

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**HER MAJESTY THE QUEEN**

Respondent

- and -

**TAMARA LEE LICH**

Applicant

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**NOTICE OF APPLICATION**

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TAKE NOTICE that an Application pursuant to Section 520 of the *Criminal Code of Canada* will be made on behalf of the Applicant, Tamara Lee Lich, before the Presiding Judge on Wednesday, April , 2022, at the Courthouse, 161 Elgin Street, Ottawa, Ontario, at the hour of 10:00 o'clock in the forenoon, or so soon thereafter as the Application can be heard for a review of the conditions imposed by Justice of John Johnston on March 7, 2022 in the Ontario Superior Court of Justice. The Applicant shall be present at the hearing of the within Application.

**THE GROUNDS FOR THIS APPLICATION ARE:**

1. The Applicant is charged with one count of counselling to commit mischief and one count of mischief.
2. The Applicant is alleged to have been one of the organizers of the “truckers protest” that arrived in Ottawa on January 28, 2022.

3. The Applicant is alleged to have encouraged protesters by making statements such as “hold the line”.
4. On March 7, 2022, His Honour, Justice Johnston, released the Applicant on judicial interim release on the conditions, including the following:
  5. You are not to log on to social or post any messages on social media.
  - ...
  - You are not to allow anyone else to post messages on social media on your behalf or indicate your approval for any future protests so long as this release order is in place.
  6. You are not to engage in organization or promotion of anti-COVID19 mandate activities and Freedom Convoy Activities.
  9. You are not to verbally, in writing, financially or by any other means support anything related to the Freedom Convoy.
5. In releasing the Applicant, His Honour had an obligation to ensure that the conditions imposed upon her were appropriate and reasonable in the circumstances of the case.
6. A ban on all forms of expression on social media or to even log in to social media and on all forms of organization or promotion of anti-covid19 mandates is incompatible with the principle of restraint and also incompatible with perfectly legitimate forms of expression on social media or otherwise, such as expressing a political view about the lockdown measures, communicating with family and friends or viewing posts from other individuals.
7. As the “Freedom Convoy” is no longer in Ottawa, there is no longer any need for a condition banning any support of the “Freedom Convoy”.

8. The conditions imposed do not have a rational connection to the risk to public safety or the commission of further offences.
9. His Honour failed to ensure that the conditions imposed were clearly articulated, minimal in number, necessary, reasonable, least onerous in the circumstances, and sufficiently linked to the accused's risks regarding the statutory grounds for detention in s. 515(10).
10. The conditions imposed violate the Applicant's right to freedom of expression protected by Section 2(b) of the *Charter*.
11. The conditions imposed violate the Applicant's right to freedom of peaceful assembly protected by section 2(c) of the *Charter*.
12. The conditions imposed violate the Applicant's right to freedom of association protected by section 2(d) of the *Charter*.
13. The conditions imposed violate the Applicant's right to reasonable bail protected by section 11(e) of the *Charter*.
14. Upon a proper application of the law to the totality of the evidence, the Court ought to be satisfied that the conditions should be varied so as to be minimal in nature, the least onerous and sufficiently link to the risk associated with section 515(0) of the *Code*.
15. Sections 2(b)(c) and (d), 11(d) and 11(e) of the *Canadian Charter of Rights and Freedom*;
16. Sections 515 and 520 of the Criminal Code of Canada;
17. Rule 20 of the *Criminal Proceedings Rules*.
18. Such further and other grounds as counsel may advise and this Honourable Court may allow.

**IN SUPPORT OF THIS APPLICATION, THE APPLICANT RELIES ON THE FOLLOWING:**

1. The decision of Justice Johnston dated March 7, 2022;
2. The Documentary and video evidence filed;
3. Such further and other evidence as counsel may tender and this Honourable Court may allow.

**THE RELIEF SOUGHT IS:**

1. An Order, pursuant to Section 520(7)(e) of the *Criminal Code of Canada*, allowing this Application, and varying the conditions imposed by Justice Jonhston.

**THE APPLICANT MAY BE SERVED WITH DOCUMENTS CONCERNING THIS APPLICATION:**

1. By service in accordance with Rule 5 of the *Criminal Proceedings Rules*, on the office of D. Condo Law PC, Attention Diane Magas, 280 Metcalfe Street, Suite 201, Ottawa, ON, K2P 1R7.

DATED at Ottawa, this 24<sup>th</sup> day of March, 2022

Signed on Behalf of  
Counsel, Articling  
Student, Sabine Semaan

*Ssemaan*

**Diane Magas (35265A)**

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