



Justice Centre for Constitutional Freedoms

December 15, 2021

“WITH PREJUDICE”

City Solicitor’s Office
City of Fredericton
397 Queen Street
Fredericton, NB E3B 1B5

By Email: [REDACTED]

To: Michelle Brzak

Dear Madam,

RE: Fredericton Farmers Market December 9 Vaccine Passport Policy

Please be advised that the subject policy has been brought to our attention. Further, please find enclosed a copy of our letter to Minister Flemming Q.C. of the New Brunswick government dated December 7, 2021 with a correction to the letter underlined and in bold.

It is our understanding that the Fredericton Farmers Market (the “Market”) is owned and operated by the City of Fredericton who designates a board to operate the said market. Further, it is our understanding that the Market leases the premise at which it operates from the New Brunswick government for a nominal rate of \$1/yr.

The policy imposed by the market on December 9, 2021 seeks to exclude anyone over the age of 12 from entry to the market without proof of vaccination and I.D. There exists no legal requirement of the imposition of such policy. Rather, the policy is a gross violation of Sections 2, 7 and 15 of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”). It also contravenes Section 6(1) of the *Human Rights Act* (the “*Act*”). Suffice it to say, there exists no legal justification to impose such an egregious violation of the *Charter* and we deem this to be a very serious matter.

The right to food is a fundamental Human Right enshrined in various international instruments including, Article 25 of *The Universal Declaration of Human Rights* and Article 11 of the *International Covenant on Economic Social and Cultural Rights* amongst other Human Rights instruments.

We reiterate as we did to Minister Flemming: access to food for all Canadians including citizens of New Brunswick is an essential service which should not be denied to anyone, especially by Government, including the City of Fredericton.

This shall serve as a demand upon you to forthwith rescind the policy at the market.

Yours truly,

[REDACTED]

ANDRE F. MEMAURI

Justice Centre for Constitutional Freedoms
#253, 7620 Elbow Drive SW
Calgary, Alberta, T2V 1K2

[REDACTED]

cc: Kirstin Gallant (Market Coordinator) [REDACTED];
New Brunswick Minister of Justice [REDACTED]; Premier Blaine Higgs – [REDACTED]
[REDACTED]; Dr. Jennifer Russell, Chief Medical Officer of Health – [REDACTED]