

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR.) THURSDAY, THE 24th DAY
)
JUSTICE J. PAUL R. HOWARD) OF JUNE, 2021

B E T W E E N:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO



Applicant

– and –

**OLD COLONY MENNONITE CHURCH, TRUSTEES OF OLD COLONY MENNONITE
CONGREGATION, PETER GUENTHER, JACOB FEHR, FRANK PETERS, JACOB
NEUFELD, GERHARD THIESSEN, AARON UNGER, and JACOB WIEBE**

Respondents

APPLICATION UNDER SECTION 9 OF THE *REOPENING ONTARIO*
(*A FLEXIBLE RESPONSE TO COVID-19*) ACT, 2020, S.O. 2020, c. 17

ORDER

NOTICE

**IF YOU, THE RESPONDENTS, DISOBEY THIS ORDER, YOU MAY BE
HELD TO BE IN CONTEMPT OF COURT. ANY OTHER PERSON WHO
KNOWS OF THIS ORDER AND DOES ANYTHING TO BREACH ITS
TERMS MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT.**

THIS APPLICATION brought by the applicant, Her Majesty the Queen in right of Ontario, for an order under section 9 of the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, S.O. 2020, c. 17, restraining the respondents from contravening Ontario Regulation 82/20, was heard this day by videoconference at Chatham, Ontario.

UPON READING the amended application record dated June 21, 2021, supplementary application record dated June 22, 2021, and factum dated June 22, 2021, of the applicant, and the responding application record dated June 23, 2021, of the respondents, and upon hearing the submissions of counsel for the applicant and of counsel for the respondents:

1. **THIS COURT ORDERS** that the time for service and filing of the said application record, amended application record, supplementary application record, and factum of the applicant, and the responding application record of the respondents be and the same is hereby abridged.
2. **AND THIS COURT ORDERS** that pursuant to section 9 of the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, S.O. 2020, c. 17 (“*ROA*”), the respondents, their servants, employees, agents, assigns, officers, directors and anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this Order, be and the same are hereby restrained from directly or indirectly, by any means whatsoever, contravening restrictions relating to capacity, masking, and physical distancing that apply to them under O. Reg. 82/20 or that may apply under any regulation to the *ROA* at, inside, or in conjunction with the operation of the churches of the Old Colony Mennonite Church located at 8684 Cundle Line, 11159 Grove Mills Line, and 22046 Wheatley Road in the Municipality of Chatham-Kent.

3. **AND THIS COURT ORDERS** that a copy of this Order shall be posted on the external doors of the said church buildings at 8684 Cundle Line, 11159 Grove Mills Line, and 22046 Wheatley Road in such a manner that the Order is visible to all individuals entering or attempting to enter the premises.
4. **AND THIS COURT ORDERS** that the respondents may, within thirty (30) days of the making of this Order, deliver a notice of a motion before this Court to vary, discharge or set aside this Order.
5. **AND THIS COURT ORDERS** that in the event the respondents bring a motion under paragraph four, it will be adjudicated pursuant to a timetable endorsed by the Court and this Order remains in force unless and until it is varied, discharged or set aside by the Court.
6. **AND THIS COURT ORDERS** that, notwithstanding rule 59.05 of the *Rules of Civil Procedure*, this Order is effective from the date that it is made and is enforceable without any need for entry and filing. No formal Order need be entered and filed unless an appeal is brought to an appellate court. Any party may nonetheless submit a formal Order for original signing, entry and filing when the Court returns to regular operations.
7. **AND THIS COURT ORDERS** that the applicant is presumptively entitled to its costs of this motion, if demanded. To that end, in the event that a further motion is brought to ensure compliance with this Order, whether by way of contempt motion or otherwise, the costs of today's attendance are reserved to the judge hearing that motion.



HER MAJESTY THE QUEEN IN RIGHT OF and
ONTARIO
Applicant

OLD COLONY MENNONITE CHURCH ET AL
Respondents

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceedings commenced at Chatham

ORDER

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Her Majesty the Queen in right of Ontario
