

**CITATION:** R. v. The Church of God (Restoration) Aylmer, 2021 ONSC 4404  
**COURT FILE NO.:** CV 8/21  
**DATE:** 2021-06-18

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:**

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Applicant/Moving Party

– and –

THE CHURCH OF GOD (RESTORATION) AYLMEYR, HENRY  
HILDEBRANDT, ABRAM BERGEN, JACOB HIEBERT, PETER  
HILDEBRANDT, SUSAN MUTCH, ELVIRA TOVSTIGA and TRUDY  
WIEBE

Respondents/Responding Parties

**BEFORE:** Regional Senior Justice B. G. Thomas

**COUNSEL:** Lisa Brost, Counsel for the Applicant/Moving Party

Lisa Bilty, Counsel for the Respondents/Responding Parties

**HEARD:** June 18, 2021

**ENDORSEMENT**

- [1] On June 11, 2021 I found The Church of God (Restoration) Aylmer, and Henry Hildebrandt in contempt of my order of February 12, 2021 in respect of the gatherings on May 23, 30 and June 6, 2021.
- [2] On June 11, 2021 I found Herbert Hildebrandt and Peter Wall in contempt of the same order by their active participation in the gathering of May 23, 2021.
- [3] I have adjourned sentencing of the contemnors to today's date so that I might have some evidence of how the contemnors reacted to the progression of the Province into Stage 1 of the continuing public health restrictions.
- [4] The affidavit material including drone footage provides evidence of a large group of congregants outdoors and on the property of the Church on June 13, 2021.
- [5] Certainly, the evidence discloses a group of people spread across the property. Pockets of people are not distancing two metres apart, but I have no evidence that they do not live in the same household. It is clear to me that this congregation is comprised of many families.
- [6] While the applicant seeks to have me find the physical layout of the service of June 13, 2021 to be an aggravating factor in this sentencing, I am unable to do so. I do not have

proof beyond a reasonable doubt of continued non-compliance or contempt. In fact, there is some evidence of compliance which can be seen as mitigating.

- [7] The applicant's materials provide proof of the conveyance of this Church's real property to The Church of God (Restoration) Lethbridge. The conveyance was registered on May 21, 2021. The sum of \$1.00 is shown as the consideration for the transaction. In March, 2021 two mortgages registered against this Church's Aylmer property were discharged leaving no registered encumbrances at the time of the May conveyance.
- [8] Henry Hildebrandt has provided evidence of the reason for and timing of this conveyance. His evidence is clearly an attempt to indicate to this Court that the transaction was not meant to defeat attempts by the applicant to collect the fines levied in these proceedings.
- [9] The issue of the *bona fides* of this conveyance is left to another Court on another day. I choose not to take it into account in this sentencing.
- [10] As a result of the three acts of contempt of May 23, 30 and June 6, 2021, Henry Hildebrandt will be fined \$10,000. for each act of contempt for a total of \$30,000.00. The Church of God (Restoration) Aylmer will be fined \$15,000. for each act of contempt for a total of \$45,000.
- [11] Herbert Hildebrandt will be fined \$3,000. Peter Wall will be fined \$7,500.
- [12] All contemnors, but for Herbert Hildebrandt, have been found in contempt on two prior occasions and fined at that time.
- [13] It should be clear that this Court stands ready to enforce its order if necessary. I am hopeful however that future compliance will make that unnecessary. I think it is important for this Court to recognize that the easing of restrictions and the progression into Stage 1 is only possible because of the sacrifices of many and because of the widespread application of approved vaccines.

  
Regional Senior Justice B. G. Thomas

**Released:** June 18, 2021.