter and safety plan were sent again via email to ProvHlthOffice@gov.bc.ca and via fax to the Provincial Health Officer. Attached as Exhibit D is a copy of the auto reply I received after resubmitting the letter and safety plan to Dr. Henry.
 9. To date, we have received no reply, other than the auto-replies, from Dr. Henry or the Ministry of Health.

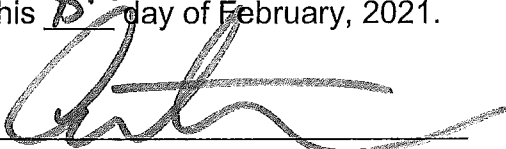
10. I swear this Affidavit *bona fide* and for no improper purpose.

SWORN BEFORE ME at the

City of Ottawa,

in the Province of Ontario,

on this 8th day of February, 2021.


A Commissioner for Taking Affidavits
within the Province of Ontario

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JOHN SIKKEMA

André M. Schutten
Notary Public
for the Province of Ontario

This is "Exhibit A" referred to in the affidavit of John Sikkema sworn before me at Ottawa, ON on February 8, 2021.



THE ACACIA GROUP
A MINISTERS' COUNCIL AND A DAO SO LTD.

André M. Schutten
Notary Public
for the Province of Ontario

613-221-5895
343-888-2619
info@acaciagroup.ca
acaciagroup.ca

Albertos Polizogopoulos
Direct Line: (613) 221-5895
Email: albertos@acaciagroup.ca

January 8, 2021

Dr. Bonnie Henry, Provincial Health Officer
4th Floor, 1515 Blanshard Street
PO Box 9648 STN PROV GOVT, Victoria BC V8W 9P4
Email: ProvHlthOffice@gov.bc.ca

RE: Request for Reconsideration of Public Health Order re. Gatherings and Events (Jan. 8, 2021)

Dear Dr. Henry,

I write to you on behalf of my clients to request that you reconsider your Public Health Order on "Gatherings and Events" issued on January 8 ("the Order"), which effectively prohibits gathering for religious worship services. My clients are eleven (11) Canadian Reformed Churches ("the Churches") in B.C. Together, they have 3600 members (confessing adult members and children). The Churches are listed with addresses in Appendix A. Our clients are grateful for you and the work you do to keep them and their neighbours safe. They regularly pray for you and others in positions of civil authority.

According to section 43 of the Public Health Act, SBC 2008, c 28, and as specified in your Order, a person affected by an order may request that a health officer reconsider the order if that person (a) has additional relevant information that was not reasonably available to the health officer when the order was issued or varied, or (b) has a proposal that was not presented to the health officer when the order was issued or varied but, if implemented, would (i) meet the objective of the order, and (ii) be suitable as the basis of a written agreement under section 38.

This letter and the accompanying proposal contain additional information about our clients' religious beliefs and their COVID safety plans – information which was not reasonably available to you when the Jan. 8 Order was made. This letter and the accompanying documents provide a proposal for permitting our clients to gather for religious worship in a manner that would meet your goals of preventing viral spread. Thus, our clients have a clear basis under s. 43 for requesting reconsideration. As a remedy, we request that you vary the current order to allow worship services to continue, or that you make an order under s. 38 with respect to our clients that will allow them to hold worship services notwithstanding the Order, while requiring them to follow procedures set out in their proposal for as long as the Order remains in effect. In exercising your discretion in this matter, you are also bound by the *Charter*.



THE ACACIA GROUP
A MINISTRY OF THE CHURCH OF CANADA

613-221-5895
343-888-2619
info@acaciagroup.ca
acaciagroup.ca

The Churches' religious calling and responsibility

The leaders of the Churches believe they are obligated to continue to call God's people to gather together for worship, in the safest way they can. The Churches have already demonstrated their readiness to comply with COVID-related restrictions and to protect their neighbours and members, especially the vulnerable. The Churches have followed COVID safety protocols for months. They are even willing to alter their practices to make them even safer than before, despite the difficulties.

However, the Churches do not believe that corporate worship can be replaced virtually. They believe that they are religiously obligated to continue gathering for worship. This is a duty they owe to God, to members, and to the community. The Churches believe that worship services are a unique and irreplaceable encounter with God. They believe God calls Christians to worship Him and promises to be present in worship in a special way. Live-streaming brings some benefits, but is not the same as in-person worship. Our clients believe there is no substitute for the God-glorifying, faith-sustaining, and love-renewing power of public worship.

This information about our clients' beliefs was either not "reasonably available to the health officer" when the Order was made, or it was ignored or given insufficient weight. The government [webpage](#) explaining your Order asserts that "[r]eligious services can continue using remote or virtual attendance options, like Zoom or Skype." Government permission is not needed for people to host or view a religious service or message online, for which COVID restrictions are irrelevant. This statement amounts to a blanket assertion of the government's view that religious gatherings can be replaced by virtual meetings. This demonstrates a lack of awareness of the fact that, for many, religious services simply cannot be replaced by "virtual attendance options."

Religious worship services compared to other gatherings, events, and activities

Your Order cites no concerns about religious worship services in particular, yet it treats them the same as various kinds of gatherings for commercial, business, or entertainment purposes (e.g. "disc jockey performance; strip dancing; comedic act; ... puppet show; fashion show; ... auction; game; ... market or fair"). The Order affords *less* freedom to religious worship gatherings than it affords to gathering for "sport for children or youth," for adult "group low intensity exercise." This Order and others afford more freedom to business, retail, schools, child-care providers, and more.

Constitutional law questions aside, strictly as a matter of preventing viral spread it makes little sense to treat a church the same or worse than non-essential retail or restaurants, for example. A worship service typically involves known members of a particular community, who arrive and leave at predictable times. This allows for better planning, organization, and reception of safety instructions by participants. The movement of people at our clients' worship services is limited and predictable. Further, a religious



THE ACACIA GROUP
COMMUNITY SERVICES TO PEOPLE WITH ADD AND AS

613-221-5895
 343-888-2619
 info@acaciagroup.ca
 acaciagroup.ca

worship service can implement contact tracing and advanced self-screening for participants in a way retail stores cannot. In the Churches' religious worship services, people can entirely avoid touching the same objects as others, whereas in a retail store, this happens frequently, randomly, and untraceably.

While churches are shut down, restaurants, pubs, and bars are still allowed to offer dine-in service "if they have a COVID-19 Safety Plan." High-performance athletes may still travel, train, and compete together, provided they follow a COVID-19 Safety Plan. Perhaps no church-specific COVID-19 Safety Plan has been presented to your office. This request for reconsideration aims to remedy this and to assist your office with protecting *Charter* freedoms while minimizing viral spread. In any event, the proposal accompanying this letter was not presented to you before the Order was issued.

Religious worship assemblies and *The Charter of Rights and Freedoms*

In your capacity to issue binding orders, you function as a lawmaker. As such, it is imperative that you take into account your constitutional obligations and limitations. The Churches enjoy the protection of the foundational *Charter* freedoms of religion, expression, association, and assembly, all of which are severely infringed by the Order. The *Charter* protects religious worship services in ways that it does not protect other activities that have not been so severely restricted.

When it comes to religious gatherings, the infringement is uniquely serious, even in comparison to other societally beneficial "gatherings" and "events". Changing a lecture from in-person to online, for example, may infringe freedom of expression to some degree by rendering the communication less effective, but it does not require the lecturer or listener to violate their conscience. When it comes to the Churches' worship services, conversely, it is not merely a matter of degree or efficacy, but a question of the fundamental nature of the worship service, wherein Christians gather to meet with their Lord and Saviour through the power of the Holy Spirit. Other events and gatherings, such as those that serve primarily commercial or entertainment purposes, should not be considered on the same level, in terms of constitutional importance, as gathering for religious worship.

Non-essential retail, restaurants, pubs, bars, youth sports, low intensity adult group exercise, schools, child care, and more can continue to operate under B.C.'s current rules, with COVID safety plans and various restrictions. Our clients do not begrudge them that. However, the Churches understand their worship services to be essential. For those who attend, these worship services are vitally important to living out their faith and communing with God. Of course, they also offer significant mental, social, and emotional benefits, though these are secondary. The Order permits certain in-person meetings, such as Alcoholics Anonymous, to continue, no doubt recognizing their vital importance to the wellbeing of participants. So too with religious worship services, perhaps especially during this time of year and in the midst of much stress and social disruption.



THE ACACIA GROUP
A COMMITMENT TO RESPECT AND FAITH

613-221-5895
343-888-2619
info@acaciagroup.ca
acaciagroup.ca

Your office has continued to permit various events, gatherings, and in-person activities to continue, provided they have a COVID Safety Plan. Our clients' should enjoy the same freedom. The *Charter* protects their freedom to practice our faith in public worship services (by section 2(a) and (d) in particular) and guarantees their equal benefit and protection of the law (section 15). Moreover, the *Public Health Act* provides that parties affected by a public health order may request reconsideration and accommodation (ss. 38 and 43). The total ban on worship services may be motivated by a fear that some churches (or other religious bodies) would be careless if permitted to gather. But the same risk is present with respect to schools, gyms, restaurants, retail outlets, and so on. There is no evidence that organized religious worship services are especially likely to be conducted carelessly with respect to COVID-19, and presuming so would be unlawful discrimination.

The *Public Health Act* provides a mechanism by which a party can show how it can substantively satisfy the goals of the order (in this case, minimizing viral spread). In deciding on whether to accept such a proposal, you must respect and minimally impair the *Charter* freedoms implicated by your Order. Any concern that your office may have with respect religious worship must surely be mitigated where a group of churches proactively undertakes to adopt a COVID-19 Safety Plan.

The Churches' proposal under sections 38 and 43 of the *Public Health Act*

In accordance with sections 38 and 43 of the *Public Health Act*, the Churches are willing to agree to follow the measures laid out in the accompanying proposal as an alternative to the Order, for as long as the Order remains in effect. They are also open (through legal counsel) to discussion and to suggestions for modifying this proposal.

Our clients' fundamental freedoms can be better respected by an agreement that allows them to continue to hold worship services with various safety measures in effect, measures which will render them far less of a health risk than many other activities that continue to be permitted.

The *Public Health Act* (s. 43(4)) requires your decision in this matter to include reasons. Given the sensitive nature of this request, its importance to our clients, and the severity of the Order's impact on their religious practice and *Charter* freedoms, we urge you to respond in a timely manner.

Yours truly,

THE ACACIA GROUP

Albertos Polizogopoulos

Appendix A

Abbotsford Canadian Reformed Church
33947 King Road, Abbotsford, BC V2S 7M7

Aldergrove Canadian Reformed Church
Box 809, Aldergrove, BC V4w 2V1

Chilliwack Canadian Reformed Church
PO Box 238, Chilliwack, BC V2P 6J1

Cloverdale Canadian Reformed Church
PO Box 34501, Clover Square Village
17790 #10 Hwy, Surrey, BC V3S 4P5

Houston Canadian Reformed Church
Box 36, Houston BC V0J 1Z1

Langley Canadian Reformed Church
21804 52 Avenue, Langley, BC V2Y 1L3

Sardis Canadian Reformed Church
PO Box 1018, Vedder Crossing PO
Chilliwack, BC, V2R 3N7

Smithers Canadian Reformed Church
Box 2229, Smithers, BC V0J 2N0


Vernon Canadian Reformed Church
5600 MacDonald Road, Vernon, BC V1B 3L2

Willoughby Heights Canadian Reformed Church
7949 202Aa street, Langley, BC V2Y 1W8

Yarrow Canadian Reformed Church
42285 Yarrow Central Road, Chilliwack, BC V2R 5E3

This is "Exhibit B" referred to in the affidavit of John Sikkenma,
sworn before me at Ottawa, ON, on February 8, 2021.

COVID-19 Prevention Policy for Churches

6

André M. Schutten
Notary Public
for the Province of Ontario

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1 Introduction

God calls us to gather together to worship Him and hear His Word preached. We gather together as Christ's body, locally and physically present. Corporate worship cannot be replaced virtually. Worship gatherings are a unique and irreplaceable spiritual encounter with God. God himself calls Christians to worship and promises to be present in worship in a special way. To be a church without in-person worship gatherings is not sustainable. Live-streaming brings some benefits, but is not the same as in-person worship. There is no substitute for the God-glorifying, faith-sustaining, and love-renewing power of public worship.

We have complied with previous regulations for gatherings that set a cap of 50 persons per space and required social distancing. The Public Health Order of Dr. Henry dated December 15, 2020, however, bans corporate worship services while permitting retail shopping, in-restaurant dining, indoor group exercise, and other activities to continue. We have not seen evidence that churches, such as ours, which were already following social distancing and hygienic measures and attendance caps, are a significant source of viral spread, despite cases of transmission at a church being far easier to track than transmission between customers at a store, for example.

We have shown ourselves willing to bear significant difficulty and costs to prevent viral transmission. And we remain willing to do so, but not to the point of foregoing corporate worship entirely and indefinitely (Dr. Henry's Order was recently extended yet again). Thus, as an alternative to not gathering at all, we propose to adopt the following enhanced prevention protocols in our worship services for as long as the current Order remains in effect.

2 Summary of preventive measures

In particular, this proposal would enhance the preventive practices that were in place before worship services were prohibited by public health orders by:

- a) limiting attendance in each worship space or zone to the lesser of 50 persons or to 30% of regular seated capacity of a given space,
- b) instructing attendees to self-screen before attending worship,
- c) requiring masks inside the church building,
- d) suspending access to church mailboxes,
- e) revising the manner in which the sacrament of Lord's Supper is distributed,
- f) suspending the use of collection plates / bags for financial offerings,
- g) suspending children's programs and nursery care for infants,
- h) ensuring all worship spaces are well ventilated, and
- i) assigning specific responsibilities to specific categories of people (each church will further specify the relevant persons by name)

Other measures relating to social distancing, contact tracing, and cleaning will remain in place. These too are set out below. This proposal also ensures that specific persons within a church community are responsible for implementing it. We are prepared to be legally bound to follow these measures for as long as the Order prohibiting worship gatherings remains in effect.

The following proposal was developed based in part on the B.C. Centre for Disease Control's guidance for Faith-Based Organizations, but with additional measures added that are specifically tailored to Canadian Reformed worship services.

This proposal is in no way intended to alter or detract from the guidance that church staff must follow while working at the church, according to WorkSafe BC protocols.

3 Worship Services Times

There will ordinarily be two worship services per Sunday, with enough of a time gap between each service to ensure that worship zone are thoroughly cleaned, along with all instruments, podiums, washrooms, and door handles for entrances and exits.

As for those who are sick or who may have been infected with COVID-19 (see self-screening policy in Part 4.1, below) or otherwise unable to attend, the worship service will be livestreamed for their edification.

4 Contact Tracing and Self-Screening

4.1 Sign up and contact tracing

Members of the congregation are required to sign up with their names and basic contact information to attend each worship service, in order to enable effective contact tracing. Guests who may arrive unannounced or without signup will be accommodated at the service by our ushers as space allows, and be required to provide their names and contact information. The signup files will be saved securely for at least one month.

4.2 Self-screening

All who sign up will be asked to self-screen for symptoms of COVID-19 on the morning before the worship service and to refrain from attending if they have symptoms. We will include a link to B.C.'s self-assessment tool (<https://bc.thrive.health/covid19/en>) in the email.

5 Masks

Masks will be required in the building, including when entering or exiting the building, subject to medical exceptions. Signage will be posted at each entrance to remind of the need to wear masks and to maintain physical distancing between households.

6 Zone or Area of Worship

6.1 Division into worship zones

Attendance numbers will be determined according to each space or “worship zone”, each of which must have its own entrance, exit, washroom, and physically separated from others. Each zone will be clearly marked and signs around the building will indicate entry and exit locations and washroom locations.

6.2 Worship zone capacity limit

Each zone and area will have a max occupancy sign at the entrance. The maximum occupancy per worship zone must be the lesser of 50 persons or 30% of the ordinary seated capacity.

No one is to cross Zone barriers, nor leave one Zone to enter another Zone, for any reason. There are specific, limited exceptions for personnel with certain responsibilities (see Part 11).

6.3 Physical barriers between zones

To separate the zones completely, a physical barrier must be in place, such as building walls or plexiglass, between the worship zones and between their respective entrance and exit routes.

6.4 Exit and Entry Doors

Hand sanitizer will be provided at all entrances. Signage will be posted at each entrance to remind of the need to wear masks and to maintain physical distancing between households.

To minimize the handling of entry and exit doors, designated people will be opening and closing the doors. Before and after the church services, the doors remain open to avoid touching door handles; during the worship service the doors are closed.

Only the ushers will open and close the doors, and sanitize their hands after doing so. Ushers will wear masks. After each worship service, caretakers will clean door handles.

6.5 Spacing of pews and chairs

Each seated row in use for a worship service must be at least two meters apart. Members of different households must maintain at least two meters of space between them if seated in the same row as members of another household.

If a church uses pews or other fixed position seating, the church will designate every other row as open or closed, which designation can be switched for a subsequent service.

Attendees may only sit in an open row of the appropriate zone in the specific worship service they have signed up for.

Assigned people will further assist in each zone with seating people (see Part 11).

6.5 Ventilation of worship zones

B.C.'s Centre for Disease Control has stated its concern that the longer that a group of people breath the same air in an enclosed space, the greater the likelihood of viral spread becomes. Therefore, churches will ensure that each worship space is ventilated to allow for new air to enter. This may require opening a door or window.

6.6 Parking

Each worship zone has a designated parking area. Signs at the parking lot entrances indicate parking for the each worship zones.

7 Items in the Worship Service

7.1 Bibles and song books

People are encouraged to bring their own bible and book of praise. Bible and songbooks that the church provided will remain in designated benches / chairs, to have one use by one person or household per week only.

7.2 Collection

The Church will discontinue the practice of passing the collection bag or plate. Instead, members are encouraged to donate to the church online, through e-transfer, or by regular mail.

8 Use of specific rooms or areas

8.1 Washrooms

Each zone will have its own designated washroom with signage directing people to it.

Within the washrooms will be hand-washing signs. Outside of the washrooms will be signs reminding people to maintain social distancing. Door handles, faucets, flush levers, and other frequently touched surfaces will be frequently cleaned by the caretakers.

8.2 Mail Box Area

Access to members' church mailboxes will be suspended.

8.3 Kitchen

No food or drinks will be served in the kitchen. The kitchen may be used only for cleaning or washing or preparing the elements of the Lord's Supper.

9 Lord's Supper

Our Lord commanded us to commemorate His life, death, and resurrection by the celebration of the Lord's Supper. This sacrament signifies and seals to believers that they share in Christ's one sacrifice. By this sacrament, the Holy Spirit assures us that our salvation rests on Christ's work alone. (Heidelberg Catechism, LD 25 and 28)

Food Safe requirements will be maintained for the preparation of the elements of the Lord's Supper. To distribute the elements, a station will be set up to serve communicant members of each worship zone. Each member will maintain social distancing while moving in one direction to pick up one (his or her own) piece of bread and disposable cup, and circling back to his seat. This way, no items or objects will be shared. This will be done a single row at a time, with people moving down their row, up one side aisle, across the front, and back up the opposite side, all while maintaining social distancing between different households.

10 Pre- and post-service fellowship time suspended

Before and after the service, the separation of zones continues to be in effect, along with social distancing and masking rules. People must not mingle but must return to their vehicles immediately after the service.

11 Cleaning

Cleaning and disinfecting protocols will be implemented, focusing on high-contact surfaces throughout the facility, including doors, tables, chairs, break rooms, office spaces, washroom facilities, and pews. Cleaning is carried out by the Caretaker. Should the Caretaker allow others to assist, the Caretaker will train the cleaning staff/volunteers accordingly.

11 Personnel's responsibilities

The COVID virus and consequent restrictions affects all people in the congregation. Everyone is asked to do their part. Email and other communication tools, complemented by signage in the building, will help remind all members of the congregation of their responsibilities.

There are protocols and procedures for specific people and groups that use the building. These groups include:

- COVID committee
- Building Caretakers
- Ushers
- Elders and deacons
- Technical support teams
- Musicians
- Preachers and speakers

11.1 Personnel crossing zones

Due to the unique task of the above-listed special personnel, it might be necessary for them to cross zones. In the event that personnel is required to cross zones that person can do so when:

- The person has properly hand sanitized, before entering each zone.
- Is wearing a mask,
- Keeps zone-crossing to a minimum.

11.2 COVID committee

Each church will have a COVID Committee consisting of at least two members of consistory and at least one lay member. The COVID Committee must assign and oversee duties and ensure that all elements of this proposal are carefully followed. The Committee will assist the caretakers, ushers, and others as much as possible with the execution of the protocols. The Committee will be directly responsible to ensure that self-screening instructions are sent to members each week and that members are asked to sign up to attend service in specific zones.

11.3 Building caretakers

Tasked with the normal care of the building as well as extra duties due to COVID protocols:

- Setting up of chairs/benches for each Zone
- Ensure hand wash stations are in place and stocked
- Arrange for clean-up and sanitation of building and all objects after use
- Ensure physical barriers are in place

- Ensure adequate signage is in place at entrances, in parking lots, and throughout each worship zone

11.4 Ushers

Consistory will assign ushers to help with seating and provide information for the service. The ushers will also assist guests and families with maintaining social distancing protocol in seating. The ushers assist with:

- Greeting guests (socially distanced)
- Reminding attendees of protocols
- Guide people to the correct zone
- Seating arrangement
- Ensure people don't cross barriers
- Ensure people do not cluster within or outside of the building

11.5 Elders and deacons

Elders will oversee the Lord Supper and ensure that it is distributed in a manner that maintains social distancing and avoids touching common surfaces. Deacons will remain responsible for collecting financial offerings, but will not collect cash, cheques, or envelopes during the worship service as is their usual practice.

11.6 Technical support teams during worship services

Technical support teams, such as those in charge of setting up the sound system or the livestream, must maintain social distancing between members of the team and ensure that any equipment they may use is cleaned before another person touches or uses it.

11.7 Musicians

Musicians must maintain adequate social distancing from other musicians, congregants, and speakers at all times. Musicians will wear masks when possible. Musicians will ensure that a particular instrument is not used by more than one person without first being carefully cleaned.

11.8 Preacher or other speakers

Ordinarily, only the pastor and an elder or two speak during our worship services. The preacher or any other speaker will ensure that they maintain adequate social distancing from all other persons while preaching or speaking. If there is more than one speaker during a service, they will avoid sharing the same podium or the same book, printed notes, or other physical object. Speakers will speak from a designated place at the front of the church and may remove their mask for this purpose.



This is the 1st affidavit
of John Sikkema in this proceeding
and it was made on February 8, 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 JOHN SIKKEMA

I, JOHN SIKKEMA, a lawyer registered with the Law Society of Ontario, of Gatineau, in the Province of Quebec, MAKE OATH AND SAY AS FOLLOWS THAT:

1. I work in association with The Acacia Group law firm in Ontario, and together with Albertos Polizogopoulos, I act as legal counsel to a group of churches in British Columbia, listed in paragraph 3 herein, which are seeking an accommodation under sections 38 and 43 of the *Public Health Act*.
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. The churches referred to in paragraph 1 herein are the following:
 - a. Abbotsford Canadian Reformed Church, 33947 King Road, Abbotsford, BC V2S 7M7
 - b. Aldergrove Canadian Reformed Church Box 809, Aldergrove, BC V4w 2V1
 - c. Chilliwack Canadian Reformed Church, PO Box 238, Chilliwack, BC V2P 6J1

- d. Cloverdale Canadian Reformed Church, PO Box 34501, Clover Square Village 17790 #10 Hwy, Surrey, BC V3S 4P5
 - e. Houston Canadian Reformed Church, Box 36, Houston BC V0J 1Z1
 - f. Langley Canadian Reformed Church, 21804 52 Avenue, Langley, BC V2Y 1L3
 - g. Sardis Canadian Reformed Church, PO Box 1018, Vedder Crossing PO Chilliwack, BC, V2R 3N7
 - h. Smithers Canadian Reformed Church, Box 2229, Smithers, BC V0J 2NO
 - i. Vernon Canadian Reformed Church, 5600 MacDonald Road, Vernon, BC V1B 3L2
 - j. Willoughby Heights Canadian Reformed Church, 7949 202Aa street, Langley, BC V2Y 1W8
 - k. Yarrow Canadian Reformed Church, 42285 Yarrow Central Road, Chilliwack, BC V2R 5E3
4. On behalf of these churches, The Acacia Group submitted a letter containing a request for reconsideration to the Provincial Health Officer of British Columbia (Exhibit A to this affidavit) with an accompanying COVID-19 safety plan (Exhibit B to this affidavit).
 5. The letter is signed by Albertos Polizogopoulos, Acacia Group partner, but the following email and fax messages were sent by me.
 6. The letter (Exhibit A) and safety plan (Exhibit B) were sent on January 8, 2021, via email to ProvHlthOffice@gov.bc.ca, as directed in the "Gatherings and Events" public health orders. Attached as Exhibit C is a copy of the auto reply I received after submitting the letter and safety plan.
 7. On January 14, 2021, the letter and safety plan were sent via fax to the Ministry of Health, to Dr. Bonnie Henry's attention, with another request for a timely response.
 8. On January 25, 2021, the letter and safety plan were sent again via email to ProvHlthOffice@gov.bc.ca and via fax to the Provincial Health Officer. Attached as Exhibit D is a copy of the auto reply I received after resubmitting the letter and safety plan to Dr. Henry.
 9. To date, we have received no reply, other than the auto-replies, from Dr. Henry or the Ministry of Health.

10. I swear this Affidavit *bona fide* and for no improper purpose.

SWORN BEFORE ME at the

City of Ottawa,

in the Province of Ontario,

on this 8th day of February, 2021.



A Commissioner for Taking Affidavits
within the Province of Ontario

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JOHN SIKKEMA

André M. Schutten
Notary Public
for the Province of Ontario

Sworn before me at Ottawa, ON
on February 8, 2021.



André M. Schutten

André M. Schutten
Notary Public
for the Province of Ontario

613-221-5895
343-888-2619
info@acaciagroup.ca
acaciagroup.ca

THE ACACIA GROUP

Albertos Polizogopoulos
Direct Line: (613) 221-5895
Email: albertos@acaciagroup.ca

January 8, 2021

Dr. Bonnie Henry, Provincial Health Officer
4th Floor, 1515 Blanshard Street
PO Box 9648 STN PROV GOVT, Victoria BC V8W 9P4
Email: ProvHlthOffice@gov.bc.ca

RE: Request for Reconsideration of Public Health Order re. Gatherings and Events (Jan. 8, 2021)

Dear Dr. Henry,

I write to you on behalf of my clients to request that you reconsider your Public Health Order on "Gatherings and Events" issued on January 8 ("the Order"), which effectively prohibits gathering for religious worship services. My clients are eleven (11) Canadian Reformed Churches ("the Churches") in B.C. Together, they have 3600 members (confessing adult members and children). The Churches are listed with addresses in Appendix A. Our clients are grateful for you and the work you do to keep them and their neighbours safe. They regularly pray for you and others in positions of civil authority.

According to section 43 of the Public Health Act, SBC 2008, c 28, and as specified in your Order, a person affected by an order may request that a health officer reconsider the order if that person **(a)** has additional relevant information that was not reasonably available to the health officer when the order was issued or varied, or **(b)** has a proposal that was not presented to the health officer when the order was issued or varied but, if implemented, would (i) meet the objective of the order, and (ii) be suitable as the basis of a written agreement under section 38.

This letter and the accompanying proposal contain additional information about our clients' religious beliefs and their COVID safety plans – information which was not reasonably available to you when the Jan. 8 Order was made. This letter and the accompanying documents provide a proposal for permitting our clients to gather for religious worship in a manner that would meet your goals of preventing viral spread. Thus, our clients have a clear basis under s. 43 for requesting reconsideration. As a remedy, we request that you vary the current order to allow worship services to continue, or that you make an order under s. 38 with respect to our clients that will allow them to hold worship services notwithstanding the Order, while requiring them to follow procedures set out in their proposal for as long as the Order remains in effect. In exercising your discretion in this matter, you are also bound by the *Charter*.



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The Churches' religious calling and responsibility

The leaders of the Churches believe they are obligated to continue to call God's people to gather together for worship, in the safest way they can. The Churches have already demonstrated their readiness to comply with COVID-related restrictions and to protect their neighbours and members, especially the vulnerable. The Churches have followed COVID safety protocols for months. They are even willing to alter their practices to make them even safer than before, despite the difficulties.

However, the Churches do not believe that corporate worship can be replaced virtually. They believe that they are religiously obligated to continue gathering for worship. This is a duty they owe to God, to members, and to the community. The Churches believe that worship services are a unique and irreplaceable encounter with God. They believe God calls Christians to worship Him and promises to be present in worship in a special way. Live-streaming brings some benefits, but is not the same as in-person worship. Our clients believe there is no substitute for the God-glorifying, faith-sustaining, and love-renewing power of public worship.

This information about our clients' beliefs was either not "reasonably available to the health officer" when the Order was made, or it was ignored or given insufficient weight. The government webpage explaining your Order asserts that "[r]eligious services can continue using remote or virtual attendance options, like Zoom or Skype." Government permission is not needed for people to host or view a religious service or message online, for which COVID restrictions are irrelevant. This statement amounts to a blanket assertion of the government's view that religious gatherings can be replaced by virtual meetings. This demonstrates a lack of awareness of the fact that, for many, religious services simply cannot be replaced by "virtual attendance options."

Religious worship services compared to other gatherings, events, and activities

Your Order cites no concerns about religious worship services in particular, yet it treats them the same as various kinds of gatherings for commercial, business, or entertainment purposes (e.g. "disc jockey performance; strip dancing; comedic act; ... puppet show; fashion show; ... auction; game; ... market or fair"). The Order affords *less* freedom to religious worship gatherings than it affords to gathering for "sport for children or youth," for adult "group low intensity exercise." This Order and others afford more freedom to business, retail, schools, child-care providers, and more.

Constitutional law questions aside, strictly as a matter of preventing viral spread it makes little sense to treat a church the same or worse than non-essential retail or restaurants, for example. A worship service typically involves known members of a particular community, who arrive and leave at predictable times. This allows for better planning, organization, and reception of safety instructions by participants. The movement of people at our clients' worship services is limited and predictable. Further, a religious



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A DIVISION OF THE ACACIA GROUP LTD.

613-221-5895
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info@acaciagroup.ca
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worship service can implement contact tracing and advanced self-screening for participants in a way retail stores cannot. In the Churches' religious worship services, people can entirely avoid touching the same objects as others, whereas in a retail store, this happens frequently, randomly, and untraceably.

While churches are shut down, restaurants, pubs, and bars are still allowed to offer dine-in service "if they have a COVID-19 Safety Plan." High-performance athletes may still may still travel, train, and compete together, provided they follow a COVID-19 Safety Plan. Perhaps no church-specific COVID-19 Safety Plan has been presented to your office. This request for reconsideration aims to remedy this and to assist your office with protecting *Charter* freedoms while minimizing viral spread. In any event, the proposal accompanying this letter was not presented to you before the Order was issued.

Religious worship assemblies and *The Charter of Rights and Freedoms*

In your capacity to issue binding orders, you function as a lawmaker. As such, it is imperative that you take into account your constitutional obligations and limitations. The Churches enjoy the protection of the foundational *Charter* freedoms of religion, expression, association, and assembly, all of which are severely infringed by the Order. The *Charter* protects religious worship services in ways that it does not protect other activities that have not been so severely restricted.

When it comes to religious gatherings, the infringement is uniquely serious, even in comparison to other societally beneficial "gatherings" and "events". Changing a lecture from in-person to online, for example, may infringe freedom of expression to some degree by rendering the communication less effective, but it does not require the lecturer or listener to violate their conscience. When it comes to the Churches' worship services, conversely, it is not merely a matter of degree or efficacy, but a question of the fundamental nature of the worship service, wherein Christians gather to meet with their Lord and Saviour through the power of the Holy Spirit. Other events and gatherings, such as those that serve primarily commercial or entertainment purposes, should not be considered on the same level, in terms of constitutional importance, as gathering for religious worship.

Non-essential retail, restaurants, pubs, bars, youth sports, low intensity adult group exercise, schools, child care, and more can continue to operate under B.C.'s current rules, with COVID safety plans and various restrictions. Our clients do not begrudge them that. However, the Churches understand their worship services to be essential. For those who attend, these worship services are vitally important to living out their faith and communing with God. Of course, they also offer significant mental, social, and emotional benefits, though these are secondary. The Order permits certain in-person meetings, such as Alcoholics Anonymous, to continue, no doubt recognizing their vital importance to the wellbeing of participants. So too with religious worship services, perhaps especially during this time of year and in the midst of much stress and social disruption.



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Your office has continued to permit various events, gatherings, and in-person activities to continue, provided they have a COVID Safety Plan. Our clients' should enjoy the same freedom. The *Charter* protects their freedom to practice our faith in public worship services (by section 2(a) and (d) in particular) and guarantees their equal benefit and protection of the law (section 15). Moreover, the *Public Health Act* provides that parties affected by a public health order may request reconsideration and accommodation (ss. 38 and 43). The total ban on worship services may be motivated by a fear that some churches (or other religious bodies) would be careless if permitted to gather. But the same risk is present with respect to schools, gyms, restaurants, retail outlets, and so on. There is no evidence that organized religious worship services are especially likely to be conducted carelessly with respect to COVID-19, and presuming so would be unlawful discrimination.

The *Public Health Act* provides a mechanism by which a party can show how it can substantively satisfy the goals of the order (in this case, minimizing viral spread). In deciding on whether to accept such a proposal, you must respect and minimally impair the *Charter* freedoms implicated by your Order. Any concern that your office may have with respect religious worship must surely be mitigated where a group of churches proactively undertakes to adopt a COVID-19 Safety Plan.

The Churches' proposal under sections 38 and 43 of the *Public Health Act*

In accordance with sections 38 and 43 of the *Public Health Act*, the Churches are willing to agree to follow the measures laid out in the accompanying proposal as an alternative to the Order, for as long as the Order remains in effect. They are also open (through legal counsel) to discussion and to suggestions for modifying this proposal.

Our clients' fundamental freedoms can be better respected by an agreement that allows them to continue to hold worship services with various safety measures in effect, measures which will render them far less of a health risk than many other activities that continue to be permitted.

The *Public Health Act* (s. 43(4)) requires your decision in this matter to include reasons. Given the sensitive nature of this request, its importance to our clients, and the severity of the Order's impact on their religious practice and *Charter* freedoms, we urge you to respond in a timely manner.

Yours truly,

THE ACACIA GROUP

Albertos Polizogopoulos

Appendix A

5

Abbotsford Canadian Reformed Church
33947 King Road, Abbotsford, BC V2S 7M7

Aldergrove Canadian Reformed Church
Box 809, Aldergrove, BC V4w 2V1

Chilliwack Canadian Reformed Church
PO Box 238, Chilliwack, BC V2P 6J1

Cloverdale Canadian Reformed Church
PO Box 34501, Clover Square Village
17790 #10 Hwy, Surrey, BC V3S 4P5

Houston Canadian Reformed Church
Box 36, Houston BC V0J 1Z1

Langley Canadian Reformed Church
21804 52 Avenue, Langley, BC V2Y 1L3

Sardis Canadian Reformed Church
PO Box 1018, Vedder Crossing PO
Chilliwack, BC, V2R 3N7

Smithers Canadian Reformed Church
Box 2229, Smithers, BC V0J 2N0

Vernon Canadian Reformed Church
5600 MacDonald Road, Vernon, BC V1B 3L2

Willoughby Heights Canadian Reformed Church
7949 202Aa street, Langley, BC V2Y 1W8

Yarrow Canadian Reformed Church
42285 Yarrow Central Road, Chilliwack, BC V2R 5E3

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1 Introduction

God calls us to gather together to worship Him and hear His Word preached. We gather together as Christ's body, locally and physically present. Corporate worship cannot be replaced virtually. Worship gatherings are a unique and irreplaceable spiritual encounter with God. God himself calls Christians to worship and promises to be present in worship in a special way. To be a church without in-person worship gatherings is not sustainable. Live-streaming brings some benefits, but is not the same as in-person worship. There is no substitute for the God-glorifying, faith-sustaining, and love-renewing power of public worship.

We have complied with previous regulations for gatherings that set a cap of 50 persons per space and required social distancing. The Public Health Order of Dr. Henry dated December 15, 2020, however, bans corporate worship services while permitting retail shopping, in-restaurant dining, indoor group exercise, and other activities to continue. We have not seen evidence that churches, such as ours, which were already following social distancing and hygienic measures and attendance caps, are a significant source of viral spread, despite cases of transmission at a church being far easier to track than transmission between customers at a store, for example.

We have shown ourselves willing to bear significant difficulty and costs to prevent viral transmission. And we remain willing to do so, but not to the point of foregoing corporate worship entirely and indefinitely (Dr. Henry's Order was recently extended yet again). Thus, as an alternative to not gathering at all, we propose to adopt the following enhanced prevention protocols in our worship services for as long as the current Order remains in effect.

2 Summary of preventive measures

In particular, this proposal would enhance the preventive practices that were in place before worship services were prohibited by public health orders by:

- a) limiting attendance in each worship space or zone to the lesser of 50 persons or to 30% of regular seated capacity of a given space,
- b) instructing attendees to self-screen before attending worship,
- c) requiring masks inside the church building,
- d) suspending access to church mailboxes,
- e) revising the manner in which the sacrament of Lord's Supper is distributed,
- f) suspending the use of collection plates / bags for financial offerings,
- g) suspending children's programs and nursery care for infants,
- h) ensuring all worship spaces are well ventilated, and
- i) assigning specific responsibilities to specific categories of people (each church will further specify the relevant persons by name)

Other measures relating to social distancing, contact tracing, and cleaning will remain in place. These too are set out below. This proposal also ensures that specific persons within a church community are responsible for implementing it. We are prepared to be legally bound to follow these measures for as long as the Order prohibiting worship gatherings remains in effect.

The following proposal was developed based in part on the B.C. Centre for Disease Control's guidance for Faith-Based Organizations, but with additional measures added that are specifically tailored to Canadian Reformed worship services.

This proposal is in no way intended to alter or detract from the guidance that church staff must follow while working at the church, according to WorkSafe BC protocols.

3 Worship Services Times

There will ordinarily be two worship services per Sunday, with enough of a time gap between each service to ensure that worship zone are thoroughly cleaned, along with all instruments, podiums, washrooms, and door handles for entrances and exits.

As for those who are sick or who may have been infected with COVID-19 (see self-screening policy in Part 4.1, below) or otherwise unable to attend, the worship service will be livestreamed for their edification.

4 Contact Tracing and Self-Screening

4.1 Sign up and contact tracing

Members of the congregation are required to sign up with their names and basic contact information to attend each worship service, in order to enable effective contact tracing. Guests who may arrive unannounced or without signup will be accommodated at the service by our ushers as space allows, and be required to provide their names and contact information. The signup files will be saved securely for at least one month.

4.2 Self-screening

All who sign up will be asked to self-screen for symptoms of COVID-19 on the morning before the worship service and to refrain from attending if they have symptoms. We will include a link to B.C.'s self-assessment tool (<https://bc.thrive.health/covid19/en>) in the email.

5 Masks

Masks will be required in the building, including when entering or exiting the building, subject to medical exceptions. Signage will be posted at each entrance to remind of the need to wear masks and to maintain physical distancing between households.

6 Zone or Area of Worship

6.1 Division into worship zones

Attendance numbers will be determined according to each space or “worship zone”, each of which must have its own entrance, exit, washroom, and physically separated from others. Each zone will be clearly marked and signs around the building will indicate entry and exit locations and washroom locations.

6.2 Worship zone capacity limit

Each zone and area will have a max occupancy sign at the entrance. The maximum occupancy per worship zone must be the lesser of 50 persons or 30% of the ordinary seated capacity.

No one is to cross Zone barriers, nor leave one Zone to enter another Zone, for any reason. There are specific, limited exceptions for personnel with certain responsibilities (see Part 11).

6.3 Physical barriers between zones

To separate the zones completely, a physical barrier must be in place, such as building walls or plexiglass, between the worship zones and between their respective entrance and exit routes.

6.4 Exit and Entry Doors

Hand sanitizer will be provided at all entrances. Signage will be posted at each entrance to remind of the need to wear masks and to maintain physical distancing between households.

To minimize the handling of entry and exit doors, designated people will be opening and closing the doors. Before and after the church services, the doors remain open to avoid touching door handles; during the worship service the doors are closed.

Only the ushers will open and close the doors, and sanitize their hands after doing so. Ushers will wear masks. After each worship service, caretakers will clean door handles.

6.5 Spacing of pews and chairs

Each seated row in use for a worship service must be at least two meters apart. Members of different households must maintain at least two meters of space between them if seated in the same row as members of another household.

If a church uses pews or other fixed position seating, the church will designate every other row as open or closed, which designation can be switched for a subsequent service.

Attendees may only sit in an open row of the appropriate zone in the specific worship service they have signed up for.

Assigned people will further assist in each zone with seating people (see Part 11).

6.5 Ventilation of worship zones

B.C.'s Centre for Disease Control has stated its concern that the longer that a group of people breath the same air in an enclosed space, the greater the likelihood of viral spread becomes. Therefore, churches will ensure that each worship space is ventilated to allow for new air to enter. This may require opening a door or window.

6.6 Parking

Each worship zone has a designated parking area. Signs at the parking lot entrances indicate parking for the each worship zones.

7 Items in the Worship Service

7.1 Bibles and song books

People are encouraged to bring their own bible and book of praise. Bible and songbooks that the church provided will remain in designated benches / chairs, to have one use by one person or household per week only.

7.2 Collection

The Church will discontinue the practice of passing the collection bag or plate. Instead, members are encouraged to donate to the church online, through e-transfer, or by regular mail.

8 Use of specific rooms or areas

8.1 Washrooms

Each zone will have its own designated washroom with signage directing people to it.

Within the washrooms will be hand-washing signs. Outside of the washrooms will be signs reminding people to maintain social distancing. Door handles, faucets, flush levers, and other frequently touched surfaces will be frequently cleaned by the caretakers.

8.2 Mail Box Area

Access to members' church mailboxes will be suspended.

8.3 Kitchen

No food or drinks will be served in the kitchen. The kitchen may be used only for cleaning or washing or preparing the elements of the Lord's Supper.

9 Lord's Supper

Our Lord commanded us to commemorate His life, death, and resurrection by the celebration of the Lord's Supper. This sacrament signifies and seals to believers that they share in Christ's one sacrifice. By this sacrament, the Holy Spirit assures us that our salvation rests on Christ's work alone. (Heidelberg Catechism, LD 25 and 28)

Food Safe requirements will be maintained for the preparation of the elements of the Lord's Supper. To distribute the elements, a station will be set up to serve communicant members of each worship zone. Each member will maintain social distancing while moving in one direction to pick up one (his or her own) piece of bread and disposable cup, and circling back to his seat. This way, no items or objects will be shared. This will be done a single row at a time, with people moving down their row, up one side aisle, across the front, and back up the opposite side, all while maintaining social distancing between different households.

10 Pre- and post-service fellowship time suspended

Before and after the service, the separation of zones continues to be in effect, along with social distancing and masking rules. People must not mingle but must return to their vehicles immediately after the service.

11 Cleaning

Cleaning and disinfecting protocols will be implemented, focusing on high-contact surfaces throughout the facility, including doors, tables, chairs, break rooms, office spaces, washroom facilities, and pews. Cleaning is carried out by the Caretaker. Should the Caretaker allow others to assist, the Caretaker will train the cleaning staff/volunteers accordingly.

11 Personnel's responsibilities

The COVID virus and consequent restrictions affects all people in the congregation. Everyone is asked to do their part. Email and other communication tools, complemented by signage in the building, will help remind all members of the congregation of their responsibilities.

There are protocols and procedures for specific people and groups that use the building. These groups include:

- COVID committee
- Building Caretakers
- Ushers
- Elders and deacons
- Technical support teams
- Musicians
- Preachers and speakers

11.1 Personnel crossing zones

Due to the unique task of the above-listed special personnel, it might be necessary for them to cross zones. In the event that personnel is required to cross zones that person can do so when:

- The person has properly hand sanitized, before entering each zone.
- Is wearing a mask,
- Keeps zone-crossing to a minimum.

11.2 COVID committee

Each church will have a COVID Committee consisting of at least two members of consistory and at least one lay member. The COVID Committee must assign and oversee duties and ensure that all elements of this proposal are carefully followed. The Committee will assist the caretakers, ushers, and others as much as possible with the execution of the protocols. The Committee will be directly responsible to ensure that self-screening instructions are sent to members each week and that members are asked to sign up to attend service in specific zones.

11.3 Building caretakers

Tasked with the normal care of the building as well as extra duties due to COVID protocols:

- Setting up of chairs/benches for each Zone
- Ensure hand wash stations are in place and stocked
- Arrange for clean-up and sanitation of building and all objects after use
- Ensure physical barriers are in place

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- Ensure adequate signage is in place at entrances, in parking lots, and throughout each worship zone

11.4 Ushers

Consistory will assign ushers to help with seating and provide information for the service. The ushers will also assist guests and families with maintaining social distancing protocol in seating. The ushers assist with:

- Greeting guests (socially distanced)
- Reminding attendees of protocols
- Guide people to the correct zone
- Seating arrangement
- Ensure people don't cross barriers
- Ensure people do not cluster within or outside of the building

11.5 Elders and deacons

Elders will oversee the Lord Supper and ensure that it is distributed in a manner that maintains social distancing and avoids touching common surfaces. Deacons will remain responsible for collecting financial offerings, but will not collect cash, cheques, or envelopes during the worship service as is their usual practice.

11.6 Technical support teams during worship services

Technical support teams, such as those in charge of setting up the sound system or the livestream, must maintain social distancing between members of the team and ensure that any equipment they may use is cleaned before another person touches or uses it.

11.7 Musicians

Musicians must maintain adequate social distancing from other musicians, congregants, and speakers at all times. Musicians will wear masks when possible. Musicians will ensure that a particular instrument is not used by more than one person without first being carefully cleaned.

11.8 Preacher or other speakers

Ordinarily, only the pastor and an elder or two speak during our worship services. The preacher or any other speaker will ensure that they maintain adequate social distancing from all other persons while preaching or speaking. If there is more than one speaker during a service, they will avoid sharing the same podium or the same book, printed notes, or other physical object. Speakers will speak from a designated place at the front of the church and may remove their mask for this purpose.