



## URGENT

February 17, 2022

VIA EMAIL: Steve.Bell@ottawapolice.ca

Attention: Steve Bell, Interim Police Chief  
Ottawa Police Service  
P.O. Box 9634 Station T,  
Ottawa, Ontario, K1G 6H5

Dear Interim Chief Bell,

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**Re: Ottawa Police Breach of Charter Rights -- Right to Peaceful Assembly**

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We observed your press conference this afternoon.

On behalf of the Justice Centre for Constitutional Freedoms, we are writing to you directly with our grave concerns regarding your legally unsupported warning to Canadians about rights of public assembly and protest.

Remarkably, today, you stated that your police will not allow people to enter downtown Ottawa to participate in peaceful protests.

You have no authority whatsoever to make such an order.

Your direction to the police is contrary to the rights of Canadians to peaceful assembly, as is guaranteed under section 2 of the *Canadian Charter of Rights and Freedoms* (the "Charter").

The *Charter* ensures that Canadians are free to peacefully assemble, to express their ideas, to gather to discuss them and to communicate political dissent widely to other people. These activities are basic forms of individual liberty. They are essential to the basic functioning of a democratic society like Canada. In Canada, people are free to discuss matters of public policy, to protest peacefully, and to criticize politicians, governments and laws.

We request that you review immediately the most recent Federal Proclamation under the Emergencies Act,<sup>1</sup> which confirms that Canadians have the right to continue to come to downtown Ottawa.

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<sup>1</sup> Canada Gazette, Part II, Ottawa, Tuesday, February 15, 2022, Emergencies Act, Proclamation Declaring a Public Order Emergency SOR/2022-20 <https://www.gazette.gc.ca/rp-pr/p2/2022/2022-02-15-x1/pdf/g2-156x1.pdf>

The Federal Proclamation issued on Tuesday, February 15 confirms that Canadians of all ages have the right to attend public assemblies and protests in downtown Ottawa. We hereby set out the relevant provisions for your ease of reference:

**(a)** measures to regulate or prohibit any public assembly — **other than lawful advocacy, protest or dissent** — that may reasonably be expected to lead to a breach of the peace, or the travel to, from or within any specified area, to regulate or prohibit the use of specified property... [emphasis added]

Furthermore, the rights of Canadians to continue with their safe and peaceful protest in downtown Ottawa was confirmed by Justice McLean of the Ontario Superior Court as recently as February 16, 2022, in a Court Order which states:

THIS COURT ORDERS that, provided the terms of this Order are complied with, the Defendants and other persons remain at liberty to engage in a peaceful, lawful and safe protest.

We attach a copy of the Court Order of Justice McLean.

The illegal measures you personally announced today, to block Canadians from entering streets in downtown Ottawa near Parliament Hill, are a gross violation of the *Charter*, contrary to the express wording of the February 15 Federal Proclamation, and contrary to the February 16 Court Order of Justice McLean.

You must immediately cease and desist any actions that restrict the peaceful assembly of protestors in downtown Ottawa. Such actions on your part are illegal and infringe Canadians fundamental *Charter* rights. You must immediately correct your gross error and announce that Canadians have the right to come to Ottawa to engage in “lawful advocacy, protest and dissent” as stated by the Federal Government’s Proclamation.

Further legal action may be commenced against the Ottawa Police, and against you personally, for highly improper conduct.

We require an immediate response.

Yours truly,

**The Justice Centre for Constitutional Freedoms**

**PER:**



Eva Chipiuk, B.Sc., LL.B, LL.M  
Staff Counsel

cc. Jim Watson, Mayor of Ottawa: Jim.Watson@ottawa.ca  
Commissioner Thomas Carrique, Ontario Provincial Police: OPP.Commissioners.Of@opp.ca;  
Assistant Commissioner Jodie Boudreau, Commanding Officer, Ontario: Jodie.Boudreau@rcmp-grc.gc.ca;  
Superintendent Larry Brookson, Acting Director of the Service: communications@pps-spp.parl.gc.ca.

ONTARIO  
SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR JUSTICE MCLEAN ) WEDNESDAY, THE 16<sup>TH</sup> DAY  
)  
) OF FEBRUARY, 2022

B E T W E E N:

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Plaintiff/Moving Party

- and -

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING and  
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Defendants/Responding Parties

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ORDER

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**THIS MOTION**, made by the Plaintiff for an interlocutory injunction and costs, pursuant to section 101 of the *Courts of Justice Act* and Rule 40.01 of the *Rules of Civil Procedure*, was heard at Ottawa on February 5, 7, and 16, 2022 by videoconference.

**UPON READING** the motion records of the parties and **UPON HEARING** the oral arguments made by counsel for the parties by Zoom,

1. **THIS COURT ORDERS** that the interlocutory injunction granted on February 7, 2022, pursuant to section 101 of the *Courts of Justice Act*, Rule 40.01 of the *Rules of Civil Procedure*, and section 12 of the *Class Proceedings Act*, is continued.
2. **THIS COURT ORDERS** that any persons having notice of this Order are hereby restrained and enjoined from using air horns or train horns, other than those on a motor vehicle of a municipal fire department, in the geographic location anywhere in the City of Ottawa, in the vicinity of downtown Ottawa, being any streets north of Highway 417, otherwise known as the Queensway, for 60 days from the date of this Order, or until further order of this Court.
3. **THIS COURT ORDERS** that any persons having notice of this Order are hereby restrained and enjoined from ordering, requesting, inciting, counselling, promoting or encouraging in any manner whatsoever, either directly or indirectly, via social media or otherwise, any person to use air horns or train horns in downtown Ottawa for as long as the Order is in effect.
4. **THIS COURT ORDERS** that the Defendants Barber, Dichter Lich, and King forthwith direct that they communicate this Order through their social media channels, including Twitter, Instagram, TikTok, Facebook, as well as the Freedom Convoy 2022 Facebook page.
5. **THIS COURT ORDERS** that any police officer with the Ottawa Police Service, and/or the appropriate police authority in the jurisdiction in question (the "Police"), shall have authorization to arrest and remove any person who has knowledge of this Order and who the Police have reasonable and probable grounds to believe is contravening or has contravened any provision of this Order.
6. **THIS COURT ORDERS** that the Police shall retain discretion:
  - a. as to the timing and manner of enforcement of this Order, and specifically retain discretion as to the timing and manner of arrest and removal of any person pursuant to this Order; and
  - b. to detain and release any person without arrest who the Police have reasonable and probable grounds to believe is contravening, or has contravened, any provisions of this Order, upon that person agreeing in writing to abide by this Order.
7. **THIS COURT ORDERS** that any peace officer and any member of the Police who arrests or arrests and removes any person pursuant to this Order shall have authorization to release that person from arrest upon that person agreeing in writing to obey this Order;

8. **THIS COURT ORDERS** that, provided the terms of this Order are complied with, the Defendants and other persons remain at liberty to engage in a peaceful, lawful and safe protest.
9. **NOTICE OF THIS ORDER** may be given by: posting copies of this Order in or around downtown Ottawa; reading the Order to any person, including but not limited to reading the Order over an amplification system publishing this Order online, including on social media accounts associated with the Defendants, and by distributing copies of this Order to media including CBC, Radio-Canada, CTV, Global News and all daily newspapers in the Ottawa-Gatineau area.
10. **THIS ORDER** shall not apply to persons acting in the course of or in the exercise of a statutory duty, power or authority.
11. **THIS COURT ORDERS** that the costs of this motion shall be in the cause.



A handwritten signature in black ink, appearing to read "M. Lee", is written over a horizontal line. The signature is cursive and includes a long horizontal stroke at the end.