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Please reply to: Charlene E. Le Beau
File Number: CAC - 011

AUGUST 8, 2023

VIA EMAIL

City of Burnaby, Parks, Recreation and Culture
2nd floor, Suite 2301 – 3713 Kensington Avenue
Burnaby, BC V5B 0A7

Attention: ██████████, Booking Coordinator

Dear ██████████:

Re: Metro Baptist Church, short-term permission request to hold worship services in Edmonds Park

I have been retained by Pastor Russell Mackay with respect to the above-referenced matter. As you know, Pastor Mackay has sought your permission to hold worship services in the Edmonds Park on Sundays between 10:30 a.m. and 12:30 p.m. until Labour Day, 2023. The reason he has asked for permission is set out in his letter to you dated July 27, 2023. In short, despite making substantial efforts to rent premises to hold worship services, the Metro Baptist Church has found itself without a venue. Pastor Mackay is seeking a short-term solution to take the church through the summer. This matter is time sensitive.

Pastor Mackay was encouraged that you responded to him on July 27, 2023, the same day you received his letter, by advising that you would bring his letter to the attention of the Supervisor of Outdoor Sports and Recreation who oversees the activity in Burnaby Parks. You further advised him that you would respond again as soon as possible. July 27th was a Thursday, and Pastor Mackay had hoped he would receive a decision from the City the next day so that he could host a worship service in the park on the following Sunday. However, he has not heard back from you at all, and now two Sundays have passed. Time is truly of the essence in this matter, and a timely response is required. Failing to respond, and thus making the issue moot, is hardly a fair response.

I am advised by Pastor Mackay, that political and community gatherings are being permitted in Burnaby parks, such as Burnaby Pride Festival (<https://www.burnabypride.com/event/burnaby-pride-celebrations-2023/>), and MP Peter Julian and & MLA Raj Chouhan's Summer BBQ in Edmonds Park (https://www.peterjulian.ca/summer_bbq_2023). These gatherings include loud amplification of music and presenters. As you know, Pastor Mackay is willing to hold the worship services with or without an amplification system, in accordance with the City's direction. He has

also found a discreet area within Edmonds Park where worship services can be held with minimal disruption to park users and neighbours.

You have advised Pastor Mackay that, at this time, religious worship services by individual churches or religious organizations are not permitted in Burnaby parks. This policy is outdated, as it does not reflect the inclusivity boasted by the City. It also seems arbitrary and discriminatory. Freedom of peaceful assembly is one of the fundamental freedoms protected by the *Canadian Charter of Rights and Freedoms*, as set out in Section 2 (c) of the *Charter*. In addition, freedom of religion and freedom of expression are also fundamental rights protected under section 2(a) and 2(b) of the *Charter*. It is our view that allowing political and other gatherings to occur in Burnaby parks, while disallowing worship services in Burnaby parks, is a contravention of section 2(a) (b) and (c) of the *Charter*. Pastor Mackay understands that the policy to prohibit worship services in parks is under review.

It is our view that despite the current policy, which is under review, the City can still grant Pastor Mackay's request to allow him to hold worship services for congregants of Metro Baptist Church in Edmonds Park. He is not asking the City to change the policy at this time (although he hopes the City will change its policy in the near future), but simply to grant permission to him for a few weeks. This would be a temporary exception to the policy.

By failing to respond in a timely manner to Pastor Mackay's reasonable request for a short-term solution, the City is effectively denying his request.

I ask that you kindly bring this letter to the attention of the Supervisor of Outdoor Sports and Recreation. Please also provide me with that person's name and contact information at your earliest convenience so that I may contact him or her directly.

Your prompt attention to this matter is appreciated.

Yours very truly,

CHARLENE E. LE BEAU LAW OFFICE



Charlene E. Le Beau
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