

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**ZEXI LI, HAPPY GOAT COFFEE COMPANY INC.,
7983794 CANADA INC (c.o.b. as UNION: LOCAL 613)
And GEOFFREY DELANEY**

Plaintiffs

and

**CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING,
JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS,
CHAD EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANZEN, JASON
LAFACE, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,
NICHLOAS ST. LOUIS (a.k.a. @NOBODYCARIBOU),
FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, GIVESENDGO LLC,
JACOB WELLS, HAROLD JONKER, JONKER TRUCKING INC.
and BRAD HOWLAND**

Defendants

Proceeding under *Class Proceedings Act, 1992*

SUPPLEMENTAL MOTION RECORD

VOLUME 1 of 2

(Motion pursuant to section 137.1(3) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43)

November 30, 2023

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2022 Human Rights and Freedoms

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AND TO: CHAD EROS

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Defendant

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Court File No: CV-22-00088514-00CP

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Defendants

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF CHANTAL LAROCHE
Affirmed August 31, 2023

I, Chantal Laroche, of the [REDACTED], in the Province of Quebec, AFFIRM:

1. I am a professor (now emeritus) in the Audiology/Speech-Language Pathology Program at the University of Ottawa. As such, I have personal knowledge and professional experience with the matters deposed to herein, except where I have stated my evidence to be on information and belief, in which case I have indicated the source of my information and my belief in the truth of the information.

Professional Qualifications and Experience

2. I obtained my Ph.D. in the field of biomedical sciences, specialized in audiology, from the University of Montreal in 1989. After completing my studies, I was president of my own consulting firm, Sonométric Inc., from 1990 to 1993. I have been a professor in the Audiology/Speech-Language Pathology Program at the University of Ottawa since 1994, attaining full professorship in 2006 and emeritus status in September 2022.

3. I was a recipient of the Premier's Research Excellence Award (2000-2005), and have been awarded research grants from major agencies (e.g. SSHRC, NSERC, IRSST, NCE) in collaboration with colleagues in audiology, speech-language pathology, engineering and psychology. I have also received contracts from clients such as the Canadian Coast Guard, Canadian Forces, the Ontario Ministry of Safety and Correctional Services, the Municipality of Ottawa-Carleton, DRDC and the RCMP. I have served in numerous professional groups and organizations, including as a director of the Canadian Acoustical Association (1989-1993), on the Noise Committee of the Acoustical Society of America (1993-2004), and chaired committees of the International Commission on Biological Effects of Noise on Man (2011-2017).

4. I have published chapters in five books and more than 130 scientific papers in national and international peer reviewed journals or proceedings, on subjects including modelling noise environments, sound propagation of acoustic warning signals on vehicles, working in extreme noise and the effectiveness of hearing protection, and noise-induced hearing loss and prevention.

5. I have also provided commissioned reports assessing the impact of environmental noise on concentration and productivity in a workplace, and have served as an expert witness in cases involving occupational hearing loss and the impact of noise from trains, aircraft, snowmobiles, and vehicle traffic on health and quality of life. In these cases, I prepared and provided my expert evidence by using

recorded noise measurements together with interviews and anecdotal reports from those in a given area to assess and give my opinions as to the health and other impacts of these noises on individuals living and/or working within given areas.

6. A more detailed account of my professional qualifications, expertise, and experience is set out in my *curriculum vitae*. Attached hereto and marked as **Exhibit "A"** is a recent copy of my CV.

Mandate and Materials Reviewed

7. I was engaged by the Plaintiffs, represented by Champ & Associates, in August 2023 in connection with the above-captioned case for the purpose of providing expert evidence, explanations, and opinions concerning health consequences and other impacts of exposure to noise of the type and levels reported to have occurred during the Freedom Convoy.

8. Counsel for the Plaintiffs provided me with the following documents for review:

- (a) Affidavit of Sean Flynn, affirmed February 14, 2022;
- (b) Affidavit of Sean Flynn, affirmed September 30, 2022;
- (c) Affidavit of Aaron Bernard, affirmed October 7, 2022 (POEC Exhibit COM00000736), with attached exhibits including noise data collected by Spatial Media using NIOSH sound level meter app; Affidavit of Zexi Li, affirmed February 4, 2022 ("Li Affidavit"); and Affidavit of Trent Baur, affirmed February 4, 2022 ("Baur Affidavit");
- (d) Health Canada publication on Noise-Induced Hearing Loss (POEC Exhibit COM00000614), and
- (e) Transcript of testimony by Zexi Li and Victoria De La Ronde from the Public Order Emergency Commission, on October 14, 2022.

Attached hereto and marked as **Exhibit "B"** is a copy of the Affidavit of Sean Flynn, affirmed February 14, 2022 as it was provided to me ("Flynn Affidavit 1"). Attached hereto and marked as **Exhibit "C"** is a copy of the Affidavit of Sean Flynn, affirmed

September 30, 2022 as it was provided to me (“Flynn Affidavit 2”). Attached hereto and marked as **Exhibit “D”** is a copy of the Affidavit of Aaron Bernard, affirmed October 7, 2022 as it was provided to me and which I understand was entered into evidence before the Public Order Emergency Commission (“POEC”) as Exhibit COM00000736 (“Bernard Affidavit”). Attached hereto and marked as **Exhibit “E”** is a copy of a Health Canada publication on Noise-Induced Hearing Loss, as it was provided to me and which I understand was entered into evidence before the POEC as Exhibit COM00000614 (“Health Canada: Noise-Induced Hearing Loss”). Attached hereto and marked as **Exhibit “F”** is a copy of the Transcript of testimony by Zexi Li and Victoria De La Ronde from the POEC, on October 14, 2022 as it was provided to me (“POEC Transcript”).

9. In addition to the above, I had previously read media reports about the events at issue in this case, and I have also observed some videos that were recorded and posted to social media by Freedom Convoy participants and observers.

10. I also reviewed the interactive map produced by Spatial Media using noise level data collected during the Freedom Convoy, and referred to in the above-noted Affidavit of Aaron Bernard. That interactive map is published online and I accessed it on and before this date via the hyperlink: <https://caportal.ca/spatial/ottawa-truck-protest-noise-tool-legacy-2022-10-07>.

11. I also conducted my own review of literature in the audiology field, including resources and research concerning sound levels generated by horns and the impacts of elevated noise levels on hearing health, general health, psychological health and quality of life. Among the resources I consulted were:

- (a) Online resources from the US Centers for Disease Control and Prevention on Hearing Loss: “Loud Noise Can Cause Hearing Loss” and “Listen Up! Protect Your Hearing From Air Horns”;¹

¹ Centers for Disease Control and Prevention: “Loud Noise Can Cause Hearing Loss”, online at: https://www.cdc.gov/nceh/hearing_loss/default.html; and “Listen Up!

- (b) American Academy of Audiology Poster of Level of Noise in Decibels;²
- (c) International Organization of Motor Vehicle Manufacturers, Assessment on the Minimum Sound Level of the Horn (60th GRB Working Party on Noise, September 2014);³ and
- (d) M. Takada et al, Questionnaire survey on vehicle horn use and its effects on drivers and pedestrians, *Acoust. Sci. & Tech.* 34, 3 (2013).⁴

Summary of Opinions

12. In brief, my considered assessments and opinions are as follows:

- (a) Exposure to loud sounds can cause both temporary and lasting health impacts including hearing loss and tinnitus, and can also cause psychological distress and interference with psychological integrity including sleep deprivation and loss of concentration and productivity.
- (b) Truck and train horns produce sound levels in excess of 100 decibels, and prolonged exposure to such noise can cause temporary or permanent hearing loss or damage and significant psychological distress and interference.
- (c) Sound levels of 100 decibels and above recorded in downtown Ottawa during the Freedom Convoy are consistent with sound levels caused by truck and train horns used in an urban environment.
- (d) During the Freedom Convoy, indoor noise levels were sufficiently high as to interfere with residents' daily activities of life including work and rest, and outdoor noise levels were sufficiently high as to cause temporary hearing loss, permanent hearing damage, and/or tinnitus.

Protect Your Hearing From Air Horns", online at:

https://www.cdc.gov/nceh/hearing_loss/toolkit/listen_up_air_horns.html [accessed August 30, 2023]

² Online at: https://audiology-web.s3.amazonaws.com/migrated/NoiseChart_Posters-208.5x11.pdf_5399b289427535.32730330.pdf [accessed August 30, 2023]

³ Online at: <https://unece.org/DAM/trans/doc/2014/wp29grb/GRB-60-16e.pdf> [accessed August 30, 2023]

⁴ Online at: https://www.jstage.jst.go.jp/article/ast/34/3/34_E1264/_pdf [accessed August 30, 2023]

A. Health Consequences of Noise Exposure

13. Exposure to loud sounds can cause hearing loss, tinnitus, or both. Hearing loss is often caused by prolonged exposure to loud sounds, but can also arise from a very loud exposure of shorter duration. Generally, the louder the sound, the greater the risk of hearing damage and the shorter the amount of time required for hearing loss to occur. Some hearing loss experienced after exposures to high sound levels may be temporary, but noise-induced mechanical damage from short or prolonged exposures is irreversible and may not become symptomatic until later in life.

14. Sound levels are commonly measured using decibels. Decibels (dB) provide a logarithmic measurement of sound levels, meaning that every 10 decibel increase represents a tenfold increase in sound level. Therefore, an increase of 20 decibels is a hundredfold increase in how the listener experiences sound. A filter is normally applied to the decibel scale to take into consideration the sensitivity of the human hearing system, which varies according to the frequency content of the noise. An "A" is then added after "dB" to indicate that this filter has been used. The normal sound level in a home is 35 to 40 dBA. Sleep is best at approximately 30 dBA or below, and there can be significant interference with sleep when sound levels exceed 45 dBA. A normal conversation is 55 to 65 dBA. Horns installed in US passenger cars typically produce sound levels in the range of 88-95 decibels.

15. The World Health Organization considers exposure to sound levels of 70 dBA over 24 hours as safe for adults.⁵ Established occupational health and safety standards provide that hearing damage can occur from workplace exposure to noise at or above 85 dBA, but the World Health Organization states that to protect the entire population, exposure of 8 hours should not exceed 75dBA. Exposure to 100 dBA for

⁵ Note that the World Health Organization identifies children as particularly sensitive and vulnerable to high sound levels. For a number of developmental and anatomical reasons, including simply the much smaller size of their ear canals, the younger the child, the more sensitive they are to loud sounds and the more vulnerable they are to hearing loss and damage.

more than 15 minutes risks permanent hearing loss, and exposure to 110 dBA for more than just 90 seconds risks permanent hearing loss. Sound levels of 120 decibels and beyond are considered past the pain threshold. Even very brief exposures to such noise levels can cause temporary or permanent hearing loss or tinnitus.

16. Exposure to sound levels over 100 decibels can be very harmful and should be minimized, because even brief exposures at these levels can cause mechanical damage to the inner ear. Even if such exposures do not result in immediate hearing loss, damage to the inner ear may be permanent and can manifest in hearing loss or tinnitus later in life. Tinnitus can be a debilitating condition that can reduce a patient's quality of life considerably.

17. Although I am not a psychologist, I am aware and understand from literature in the field of audiology and psychoacoustics that exposure to very high environmental sound levels can also cause psychological distress and interfere with psychological integrity. The short-term impacts of exposure to high sound levels may include stress, annoyance and anxiousness, and sleep deprivation. Moreover, exposure to high noise levels can have effects on mood, concentration, and productivity at work. In this regard, I note one study that showed exposure to vehicle horns (within the Japanese standard values of 93-112 dB) evoked significantly negative reactions, such as a feeling that the horn use was startling, noisy or irritating (when there was one long horn or two long honks).⁶ However, this study did not include exposure to longer periods (i.e., minutes or hours) of honking. Over the long term, this can also result in extended periods of anxiety and anxious anticipation with respect to similar or other loud noises.

18. It is also recognized that exposure to loud noises inside living spaces can cause

⁶ M. Takada et al, Questionnaire survey on vehicle horn use and its effects on drivers and pedestrians, *Acoust. Sci. & Tech.* 34, 3 (2013), online at: https://www.jstage.jst.go.jp/article/ast/34/3/34_E1264/_pdf [accessed August 30, 2023]

anxiety, discomfort, sleep deprivation, and anxious anticipation. Moreover, noises coming from outside an individual's living space and which are beyond one's control will be more disturbing and disruptive to the hearer than noises within their control such as a hair dryer or loud music from a home stereo, even if they are the same sound level in terms of decibels.

B. Truck and Train Horns Produce Sound Levels in Excess of 100 Decibels

19. Truck and train horns are intended primarily to be used for very short durations as an emergency signal or warning in situations of danger. As such, they are designed to sound briefly, but at a high sound level. Research studies specifically addressing prolonged exposure to horns are therefore not common. However, my review of the literature does confirm the following observations.

20. Given the significant safety risks and in order to attract the attention of persons who may be exposed to unexpected danger or risk of injury, truck and train horns are designed to propagate through the environment at higher sound levels and over longer distances than car horns. As a result, truck and train horns are designed to produce sound levels over 100 dBA and as high as 120 dBA. Exposure to the sound produced by truck and train horns is thus within the range of noise than can cause health effects including temporary or permanent hearing loss or damage and conditions like tinnitus.

21. The American Academy of Audiology has reported that 30 minutes' exposure to a vehicle horn of 110 decibels may cause permanent hearing damage.⁷ The US Centers for Disease Control and Prevention have warned that even brief exposures to similar horns that are sometimes used in stadiums at sporting events may cause permanent hearing damage.

⁷ American Academy of Audiology Poster of Level of Noise in Decibels, online at: https://audiology-web.s3.amazonaws.com/migrated/NoiseChart_Posters-208.5x11.pdf_5399b289427535.32730330.pdf [accessed August 30, 2023]

22. It is my opinion that exposure between 15 and 30 minutes to multiple truck and train horns sounding continuously in an urban setting at levels over 100 dBA may cause temporary hearing loss, permanent hearing damage, and/or tinnitus. It is also my opinion that prolonged exposure to vehicle horns can also cause sleep disturbance and psychological distress and interfere with psychological integrity, resulting in loss of concentration and productivity.

C. Noise Levels and Experiences Reported During Freedom Convoy

23. I understand from media reports and the information provided to me that the so-called Freedom Convoy which arrived in Ottawa on Friday, January 28, 2022 involved the placement of numerous trucks in and around the vicinity of Parliament Hill and the neighbourhoods of Centretown and the Byward Market in the City of Ottawa. I do not reside in and did not attend downtown Ottawa in person during this period, but it is my understanding from media reports, videos from social media, and the information provided to me that a feature of the Freedom Convoy was the continuous, prolonged and ongoing sounding of truck horns and train horns mounted on trucks and other vehicles during the day and into the night.

24. It is my understanding from the Spatial Media website and the information provided to me that during the Freedom Convoy, sound levels were measured at various times and locations in downtown Ottawa. These measurements were recorded using tools that I am familiar with from my professional experience, like the “NIOSH Sound Level Meter” (“NIOSH SLM”) mobile phone application, which was developed by the United States National Institute for Occupational Safety and Health. Although the NIOSH SLM app is not a tool with laboratory-level precision, it is recognized and I confidently regard it to be a reliable and practical tool for measuring noise levels in workplaces and other noisy environments that has been tested and validated in accordance with established acoustic standards.⁸

⁸ Information concerning the specifications and use of the app may be accessed at: <https://www.cdc.gov/niosh/topics/noise/app.html> and

25. It is my understanding that noise levels measured in downtown Ottawa during the Freedom Convoy using the NIOSH Sound Level Meter or similar tools included measurements of 84 dBA⁹ and higher inside a residential apartment located more than 10 floors above street level.¹⁰ Outdoors, measurements of 100 dBA and above were frequently recorded in several locations during both day and night.¹¹ I understand that measurements of up to 110 dBA were taken near Parliament Hill,¹² 105 dBA continuously for a prolonged period at the intersection of Bank and Slater Streets,¹³ 101 dBA at Albert and O'Connor Streets, and peaks over 100 dBA at the intersection of Laurier Avenue and Kent Street.¹⁴ Measurements as high as 121 dBA were recorded when readings were taken close to trucks participating in the Freedom Convoy.¹⁵

26. In my opinion and based on my professional experience and review of the literature, these measurements are broadly consistent and can be said to converge around the sound levels that are understood and expected to be produced by truck and train horns of the types observed in downtown Ottawa during the Freedom Convoy.

27. It is my understanding that persons who recorded these measurements described the noise as being overwhelmingly and oppressively loud, almost unbearable, hurting their ears, making it a struggle to maintain productivity and

<https://www.cdc.gov/niosh/topics/noise/pdfs/NIOSH-Sound-Level-Meter-Application-app-English.pdf>.

⁹ It is my understanding and experience that, although sometimes displayed or referred to simply as "dB" or "decibels", noise measurements from the NIOSH Sound Level Meter, Apple Watch, Decibel-X and similar apps are measured in A-weighted decibels (dBA) by default. Although the information provided to me did not in all cases specify dBA, I have worked from the understanding that all these measurements were in dBA, given the default and standard settings of the measurement tools used.

¹⁰ Li Affidavit at para. 7; POEC Transcript at 51, 58

¹¹ Exhibit "B" to the Bernard Affidavit

¹² Bernard Affidavit at para. 16; Baur Affidavit at para. 6; Flynn Affidavit 2 at para. 28

¹³ Baur Affidavit at para. 8

¹⁴ Baur Affidavit at para. 5; Flynn Affidavit 2 at para. 19

¹⁵ Baur Affidavit at para. 7; POEC Transcript at 58

difficult or impossible to sleep, and creating anxious anticipation that caused stress and frayed nerves. I also noted as significant the reports that people living near the Freedom Convoy's activities sought to use hearing protection at home and during the night.¹⁶

28. It is my understanding that long-term effects reported by persons who lived near the Freedom Convoy include loss of hearing, loss of balance, vertigo triggered by horns, and "phantom" horn sounds lasting for a number of weeks. Feelings of tension and anxiety were also reported when horns were heard after the Freedom Convoy had ended.¹⁷

D. Assessment Based on Reported Noise Levels

29. It is my assessment and opinion, based on the information provided to me and my own review of the audiology literature, that indoor noise levels in downtown Ottawa during the Freedom Convoy were sufficiently high as to interfere with residents' daily activities of life including work and rest, and that outdoor noise levels were sufficiently high as to cause harmful physical effects including temporary noise-induced hearing loss, permanent hearing damage, and/or tinnitus.

30. The sound levels measured by residents and Spatial Media during the Freedom Convoy were often over 100 dBA. In my opinion, these sound levels were sufficient to create permanent mechanical damage to the inner ear within minutes of exposure, and may also cause tinnitus or hearing loss that may be permanent.

31. Although there is considerable variability among individuals in terms of their sensitivity to noise exposure and it is difficult to predict for any given individual, with sound levels of 100 dBA and above we can be confident that a significant number of

¹⁶ Flynn Affidavit 1 at paras 7-8; Flynn Affidavit 2 at para. 8; Li Affidavit at para. 8; POEC Transcript at 36

¹⁷ POEC Transcript at 5

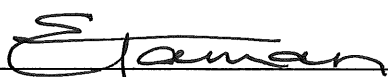
people who were exposed to truck and train horns as described in the information I have reviewed experienced some short term or temporary hearing loss. I am also confident that inner ear mechanical damage would have occurred for a significant number of people who were exposed to truck and train horns as described in the information I have reviewed. We can be confident that for a significant number of people who were exposed to this noise, this mechanical damage will develop or contribute to hearing loss and/or tinnitus in the future.

32. People living near the Freedom Convoy’s activities also reported sleep deprivation and that they struggled to maintain productivity. In this regard, I noted as significant their reports of seeking to use hearing protection at home and during the night. In my opinion, this anecdotal evidence provides confirmation that indoor noise levels were sufficiently high as to interfere with daily activities of life, including sleep deprivation, disruption of concentration, and reduced productivity.

33. Attached hereto and marked as **Exhibit “G”** is a copy of my signed Form 53 Acknowledgement of Expert’s Duty.

34. I make this affidavit in good faith and for no improper purpose.

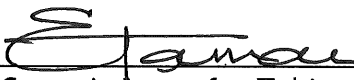
AFFIRMED BEFORE ME REMOTELY)
 in accordance with O. Reg. 431/20)
 by videoconference between)
 Gatineau, QC (affiant) and)
 Ottawa, ON (commissioner))
 this 31st day of August, 2023.)
)


 Commissioner for Taking Oaths)
 Emilie Taman)
 LSO # 52049U)



 CHANTAL LAROCHE

This is Exhibit "A" referred to
in the Affidavit of Chantal Laroche,
affirmed before me remotely
in accordance with O. Reg. 431.20
by videoconference
this 31st day of August, 2023.


A Commissioner for Taking Oaths, etc.

*Programme/École: Audiologie/Orthophonie
École des sciences de la réadaptation
Université d'Ottawa*

Août 2023/August 2023

CURRICULUM VITAE COMPLET

a) NOM/NOME: *No. d'employé/Employee No*
LAROCHE, Chantal, professeure émérite (Emeritus professor),
 Permanence (tenure) 1996 83793
 Membre de la Faculté des études supérieures et postdoctorales: oui

b) TITRES UNIVERSITAIRES/DEGREES:
 Ph.D. Sciences Biomédicales (Audiologie), Université de Montréal, 1989
 M.O.A., Orthophonie et Audiologie, Université de Montréal, 1985
 B.Sc. Orthophonie et Audiologie, Université de Montréal, 1984

c) EXPÉRIENCE/EMPLOYMENT HISTORY:
 Sept. 2022- Professeure émérite (Emeritus Professor), Programme d'audiologie et d'orthophonie,
 École des Sciences de la Réadaptation, Faculté des Sciences de la Santé, Université
 d'Ottawa
 2006-2022 Professeure titulaire (Full Professor), Programme d'audiologie et d'orthophonie,
 U. d'Ottawa
 1996-2006 Professeure agrégée (Associate Professor), Programme d'audiologie/orthophonie,
 U. d'Ottawa
 1997-2003 Professeure associée (Adjunct Professor), École d'orthophonie et d'audiologie,
 U. de Montréal
 1994-96 Professeure adjointe (Assistant Professor), Programme d'audiologie/orthophonie,
 U. d'Ottawa
 1993-94 Consultante, Programme d'audiologie/orthophonie, Université d'Ottawa
 1985-93 Chargée de cours, École d'orthophonie et d'audiologie, Université de Montréal
 1990-93 Présidente, Sonométric Inc., Firme d'Expertise-conseil en Bruit et Audition
 1988-90 Agente de recherche, Groupe d'Acoustique de l'Université de Montréal

d) TRAVAUX UNIVERSITAIRES ET PROFESSIONNELS/SCHOLARLY AND PROF. ACTIVITIES:

Juil.2020- Congé académique
 Juin 2021
 Oct. 2016- Membre du Comité d'encadrement du Consortium National de Formation en Santé- Volet
 Université d'Ottawa
 1994- Membre, Comité de Curriculum en orthophonie et audiologie,
 Programme d'audiologie/orthophonie, Université d'Ottawa
 1994- Membre, Comité d'Attribution des Prix d'excellence,
 Programme d'audiologie/orthophonie, Université d'Ottawa
 Juil.-Déc. 2018 Directrice du Programme d'audiologie et d'orthophonie, Université d'Ottawa
 Mai 2018 Participation aux Mini-cours offerts par l'École des Sciences de la réadaptation. Thème :
 Le Bruit
 Hiver 2018 Mentor pour deux étudiants du Lycée Claudel qui préparaient une présentation sur le
 bruit dans le cadre de leur projet de fin d'études
 Automne 2017 Préparation d'une lettre adressée au Vice-recteur aux études, ayant recueillie 354
 signatures de professeurs de l'APUO, dénonçant le manque de personnel de soutien et la
 surcharge de travail associée aux outils informatisés (parmi les 9 signataires principales)
 Mars 2018 Participation aux Mini-entrevues multiples (2 demi-journées)
 Mars 2018 Développement d'un sondage adressé aux superviseurs de stages en audiologie

Oct.2016	Révision de 3 avis émis par l'Institut National de Santé Publique dans le contexte de la révision de la réglementation sur le bruit en milieu de travail au Québec
2014- 2016	Co-responsable du comité des admissions de l'École des Sciences de la réadaptation
2006-2016	Présidente du comité des admissions en audiologie et orthophonie, Université d'Ottawa
2013-2014	Membre du Comité du personnel enseignant de la Faculté des sciences de la santé
2013	Membre du comité de mise en place des Mini-entrevues multiples pour l'École des Sciences de la réadaptation
2012	Congé académique (juillet-déc. 2012)/Academic leave (July-Dec. 2012)
2012-2015	Secrétaire exécutive- Association canadienne d'acoustique/Executive Secretary- The Canadian Acoustical Association
2012-2013	Mentor pour professeurs agrégées aspirant au titulariat- Centre de leadership
2011-2012	Mentor pour professeurs agrégées aspirant au titulariat- Centre de leadership
2011-2017	Présidente du thème « Noise and Communication », International Commission on Biological Effects of Noise on Man
2010	Congé universitaire (juillet-déc. 2010)- Conférencière invitée- Sydney, Australie/ University leave (July-Dec. 2010)- Invited speaker- Sydney, Australia
2008-2010	Adjointe à la direction, Programme d'audiologie et d'orthophonie, Université d'Ottawa
2006-2010	Membre du comité du personnel enseignant de la Faculté des Sciences de la santé
2005-2015	Membre du comité de relecture de l'Avis public sur la faisabilité d'une politique nationale sur le bruit commandé par le Ministre de la santé du Québec
2006	Membre du comité scientifique-Audiologie, Congrès de l'Ordre des orthophonistes et audiologistes du Québec, Gatineau, Québec, 1 au 3 juin 2006.
2004-2007	Responsable de la préparation du rapport pour l'évaluation du Programme d'audiologie et d'orthophonie par le Comité ontarien des études supérieures (COÉS)
2004-2008	Membre du comité sur la satisfaction au travail, Comité de la Faculté des Sciences de la santé
2004-2006	Membre, Comité des admissions en orthophonie et audiologie Programme d'audiologie/orthophonie, Université d'Ottawa
2003	Année sabbatique (Visite au House Ear Institute of Los Angeles)
2002-2004	Membre chercheur du GRETCOM (Gr. de rech. sur l'évaluation des troubles de comm.)
2000-2001	Membre du comité scientifique du congrès de l'Ass. internationale de logopédie et phoniatrie (AILP), Montréal, Août 2001
2000-2002	Membre du comité exécutif du Programme de doctorat en santé des populations
1998-2002	Membre du Comité du Personnel Enseignant de l'École des Sc. de la Réadaptation
1998-1999	Membre du comité organisateur du 5e Anniversaire du Programme d'Audiologie et d'Orthophonie (Présidente du comité "Contenu scientifique-Audiologie")
1998-1999	Responsable de discipline "Sciences de la Réadaptation", ACFAS, Ottawa, Mai 1999.
1994-2002	Co-Présidente, Comité des admissions en orthophonie et audiologie, Programme d'audiologie/orthophonie, Université d'Ottawa
1994-2004	Membre, Comité ad hoc sur les critères d'embauche, National Hearing Conservation Association
1994-97	Membre, Comité de Curriculum en audiologie, Programme d'audiologie/orthophonie, Université d'Ottawa
1994-95	Membre, Conseil de la Faculté des Sciences de la Santé, Université d'Ottawa
1994-96	Présidente et membre, Comité d'approbation des projets de recherche (CAPRE), Programme d'audiologie/orthophonie, Université d'Ottawa
1993	Témoin-expert, Commission Canadienne des Droits de la Personne
1993-2004	Membre du "Noise Committee", Acoustical Society of America
1994-	Révision de publications scientifiques (Ergonomics, Journal of the Acoustical Society of America, Canadian Acoustics, Travail et Santé, Ass. canadienne de santé publique, International Journal of Audiology, Applied Acoustics, RIPPH)
1989-2012	Rédactrice-adjointe de la revue "Acoustique Canadienne"
1989-93	Directrice de l'Association Canadienne d'Acoustique

EXPERTISES :

- 2022 Consultation de Jazz Aviation- Évaluation fonctionnelle de l'audition d'agents de bord de Jazz (février 2022)
- 2021 Report- "Analysis of the impact of noise emitted by Union Station (Toronto) trains on the concentration and performance of CanDeal employees" (Sept. 2021)
- 2020 Témoin-expert- CNESST- Tribunal administratif du travail. Cas de surdité professionnelle. (Décision en faveur de la travailleuse)
- 2019-2020 Témoin-expert- Cas d'accident grave impliquant le recul d'un véhicule lourd dans l'État de New York. Expertise sollicitée par Ronald W. Gill, esq. de Fortunato & Fortunato, PLLC, Brooklyn, NY
- 2018 Témoin-expert- CNESST- Tribunal administratif du travail. Cas de surdité professionnelle (Décision en faveur du travailleur)
- 2018 Témoin-expert pour l'action collective portant sur les impacts du bruit du Circuit Mont-Tremblant sur la santé et la qualité de vie des citoyens (Jugement Mainville- Mars 2020)
- 2018 Réviseur- Meilleures pratiques d'aménagement pour prévenir les effets du bruit environnemental sur la santé et la qualité de vie. GUIDE, Direction de la santé environnementale et de la toxicologie INSPQ, 75 p., Septembre 2018
- 2018 Témoin-expert pour l'action collective portant sur les impacts du bruit des hydravions au Lac-à-la-Tortue sur la santé et la qualité de vie des riverains (Mars-avril 2018; suite recours intenté en 2013)
- 2017-2018 Témoin-expert- Cas d'accident grave impliquant le recul d'un véhicule lourd en Virginie de l'ouest. Expertise sollicitée par Chad Duffield de Farmer, Cline & Campbell PLLC Attorneys at Law, Charleston, West Virginia (Règlement hors-cour en faveur du travailleur gravement blessé)
- 2017 Consultations par l'Armée canadienne sur les critères de risque associés aux armes de petits et gros calibres.
- 2017 Témoin-expert- Action collective portant sur les impacts du bruit de l'Autoroute 73 (Québec) sur la santé et la qualité de vie des riverains, Palais de justice de Québec (1-2 novembre 2017) (Jugement Michaud)
- 2016 Noise measurements at Gloucester Warehouse, COSTCO Canada.
- 2016 Risque d'atteinte à l'audition d'agents correctionnels appelés à utiliser l'arme COLT C8A2, Demande de la CSN, Montréal
- 2015 Analyse de solutions proposées pour le bruit généré par le système de ventilation du CUSM, Sylvestre Fafard Painchaud Avocats (Règlement hors-cour en faveur des plaignants)
- 2015 Témoin-Expert- CSST- Commission des Lésions Professionnelles. Cas de surdité professionnelle (Décision en faveur du travailleur)
- 2015 Action collective - Analyse de l'impact du bruit émis par la piste de course automobile Circuit Mont-Tremblant sur la santé et la qualité de vie des riverains
- 2013 Action collective- Analyse de l'impact du bruit des hydravions opérant au Lac-à-la-Tortue (Shawinigan) sur la santé et la qualité de vie des riverains, Sylvestre Fafard Painchaud Avocats
- 2013 Expert dans le cadre d'une poursuite légale impliquant 2 firmes d'alarmes de recul (ECCO/Brigade), sollicitée par Arnold & Porter, Londres, UK (Règlement hors-cour en faveur du client)
- 2013 Témoin-expert pour le Ministère de la sécurité communautaire et des services correctionnels de l'Ontario- Tribunal des droits de la personne, Toronto (candidat policier)
- 2012 Action collective- Analyse des impacts du bruit sur la qualité de vie et la santé des citoyens habitant aux abords de l'Autoroute 73- Québec, Gravel Bernier Vaillancourt Avocats
- 2012 Snowmobile Project, City of Ottawa
- 2011 Action collective- Analyse de l'impact du bruit produit par les travaux de réfection de l'autoroute Ville-Marie sur la santé et la qualité de vie des citoyens, entre 1998 et 2000, Trudel & Johnston Avocats S.E.N.C. (Règlement hors-cour en faveur des plaignants)
- 2010 Témoin-expert dans la cause impliquant le bruit émis par le Circuit Mont-Tremblant (Jugement Lalonde)
- 2009-2018 Review and Update of Constable Selection System Hearing Standards, Ontario Ministry of Community Safety and Correctional Services

- 2009-2019 Hearing tests for CCG Seagoing personnel and C&P fishery officers, Fisheries & Oceans Canada
- 2009 Aviseur de l'Ordre des orthophonistes et audiologistes du Québec sur la réglementation de la Société de l'assurance automobile du Québec (SAAQ) portant sur le statut auditif des chauffeurs de véhicules des classes 2 et 4
- 2007- Évaluation clinique des capacités auditives fonctionnelles de membres de la GRC porteurs d'aides auditives, Gendarmerie Royale du Canada (RCMP)
- 2009-2015 Membre du comité de relecture de l'Avis public sur la faisabilité d'une politique nationale sur le bruit commandé par le ministre de la Santé du Québec
- 2005-2015 Modeling the effect of personal hearing protection and communication headsets on speech perception in noise, Defence Research and Development Canada
- 2004 Témoin-expert dans le recours collectif impliquant la circulation de motoneiges sur la piste du P'tit train du Nord (Jugement Langlois)
- 2004 Analyse de l'audibilité d'une alarme de recul installée sur un camion à benne, dans le cadre d'une enquête d'accident survenu à un surintendant de chantier le 8 septembre 2004, CSST-Montréal
- 2003 Recommended Minimum Noise Exposure Duration for Claim Eligibility, Workers' Compensation Board of British Columbia
- 2003 Analyse de l'audibilité d'un camion à benne muni ou non d'un klaxon de recul, CSST Bas St-Laurent
- 2003 Hearing Conservation Program (Update), Canadian Armed Forces
- 2000 Alarm signal recognition, Siemens-Cerberus
- 1998 Temporary threshold shifts induced by low-flight aircrafts, Health Canada
- 1998 Field Evaluation of Audible Traffic Signals for Blind Pedestrians, Regional Municipality of Ottawa-Carleton
- 1996-2004 Development of a hearing standard for the Canadian Coast Guard, Transports Canada and Fisheries & Oceans Canada
- 1990-1993 Présidente de Sonométric Inc. Responsable des contrats de mesures de bruit et de la rédaction de réglementations sur le bruit (Exemples de clients : Hydro-Québec, Transports Canada, Consommation Corporation Canada, Association des Consommateurs du Québec, Ville de Longueuil, Ville de Repentigny, Ville de Laval, Ville de Boisbriand, ministère des Transports, CP Rail, Coca-Cola, Pepsi-Cola)

f) DIRECTION DE TRAVAUX D'ÉTUDES SUPÉRIEURES/GRADUATE SUPERVISIONS:

Nombre terminés: 71 projets de maîtrise (111 étud.: 3 M.O.A., 104 M.Sc.S., 2 M. Syst. Sciences;
95 co-supervisés, 16 supervisés)

Nom des étudiants dirigés au cours de la carrière, titre de la thèse ou du projet, année à laquelle débutent et se terminent les études:

- Bruno Jossierand (maîtrise), Mesure de la sélectivité fréquentielle chez des travailleurs exposés au bruit, sept. 1989-août 1990 (Université de Montréal)
- Stéphane McDuff (maîtrise), Analyse des avertisseurs sonores utilisés dans une aciérie, sept. 1989-août 1990 (Université de Montréal)
- Maryse Comeau (maîtrise), Validité d'un modèle informatisé de prédiction de la détection d'avertisseurs sonores par des travailleurs atteints de surdité professionnelle, sept. 1989-août 1990 (Un. de Montréal)
- Paula Fournier (maîtrise), Développement d'un questionnaire de dépistage portant sur les capacités auditives dans le bruit chez les travailleurs ayant été exposés au bruit industriel, sept. '94- août '96
- Mélanie Lapensée (maîtrise), Perceptions des individus avec troubles de la communication, des intervenants et des employeurs de l'effet de l'accent étranger ou de la langue seconde sur l'intégration en milieu de travail d'individus avec troubles de la communication, sept.'95- août '97
- Monique Morel (maîtrise), Perception de la contribution des facteurs psycho-sociaux liés à l'intégration des individus avec troubles de la communication en milieu de travail, sept. '95-août '97
- Sophie Heley (maîtrise), Analyse des services diagnostiques et de réadaptation prescrits et obtenus par des travailleurs dépistés pour surdité professionnelle, sept. 1996- août 1998

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- Renée Lefrançois et Manon Desjardins (maîtrise), Mesure de la qualité de la participation sociale au travail de quatre personnes avec troubles auditifs, sept. 1997-août 1999
 - Sabine Barbier (maîtrise), Mesure de la qualité de la participation sociale au travail de quatre personnes avec traumatisme crânien, sept. 1997-déc. 1999
 - Éric Chamberland et Denis Leblanc (maîtrise), Étude de la préférence de phases de dégagement associées à des signaux sonores destinés aux piétons atteints de cécité, sept. 1999-2000
 - Sylvie Lalonde, Janic Lauriault et Christiane Montpetit (maîtrise), Évaluation sur le terrain de signaux sonores destinés aux piétons atteints de cécité, sept. 1999-2000
 - Annick Ménard et Nancy Lévesque (maîtrise), Évaluation en cabine insonore de signaux sonores destinés aux piétons atteints de cécité et de déficience visuelle, sept.1999-2000
 - Chantal Gascon, Marie-France Handfield, Julie Lamothe, Manon Larivière, (maîtrise), Normalisation du HINT (Hearing in Noise Test) auprès d'une population francophone bilingue et d'une population anglophone de la région d'Ottawa, sept. 2000-Mai 2001
 - Véronique Vaillancourt & Chantal Mayer, (maîtrise), Adaptation du HINT (Hearing in Noise Test) pour les adultes francophones, Mai 2001-Août 2002
 - Cynthia Basque & Madeleine Losier, (maîtrise), Normalisation du HINT (Hearing in Noise Test) auprès d'adultes francophones, Sept. 2001-Août 2002
 - Yun Zheng (maîtrise), Development of new "Detectsound"- A Computerized Model for Adjusting the Level of Acoustic Warning Signalization in Workplaces, Février 2002-Avril 2003
 - Catherine Sabourin (maîtrise), Mesure de la sélectivité fréquentielle à l'aide de bruits à échanture sur support CD, Avril 2002-Août 2003
 - Stéphane Biayi (maîtrise), Normalisation du HINT (Hearing in Noise Test) auprès d'une population francophone bilingue et d'une population francophone unilingue, Avril 2002-Août 2003
 - Julie Braën et Karine Maxwell (Maîtrise) Comment les employeurs perçoivent-ils la communication comme critère d'embauche?, Sept. 2002-Août 2003
 - Mélanie Chiasson, Pauline Léger, Patricia Auger et Louise Lafontaine (Maîtrise M.Sc.S), Perception de la parole dans des environnements typiques, avril 2003 –août 2004
 - Ariel Gagné et Mélyssa Éria (Maîtrise M.Sc.S), Fiabilité du test de mesure des filtres auditifs chez l'humain, avril 2003 – août 2004
 - Chantale Melanson, Marie-Ève Renaud et Chantal Thériault (Maîtrise M.Sc.S.) Adaptation du HINT pour les enfants francophones et données préliminaires sur l'effet d'âge, avril 2004-août 2005
 - Isabelle Carrière (Maîtrise, M.Sc.S.), Utilisation du Hearing in Noise Test auprès d'enfants avec un trouble de traitement auditif ou un déficit d'attention, avril 2005-avril 2006
 - Émilie Brault et Julie-Catherine Ste-Marie (Maîtrise, M.Sc.S.), Mesure de l'effet Lombard chez des sujets normaux, avril 2005-août 2006 (co-supervisé)
 - Roxane Larose et Isabelle Mercille (Maîtrise, M.Sc.S), Étude de l'effet de la répétition d'une phrase sur la compréhension de la parole dans différents types de bruit chez des adultes avec audition normale, avril 2005-Janvier 2006 (co-supervisé)
 - Rida Al Osman (Maîtrise, Systems Science.), Optimization of the number, location and power level of acoustic warning devices to improve safety in the workplace, janvier 2005-janvier 2007 (co-supervisé)
 - Audrey Despatie, Cynthia Fillion (Maîtrise, M.Sc.S.) Étude de l'effet de la compétence linguistique sur les capacités de perception de phrases en anglais et en français, mars 2006-août 2007 (co-supervisé)
 - Marie-Andrée Cormier (Maîtrise, M.Sc.S.) Finalisation du protocole de normalisation du HINT francophone pour les enfants d'âge scolaire, mars 2006-août 2007 (co-supervisé)
 - Francisca Mornault, Mary Witcherle (Maîtrise, M.Sc.S.) Validation du modèle Détectson pour des bruits fluctuants, mars 2006-août 2007 (co-supervisé)
 - Stéphanie Friolet, Stéphanie Breau (Maîtrise, M.Sc.S.) Étude de l'effet de la répétition d'une phrase sur la compréhension de la parole dans différents types de bruit chez des adultes avec déficience auditive, avril 2007-août 2008 (co-supervisé)
 - Isabelle Adam (Maîtrise, M.Sc.S.) Étude de l'effet des protecteurs auditifs sur la perception de phrases dans le bruit, avril 2007-août 2008 (co-supervisé)

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- Valérie Lizée et Joëlle Séguin (Maîtrise, M.Sc.S.) Étude de l'effet de divers paramètres sur la mesure de la fatigue auditive engendrée par le port de iPod, avril 2007-août 2008 (co-supervisé)
 - Tammie Lynn Paquette et Raphaëlle Savoie (Maîtrise, M.Sc.S.) Établissement de données normatives sous haut-parleurs pour le HINT francophone (Hearing in Noise Test) et le SELA (Système d'évaluation de la localisation auditive), avril 2007-août 2008 (co-supervisé)
 - Chrystal Végiard (Maîtrise, M.Sc.S.) Étude de la validité d'un détecteur de décalage temporaire des seuils (DTS) à l'aide du iPod, mars 2008-août 2009 (co-supervisé)
 - Danielle Doucet et Stéphanie Uher (Maîtrise, M.Sc.S.) Modélisation de l'effet des protecteurs auditifs personnels et des systèmes de communication sur la perception de la parole dans le bruit, mars 2008-août 2009 (co-supervisé)
 - Mélanie Poirier (Maîtrise, M.Sc.S.) Adaptation en français et validation d'un site internet portant sur la prévention de la surdité due au bruit chez les enfants, mars 2008-août 2009
 - Maxime Maheu (Maîtrise, M.Sc.S.) Bruit émis par les thermopompes et réglementations, mars 2009-août 2010
 - Marie Desjardins, Nadège Tremblay, Renée Giroux, Karine Bossé (Maîtrise, M.Sc.S.) Effets du niveau de bruit sur la reconnaissance de la parole mesurée à l'aide du HINT, mars-2009-août 2010 (co-supervisé)
 - Mathieu Arseneau et Gabrielle Bruneau (Maîtrise, M.Sc.S.) Effets du niveau de bruit sur la reconnaissance de la parole mesurée à l'aide du HINT, avec et sans protecteurs auditifs, mars 2010-août 2011 (co-supervisé)
 - Maryse Laflèche et Noliwé Béké (Maîtrise, M.Sc.S.) Suivi de l'Étude de la Validité d'un Détecteur de Décalage Temporaire des Seuils (DTS) à l'aide du iPod, mars 2010-août 2011 (co-supervisé)
 - Jean-Grégoire Roveda (Maîtrise, M.Sc.S.) Normalisation du test HINT avec bruit masquant fluctuant, mars 2010-août 2011 (co-supervisé)
 - Jérémie Chiasson, Anne Gravel, Tanya Vaillancourt (Maîtrise, M.Sc.S.) Localisation d'alarmes de recul, avec et sans protecteurs auditifs, mai 2011-juin 2012 (co-supervisé)
 - Evgenia Shmigol, Mani Rhanama (Maîtrise, M.Sc.S.) Détection d'alarmes de recul, avec et sans protecteurs auditifs, mai 2011-juin 2012 (co-supervisé)
 - Véronique Rozon-Gauthier (Maîtrise, M.Sc.S.) Perception de l'urgence d'alarmes de recul, avec et sans protecteurs auditifs, mai 2011-juin 2012 (co-supervisé)
 - Marie-Laurence Prieur (Maîtrise, M.Sc.S.) Effet des réducteurs de bruit sur la perception de la parole, mai 2012-août 2013 (co-supervisé)
 - Isabelle Boulay (Maîtrise, M.Sc.S.) Effet des prothèses auditives sur la localisation sonore, mai 2012-août 2013 (co-supervisé)
 - Marie Jehu (Maîtrise, M.Sc.S.) Revue de la littérature sur l'effet des microphones directionnels sur la perception de la parole dans le bruit, mai 2012-
 - Julie Levionnois (Maîtrise, M.Sc.S.) Effet d'un bruit intermittent sur la perception de la parole dans le bruit chez des individus atteints de perte auditive, mai 2012-sept. 2013 (co-supervisé)
 - Victoria Duda Milloy (Maîtrise, M.Sc.S.) Effet du type de bruit et de la séparation spatiale sur la reconnaissance de la parole mesurée à l'aide du HINT en champ libre, mai-2012-août 2013 (co-supervisé)
 - Isabelle Benoit et Ève Gasseau (Maîtrise, M.Sc.S.) État de la situation dans le domaine des recours judiciaires impliquant les orthophonistes au Canada- Rôle et argumentaires des témoins-experts, mai 2013-oct. 2013
 - Christine Kennedy (Maîtrise, M.Sc.S.) Démasquage binaural chez les auditeurs normaux ou avec perte auditive en situation de bruit continu ou intermittent, mai 2013-avril 2014 (co-supervisé)
 - Caroline Séguin (Maîtrise, M.Sc.S.) La détection d'alarmes de recul dans des milieux de travail bruyants, mai 2014-juillet 2015 (co-supervisé)
 - Patricia Laflamme et Christelle Gagnon (Maîtrise, M.Sc.S.) Perception d'alarmes de recul de type large bande, mai 2014-juin 2015 (co-supervisé)

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- Mireille Marchand (Maîtrise, M.Sc.S.) Analyse du rôle de l'orthophoniste en tant que témoin expert dans le système juridique de l'Ontario, mai 2014-août 2015
 - Janice Lévesque et Brigitte Dobrzanski (Maîtrise, M.Sc.S.), Perception de la parole dans le bruit avec protecteurs auditifs, mai 2015-Août 2016 (co-supervisé)
 - Josée Poitras (Maîtrise, M.Sc.S.), Analyse secondaire de données portant sur le statut auditif de policiers, mai 2015-Août 2016
 - Alissa Godin (Maîtrise, M.Sc.S.) , Détection et distance sécuritaire pour les alarmes de recul, mai 2015-Août 2016 (co-supervisé)
 - Roy, Karine (Maîtrise, M.Sc.S.), Détection d'alarmes de recul avec port de protecteurs auditifs, mai 2015-Août 2016 (co-supervisé)
 - Pageot, Louis-Philippe (Maîtrise, M.Sc.S.) Détection et seuil de réaction pour les alarmes de recul, mai 2015-Août 2016 (co-supervisé)
 - Bibeau, Manuelle, Carroll, Véronique, Gula, Emily (Maîtrise, M.Sc.S.) Localisation d'alarmes de recul avec protection auditive et casque de sécurité, Mai 2016-Avril 2017 (co-supervisé)
 - Fitzpatrick, Sarah (Maîtrise, M.Sc.S.) Analyse du rôle de l'orthophoniste en tant que témoin expert dans le système juridique des États-Unis, Mai 2016- Avril 2017
 - Langlois, Catherine (Maîtrise, M.Sc.S.) Impact des survols d'avion sur la santé et la qualité de vie des citoyens, Mai 2016-Avril 2017
 - Bou-Chebi, Divine (Maîtrise, M.Sc.S.) Effets des paramètres des filtres auditifs, Mai 2016-Avril 2017 (co-supervisé)
 - Marleau, Claudia et Cadieux, Marie-France (Maîtrise, M.Sc.S.). Localisation d'alarmes de recul avec protection auditive à rétablissement de son et casque de sécurité, Mai 2017-Mars 2018 (co-supervisé)
 - Askafi, Dounia (Maîtrise, M.Sc.S.) Analyse du rôle de l'orthophoniste en tant que témoin expert dans le système juridique des États-Unis, Mai 2017- Mars 2018)
 - Morasse, David et Boutarfa, Leila (Maîtrise, M.Sc.S.) Comparaisons des performances de personnes avec perte auditive à trois tests de perception de la parole dans le bruit, CDDT-TMB-HINT (Mai 2018-Avril 2019) (co-supervisé)
 - Colavecchio, Adriana et Alceena, Charleen (Maîtrise, M.Sc.S.). Localisation d'alarmes de recul chez des gens présentant divers degrés de surdité et portant des protecteurs auditifs passifs. (Mai 2018-Avril 2019) (co-supervisé)
 - Cremer, Julia et Campeau, Ariane (Maîtrise, M.Sc.S.) Validation du facteur de correction du HINT en champ sonore (Mai 2018-Avril 2019) (co-supervisé)
 - Fiset, Breanna (Maîtrise, M.Sc.S.) Comparaison des performances au Hearing in Noise Test (HINT) anglophone en condition de champ sonore et sous écouteurs. (Mai 2019-Mars 2020) (co-supervisé)
 - Déry, Stéphanie (Maîtrise, M.Sc.S.) Comparaison des performances au Hearing in Noise Test (HINT) anglophone pour deux niveaux de bruit sous écouteurs. (Mai 2019-Mars 2020) (co-supervisé)
 - Khouri, Celina, Gaith, Mohammad, Auclair, Philippe et Saraya, Rachel (Maîtrise, M.Sc.S.) Effet de la perte auditive et du port de protecteurs auditifs sur la localisation auditive d'alarmes de recul. (Mai 2019- Mars 2020) (co-supervisé)
 - Naddour, A., Ganguli, M. Effet de la perte auditive et du port de protecteurs auditifs sur la localisation auditive d'alarmes de recul. (Mai 2020-Avril 2021) (co-supervisé)
 - Amanda D'Sylva. Effet des protecteurs auditifs à rétablissement du son sur les seuils de détection et de réaction des alarmes de recul tonale et à large bande chez des individus avec audition normale (Mai 2021-Avril 2022) (co-supervisé)
 - Céline McFadden, Érica Thibault et Tasnime Abdillahi Abdi. Validation des critères auditifs pour

la sélection des candidats policiers en Ontario (Mai 2021-Avril 2022) (co-supervisé)

Membre de jurys de maîtrise ou de doctorat :

- Membre du jury de thèse de Ghazaleh Vaziri, Doctorat en Sc. Réadaptation, Université d'Ottawa, Oct. 2018
- Membre du jury de thèse- Soutenance de thèse de Doctorat de Flora Nassrallah, Programme de santé des populations, Février 2016
- Membre complémentaire, Soutenance de projet de recherche doctoral, Ghazale Vaziri, Doctorat en Sc. Réadaptation, Université d'Ottawa, 20 décembre 2013
- Membre externe, Soutenance de thèse de Doctorat d'Elsaha Ibrahim, Western University, Feb. 13, 2013
- Membre de l'examen de synthèse de Ghazaleh Vaziri, Doctorat en Sc. Réadaptation, Université d'Ottawa, 29 avril 2013
- Membre complémentaire, Soutenance de projet de recherche doctoral, Flora Nassrallah, Programme de Santé des populations, 24 février 2012

h) COURS SUPÉRIEURS/GRADUATE COURSES:

Université d'Ottawa:

2015-2022	ORA 5551	Psychoacoustique de l'oreille endommagée et pharmacologie	1.5 cr.
2015-2020	ORA 6710	Concepts d'audiologie pertinents à l'orthophonie	1.5 cr.
1996-2022	ORA6551	Le bruit et l'audiologie	3 cr.
1993-2003, 2005-2022	ORA 5511	Sciences de l'ouïe	3 cr.
1993-2022	ORA 5545	Projet de recherche	3 cr.
1996-2013	ORA6550	Séminaire clinique et de recherche en audiologie	3 cr.
1995-1999	ORA6511	Principes fondamentaux de l'audiologie	1.5 cr.
1993-94	ORA 6710	Concepts d'audiologie	3 cr.

Université de Montréal:

1990-93	ORA6638	Bruit et Audition	3 cr.
1987-93	ORA1123	Psycho-acoustique	3 cr.
1987-92	ORA1129	Introduction à l'audiologie	1 cr.
1985-93	ORA 1128	Physiologie de l'audition	1.5 cr.
1986-93	ORA2236	Troubles de l'audition	1.5 cr.

i) SUBVENTIONS DE RECHERCHE EXTERNES/EXTERNAL RESEARCH FUNDING:

Année (début)	Source	Type	Chercheur(s)	Montant total (T) + /Année	But
2020	TNT Justice Consulting Inc. Titre: New protocol and hearing criteria for police candidates in Ontario. PHASE 1: Establishment of an interim protocol and criteria based on the QuickSIN	C	Chantal Laroche Christian Giguère	10 000\$	Contrat de recherche
2020-2024	IRSST Titre : Développement d'un appareil auditif protecteur dédié à la recherche sur les problèmes liés aux travailleurs malentendants œuvrant en milieu de travail bruyant	G	Jérémie Voix (ÉTS) Christian Giguère Chantal Laroche Tony Leroux (UdeM) Hugues Nélisse (IRSST)	T : 636 995 \$ pour tous les collaborateurs An 1: 0\$ UO An 2: 88 175\$ UO An 3 :76 876\$ UO	Recherche
2018-2022	IRSST Titre: Effet de la perte auditive et du port de protecteurs auditifs sur la perception et la localisation auditive des alarmes de recul	G	Chantal Laroche Christian Giguère Hugues Nélisse	T : 164 331\$ 82 165\$/année	Recherche
2020-	TNT Justice Consulting Titre: Évaluation des capacités fonctionnelles de candidats policiers ontariens	G	Co-chercheurs : Chantal Laroche Christian Giguère	T (estimé) : 2250\$/année	Contrat de recherche
2007-	Gendarmerie Royale du Can.(RCMP) Titre : Évaluation clinique des capacités auditives fonctionnelles de membres de la GRC porteurs d'aides auditives (Phase 2 : Évaluations)	G	<u>Co-chercheurs</u> : Chantal Laroche Christian Giguère	T (estimé): 8 900\$/année	Contrat de recherche
2018-2020	Ontario Ministry of Community Safety and Correctional Services Titre:Hearing testing as part of the CSS	C	Chantal Laroche Christian Giguère	T:24 636\$	Contrat de recherche
2016-2018	Ontario Ministry of Community Safety and Correctional Services Titre: Review and Update of Constable Selection System Hearing Standards	C	Chantal Laroche Christian Giguère Sigfrid Soli	T: 24 999\$	Contrat de recherche
2016-2018	IRSST Titre : Effet du port de protecteurs auditifs et des casques de sécurité sur la perception et la localisation auditive des alarmes de recul	G	C. Laroche C. Giguère H. Nélisse (IRSST)	187 729\$ (Ud'Ottawa : 162 520\$ IRSST : 25 209\$)	Recherche
2013-2014	CNFS <u>Titre</u> : Validité de traduction et exploratoire de la version canadienne française de l'échelle PEDro conçue pour mesurer la qualité méthodologique des essais cliniques : Un projet à visibilité internationale	G	L. Brosseau (PI) C. Laroche 1 des 8 co-chercheurs	11 758.96\$	Recherche
2013	CNFS Titre : Validation transculturelle des MEM	G	M. Hébert S. Poitras C. Laroche	10 600\$	Recherche

2013-2016	IRSST <u>Titre</u> :Évaluation de la performance acoustique des alarmes de recul dans les milieux de travail en vue d'une utilisation optimale	G	Hugues Nélisse Chantal Laroche Christian Giguère	T : 231 288\$ 2013-2014 : 91 462\$ 2014-2015 : 76 566\$ Budget interne IRSST : 63 200\$	Recherche
2012-2015	DRDC (Defence Research and Development Canada) <u>Titre</u> : Intelligibility and Sound Quality of Radio Messages in Noise Over Tactical Communication Devices	G	Christian Giguère Chantal Laroche	T: 179 204\$ 2012-2013: 39 875\$ 2013-2014: 69 663\$ 2014-2015: 69 666\$	Contrat de recherche
2011-2016	NSERC Discovery <u>Titre</u> : Models of speech perception and production for applications in the noisy workplace	C	Christian Giguère Chantal Laroche	T: 155 000\$ 31 000\$/année	Recherche
2011-2013	Ontario Ministry of Community Safety and Correctional Services <u>Titre</u> : Review and Update of Constable Selection System Hearing Standards	C	Chantal Laroche Christian Giguère Sigfrid Soli	T: 351 000\$/ 175 500\$/année	Contrat de recherche
2012-2014	IRSST <u>Titre</u> : Utilisation des prothèses auditives en milieu de travail bruyant	G	Tony Leroux (UM) Chantal Laroche Jérémy Voix (ÉTS) Christian Giguère	T : 164 457\$ 2012-2013 : 77 172\$ 2013-2014 : 87 285\$	Recherche
2010-2011	IRSST <u>Titre</u> : Évaluation des alarmes de recul à large bande de fréquences	C	Chantal Laroche Christian Giguère	102 120\$ 51 060\$/année	Subvention
2009	Ontario Ministry of Community Safety and Correctional Services <u>Titre</u> : Review of Hearing Standards for Ontario's Constable selection System	G	<u>Co-chercheurs</u> : Chantal Laroche Christian Giguère Sigfrid Soli	T: 5000\$	Contrat de recherche
2009-2019	Fisheries and Oceans Canada <u>Titre</u> : Hearing tests for CCG Seagoing personnel and C&P fishery officers	G	<u>Chercheur princ.</u> : Chantal Laroche Co-ch. :C. Giguère	T: (estimé) 57 000\$	Contrat de recherche
2009-2011	DRDC (Defence Research and Development Canada) <u>Titre</u> : Research on Modeling the Effects of Hearing Protective and Communication Devices on Speech Intelligibility in Noise	G	<u>Chercheur Princ.</u> : Christian Giguère <u>Co-chercheur</u> : Chantal Laroche	T: 85 000\$ 2009: 7 000\$ 2009-2010: 45 000\$ 2010-2011: 33 000\$	Contrat de recherche
2008-2009	Gendarmerie Royale du Canada (RCMP) <u>Titre</u> : Évaluation clinique des capacités auditives fonctionnelles de membres de la GRC porteurs d'aides auditives (Phase 3 : Analyse)	G	<u>Co-chercheurs</u> : Chantal Laroche Christian Giguère	T : 24 640\$	Contrat de recherche
2007	Gendarmerie Royale du Can. (RCMP) <u>Titre</u> :Development of a protocol for the evaluation and analysis of auditory function for RCMP members (Phase1)	G	<u>Co-chercheurs</u> : Chantal Laroche Christian Giguère	T : 8 000\$	Contrat de recherche
2006	CFI (Canadian Foundation for Innovations) <u>Titre</u> : The Research Unit of Childhood Hearing Impairment	G	<u>Co-chercheurs</u> : André Marcoux Chantal Laroche Christian Giguère	T : 467 509\$	Infra-structure recherche

2006-2011	NSERC <i>Titre</i> :Modelling speech communication in noise	C	<u>Chercheur princ.</u> Christian Giguère Co-ch. :C.Laroche	T : 75 000\$ (15 000\$/année)	Recherche
2005	Programme de subvention en santé publique, Gouvernement du Québec <i>Titre</i> : Projet d'analyse du bruit comme facteur causal ou contributoire dans les accidents mortels au travail	G	<u>Chercheurs princ.</u> R. Martin et Pierre Deshaies 8 co-chercheurs	T : 34 890\$	Recherche
2005	DRDC (Defence Research and Development Canada) <i>Titre</i> : Modeling the effect of personal hearing protection and communication headsets on speech perception in noise	G	<u>Chercheur princ.</u> Christian Giguère co-chercheur : Chantal Laroche	T: 164 842\$ 2006: 54937\$ 2007: 54984\$ 2008: 54921\$	Contrat/ Contract
2005	WSIB (Ontario) <i>Titre</i> : Optimal installation of Auditory Warning Devices to Improve Safety in the Workplace	G	<u>Chercheur princ.</u> Christian Giguère co-chercheur : Chantal Laroche	T: 147 863\$ 2005: 81 978\$ 2006: 65885\$	Recherche
2004	CNFS <i>Titre</i> : Développement d'un protocole de normalisation du HINT pour les enfants francophones	G	<u>Chercheur princ.</u> : Chantal Laroche co-chercheur : Christian Giguère	7 500\$ (juin 2004 à mars 2005)	Recherche
2003	Workers Compensation Board of BC <i>Titre</i> : Peer review of the Report "Recommended Minimum Noise Exposure Duration for Claim Eligibility"	G	Chantal Laroche	T : 3 000\$	Contrat
2003	Canadian Armed Forces <i>Titre</i> : Hearing Conservation Program (Update)	G	<u>Chercheurs princ.</u> : Chantal Laroche Christian Giguère	T : 39 228\$	Contrat
2001	REPAR <i>Titre</i> : Évaluation de l'effet de deux stratégies d'appareillage auditif de haute technologie sur la sécurité des déplacements des personnes atteintes de surdité	G	<u>Chercheurs princ.</u> : Tony Leroux Agathe Ratelle Chantal Laroche Christian Giguère	T : 15 000\$	Recherche
2001	REPAR <i>Titre</i> : Consortium de recherche inter-établissements en déplacements et audition	G	<u>Chercheurs princ.</u> : T.Leroux,C.Laroche C. Giguère, Ratelle, Cloutier,Marcil, Têtu	T : 15 000\$	Recherche
2001-2004	Canadian Coast Guard <i>Titre</i> : Development and Valid. of Hearing Standards for Can. Coast Guard Seagoing Personnel, Phase II	G	<u>Chercheurs princ.</u> : Chantal Laroche Christian Giguère Sigfrid Soli	T : 778 428\$ 2001 :286 583\$ 2002 :157 872\$ 2003 :160 000\$ 2004 : 173 973\$	Contrat de recherche
2001-2005	NSERC <i>Titre</i> : Psychophysical and physiological modeling of the auditory system	C	<u>Chercheurs princ.</u> : Christian Giguère Chantal Laroche	T : 50 000\$ (10 000\$ par année)	Recherche
2001	NCE <i>Titre</i> : Speech recognition in Classrooms	C	<u>Chercheurs princ.</u> : John Bradley et 6 co-chercheurs	T : 52 305\$	Recherche
2000-2003	NSERC: Collaborative Health Research Project <i>Titre</i> : Optimization of acoustic warning signalization to improve safety in the workplace	C	<u>Chercheurs princ.</u> : Chantal Laroche Christian Giguère André L'Espérance	T : 136 800\$ 2001 : 56 100\$ 2002 : 47 600\$ 2003 : 33 100\$	Recherche
2000-2005	Premier's Research Excellence Award <i>Titre</i> : Development of automated tools	G	Chantal Laroche	T : 150 000\$ 2001 : 26 232\$	Recherche

	to assess communication abilities in the workplace			2002 : 37 000\$ 2003 : 37 000\$ 2004 : 37 651\$ 2005 : 12 117\$	
2000	Siemens-Cerberus (contrat alloué au CNRC) <u>Titre</u> : Alarm signal recognition	A	<u>Chercheures Princ.</u> G. Proulx (CNRC) et C. Laroche	T : 38 450\$	Contrat de recherche
2000	REPAR <u>Titre</u> : Calibrage d'un système d'évaluation de la perception de la distance des sources sonores en salle anéchoïque	F	<u>Chercheur(s) Princ.</u> Tony Leroux (U. de Montréal) Chantal Laroche Christian Giguère	T : 3 080\$	Recherche
2000	INLB, IRD, IRDPQ <u>Titre</u> : Évaluation de l'effet de différents types d'appareils auditifs dans les déplacements des personnes non-voyantes et malentendantes	F	<u>Chercheur(s) Princ.</u> Agathe Ratelle (INLB) Rachel Dion (IRD) Chantal Laroche T. Leroux (U. de M)	T : 8 000\$	Recherche
1999	CRSH & CHSRF <u>Titre</u> : Can. Inst. for Disability Res.	C	<u>Chercheurs Princ. :</u> P. Fougeyrollas	T : 30 000\$	Recherche
1999	IRSST <u>Titre</u> : Research Protocol Draft on forklift acoustic signalling	C	<u>Chercheur(s) Princ.</u> Chantal Laroche	T : 21 584\$	Recherche
1996-1998	SSHRC <u>Titre</u> : Perceptual analysis of environmental factors and adaptation strategies related to communication disorders in the workplace	C	<u>Chercheur(s) Princ.</u> Chantal Laroche Linda Garcia Jacques Barrette	T : 42 060\$ 1996 : 19 540\$ 1997 : 12 520\$ 1998 : 10 000\$	Recherche
1998	Regional Mun. Ottawa-Carleton <u>Titre</u> : Field Evaluation of Audible Traffic Signals for Blind Pedestrians	G	<u>Chercheur(s) Princ.</u> Chantal Laroche Christian Giguère T. Leroux (U. de M)	T : 25 000\$	Contrat de Recherche
1998	Institut Nazareth et Louis-Braille <u>Titre</u> : Evaluation of Sound Signals for Blind Pedestrians	F	<u>Chercheur(s) Princ.</u> Chantal Laroche Christian Giguère	T : 6 000\$	Recherche
1998	Health Canada <u>Titre</u> : Temporary threshold shifts induced by low-flight aircrafts	G	<u>Chercheur(s) Princ.</u> T. Leroux (U. de Montréal) C. Laroche	T : 4 500\$ 1997 : 3 400\$ 1998 : 1 100\$	Contrat de Recherche
1996-1997	Transports Canada <u>Titre</u> : Development of a hearing standard for the Canadian Coast Guard	G	<u>Chercheur(s) Princ.</u> Laurel Ritmiller (BCRI, Vancouver) <u>Co-chercheur(s):</u> C. Laroche, M. Hodgson, S. Forshaw	T : 200 000\$ 1996 : 100 000\$ 1997 : 100 000\$	Contrat de Recherche
1995	NRC-PWGSC <u>Titre</u> : FireCAM for PWGSC Office Buildings- Case Studies	G	<u>Chercheur(s) Princ.</u> G. Proulx (NRC) <u>Co-chercheur(s):</u> C. Laroche, A. Kaufman (NRC) J. Pineau (NRC)	T : 114 000\$	Recherche
1994	NRC-CMHC <u>Titre</u> : Housing Evacuation Study	G	<u>Chercheur(s) Princ.</u> Guylène Proulx <u>Co-chercheur(s):</u> J. C. Latour, J. McLaurin, J. Pineau, L. Hoffman (NRC) C. Laroche	T : 85 000\$	Recherche

1994	IRSST <i>Titre</i> : Development of a reverse alarm simulator	C	<u>Chercheur(s) Princ.</u> Chantal Laroche	T : 77 580\$	Recherche
1993	IRSST <i>Titre</i> : Acoustical Characteristics of Reverse Alarms, Phase II	C	<u>Chercheur(s) Princ.</u> Chantal Laroche	T : 78 570\$	Recherche
1993	Canadian Human Rights Commission <i>Titre</i> : Hearing Impairment and Discrimination	G	<u>Chercheur(s) Princ.</u> Chantal Laroche	T : 10 000\$	Contrat de Recherche
1992	IRSST <i>Titre</i> : Acoustical Characteristics of Reverse Alarms, Phase I	C	<u>Chercheur(s) Princ.</u> Chantal Laroche	T : 19 930\$	Recherche
1991	Hydro-Québec <i>Titre</i> : Conception d'un système de mesure du bruit émis pas les postes de transformateurs	G	<u>Chercheur(s) Princ.</u> Chantal Laroche <u>Co-chercheur(s):</u> Patrick Ratto et Daniel Born	T : 51 000\$	Contrat de Recherche
1991	IRSST <i>Titre</i> : Facilitation de l'accès (convivialité) d'un logiciel portant sur la détection d'avertisseurs sonores en milieu de travail bruyant	C	<u>Chercheur(s) Princ.</u> Chantal Laroche Raymond Héту (U. de Montréal)	T : 65 000\$	Recherche
1991	IRSST <i>Titre</i> : La nocivité des bruits impulsifs : synthèse critique des connaissances et proposition d'une procédure de quantification des expositions	C	<u>Chercheur(s) Princ.</u> Chantal Laroche Raymond Héту (U. de Montréal)	T : 20 000\$	Recherche
1990	Consummation et Corporation Canada <i>Titre</i> : Proposition d'une nouvelle réglementation sur le bruit émis par les jouets sonores	G	<u>Chercheur(s) Princ.</u> Tony Leroux (U. de Montréal) Chantal Laroche	T : 30 000\$	Contrat de Recherche
1990	Transport Canada <i>Titre</i> : Détermination des indices applicables à l'établissement de niveaux sonores acceptables	G	<u>Chercheur(s) Princ.</u> Chantal Laroche André Brodeur (Sonométrie Inc.)	T : 19 000\$	Contrat de Recherche
1990	IRSST <i>Titre</i> : Étude de fidélité de l'audiométrie automatique par balayage fréquentiel asservi (Audioscan)	C	<u>Chercheur(s) Princ.</u> Chantal Laroche Raymond Héту (U. de Montréal)	T : 25 000\$	Recherche
1989	IRSST <i>Titre</i> : Conception et validation d'un modèle informatisé de détection de signaux sonores avertisseurs de danger en milieux de travail bruyants	C	<u>Chercheur(s) Princ.</u> Chantal Laroche Raymond Héту (U. de Montréal)	T : 75 000\$	Recherche

j) SUBVENTIONS DE RECHERCHE INTERNES :

Année	Source	Type	Chercheur(s)	Montant total (T) + /Année	But
2014-2015	Université d'Ottawa Titre: L'utilisation de la version franco-canadienne de l'échelle AMSTAR conçue pour évaluer la qualité méthodologique des recensions systématiques portant sur l'efficacité des soins de santé: Un projet pédagogique clé dans la formation professionnelle multidisciplinaire en réadaptation.		L. Brosseau P. Guitard C. Laroche	5018.76\$	Développement d'outil francophone
2013	Faculté des sciences de la santé	A/O	C. Giguère et C. Laroche	5000\$	Subvention spéciale/Special Grant
2012	Faculté des sciences de la santé et École des sc. de la réadaptation « ISOES Conference, Fort Lauderdale, June 7-8 2012 »	A/O	C. Laroche	1000\$	Voyage/Travel grant
2010	Faculté des sciences de la santé et École des sc. de la réadaptation "20 th Int. Congress on Acoustics, Sydney, Australia, Aug.2010"	A/O	C. Laroche	1000 \$	Voyage/Travel grant
2006	Fac. des Sciences de la santé Titre : Consolidation des liens de recherche avec la compagnie Siemens-Allemagne	A	<u>Chercheurs principaux</u> : Christian Giguère et Chantal Laroche	T : 10 000\$	Fonds spécial de la recherche
2003	Vice-rectorat enseignement Titre : Developing a blueprint for ENTOURAGE	A	<u>Chercheurs Princ.</u> Linda Garcia	T : 10 000\$	Programme d'initiatives interdisciplinaires
2003	-Faculté des Sc. de la Santé - Service de la recherche <u>Titre</u> : Using virtual humans in disability research to test the impact of non verbal communication	A	<u>Chercheurs Princ.</u> Linda Garcia Chantal Laroche Stéphane Bouchard Pierre Gosselin	T : 10 000\$ 5 000\$ (Sc. Santé) 5 000 \$ (Ser. Rech.)	Recherche
1999	Faculté des Sc. de la Santé <u>Titre</u> : Équipements en audiol. (Cabine audiométrique usagée et équipements de psycho-acoust.)	A	<u>Chercheur(s) Princ.</u> Christian Giguère Chantal Laroche	T: 5 000\$	Équipements
1998	Faculty of Health Sciences S. of Rehab. Sciences S. of Graduate Studies <u>Titre</u> :Eval. of a sound-proof room of audible signals for people with blindness and hearing loss	A A A	<u>Chercheur(s) Princ.</u> Christian Giguère Chantal Laroche Tony Leroux (U. de Montréal)	T: 15 220\$ 5 110\$ 5 000\$ 5 110\$	Recherche
1998	School of Graduate Studies (SSHRC) <u>Titre</u> :Summer awards for graduate students	C	<u>Chercheur(s) Princ.</u> Chantal Laroche Linda Garcia	T: 3 500\$	Ress. Hum.

1997	School of Graduate Studies Faculty of Health Sciences <u>Titre</u> : Conférence-International Ergonomics Ass. Tempere, Finlande	A A	<u>Chercheur(s) Princ.</u> Chantal Laroche	T : 2 500\$ 1 500\$ 1 000\$	Voyage
1996	Faculty of Health Sciences School of Graduate Studies Career Dev. Funds <u>Titre</u> : Noise measurements in the NICU of the Children Hospital of Eastern Ontario	A A A	<u>Chercheur(s) Princ.</u> Chantal Laroche	T : 7 919\$ 2 919\$ 2 000\$ 3 000\$	Recherche
1995	School of Graduate Studies (SSHRC) <u>Titre</u> :Summer awards for graduate students	C	<u>Chercheur(s) Princ.</u> Chantal Laroche Linda Garcia	T: 3 500\$	Ress. Hum.
1994	Faculty of Health Sciences <u>Titre</u> : Conférence – ASA, Boston	A	<u>Chercheur(s) Princ.</u> Chantal Laroche	T : 1 500\$	Voyage
1994	Faculty of Health Sciences School of Graduate Studies Career Dev. Funds <u>Titre</u> : Développement d'un modèle conceptuel des handicaps reliés à la communication en milieu de travail	A A A	<u>Chercheur(s) Princ.</u> Chantal Laroche Linda Garcia	T : 7 500\$ 2 500\$ 2 500\$ 3 000\$	Recherche

k) **PUBLICATIONS:**1) **Sommaire de toute la carrière/Life-time summary**

- Chapitres de livres/Chapters in books.....	5
- Articles publiés dans des revues avec comité de lecture/Papers in refereed journals....	60
- Communications publiées dans des comptes rendus de congrès <u>avec comité de lecture</u> Papers in refereed conference proceedings.....	72
- Contributions majeures sur invitation et/ou rapports techniques	91
Major invited contributions and/or technical reports	131
- Résumés de communications et présentations/Abstracts and/or papers read.....	1
- Articles ou contributions à venir.....	

2) **Description détaillée :**Chapitres de livres/Chapters in books:

1. **Laroche, C.**, Vallet, M. et Aubrée, D. (2003) « Le bruit ». Chapitre 18 dans Environnement et Santé Publique : fondements et pratiques. Édisem, Montréal, pp.479- 497.
2. Weber, J.-P., Bergeret, A., Bérode, M., Droz, P.-O., Gérin, M., Goyer, N., Héroux, P., **Laroche, C.**, Le Moullec, Y. et Payment, P. (2003) « Mesure de l'exposition ». Chapitre 7 dans Environnement et Santé Publique : fondements et pratiques. Édisem, Montréal, pp.163-202.
3. Tran Quoc, H., Héту, R., **Laroche, C.** (1992) "Computerized assessment and prediction of the audibility of sound warning signals for normal and hearing-impaired individuals", dans M. Matilla et W. Karwowski (éd), Computer applications in ergonomics occupational safety and health, Elsevier, Amsterdam, pp.105-112.
4. Héту, R., **Laroche, C.**, Tran Quoc, H., Lepage, B., St-Vincent, J. (1992) "The spectrum of impulse noise and human ear response", dans Dancer, Henderson, Salvi et Hamernik (éd), Noise-Induced hearing Loss, Philadelphia, Mosby Year Book, pp.361-375.
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4. *Nélisse, H., Boutin, J., **Laroche, C.**, Giguère, C., Vaillancourt, V. (2019). Alarmes de recul : On avance. Présentation dans le cadre des Journées du bruit environnemental. Ministère de la Santé et des Services sociaux, Gouvernement du Québec, Palais des Congrès de Montréal, Montréal (12-13 Nov. 2019).
5. ****Laroche, C.**, Vaillancourt, V., Giguère, C. (2019) What audiologists should know about auditory fitness for duty assessment (AFDA)? Oral presentation (1.5 hour) at the Texas Academy of Audiology Conference, Frisco, TX (October 4-5 2019)
6. ****Laroche, C.**, Vaillancourt, V., Giguère, C. (2019) How to perform auditory fitness for duty assessment (AFDA) in clinical settings? Oral presentation (1.5 hour) at the Texas Academy of Audiology Conference, Frisco, TX (October 4-5 2019)
7. *Giguère, C., **Laroche, C.**, and Vaillancourt, V. (2019). "Effects of hearing loss and language proficiency on speech intelligibility of radio messages over tactical communication devices," Invited presentation, NATO HFM-285 Meeting, Ottawa (ON), Oct. 29 2019.
8. ****Laroche, C.**, Giguère, C., Nélisse, H., Vaillancourt, V., Boutin, J. Perception of reverse alarms in noisy workplaces: a multidimensional perspective. Invited presentation at NIOSH (National Institute of Occupational Safety and Health, Cincinnati) (Oct. 25 2019)
9. ****Laroche, C.**, Giguère, C., Vaillancourt, V. Auditory Fitness-for-Duty and Auditory Awareness: Challenges in Aerospace Environments. Invited presentation at NASA, Houston (Oct. 3 2019)
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37. **Laroche, C.** Sortir des sentiers battus pour évaluer les capacités auditives fonctionnelles. Conférence présentée au Congrès de l'Association d'oto-rhino-laryngologie et de chirurgie cervico-faciale du Québec, Québec, (30 octobre 2010).
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40. ****Laroche, C.**, Giguère, C., Végiard, C, Blomberg, L. Validity of a temporary threshold shift (TTS) detector for use in iPods and other portable audio devices. Poster presentation at the National Hearing Conservation Association Conference, Orlando, USA (Feb. 2010)
41. **Laroche, C.** Impact du bruit sur notre qualité de vie : du berceau à la berceuse. Conférence présentée dans le cadre du Programme d'Excellence Professionnelle, CNFS, Hôpital Montfort, 26 janvier 2010. *Conférence invitée*
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47. **Laroche, C.**, Vaillancourt, V. Le Hearing in Noise Test (HINT) et ses applications chez l'adulte et l'enfant. Conférence de l'Ordre des Audioprothésistes du Québec, Québec (19-21 sept. 2008). *Conférence invitée*
48. ***Laroche, C.**, Giguère, C., Al Osman, R. and Zheng, Y. "Influence of Hearing Loss and Use of Hearing Protectors on the Installation of Acoustic Warning Signals in Noisy Workplaces," Bilingual conference of the Canadian Association for Research on Work and Health (CARWH), Montreal, Quebec, (15-17 June 2008).
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52. **Giguère, C., **Laroche, C.**, Brault, É., Ste-Marie, J.-C., Brosseau-Villeneuve, M., Philippon, B. and Vaillancourt, V. "Quantifying the Lombard effect in different background noises", 4th Joint Meeting of the Acoustical Society of America and the Acoustical Society of Japan, Honolulu, 28 November – 2 December. *J. Acoust. Soc. Am.* 120 (5) Part 2, 3378 (Dec. 2006).
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59. **Giguère, C. and **Laroche, C.**, Vaillancourt, V. and Soli, S. "Predicting speech intelligibility in real-world noise environments from functional measures of hearing," Joint meeting of the Acoustical Society of America and Canadian Acoustical Association, Vancouver, *J. Acoust. Soc. Am.* 117 (4) Part 2, 260, (May 2005).
60. **Soli, S., **Laroche, C.**, Giguère, C., and Vaillancourt, V. "A statistical model of prediction of functional hearing abilities in real-world noise environments," Joint meeting of the Acoustical Society of America and Canadian Acoustical Association, Vancouver, *J. Acoust. Soc. Am.* 117 (4) Part 2, 2604, (May 2005).
61. **Laroche, C.** Les effets multiples du bruit sur la santé et la sécurité. 8^{es} Journées annuelles de santé publique, Montréal, 1^{er} décembre 2004. *Conférence invitée*

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71. **Vaillancourt, V., **Laroche, C.**, Soli, S., Giguère, C. Use of Audio VR to Evaluate Functional Hearing Abilities in the Workplace. Poster presented at the Cybertherapy Conference, San Diego (January 2004).
72. ***Laroche, C.**, Zheng, Y., Giguère, C. and Lavoie, R. "Detectsound Version 2: A useful tool for adjusting acoustic warning signals in industry," Proceedings of the Second Congress of the Canadian Association for Research on Work and Health, Montreal, Quebec, (Oct. 25-26, 2003), p.53.
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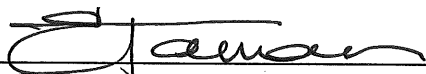
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Chantal Laroche, Ph.D.
2023-08-28

This is Exhibit "B" referred to
in the Affidavit of Chantal Laroche,
affirmed before me remotely
in accordance with O. Reg. 431.20
by videoconference
this 31st day of August, 2023.


A Commissioner for Taking Oaths, etc.

Court File No: CV-22-00088514-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

ZEXI LI

Plaintiff/Moving Party

- and -

**CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING and
JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, JOHN DOE 5,
JOHN DOE 6, JOHN DOE 7, JOHN DOE 8, JOHN DOE 9, JOHN DOE 10,
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JOHN DOE 56, JOHN DOE 57, JOHN DOE 58, JOHN DOE 59 and JOHN DOE 60**

Defendants/Responding Parties

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF SEAN FLYNN

I, SEAN FLYNN, of the [REDACTED], in the Province of Ontario, AFFIRM:

1. I am a resident of Ottawa and concerned citizen. I reside in the New Edinburgh neighbourhood located approximately three kilometers from the core of

downtown. Since January 28, 2022, I have been regularly venturing around downtown Ottawa, by walking and cycling, to bear witness to the Freedom Convoy 2022 protest occupying the area. As such, I have personal knowledge of the matters to which I hereinafter depose except where I have stated my evidence to be on information and belief, in which case I have indicated the source of my information and my belief in the truth of the information.

2. I am aware that, on February 7, 2022, a Judge of the Ontario Superior Court of Justice granted an Order for an injunction, prohibiting the use of air horns and train horns in downtown Ottawa for a period of 10 days. I learned about this Order by receiving a “Breaking News” alert from the CBC app on my cell phone.
3. Before the injunction Order was granted, it was my observation that the horn honking in downtown Ottawa was extremely loud and constant.
4. Even from inside my residence in New Edinburgh, several kilometres away from downtown, I could hear the sound of honking horns very clearly from January 28, 2022 to the afternoon of February 7, 2022. On January 31, 2022 and February 1, 2022 I could hear the intermittent honking of horns over the course of almost 20 hours.
5. Troubled by reports I read in the media in which witnesses to the events unfolding near Parliament Hill claimed that the protests were not disruptive or particularly loud, which did not accord with what I was hearing from my residence several kilometers away, I decided to attend some of the locations where the trucks were situated in order to assess the situation for myself.

6. On January 30, 2022, I was walking in the vicinity of Rideau Street and Sussex Drive where the sound of honking horns was louder than anything I have ever heard.
7. On February 1, 2022, I walked from my home to Parliament Hill and arrived there at approximately 10:50PM. I was shocked by what I heard. The noise from assembled vehicles on Wellington Street was overwhelmingly and oppressively loud. The sound was so loud I could feel it reverberating throughout my entire body. The honking sounds were being emitted from many vehicles including transport trucks.
8. On February 5, 2022 I attended the intersection of Bank Street and Slater Street. Long rows of several large transport trucks were parked on each side of Slater Street. The trucks and vehicles were honking their horns so loudly that I received an alert on my Smart Watch which read: “[caution symbol] Loud- Repeated, long term exposure to sounds at this level can damage your hearing.”
9. After the injunction Order was granted on February 7, 2022, it was my observation that it became much quieter in downtown Ottawa for a few days. When walking and cycling downtown in the days that followed the granting of the Order, I had been listening for honking and did not really hear any.
10. Even at my home in New Edinburgh, I initially experienced relief from the sound of loud honking that could previously be heard from the protesters downtown. This had been a welcome change.

11. Unfortunately, starting on Friday, February 11, 2022, I again began to hear more regularly occurring honking of air horns and train horns downtown.
12. While walking downtown on Saturday, February 12, 2022, I witnessed a number of Freedom Convoy participants blatantly honking horns. Just before 5PM, I observed and recorded a video of a number of trucks parked at the intersection of Kent Street and Albert Street, revving their engines and intermittently honking very loud horns. At around 9PM, I observed a number of trucks parked at the intersection of Albert Street and O'Connor Street, and nearly every one of these trucks were honking loud horns at that time. My Smart Watch indicated sound levels of 101 dB when this honking was occurring.
13. It has been my observation that there are still many vehicles, including many large transport trucks, occupying the streets in the downtown core.
14. In some places, it appears to me as though the number of vehicles has grown. For instance, when I was walking downtown on February 9, 2022 between 12AM to 1AM, I observed that the vehicles had spread out as far the intersection of Kent Street and Cooper Street in Centretown.
15. I make this affidavit in good faith and for no improper purpose.

AFFIRMED before me remotely in)
 accordance with O. Reg. 431/20 by)
 video conference from the City of)
 Ottawa, in the Province of Ontario,)
 this 14th day of February, 2022.)

A commissioner for taking affidavits)
)

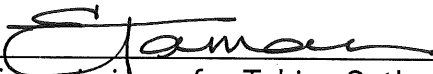


Sean Flynn



Christine Johnson
 Champ & Associates

This is Exhibit "C" referred to
in the Affidavit of Chantal Laroche,
affirmed before me remotely
in accordance with O. Reg. 431.20
by videoconference
this 31st day of August, 2023.


A Commissioner for Taking Oaths, etc.

PUBLIC INQUIRY INTO THE 2022 PUBLIC ORDER EMERGENCY

IN THE MATTER OF A PUBLIC INQUIRY

under the *Emergencies Act*, RSC RSC 1985, c 22 (4th Supp), ss 63(1)
and the *Public Inquiries Act*, RSC 1985, c I-11, Part I

AFFIDAVIT OF SEAN FLYNN
Affirmed September 30, 2022
(Pursuant to Rule 49 of the Inquiry's Rules for Procedure and Practice)

I, SEAN FLYNN, of the [REDACTED], in the Province of Ontario, AFFIRM:

1. I am a resident of Ottawa and concerned citizen. I reside in the New Edinburgh neighbourhood located approximately three kilometers from the core of downtown Ottawa.
2. From January 28, 2022 to February 19, 2022 I regularly ventured around downtown Ottawa, by walking and cycling, to bear witness to the Freedom Convoy 2022 protest occupying the area. As such, I have personal knowledge of the matters to which I hereinafter depose except where I have stated my evidence to be on information and belief, in which case I have indicated the source of my information and my belief in the truth of the information.

JANUARY 28 - FEBRUARY 6, 2022

3. From January 28, 2022 to February 6, 2022, I witnessed extremely loud and constant horn honking by the Freedom Convoy participants occupying downtown Ottawa.

4. Even from inside my residence in New Edinburgh, several kilometres away from downtown, I could hear the sound of honking horns very clearly from January 28, 2022 to the afternoon of February 7, 2022. On January 31, 2022 and February 1, 2022 I could hear the intermittent honking of horns over the course of almost 20 hours.
5. Troubled by reports I read in the media in which witnesses to the events unfolding near Parliament Hill claimed that the protests were not disruptive or particularly loud, which did not accord with what I was hearing from my residence several kilometers away, I decided to attend some of the locations where the Freedom Convoy trucks were situated in order to assess the situation for myself.
6. On the evening of January 29, 2022, I ventured to Parliament Hill, where I witnessed very loud honking and protesters setting off fireworks in very close proximity to building and people. I recorded a 12 second video of these events on my iPhone and posted it to my personal Twitter account @sfyro at 7:59PM: <https://twitter.com/sfyro/status/1487591313453338629>. Attached hereto as **Exhibit "A"** is a copy of the video that I recorded and posted to Twitter on January 29, 2022.
7. On January 30, 2022, I walked to the vicinity of Rideau Street and Sussex Drive where the sound of honking horns was louder than anything I have ever heard. I recorded a 26 second video of this honking on my iPhone and posted it to my personal Twitter account @sfyro at 8:50PM:

<https://twitter.com/sfyro/status/1487966419778215938>. Attached hereto as **Exhibit “B”** is a copy of the video that I recorded and posted to Twitter on January 30, 2022.

8. On February 1, 2022, I walked from my home to Parliament Hill and arrived there at approximately 10:50PM. I was shocked by what I heard. The noise from assembled vehicles on Wellington Street was overwhelmingly and oppressively loud. The sound was so loud I could feel it reverberating throughout my entire body. The honking sounds were being emitted from many vehicles including transport trucks. I was also overwhelmed by the heavy diesel fumes that were being generated by the many trucks idling in that area.

9. On February 5, 2022 I attended the intersections of Bank Street and Slater Street. Long rows of several large transport trucks were parked on each side of Slater Street. At around 8:05PM I observe the trucks and vehicles at this intersection honking their horns so loudly that I received an alert on my Smart Watch, stating: “[caution symbol] Loud- Repeated, long term exposure to sounds at this level can damage your hearing.” I recorded a 45 second video of these events on my iPhone and posted it to my personal Twitter account @sfyro at 8:20PM: <https://twitter.com/sfyro/status/1490133171106631680>. Attached hereto as **Exhibit “C”** is a copy of the video that I recorded and posted to Twitter on February 5, 2022.

10. In the same tweet posted on February 5, 2022, I stated that I had also attended at the intersection of Bank Street and Queen Street that evening, where my Smart Watch had recorded sound levels hitting 105 decibels.
11. After walking downtown for approximately 45 minutes on February 5, 2022, I went to visit a friend. When I arrived, she commented that my clothes smelled heavily of gas fumes.

FEBRUARY 7-10, 2022

12. I am aware that, on February 7, 2022, a Judge of the Ontario Superior Court of Justice granted an Order for an injunction, prohibiting the use of air horns and train horns in downtown Ottawa for a period of 10 days. I learned about this Order by receiving a “Breaking News” alert from the CBC app on my cell phone.
13. After the injunction Order was granted on February 7, 2022, it was my observation that it became much quieter in downtown Ottawa for a few days. When walking and cycling downtown in the days that followed the granting of the Order, I had been listening for honking and did not really hear any.
14. Even at my home in New Edinburgh, I initially experienced relief from the sound of loud honking that could previously be heard from the protesters downtown. This had been a welcome change.
15. On February 8, 2022, I ventured to Parliament Hill and observed Freedom Convoy participants lining up many gas jerrycans in front of trucks parked in

the area. I recorded a 15 second video of these events on my iPhone and posted it to my personal Twitter account @sfyro at 8:56PM:

<https://twitter.com/sfyro/status/1491229389123911680>. Attached hereto as **Exhibit “D”** is a copy of the video that I recorded and posted to Twitter on February 8, 2022.

16. When I was walking downtown on February 9, 2022 between 12AM to 1AM, I observed that the vehicles had spread out as far the intersection of Kent Street and Cooper Street in Centretown, a mostly residential area.

FEBRUARY 11-18, 2022

17. Starting on Friday, February 11, 2022, I began to hear more regularly occurring honking of air horns and train horns downtown once again.
18. While walking downtown on Saturday, February 12, 2022, I witnessed a number of Freedom Convoy participants blatantly honking horns. Just before 5PM, I observed and recorded a 55 second video of a number of trucks parked at the intersection of Kent Street and Albert Street, revving their engines and intermittently honking very loud horns. In this video, Convoy participants can also be seen setting off pyrotechnics. I posted this video on my personal Twitter account @sfyro at 5:01PM:
<https://twitter.com/sfyro/status/1492619885062627337>. Attached hereto as **Exhibit “E”** is a copy of the 55 second video that I recorded and posted to Twitter on February 12, 2022.

19. At around 9PM on February 12, 2022, I observed a number of trucks parked at the intersection of Albert Street and O'Connor Street, and nearly every one of these trucks were honking loud horns at that time. My Smart Watch indicated sound levels of 101 dB when this honking was occurring. I recorded a 30 second video of these events on my iPhone and posted it to my personal Twitter account @sfyro at 9:45PM:
<https://twitter.com/sfyro/status/1492691425464623105>. Attached hereto as **Exhibit "F"** is a copy of the 30 second video that I recorded and posted to Twitter on February 12 2022.
20. I reposted the video at Exhibit F to my Twitter account at 1:52AM in reply to a tweet by CBC Reporter @Travisdhanraj which stated: "And the horns continue to blare into Saturday night...@OttawaPolice seem to be unable or unwilling to enforce the law on this one. #cdnpoli #onpoli #Ottawa".
21. While walking around on February 12, 2022, I also observed Freedom Convoy participants playing music and setting off fireworks next to the War Memorial. I recorded a 49 second video of these events on my iPhone and posted it to my personal Twitter account @sfyro at 10:20PM:
<https://twitter.com/sfyro/status/1492700138179072003>. Attached hereto as **Exhibit "G"** is a copy of the 49 second video that I recorded and posted to Twitter on February 12, 2022.
22. While walking around downtown on Saturday, February 12, 2022, I did not see any police enforcement of individuals honking horns. I did at one point pass by

a few police officers who were wearing construction-grade noise cancellation ear protection.

23. On Sunday, February 13, 2022, I attended the counter-protest organized by Ottawa citizens that took place at Billings Bridge, at the intersection of Bank Street and Riverside Drive. I learned about this counter-protest on social media, including through a tweet posted by Ottawa Centre MPP Joel Harden at 9:09AM, asking for people to come join this peaceful demonstration: <https://twitter.com/JoelHardenONDP/status/1492863454499291136>. At this protest, I observed and participated in collective action of citizens joining together to block Freedom Convoy trucks and divert them from returning downtown. It was inspiring to see regular citizens rise up and act against the occupation of our city. It felt as though this counter-protest was more effective than anything that law enforcement had done to curtail the occupation.
24. On February 14, 2022, I learned through news reports that the Ontario Superior Court had granted the City of Ottawa's request for an injunction in connection with the Freedom Convoy. It was my understanding that the City's injunction prevented Convoy participants from engaging in honking and other loud noise, and also prevented other unlawful behaviour such as the setting of unlawful fires, discharging fireworks, causing noise, blocking or damaging roads, and idling vehicles.
25. On February 14, 2022, I also learned through news reports that the federal government had invoked the *Emergencies Act*.

26. In the evening on February 15, 2022, I passed by Parliament Hill after getting groceries. I observed Convoy participants blaring music while trucks honked their horns to the beat. I witnessed several OPS vehicles parked there, but not taking any enforcement measures against the noise—despite the injunctions in force at the time and the fact that the federal government had invoked the *Emergencies Act* on February 14, 2022. I recorded a video of these events on my iPhone and posted it to my personal Twitter account @sfyro at 8:35PM: <https://twitter.com/sfyro/status/1493760896539271168>. Attached hereto as **Exhibit “H”** is a copy of the video that I recorded and posted to Twitter on February 15, 2022.
27. I spent much of the day on February 16, 2022 venturing around downtown. For hours on end, I heard very loud honking from Convoy trucks. At around 7:00PM, I recorded a video on my iPhone of this loud honking outside of Parliament Hill. I posted this video to my personal Twitter account @sfyro at 7:10PM: <https://twitter.com/sfyro/status/1494101847673643011>. Attached hereto as **Exhibit “I”** is a copy of the video that I recorded and posted to Twitter on February 16, 2022.
28. In my Twitter posted on February 16, 2022, I commented that honking was some of the loudest to date, and that my Smart Watch was registering sound levels peaking at 110 decibels.

FEBRUARY 18-19, 2022

29. On February 18, 2022, I observed trucks starting to leave the downtown area on their own. In particular, between 3:30PM and 4:30PM, I observed four trucks leave downtown.
30. At around 8:00AM on February 19, 2022, I visited the intersection of Rideau Street and Sussex Street and observed that the Freedom Convoy trucks had cleared out. In contrast to the high sound readings that my Smart Watch had been registering in this area for the last several weeks, my Smart Watch recorded sound levels at a mere 45 decibels at this intersection on this morning. I took several photos of the cleared out intersection—and a photo of the low sound reading on my Smart Watch—and posted these photos to my private Twitter account @sfyro at 8:07AM: <https://twitter.com/sfyro/status/1495022185873870853>. Attached hereto as **Exhibit “J”** are copies of the photos that I took and posted to Twitter on February 19, 2022.
31. At around 6:00PM on February 19, 2022, I ventured to the intersection of Bank Street and Queen Street and observed many Convoy participants still occupying the area. These individuals were loudly chanting, dancing, and setting off fireworks. I also noticed a substantial police presence.
32. At around 9:00PM on February 19, 2022, I passed by the intersection of Kent Street and Albert Street and noticed that the trucks had mostly cleared out.

33. I make this affidavit in good faith and for no improper purpose.

AFFIRMED before me remotely in)
accordance with O. Reg. 431/20 by)
video conference from the City of)
Ottawa, in the Province of Ontario,)
this 30th day of September, 2022.)

A commissioner for taking affidavits)

Christie Johnson
Champ Associates



Sean Flynn

This is **Exhibit A** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me remotely
in accordance with O. Reg. 431/20
by video conference
from the City of Ottawa, in the Province of Ontario,
this 30th day of September, 2022.

A Commissioner for Taking Oaths, etc.



Explore

Settings



Sean Flynn
@sfyro



Quote from my good friend: "It's like Evil Canada Day out there."

← Tweet
It really feels like a total free for all out in front of Parliament. And the noise pollution is atrocious for all urban residents right now.



7:59 PM · Jan 29, 2022 · Twitter for iPhone

2 Likes



Please see the video file of the video posted to Twitter by @sfyro on January 29, 2022 accompanying this Affidavit.

This is **Exhibit B** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me remotely
in accordance with O. Reg. 431/20
by video conference
from the City of Ottawa, in the Province of Ontario,
this 30th day of September, 2022.

A Commissioner for Taking Oaths, etc.



Explore

Settings

← Tweet



Sean Flynn
@sfyro



"Hey Siri, how long would a car/truck horn last if held down consistently?"



8:50 PM · Jan 30, 2022 · Twitter for iPhone

1 Like



Please see the video file of the video posted to Twitter by @sfyro on January 30, 2022 accompanying this Affidavit.

This is **Exhibit C** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me remotely
in accordance with O. Reg. 431/20
by video conference
from the City of Ottawa, in the Province of Ontario,
this 30th day of September, 2022.

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← Thread



Sean Flynn
@sfyro

In case you're wondering why #centretown residents and the rest of urban Ottawa are losing our minds...my watch was showing dB readings hitting 105 dB at Bank & Queen. This occupation has ZERO sympathy from us anymore. #OttawaOccupation #GoHomeConvoy #ottcity



8:20 PM · Feb 5, 2022 from Ottawa, Ontario · Twitter for iPhone

1,522 Retweets 369 Quote Tweets 4,487 Likes



Please see the video file of the video posted to Twitter by @sfyro on February 5, 2022 accompanying this Affidavit.

This is **Exhibit D** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me remotely
in accordance with O. Reg. 431/20
by video conference
from the City of Ottawa, in the Province of Ontario,
this 30th day of September, 2022.

A Commissioner for Taking Oaths, etc.



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← Tweet



Sean Flynn
@sfyro

So on the plus side, the courageous action led by 3 courageous citizens of Ottawa has resulted in this dudes drumming as the loudest thing I heard all evening. On the downside, it seems I interrupted a sacred blessing of the jerrycans prior to their next openly defiant refill 🙄



8:56 PM · Feb 8, 2022 from Ottawa, Ontario · Twitter for iPhone

5 Likes



Please see the video file of the video posted to Twitter by @sfyro on February 8, 2022 accompanying this Affidavit.

This is **Exhibit E** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me remotely
in accordance with O. Reg. 431/20
by video conference
from the City of Ottawa, in the Province of Ontario,
this 30th day of September, 2022.

A Commissioner for Taking Oaths, etc.



Explore

Settings

← Thread



Sean Flynn @sfyro

So the #OttawaOccupied #FreedomConvoy has officially reached the injunction be damned point here in #centretown #ottcity. These trucks are on a continuous cycle of grumbling and horn blaring with improvised pyrotechnics thrown in for good measure. #ConvoyGoHome



5:01 PM · Feb 12, 2022 from Ottawa Marriott Hotel · Twitter for iPhone

2 Retweets 1 Quote Tweet 8 Likes



Sean Flynn @sfyro · Feb 12

Replying to @sfyro

And I've seen a number of these devices blaring everywhere today as well.



1

1

3



Sean Flynn @sfyro · Feb 12

Taken at Kent/Albert just before 1700 (with ZERO police anywhere 🚔). It's like shooting fish in a barrel at this stage as this is happening all day. Ironically I later passed by a few law enforcement officers donning construction grade noise cancellation ear protection!!!

1



1



Please see the video file of the video posted to Twitter by @sfyro on February 12, 2022 accompanying this Affidavit.

This is **Exhibit F** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me remotely
in accordance with O. Reg. 431/20
by video conference
from the City of Ottawa, in the Province of Ontario,
this 30th day of September, 2022.

A Commissioner for Taking Oaths, etc.



Explore

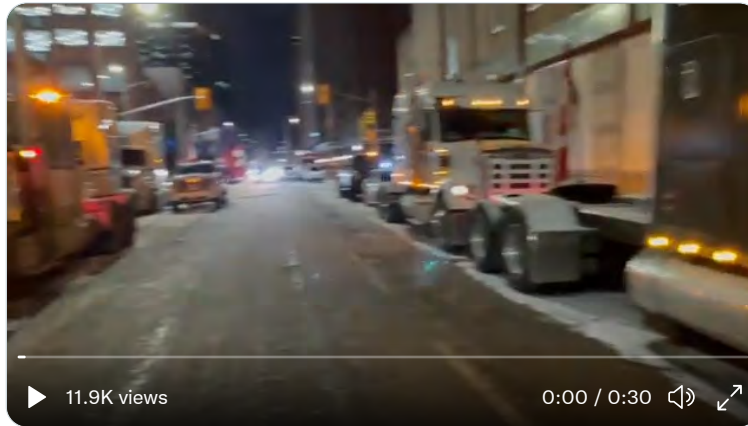
Settings

← Tweet



Sean Flynn
@sfyro

Hey @OttawaPolice anytime you want to come by Albert near O'Connor, basically every truck here has been violating the injunction. I saw 101 dB show up on my watch. Taken at 21:02 this evening (and this is one small sample no doubt). #ottawaoccupiers #ottcity #ConvoyGoHome



9:45 PM · Feb 12, 2022 from O-Train Station - Parliament · Twitter for iPhone

105 Retweets 8 Quote Tweets 347 Likes



Please see the video file of the video posted to Twitter by @sfyro on February 12, 2022 accompanying this Affidavit.

This is **Exhibit __G__** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me remotely
in accordance with O. Reg. 431/20
by video conference
from the City of Ottawa, in the Province of Ontario,
this 30th day of September, 2022.

A Commissioner for Taking Oaths, etc.



Explore

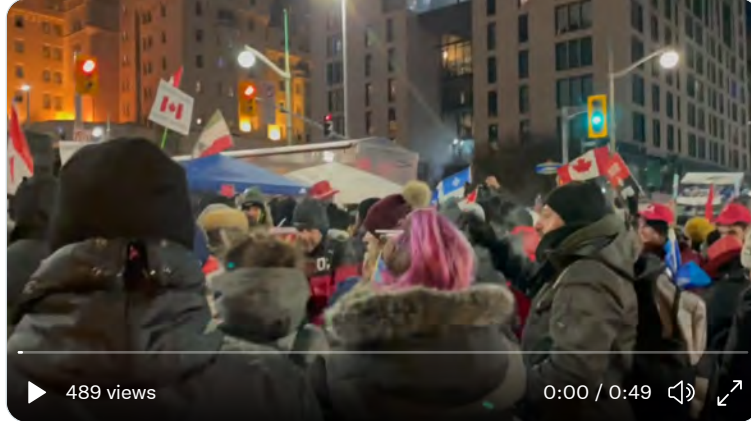
Settings

← Tweet



Sean Flynn
@sfyro

It's hard not to be numb to this #OccupationOttawa circus. See the fireworks next to the War Memorial in the distance...while the occupation disco rages well into the night. #ConvoyGoHome



10:20 PM · Feb 12, 2022 from CF Rideau Centre · Twitter for iPhone

2 Quote Tweets 6 Likes



Please see the video file of the video posted to Twitter by @sfyro on February 12, 2022 accompanying this Affidavit.

This is **Exhibit H** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me remotely
in accordance with O. Reg. 431/20
by video conference
from the City of Ottawa, in the Province of Ontario,
this 30th day of September, 2022.

A Commissioner for Taking Oaths, etc.



Explore

⚙ Settings

← Thread



Sean Flynn @sfyro

So we're at Day 19 of the #OttawaOccupation and:

- ✓ @PaulChampLaw injunction in force
- ✓ #OttCity injunction in force
- ✓ Invocation of #EmergenciesAct

Yet we have the OPS guarding the parliamentary disotheque while trucks blare their horns to MJ's "Don't stop..." for the 🧑🏻🔧 🧑🏻



8:35 PM · Feb 15, 2022 from Parliament Hill · Twitter for iPhone

6 Retweets 4 Likes



Sean Flynn @sfyro · Feb 15

Replying to @sfyro

BTW, I'm not even trying hard to capture the absurdity of it all. I was literally passing by after getting some groceries and going to get some grilled chicken. I'm just a guy with a phone and impeccable timing I guess 🙄



1



3



Please see the video file of the video posted to Twitter by @sfyro on February 15, 2022 accompanying this Affidavit.

This is **Exhibit** 1 referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me remotely
in accordance with O. Reg. 431/20
by video conference
from the City of Ottawa, in the Province of Ontario,
this 30th day of September, 2022.

A Commissioner for Taking Oaths, etc.



Explore

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Thread



Sean Flynn @sfyro

WARNING: Turn down

As of 1900 it has basically been like this for the past 6 hours. The worst to date with dB readings peaking at 110 dB. I counted a number of kids and toddlers in strollers in the vicinity. People, this is Day 20 of the #OttawaOccupation #OttCity



7:10 PM · Feb 16, 2022 from Parliament Hill · Twitter for iPhone

751 Retweets 216 Quote Tweets 1,570 Likes



Please see the video file of the video posted to Twitter by @sfyro on February 16, 2022 accompanying this Affidavit.

This is **Exhibit J** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me remotely
in accordance with O. Reg. 431/20
by video conference
from the City of Ottawa, in the Province of Ontario,
this 30th day of September, 2022.

A Commissioner for Taking Oaths, etc.



Explore

Settings

← Thread



Sean Flynn @sfyro

OMG! The #FreedomConvoy2022 trucks are gone and it's quiet at Rideau/Sussex. For those keeping score:

- ✓ Orange Bronco 🌟
- ✓ TABARNAK Freedom truck 🌟
- ✓ Jesus Evildoers UHaul 🌟
- ✓ DJ Cotton Eye Joe 🌟
- ✓ 45 dB at Rideau/Sussex 🍷🍷

#RamRanchResistance #Ottawa #ConvoyGoHome

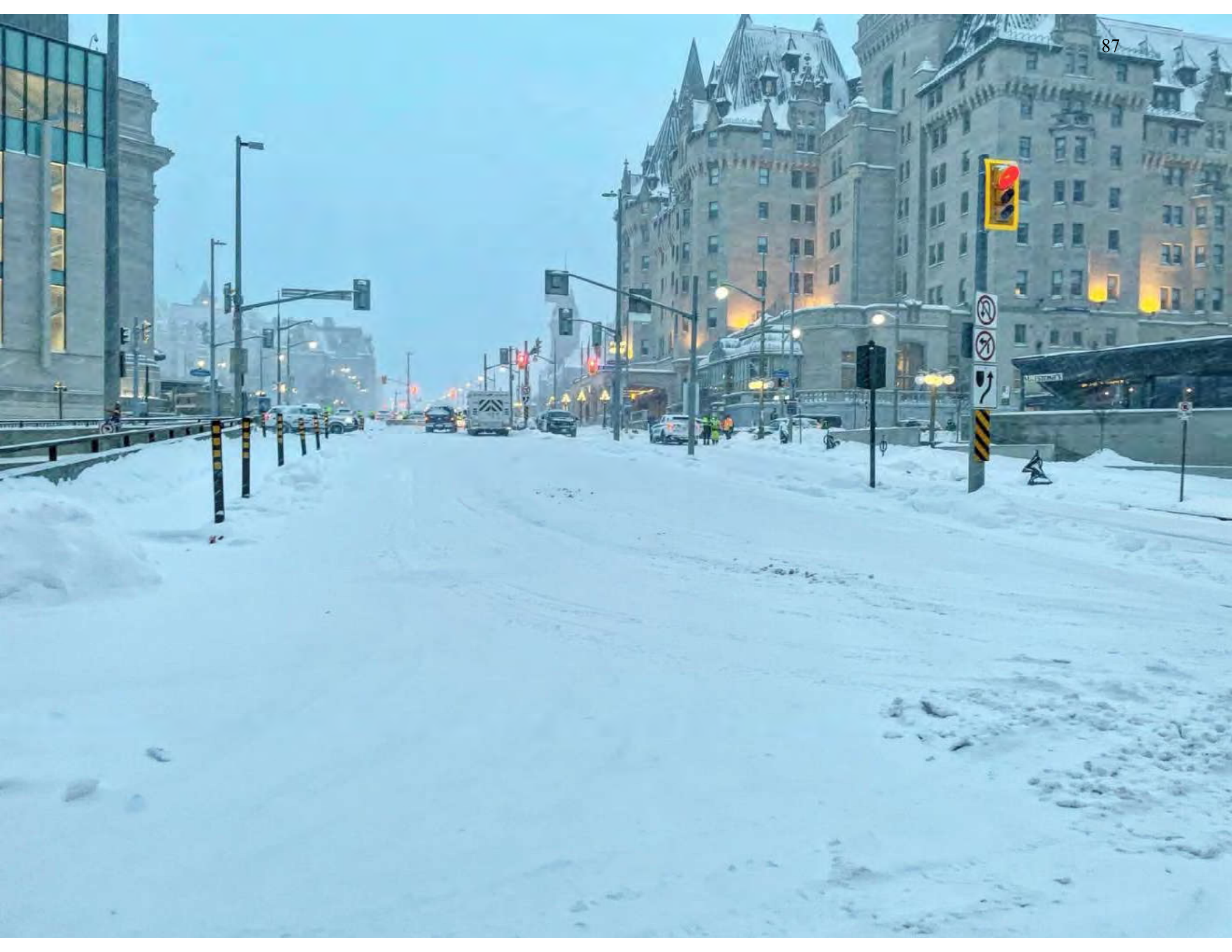


Occasional Transport

8:07 AM · Feb 19, 2022 from CF Rideau Centre · Twitter for iPhone

60 Retweets 7 Quote Tweets 427 Likes







Rideau St

Rideau

NO LEFT TURN
TRUCKS AND
BUSES EXCEPT
ON GREEN LIGHT
ONLY

POLICE

POLICE





Noise

07:15

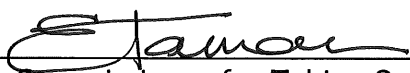
45 dB



✓ OK

Long-term exposure to sounds at this level should not affect your hearing.

This is Exhibit "D" referred to
in the Affidavit of Chantal Laroche,
affirmed before me remotely
in accordance with O. Reg. 431.20
by videoconference
this 31st day of August, 2023.


A Commissioner for Taking Oaths, etc.

IN THE MATTER OF The Public Order Emergency Commission
Established by Order in Council 2022-0392 under the *Inquiries Act*, RSC 1985, c I-11
The Honourable Paul S. Rouleau, Commissioner

AFFIDAVIT OF AARON BERNARD

I, Aaron Bernard, of the [REDACTED], in the Province of Ontario **AFFIRM THAT:**

1. I am Co-Founder and Creative Director of Spatial Media, and as such I have personal knowledge of the facts and matters hereinafter deposed to, save and except for information imparted to me by other people, in which case, I believe the source of the information to be reliable and the information to be true.
2. Spatial Media is a for-profit business providing interactive engagement tools to clients wishing to communicate and engage more effectively with their stakeholders. One of Spatial Media engagement tool is the interactive map, which can show the impact of a project on a community. It is used for a wide-ranging variety of projects, such as road upgrades, building construction, or urban design. This tool can show real or planned noise, air quality and vibration impact, for instance.
3. As Creative Director of Spatial Media:
 - a. I guide Spatial Media clients with their specific creative needs and provide design direction;
 - b. I analyze, organize and build data to visually communicate solutions to clients and their stakeholders; and

- c. I managed over 300 multimedia productions including the largest infrastructure (road, rail and airport) projects across Australia and Canada.
4. I have been Creative Director of Spatial Media since April 2014 and have worked in computer visualizations for the last 20 years. My work includes taking complex raw engineering data (sound data, noise footprints, construction and design drawings) and making that data accessible to the general public via interactive mapping, video and virtual reality tools. Attached hereto as Exhibit “A” to this Affidavit is a copy of my curriculum vitae.
5. On or around 31 January 2022, after learning of the Freedom Convoy (the “**Convoy**”) and its impact on the residents of the City of Ottawa through the media and our Ottawa based business development partners Temple Scott and Associates, I decided to create an interactive map of the Convoy’s impact on residents using Spatial Media’s tools. On that same day, I started working with my team to complete this project.
6. Between January 29, 2022 and February 4, 2022, (the “**Period**”) 2 members: Phil James and Harry Gulioen of my team collected noise readings of the Convoy trucks and air horns across Gatineau and Ottawa.
7. Phil James and Harry Gulioen have been working at Spatial Media for 2 and 3 years, respectively. They have interpreted noise data for multiple projects in the past.
8. To collect noise data in Ottawa, Phil James and Harry Gulioen were using the NIOSH sound level Meter App a tool that we typically use in all our noise data collection projects. Phil James and Harry Gulioen were then recording collected data in a data compiling software. The app provides the most relevant metrics found in professional sound instruments today and using the levels captured and various locations throughout the convoy area, we are able to extrapolate the sound levels between the points. Using visualization tools QGIS we were able to show in the map the noise contour around downtown abstracted by time (day/night, week 1/week 2). The noise data collected by Phil James and Harry Gulioen during the Period is accurate and reliable. Attached as Exhibit “**B**” to my Affidavit is a true copy of the raw data collected during the Period.

9. On or around February 17, 2022 the data collected by Phil James and Harry Gulioen was cross-referenced with the data attached to the February 4, 2022 affidavits of Trent Baur and Zexi Li and filed in Court file CV-22-00088514-00CP. Attached as Exhibit “C” to my Affidavit is a true copy of the February 4, 2022 Affidavit that was used by my team to cross-reference the noise data collected by Phil James and Harry Gulioen.

10. On February 17, 2022 Spatial Media, using the data collected and compiled as described above, created an interactive map showing the various sound levels in the area impacted by the Convoy during the Period (the “Interactive Map”). Attached as Exhibit “D” to my Affidavit is a true copy of the Interactive Map accessible via the following hyperlink: <https://caportal.ca/spatial/ottawa-truck-protest-noise-tool-legacy-2022-10-07>.

11. The Interactive Map also presents:

- a. air quality and road closures data for the Period compiled from publicly available sources such as a CBC report dated February 10, 2022 and attached hereto as Exhibit “E” to this affidavit;
- b. general information on truck vehicle and air horn decibel levels; and
- c. other relevant information accessory to the above.

12. The Interactive Map allowed users to report the impact of the protest by submitting pinpoints and comments. All comments were reviewed and corroborated by Spatial Media before appearing on the map.

13. The noise impact section of the Interactive Map can show, in different layers:

- a. Standard traffic noise during the day;
- b. Standard traffic noise during the night;
- c. The first week (January 30, 2022 to February 5, 2022) noise impact during the day;
- d. The first week noise impact during the night;

- e. The second week (February 6, 2022 to February 12, 2022) noise impact during the day; and
- f. The second week noise impact during the night.

14. The noise impact layers are based on an average of the data collected by Spatial Media as described above for the relevant period. It does not include user submissions. The standard noise show is based on the usual downtown traffic noise expected which is within the industry standard guidelines and meter of how noise is measured as seen in the interactive map.

15. During the Period, Spatial Media employees were taking 5 to 6 noise readings a day. The data was collected across and beyond the noise impact area. The noise level beyond the noise impact area was not significant and was therefore not included in the Interactive Map.

16. The map uses a color code to illustrate the different levels of noise impact. The code legend is part of the Interactive Map. The legend is the global industry standard used for communications around major infrastructure projects and a textual description automatically appears when a user hovers over a specific area. For instance, the Interactive Map shows that at daytime, during the first week of the Convoy protest, the noise level at the Wellington St. and O'Connor St. intersection was 110 decibels (dB), which is similar to the sound of a lawn mower.

17. To represent the City of Ottawa roads and buildings, the Interactive Map is based on Mapbox and OpenStreetMap software. These visually represent the underlying data collected by Spatial Media and use ArcGIS and QGIS to display the noise contours. Both softwares are reliable and have been used multiple times by Spatial Media for various projects. The GIS platforms are global industry standards and are used to create the contour mapping of current and projected environmental impacts including noise, air quality and flooding. The interactive mapping tool is used by federal governments when displaying Environmental Assessments of infrastructure projects.

18. The Interactive Map is an accurate and reliable visual representation of the underlying data.


19. The sole purpose of creating the Interactive Map was to demonstrate Spatial Media tools and help interested individuals visualize the impact of the Convoy on Ottawa residents.


20. The Interactive Map was not requested by nor created for any third-party. The data collected and its representation were always under the control of Spatial Media and never suffered from any outside influence.

21. I prepared the present affidavit for the Public Order Emergency Commission, at the request of Natalia Rodriguez, Senior Counsel for the Commission. I acknowledge that it is my duty to provide:


- a. evidence that is fair, objective and non-partisan;
- b. opinion evidence that is related only to matters that are within my area of expertise; and
- c. such additional assistance as the Commission may reasonably require, to determine a matter in issue.

Affirmed remotely by Aaron Bernard)
 stated as being located in the [redacted])
 [redacted] in the Province of Ontario on)
 October 7, 2022 in accordance with O.)
 Reg 431/20, Administering Oath or)
 Declaration Remotely.)


 _____)
 A Commissioner for Taking Affidavits)
 for the Province of Ontario)
 Jean-Simon Schoenholz)


 _____)
 Aaron Bernard)

This is Exhibit "A" referred to in the
Affidavit of Aaron Bernard, sworn
before me this 7th day of October, 2022
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.



Jean-Simon Schoenholz



Aaron Bernard
Co-Founder, Creative Director
 25 Years of Experience



OVERVIEW OF PROJECT ROLE

The role of the Creative Director is to provide client interface regarding specific creative needs and design direction, this also involves guiding the development team on project vision. A large component of this role is to work with engineering data to visually communicate solutions to internal/external stakeholders including the Minister's Office.

EDUCATION

Carnegie Mellon University, Pittsburgh – *Bachelor of Science and Arts*

1993 – 1996

University of Central Florida, Orlando - Film Independent Studies

1996 – 1998

Pittsburgh Filmmakers, Pittsburgh – *Associate of Fine Arts (AFA)*

1989 – 1993

PROJECT EXPERIENCE

Transport for NSW – Western Harbour Tunnel Project (Oct 2019 – Ongoing)

Aaron worked daily with the EIS team to design a user-friendly interactive engagement portal with integrated survey tool, noise footprints, content creation of video and images via interactive 3D touchscreens and developed a world-first Mixed Reality (using HoloLens) experience for community consultations.

Transport for NSW – Sydney Gateway Project (Sept 2019 – Ongoing)

Project managed internal and external teams. Aaron was responsible for delivering a complete visual communications suite for project announcement through bid tender award and site investigations for construction, including surveys, 3D visualization videos, interactive 3D model and comment mapping portal.

Via Nova – North East Link Project (Feb 2020 – March 2021)

Aaron provided oversight and creative direction on Via Nova's bid tender submission including the 3D visualizations and a state of the art bid tender portal designed for future stakeholder engagement with a series of questionnaire forms.

EMPLOYMENT HISTORY

Spatial Media Ltd., Toronto, ON – Creative Director

April 2014 – Present

- Co-founder, head of creative and client/project manager for over 300 multimedia productions including the largest infrastructure (Road, rail and airport) projects in the county. Sales, marketing and Community Analytics program architect to supply state of the art interactive community engagement experiences with focus on new technology.

Chorus Call, Sydney, AUS – Web-streaming, design and Infrastructure

May 2013 - April 2019

- Complete company re-branding & SEO including: Website/Photo design, logos and print. Helped create brand awareness through all social media avenues as well as creating first in class Web streaming experiences.

Urban Circus, Sydney, AUS – Entrepreneur-In-Residence

Feb 2011 – April 2013

- Head of video and 3D capture including Producing, Editing, HD Videography, Directing animations via unique 3D render engine. Multi project Director/ Producer for large government infrastructure projects

DVD Empire, Sydney, AUS – Lead Engineer

Jan 2008 – Jan 2010

- Head of Blu-ray / DVD production, HD transcoding and animation. Additional duties include company branding, commercial directing, editing, sound design, web layout/design, SEO/IT, and project management.

Tonerwoods Productions, LLC., Pittsburgh, PA – Managing Director

Jan 2004 – June 2008

- Head of Multi-Media production including Producing, Editing, HD Videography, Directing, Web + Logo Design. Direct client communication to ensure highest quality production with individual budget consideration.

Safe Drive Educational Technologies., Pittsburgh, PA – Managing Director

Jan 2004 – June 2008

- PA State certified classroom driving instructor. Lecture and state of the art Driving Simulator taught. Co-writer of teacher and student instruction manuals, program layout and simulator driving scenarios with Carnegie Institute.

EMPLOYMENT HISTORY

F.E.M.A. Recovery Channel - Emmitsburg, MD – Director/Senior editor

Aug 2005 –Mar 2006

- Working with the US department of Homeland Security and the Federal Emergency Management Agency to create a first of its kind 24hr disaster relief educational TV channel to supply vital information to the publicly effected communities by the Katrina Hurricane. Edited and directed supplied content and studio news broadcasts.

NASA TV - Greenbelt, MD – Producer, Editor

July 2002 – Jan 2004

- Producer, editor and director of 3D visualizations for the rebrand and web content provider of US government approved content. Contract work also included videography and on site segment producing for educational and public service announcements.

IMPROV Comedy Traffic School – Florida, USA – Comic instructor, Content Creator

June 1998 – July 2002

- FL State certified driving instructor and comedian, performed for over 35,000 adults and teens. Taught and co-wrote Comedic Basic Driver Improvement and Traffic Law and Substance Abuse Education courses

Walt Disney World - Kissimmee, FL – Attraction Production

Dec 1999 – Sept 2001

- Production support throughout the Magic Kingdom, including coordinator with the Imagineering creative department. Created behind the scenes guest improvements, while maintaining and insuring the world class guest experiences.

Islands of Adventure – Orlando, FL – Ride Testing / Creative and Technical writing

Jan 1999 – Oct 2000

- Opening team member of Universal’s “Islands of Adventure;” including script writing, attraction direction, graphic design and ride testing from construction through the opening of the park.

Universal Studios Florida – Orlando, FL – Entertainment / Ride & Show

July 1996 – Jan 1999

- Ride and Show designer, performer and trainer; performer in highest rated shows at Universal’s Halloween Horror Nights as “Cosmo Kramer” and Robert DeNiro. Lead attraction direction and producing.

This is Exhibit "B" referred to in the
Affidavit of Aaron Bernard, sworn
before me this 7th day of October, 2022
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.

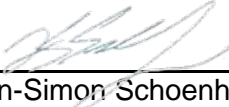


Jean-Simon Schoenholz

221004_convoy_db_data_truck_noise

Map layer id	Map layername	daytime week 2 (dB)	night week 1 (dB)	night week 2 (dB)	daytime week 1 (dB)	location
058474539c2c6b32e4cd3252e618805	downtown noise data	95	95	90	100	Bay and Queen
0af5728a360c743d6b820683e0f4ae4	downtown noise data	90	90	70	95	Colonel By and York
0bac3c5cf40b97de6739e84b74d3dee3	downtown noise data	90	90	85	95	Bay and Slater
0e6a411779d3fb885d8b6e06e6cd8e10	downtown noise data	110	100	90	105	Kent and Slater
0f141c5563435117d2b2fac98bc9cc209	downtown noise data	85	85	80	90	Wellington and Portage East
0fe5431853d6828830820c0e05e5bb5	downtown noise data	110	100	90	105	Wellington and War Memorial
10e4edeab43a7e87988fae92c0cc6d	downtown noise data	90	90	70	95	Sussex and York
10e5b6e9dead2034720f0ad9e63adbc	downtown noise data	85	85	80	90	Sussex and Murray
1318b6ce7df2794df93f04aca6fa536e	downtown noise data	110	120	110	130	Elgin and Wellington West
1938a7d9d32f89cf81b202c98e618bee	downtown noise data	95	95	90	100	Bay and Albert
19dd5c4b91dc582b95ca34b43daa673	downtown noise data	100	100	90	105	Sparks and O'Connor
1d4813ca23594b1e1ca861bf4420816b	downtown noise data	110	105	100	120	O'Connor and Queen
1e7607cef7e623d6c6da76d0a54a978	downtown noise data	100	100	90	105	O'Connor and Albert
1ea0742c5a48ea8e3992db0a781ffaa9	downtown noise data	100	100	90	105	Wellington and Kent
245f080841694f32cc71618f3235b730	downtown noise data	100	100	90	105	Bank and Sparks
250883ee214abd8bf77810b993ceb6	downtown noise data	90	90	70	95	Albert and Elgin
384bbc35fb990d47ba4098cd608cd7b	downtown noise data	110	110	100	120	Elgin and Wellington East
3ff1edab907c874fcaee8d79ec34175	downtown noise data	85	85	80	90	Wellington and Portage West
4403ce95f8ec2a1c9c0b0c946b68013d	downtown noise data	95	95	90	100	Lyon and Slater
4635ed8767675a21f1ee12719b045e	downtown noise data	100	100	90	105	Queen and Lyon
46389b75be213e896e713a88617abd8e	downtown noise data	110	110	100	110	Albert and Kent
492295a5113c70f60b478348a745caa	downtown noise data	100	100	80	105	Slater and Confederation Park North
4b2bd5b1435e4442948ad693550e7d	downtown noise data	110	110	100	110	Kent and Queen
4b59cc977a85270b1b9b7233ec68a61a	downtown noise data	100	100	80	105	Slater and O'Connor
4c3f4c5780cfa3350b3400bc0e08cc	downtown noise data	95	95	80	100	Kent and Albert
4c438341726b39d8bed1c27a9ebcf10	downtown noise data	100	100	80	105	O'Connor and Albert
50673473b305ae430dd2f0ebbbe7928	downtown noise data	110	105	100	110	O'Connor and Sparks
539dc1c677718692fc575e377a05e4f0	downtown noise data	95	95	80	100	Metcalfe and Queen
5527855f71490c292549368407d94b57	downtown noise data	95	95	80	100	Lyon and Albert
570693bd7da9534ce42dc4e7dc41cd60	downtown noise data	100	100	100	105	Sparks and Kent
5cd53b3b00a1a3630532d5c3ab5da2b5	downtown noise data	100	100	80	105	Queen and Elgin
5e94856138788a1ca799c750e948b06e	downtown noise data	110	105	100	110	Sparks and Bank
66762c7566a384d87d71672c9155ea8e	downtown noise data	100	95	80	100	Queen and Lyon
6b4402e4a34396af0ddc71ebb034c5d	downtown noise data	110	105	100	110	Wellington and Elgin West
6fd1f15b01026fb01c1940eb702d154	downtown noise data	90	90	70	95	George and Sussex
7211c8511aa2d0153413011a21a7f3a	downtown noise data	90	90	80	95	Mackenzie King Bridge West
72bdf8c5710edbe0dfba1584056a7a59	downtown noise data	90	90	80	95	Slater and Elgin
774ddc6d56264644e8a0238aaf5dc9e	downtown noise data	85	85	70	90	Pont du Portage South End
7a1d0e621bd4b14311e8f9756d514e6	downtown noise data	60	60	50	70	both and war museum
7db107becc09c626e9e7c660847a5335	downtown noise data	95	95	80	100	Albert and O'Connor
82ba38d799e00336e22a9e4e27d4c8897	downtown noise data	95	95	60	100	Slater and Confederation Park South
85ef09c2a345c2d9a9028b5e39589e2	downtown noise data	95	95	60	100	Metcalfe and Slater
8aea2fd99830db3425ef2937ec83a5a	downtown noise data	100	100	110	105	Metcalfe and Sparks
8c07c52201607e0971292e1dd7124760	downtown noise data	90	90	70	95	Colonel By and Mackenzie King
940e0da49b96a1088b49f8d592c6dc7	downtown noise data	110	110	100	120	Wellington and Metcalfe
943a2494dfea67a8b58f3ebfb2eb76d1	downtown noise data	90	90	70	95	Queen and Kent
979c45d81982e7bcf1cbe8d69b7e12f	downtown noise data	95	95	90	100	Elgin and Slater
9a7b14e991a03504c47c41f4391af1a43	downtown noise data	100	100	90	105	Wellington and Bank
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a9097d407d3bd7250367f4fea444a2	downtown noise data	100	100	90	105	Wellington and Bay
ad5feeb432d7a57194b00b162273f115	downtown noise data	95	95	80	100	Sparks and Elgin
ae06914125b04391bbc53c27196d740e	downtown noise data	85	85	80	90	Slater and Lyon
afb145a7b703eb304dd9eba1e8e7be44	downtown noise data	85	85	80	90	Bank and Albert
b910d6e26f1ddd1213aaba1b535d98eb	downtown noise data	100	100	80	105	Bank and Queen
ba65212a4adb11b8e84a505b8e7d8892	downtown noise data	100	100	80	105	Slater and Bank
c324946433b8f16e219aa4d049b5ff	downtown noise data	90	90	70	95	Bank and Slater
c3dfcfd6824d103e6467f7f805b2a0	downtown noise data	95	95	80	100	Albert and Lyon
c6875a203c1b60e1ae0313c2e2503f	downtown noise data	85	85	70	90	Wellington and Commissioner
cc4b16ecd1dd36ce670767f9612eefd04	downtown noise data	100	100	80	105	Bay and Sparks
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ce937babc4d5340ef7f207c1bf4a2a1	downtown noise data	95	95	80	100	Metcalfe and Albert
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d0fe292a5e18de472c8c0421d7aaa203	downtown noise data	100	100	80	105	Sparks and Metcalfe
d2fba350dd3d7cadd5b8c53cab0dad65	downtown noise data	60	60	50	70	Lett and Lebreton
d33a9af80481ee3026d7ed123cf5fad	downtown noise data	110	110	100	120	Rideau and Colonel By
d4a4db811e7cc5c11558a6356551b6e6	downtown noise data	95	95	90	100	Rideau and Dalhousie
d8d4c1e390998b5053a110a8a20b4490	downtown noise data	110	110	100	120	Rideau Centre Entrance
d8f2d34dc5f397696a8a19edadb7dc	downtown noise data	95	95	90	100	Kent and Sparks
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de8856b51772440f8d0e0595fa731df9	downtown noise data	100	100	90	105	Slater and Kent
df86006b97b23c81174868e310483d8	downtown noise data	95	95	90	100	Queen and Bank
ef15f966a4fcadbd12dae3344a12930f3	downtown noise data	85	85	80	90	Murray and Mackenzie
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f319c118ba868eda5092e666043a99	downtown noise data	95	95	90	100	Queen and O'Connor
f69897e0fd26cdd5f66dbaf617cbb4	downtown noise data	90	90	70	95	Colonel By and George
ff4fe852e5c1ae5fb5496602ebf3824	downtown noise data	110	110	100	120	Lyon and Wellington

This is Exhibit "C" referred to in the
Affidavit of Aaron Bernard, sworn
before me this 7th day of October, 2022
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.



Jean-Simon Schoenholz

Court File No: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

ZEXI LI

Plaintiff/Moving Party

- and -

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING and
JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, JOHN DOE 5,
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Defendants/Responding Parties

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF ZEXI LI

I, ZEXI LI, of the [REDACTED], in the Province of Ontario, AFFIRM:

1. I am the representative Plaintiff in this proposed class action and the moving party in this motion. As such, I have personal knowledge of the matters to which

I hereinafter depose except where I have stated my evidence to be on information and belief, in which case I have indicated the source of my information and my belief in the truth of the information.

2. I reside in the Centretown neighbourhood in the heart of downtown Ottawa. I first moved to Ottawa to pursue my post-secondary education at the University of Ottawa in the fall of 2017. In the course of my studies, I fell in love with the city and, in particular, the vibrant, multi-cultural community in which I currently reside.
3. I am informed by my review of the Ottawa Neighbourhood Study undertaken by the University of Ottawa and do believe that the population of Centretown is in the range of approximately 28,000 residents. I would estimate based on that number that there are approximately 5,000 to 6,000 residents in the vicinity of where I live, within a six block radius of Parliament Hill.
4. Since Friday, January 28, 2022 I have been experiencing severe mental distress, suffering and torment as a result of persistent and loud honking from several large trucks which have been camped outside of my residence as a part of a so-called Freedom Convoy (the "Convoy"). I understand from media reports that the Convoy is comprised of people who have converged on Ottawa to express their political opposition to COVID-19 public health measures.
5. While some of the honking sounds are from regular sized motor vehicle horns, the loudest and most persistent honks have come from large transport trucks. Some of these trucks are equipped with horns which emit loud honking noises

typical of vehicles of their size. A number of the trucks are equipped with horns which are similar in tone and volume to train horns. The train horns are as loud if not louder than anything I have ever heard.

6. From within my apartment, I have been inundated with the sounds of honking horns, including train-type horns, from morning to night, sometimes as late as 1:30 am. With the exception of some short periods of reprieve late in the night, the sound feels like it's nearly constant.
7. I downloaded an application on my mobile phone called Decibel X which measures sound levels. When the sounds of honking horns are at their peak, Decibel X has recorded sound levels as high as 84 decibels within my apartment.
8. I cannot overstate the extent to which the honking horns are affecting me emotionally. My nerves are frayed. I can't sleep. I don't feel the usual sense of peace, safety and serenity which I usually feel when I'm at home. During the brief periods when the sound of honking horns subsides, I can't even enjoy the moment of relative quiet because I become riddled with anxious anticipation for the moment it will start up again. Waiting for the next honk is almost as unbearable as the sound of the horns.
9. I have not had a restful night's sleep since the Convoy descended on my community. The only way I can fall asleep and temporarily escape the noise is by playing music on external speakers at 70%-80% volume and inserting noise-cancelling earphones or earplugs into my ears.


10. I am scared to go outside but I do venture out when necessary. Before leaving my residence, I insert noise-cancelling headphones into my ears. Nonetheless, the sound of honking horns is almost unbearable. I can physically feel the noise vibrating inside my ears.
11. When I do get up the courage to leave my apartment, I am almost immediately subjected to heckling my members of the Convoy who yell at me to remove the mask I wear to protect myself and others from contracting COVID-19. If I ignore the heckles, members of the Convoy respond by honking their horns at me. In response to the horns being honked in such close proximity to me I almost invariably flinch, causing the members of the convoy to cheer loudly and laugh at my expense. I have never felt so unsafe or demoralized in my neighbourhood.
12. Since Friday January 28, 2022, I have contacted the Ottawa Police Service on approximately 14 occasions to complain about the noise and the distress it is causing me, either by phone or by approaching officers on the street near my home. In response to my calls for help I have either been told that there is nothing that can be done or that the officers on the ground will address the issue but the noise continues unabated. The fact that the police are apparently impotent to enforce basic order in my neighbourhood, in a context where I feel that I and others are being actively harmed, is making me even more anxious and fearful.

- 5 -


13. I love my community so much and am proud to live here. I am heartbroken by the trauma that is being inflicted on me and my neighbours and by being made to feel like a prisoner in my own home by people who claim to stand for freedom.

14. I make this affidavit in good faith and for no improper purpose.

SWORN before me remotely)
in accordance with O. Reg 431/20)
by videoconference between)
Ottawa, ON (commissioner))
and Ottawa, ON (affiant))
this 4th day of February, 2022)


A commissioner for taking affidavits

Christine Johnson
Chang & Associates



Zexi Li

Court File No: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

ZEXI LI

Plaintiff/Moving Party

- and -

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

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF TRENT BAUR
Affirmed February 4, 2022

I, TRENT BAUR, of the [REDACTED] in the Province of Ontario, MAKE OATH AND
SAY:

1. I am a resident of the City of Ottawa and, as such, have knowledge of the
matters deposed to in this affidavit. Where my knowledge is based on information and
belief, I have so stated the basis of such information and belief.

2. On the evening of Tuesday, February 1, 2022, I visited downtown Ottawa on foot to observe the “Freedom Convoy” demonstration first-hand. I was particularly interested in witnessing for myself the highly-publicized continuous and ongoing use of air horns and train horns as part of the demonstration. I also planned to measure the sound levels caused by the use of these horns.

3. Before attending at the demonstration, I downloaded and installed an application on my mobile phone called “NIOSH Sound Level Meter” (“NIOSH SLM”). It is my understanding that this application is produced by the United States National Institute for Occupational Safety and Health, and is meant to serve as a reliable and practical tool for measuring noise levels in workplaces and other noisy environments. I understand from information published by the US Centers for Disease Control and Prevention that the NIOSH SLM app has been tested and validated according to established acoustic standards. Information concerning the specifications and use of the app may be accessed at: <https://www.cdc.gov/niosh/topics/noise/app.html> and <https://www.cdc.gov/niosh/topics/noise/pdfs/NIOSH-Sound-Level-Meter-Application-app-English.pdf>.

4. When I arrived downtown, I found many of the streets were lined with semi-trailer-tractor trucks and the sound of horns was constant from all directions. I made video recordings and also took screen-captures of the readings measured by the NIOSH SLM app from various locations.

5. I made my first measurement using the NIOSH SLM app near the intersection of Laurier Avenue and Kent Street at 6:20PM. The noise would come in waves, subsiding for only a few minutes before starting again. At this location, the NIOSH SLM app indicated that the sound levels were over 100 decibels at the loudest points.

6. At Parliament Hill, trucks lined the street and the sound of the horns was constant. The NIOSH SLM app indicated that near Parliament Hill, the sound levels

were approximately 105 decibels at 6:38PM. I could only tolerate this level of noise for a few minutes.

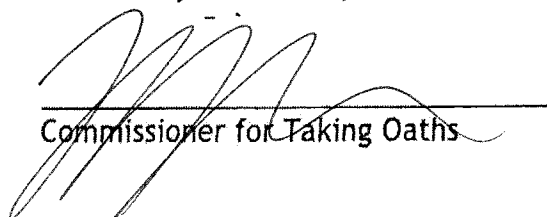
7. Later, while walking west on Albert Street towards Bank Street around 6:47PM, the NIOSH SLM app indicated that decibel levels in this area were steadily in the mid-80s. However, when a truck next to me suddenly blasted its horn, the NIOSH SLM app registered a noise level of 121 decibels. I was so startled by this noise that I jumped back, and found the noise hurt my ears. It is my understanding that even brief exposures to noise levels of 120 decibels and above can cause hearing damage.

8. Near the intersection of Bank and Slater streets around 6:50PM, I encountered a truck that was equipped with a train horn parked directly opposite from a residential apartment building. The NIOSH SLM app registered a continuous noise level of 105 decibels as the driver sounded the train horn for a lengthy period.


9. As I left the demonstration area, I could still hear the sound of blaring horns clearly and loudly from several blocks away.

10. I make this affidavit in support of the plaintiff's emergency motion for injunctive relief and for no improper purpose.

AFFIRMED BEFORE ME REMOTELY)
In accordance with O. Reg. 431/20)
by videoconference between)
Ottawa, ON (affiant) and)
Ottawa, ON (commissioner))
this 4th day of February, 2022.)



Commissioner for Taking Oaths



TRENT BAUR

This is Exhibit "D" referred to in the
Affidavit of Aaron Bernard, sworn
before me this 7th day of October, 2022
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.



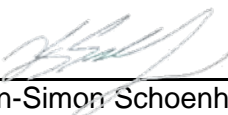
Jean-Simon Schoenholz

Exhibit D

Interactive Map accessible via the following hyperlink:

<https://caportal.ca/spatial/ottawa-truck-protest-noise-tool-legacy-2022-10-07>

This is Exhibit "E" referred to in the
Affidavit of Aaron Bernard, sworn
before me this 7th day of October, 2022
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely.



Jean-Simon Schoenholz

Type text here

Politics

Protesters' idling trucks are making downtown Ottawa's air quality worse

Measurements of one air pollutant hit a level more than 14 times higher than the average for Ottawa

[Sarah Sears](#) · CBC News · Posted: Feb 10, 2022 4:00 AM ET | Last Updated: February 10



Dozens of trucks have been idling in downtown Ottawa for nearly two weeks as demonstrations against pandemic measures continue. (Mike Cole/CBC News)

Fumes from anti-vaccine mandate protesters' trucks and smoke from their barbecues and campfires is damaging air quality in downtown Ottawa.

Local resident Bonnie Charette said she wears a mask outside downtown — partly as a COVID-19 precaution and partly because of what she calls the "stench" in the air.

"The smell is disgusting," she said.

Abby Donald, who lives in an area where trucks line the streets, agrees.

- [Anti-vaccine mandate protests spread across the country, crippling Canada-U.S. trade](#)
- [Despite pandemic, Canada's population grows at fastest rate in G7: census](#)
- **ANALYSIS** [The protest convoy could cast a long shadow in Canadian politics](#)

"I hate breathing it in," she said. "I walk into my apartment and I smell like it."

Paul Villeneuve, an environmental epidemiologist at Carleton University, said diesel engine emissions contain a number of harmful substances.

"Those include things like arsenic, formaldehyde, benzene, and many of these have been shown to cause cancer and affect the cardiorespiratory system," he said.

Diesel emissions contain known pollutants like nitrogen dioxide (NO₂) — which can irritate the nose and throat — and fine particulate matter known as PM 2.5.

WATCH: Particles in diesel fumes can cause cancer, expert says



▶ **Particles in diesel fumes can cause cancer, expert says**

8 months ago | 0:18

Carleton University epidemiologist Paul Villeneuve describes some of the hazardous materials found in diesel emissions.

'Noxious pollutant'

"PM 2.5 is is a noxious pollutant," said Douw Steyn, an atmospheric science expert and professor emeritus of air pollution meteorology at the University of British Columbia.

"Particles of that size tend to lodge deep inside your lungs ... and ultimately, with long term inhalation, can produce serious health effects."

Experts suggest that, in the short term, exposure to elevated levels of these particles can aggravate respiratory conditions like asthma.

WATCH: 'That is a well polluted atmosphere,' expert says



▶ **'That is a well polluted atmosphere,' expert says**

Atmospheric science expert Douw Steyn reacts to the elevated air pollution levels CBC News recorded in downtown Ottawa.

Ontario's Ministry of the Environment, Conservation and Parks releases hourly readings for those fine particles and other pollutants taken at 39 ambient air monitoring testing stations provincewide. The downtown Ottawa monitoring location is about two kilometres from the Parliamentary precinct, where hundreds of vehicles are parked and idling.

The station's publicly-available readings show slightly elevated concentrations of pollutants compared to before the protest. Villeneuve said the average PM 2.5 reading for Ottawa is six micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).

Two volunteer-run projects — one operated by the Sierra Club Canada — regularly sample air quality across Ottawa. Monitoring is suspended during the protest for safety reasons, but CBC News borrowed one of the monitors' devices to gather air quality data. The devices test for several pollutant particles, including PM 2.5.

- [**Governor General Mary Simon tests positive for COVID-19**](#)

CBC News took various air quality measures around the downtown core near where trucks and other vehicles were parked and idling. Measurements for PM 2.5 ranged from four to eight times higher than normal for the area.

Those readings are much higher than those typically seen across Canada.

"The annual average for Canadian citizens is around eight micrograms per metre cubed," said Villeneuve. "When we start to see concentrations that are above 50 micrograms per metre cubed, those are particularly harmful."

The highest reading was taken at Laurier Ave. West, between Bank St. and Kent St. — an area with a mixture of high-rise buildings where there were no idling vehicles along the street.

The 'urban canyon' effect

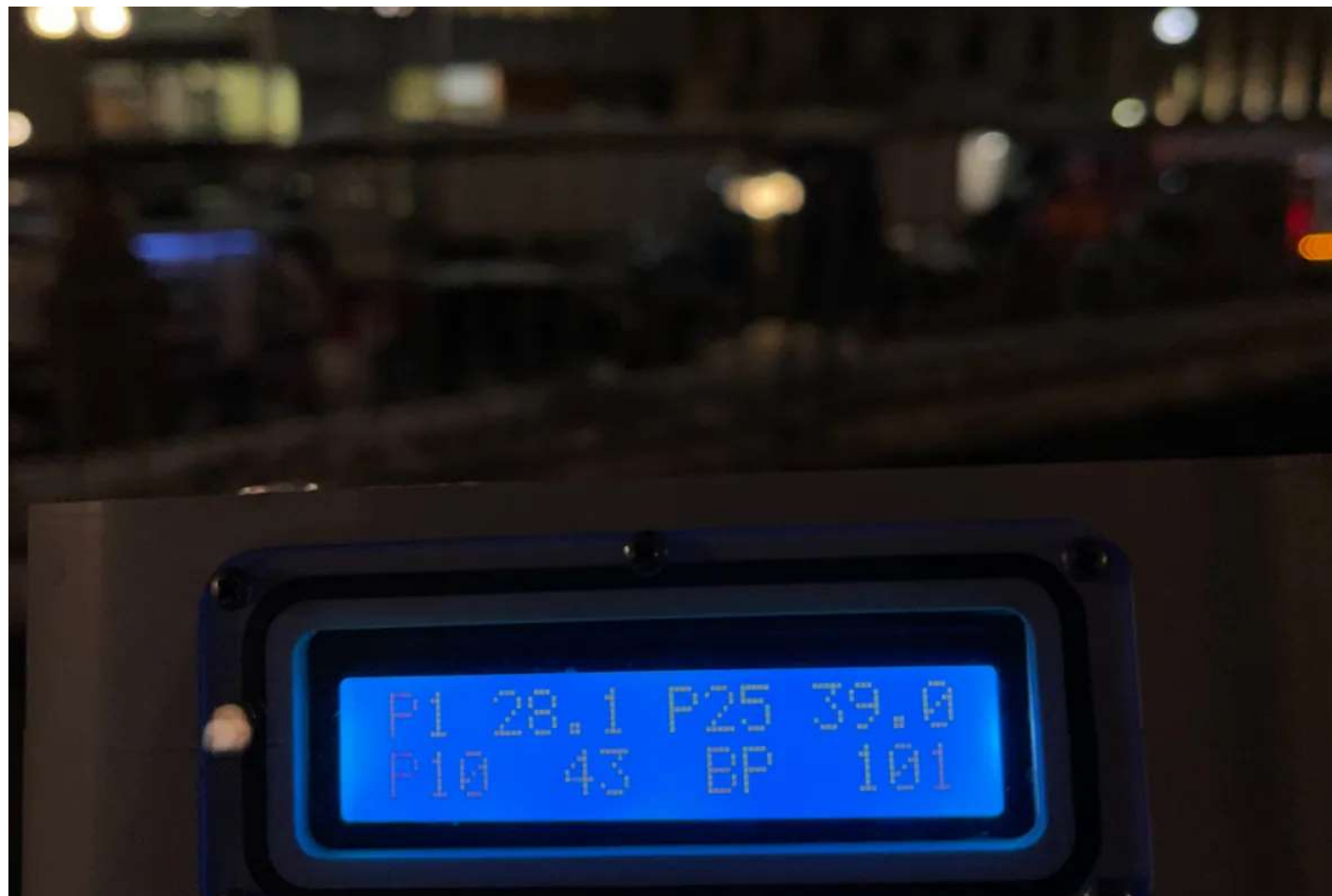
Steyn said pollutants could be pooling in that area because of what he called an "urban canyon" effect.

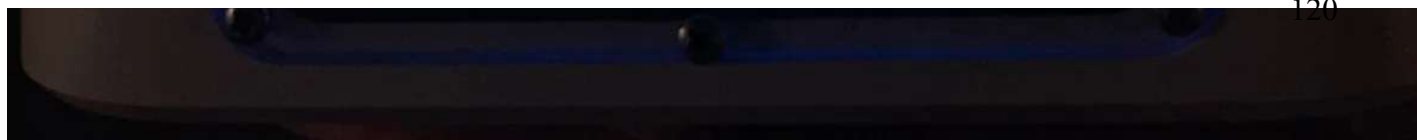
"Unless there is very high wind, the pollutants are going to be trapped there," he said. "And of course, that is where people live and move and breathe."

Many factors can influence air quality, including cloud cover, wind and temperature. On the day CBC News took the readings, there was heavy cloud cover and low winds in downtown Ottawa, with a high of -2°C . Those atmospheric factors can cause atmospheric pollutants to linger at higher concentrations in a certain area.

Environment and Climate Change Canada estimates air pollution contributes to 15,000 premature deaths each year.

Jake Cole is a volunteer who led the Sierra Club's Breathe Easy Project. He said the highest PM 2.5 reading he's seen downtown was around $25\ \mu\text{g}/\text{m}^3$ — nowhere near as high as the readings CBC registered using the same device. Cole said the elevated PM 2.5 readings suggest an increased presence of other air pollutants.





An air quality meter shows elevated pollution levels on Parliament Hill on February 7, 2022. (Sarah Sears/CBC News)

Measurements gathered by CBC ranged from among the highest Cole has ever seen before the current protests — 25.9 $\mu\text{g}/\text{m}^3$ along the Sparks Street pedestrian mall — to 76.0 $\mu\text{g}/\text{m}^3$ at the corner of Wellington and Elgin, where trucks lined the street. The highest reading was 86.4 $\mu\text{g}/\text{m}^3$ — more than 14 times higher than the average for Ottawa.

Cole warns that even limiting time outside won't protect residents from the polluted air.

"It doesn't take long before that outside air can permeate," said Cole. "So all the indoor air in that area would probably be the same ... level of contaminated air."

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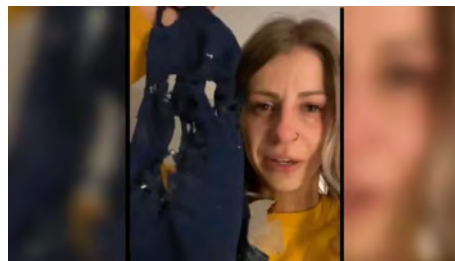
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Liam Britten

News - Canada - British Columbia



Hockey Canada executives need to leave before they 'burn' the organization 'to the ground,' minister says

Catharine Tunney

News - Politics



'A part of me died that day,' says Ottawa woman sexually assaulted by Jacob Hoggard

News - Entertainment



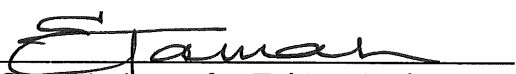
Sweden seizes evidence at Nord Stream pipeline leak site in Baltic Sea

News - World

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Visitez Radio-Canada.ca

This is Exhibit "E" referred to
in the Affidavit of Chantal Laroche,
affirmed before me remotely
in accordance with O. Reg. 431.20
by videoconference
this 31st day of August, 2023.


A Commissioner for Taking Oaths, etc.



Health
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Your health and
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Noise-Induced Hearing Loss

Updated: September 2016

Original: July 2002

IT'S YOUR HEALTH

Noise-Induced Hearing Loss

THE ISSUE



Noise-induced hearing loss is caused by overexposure to **loud sounds**. In some cases, the damage is only temporary. But repeated exposure to excessive **noise** for long periods of time can cause permanent damage. So can a single exposure to an intense sound close to the ear, like a gun shot.

Until recently, noise-induced hearing loss was linked mainly to **excessive noise in the workplace**.

Some newer studies suggest that many teenagers and young adults have experienced permanent hearing loss caused by over-exposure to loud noise from a variety of everyday activities.

HOW LOUD AND HOW LONG?

Scientists measure the levels of different sounds with a unit called the **A-weighted decibel (dBA)**.

Sounds with levels below 70 dBA pose no known risk of hearing loss, no matter how long you listen. This is roughly what you would hear if you were driving alone at highway speeds in a family car, with the windows up and the radio off.

When sound levels increase, the daily listening time becomes an important risk factor for hearing loss. In general, the louder the sound, the less time it takes to pose risks to your hearing.

Use this table to see whether you may be in situations that could cause gradual, noise-induced hearing loss:

Due to the noise around you:	Means the sound levels are probably:	Means you're at significant risk of permanent hearing loss if exposed daily for:
someone standing a metre away has to shout to be understood →	higher than 85 dBA →	8 hours or more
someone standing 30 cm away has to shout to be understood →	higher than 95 dBA →	45 minutes or more
someone has to shout into your ear to be understood →	higher than 105 dBA →	5 minutes or more

Canada

The sounds around you may also pose a risk of gradual, noise-induced hearing loss if you experience either of these signs after a loud noise has stopped:

- a temporary hearing loss—sounds seem muffled, quieter or less clear
- tinnitus—a ringing, buzzing, roaring or rushing sound in the ear, which has no source outside the ear

EVERYDAY ACTIVITIES AND THE RISK OF HEARING LOSS



It's been found that a variety of everyday activities can cause exposure-to sound levels above 85 dBA. A few examples are:

- listening to music through headphones or earbuds
- attending a rock music concert
- mowing the lawn
- using a table saw
- driving a car on the highway with the windows open
- playing a musical instrument
- participating as a member of a band or orchestra

All of these activities pose a potential risk of a gradual, noise-induced hearing loss, depending on:

- the actual sound levels you are exposed to
- how long you are exposed

But there's more to the story. Exposure to noise adds up. So to get a sense

of the risk, you have to consider all of the noise you are exposed to on a given day.

Let's say you listen to your [personal stereo system](#) for 1 hour during the day at 93 dBA. Then later that night, without hearing protectors you spend just 10 minutes using a table saw at 100 dBA. Each activity, on its own, is not quite enough to cause a significant risk of a gradual, permanent noise-induced hearing loss, but on the same day, your total exposure crosses that threshold.

If you use firearms regularly for hunting or target practice, without the appropriate hearing protection, you are at increased risk for permanent hearing loss, whether gradual or immediate. An intense sound close to the ear from a rifle, cap gun, or firecracker, can cause immediate and severe hearing loss that may be permanent. If you are exposed to a sound like this, stay in a relatively quiet place for 24 hours to rest your ears. If your hearing hasn't recovered fully after a day, contact your doctor in case you need a test or an examination.

REDUCE YOUR RISK

Take the following steps to protect your hearing:

- Limit the amount of time you spend on activities that are extremely noisy.
- Keep your car and home audio at enjoyable but safe levels.
- Wear hearing protection, like earplugs or earmuffs, when you're at risk for noise-induced hearing loss. The protection device should be as well fitted as possible. See an [audiologist](#) if you need help with this.
- Schedule some quiet time if you experience temporary hearing loss or [tinnitus](#) after work or other activities. Give your ears a chance to recover fully.

- Avoid buying children's toys that produce high sound levels. Look for [toys](#) that have volume-control features or an on-off switch so that sound can be kept low or turned off. Remember, children may hold toys closer to their ears than adults.



Talk to your doctor if you have concerns about your hearing. Early signs of hearing loss include:

- trouble following a conversation when there is background noise (like at a social gathering or in a cafeteria)
- a sense that people mumble when they speak
- [tinnitus](#)

Prevention is the only way to protect yourself from noise-induced hearing loss. There is no way to know how sensitive your ears are to damage from sounds, until the damage is done.

THE GOVERNMENT OF CANADA'S ROLE

[Health Canada](#) helps Canadians avoid hearing loss from exposure to excessive noise at work, at home, and at play. As part of this work, we:

- review current scientific studies
- measure sound levels from consumer products like [personal stereo systems](#)
- give Canadians information to help them protect their hearing
- help develop national and international standards for [measuring machinery noise](#) to help assess and manage the potential risks of hearing loss from noise



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Your health and
safety... our priority.

Votre santé et votre
sécurité... notre priorité.

Noise-Induced Hearing Loss

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IT'S YOUR HEALTH



- encourage manufacturers to provide standardized information about the noise emitted by the machinery they sell

We also develop regulations, if deemed necessary, to protect Canadians from excessive noise. One example is the *Toys Regulations* under the *Canada Consumer Product Safety Act*. The regulations say that no children's toy, as ordinarily used, should produce sound levels above 100 decibels.

FOR MORE INFORMATION

- Health Canada, Noise at: www.hc-sc.gc.ca/ewh-semt/noise-bruit/index-eng.php
- *It's Your Health*, Personal Stereo Systems and the Risk of Hearing Loss at: www.hc-sc.gc.ca/hl-vs/iyh-vsv/life-vie/stereo-baladeur-eng.php
- *It's Your Health*, Community Noise at: www.hc-sc.gc.ca/hl-vs/iyh-vsv/life-vie/community-urbain-eng.php
- Hearing Foundation of Canada at: www.thfc.ca/Default.aspx
- U.S. National Institutes of Health, Wise Ears website at: www.nidcd.nih.gov/health/wise

FOR INDUSTRY AND PROFESSIONALS

- Health Canada, Noise from Machinery Intended for the Workplace at: www.hc-sc.gc.ca/ewh-semt/noise-bruit/machinery-machines-eng.php

- Canadian Centre for Occupational Health and Safety, Noise: Occupational Exposure Limits in Canada at: www.ccohs.ca/oshanswers/phys_agents/exposure_can.html
- *Canada Consumer Product Safety Act* at: www.hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/index-eng.php

RELATED RESOURCES

- For information on audiologists, go to: www.speechandhearing.ca
- Safe Use of Consumer Products at: www.hc-sc.gc.ca/ewh-semt/hazards-risques/prod/index-eng.php
- For safety information about food, health and consumer products, visit the Healthy Canadians website at: www.healthycanadians.gc.ca
- For more articles on health and safety issues go to the *It's Your Health* web section at: www.healthcanada.gc.ca/iyh

You can also call toll free at
1-866-225-0709 or TTY at
1-800-267-1245*

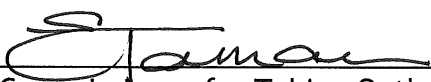
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This is **Exhibit "F"** referred to
in the Affidavit of **Chantal Laroche**,
affirmed before me remotely
in accordance with O. Reg. 431.20
by videoconference
this 31st day of August, 2023.


A Commissioner for Taking Oaths, etc.



**PUBLIC ORDER
EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Public Hearing

Audience publique

**Commissioner / Commissaire
The Honourable / L'honorable
Paul S. Rouleau**

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IV

Appearances / Comparutions

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Ontario Provincial Police	Mr. Christopher Diana Ms. Jinan Kubursi
Windsor Police Service	Mr. Thomas McRae Mr. Bryce Chandler Ms. Heather Paterson
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National Crowdfunding & Fintech Association	Mr. Jason Beitchman
Canadian Constitution Foundation and Professor Alford	Ms. Sujit Choudhry Ms. Janani Shanmuganathan Prof. Ryan Alford

V**Appearances / Comparutions**

Ottawa Coalition of Residents and Businesses	Mr. Paul Champ Ms. Emilie Taman Ms. Christine Johnson
The Democracy Fund, Citizens for Freedom, JCCF Coalition	Mr. Rob Kittredge Mr. Antoine D'Ailly Mr. Alan Honner Mr. Dan Santoro Mr. Hatim Kheir Mr. James Manson
Canadian Civil Liberties Association	Ms. Cara Zwibel Ms. Ewa Krajewska
The Convoy Organizers	Mr. Brendan Miller Ms. Bath-Sheba Van den Berg
Insurance Bureau of Canada	Mr. Mario Fiorino

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Ottawa, Ontario

--- Upon commencing on Friday, October 14, 2022 at 9:30 a.m.

THE REGISTRAR: Order. À l'ordre. The Public Order Emergency Commission is now in session. La Commission sur l'état d'urgence est maintenant ouverte.

COMMISSIONER ROULEAU: Bonjour. Good morning. Welcome, to Day 2. Bienvenue à la deuxième journée, and our first day of live witnesses.

Before I call on the witnesses, there are just a couple of matters I want to raise. The first is the -- what the public and the media know, in particular, with respect to exhibits. I may have mislead people yesterday in calling Exhibits 1, 2, and 3.

As the parties know, the documents that become exhibits are put into the database that's available to the public in accordance with their unique document number, not as exhibits. And it's important to know that all the exhibits that go into the database that's available for the public, all the documents are not necessarily referred to in the hearing, in the sense that there are many documents that will become part of the record, either because they were referred to in the overview reports you heard yesterday, so that not only the overview report goes into the record but all of the documentation that supports that.

Same thing for other types of reports or affidavits or witness statements, when they go into evidence, we -- what we have arranged, if you like, is that all the backup goes in so that the full record will be composed not only of

1 documents referred to here, but documents referred to in the
2 backup documentation.

3 So a little bit complicated, but it's simply to
4 alert the media and the public that when you go to the website
5 of the Commission, you'll find a lot more documents that back up
6 the statements and the evidence. The parties know this because
7 the parties have been provided these documents, have reviewed
8 them, and they may question witnesses about them, but it's a
9 much more fulsome record. Because of the timelines we have, we
10 couldn't spent days noting documents and putting in all of that
11 evidence.

12 The contentious evidence you will hear at the
13 hearing. Don't worry about that, the parties will ensure that.

14 La deuxième chose que j'aimerais soulever, c'est
15 qu'il n'est pas permis d'enregistrer ou de diffuser de vos
16 téléphones, et cetera, en salle. There is no livestreaming
17 allowed or a recording of the proceedings. It is livestreamed
18 by the Commission, but people should not be doing this from
19 their own phones.

20 So with that brief introduction, there are --
21 this, according to the schedule, will be a busy day. It -- if
22 it goes according to plan, we will not finish before seven
23 o'clock tonight, so let's get started as soon as possible
24 because we have scheduled a full day. It can be shorter if
25 people shorten their cross-examinations, and we'll -- but
26 obviously the times have been allocated and we'll hold people to
27 it.

28 So Commission Counsel, ready to go.

1 Ms. Rodriguez.

2 **MS. NATALIA RODRIGUEZ:** Good morning,
3 Commissioner. My name is Natalia Rodriguez, as you know. I'm
4 Senior Commission Counsel to this Commission.

5 And I am going to be calling our first witnesses
6 to the Commission, Ms. Victoria De La Ronde and Ms. Zexi Li.

7 **THE REGISTRAR:** Ms. De La Ronde, will you swear
8 on a religious document or do you wish to affirm?

9 **MS. VICTORIA De La RONDE:** Religious document,
10 please.

11 **THE REGISTRAR:** With the Bible, the Koran?

12 **MS. VICTORIA De La RONDE:** The Bible, please.

13 **THE REGISTRAR:** Please take the Bible and hold it
14 in your right hand. For the record, please state your full name
15 and spell it out.

16 **MS. VICTORIA De La RONDE:** My name is Victoria De
17 La Ronde, and Victoria, V-I-C-T-O-R-I-A, and De La Ronde is
18 three words, capital D-E, capital L-A, capital R-O-N-D-E.

19 **--- MS. VICTORIA De La RONDE, Sworn:**

20 **THE REGISTRAR:** Ms. Li, will you swear on a
21 religious document or do you wish to affirm?

22 **MS. ZEXI LI:** I would like to affirm, please.

23 **THE REGISTRAR:** For the record, please state your
24 full name and spell it out.

25 **MS. ZEXI LI:** My full name is Zexi Li, spelled
26 Z-E-X-I, last name, L-I.

27 **--- MS. ZEXI LI, Affirmed:**

28 **COMMISSIONER ROULEAU:** Okay, the witnesses have

1 been sworn.

2 **MS. NATALIA RODRIGUEZ:** Thank you very much.

3 **COMMISSIONER ROULEAU:** Just give a moment for the
4 registrar to take back the Bible. Okay, go ahead.

5 **--- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ:**

6 **MS. NATALIA RODRIGUEZ:** Good morning, Ms. Li.

7 Good morning, Ms. De La Ronde. Can you both confirm that you
8 are residents of Ottawa.

9 **MS. VICTORIA De La RONDE:** Yes, I am a resident
10 of Ottawa.

11 **MS. ZEXI LI:** Yes, I am a resident of Ottawa.

12 **MS. NATALIA RODRIGUEZ:** And Ms. De La Ronde, are
13 you retired?

14 **MS. VICTORIA De La RONDE:** Yes, I am retired.

15 **MS. NATALIA RODRIGUEZ:** And Ms. Li, what do you
16 do for a living?

17 **MS. ZEXI LI:** I am a federal public servant.

18 **MS. NATALIA RODRIGUEZ:** And do you both live
19 alone?

20 **MS. VICTORIA De La RONDE:** Yes.

21 **MS. ZEXI LI:** Yes.

22 **MS. NATALIA RODRIGUEZ:** And were you both in
23 Ottawa during the protests of January and February of 2022?

24 **MS. VICTORIA De La RONDE:** Yes.

25 **MS. ZEXI LI:** Yes.

26 **MS. NATALIA RODRIGUEZ:** Now, I want to speak a
27 little bit about the impacts that living through the protests of
28 January and February had on both of you. Ms. De La Ronde, can

1 you describe for the Commissioner what was the impact, if any,
2 on your physical well-being?

3 **MS. VICTORIA De La RONDE:** The impact on my
4 physical well-being was -- is quite extensive. I certainly
5 during the experience had difficulty sleeping. I had an effect
6 on my lungs and my throat because of the fumes and other smells,
7 and I also have long-term effects.

8 **MS. NATALIA RODRIGUEZ:** Can you describe those
9 for us?

10 **MS. VICTORIA De La RONDE:** The long-term effects
11 are loss of hearing, loss of balance, some vertigo triggered by
12 the sound of any horn now, triggered by certain music as the
13 music was very loud, and a physical trigger when I get a smell
14 of gas. Both my throat and lungs start to feel infected. I had
15 also a phantom horn blowing as an experience for a number of
16 weeks after.

17 **MS. NATALIA RODRIGUEZ:** And to what do you
18 attribute these physical impacts that you experienced?

19 **MS. VICTORIA De La RONDE:** Certainly, I attribute
20 it to the very, very loud and constant noise from the horns,
21 from the music, from the idling trucks. Even when the horns
22 abated for a minute or two, the trucks idled. The trucks idled
23 all night. And so it just was an assault on my hearing. And I
24 can certainly tell now that there is a diminished function. I
25 was able before to listen to media, for example, at a normal
26 level of, say, four. Now I have to turn it to six.

27 **MS. NATALIA RODRIGUEZ:** And so can you confirm
28 that you lived in the Centretown area or the downtown area?

1 Maybe just give us a general sense of your location.

2 **MS. VICTORIA De La RONDE:** Yes. I am near to
3 Laurier.

4 **MS. NATALIA RODRIGUEZ:** Okay. And what was the
5 impact, if any, on your mental wellbeing?

6 **MS. VICTORIA De La RONDE:** Well, certainly as I
7 mentioned, it was such an experience of helplessness, especially
8 during the event, where the horn blowing was so loud, and
9 continuous. There was absolutely no place for me to go in my
10 own unit, there was no place that had any less sound. I checked
11 different rooms to see, well, maybe I can sleep on the floor
12 here. There was no place that had a diminished sound. And if
13 there was, it wasn't a space, like, a closet that was big enough
14 to sleep in. There was just no escape to that. So I felt
15 trapped and helpless during that.

16 During the fireworks when the debris from the
17 fireworks sprayed against my windows, I was just terrified that
18 they would break any minute because I thought how could I do
19 something, and what could I do at midnight, and who could come
20 at midnight? And this is February. A broken window would have
21 been pretty disastrous. So there was a lot of anxiety and
22 discomfort.

23 **MS. NATALIA RODRIGUEZ:** And do these impacts on
24 your mental wellbeing continue to this day or have they abated?

25 **MS. VICTORIA De La RONDE:** Certainly, they have -
26 - some have abated, yes, and I worked very hard for that in
27 terms of -- on the mental wellbeing. It still -- I jump a lot
28 when I hear a loud horn, and also when I get this smell of gas,

1 definitely, I have a physical to that -- reaction, which is
2 quite distressing.

3 **MS. NATALIA RODRIGUEZ:** And, Ms. Li, I will ask
4 you the same thing. What was the impact, if any, on your
5 physical wellbeing of living through the protest of January and
6 February of this year?

7 **MS. ZEXI LI:** During the time of the occupation -
8 - I struggle to call it a protest because I know what a protest
9 is, but it was incredibly difficult to get anything done because
10 of the noise. There was a significant impact on things like
11 focus and, you know, just even living day to day. Sleep
12 deprivation was one of the first things that affected me
13 personally and it also affected the animals that I live with as
14 well. They seemed quite distressed. But for me personally, it
15 was almost impossible to get a good night's sleep or a full
16 night's sleep, if any, and if anything, it would be low quality
17 and often interrupted by a sudden loud horn. And when it was
18 quiet -- because there were brief periods where it was quiet, I
19 was riddled with the anxiety that the horns were going to start
20 again, and when the horns started again, it was left -- we were
21 left wondering, you know, when they would stop, if they would
22 ever stop again. And, yeah, it was just day-to-day living
23 within my own home, living in fear of the sound and the
24 intrusion really that they posed just being outside on our
25 streets.

26 Yeah, and further to that, it was unpleasant, to
27 say the least, to exit my home, but it was something I did
28 anyways as I didn't feel like it was -- the whole situation was

1 wrong, and I felt almost a little bit of defiance, wanting to go
2 outside and continue to live my life as best I could. And when
3 I did, oftentimes, I was harassed for wearing a mask or being --
4 I was told to smile more under my mask, or, you know, just these
5 kinds of comments that wouldn't have otherwise occurred and on a
6 quiet, normal walk day-by-day. And I think what was one of the
7 worst things was whenever you chose -- well, whenever I chose
8 not to engage with the individuals that were occupying my
9 neighbourhood, they would blast their horns at me with a smile
10 on their faces, and then they would cheer in unison and almost
11 take joy in the -- in my flinching, at my recoiling from the
12 noise that I had been essentially experiencing non-stop for the
13 entire duration of the events that occurred.

14 **MS. NATALIA RODRIGUEZ:** And so can you confirm as
15 well that you live in the downtown area south of Wellington?

16 **MS. ZEXI LI:** Yes, I live near Laurier Street and
17 Centretown.

18 **MS. NATALIA RODRIGUEZ:** Thank you.

19 Ms. De La Ronde, can you describe for us the
20 impact, if any, of living through the protests in Ottawa on your
21 ability to go about your daily life?

22 **MS. VICTORIA De La RONDE:** Yes. I work very hard
23 to be independent and safe as a person with a disability. That
24 objective is very important to me and every success in reaching
25 that objective is coveted. So that was gone. I was trained to
26 walk with the traffic, to walk with the flow, to negotiate and
27 keep myself safe on the street. Of course, there was no traffic
28 or no flow, no indicator, or if it's idling, I wasn't sure if

1 these big vehicles overhanging a small sidewalk, if they decided
2 to suddenly shift or change, if they could see me, so it was
3 terrifying.

4 The sound was so high that I could not hear any
5 chimes or signals that we use at the ends of the street to tell
6 us that it's safe to cross. That was just not available, so it
7 was -- it just was not safe in my world.

8 Also, in terms of independence, I do everything
9 myself. I order my groceries. I order prescriptions. And but
10 -- and I take public transportation or private transportation to
11 go to meetings, to go to appointments, to do my daily business.
12 So I had everything set up for myself as an independent person,
13 living alone in downtown Ottawa, which provided such good
14 services. But immediately, immediately, there was no taxi, no
15 Uber, no Para Transpo, no grocery delivery, which I depended on,
16 no taxi even to go and get some, no prescription delivery. Some
17 way had to be figured out how to obtain all the necessities of
18 life. The restrictions on my ability to get food was gone -- or
19 was there, I -- so that was the impact in terms of my mobility,
20 so I found myself trapped.

21 **MS. NATALIA RODRIGUEZ:** And can I confirm, Ms. De
22 La Ronde, I noticed you walk with a white cane. Can you
23 confirm, do you have a visual impairment?

24 **MS. VICTORIA De La RONDE:** Yes.

25 **MS. NATALIA RODRIGUEZ:** Okay. And does that
26 visual impairment then cause you to rely on sounds and hearing
27 in order to get around outside?

28 **MS. VICTORIA De La RONDE:** That is a huge, huge

1 assist for me to have safe mobility outside and for me to remain
2 independent. Yes. Very critical are the sounds.

3 **MS. NATALIA RODRIGUEZ:** And so how did the sounds
4 change then from kind of normal day to day to when the protest
5 was happening in January and February?

6 **MS. VICTORIA De La RONDE:** There was absolutely
7 no ability to negotiate my environment by using sound. The
8 sounds of the horns, the sounds of the very, very loud music,
9 the sounds of the people, with lots of voices coming from all
10 different places, all was disconcerting and just completely
11 eliminated my ability to negotiate my environment independently.

12 **MS. NATALIA RODRIGUEZ:** Ms. Li, can you describe
13 for us what you saw, what you heard, what you experienced when
14 you did go outside and walk the streets during the protest?

15 **MS. ZEXI LI:** Well it was the middle of winter,
16 so really the first thing you noticed when you stepped outside
17 was all of the snow, because services were unable to be rendered
18 due to the occupation that was going on. And further to that,
19 the snow was often coloured yellow or brown due to the public
20 urination and defecation that took place gratuitously, often
21 alongside of my building and just, quite literally, anywhere you
22 walked, on every corner.

23 And on these intersections, often times there
24 were illegal bonfires and yeah, just trash burning right next
25 to, you know, cans of fuel or near the same areas where these
26 individuals would later set off fireworks.

27 And I just remember feeling like it was such a
28 surreal sight. It almost felt like you were in something like

1 the purge because it -- although I didn't often see direct acts
2 of violence, it was -- there was a certain chaos on the streets
3 and that feeling of chaos and rule breaking and law breaking
4 gradually increased as things progressed. Yeah. Just I need a
5 moment.

6 Just sort of on my daily walks, you know, going
7 to the gym, getting groceries, running errands, we often -- I
8 often encountered individuals that were associated with the
9 occupation and being -- you know, I'm a small Asian woman. I
10 wore a mask most of the time due to the situation that was going
11 on. It was -- like I said, it made you a target because it
12 signaled to the people on our streets that we were not
13 supportive of their cause and that we were not one of them.

14 And in turn, as I mentioned before, they would
15 increase their honking, and target their honking, and shout at
16 us, shout at me, about how they were doing things for us and
17 that they were fighting for our freedoms when, at the same time,
18 I was unable to walk the streets feeling safe, really, because
19 it wasn't -- I didn't feel safe. You know, my guard was up all
20 the time and you had to watch every detail so carefully because
21 these people would just approach me out of nowhere. And you
22 didn't -- you really didn't know what they were going to do to
23 you, and especially after I took action as an individual, it
24 became different being a person walking on the streets.

25 But I was never deterred from going outside.
26 There was one -- only one moment where I was very, very afraid
27 after my identity and name had been made public. And I had
28 really covered myself up completely so that I was completely

1 unrecognizable, to the point where my neighbours saw this and
2 were very confused when I said hello to them.

3 But after that, I think I realized there was
4 almost a protection in the notoriety that I'd gained, and I
5 don't know, I felt like it was almost safer for me to walk the
6 streets than the people that I lived around because of my
7 position in the whole situation.

8 With that being said, like, when it comes to my
9 day-to-day life, I'm a really friendly person. I know all of my
10 neighbours. Well, I can't say all of them, you know, but I know
11 a good few of them. And one of -- like, really, one of the --
12 my, like, daily joys is chit chatting with them in the elevator
13 and seeing them on the street and saying hello.

14 And what was truly, truly terrible about this
15 time was seeing how people I knew were being affected, and
16 knowing that for every one person that I knew that was going
17 through a difficult time because of what was going on, there
18 were 20 other people that I didn't know that were going through
19 the same thing. I knew people that were being pushed out of
20 their homes because they were literally having mental breakdowns
21 because of the stress and the noise and just the terror they
22 felt from the situation. And I don't think anyone or anything
23 can discount those real feelings that people experienced and
24 people had.

25 And because of the action I took, I had
26 encouraged a lot of my friends and neighbours to reach out to me
27 and tell me their stories because it was so important for people
28 to know that this was a serious thing that was going on, that

1 people were being really terribly affected by it.

2 One of my neighbours, she had just had a new born
3 baby. Her name is Hazel. She was maybe six months old at this
4 time, but I remember -- like, I've watched Hazel. She's a
5 really sweet baby. But my friend, she had told me that the
6 noise was so terrible that sometimes just to get her to sleep,
7 she had to take the baby out into the hallway, as far from the
8 windows as possible, and bounce her in the hallways to try and
9 get her to sleep before bringing her back into the apartment,
10 where there was just the unrelenting horns.

11 And other neighbours who told me for just, you
12 know, a good two/three hours of nap, whatever they could get,
13 they would go down to the parking lot and sleep in their car
14 because it was the only place that they could escape to.

15 And for me, second to the hallway, my bathroom
16 was a little quieter, so I got some peace there as well.

17 **MS. NATALIA RODRIGUEZ:** So would you say that you
18 felt unsafe walking the streets?

19 **MS. ZEXI LI:** I didn't feel safe, but it's hard
20 to describe it as unsafe at the same time, because I was
21 actively being so cognizant of my surroundings. I'm fast. I
22 can move very fast. So, you know, I'm -- I was always ready to,
23 you know, take myself out of a situation where something might
24 happen. And, you know, a lot of the times, when they're
25 bouncing their trucks and their cars and -- I don't know how to
26 describe it other than, like, roaring at us, like, roaring at me
27 with, like, these large giant vehicles. You know, it's -- the
28 idea was to move quick and get where we needed to go.

1 And, you know, that was the intention, and that's
2 what you really had to do, I think, to stay safe, because when
3 you didn't take your time, they would always get to you. Like,
4 not -- maybe not in the sense that you're thinking, but they
5 would try and come up to you and convince you that they were
6 doing the right thing. And they would say to me -- like they --
7 I -- like, on more than one occasion, I would try and plead with
8 them because, you know, there's a certain desperation in being
9 left in that kind of situation where the people that are
10 supposed to help you weren't helping you, and it was just
11 ongoing for really -- it was going to be an unknown period of
12 time, because really, every day I woke up and I hoped that it
13 was over, and it never was.

14 Sorry, I lost my train of thought a little there.

15 **MS. NATALIA RODRIGUEZ:** That's okay.

16 Ms. De La Ronde, would you say that you felt
17 unsafe walking the streets?

18 **MS. VICTORIA De La RONDE:** Yes. For two reasons.
19 One, of course, the inability to negotiate those streets safely,
20 because of lack of assisted -- well, lack of sound was the big
21 thing. Also, being very concerned about what was underfoot,
22 because there was debris on the streets, and it was winter, and
23 icy, and slippery. And then always vigilant that someone was
24 going to approach.

25 On an occasion, there was a person who kept
26 jumping in front of me. I was with someone else. I could only
27 go out if someone came with me. And this person kept jumping in
28 front and didn't allow me to pass. So when he was confronted,

1 finally it stopped, but then sent messages, "Well, I love you
2 anyway", he said. So that was a bit intimidating.

3 And so in that way I didn't feel safe for those
4 two reasons. I didn't have all the faculties I normally use;
5 and secondly, that someone was going to approach me and either I
6 was going to be accidentally hurt or I would -- or my big
7 worries that I would bump into and hurt them too. So always
8 vigilant and concerned.

9 Does that mean I was feeling safe? No. No, I
10 wasn't. I just thought if I didn't have to be out I would not
11 go out.

12 **MS. NATALIA RODRIGUEZ:** And Ms. De La Ronde, was
13 there anything else that you experienced that you would consider
14 to be a threat to health or safety?

15 **MS. VICTORIA De La RONDE:** The Sunday after the -
16 - that the vehicles came in and occupied so close to where I
17 lived, the relentless noise was just so unbearable and I was so
18 exhausted from it. And I called and begged a friend, "Could you
19 just please -- I know you have to walk in and get me out, can
20 you just please come and get me out?" And she did, and two days
21 later, I had -- we both had COVID.

22 There was so many people on the street, walking
23 toward us, saying we don't have to wear those masks. There was
24 just people around. Did I get it from them? I don't know, you
25 know, but it meant that I was completely, completely stuck. I
26 couldn't leave my home. I couldn't ask anybody to come and
27 help. I couldn't go and stay with somebody else. I couldn't do
28 anything. I had to be there to isolate for at least those

1 10 days. So once again, there was no place to go, no place to
2 hide, it just went on and on.

3 **MS. NATALIA RODRIGUEZ:** And Ms. Li, what actions,
4 if any, did you take because of your disruptions to your daily
5 life?

6 **MS. ZEXI LI:** Well, the first action I took was
7 really what I consider to be -- it was really important to me, I
8 think. Because of the nature of the occupation and what was
9 going around the media and the news, I thought it was really
10 important for me to walk the streets and experience things
11 firsthand. So I did. I did that almost every day, and I took
12 pictures, and I took videos, and I remembered what I saw. And I
13 spoke with people. I spoke with the people that were living on
14 our streets legally, I spoke with the people that were stationed
15 on intersections to protect us.

16 And ---

17 **MS. NATALIA RODRIGUEZ:** Sorry, do you mean the
18 police?

19 **MS. ZEXI LI:** Yes, the police. And I just --
20 that was really the first action I took, just having my own
21 account of things and really living through it myself.

22 And like I said before, I really genuinely, like,
23 love Ottawa, I love my neighbours, and they mean a lot to me,
24 even if they are somewhat strangers in a sense. And because of
25 this closeness I had, I heard a lot of their stories, and more
26 so, I heard a lot of their frustrations.

27 And as egg-throwing began to occur from my
28 building, I felt that, you know, we really needed a medium to at

1 least express what was happening to us so that we could feel, at
2 the very least, heard and maybe diffuse some of the tensions.

3 **MS. NATALIA RODRIGUEZ:** Can you describe --
4 sorry, can you describe what you mean by the egg-throwing?

5 **MS. ZEXI LI:** Well, you know, there were very
6 large trucks parked everywhere, and in some of these instances
7 they were parked right next to some high-rise condo buildings.
8 And as a result, someone -- some people may have gotten some
9 cartons of eggs, and you know, had their little retaliation in
10 frustration because, really, what else could they do.

11 And when that incident occurred, I remember the
12 police actually came to my building to enquire about the
13 egg-throwing, as a complaint had been made by the truckers. And
14 I remember that I felt it as an affront, and that a lot of my
15 neighbours felt it as an affront as well when they were
16 investigating something like this in the light of everything
17 that was happening to us, and what they were really ignoring in
18 a lot of their statements and releases to the public.

19 And as a result, I decided to organise a meeting
20 with a number of residents in my building with some Ottawa
21 Police community liaison officers, just so we could have a
22 recorded account of what our experiences were, and really to,
23 again, diffuse the tension, and really concretely say, "You know
24 what's happening here. We are telling you this. This is our
25 experience, and we really desperately need help because things
26 are -- things have gone on too long." And the residents,
27 honestly, they had wanted to fight back because they felt that
28 nobody else was doing anything for them.

1 **MS. NATALIA RODRIGUEZ:** And what was the result
2 of that meeting?

3 **MS. ZEXI LI:** Following that meeting, maybe
4 twenty of my neighbours showed up, and more had sent their
5 stories through messages or otherwise through me. And we had
6 communicated everything to the officers so that, you know,
7 again, it was recorded. And you know, all of us were there to
8 attest to the fact that this happened, and they know what's
9 going on, because we felt really and truly abandoned at that
10 point in time.

11 And after that, I ended up becoming the lead
12 plaintiff in the class action, which brought my name and person
13 to more public attention.

14 **MS. NATALIA RODRIGUEZ:** Okay, so we'll get to
15 that in a little bit.

16 I just wanted to get a sense, for the honking,
17 you both mentioned the sound of the honking. Do you have a
18 sense for when it was -- was it -- was it all the time, was it
19 louder during the day, was it just as loud at night? Can you
20 give us a sense of that, Ms. Li, and then Ms. De La Ronde?

21 **MS. ZEXI LI:** It was -- it's -- sometimes it's
22 hard because that whole month, essentially, feels like a bit of
23 a blur sometimes, but I do remember when it started on Friday
24 night, it felt like in my memory that it never stopped, really.

25 **MS. NATALIA RODRIGUEZ:** So would that be Friday,
26 the 27th of January?

27 **MS. ZEXI LI:** Yes. That's when they began to
28 roll in. And I remember when that happened that was -- my

1 feeling was that this is going to be a doozy, you know, bad
2 things are coming. But yeah, it was constant. It was like,
3 from day to night, even if it wasn't for every second, it was at
4 least every other minute.

5 **MS. NATALIA RODRIGUEZ:** Okay, thank you.

6 Ms. De La Ronde, do you have a sense for when the
7 honking was louder? Was it constant 24 hours a day, was it less
8 at night, was it the same?

9 **MS. VICTORIA De La RONDE:** When the trucks and
10 other vehicles came into my area on the Friday evening, it was
11 very loud. And on Friday, Saturday, and Sunday, I could sense,
12 I could sense the excitement and the electricity in the air.

13 And at the beginning, I thought I am so happy to
14 be in a country where there is freedom of expression, freedom of
15 speech, freedom to assemble, but then that sentiment started to
16 crumble as the loudness was all night and all that weekend.
17 That's why I begged my friend, "Can you just come and take me
18 out for a short time even so I don't have to hear this?"

19 And the sounds continued constantly, until --
20 well, at night. And they may have been somewhat diminished
21 because there was -- were crescendos all during the day, and
22 toward the evening in particular, and then all night.

23 When the injunction was put in place, then it
24 abated a bit between 11 o'clock at night, and then 7 o'clock, I
25 could hear activity out on the street. I could hear a huge
26 megaphone starting to advise, it seemed to me, a rolling thunder
27 of horn-blowing starting at 7:30 in the morning, and then the
28 loud, loud music would, which you could hear every word of the

1 music they were -- the songs that were being sung.

2 So your question in terms of how loud it was, how
3 continuous it was. It was continuous. There was an abatement
4 of horn blowing in such a crescendo between those hours, 11:00
5 at night and 7:00 in the morning. But the idling continued
6 under my window, just with these huge vehicles, the sound of the
7 idling echoing down in the canyon of our buildings all night.
8 So there was no respite from an assault on hearing. I tried to
9 wear earplugs, but they kept falling out, and then I worried if
10 I wore an earplug I wouldn't be able to hear the smoke alarm, I
11 wouldn't be able to hear if somebody was pounding on my door to
12 evacuate because there was something -- a fire or an explosion
13 outside our door. So I was caught in between. And of course, I
14 slept with a mask on because of the -- because trying to abate
15 the smell of the diesel and the other smells that were coming up
16 and in through the vents.

17 **MS. NATALIA RODRIGUEZ:** So I want to show a map
18 now that's been produced at Exhibit D of the Affidavit sworn by
19 Aaron Bernard, and he's the Managing Director of Spatial Media.
20 And for the parties' benefit it's at document COM50736 if you
21 want to look at that.

22 So this was based on -- this map was created
23 based on -- yeah, you can click on that -- based on data that
24 was collected through the two weeks, the first two weeks of the
25 convoy. And what we see here is just a standard traffic noise
26 in Ottawa during the day, and this is just based on known
27 decibel readings throughout the area, and the decibel readings
28 were collected at different points in downtown Ottawa, and this

1 is a visualization of that data that was collected. So if we go
2 to week daytime -- week one daytime? Thank you.

3 So this is what it shows on this map, based on
4 the decimal ratings collected on the ground in different
5 locations through the first week of the convoy. And if we just
6 zoom in to -- it's a bit of a heat map, so the darker the colour
7 the louder the decibels. And if you can zoom in a little bit
8 more? Okay, that's good. And so, you had said. Ms. De La
9 Ronde, that you live on Laurier, can you tell us approximately a
10 close intersection that you would be by, just so we can locate
11 that on the map?

12 MS. VICTORIA De La RONDE: Yes. Close would be
13 Laurier and Kent.

14 MS. NATALIA RODRIGUEZ: Laurier and Kent?

15 MS. VICTORIA De La RONDE: Yes.

16 MS. NATALIA RODRIGUEZ: Okay. So if we can just
17 zoom in on Laurier and Kent? You just have to zoom in a bit
18 there. Yeah, just move over to the left. Yeah. We've got
19 Lion, we've got Kent, and that's Laurier -- where's Laurier?
20 Right there, okay. Yeah. So Laurier and Kent we see between 90
21 decibels and if you go up, about, so between 90 and 100. Okay.
22 And it says, similar to a lawn mower. Does that accord with
23 your recollection of the sound? It says as loud as -- similar
24 to a lawn mower.

25 MS. VICTORIA De La RONDE: For myself --

26 MS. NATALIA RODRIGUEZ: Yes.

27 MS. VICTORIA De La RONDE: -- it was beyond a
28 lawnmower.

1 **MS. NATALIA RODRIGUEZ:** Okay. So you would say
2 it was louder in your experience?

3 **MS. VICTORIA De La RONDE:** Yes.

4 **MS. NATALIA RODRIGUEZ:** Okay. And Ms. Li, an
5 intersection that you are near so we can kind of locate you on
6 the map?

7 **MS. ZEXI LI:** The Intersection I live near would
8 be Laurier Avenue West and Bank Street.

9 **MS. NATALIA RODRIGUEZ:** Laurier and Bank. Okay,
10 so just over to the right a little bit on the mouse. Yeah,
11 right there, that's the corner. Okay. So again, similar, 100
12 to 110 decibels, similar to a lawnmower. does that accord with
13 your kind of recollection of what it was like?

14 **MS. ZEXI LI:** Yes, however, I would like to note
15 that there were points in time where, like Ms. De La Ronde said,
16 there were crescendos, and during those crescendos in
17 particular, there was a roving train horn attached to a truck
18 and when that truck was in our area, I would express that it was
19 much louder and much more disruptive than the lawn mower.

20 **MS. NATALIA RODRIGUEZ:** Okay. And we're going to
21 hear one of the recordings. If you go down to the blue there,
22 you can see some of the recordings that were taken, so that one
23 is at 100 as well in that zone, so it's similar to the area that
24 you were in in terms of the decibel readings. And we're just
25 going to play it so that everyone here can experience a little
26 bit of what you experienced.

27 **(Audio recording played)**

28 **MS. NATALIA RODRIGUEZ:** Does that accord with

1 your recollection of the sounds when you were either in your
2 building or walking outside, Ms. De La Ronde?

3 **MS. VICTORIA De La RONDE:** Yes, that does accord
4 this sounds over always present in my building, in my unit.
5 Except, there's some sounds there -- not there, that were even
6 louder and more unnerving. When you hear this, and it's 24
7 hours it is just -- it's damaging. It's damaging to the nerves,
8 it's damaging to my health and well-being, so it's -- it's
9 shocking. So it does accord, but there was more. There were
10 times when it was more than this.

11 **MS. NATALIA RODRIGUEZ:** Do you agree with that,
12 Ms. Li?

13 **MS. ZEXI LI:** I would agree with that. I would
14 note that many of the trucks in my vicinity had what we would
15 describe as aftermarket horns, where the horns attached to the
16 vehicle were much, much, louder than a standard vehicle would
17 have, and several of these trucks were idled very close to where
18 I lived and resulted in a much more deafening sound.

19 **MS. NATALIA RODRIGUEZ:** Okay. And Ms. Li, you
20 had indicated that you took videos and photos when you walked
21 around. I just want to take you to some of those photos if we
22 can.

23 **MS. ZEXI LI:** Yeah.

24 **MS. NATALIA RODRIGUEZ:** It's COM00000713, and
25 maybe you can just -- when it comes up -- describe to us what
26 we're seeing here, and when it was taken, and why you took the
27 photo? It's ending in 713. Okay, yeah. Let's see the full --
28 yeah, there we go.

1 **MS. ZEXI LI:** So this photo was taken on the
2 corner of Kent and Laurier. I took the photo because I thought
3 that the removing of the tires was a very clear message from the
4 occupiers that they were here to stay. Now, this vehicle in
5 particular was removed sometime later, but I believe this was
6 near the beginning of the occupation, perhaps around February
7 3rd.

8 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. And
9 then the next photo is ending in 728, so COM00000728. Okay.
10 And do you recall when this photo was taken and what we're
11 seeing here?

12 **MS. ZEXI LI:** I don't remember the exact date, it
13 was either February 17th or 18th, if I'm not mistaken. This
14 morning, this was after the injunction date, the occupiers on
15 Kent Street, it was a very strong encampment, I would describe
16 it as, and they were very much rooted in their position. During
17 the injunction period there was a -- I believe this was like a
18 Friday or Saturday morning, but they had collectively blown
19 their horns at about 6:59 a.m. and obviously it awoke myself and
20 many other residents in the area. At this point we had been,
21 what, 20 days into the occupation, and I for one, was desperate
22 -- not quite defeated -- but also very angry. And I think at
23 that point the desperation was enough where I stood on the
24 corner of Laurier and Kent, I left my home at about 7:30 and I
25 stayed there for about 30 minutes to an hour just them to blow
26 their horns, because I was frustrated and I wanted there to be
27 evidence, first hand evidence, of them define the injection
28 order, them breaking the laws they were breaking, and I wanted

1 to know for myself who exactly was there, so that nobody could
2 say otherwise. And I decided to take photos of the vehicles
3 that were there, collect their information, and that was
4 something that made them very upset as, really, it was in open,
5 active defiance.

6 **MS. NATALIA RODRIGUEZ:** And is this truck parked
7 on the sidewalk; is that right?

8 **MS. ZEXI LI:** Yes, it is.

9 **MS. NATALIA RODRIGUEZ:** Okay. And was that
10 common for trucks to be up parked on the sidewalks?

11 **MS. ZEXI LI:** At this time, it was. I also on
12 numerous occasions witnessed trucks driving along the sidewalks
13 as well.

14 **MS. NATALIA RODRIGUEZ:** Okay. And I see we are
15 running out of time, so perhaps I will then invite parties to
16 ask you additional questions. Thank you very much.

17 Oh, before we go, is there anything else that you
18 would like to tell the Commission? I do want to give you an
19 opportunity if there's anything else we haven't discussed that
20 you would like to discuss?

21 **MS. ZEXI LI:** I would like to quickly note that
22 in this image, the vehicle next to the white truck, the red
23 truck, on this same day, due to my taking pictures, the man in
24 the red truck was inside of his vehicle and he actually had
25 backed his vehicle into me. I moved out of the way, but I
26 presume it was for taking pictures of his license plate and what
27 was in his vehicle. I also captured video of -- as I approached
28 the vehicle after he had sort of backed into me. I didn't want

1 him to be able to claim that it wasn't him in the vehicle, so I
2 captured the driver in the video as well, and while I did so, he
3 aggressively opened his door at me in the car. And at that
4 point, all of the trucks in the area began blaring their horns
5 at me. And there was another individual who had exited his
6 vehicle and decided to start shouting at me, giving me the
7 finger, and say that the man in the truck hadn't done anything,
8 after I had called the police. He was yelling in the streets
9 that the truck hadn't moved in over an hour, which I had direct
10 video evidence proving that it was not true. So it just really
11 showed to me personally that these people were willing to do
12 anything and say anything to help each other get away with
13 anything.

14 **MS. NATALIA RODRIGUEZ:** And, Ms. De La Ronde, is
15 there anything we haven't covered that you would like to say?

16 **MS. VICTORIA De La RONDE:** You know, I think
17 you've done a very good job. Thank you very much.

18 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. And
19 now I invite the parties to ask you some questions.

20 **COMMISIONER ROULEAU:** Okay. Now for cross-
21 examination, have the parties agreed on an order for the cross-
22 examination?

23 Seeing no response, I will simply call on parties
24 to cross-examine in accordance with the time that has been
25 allocated. So I think the first cross-examination is to be
26 carried out by the convoy organizers, so who's going to be doing
27 this?

28 Okay. So, Mr. Miller, you're on. You have 20

1 minutes if you need it and given that Commission Counsel has
2 gone a bit over time, I -- we can give you a little bit of
3 leeway, but not very much.

4 **--- CROSS-EXAMINATION BY MR. BRENDAN MILLER:**

5 **MR. BRENDAN MILLER:** So good morning. Ms. Li,
6 I'd like to start with you if that's okay.

7 So, Ms. Li, I understand you're 21 years of age;
8 is that correct?

9 **MS. ZEXI LI:** I'm now 22.

10 **MR. BRENDAN MILLER:** Now 22. But at the time of
11 the events in question in January and February of this year you
12 were 21?

13 **MS. ZEXI LI:** Correct.

14 **MR. BRENDAN MILLER:** All right. And you said
15 already you're a public servant. You work for the Government of
16 Canada?

17 **MS. ZEXI LI:** Yes, that's correct.

18 **MR. BRENDAN MILLER:** And you worked for the
19 Government of Canada during the protest period; is that fair?

20 **MS. ZEXI LI:** Yes, that's correct.

21 **MR. BRENDAN MILLER:** Okay. And what do you do
22 for your employment for the Government of Canada?

23 **MS. ZEXI LI:** I'm a data analyst.

24 **MR. BRENDAN MILLER:** And with which Ministry or
25 department are you with?

26 **MR. JEFFREY LEON:** Objection. What's the
27 relevance of this line of questioning, Commissioner?

28 **COMMISSIONER ROULEAU:** I'm not sure it's relevant

1 or not, but is it -- it seems to me that it's not unreasonable.

2 **MS. ZEXI LI:** Well, I personally don't feel
3 there's -- I -- the actions I took was in my capacity as an
4 individual citizen of Ottawa and not related to my work or any
5 other activities.

6 **MR. BRENDAN MILLER:** Right, I understand that,
7 but what department were you with and what were you doing for
8 work for the Government of Canada at the time?

9 **MS. ZEXI LI:** I was a data analyst with Shared
10 Services Canada.

11 **MR. BRENDAN MILLER:** Shared Services Canada?

12 **MS. ZEXI LI:** Correct.

13 **MR. BRENDAN MILLER:** Okay. And what Ministry
14 does that come under?

15 **MS. ZEXI LI:** I'm not sure.

16 **MR. BRENDAN MILLER:** Okay. I understand that you
17 know Ottawa City Councillor Catherine McKenney; is that correct?

18 **MS. ZEXI LI:** Correct.

19 **MR. BRENDAN MILLER:** All right. And I also
20 understand that you know NDP member of provincial parliament for
21 Ottawa Centre Joel Harden; is that correct?

22 **MS. ZEXI LI:** Correct.

23 **MR. BRENDAN MILLER:** And from some public
24 articles, I also understand that you were introduced to lawyer
25 Mr. Paul Champ sometime between January 28th, 2022, and February
26 4th, 2022; is that correct?

27 **MS. ZEXI LI:** Could you repeat the dates, please?

28 **MR. BRENDAN MILLER:** January 28th, 2022, and

1 February 4th, 2022.

2 **MS. ZEXI LI:** Correct.

3 **MR. BRENDAN MILLER:** Okay. And what date were
4 you introduced to Mr. Champ?

5 **MS. ZEXI LI:** I believe it was a Friday, so
6 whichever date that Friday fell on.

7 **MR. BRENDAN MILLER:** Okay. And so someone
8 introduced you to Mr. Champ; correct?

9 **MS. ZEXI LI:** Mr. Champ had reached out to me.

10 **MR. BRENDAN MILLER:** Okay. And is it not true
11 that it was Ottawa City Councillor Catherine McKenney who put
12 you in touch with Mr. Champ?

13 **MS. ZEXI LI:** That is untrue.

14 **MR. BRENDAN MILLER:** Okay. And I understand that
15 you are the recent co-chair of the 2002 [*sic*] Leader Summit for
16 Action Chinese Canadians Together; is that correct?

17 **MS. ZEXI LI:** That's correct.

18 **MR. BRENDAN MILLER:** And as part of that summit,
19 I understand you gave a video statement of how you became who
20 you are today; do you remember that?

21 **MS. ZEXI LI:** Yes.

22 **MR. BRENDAN MILLER:** Okay. And it focussed on
23 the protest in Ottawa and became -- and becoming the lead
24 plaintiff in the class action that you filed; is that right?

25 **MS. ZEXI LI:** Correct.

26 **MR. BRENDAN MILLER:** And there you described
27 becoming the lead plaintiff in a class action as a fateful and
28 surreal story; is that right?

1 MS. ZEXI LI: Correct.

2 MR. BRENDAN MILLER: And you said there you had
3 the opportunity to make a difference; right?

4 MS. ZEXI LI: Correct.

5 MR. BRENDAN MILLER: And you said that the
6 lawyers needed a plaintiff.

7 MS. ZEXI LI: Correct.

8 MR. BRENDAN MILLER: Right. And so you were
9 asked to be the lead plaintiff; is that fair?

10 MS. ZEXI LI: Correct.

11 MR. BRENDAN MILLER: Right. And was there anyone
12 else other than Mr. Champ who was asking you to be the lead
13 plaintiff?

14 MS. ZEXI LI: Emilie Taman who works with Paul
15 Champ.

16 MR. BRENDAN MILLER: All right. And so Mr. Champ
17 reached out to you randomly? How did Mr. Champ get in touch
18 with you?

19 MS. ZEXI LI: It was as a result of the meeting I
20 had organized with the Ottawa Police. One of my fellow
21 residents and neighbour was a lawyer who was aware of the action
22 being taken.

23 MR. BRENDAN MILLER: Okay. And so I just want to
24 take you back as well to that speech you gave with the Leaders'
25 Summit for Action for Chinese Canadians Together. Just let me
26 know if this is correct what you said. This is how you
27 described the protest. "It was insane. It was the strangest
28 Twilight Zone purge scenario where people weren't quite purging,

1 but the opportunity was there because there was just no laws
2 being enforced. So it was this crazy, crazy thing, with hot
3 tubs, with right-wing extremists and then right-wing moderates
4 as well. And then you just -- your confused average grandmother
5 saying, "Oh, isn't this really a great time. I wonder what the
6 air raid sirens are for." Those are your statements; is that
7 right?

8 **MS. ZEXI LI:** Yes, that is correct.

9 **MR. BRENDAN MILLER:** Okay. And when you say
10 purge scenario, for the folks at home as well as anybody here, I
11 take it you're referring to the film series The Purge; right?

12 **MS. ZEXI LI:** Yes, just in reference to the lack
13 of laws that were in place.

14 **MR. BRENDAN MILLER:** Right. And it was your
15 belief the protest provided a purge opportunity; is that fair?

16 **MS. ZEXI LI:** I would not say that the protest or
17 occupation provided a purge opportunity, but the -- what I
18 witnessed on the streets day-to-day was very reminiscent of that
19 kind of lawless world where open fires were being held, laws
20 were being broken in front of police officers who were not doing
21 anything to combat them, and just a general sense and lack of
22 disregard for public areas and, really, the people that live
23 there.

24 **MR. BRENDAN MILLER:** Okay. But again, you said
25 earlier, and you admitted that you stated it was the strangest
26 Twilight Zone purge scenario where people weren't quite purging,
27 but the opportunity was there; correct?

28 **MS. ZEXI LI:** Yes.

1 **MR. BRENDAN MILLER:** Right. So you believe that
2 the opportunity was there for a purge-type scenario; is that
3 right?

4 **MS. ZEXI LI:** I believe the opportunity was there
5 and it was an environment where these people who have been
6 illegally occupying our streets felt that they had the -- I
7 don't know if this is the right word, they had the ability to do
8 anything they wanted as they were not privy to the regulations
9 that the rest of us members of society were. And I came to this
10 conclusion in -- through my witnessing of these crimes being
11 committed, because really, they were crimes, and even speaking
12 with these individuals directly who had informed me that they
13 were not going to face any consequences because they were
14 protected.

15 **MR. BRENDAN MILLER:** Okay. So in the movie The
16 Purge, you agree that it's about that for one day in the United
17 States called the purge, that there are no laws enforced and the
18 population can commit murder, which is the purge. Is that
19 right?

20 **MS. ZEXI LI:** That is correct, but I was not
21 referencing the entirety of the purge. It was a purge-like
22 scenario where laws were not enforced specifically.

23 **MR. BRENDAN MILLER:** And a purge opportunity was
24 available?

25 **MS. ZEXI LI:** Yes, because laws were not being
26 enforced.

27 **MR. BRENDAN MILLER:** Right. So people could
28 potentially commit murder? That was your concern?

1 MS. ZEXI LI: I did not make that statement.

2 MR. BRENDAN MILLER: All right. And you then, I
3 understand, from your evidence that you provided to the
4 Commission prior in your statement, I understand that you
5 started to hear honking on Friday, January 28th; right? Or
6 January 28th, 2022?

7 MS. ZEXI LI: Correct.

8 MR. BRENDAN MILLER: All right. And when you
9 provided the statement to the Commission, did you provide it
10 yourself?

11 MS. ZEXI LI: Yes.

12 MR. BRENDAN MILLER: They interviewed you?

13 MS. ZEXI LI: Yes.

14 MR. BRENDAN MILLER: Okay. Thank you. And I
15 understand that you obtained the injunction on February 5th,
16 2022?

17 COMMISSIONER ROULEAU: I think it's February 4th.

18 MR. BRENDAN MILLER: February 4th, 2022, you
19 obtained the injunction to stop the honking? Is that right?

20 COMMISSIONER ROULEAU: Pardon me, the 7th.
21 February 7th.

22 MR. BRENDAN MILLER: Well there was ---

23 MS. ZEXI LI: The injunction was obtained on --
24 approved by the Court on the 7th.

25 MR. BRENDAN MILLER: Well I understand there was
26 an interim injunction approved the first two days, and then on
27 the 7th it was approved? Is that the correct facts? Or would --

28 -

1 **MS. ZEXI LI:** No, that is not correct. Two days
2 prior to the injunction being put in place, there was a deferral
3 of the trial to that date where the injunction was eventually
4 approved.

5 **MR. BRENDAN MILLER:** Trial. You said trial. I
6 just want to clarify for the record. There was no trial. It
7 was an application; correct?

8 **MS. ZEXI LI:** Application. Sorry, I'm not well
9 versed in law. I'm not a law student.

10 **MR. BRENDAN MILLER:** I understand. And then
11 after you obtained the injunction, I understand that things got
12 a little bit better; right?

13 **MS. ZEXI LI:** For a brief period shortly after
14 the injunction, there was a clear silence from the noise that
15 was previously constant. Shortly thereafter, there was a
16 gradual ramp up in the honking again, but, however, it was more
17 strategic and intermittent than it was previously, whereas it
18 was constant.

19 **MR. BRENDAN MILLER:** Okay. And so you said you
20 gave your statement to the Commission before you testified here
21 today; right?

22 **MS. ZEXI LI:** Yes.

23 **MR. BRENDAN MILLER:** And when you gave your
24 statement, you knew you had to be truthful?

25 **MS. ZEXI LI:** Yes.

26 **MR. BRENDAN MILLER:** And when you gave that
27 statement, of course you wanted to include all important
28 observations and interactions that you had with the protestors?

1 Is that right?

2 **MS. ZEXI LI:** I just want to clarify the
3 statement in reference, is that ---

4 **MS. NATALIA RODRIGUEZ:** She gave an anticipated
5 statement, so it's a statement of anticipated evidence, not a
6 witness statement. So it's not attributable to her, it's
7 attributable to the Commission, and that is different from a
8 witness statement, which is attributable to the witness.

9 **MR. BRENDAN MILLER:** Right.

10 **MS. NATALIA RODRIGUEZ:** So I just want to clarify
11 that.

12 **MR. BRENDAN MILLER:** Sure. And so when you
13 provided the Commission your statement, I take it that you would
14 have told them all the important information that you wanted
15 them to know?

16 **MS. ZEXI LI:** As far as I was aware, yes. To the
17 best of my ability.

18 **MR. BRENDAN MILLER:** Right. And ---

19 **MR. JOHN MATHER:** I'm sorry, Mr. Commissioner. I
20 do want to interject here. Our rules provide that there can be
21 no examination on a statement of anticipated evidence without
22 leave, and I think leave needs to be sought if there's going to
23 be questions about that.

24 **MR. BRENDAN MILLER:** Okay. I won't put the
25 statement to her. I'll move on.

26 I understand that you noticed the honking
27 generally stop after the injunction was granted, though some
28 trucks still honked intermittently for short periods of time?

1 Is that right?

2 **MS. ZEXI LI:** Correct.

3 **MR. BRENDAN MILLER:** All right. And so that's
4 what happened after the injunction? Is that correct?

5 **MS. ZEXI LI:** To the best of my recollection,
6 correct. That was the immediate aftermath.

7 **MR. BRENDAN MILLER:** All right. Now between
8 January 28th and February 5th, 2022, did you attend your
9 employment at the Government of Canada?

10 **MS. ZEXI LI:** I was working from home, though I
11 struggled to maintain productivity due to the disturbances that
12 were taking place.

13 **MR. BRENDAN MILLER:** Right. And at the
14 Government of Canada, I take it that you are on salary? Is that
15 fair?

16 **MS. ZEXI LI:** That is correct.

17 **MR. BRENDAN MILLER:** So between January 28th, 2022
18 and February 5th, 2022, you did not lose any income? Is that
19 fair?

20 **MS. ZEXI LI:** That would be correct. There was a
21 leave code that was applied for government employees that were
22 affected by the situation.

23 **MR. BRENDAN MILLER:** Okay. But prior to the
24 situation as well, you were working from home, wasn't that also
25 under the general covid policy for Government of Canada
26 employees?

27 **MS. ZEXI LI:** Could you clarify to the question,
28 please?

1 **MR. BRENDAN MILLER:** So prior -- weren't you
2 working from home prior to January 28th, 2022 anyway?

3 **MS. ZEXI LI:** Yes.

4 **MR. BRENDAN MILLER:** Okay. And how long were you
5 working from home for?

6 **MS. ZEXI LI:** I had started a new position on
7 January 10th with Shared Services Canada. Prior to that, I was
8 employed working from home with another agency.

9 **MR. BRENDAN MILLER:** Okay. And what agency were
10 you employed with before?

11 **MS. ZEXI LI:** I was employed with the Canada
12 Revenue Agency.

13 **MR. BRENDAN MILLER:** Okay. Canada Revenue
14 Agency. And so from January 28th, 2022, and before, you were
15 already working at home?

16 **MS. ZEXI LI:** Correct.

17 **MR. BRENDAN MILLER:** Okay. Thank you. And
18 moving on from sort of your background with working from home, I
19 understand that you had the interactions with the protestors and
20 you confronted them on Kent Street. Is that correct?

21 **MS. ZEXI LI:** Correct.

22 **MR. BRENDAN MILLER:** Right. And when you
23 confronted those protestors, do you remember saying to them,
24 which was recorded, "Go back to where the fuck you are from?"

25 **MS. ZEXI LI:** I may have said that.

26 **MR. BRENDAN MILLER:** Yeah. And I take it that
27 you never saw any of the -- or never said to the Commission, or
28 saw any protestors or truckers physically harm anyone? Is that

1 right?

2 **MS. ZEXI LI:** There was only the, I would
3 describe it as intimidation with a truck.

4 **MR. BRENDAN MILLER:** Okay. And you never said to
5 the Commission, and nothing in that regard, with respect to
6 seeing protestors or truckers threatening to physically harm
7 anyone either; did you?

8 **MS. ZEXI LI:** I did not make that statement.

9 **MR. BRENDAN MILLER:** All right. And you didn't
10 say to the Commission or see anything in your observations that
11 could be classified as espionage or sabotage?

12 **MS. ZEXI LI:** I'm sorry?

13 **MR. BRENDAN MILLER:** You didn't see anything that
14 could be classified as espionage or sabotage?

15 **MS. ZEXI LI:** No.

16 **MR. BRENDAN MILLER:** Thank you. And you didn't
17 say to the Commissioner you observed any of the protestors or
18 truckers destroy or light a fire to any buildings or anything
19 like that?

20 **MS. ZEXI LI:** Not inside of any buildings, no.
21 Just outside.

22 **MR. BRENDAN MILLER:** Outside. So you're saying
23 that they were destroying the outside of buildings? Is that
24 right?

25 **MS. ZEXI LI:** I did not say that. I said they
26 were lighting fires outside of buildings, as in the bonfires
27 that were all over the city.

28 **MR. BRENDAN MILLER:** Right. But they weren't

1 trying to knock down any form of buildings, or property, or
2 anything like that?

3 **MS. ZEXI LI:** I can't comment to their
4 intentions.

5 **MR. BRENDAN MILLER:** Well I understand their
6 intentions, but I submit you didn't see them do anything like
7 that?

8 **MS. ZEXI LI:** No, I just saw the fires. Open
9 fires.

10 **MR. BRENDAN MILLER:** Right. And you didn't see
11 them try to destroy any other trucks or vehicles or light them
12 on fire or anything?

13 **MS. ZEXI LI:** I did not.

14 **MR. BRENDAN MILLER:** Thank you. And so I just
15 want to talk to you a little bit about that class action as
16 well. So you became the lead plaintiff on February 4th when it
17 was filed; correct?

18 **MS. ZEXI LI:** Correct.

19 **MR. BRENDAN MILLER:** All right. And as of today,
20 I understand there were only three other additional plaintiffs
21 to that action? Is that right?

22 **MS. ZEXI LI:** Correct.

23 **MR. BRENDAN MILLER:** And the first one is Happy
24 Goat Coffee Company? Is that correct?

25 **MS. ZEXI LI:** Correct.

26 **MR. BRENDAN MILLER:** And Happy Goat Coffee
27 Company is a chain of coffee shops that has three coffee shops
28 in the downtown area? Is that fair?

1 **MS. ZEXI LI:** As far as I know, correct.

2 **MR. BRENDAN MILLER:** Thank you. And the second
3 plaintiff is, they got added, it's a numbered company, but it
4 operates as Union Local 631. And I understand that's a
5 restaurant and bar on Somerset Street? Is that right?

6 **MS. ZEXI LI:** Correct.

7 **MR. BRENDAN MILLER:** All right. And the third
8 plaintiff is a fellow by the name of Geoffrey Devaney? Is that
9 right?

10 **MS. ZEXI LI:** Correct.

11 **MR. BRENDAN MILLER:** And he was a bartender and
12 server at a restaurant in ByWard Market?

13 **MS. ZEXI LI:** My understanding is that he was
14 employed in the ByWard Market.

15 **MR. BRENDAN MILLER:** Okay. And that he doesn't
16 live in downtown Ottawa?

17 **MS. ZEXI LI:** Yes.

18 **MR. BRENDAN MILLER:** Okay. And so after you got
19 the injunction on February 5th, I understand that both yourself
20 and Mr. Champ began to offer the protestors and truckers an
21 agreement that they could sign to be released from your class
22 action if they agreed to leave. Do you remember that?

23 **MS. ZEXI LI:** I would like to clarify that the
24 injunction was granted on the 7th.

25 **MR. BRENDAN MILLER:** Okay. But after the -- on
26 the -- beginning the 5th as well, as I understand, you began to
27 offer this release to the protestors and truckers? Is that
28 right?

1 **MS. ZEXI LI:** Correct.

2 **MR. BRENDAN MILLER:** All right. And so who was
3 it that you had going out handing out copies of this release to
4 the truckers? Do you remember?

5 **MS. ZEXI LI:** I am not aware of that information.

6 **MR. BRENDAN MILLER:** Okay. Did you know that
7 Councillor McKenney was handing them out for you?

8 **MS. ZEXI LI:** Now I do.

9 **MR. BRENDAN MILLER:** Okay. And now you do from
10 me telling you, or did you know before this?

11 **MS. ZEXI LI:** Well it was a lot of events and I
12 think it was mentioned that McKenney was out doing this.
13 However, I was not directly involved, other than agreeing to
14 offer this agreement.

15 **MR. BRENDAN MILLER:** Okay. And I understand also
16 that you know the NDP Member of Provincial Parliament for
17 Ottawa, Senator Joel Harden. Do you know him?

18 **MS. ZEXI LI:** Yes.

19 **MR. BRENDAN MILLER:** Right. And he was
20 contacting people and organizing events to raise money for your
21 lawsuit? Do you remember that?

22 **MS. ZEXI LI:** Yes, correct.

23 **MR. BRENDAN MILLER:** Okay. And was it not the
24 Ottawa City Councillor Catherine McKenney and NDP Member of
25 Provincial Parliament for Ottawa, Joel Harden, who supported you
26 and put you forward for that claim? Is that not correct?

27 **MS. ZEXI LI:** That is not correct. I'm -- I've
28 stated that that was not true previously as well.

1 **MR. BRENDAN MILLER:** Right. And so I just want
2 to bring you to sort of another statement that you had said when
3 you were at the Leaders Summit for Action for Chinese Canadians.

4 **MS. ZEXI LI:** I would also like to clarify that
5 the Leaders Summit has not occurred.

6 **MR. BRENDAN MILLER:** Right. But you gave a
7 video?

8 **MS. ZEXI LI:** Yes, correct.

9 **MR. BRENDAN MILLER:** Right. So can you agree
10 with me that you stated the following:

11 "It came about that the lawyers needed
12 a lead plaintiff to stand up and speak
13 about what was going on and really try
14 to make a difference, because we
15 weren't seeing any change in our
16 community, which was not acceptable for
17 anybody, but being a Chinese Canadian,
18 it is a bit of an odd role to play,
19 because it's not something that is
20 really necessarily supported or common
21 within our culture, but I really saw
22 the need for somebody, anybody to stand
23 up and speak for the people and help us
24 out of the situation we were in, and
25 the stars really aligned and here I
26 am." (As read)

27 **MS. ZEXI LI:** Yes, that's true.

28 **MR. BRENDAN MILLER:** Thank you. Those are my

1 questions for you, Ms. Li, and then I just have a few for Ms. La
2 Ronde.

3 **MS. ZEXI LI:** Before you continue, would it be
4 all right to clarify my relationship with Joel Harden and
5 Catherine McKenney? No? Okay.

6 **MR. BRENDAN MILLER:** If His Honour would like,
7 that's fine.

8 **COMMISSIONER ROULEAU:** There'll be a brief
9 opportunity to re-examine ---

10 **MR. BRENDAN MILLER:** Yeah.

11 **COMMISSIONER ROULEAU:** --- at the end so.

12 **MR. BRENDAN MILLER:** So Ms. La Ronde, good
13 morning.

14 **MS. VICTORIA De La RONDE:** Good morning.

15 **MR. BRENDAN MILLER:** So, Ms. Ronde, I understand
16 just from your background, and I'm not trying to poke or
17 anything like that, but I understand you were born around 1947
18 in Meadow Lake, Saskatchewan; is that correct?

19 **MS. VICTORIA De La RONDE:** I was born in
20 Saskatoon, Saskatchewan, but grew up in Meadow Lake,
21 Saskatchewan, and you ask women their ages so ---

22 **MR. BRENDAN MILLER:** I won't -- I'm not going to.
23 I promise not to do that.

24 **MS. VICTORIA De La RONDE:** They can do the math.

25 **MR. BRENDAN MILLER:** Yes, all right. And I don't
26 want to get into too much with your disability and I'm very
27 sorry ---

28 **MS. VICTORIA De La RONDE:** No, no.

1 **MR. BRENDAN MILLER:** --- for the struggles that
2 you've had particularly during the convoy and protest but I
3 understand that about in 1961 is when you began to lose your
4 sight; is that fair?

5 **MS. VICTORIA De La RONDE:** Yes.

6 **MR. BRENDAN MILLER:** Okay. And despite that, you
7 thrived. You obtained a bachelor degree in psychology from the
8 University of Saskatchewan in 1974?

9 **MS. VICTORIA De La RONDE:** That's right, yes.

10 **MR. BRENDAN MILLER:** Right. And you completed
11 your law degree at the University of Saskatchewan in 1984?

12 **MS. VICTORIA De La RONDE:** 1983.

13 **MR. BRENDAN MILLER:** '83.

14 **MS. VICTORIA De La RONDE:** M'hm.

15 **MR. BRENDAN MILLER:** And thereafter you completed
16 your masters of law at the London School of Economics; is that
17 correct?

18 **MS. VICTORIA De La RONDE:** Yes.

19 **MR. BRENDAN MILLER:** Right. And how many
20 jurisdictions are you a member of the bar in or a member of the
21 solicitor's group?

22 **MS. VICTORIA De La RONDE:** I was a member of good
23 standing with the Ontario bar and the New York bar of -- but
24 recently, I resigned my membership from the Ontario bar.

25 **MR. BRENDAN MILLER:** Okay.

26 **MS. VICTORIA De La RONDE:** I'm still active as
27 the non -- a retired member of the New York bar, but I'm still
28 licensed.

1 **MR. BRENDAN MILLER:** Right. And I understand
2 that after becoming a member of the bar you began to work for
3 the Government of Canada; is that correct?

4 **MS. VICTORIA De La RONDE:** Yes.

5 **MR. BRENDAN MILLER:** Right. And you spent 10
6 years with the Department of Indian and Northern Affairs Canada;
7 is that correct?

8 **MS. VICTORIA De La RONDE:** It was more, like, 25
9 years. I'm just -- just let me recorrect that. It was from
10 1990, September 1990 to April 2011.

11 **MR. BRENDAN MILLER:** Okay. And then you were
12 also with the Department of Veteran Affairs Canada; is that
13 right?

14 **MS. VICTORIA De La RONDE:** Yes.

15 **MR. BRENDAN MILLER:** Okay. And around that -- in
16 the '80s, you also incorporated a company called De La Ronde
17 International Inc.; is that right?

18 **MS. VICTORIA De La RONDE:** That's correct.

19 **MR. BRENDAN MILLER:** And that company is still in
20 operation?

21 **MS. VICTORIA De La RONDE:** Yes.

22 **MR. BRENDAN MILLER:** And is that company not a
23 federal government contractor?

24 **MS. VICTORIA De La RONDE:** No.

25 **MR. BRENDAN MILLER:** No. But it does do
26 government contracts and assists with I believe a lot of First
27 Nations work; is that right?

28 **MS. VICTORIA De La RONDE:** It could, yes.

1 **MR. BRENDAN MILLER:** Right. And you worked as a
2 lawyer for the Government of Canada; is that right?

3 **MS. VICTORIA De La RONDE:** No, I was working on
4 the policy side of the picture. I was not a just lawyer with
5 the Government of Canada. I was an executive.

6 **MR. BRENDAN MILLER:** Okay. And I don't know the
7 answer to this and I'm going to ask that of you, do you mind
8 telling the folks what brought about your participation in this
9 Commission?

10 **MS. VICTORIA De La RONDE:** I had a phone call
11 from the Commission, Commission solicitor asking my permission
12 to, first of all, have a conversation about my experience and
13 then asking my permission if my name could be put forward as a
14 potential witness in this.

15 **MR. BRENDAN MILLER:** Okay. Thank you very much.
16 Those are all my questions for the both of you, and have a good
17 morning.

18 **MS. VICTORIA De La RONDE:** Thank you. You too.

19 **COMMISSIONER ROULEAU:** Thank you. So the next I
20 will call on the Government of Canada to briefly cross-examine.

21 **--- CROSS-EXAMINATION BY MR. BRENDAN van NIEJENHUIS:**

22 **MR. BRENDAN van NIEJENHUIS:** I just have three
23 questions, Your Honour, on Ms. Li.

24 You described a lawless environment during the
25 period of the convoy occupation, I believe, in reference to my
26 friend's questions there, yes?

27 **MS. ZEXI LI:** Yes.

28 **MR. BRENDAN van NIEJENHUIS:** Okay. Did that

1 change after you obtained the anti-honking injunction on
2 February the 7th?

3 **MS. ZEXI LI:** No.

4 **MR. BRENDAN van NIEJENHUIS:** Did it change by
5 February the 14th, the lawless environment that you described?

6 **MS. ZEXI LI:** I don't recall exactly, but I would
7 say perhaps some of it had subsided, but it was still present.
8 If anything, it was more underlying and more desperate, in a
9 sense.

10 **MR. BRENDAN van NIEJENHUIS:** You obtained an
11 extension of the injunction on February the 16th; is that right?

12 **MS. ZEXI LI:** Correct.

13 **MR. BRENDAN van NIEJENHUIS:** And you showed us
14 photographs on February 17th and 18th, though you couldn't recall
15 which of those 2 dates it was; right?

16 **MS. ZEXI LI:** I believe it was the 17th, yes.

17 **MR. BRENDAN van NIEJENHUIS:** Okay. And was there
18 still a lawless environment as you perceived it at that time?

19 **MS. ZEXI LI:** Given my experience personally, I
20 felt that was the case.

21 **MR. BRENDAN van NIEJENHUIS:** Thank you. Those
22 are my questions.

23 **COMMISSIONER ROULEAU:** Thank you.

24 Next, I will call on the Ottawa Police.

25 **--- CROSS-EXAMINATION BY MS. JESSICA BARROW:**

26 **MS. JESSICA BARROW:** Good morning to you both. I
27 just have a couple of questions for you, Ms. Li. You spoke
28 earlier this morning about the injunction. Did circumstances

1 change after the injunction in terms of the level of threats
2 that you were receiving from the community?

3 **MS. ZEXI LI:** Following the injunction, I would
4 say the level of threats increased due to the public attention
5 that had been placed on myself and the situation. Yes.

6 **MS. JESSICA BARROW:** And once that occurred, once
7 you were receiving a higher level of threat, would you agree
8 that you had multiple interactions with the Ottawa Police
9 Service as a result of that?

10 **MS. ZEXI LI:** Yes, that is correct.

11 **MS. JESSICA BARROW:** You had made them aware of
12 the threats that you were receiving?

13 **MS. ZEXI LI:** The majority of the threats were
14 through the internet, and on certain things; however, I was
15 receiving calls and messages to my personal devices. However,
16 the nature of these messages, voicemails and calls did not seem
17 serious enough for me to make a official report. There was only
18 one instance where there was a serious threat received by the
19 RCMP that had been forwarded to the Ottawa Police that was
20 investigated.

21 **MS. JESSICA BARROW:** And the Ottawa Police
22 actually attended your residence a couple of occasions as well;
23 correct?

24 **MS. ZEXI LI:** That is correct.

25 **MS. JESSICA BARROW:** I just want to bring up one
26 document if you don't mind. It's OPS-3014460.

27 Can you see at the top of the page that this is a
28 document dated February 9th?

1 MS. ZEXI LI: Yes.

2 MS. JESSICA BARROW: And can you see about
3 halfway down the page there's a subheading Constable Islam and
4 Constable Lemieux?

5 MS. ZEXI LI: Yes.

6 MS. JESSICA BARROW: It appears as though there's
7 notes under that heading in relation to the activities of those
8 officers?

9 MS. ZEXI LI: Yes.

10 MS. JESSICA BARROW: If we could go to the next
11 page, bullet number three, it says,

12 "Mo and I spoke with..." (As read)

13 And then, of course, there's obviously a
14 redaction.

15 "...regarding the threats she has
16 received from her involvement with the
17 injunction related to the convoy
18 protest and the warrants." (As read)

19 Obviously, we can see that there's a redaction
20 here, but would you agree that on February 9th you did, in fact,
21 speak with these two officers from Ottawa Police Service?

22 MS. ZEXI LI: Yes.

23 MS. JESSICA BARROW: Okay. Thank you. And if
24 you could look at that second sentence, it indicates, "She feels
25 very supported by the OPS with this." Would you agree at this
26 time that you had received the attention in relation to the
27 threats from Ottawa Police Service that made you feel
28 comfortable that they were managing that situation?

1 MS. ZEXI LI: Yes.

2 MS. JESSICA BARROW: Thank you. Those are my
3 questions.

4 MS. ZEXI LI: Thank you.

5 COMMISSIONER ROULEAU: Thank you. The next I'll
6 call on the Democracy Fund, Citizens for Freedom and JCCF.

7 --- CROSS-EXAMINATION BY MR. ROB KITTREDGE:

8 MR. ROB KITTREDGE: Hi to both of you. I'll just
9 have a couple of quick questions for you today and first I'll
10 tilt them so they're facing the right direction.

11 You discussed decibel levels with Commission
12 Counsel during the protests. Were decibel levels ever measured
13 inside of your apartment, Ms. Li?

14 MS. ZEXI LI: Yes, they were.

15 MR. ROB KITTREDGE: They were?

16 MS. ZEXI LI: Yes.

17 MR. ROB KITTREDGE: By who?

18 MS. ZEXI LI: Me, myself.

19 MR. ROB KITTREDGE: How did you do that?

20 MS. ZEXI LI: Through decibel measuring devices
21 downloaded onto my phone. These devices -- these applications
22 had been proved -- they had been researched to be comparable to
23 actual physical decibel testing devices.

24 MR. ROB KITTREDGE: Can you give me the names of
25 those applications that you used?

26 MS. ZEXI LI: Off the top of my head, I believe
27 one was called decibel X or something along those lines.

28 MR. ROB KITTREDGE: Can I get an undertaking? Is

1 that possible in this context? I hadn't checked.

2 **UNIDENTIFIED MALE SPEAKER:** Our rules do not
3 provide for ---

4 **MR. ROB KITTREDGE:** Yeah, okay.

5 **UNIDENTIFIED MALE SPEAKER:** --- party request
6 undertakings during examination.

7 **MR. ROB KITTREDGE:** All right.

8 So you say you used multiple decibel apps?

9 **MS. ZEXI LI:** There was two, you know, I believe
10 it was called Decibel X; however, it's been some time.

11 **MR. ROB KITTREDGE:** Okay. And do you remember
12 what exactly the decibel reading was?

13 **MS. ZEXI LI:** The decibel readings, from my
14 memory, ranged from approximately 75 decibels to at times 85 or
15 90.

16 **MR. ROB KITTREDGE:** Okay. When speaking with
17 Commission Counsel earlier, you began to describe how you had
18 been pleading with the protestors, and said, "There is a certain
19 frustration when the people that are supposed to help you aren't
20 helping you." Do you recall making that statement?

21 **MS. ZEXI LI:** Yes, I do.

22 **MR. ROB KITTREDGE:** Who were the people who were
23 supposed to help you?

24 **MS. ZEXI LI:** Those people were the Ottawa Police
25 and Bylaw Services.

26 **MR. ROB KITTREDGE:** And what were they supposed
27 to be doing?

28 **MS. ZEXI LI:** They were, from my understanding as

1 a resident, citizen, and taxpayer, they were supposed to be
2 supporting us and making sure us, as the public and community,
3 feel safe and that the laws are upheld.

4 **MR. ROB KITTREDGE:** What what laws did you feel
5 weren't being upheld?

6 **MS. ZEXI LI:** There were issues with noise,
7 idling, parking, et cetera. Illegal fireworks, illegal fires,
8 public urination, public defecation, harassment on the streets,
9 soup kitchens.

10 **MR. ROB KITTREDGE:** And there just wasn't any
11 enforcement in your mind of those laws prohibiting those
12 behaviours?

13 **MS. ZEXI LI:** A lot of the time, I had -- I
14 hadn't spoken to officers directly. I had made calls to Bylaw
15 specifically detailing the incidences that were occurring, and
16 on one such occasion I described fireworks in the vicinity of
17 gasoline and other open fires, as well as things like alcohol
18 and drugs. So that to me presented a safety issue, and
19 therefore I reported it. However, as a result of my report
20 nothing came to -- nothing came to it, and I was informed that
21 the officers on the ground were to keep things safe despite the
22 reality of the situation.

23 **MR. ROB KITTREDGE:** So in essence, the complaints
24 that you made didn't result in enforcement?

25 **MS. ZEXI LI:** No.

26 **MR. ROB KITTREDGE:** And you mentioned that you
27 obtained an injunction in the context of your class action
28 lawsuit that prohibited honking, and that for a time after the

1 injunction was granted the honking diminished but it returned
2 after a time.

3 **MS. ZEXI LI:** Yes.

4 **MR. ROB KITTREDGE:** Is that correct?

5 **MS. ZEXI LI:** That is correct.

6 **MR. ROB KITTREDGE:** And would it be fair to say
7 that it returned after a time because your injunction wasn't
8 being enforced?

9 **MS. ZEXI LI:** I would say that I can't speak to
10 exactly why it occurred, but I am -- I would feel that
11 enforcement would be a contributing factor.

12 **MR. ROB KITTREDGE:** Did you see any enforcement
13 of your injunction?

14 **MS. ZEXI LI:** No.

15 **MR. ROB KITTREDGE:** All right, those are my
16 questions. Thank you.

17 **COMMISSIONER ROULEAU:** Okay. Thank you very
18 much.

19 And the next is the Ottawa Coalition. Any
20 examination there?

21 **MR. PAUL CHAMP:** Thank you very much,
22 Commissioner.

23 **--- CROSS-EXAMINATION BY MR. PAUL CHAMP:**

24 **MR. PAUL CHAMP:** I just have a few questions for
25 both of you.

26 Ms. De La Ronde, can you just confirm
27 approximately how long have you been living in Downtown Ottawa?

28 **MS. VICTORIA De La RONDE:** Thirty years.

1 **MR. PAUL CHAMP:** And have you experienced or
2 observed other protests or demonstrations in Downtown Ottawa?

3 **MS. VICTORIA De La RONDE:** I've observed other
4 protests in Downtown Ottawa, but closer to Parliament Hill.
5 They did not come to where I was living. Never.

6 **MR. PAUL CHAMP:** Thank you. You told us, Ms. De
7 La Ronde, about being concerned about wearing headphones or
8 earplugs, about knocks on your door, about smoke, or maybe not
9 hearing alarms. Why did you have that particular concern?

10 **MS. VICTORIA De La RONDE:** I was concerned
11 because there was the smell, and I was informed as well about
12 gas spills on the street, that there was open bonfires, that
13 they were roasting food out a few metres from my building, so
14 there was such a potential for a fire, a huge fire, and an
15 explosion. So I was concerned that if I could actually get
16 those earplugs to work then I wouldn't hear if my smoke alarm
17 went off or if people were pounding on my door to say "evacuate,
18 evacuate".

19 **MR. PAUL CHAMP:** And Ms. De La Ronde, you told us
20 a bit about the diesel fumes. Was that diesel fumes that you
21 would just smell outside on the street, or did you smell them in
22 your apartment?

23 **MS. VICTORIA De La RONDE:** It was very strong in
24 my apartment. It permeated drapes, blinds, bedding, carpet. It
25 had a -- the whole unit had a dull, gaseous odour about it.

26 **MR. PAUL CHAMP:** Did you do anything about that
27 after the protests were over?

28 **MS. VICTORIA De La RONDE:** Yes, yes. I got --

1 eventually worked toward getting them cleaned, all of them.

2 **MR. PAUL CHAMP:** Ms. De La Ronde, you told us a
3 bit about the honking and how you experienced that. After the
4 protests were over, what was your experiences with honking
5 sounds?

6 **MS. VICTORIA De La RONDE:** Anytime I heard a honk
7 of a horn, and particularly of a large vehicle horn, I could
8 feel it sort of ripple through my body, and I would feel that my
9 nerves were still frayed.

10 **MR. PAUL CHAMP:** In the immediate days and weeks
11 after the end of the demonstrations, what was your experiences
12 with horns?

13 **MS. VICTORIA De La RONDE:** Very much like that.
14 That -- I kept hearing them, like phantom horns, I kept hearing
15 them in my head. I also had phantom smells too.

16 **MR. PAUL CHAMP:** And by phantom smells or horns,
17 meaning they're not there, but that's what you ---

18 **MS. VICTORIA De La RONDE:** They're not, they're
19 not there.

20 **MR. PAUL CHAMP:** Thank you, Ms. De La Ronde.

21 Ms. Li, I just have a few questions for you.
22 There were some questions put to you about Councillor McKenney
23 and a Member of Provincial Parliament, Mr. Harden. Had you ever
24 had any interactions with them or met them prior to the class
25 action being commenced?

26 **MS. ZEXI LI:** No, I had not. Perhaps in passing
27 on the street, but nothing -- not -- they didn't know who I was.

28 **MR. PAUL CHAMP:** And there were some questions

1 put to you about the injunction and what impact it had on the
2 horns. On the day of the injunction argument of Monday,
3 February the 7th, were you observing that hearing?

4 **MS. ZEXI LI:** Yes, I was.

5 **MR. PAUL CHAMP:** And were you observing or
6 listening to anything else before or after that injunction
7 hearing?

8 **MS. ZEXI LI:** After, I did observe a Facebook
9 Live video from one of the organisers who had ordered the
10 truckers in general to stop the horns due to the injunction
11 being put in place.

12 **MR. PAUL CHAMP:** So what --- you were watching
13 something online? What was it?

14 **MS. ZEXI LI:** Yes. It was a Facebook Live video
15 I believe from Chris Barber, if I'm not mistaken, though I can't
16 be sure as to which organiser specifically it was, but they had
17 been laughing about our lack of sleep and something about giving
18 us a break from all the noise.

19 **MR. PAUL CHAMP:** The -- what did that livestream
20 person, what did they say about the injunction; do you recall?

21 **MS. ZEXI LI:** They had said that they -- I
22 remember they were saying, like, "stop the horns, stop the
23 noise."

24 **MR. PAUL CHAMP:** And did you hear any -- did you
25 notice or observe any connection with that statement on the
26 livestream video and what was going on outside?

27 **MS. ZEXI LI:** Yes. Shortly after the video the
28 horns had subsided. And for -- it was like -- like just sort of

1 thinking back to it, like it's hard to not be a little dramatic,
2 but it really was like -- it was like this respite that had
3 came, and it was significant the silence that was present for
4 some time.

5 **MR. PAUL CHAMP:** You were following or observing
6 some of the social media of some of the protest organisers?

7 **MS. ZEXI LI:** Yes.

8 **MR. PAUL CHAMP:** After the injunction was
9 obtained, you told us about listening to a social media stream
10 on that date. Did you hear or observe any other social media
11 streams by convoy organisers speaking about the injunction after
12 February the 7th?

13 **MS. ZEXI LI:** Yes. I do recall after the first
14 video, I don't recall exactly when this occurred, but the first
15 video I believe that the organiser had believed that -- it's
16 hard to say because it's -- there was a just words being
17 spilled, but there was something about that we, not necessarily
18 myself or the lawyers involved, or -- it was a general reference
19 I think to, like, the City or the Government or just the
20 opposition, really, that they were going to give into some
21 demands, but after some time had passed, they had realised that
22 no demands were being given, and to, like -- I don't remember
23 the exact words, but there was a call to action to, like, just
24 let 'er rip.

25 **MR. PAUL CHAMP:** And let what rip?

26 **MS. ZEXI LI:** The horns.

27 **MR. PAUL CHAMP:** And after observing that, did
28 you notice any difference in the horns out in the street?

1 **MS. ZEXI LI:** Yes, I did notice that there were
2 some -- I remember very distinctly there were some confused
3 horns, because really it sounds sort of crazy to attribute these
4 kinds of descriptions to horns. But whereas before they were
5 sure I think, and like resounding, these were confused, almost
6 as if, do I do it, do I not do it, do I do it, do I not do it?
7 There was a little bit more hesitation in the honking.

8 **MR. PAUL CHAMP:** And Ms. Li, just a couple --
9 final couple of questions. When we -- when you talked about
10 measuring the decibel levels, where were you measuring that, was
11 that on the street, or was it in your home?

12 **MS. ZEXI LI:** I had measured the -- in reference
13 to the decibel levels I had described, it was inside of my home,
14 though I had taken some on the streets where it was much louder,
15 closer to 100 or more.

16 **MR. PAUL CHAMP:** And your apartment, don't tell
17 us which floor, but is it above or below a 10th floor?

18 **MS. ZEXI LI:** It is above a 10th floor.

19 **MR. PAUL CHAMP:** Thank you. You told us a bit
20 about bonfires, seeing bonfires. We're unsure if we'll get any
21 evidence about this from the Ottawa Police, but just from what
22 your observations were, what were the bonfires like?

23 **MS. ZEXI LI:** They definitely varied depending on
24 the location that you went. There were quite a few of them,
25 some were small and just for warmth, others were larger for -- I
26 think there was a pig, like a whole pig being roasted, and I
27 think it was under a fire, but I can't be certain about that.
28 But there was that and there were several bonfires down

1 Wellington Street, often times on corners in intersections where
2 there were people huddled around it, often accompanied by signs
3 and flags,

4 **MR. PAUL CHAMP:** Thank you. And then finally,
5 you responded to a question from Ottawa Police Council about
6 that, you had expressed or were thankful that the police were
7 managing this situation. What situation did you feel that they
8 were managing?

9 **MS. ZEXI LI:** I felt that they were managing my
10 personal safety correctly.

11 **MR. PAUL CHAMP:** And what about it on the
12 streets, did you think they were managing it from your
13 observation?

14 **MS. ZEXI LI:** No, I did not.

15 **MR. PAUL CHAMP:** Thank you, those are all the
16 questions I have.

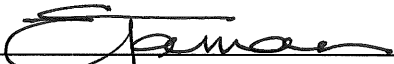
17 **COMMISSIONER ROULEAU:** Okay. Thank you. Does
18 Commission counsel have any brief follow up?

19 **MS. NATALIA RODRIGUEZ:** No re-exam, thank you.

20 **COMMISSIONER ROULEAU:** Okay. Well, I want to
21 thank both witnesses for their coming forward to the Commission
22 and for their evidence. The Commission appreciates you coming
23 forward. I also want to thank counsel for the parties, it was
24 very disciplined cross-examination, a very good start, and so we
25 thank you both and you're now relieved of your obligations and
26 someone can come forward and assist Mme. De La Ronde to --

27 **MS. VICTORIA De La RONDE:** Thank you,
28 Commissioner.

This is **Exhibit "G"** referred to
in the Affidavit of **Chantal Laroche**,
affirmed before me remotely
in accordance with O. Reg. 431.20
by videoconference
this 31st day of August, 2023.


A Commissioner for Taking Oaths, etc.

Court File No: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

ZEXI LI, HAPPY GOAT COFFEE COMPANY INC.,
7983794 ONTARIO INC. (c.o.b. as UNION: LOCAL 613)
and GEOFFREY DEVANEY

Plaintiffs

- and -

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING,
JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS,
CHAD EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANZEN,
JASON LAFACE, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,
NICHOLAS ST. LOUIS (a.k.a. @NOBODYCARIBOU),
FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, GIVESENDGO LLC,
JACOB WELLS, HAROLD JONKER, JONKER TRUCKING INC., and BRAD HOWLAND
DefendantsProceeding under the *Class Proceedings Act, 1992*

ACKNOWLEDGMENT OF EXPERT'S DUTY

1. My name is Chantal Laroche. I live [REDACTED], in the province of Quebec.
2. I have been engaged by or on behalf of the Plaintiffs to provide evidence in relation to the above-noted court proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - (a) to provide opinion evidence that is fair, objective and non-partisan;

- (b) to provide opinion evidence that is related only to matters that are within my area of expertise; and
- (c) to provide such additional assistance as the court may reasonably require, to determine a matter in issue.

4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.



Date: __August 30th 2023__

CHANTAL LAROCHE

NOTE: This form must be attached to any expert report under subrules 53.03(1) or (2) and any opinion evidence provided by an expert witness on a motion or application.

Court File No. CV-22-00088514-00CP

ZEXI LI et al.

- and -

CHRIS BARBER et al.

Plaintiffs

Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE

ACKNOWLEDGMENT OF EXPERT'S DUTY

CHAMP & ASSOCIATES



Per: Paul Champ
LSO#: 45305K



Solicitors for the Plaintiff

Court File No. CV-22-00088514-00CP

ZEXI LI et al.

- and -

CHRIS BARBER et al.

Plaintiffs

Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE

AFFIDAVIT OF CHANTAL LAROCHE

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E: pchamp@champlaw.ca

Solicitors for the Plaintiff

Court File No: CV-22-00088514-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**ZEXI LI, HAPPY GOAT COFFEE COMPANY INC,
7983794 CANADA INC. (c.o.b. as UNION: LOCAL 613)
and GEOFFREY DEVANEY**

Plaintiffs

- and -

**CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING,
JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS,
CHAD EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANZEN,
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FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, GIVESENDGO LLC,
JACOB WELLS, HAROLD JONKER, JONKER TRUCKING INC., and BRAD HOWLAND**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**AFFIDAVIT OF DEBBIE OWUSU-AKYEEAH
(Affirmed September 1, 2023)**

I, DEBBIE OWUSU-AKYEEAH, of the [REDACTED], in the Province of Ontario, AFFIRM:

1. I am a resident of Ottawa and was one of four independent Commissioners who led the Ottawa People's Commission ("OPC") on the Convoy Occupation in Ottawa. As such, I have personal knowledge of the matters to which I hereinafter depose except where I have stated my evidence to be on information and belief, in which case I have indicated the source of my information and my belief in the truth of the information.

2. The OPC was launched in June 2022 as a grassroots initiative to provide an independent forum for Ottawa-Gatineau community members to share their personal experiences during and after the Convoy Occupation that took place in Ottawa-Gatineau over three-and-a-half weeks in January and February 2022. The OPC was established to ensure that community members' voices and views would be heard, recognizing that official inquiries into the Convoy Occupation at the local and federal level were limited in their scope and ambition.
3. The OPC operated as a program of Centretown Community Health Centre ("CCHC"). An Advisory Committee provided oversight and support to the OPC. The OPC was led by four independent Commissioners who operated at arms-length from the CCHC and Advisory Committee.
4. I served as one of four independent Commissioners who led the OPC. In my role as an OPC Commissioner, I:
 - (a) chaired public hearings where residents, community groups, public officials and experts shared their experiences and presented their views;
 - (b) attended community consultations; and
 - (c) oversaw research and prepared a report with recommendations.
5. Public OPC hearings were held through the fall of 2022. Throughout the fall of 2022, local residents shared their stories and presented their views at 14 hearings held online and in different downtown neighbourhoods. Hearings were open to

the public and posted to YouTube. Certain hearings were geared to specific groups, for example, the disabled community or journalists or convoy supporters.

6. In addition to public hearings, eight community consultations were held, targeting specific groups directly affected by the Convoy Occupation.
7. The OPC also welcomed written submissions, receiving almost 100 statements from local residents and organizations.
8. Every effort was made during the OPC to remove barriers to participation and ensure the Commission was open and accessible to all, providing translation, interpretation and other supports where needed. Support from trauma counsellors was also offered.
9. The OPC ended up hearing from over 200 local residents and organizations through public hearings, community consultations and written submissions.
10. Part I of the OPC's report - *What we heard* - was released on January 30, 2023. Attached hereto and marked as **Exhibit "A"** is a copy of the *What we heard report*.
11. Part II of the OPC's report, offering further analysis and recommendations for action, was released in April 2023.
12. The *What we heard* report contains many quotes from stories shared during the OPC through public hearings, community consultations and written submissions. These stories describe significant harm caused to community members as a result

of the incessant honking of horns, prolonged exposure to diesel fumes and blockading of downtown streets. Examples of what we heard included:

- (a) “I felt trapped in my own apartment, felt threatened by the occupiers using the parking lot directly facing my building as a mustering point, and had ongoing headaches, likely due to the noise and fumes”;
- (b) “People could not move freely in the city. Many people couldn’t go to the Good Companions Senior’s Centre because of blockades, and couldn’t socialize with their usual circle”;
- (c) “On weekends, the convoy vehicles were so tightly squeezed together on Kent at Somerset that there was no way emergency vehicles would have been able to get through, if residents required them. This created unacceptable (additional) navigational challenges for our City’s emergency services. Completely unsafe”;
- (d) “As a service provider and understandably working with people, we could hear the horns non-stop as we were continuing to provide counseling, listening to the concerns of clients who were coming in to get very much needed health care. We heard from clients who lived in the area about the stress of not being able to sleep or work from home because of the incessant noise and odours from the diesel from all the vehicles”;
- (e) “Many people in the building missed medical appointments. Para Transpo couldn’t come”;

- (f) “Exhaust and diesel fumes belched up into my apartment. My home became dangerous for breathing along with a nauseating smell of burning rubber along with the incessant blaring of air horns. It affected all aspects of living: sleeping, eating, reading, working, hearing, thinking, conversation...only fear thrived”;
- (g) “On the second day of the convoy, I was awoken by the sounds of a truck down the street from my building. The truck was repeatedly honking at 7 AM directly in front of a daycare. I work as an emergency call centre operator and I was coming off the overnight shift. The truck was causing me to be unable to sleep but unfortunately I couldn’t call in sick due to the current labour shortages. I was petrified the entire night that I would make a mistake due to sleep deprivation”;
- (h) “My 89-year-old father was at the General Hospital ER and I couldn’t get out of my parking garage to get to him because it was blocked with trucks”;
- (i) “The STORM (Street Team OutReach Mobile) van and the food van could not get downtown to deliver food, medical supports, and personal hygiene products to community members who are living on the street or working on the street”;
- (j) “I’ve had back surgery and sometimes rely on grocery delivery which was not possible during the occupation. Many seniors and wheelchair-bound residents of the building felt trapped as well”;

- 6 -

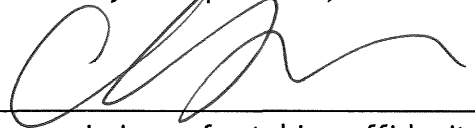
- (k) “The sound was non-stop. You can feel it in your chest with the transport trucks. It’s like a shock through your whole nervous system and it was non-stop”;
 - (l) “I have a chronic pain condition. I also run air fans and white noise in my apartment to just help with the tinnitus that I have and I could still hear them through all the barriers that I put up. I put earplugs in my ears. I could still hear it. I couldn’t sleep, I lost my appetite. The emissions of the pollution were very bad for my asthma. My dog kept barking non-stop and was shaking”; and
 - (m) “I’m hearing the horns constantly, incessantly, every day. I’m trying to get my schoolwork done. I’m just trying to not go crazy in my apartment”.
13. The excerpts of community members’ stories outlined above are a sample of the many similar accounts that were shared about harm caused by loud horns, diesel fumes and blocked streets.
14. The *What we heard* report also contains quotes from stories shared by individuals who participated in OPC identifying as supporters of the Convoy Occupation. Several of these individuals acknowledged that, while they supported the Convoy, there was harm caused to Ottawa residents. We heard, for instance:
- (a) “The trucks were loud, and it was very hard to sleep, I will admit that...I’m sure that having trucks parked outside of your building honking, even through the day, even if it’s not while you’re sleeping but the other 18

hours of the day, I'm sure that that is jarring to your sense of life while you sit at home. I'm sorry that all those people in the downtown core got caught in the crossfire between the government and people not being able to discuss this"; and

- (b) "I am also very sorry to the residents of Ottawa who had their lives turned upside down for those three weeks of the convoy, who had their homes filled with exhaust and had loud noises enter their homes. I'm very very sorry for all of it".

15. I make this affidavit in good faith and for no improper purpose.

AFFIRMED before me in the City of)
Ottawa, in the Province of Ontario,)
this 1st day of September, 2023.)



 A commissioner for taking affidavits
 Christine Johnson
 LSO #62226I



 Debbie Owusu-Akyeeah

This is Exhibit.....*A*..... referred to in the
affidavit of*Debbie Owusu - Akyeah*.....
sworn before me, this*1st*.....
day of*September*..... 20*23*.....

.....
[Signature]
A COMMISSIONER FOR TAKING AFFIDAVITS

PART I

**WHAT WE
HEARD**



30 JANUARY 2023

The Ottawa People's Commission is a grassroots effort to promote healing and justice after the convoy occupation of Ottawa-Gatineau in 2022. OPC is a program of Centretown Community Health Centre.



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Ottawa People's Commission is a program of Centretown Community Health Centre.

This report reflects the opinions of OPC's four independent Commissioners and is not necessarily reflective of the opinions of Centretown Community Health Centre.



Overview

"There was so much that went wrong and was overlooked during this occupation. There was so much hate and violence on display. It was upsetting for our elders to see such disrespect for our ceremonies and for the protocols that are to be followed in our territory. There was so much misinformation. Communication was poor and people were so fearful. This should not have happened. We must learn from this experience. We must listen to the people who went through it. We must make changes so that we do not go through something like this again."

— Sheldon Kiishkens Ross McGregor, Kitigan Zibi
Anishinabeg First Nation¹

OCCUPATION AND HUMAN RIGHTS ABUSE

Throughout most of February 2022, the thousands of people who live and work in downtown Ottawa endured several weeks of widespread human rights abuse, amidst a climate of threats, fear, sexual harassment and intimidation marked by racism, misogyny, antisemitism, Islamophobia, homophobia, transphobia, and other expressions of hate and intolerance. The impact was, inevitably, greatest on the most vulnerable individuals and communities.

All of this was the consequence of a self-described Freedom Convoy of protesters, many of whom arrived and remained in big rig trucks, pickups and other vehicles and took over and blocked the streets and neighbourhoods of downtown Ottawa for much of the month. It was by any measure unprecedented; nothing remotely similar had ever before occurred in the city. The United We Roll pro-pipeline protest in 2019, which had similarly brought trucks to Parliament Hill, stayed in the capital for two days and had nowhere near the same disruptive impact.

On Saturday, January 29, 2022, hundreds of Freedom Convoy vehicles and thousands of protesters converged on downtown Ottawa. Convoy participants had come from communities across the country, initially motivated by opposition to the

¹ Sheldon McGregor is an apprentice in the Sacred Fire Ceremony and works with Algonquin Nation elders in transmitting knowledge through traditional processes. He offered a welcoming prayer at the first public hearing of the Ottawa People's Commission on the Convoy Occupation on September 21, 2022.

COVID-19 vaccine mandate for commercial truckers crossing the Canada/US border. Trucks had been making their way to Ottawa for about ten days before they arrived, gathering more participants and supporters as they advanced across the country. While convoy organizers claimed there was diversity among the participants and supporters, and that was true to a limited extent, it is clear that the overwhelming majority of people involved in the protests were white males.

As the national capital, Ottawa is accustomed to frequent protests and major outdoor public events such as Canada Day celebrations, including many that are large and disruptive. Residents and local businesses accept and even welcome that. As the Freedom Convoy assembled in central Ottawa, focused on Parliament Hill and the surrounding area, Ottawa police indicated that like other large-scale protests they were anticipating this one to continue through that weekend and then to largely dissipate. That proved to be far from the case, an outcome that was likely foreseeable given the information that had been circulating on various social media channels in advance of the convoy's arrival. Instead, an entrenched occupation had begun.

A large swath of the city's downtown core, extending to other parts of the city as well, would remain overrun for more than three weeks, under circumstances that many residents described as a siege or occupation. As the convoy evolved, its demands grew beyond opposition to cross-border vaccine mandates for truckers to include a wide range of issues related to COVID public health protocols and other grievances. While the protest was directed at the federal government, many of the demands related to matters more relevant to provincial governments. There was even a memorandum of understanding released by some convoy leaders calling on the federal government to be replaced by a combination of convoy organizers, opposition parties, the Senate and the Governor General.

Ottawa is located in the unceded and unsurrendered lands of the Algonquin Anishinabeg people. However, convoy organizers did not reach out to or consult with Algonquin elders about their plans to occupy the city's downtown core. Indigenous and non-Indigenous participants in the convoy carried out various ceremonies, in Confederation Park and elsewhere. But they did not first consult with or respect the ways of local elders. Members of local First Nations and other Indigenous peoples who live in the Ottawa area were particularly upset to see slogans and symbols that are sacred or important to Indigenous peoples, including posters and flags carrying the message of "Every Child Matters", visibly displayed on trucks and elsewhere in the convoy.

It did not take long before many streets were completely blocked by trucks and were entirely un navigable. Driveways and entrances to residential parking garages were inaccessible. Essential public transport throughout the area, including the vitally important Para Transpo used by the elderly, and people with disabilities and other mobility limitations, was either cancelled or substantially reduced.

Residents expected and assumed that they would be protected and assisted by police and other public officials. Instead, they felt abandoned. They watched as trucks were directed into the downtown or to the parking lot at the City-owned baseball stadium on Coventry Road in Overbrook. They looked on as police and bylaw officers took no action to enforce noise, parking and various public safety bylaws or to intervene in or follow up on reports of incidents involving threats, racism and assaults. They witnessed friendly exchanges between some members of the police and convoy participants, while their own approaches to police for assistance were often met with indifference or an indication that they could do nothing as they were awaiting orders.

Instead, residents were left to cope with a chaotic and dangerous situation largely by relying on their own resources, mobilizing to support each other through friendships and neighbourhood networks, bolstering public safety through community walks and patrols and even hiring private security, and organizing their own counter-protests to dissuade or block more trucks from entering the downtown core and joining the occupation. Pro-bono lawyers worked with the community to bring a court application for an injunction to halt the blaring of truck horns.

Many people were forced to make difficult choices between not going outside, and virtually imprisoning themselves in their home, or leaving their home and neighbourhood to stay with friends and family elsewhere if that was an option. Those choices were most acute for those facing the greatest vulnerability or heightened risk of abuse, including people with disabilities, people dealing with mental health challenges, the elderly, and women, racialized, and 2SLGBTQIA+ individuals.

Not only did residents feel abandoned, they found it difficult if not impossible to obtain reliable official information providing updates about the constantly evolving security situation, so that they could make informed decisions about whether and where it was safe to go out, and what to expect next. Even business owners and staff with the Business Improvement Areas that support them were unable to obtain accurate, meaningful and current information from officials, to help them make appropriate decisions about whether to remain open and how best to ensure the safety of customers and employees.

Instead, residents and business owners had to piece together their own information through media reports, social media channels, informal community networks, and word of mouth. Many people were left feeling uninformed about what was happening, adding to the anxiety and confusion they were experiencing.

Over the weeks of the occupation residents and businesses had to contend with incessant blaring of truck horns at harmful decibel levels, noxious diesel fumes from idling truck engines, verbal and physical taunts and assaults for wearing masks in public settings, racist, homophobic, transphobic and misogynist threats and insults, and exposure to flags, banners and signs with hateful, antisemitic and racist symbols, including swastikas and Confederate flags, and obscene messages such as F__ Trudeau. They lived in fear about the dangers posed by propane tanks in close proximity to open fires, barbecues and fireworks, and the uncertainty of knowing whether firearms or other weapons were hidden in any of the trucks.

The disruption to people's lives was extensive. Vital support agencies working with vulnerable groups, including people with disabilities, the elderly, and street-involved populations, suspended or scaled back their operations. Churches and other religious institutions assisting homeless populations suspended or scaled back programs because of concerns about the safety of their clients, volunteers and staff.

A significant number of grocery stores, pharmacies and other businesses offering essential services closed. That had implications for people's ability to get food and renew prescriptions. Deliveries were also cancelled and curtailed, which had serious implications, for example, for people depending on home delivery of oxygen supplies. Many people had to cancel medical and other crucial appointments, either because offices were shut or it was impossible or too frightening and intimidating to travel to the appointment. More widely, a substantial number of restaurants, shops and other businesses had to close due to the combined impact of access to their premises being blocked and concerns about public safety.

Many residents in the area have been working from home or are university and college students attending online courses during the COVID-19 pandemic. They found it virtually impossible to take part in online meetings and classes, particularly given the noise from the horns.

There was an alarming impact on the mental health of residents throughout central Ottawa. People experienced dramatically heightened levels of anxiety and depression, particularly from the combined impact of being trapped in their home, the incessant noise, a menacing and dangerous atmosphere on the streets around them, and feeling abandoned by authorities. All of that built on existing mental health challenges arising from COVID-related public health restrictions and social isolation over the previous two years. Many people had thoughts of and even attempted suicide.

The occupation had serious implications for the safety and well-being of children and young people. Convoy participants demonstrated in front of a daycare. Nazi flags were seen on display near schools. Some schools had to close because of safety concerns. The exhaust from trucks parked very close to the windows of one school gave rise to serious health concerns for students and teachers inside. And a truck laden with fuel and combustible materials parked adjacent to a high school constituted an even greater threat.

The impact extended as well to the health and well-being of people's pets, for whom the noise and the inability to go outside became a source of disorientation and stress. That was cruel and harmful for the pets, and also a source of considerable anguish for their owners, often adding to mental health challenges.

All of this, yet residents describe being repeatedly gaslighted about their experiences. Numerous public officials, including senior police officers, frequently referred to the protests as being peaceful or mainly peaceful. There were many comments in social media and elsewhere suggesting that anyone who chooses

to live in downtown Ottawa should expect and be ready to cope with the disruption of protests in the nation's capital.

Convoy organizers insisted it was unfair to blame them and other protesters for any "unauthorized" racist or hateful flags or banners displayed at the protests. They instead described the protests as being overwhelmingly positive and marked by a spirit of celebration and unity. To the extent that organizers recognized some detrimental impact on downtown residents they insisted the blame lay not with them but with the federal government for having imposed vaccine mandates and refusing to meet with protest leaders.

Other Freedom Convoy blockades and protests followed in other parts of the country, particularly at Canada/US border crossings. That included blocking the Ambassador Bridge, linking Windsor, Ontario and Detroit, Michigan, between February 7 – 13, and the border crossing between Coutts, Alberta and Sweetgrass, Montana between January 29 – February 15.

As it became clear that the police, particularly Ottawa's municipal police, were unprepared and unable to respond to the magnitude of the threats associated with the convoy and as concerns mounted about the economic consequences of blocked border crossings, Prime Minister Justin Trudeau took the extraordinary step of invoking the federal Emergencies Act on February 14. It was the first time that legislation had been used since its adoption in 1988.

A mass policing operation, involving the RCMP, Ontario Provincial Police, the Ottawa Police Service, and other police forces, began concerted enforcement action on February 17 and by the evening of February 19 protesters had been largely dispersed in downtown Ottawa. On February 21, the House of Commons approved the government's earlier decision to invoke the Emergencies Act. The Act was subsequently lifted by the Prime Minister at 5 pm on February 23.

ESTABLISHMENT AND MANDATE OF THE OTTAWA PEOPLE'S COMMISSION

The Ottawa People's Commission on the Convoy Occupation (OPC) was launched in June 2022, motivated by a widely felt need for healing and accountability in the aftermath of the convoy occupation. As community members came together, it became clear that there was still extensive trauma, stemming from the harms people had experienced and their feeling of having been abandoned. There was also frustration that official reviews launched by governments did not offer a space for community members to share their experience and provided little opportunity to hold governments to account for their failure to protect the rights of residents, workers and business owners.

OPC has operated as a program of the Centretown Community Health Centre (CCHC), which has worked with local residents to bring this vision of a People's Commission to life.

The OPC's mandate is to provide local residents with a venue to share their personal experiences of the convoy's impact on their lives and livelihoods and to offer recommendations as to steps that would avoid or minimize the risk of a similar ordeal in the future.

The OPC does not officially oppose or support the Freedom Convoy itself. As such, Commissioners made it clear to people making presentations that there would be no debate about vaccine science and mandates, or about masking and other public health protocols. The Commission required individuals providing information to be members of the Ottawa/Gatineau community who were impacted by the convoy occupation, and asked that they focus on that community impact in their presentations and submissions.

The OPC's four Commissioners, Leilani Farha, Monia Mazigh, Alex Neve and Debbie Owusu-Aykeeah, began to hold public sessions in September,

continuing through to mid-December. Over the course of 14 hearings and eight community meetings, held both online and in person, they have heard from and engaged with over 200 people, including more than 75 written submissions. Most sessions were open to the public. While the overwhelming majority of individuals who provided testimony, commentary and submissions described the convoy's harmful impact, a number of people also spoke of ways that they felt that impact had been positive and beneficial to them.

The OPC differs from other bodies established to review the response to the convoy, including the Public Order Emergency Commission (the Rouleau Inquiry), Parliament's Special Joint Committee on the Declaration of Emergency, and the Convoy Protest Audits being carried out by the Office of the Auditor General of the City of Ottawa. Those reviews are all underway pursuant to legislation, namely the Emergencies Act itself, or motions passed by Ottawa's City Council and Police Services Board.

Unlike those official processes, the OPC cannot oblige governments to respond to its findings and recommendations. It does not have the legal authority, powers or resources available to those bodies, such as the power to issue subpoenas and compel the disclosure of documents.

Yet given the OPC is a community-generated initiative, offering an analysis of the impact of both the convoy and the response of police and government to the harms arising from the convoy from the unique perspective of the city's residents and business-owners who lived through that experience, it is our expectation that governments will review this report closely and give serious consideration to the recommendations it contains.

THE FAILURE TO TAKE A HUMAN RIGHTS APPROACH

Unlike the Rouleau Inquiry, Parliamentary Committee and Auditor General, the OPC has not examined how operational decisions were made about police deployment, decision-making processes in place municipally, provincially and federally, or the funding and organization of the convoy. We do not have the powers, mandate or resources to do so. We also do not take a position on whether or not it was appropriate and justified to resort to the Emergencies Act, although we note that many residents described to us the relief they felt when that step was taken.

The OPC has remained focused on the people of Ottawa's experience of the convoy and its impact on their daily lives. In doing so, the OPC has used a human rights framework which upholds the importance of the right to peaceful protest while also recognizing that a wide range of human rights of residents, workers and business owners in Ottawa and Gatineau were at stake during the convoy occupation.

We have concluded that there was a wholesale failure on the part of all three orders of government to respond to the convoy in a manner that recognized their responsibilities to uphold the human rights of people living and working in the impacted communities. We acknowledge and strongly affirm the importance of respecting rights related to protest, in particular the freedoms of expression and peaceful assembly. But there are recognized limits on those rights, notably when it comes to public safety and respecting the rights of other people, particularly the safety and rights of the most vulnerable members of the community.

Significantly, protest rights, crucial as they are, do not stand apart from or override the rights of people living and working in the area impacted by protest. The essential right to equality and non-discrimination of community members, and other rights such as those related to housing, health, food, livelihood, education and security of the person, must be respected at

all times, whether a protest is underway or not and regardless of how disruptive a protest may be.

That is where we have seen a colossal abdication on the part of the municipal, provincial and federal governments. It is starkly evident that none of those governments have developed an overarching human rights framework to guide decisions about programs and services for residents of downtown Ottawa, nor do they conduct a regular assessment to identify and understand the human rights needs of the diverse communities who call central Ottawa home.

Without a solid human rights approach in place, it is therefore not surprising that when faced with a crisis situation like the convoy occupation, human rights considerations did not figure prominently, if at all, in the response from governments or police. That lies at the heart of the feeling of abandonment poignantly described by so many residents.

This report is organized around the themes of occupation, violence, abandonment and community mobilization. Those themes correspond to human rights obligations, guaranteed in international law, the Charter of Rights and Freedoms, and federal and provincial human rights laws.

In Canada, the responsibility to uphold those rights is shared by all orders of government. However, the mechanisms for ensuring meaningful and well-coordinated human rights implementation among those governments have long been ineffective. The response to the convoy occupation has starkly demonstrated that to be the case, as there was little evidence of collaborative action by the municipal, provincial and federal governments, even in the midst of a crisis, to ensure the rights of Ottawa residents were being upheld. The complexities of federalism and jurisdictional jealousies or disagreements among governments can never be an excuse for failing to uphold human rights. But far too often, including during the convoy occupation, that has been the case.

The OPC is presenting its final report in two parts. This first part is primarily a reflection of what we have heard during the course of our hearings, community consultations and meetings, and through written submissions. As such Part I of our report very importantly and appropriately is primarily in the words of the people who shared their experiences and insights with us². Part II, which we expect to release in late March, 2023 will offer fuller analysis and propose relevant recommendations.

² OPC has verified the identities of all those who are quoted. To protect their privacy, some have chosen to use only first names or remain anonymous.

What we heard

IT WAS AN OCCUPATION

Many terms have been used to describe what played out on the streets of downtown Ottawa, starting at the end of January and continuing through much of February 2022.

- Organizers and participants who came to the city from all parts of the country talked enthusiastically about the Freedom Convoy or more generally a truckers' convoy. They describe it as a festive gathering along the lines of the annual Canada Day celebrations on Parliament Hill.
- The police, other authorities and the media often spoke of those taking part as protesters involved in a demonstration, sometimes specifying it to be an anti-vaccine protest, other times describing it as a wide-ranging protest against a variety of government measures, including but extending beyond public health measures associated with COVID. Some of those descriptions insisted, incredibly, that it was a peaceful or mainly peaceful protest.
- A number of commentators have questioned whether it was tantamount to sedition, particularly in reference to the manifesto released by some convoy organizers calling for the Trudeau government to be replaced by some sort of amalgam of the Governor General, the Senate, opposition parties and convoy leaders.

The testimony we have heard and submissions we have read makes it clear that for the residents of Ottawa this was much more than a benign convoy, and was very different from a peaceful or even legitimately provocative and disruptive protest or demonstration. Consistently people describe what they went through as an occupation, and that they felt invaded and under siege.

People felt occupied in that their communities were taken over by force and without their agreement, both physically by way of blocking streets with large trucks and other vehicles, and by accosting people for wearing masks, as well as psychologically through such methods as blaring horns and displaying symbols and messages of hate, racism and discrimination.

It became clear to residents that the occupying individuals and groups, some of whom had installed themselves directly in front of homes or businesses, or were blocking access to their driveways or parking facilities, were intent on shutting down mobility and access in downtown neighbourhoods, making it impossible for people to live their normal, daily lives. People felt trapped and imprisoned in their homes, fearful to go out on the streets.

A large number of businesses, including the entire Rideau Centre, were forced to close for much of or even the duration of the occupation, because access to their premises was blocked, supplies could not be delivered or it was unsafe for customers and staff.

And significantly, it quickly became clear to residents that the convoy was not leaving. This was not a normal demonstration on Parliament Hill which disperses at the end of a long day of protest. People had come to stay – 24 hours per day, week after week, sleeping in their trucks, and often bringing their entire family with them – seemingly ready to remain for as long as it would take to satisfy their demands. In this sense residents felt as if they were pawns, being held hostage by an occupying force.

Occupation is admittedly a loaded and highly-charged term. But the People's Commission considers it to be an apt and accurate description of what people endured.

The ordinary dictionary meaning of an occupation is the "act of moving into a country, town, etc. and taking control of it using military force." What we heard from people were indeed numerous descriptions of a force moving into downtown Ottawa and taking control of the area.

The convoy was obviously not a military force in the sense of being part of a country's armed forces and it was not constituted with enlisted soldiers and recruits under a military command structure. Yet with time it became clear to many people that there was a quasi-militarized structure behind how the convoy was organized, and how its participants were being supplied from staging areas. Residents witnessed that firsthand and described to us how, for instance, the efficiently organized process of distributing fuel, seemed similar to what would be expected in maintaining supply lines for a military force. People also repeatedly talked of their fear that convoy participants could at any time exert dangerous and even lethal force, be it using the trucks as weapons, the risk of propane explosions or the fear that there might have been firearms in some of the trucks.

Under international law, in military terms an occupation describes a situation when territory is taken over and essentially comes under the authority

of a foreign power. There is clear recognition that this is a situation ripe for abuse and exploitation, so much so that international treaties, particularly the Fourth Geneva Convention of 1949, have been agreed to by states, including Canada, to deal with the many human rights and safety concerns that arise during an occupation. That is not to suggest in any way that this was equivalent to a military occupation or was governed by international humanitarian law; but some of the underlying parallels are certainly there.

In Canada, to talk of occupation resonates powerfully and directly with the situation faced by Indigenous peoples, whose lands and territories have indeed been taken over and come under the authority of an external force, particularly the large parts of the country, including Ottawa, which have never been ceded or surrendered by First Nations, Inuit or Métis people through a treaty.

As such it is important to understand what happened in Ottawa as effectively being the occupation of already occupied lands. The affront and distress of such an experience, therefore, carries double the harm for Indigenous peoples in the city and surrounding territories. We heard from Indigenous elders, activists and community organizations about how troubling that was. Local and regional Indigenous leaders and elders were not consulted by convoy organizers or participants, nor was their traditional welcome sought. Protocols around Indigenous ceremonies were not respected or followed, and Indigenous banners and messages, such as the powerful "Every Child Matters" mantra, were co-opted and misused.

Downtown Ottawa was indeed occupied by the convoy. Residents describe the nature and impact of that occupation in very powerful and personal ways.

A video compilation of testimonies OPC heard is available [here](#).

"This was not a protest anymore, it was just saying we can do this and there is not a darn thing you can do about it so live with it."

— Sue

"I felt trapped in my own apartment, felt threatened by the occupiers using the parking lot directly facing my building as a mustering point, and had ongoing headaches, likely due to the noise and fumes."

— Anonymous

"If those truckers had been Black or Indigenous, they would have been cleared out."

— Sarah

"I took it upon myself to walk up Kent Street every morning to get the lay of the land. What I saw there was a neighbourhood living in fear."

— Allan

"It is an occupation. And the occupiers are domestic terrorists. But because they are Angry White Men, they are allowed to have the run of our city, immune to the laws and policing that is always so judiciously (and often viciously) doled out on more vulnerable members of our community – Indigenous folks, Black Canadians, queer folks, women, immigrants, the unhoused, the unwell, the downtrodden. This failure to hold these angry white men accountable for their violence and hatred has starkly revealed the rot that quietly underpins so many of our government and policing institutions. This is a devastating failure of justice which will have ripple effects across the entire country, and the fabric of our democracy."

— Amy

"These protestors claimed to defend the freedom of all people, yet brazenly ignored the voices of others. What about my freedom to enjoy life in my community? What about my freedom to walk down a street in my own neighbourhood unharmed? What about my freedom to sleep at night, concentrate on work, or breathe the air outside? What about my freedom to simply exist without encountering violence and hate?"

— Anonymous

"No protesters have the right to shut down the livelihood and threaten the residents so that they become prisoners in their own homes. The blaring of truck horns traumatized families and seniors that lived in the downtown core. This three-week threat will have long lasting trauma on those residents and their children for years to come. The convoy protesters have no right to do this amount of destruction. This should have never been allowed to get out of hand."

— Diane

"They took away all of our freedoms to enjoy the city, to enjoy our local communities and to support local businesses."

— Amanda

"Over the next few weeks, they established a presence that they described as peaceful and lawful. They were entitled to rights that we do not have as Indigenous people. They were allowed to set up on public streets, close public streets, have their children in unsafe environments (there are many Indigenous children in much safer environments that have been apprehended by child welfare), make persistent and unexpected noise that is outside of the acceptable noise by-laws for the City (which is a form of psychological torture); have firework displays without a permit, have parties all night (again outside of the by-laws), build and set up apparatuses (hot tub, food canteen, open fires, bouncy castle) without a permit, and without them being dismantled by City officials."

— Ottawa Aboriginal Coalition

"I will never be able to look at the Canadian flag the same. Whether people are flying it or wearing it, now, for me, it's a symbol of the occupation. I find myself watchful, looking over my shoulder, fearful in a way I was never before."

— Christine

"To me, this was not a protest but an occupation. I was negatively affected by the event itself, the rhetoric surrounding it, and by the lack of response to it. I also felt that some exercises in soliciting "balanced" opinions, such as the City audit of the event, were a further way to minimize the impact of people who live downtown, and legitimize the lack of response from the City and province by trying to show that different people experienced the event differently and all opinions on it should be evenly considered. ... I had no choice but to be impacted, as this is where I live. The experience of a participant in this event and someone who had to live through it cannot be treated equally, as they do not impact in the same way."

– Lisa

"I really call them weapons, those trucks. I've been quite direct in saying that."

– Mathieu Fleury

"People could not move freely in the city. Many people couldn't go to the Good Companions Senior's Centre because of blockades, and couldn't socialize with their usual circle."

– Jessica

"Closer to my own office and home, the occupation took the form of angry-looking men in pickup trucks racing around with Canadian flags attached to the back, ISIS-style. For most, this not-unlawful activity probably seemed merely harmless, pointless, and maybe a little idiotic. For me, and I suspect many others, it had a darker character. Those whose property was vandalized for displaying rainbow flags, for example, will know what I mean. Trauma on those residents and their children for years to come. The convoy protesters have no right to do this amount of destruction. This should have never been allowed to get out of hand."

– Allan

"The convoy occupation was anything but a love fest. Our local businesses had to close and residents feared venturing out as they normally would and going about their regular daily activities. We were all impacted by their presence in one way or another. Everyone has been struggling in their own way after COVID came. The last thing the businesses and residents of downtown Ottawa needed was to be dealt another heavy blow from a group of irate and volatile convoy people."

– Stephanie

"I noticed how organized and well-funded the protest was. Every morning at the corner of Kent and Nepean, I witnessed a gathering of 40-50 or so protesters, listening to a man wielding a clipboard. He was doling out the information like 'get your laundry here by 11 AM every morning so it could be done the next day,' 'fuel will be delivered at this time so you need to let us know,' 'please avoid engaging in debates over the rally to avoid any negative news.' This information was delivered like a military briefing."

– Cliff

"On weekends, the convoy vehicles were so tightly squeezed together on Kent at Somerset that there was no way emergency vehicles would have been able to get through, if residents required them. This created unacceptable (additional) navigational challenges for our City's emergency services. Completely unsafe."

– Stephanie

"As a service provider and understandably working with people, we could hear the horns non-stop as we were continuing to try to provide counseling, listening to the concerns of clients who were coming in to get very much needed health care. We heard from clients who lived in the area about the stress of not being able to sleep or work from home because of the incessant noise and odours from the diesel from all the vehicles. And I had staff calling me asking for help, asking to escalate reports to Ottawa Police Services because clients have called to file complaints and report about incidents that had happened to them on the streets and were not getting any calls back from OPS to respond to the many incidents of harassment, violence, and defacement of their buildings." impact in the same way."

– Michelle Hurtubise

"There is a schizophrenic man who went up and down my block once or twice a day. He also frequently slept in that parking lot across the street. I have not heard or seen him since the convoy. This gentleman did not suddenly decide to enter a shelter so I really question – my block was his home so where is he now? And why was he driven out of his home?"

– Pat

"The police stood idly by and did nothing, so the first night I went out to protest alone on the Hill. A group of police officers came up to me and said, quote 'we know you're up here trying to speak your mind against all this, but if you stay here any longer, we can't guarantee your safety.' I told him that I had the right to be there and that I would not be moving away. They casually stood at the corner watching everything happen, and in some cases took photos with the convoy protesters. This blew my mind. This made me feel alone, and reinforced the general community sentiments of residents that OPS had completely lost control of the situation and could no longer properly enforce the law."

— Mat

What we heard

IT WAS VIOLENT

The right to peaceful protest lies at the very heart of a vibrant democracy. It stems from such essential rights as the freedoms of expression, opinion, peaceful assembly and association, all of which are guaranteed under the Charter of Rights and are enshrined in the Universal Declaration of Human Rights and other international human rights instruments binding on Canada.

Downtown Ottawa is no stranger to protest. It comes with being the national capital and thus home to Parliament, the Prime Minister's Office, the offices of MPs and Senators, government departments and numerous embassies. Any and all of these locations may serve as the site for protest, such as the expansive lawn in front of Parliament where recent protests have focused on Indigenous rights, racism and the environment, or the target for protest, such as protests at the US Embassy in opposition to former President Trump's "Muslim Travel Ban", the Russian Embassy with respect to Ukraine, or the Chinese Embassy regarding that country's treatment of Uyghurs. Protests in Ottawa may also, as is the case with any large city, focus on such local concerns as policing, racism, and homelessness. City Hall and the headquarters of the Ottawa Police Service, both centrally located, are a frequent site of protest. Also centrally located, beside City Hall, is the Canadian Tribute to Human Rights, known as the Human Rights Monument, where demonstrations and vigils are often held

and where protest marches frequently begin or end. Demonstrations may draw a handful of protesters, or many thousands may turn out. They may last for less than one hour, a full day or extend over several days. They may be held in one location or move from one place to another. They may have sought necessary permits in advance or may go ahead without authorization from relevant officials. They may have little impact on people living, working and passing through downtown Ottawa, or may be disruptive, including when streets are closed or intersections blocked to traffic.

And very significantly, protests may deal with issues that are controversial and contentious, and may involve the expression of unpopular or upsetting views. Over and over again, we heard from local residents that they are ardent champions of the right to protest and frequently organize or take part in protests themselves. They recognize and are even proud of the fact that so many protests take place in downtown Ottawa, in their neighbourhoods.

They emphasized however that the right extends to peaceful protest. It may be loud, edgy, confrontational, provocative and disruptive. It may or may not have official authorization. But ultimately, it must be peaceful. That is precisely what is protected and upheld under the Charter and international human rights standards. Many people stressed how upsetting it was for them to hear police and other public officials commend convoy participants for not resorting to violence and

describe the protests as largely, generally or mainly peaceful. They asked how safe it could be for individual residents when armed police did not believe they were safe to intervene except in overwhelming numbers.

They were also deeply hurt by reporting that focused on the supposed fun side of the convoy, such as bouncy castles, hot tubs and music; or descriptions of the unity and diversity of the participants.

Overwhelmingly, the community's experience of the convoy was anything but peaceful. We heard instead, extensive descriptions of violence. Physical and psychological violence that was pervasive, harmful and frightening. Acts of violence and threats of violence. Violence that many described as terrorizing and traumatizing.

In these accounts we have heard of people being violently assaulted and accosted on the street, including people with disabilities and in wheelchairs. We have heard of violent incidents associated with COVID-19 mask requirements, such as aggressive threats and angry slurs against people wearing masks, forcefully ripping masks from people's faces, and numerous heated exchanges when convoy participants were asked to wear masks in stores, coffee shops and other establishments. We have heard of the ugly and insidious violence of misogyny, homophobia, transphobia, anti-Black, anti-Asian and anti-Indigenous racism, antisemitism, Islamophobia, slurs against people with autism and disabilities, and other discrimination and hate. This hate was often expressed in flags, banners and posters displayed by convoy participants, including Nazi and Confederate flags. Or it was expressed through the violence of hatefully defacing residents' and small businesses' property, such as pride flags and posters. We have heard of rampant violence through hateful messages and doxing on social media. We have heard of residents being followed unreasonably closely by trucks or by people walking behind them, in a manner meant to intimidate them. And we have heard of angry and violent confrontations against journalists.

We heard also of how violent the main tactic of the convoy – bringing large trucks and other vehicles into the downtown core – was for residents. We heard several accounts of trucks accelerating and rushing towards residents as they crossed a street, in what appeared to be acts of violent intimidation. The constant blaring of horns, for hours on end, at decibel levels that cause excruciating pain and may lead to tinnitus and loss of hearing, was experienced as violence. The effect of diesel fumes from trucks left running in residential areas was similarly experienced as violence, particularly for people with asthma and other respiratory problems.

The constant threat of explosion posed by the combination of propane tanks, jerrycans of fuel, large trucks, open fires, barbecues and fireworks in enclosed spaces, was experienced as violence. The uncertainty as to whether convoy participants had guns in their vehicles was experienced as violence. And the menacing possibility that large trucks and other vehicles could at any time be used as weapons, was experienced as violence.

This was not just inconvenient and upsetting for people. For many people the impact of this violence had serious mental health consequences. The OPC heard numerous accounts from people who experienced mental health crises during the convoy, including anxiety and depression, which for some people led to thoughts or even attempts of suicide.

People were so concerned about the violence that they had to take extraordinary steps to stay safe. Journalists covering the convoy hired security guards for protection while they were doing their job; something that seasoned reporters told us they have never before had to do in Canada. Condominium buildings hired security firms to patrol their lobbies and parking areas. Community walks were set up to accompany vulnerable individuals. Many people who had the option to leave downtown Ottawa and stay with family and friends outside or in other parts of the city did so. Most people, however, had no choice other than to remain and many described to the OPC that they became virtual prisoners in their homes, too fearful to go outside.

While this happened one year ago, the impact of the violence continues. Numerous people described to the OPC that they continue to suffer hearing and respiratory problems associated with the convoy. Many people made it clear that they are still fearful, easily triggered by the sound of a horn, or seeing a Canadian flag on a passing truck. That has certainly been the case when protests associated with the convoy have returned, such as Rolling Thunder in May, or been rumoured to return, as was the case with Canada Day or talk of a Convoy 2.0 follow-up protest to mark the first anniversary.

In the Commission's view, none of this is a community's normal experience of or response to a peaceful protest. This is a community's experience of and response to violence – violence rooted in extremism and hate. And those at greatest risk of this violence, therefore, were the most vulnerable members of the community.

For more privileged members of the community, it was perhaps the first time they had ever felt unsafe in their own neighbourhood. But for others, this was not their first experience of violence, hate, racism and other human rights abuses. In fact, many individuals living in central Ottawa experience such human rights harms on an ongoing basis as they navigate an environment filled with threats, often from police as much as fellow residents. Given that reality, the intensified and inescapable climate of violence they faced during the convoy occupation was all the more traumatizing.

A video compilation of testimonies OPC heard is available [here](#).

“The intimidation for wearing a mask while outdoors was non-stop.”

— Pat

“A truck is a means of moving from one destination to another and during the convoy, the trucks were a nuisance, blocking the downtown turning our scenic capital into an eyesore but it was more than that. Trucks can be used for transporting objects. Trucks are heavy. Here’s the thing that for me separated the convoy from peaceful acts of civil disobedience. During the occupation, I never knew what was in those trucks. We didn’t know at the time how it was going to end. Were there materials in those trucks that could hurt somebody?”

— Andrea

“During the course of the occupation, the participation of protesters carrying symbols of hate like the swastika, the Confederate flag, and those carrying anti-LGBTQ and anti-trans messaging without any actions by protest leaders or protest participants to remove these elements said to me and many others that this was a protest that accepted and promoted hate.”

— Fareed

“The convoyers and their supporters were drunk and drinking in the streets, cooking on open fires. Fireworks going off on Rideau Street, fuel containers all over the streets. The streets completely blocked by trucks including laneways. The constant noise was exhausting and nerve racking. It was lawless.”

— Evelyn

"Many people in the building missed medical appointments. Para Transpo couldn't come."

– Anastasia

"I went to the corner store and this lady holding a sign went behind me and started pushing me in my wheelchair towards the intersection."

– Troy

"The most permanent, personally damaging thing for me was that they had decorated their new home with signs everywhere comparing themselves to the Holocaust and its victims. Paper stars of David and fabric ones attached to clothes were littered everywhere. Seeing them compare themselves to my grandfather and our family just infuriated me."

– Portia

"I was operated on and my friends brought me back on the 29th, up Nicholas, went to turn left on Laurier and the streets were closed. I walked six blocks afterwards. While I was on the bridge, I also had protesters coming at me because I was wearing masks."

– Pierre

"The second I set foot in Confederation park, three men literally jumped up in front of me. One of them immediately grabbed my arm because I was taking pictures of the campervans that obviously they were associated with. These three people grabbed me by the arm. They physically lifted me, pushed me, and I spoke to them the entire time. I spoke to them as evenly as I could manage to have a bit of a conversation with them but I was wearing a mask and that ultimately triggered them. They asked me why I was wearing a mask and then started yelling epithets at me and wondering why I was supporting Trudeau, that I had been brainwashed and that I should get out and not come back. Meanwhile, all of this had been observed by four police officers in a cruiser and a National Capital commission constable, and none of them made any motion to come and provide assistance; they did not leave their vehicles. I was obviously fully adrenalized at that point and asking them why it was that they [police] were just sitting watching when a citizen was being accosted in a public park. Why were they just watching? They made it very clear actually that they were under very clear orders to simply observe."

– Tim

"If I walk too close to a fuel tank, my oxygen could become an accelerant, possibly leading to an explosion. There was danger from matches, barbecues, stoves, space heaters, candles, etc, to say nothing of smoking. There's danger from pumps, engines, fires and pressures. I could be killed through these explosions. Clearly the streets of Ottawa were a danger for me during the occupation so I was imprisoned for the duration, at home. And home was not safe. Exhaust and diesel fumes belched up into my apartment. My home became dangerous for my breathing along with a nauseating smell of burning rubber along with the incessant blaring of air horns. It affected all aspects of living: sleeping, eating, reading, working, hearing, thinking, conversation... only fear thrived."

— Audrey

"I have been called a c*nt while walking to the compost bin beside my building. I have been spat at while walking down the street. I have suffered multiple panic attacks after weeks of horns blaring their hate and violence into my home day and night. I am completely undone: socially, psychologically, professionally, personally. I can't accomplish many basic life tasks."

— Amy

"On the second day of the convoy, I was awoken by the sounds of a truck down the street from my building. The truck was repeatedly honking at 7 AM directly in front of a daycare. I work as an emergency call centre operator and I was coming off the overnight shift. The truck was causing me to be unable to sleep but unfortunately I couldn't call in sick due to the current labour shortages. I was petrified the entire night that I would make a mistake due to sleep deprivation."

— Mathew

"The constant cacophony of horns, percussive sounds, loud idling of engines just below our building, and the occasional, unexpected explosion of fireworks took their toll on our calm and our well-being; not to mention the presence of individuals in our immediate vicinity, who were pumped up to challenge, bully and gang up on anyone supporting the public health measures. The haphazard transportation of flammable products in the street below our building to refuel the illegally parked vehicles was also a source of stress and anguish."

— Paul

"On my way to Bank Street, three protestors stopped me on the sidewalk and requested that I "do the dragon dance". I did not comply, prompting them to verbally issue me the options of either dancing or being beaten. When I tried to force myself past, I instead had to endure an assault that included blunt objects (I think one was a bat and one might have been a pipe) to a background of honks and cheers from bystanders. While I wish I could say I walked away unscathed, this would be a lie. I had visible bruising on my face, arm, and side, that took a week to heal. In the aftermath of the incident, I submitted a police report to the Ottawa Police Service in early March, which was later rejected. I have not had the mental or emotional strength to follow up on this."

– Justin

"Throughout the occupation, I could not shop at my supermarkets as they [protesters] were gathered around the entrances and blocking people going in with masks."

– Gaye

"My 89-year-old father was at the General Hospital ER and I couldn't get out of my parking garage to get to him because it was blocked with trucks."

– Anonymous

"Staff and parents were harassed and were honked at by truckers when they were walking their children to childcare. This impacted parents' ability to go to work and school. There were preschoolers in tears and one asked, 'why are the people who hate us still here?'. After they left, this same one asked, 'are they going to come back?'"

– Ottawa Aboriginal Coalition

"The STORM (Street Team OutReach Mobile) van and the food van could not get downtown to deliver food, medical supports, and personal hygiene products to community members who are living on the street or working on the street. Minwaashin Lodge staff being harassed by white men was triggering and reminded them that it is not safe to be an Indigenous woman."

– Ottawa Aboriginal Coalition

"I've had back surgery and sometimes rely on grocery delivery which was not possible during the occupation. Many seniors and wheelchair-bound residents of the building felt trapped as well. Complaining was futile as the police did nothing!"

– Anonymous

"As a female small business owner in Centretown, I was afraid to go to my office during the occupation. I heard many stories of my friends and colleagues who live downtown as to the harassment and intimidation they were experiencing, especially young women, BIPOC persons, and our LGBTQ+ community members."

— Lisa

"The most significant impact was a 60 per cent decline in people coming into Wabano to get their vaccines due to cancellations. They were afraid to come downtown."

— Ottawa Aboriginal Coalition

"Residents also had to endure the stench of diesel fumes mingled with the odour of fecal matter and roast pig. Some parking lots were used as open air toilets. Other areas outside of the downtown core were used as gathering places for drinking and honking at all hours (e.g. Lansdowne)."

— Anonymous

"Every time I left my apartment, I was confronted and either told to remove my mask as it was not needed anymore, as the mask mandate was no longer in effect since the convoy had arrived to save us, or to take it off as it was useless. Whenever an individual would approach me, whatever protesters were in earshot would quickly come and tell me to remove my mask. I felt swarmed at every instance. In one instance, as a man was telling me to take it off, he was reaching for my face to remove it himself. That was the last time that I left my apartment on foot until the protest was ended."

— Evelyn

"They also had signs stating that vaccines caused autism, comparing COVID to the flu and asking people if they would rather an autistic child or a 'retarded' one. They insulted me and every other autistic person by saying that they would rather have a dead child than one like me. They perpetrated the belief that vaccines cause autism and that it was better to be dead than to be disabled, and said it was better that I be dead than to be disabled."

— Portia

"The constant noise, smoke, and often frightening horn blasts wreaked havoc on a population that is greatly impacted by mental illness. I understand that the people with better financial situations suffered under this occupation, and I by no means mean to disrespect the plight that they suffered, but the disadvantaged have no options for escape, none. They had no other place to go."

– Cliff

"Big rigs parked on Queen Elizabeth Dr. were kept running 24-7, right beside homes where children lived. Diesel fumes filled the air, various liquids dripped from the rigs on the road, honking occurred, garbage was left."

– Christine

"The protests and occupation severely affected Knox Church's weekly take-out meal distribution for our neighbours in need on the Saturdays of January 29, February 5, 12 and 19. Approximately one third of our guests did not show up, we presume due to anxiety and fear about the protests."

– Jim

"Outsiders were watched, weighted and often singled out. I was chased down Lyon Street by three large men spewing obscenities at me about masks. This happened because I was alone."

– Allan

"My brother's best friend, who lives in Hintonburg, took down her Trans flag. Pick-up trucks with regalia had been circling her block all weekend and she didn't want to draw attention to herself."

– Anonymous

"I had three cancer operations in three weeks during the convoy occupation. My daughter helped me go to the grocery store because my prepared meals had run out. We had to walk the gauntlet of protesters jeering at us, totally disregarding our rights as citizens just because we were walking with masks."

– Pierre

"The use of the Every Child Matters imagery and posters was distressing and confusing for many people. The attempt to link this anti-government occupation with the discovery of the unmarked graves of Indigenous children was disgusting."

– Ottawa Aboriginal Coalition

"Having seen social media posts of Ottawa Police members fist bumping, high-fiving, speaking fairly highly of and providing supplies to convoy participants, it was my assessment that if there was an incident, convoy participants would not be the ones to experience police violence. It would be the most marginalized members of our community."

— Ro

"After February 2nd, we fled the city. We paid out of pocket to rent rooms elsewhere. Even though we were gone, my feeling of "fight or flight" was in full effect. I was still on high alert for violent confrontations everywhere we went. It took months for this feeling to fade away."

— Anonymous

"It was very apparent that we're an Islamic Care Centre and they smashed our window."

— Abdulrahman

"The sound was non-stop. You can feel it in your chest with the transport trucks. It's like a shock through your whole nervous system and it was non-stop."

— Rachel

"I had a convoyer dox me and put my information on the internet because I was putting info out for people to see what was really going on and they wanted to silence that. That's when the threats and doxxing started. People were telling me they were parking their trucks outside my house, and waiting for me to walk my dog outside."

— Anonymous

"I felt unable to walk safely on my neighbourhood streets. I do not have a car and must shop at my neighbourhood stores. The invaders, I will not justify their presence by calling them demonstrators, were in the shops, unmasked at a time when we were asked to be masked, loudly harassing shoppers who wore masks. Management when approached said they were helpless to do anything as police were not responding to their calls. The air was full of diesel fumes and the persistent honking of horns was maddening."

— Judy

"I wear a mask for my own health reasons and moreover, I'm a secondary caregiver to my 85-year-old mom who has Alzheimer's so I wear a mask to protect myself and others. I was personally harassed by convoy supporters in the neighbourhood who followed me and screamed and yelled at me for wearing a mask, moving close up to my face. Then they started to videotape my angry reaction to the harassment. They taunted me and told me they would post my reaction on Facebook and dox me."

— Dawn

"I ran into one just now, my entire body seized up from fear and anger and I almost blacked out! That is just one line from text messages that were going back and forth between friends and neighbours in Overbrook who are experiencing the terror and fear of being invaded and occupied by this far-right so-called Freedom Convoy."

— Anonymous

"I was spat at on January 29th. Someone tossed a frozen full beer can at me as I was reporting."

— Evan Solomon

"I live on Parkdale Avenue which is adjacent to an on-and-off ramp. I'm an intensive care nurse who has worked and seen the worst of COVID and other critical care patients. Parkdale Avenue has a lot of health care workers that live in that area and during the initial phase of the occupation, trucks of all sizes were racing down Parkdale, honking their horns the entire first weekend. They were driving on sidewalks, with no regard for the people that lived in that area or their safety. I only work night shifts and I was working that weekend and I got absolutely zero sleep going into work with those incessant horns. It's not so much about me. The patients that I cared for got a nurse that was exhausted. Calling in sick was not an option because of our shortage so I went in. I was probably 36 to 40 hours without sleep caring for critically ill patients."

— Heather

"I have never had to use a security guard in my life in Canada in 30 years of reporting."

— Evan Solomon

"Fireworks were set off at the level of my balcony between high-rise buildings. That was not okay. There are three people with disabilities in my building: one blind person, two people with wheelchairs. Para Transpo was suspended for the entirety of the 22 days that they occupied. The blind person has to navigate this world using hearing. I have the privilege that I went out and bought the most expensive set of noise-cancelling headphones that I could find. He didn't have that privilege. That was not okay."

– Paul

"I have a chronic pain condition. I also run air fans and white noise in my apartment to just help with the tinnitus that I have and I could still hear them through all the barriers that I put up. I put earplugs in my ears. I could still hear it. I couldn't sleep, I lost my appetite. The emissions of the pollution were very bad for my asthma. My dog kept barking non-stop and was shaking."

– Dawn

"There was a grave concern about having to deal not only with sexual harassment but sexual assault. I know there are a lot of women downtown who experienced sexual harassment from these occupiers."

– Erica Ifill

"Metcalf Street was everything the journalists said it was – parties, it was laughing, it was fine. However, you'd go over a few streets to Kent Street and it was a completely different vibe. It was menacing, it was hostile, and it looked like at any point in time violence could erupt. I realized that Metcalfe was the veneer, Kent was real."

– Erica Ifill

"I was verbally threatened by three protesters. The incident was recorded by a local resident walking past. I'll never forget how the loudest person's unmasked face shouted directly into mine from about four inches away 'get the hell out of my face!'"

– Jim

"What was most amazing to me was how the police were only comfortable walking in groups. I'm a single person who lives by myself. Where is my option to walk in a group? The people with authority who generally can respond to calls on a single person or a partner basis, all of a sudden had to start walking our neighbourhood in groups. That, to me, spoke volumes."

– Kim

"I figured for the first couple days or so, that's not a place where I should be for my own safety as a black woman who is a journalist."

— Erica Ifill

"Over the course of the convoy, I spoke to dozens and dozens of reporters who felt both intimidated and dehumanized in many regards by the protesters. Some were spat on, had beer cans thrown at them, and some were even doxed online. I can also share how many were threatened with physical harm or in many cases death for the simple fact of doing their jobs and that's right across the spectrum but particularly for female journalists and journalists of colour."

— Brent Jolly

"I got personally threatened a lot. People had my address. They were threatening to come to my home and we had to move our daughter out of our home for some time. It wouldn't have even occurred to me to call police at that time."

— Catherine McKenney

"There is an iconic element to the Rideau Centre that is a reflection of all the businesses that are impacted, which is the local workforce. People who have jobs in the Rideau Centre weren't able to get paid. Businesses had the ability to open and restrictions were changing which was building momentum for many of those businesses ahead of the March break period. The Rideau Centre usually closes one day a year, which is Christmas Day. They are open 364 days a year. For the first time in our history, they were closed for more than a week. They were closed for 23 consecutive days."

— Mathieu Fleury

"Very much like victims of intimate partner violence and victims of coercive control, people who were subjected to the harms of the convoy experienced psychological torture – not being able to sleep, not feeling safe in your home, threats and harassment. They experienced abuse, whether that's verbal or non-verbal. It can be yelling or physical intimidation without actually saying anything. It can be doing the right thing like wearing a mask and still feeling afraid that you'll be harassed and belittled."

— Anonymous

"The gaslighting was that the protest was non-violent. It was quite obvious on the two excursions I went down to the convoy that people's freedoms and safety were impacted by the actions of convoy participants, resulting in non-consensual participants being injured in many, many ways."

— Anonymous

"Those who are supposed to help, whether that's the government or police or Children's Aid, actually enable, whether directly or indirectly, the abuse that's happening. In this scenario, I would suggest that Ottawa citizens would be the equivalent of victims of intimate partner violence and coercive control. Their reports of violence were dismissed and ignored by police. Often the police actually advised them to do things like 'don't wear masks if you don't want to be harassed', like 'don't upset him if you don't want to be hit' or 'did they actually pull your mask off, did they actually hit you?' The class action would be an example of the requirement that is placed on individual victims to go forward with a court case. We live in a western society and that society is grounded in victim blaming."

— Anonymous

"Our centre was vandalized in the early morning. Security footage indicates an unknown individual smashed our window with a hammer. We have reported this incident but they were not able to apprehend the attacker."

— Abdulrahman

"Shopping for groceries became a dangerous game for us. We were sworn at, stared at, we were mocked for wearing masks. I had to go to medical appointments in the middle of the occupation zone and did all I could to walk near the idling police officers to avoid being assaulted like others were."

— Mark

"I was walking south on Kent Street and a truck came and drove on the sidewalk approaching me and I just stood my ground and the driver just kept going. And at the last minute, he kind of drove back into the street. There were police at the intersection half a block away. If I remember correctly, it was between Slater and Laurier. So what was the point of reporting anything? I just kept seeing them and they were looking at the trucks. They just never seemed to be looking at residents."

— Andrea

"When we went to walk around to try to get a sense of what was happening, there were issues immediately. We were wearing masks and took them off after about a block of walking because of people yelling at us. My partner is of Lebanese descent so he has darker skin, and people were yelling things at us like 'you better watch your back,' 'you better take care of her,' 'what is she doing with you?'. We approached police officers afterwards asking if anything was going to be done with all the people yelling things at us and they told us again, as early as that first weekend, that they weren't going to be doing much because they didn't want to instigate or further inflame any of the protesters."

— Julia

"I consciously changed the way I behaved with my partner when I went out. I felt surrounded by hateful people."

— Anonymous

"There was a truck with an anti-trans slogan written on its body. It was parked there for days. My neighbourhood is home to many queer persons and seeing this kind of hate speech, it was extremely upsetting."

— Dawn

"I came down to the lobby of my building and the security was there and they were stopping us and they said the door was locked, that if we absolutely needed to leave they could unlock the door and escort us out but that they needed to lock us back out again afterwards because there had been threats."

— Paul

"This was a time when even outdoors we wore our masks. We were asked to wear a mask to keep ourselves safe. But if you were wearing a mask, often that was a sign and you could be harassed. People on LRT had been harassed for wearing a mask, in that neighbourhood, in that red zone. So even though we would look for each other and identify each other with masks as being safe, often we would also take off our masks not to be at risk. I often remember the look in people's eyes above their mask, something I'll never forget, that fear when we would make eye contact. There were times I'd take off my mask too outside because it made you a target. That was a neighbourhood that had been set up in a way that they just couldn't win."

— Catherine McKenney

"I was a victim of harassment by convoy occupiers, I was subjected to breathing in choking diesel fumes. I was a witness to my neighbours being harassed, taunted, and screamed at. I was assaulted by a convoy occupier at the corner of Kent and Somerset. He drove his pickup in while I was crossing the road. I had yelled at him to watch out since I had the right of way. He chose to drive his truck directly into me as I scolded him. Both he and his passenger were laughing and smiling as he did this. I was able to roll out of the way before being dragged under the truck. A split second later another convoy occupier truck roared by me at a great speed. That truck was very very close to hitting me. My husband witnessed all of this and we filed a police report. There was an investigation of assault with a deadly weapon but I was unable to identify the suspect in the lineup. This experience was highly traumatic."

— Megan

"My Jewish neighbour discovered garbage bags of human waste dumped on the snow atop of her small front garden, right in front of her living room window. Nobody else on our street had such a thing of that type occur."

— Stephanie

"We heard from somewhere that new cars were coming in. One of my good friends and I decided that we were just going to go stand and protest at the police station and stand in the crosswalk so they would have to drive around us. A truck came through and hit me and pushed me back about 20-50 metres. The cops saw the truck hit me and push me. This was after an initial truck that we blocked actively revved up and pushed into a disabled senior woman who was sitting in her walker. The cops did nothing. They came up to me and asked "are you alright?" I said "I'm not physically injured." They proceeded to stand there. They didn't talk to the person in the truck. They didn't note the licence plate. That's when I realized someone was filming and I asked them to send me the video. Afterwards, police wouldn't let me file a police statement."

— Anonymous

"What really stuck with me as an immigrant myself and from the experiences of other newcomers, experiencing the convoy was traumatic because it mirrored things people fled from."

— Anonymous

"Without any provocation or threat, a security guard charged at me from several feet, put his hands on me and shoved me to the ground. As soon as he did so, several OPP officers swarmed over me, picked me off the ground, and led me to a police cruiser. I have very little recollection of a few seconds as I was in a state of concussion. Unbeknownst to me at the time, I had also suffered nerve compression in the neck that will now result in disk removal and fusion surgery. I am of the belief that the injury to the neck was due to the shove, and the concussion was due to a blunt hit to the head as I was being swarmed by police. As I was being led inside the OPP police cruiser, still in a state of confusion, I was hearing the police discuss charging me with assault. I could not make any sense of this and repeatedly told the police that I was shoved to the ground by a security agent and that I would want to have that individual charged for assaulting me. One of the two OPP officers told me to shut up and that they did not care, that if I wanted to go that route, I could do so another day. I repeatedly requested they explain exactly why they would be charging me as I was in a state of confusion. At no time did these two OPP officers ask about my injuries."

— Anonymous

"My 13-year-old neighbour was standing on Carling Avenue after school, waiting for the bus to bring her back home. There were a few girls at the stop. A pickup truck with male convoy supporting twenty-somethings began yelling out at the girls to 'take it off, take it off!' The girls who wear school uniforms were also masked. In the context of the way the twenty-somethings were behaving, it was more about 'stripping', period! Once the bus arrived and the girls boarded, for a bit, the truck stayed alongside – and the convoy twenty-somethings continued to target and yell at these young girls (even though they had boarded the bus)."

— Stephanie

"I'm hearing the horns constantly, incessantly, every day. I'm trying to get my schoolwork done. I'm just trying to not go crazy sitting in my apartment."

— Brynn

"It felt so personal that they had traveled across the country, parked in front of our houses, to assault us daily with sound, set off fireworks in our street near houses and windows, traipse around with hate symbols and make us feel afraid to leave our home after dark or at all."

— Rachel

"I, myself, a disabled senior had a bullhorn pointed in my face and had negative comments yelled at me about wearing a face mask and taking vaccines. I was pushed by a young protester wearing a Canadian flag as they walked down the street."

– Cliff

"You need to see us. Because we have been left behind. This occupation is White Supremacy on steroids – and you have left us to languish in their torrent of hate and violence."

– Amy

"What I witnessed horrifies me as a Canadian and as someone who wore a uniform for every Canadian."

– Clayton

"Seeing that Nazi flag being flown and hearing people say "oh it's only one flag, why are you making such a big deal out of it for?" From a Jewish person's perspective and the history that we have, it's very alarming that it's being flown on Parliament Hill and that the people there seem to be completely comfortable with it. And the police were just standing around not doing anything. It's a symbol of hatred and genocide, and it struck fear in my heart."

– Susan

What we heard

THE PEOPLE OF OTTAWA WERE ABANDONED

The responsibility of governments to uphold and respect human rights is by no means limited to the crucial obligation to refrain from directly committing human rights violations. Governments also have an essential responsibility to take steps to keep people safe from human rights abuses committed by private groups and individuals. It is an expectation and a duty that goes to the heart of the relationship between governments and people. And it carries both proactive and reactive dimensions.

It is painfully clear that all three orders of government – municipal, provincial and federal – and the police forces within their respective jurisdictions, abysmally failed to live up to that core obligation to keep people safe from human rights abuses during the convoy occupation.

It is an obligation often referred to as the duty of due diligence. It does not mean that government efforts will always be successful. Even when governments and police forces take all possible efforts, they will not always be able to prevent human rights abuses and other harms from being committed by private groups and individuals. Nor will it always be straightforward to bring such abuses to an end when they are occurring. But there is a good faith duty to take all reasonable steps to do so; and an expectation that governments will try their hardest and do their very best to keep people safe.

When governments abdicate their responsibility to keep people safe or fail to take that responsibility seriously, they have essentially abandoned their core human rights obligations, and they have abandoned the communities to whom they are accountable. Throughout our hearings and community meetings, the OPC has heard wrenching and anguished accounts of precisely that: abandonment.

The sense of abandonment began in the days leading up to the occupation, as plans for the convoy were being shared on social media and trucks were assembling across the country and starting to travel towards Ottawa. Many residents were aware of and following these reports with growing alarm, and were disconcerted to hear police and government officials appear to be either unaware and uninformed, or dismissive and unconcerned, about the mounting threat.

People were then stunned as they watched a truly vast number of vehicles, including large rig trucks, be directed, by police, to use recommended exits off Highway 417, which transverses the city, onto streets that took them directly into Ottawa's downtown core. And to then essentially be allowed to park where they liked, regardless of parking bylaws, even when doing so was blocking streets to the point of making them impassable, and obstructing driveways and access to residential parking facilities. Residents in Vanier and Overbrook were incredulous as the large parking lot at the baseball stadium on Coventry Road was turned over to truckers to essentially use as a base camp and staging area.

People's outrage grew as they witnessed firsthand or saw accounts on social media of encounters between some police and convoy participants in which officers were expressing enthusiastic support for the convoy and posing for selfies.

Not surprisingly, once trucks and other vehicles were entrenched in these locations, essentially turning them into encampments, the challenge of removing them became a daunting one. All of this took place in the midst of winter in Ottawa, when mobility on streets and sidewalks, and access to driveways and parking lots, are already considerably constrained and challenged by snowfall, snowbanks, snow clearance and cold weather.

All of this happened without any consultation with residents or local councillors and seemingly little regard for the needs of people living in these neighbourhoods. The OPC heard repeatedly that this police strategy to essentially welcome and accommodate the truckers, seemingly with no restrictions, left residents feeling as if they did not matter.

The sense of and reality of abandonment both deepened rapidly.

Downtown residents heard constant warnings from police and other officials, posted on social media and repeated in radio and television broadcasts, urging people to "avoid downtown Ottawa." The advice seemed to forget that for thousands of people they could not avoid the area, as it was home. It carried such a strong message of abandonment.

Residents, rightfully, expected police and bylaw officials to take action to punish and curtail criminal acts and to enforce parking, noise, idling, fire and other public safety bylaws. They assumed that they would see a strong and decisive response from governments to what had quickly become a major crisis. But that was not the case. They had been abandoned.

The OPC heard an extraordinary number of accounts from people about efforts to report infractions and offences committed by convoy participants. People engaged directly with police or bylaw officers on the street and in parks, including while an assault was happening or in the immediate aftermath, when racist threats had been uttered, while horns were blaring, when jerrycans of fuel were being visibly transported, when open fires were blazing, or when people were threatened, intentionally struck or nearly struck by vehicles from the convoy. They reported death threats. People tried to make reports to police or bylaw officers through online forms, phone calls or even going into the Ottawa Police Service headquarters.

Almost without exception, in all of these attempts to encourage police to act on criminal complaints, or bylaw officers to enforce municipal bylaws, the response was inaction. Often people simply received no response. Many people were told by police that they were not taking enforcement action in the red zone and were waiting for further orders. They were told that the police did not have sufficient resources to respond, or that they were not doing so because there was concern that taking action against convoy participants risked inflaming the situation. Bylaw officers asked people to describe the vehicles that they were concerned about and when it became clear that it was, for instance, a truck taking part in the convoy, people were told that was a police matter. But when people then followed up with police, they were referred back to bylaw officers.

Some residents were actively dissuaded or discouraged from pursuing complaints when they attempted to do so. Police would point out that they had not been physically hurt or would question whether there was sufficient photographic or eyewitness evidence. This was also the experience of people who received wellness visits from police responding to calls from people concerned that someone they knew was having a mental health crisis and might be suicidal. In one such case the police

did respond but were aggressive and impatient with the person concerned, leaving an impression that the matter was unimportant to them. In those instances described to the OPC in which residents did succeed in lodging an official report, generally there was no follow up unless and until the complainant again contacted police to request an update, sometimes many weeks later.

The OPC was particularly alarmed to hear of what appears to have been a near total absence of community policing during the occupation. At a time when the dangers and harms faced by residents, businesses and organizations in central Ottawa, particularly in the red zone, were obvious, police should, at a minimum, have been regularly checking on those who were at heightened risk. That would have been expected for instance with apartment and condominium buildings where a high number of elderly, disabled, low income or racialized individuals live. It would have been expected with organizations and agencies working with street-involved and homeless populations, 2SLGBTQIA+ youth, women escaping situations of violence and abuse, and other vulnerable groups. But there appears to have been a total collapse of any effort to do so. We heard from some residents and community advocates, who did have prior connections with police community liaison officers, who were told by those officers that they had been redeployed to focus on the situation on Wellington Street, in the immediate vicinity of Parliament Hill. Some of those officers reportedly checked in with their community contacts in their free time, as they were not allowed to do so while on duty.

The abandonment of particular communities had specific impacts. The Muslim community, which had planned to mount a solemn in-person vigil on January 31 to mark the fifth anniversary of the terrorist attack at a mosque in Quebec City, was told that police could not assure the security of the event and that it should be cancelled. It was held online instead, to the community's considerable disappointment.

The residents of downtown Ottawa were not only abandoned by police, but by their governments. Of serious concern is the impact on people with disabilities of the widespread cancellation of a range of essential programs and services, including Para Transpo. Members of the disabled community were distressed by a seeming disregard for the impact of suspending or scaling back these supports and the apparent failure to explore alternatives, including with police assistance if necessary, to keep such programs and services running.

A particularly glaring failure on the part of both police and government, which contributed significantly to the feeling of abandonment, was the lack of regular information updates and advice. People repeatedly told the OPC that they needed and expected a steady flow of official information, particularly at municipal level, but instead had to turn to media, social media and other unofficial sources in order to understand what was happening, carry out their own risk assessments, and make daily decisions about whether or not it was safe enough to go to a medical appointment or the grocery store.

People expected to hear from the municipal government about a plan for marshalling a community response to the occupation; but that was not forthcoming. They expected to hear about when and how the City's emergency response protocols would be activated; but that did not happen. Many people also stressed how upsetting it was to hear little if anything from the provincial government.

The OPC also heard of the City's stunning degree of disinterest in and lack of support for the class action lawsuit launched in the name of courageous downtown resident Zexi Li, mounted by a tireless pro bono legal team from Champ and Associates. That lawsuit, which was the basis for an injunction that was issued against the incessant and harmful blaring of truck horns, received no support from City lawyers or officials. The City of Ottawa ultimately sought and

obtained its own broader injunction, dealing as well with parking concerns, several days after Zexi Li's legal team had already done so.

Many people told us how relieved they were when the Emergencies Act was invoked by the federal government on February 14, more than two weeks after the occupation had begun. At the same time, many people told us that it was not lost on them that the primary motivation for doing so appeared to have been the economic impact of the blockade of the Ambassador Bridge between Windsor and Detroit, more so than the human rights abuses and public safety concerns faced by those in downtown Ottawa.

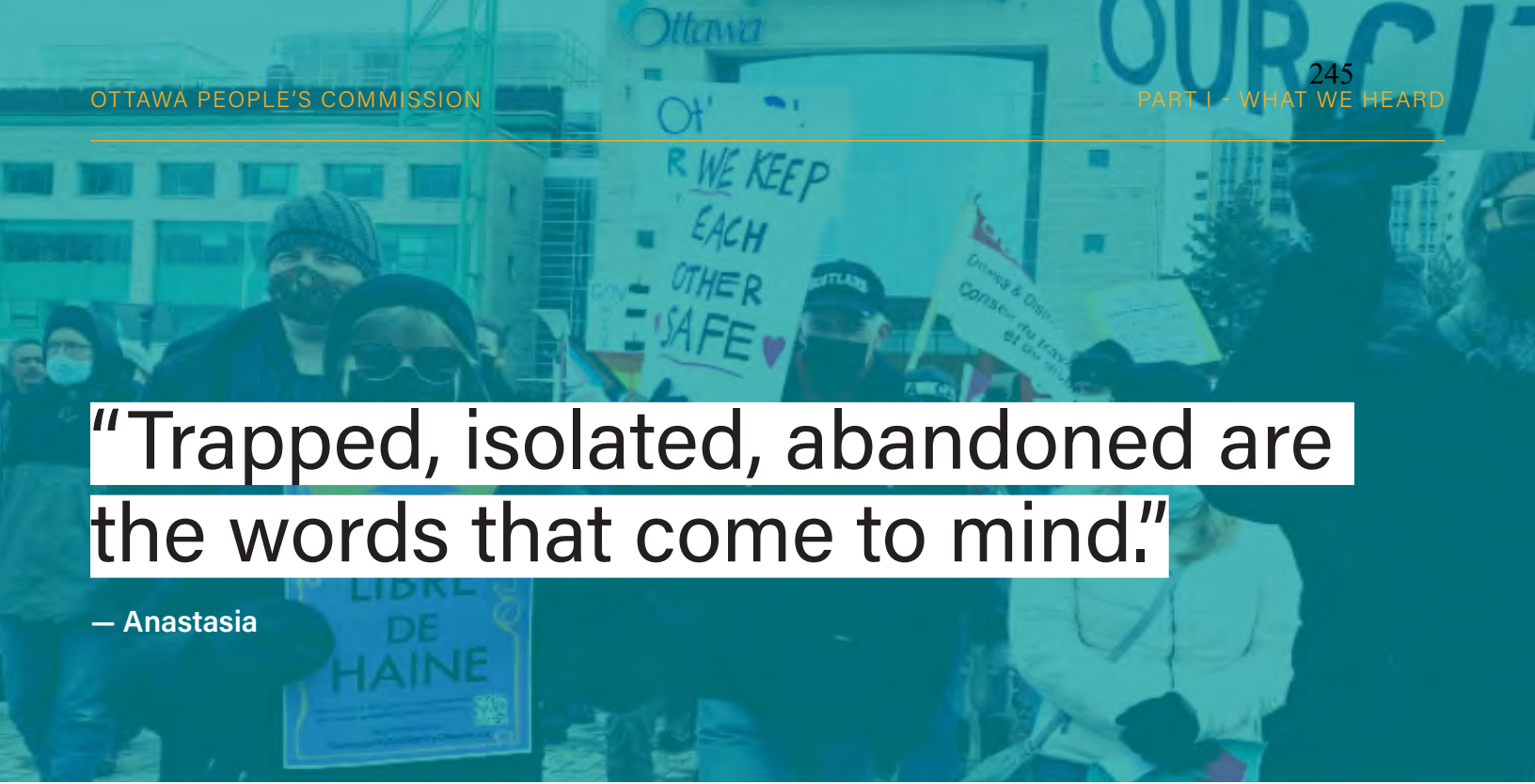
People did not, by any stretch, tell us that they do not want protests to occur in downtown Ottawa, nor even that participants in the convoy should not have been allowed to protest in the city. Quite the contrary, many people ardently described how important the right to protest is, and recognize how vital it is that it be defended and respected. They do not understand, nor do they accept, however, that protesters should be allowed to terrorize and traumatize a community, or be able to abuse the human rights of people living in neighbourhoods where they mount their protest, and that there should be no accountability or consequences for doing so. Many people referenced with incredulity the statements from former police chief Peter Sloy in the early days of the occupation, asserting that the Charter of Rights protected a seemingly unhindered freedom of movement for people driving large trucks.

Residents told the OPC they do not accept that a community should be abandoned to its own fate and devices when something as harmful and traumatizing as the occupation occurs. Many of them have, notably, experienced, witnessed or heard about swift, aggressive and even violent police enforcement action with respect to other protests, in Ottawa or elsewhere, which may have been disruptive or even temporarily slowed down or blocked traffic, but did not in any way

involve the hate and human rights abuses on display during the convoy occupation. Those protests, often involving racialized and marginalized communities, raising such concerns as anti-Black racism, disrespect for Indigenous peoples, homelessness and the climate crisis, have been handled very differently, leaving a troubling apprehension of double standards which served only to intensify the feeling of abandonment experienced during the convoy occupation.

There were some exceptions. The OPC heard, for instance, from residents and business owners who were deeply appreciative of the responsiveness of downtown City councillors, particularly Catherine McKenney and Mathieu Fleury, as well as Ottawa Centre MPP Joel Harden. Catherine McKenney was singled out for praise both for their responsiveness to calls for assistance, but also their proactive efforts to organize community walks and other initiatives to keep people safe. Mathieu Fleury's initiative to organize daily briefings with government, police and business representatives was very much welcomed by downtown Business Improvement Areas. Notably, in our sessions with Catherine McKenney and Mathieu Fleury, they both repeatedly used the word abandonment to describe what happened to the people of central Ottawa during the convoy occupation. The People's Commission very much agrees.

A video compilation of testimonies OPC heard is available [here](#).



“Trapped, isolated, abandoned are the words that come to mind.”

— Anastasia

“I have never felt so unsafe and stressed in my life. I felt completely abandoned by our police force.”

— Anonymous

“I felt very ignored and left out by the police and the City from the get-go. This is a little bit of a problem from before with Ottawa that when something happens they tell downtown residents to avoid downtown, don't drive downtown, just don't go there. They completely ignore the people who live downtown who cannot leave.”

— Lisa

“The condo's board decided to hire private security after calls to police led to nothing.”

— Evelyn

“Despite all of the daily impact on my life, I can honestly say one of the things most hurtful to me, and harmful for all Canadians, was the repeated mantra from the media and supportive politicians that “this is largely a peaceful demonstration.”

— Pat

“It literally felt a lot longer than three or four weeks. It was living hell. I couldn't go to the grocery store, I couldn't go to work because I had no way to get there and my fear was that something would happen and they'd cancel the bus routes and I'd be stuck.”

— Troy

"There are living, breathing people who live in these buildings in downtown Ottawa. And you need to see us."

– Amy

"The saddest thing is that the Ottawa Police Services did nothing. They did not issue noise violations for blaring horns or blocking of roads. Rather, they joined in to have selfies taken with protestors. Further to that, they were handing out parking tickets to people who were unable to get to their streets while the protest vehicles blocking roads faced no consequences."

– Anonymous

"To watch the police do nothing was the worse part. I was made to feel like I would never feel safe again. How would I ever have faith the police would protect me, us, the community ever again?"

– Evelyn

"This hit the rooming house and homeless communities with the force of a hurricane. It was a real injustice to people living at the edge of society and people struggling on a day-to-day basis with addictions and mental illness."

– Allan

"I saw mobs of people standing around in shut-off streets, open-air barbecues, mammoth playgrounds for children, and petrol cans everywhere. And most disappointing, I saw the police doing nothing. They were fraternizing with the very element creating the disruptions to our daily lives."

– Mario

"I was shocked to see basic planning in advance was not done by the City, and the mitigation of the protest impact was not only omitted but the convoy was encouraged to take up residence in the streets."

– Anonymous

"This was a situation that we should have been protected from by our civic officials. Our municipal, provincial and federal governments failed the citizens of Ottawa."

– Diane

"It was a three-week invasion. I saw police cars escorting the trucks downtown and joking with the invaders. None of the aggressive and offensive behaviour was stopped, except by citizen action."

– Judy

"I work with people who have physical and developmental challenges. Daily, they would express their fears of the convoy, and told me about the hardships the convoy was causing for them, including their inability to travel around the city in the manner they were used to. The people I work with told me of their Para Transpo rides being re-routed or canceled, family visits and activities curtailed, their fears of boarding buses and the LRT when unmasked and aggressive convoy terrorists were present. The people I work with suffered when their care-workers could not travel to the residences where clients live because of convoy activity. Often, this affected meal availability and hygiene care."

— Anonymous

"Messaging continued to gaslight and ignore residents, with media reporting mostly on 'peaceful' protesters, despite residents reporting excessive noise, yelling, harassment, and antisocial behaviour like urinating in public. Again, it felt like the City, police, and media were ignoring the people who lived here and had no choice in the event, to support and facilitate participation by those who were able to choose to come party and then leave as they wished."

— Lisa

"During the Freedom Convoy, disabled people were left without access to food, medical appointments, and services that they would normally access. This is unacceptable and can never happen again. An entire population going without food and support is not an acceptable outcome ever."

— Ro

"ODSP failed. When you create a system where people are getting less and less money every year with inflation, there's no money for emergencies and so there was no money. There's no money for delivery, groceries. There's no money to take an Uber, so people are left scraping out the cabinets because they are always on the verge of starvation and I wish that was hyperbole but it's not."

— Ro

"I had zero trust in the police because I was watching from my window as they also blocked access, they also interacted with the occupiers, they refused to enforce the laws."

— Lisa

"I no longer have any trust in any of our police forces. I no longer have a feeling of safety in my community."

— Beth

"How can we trust their judgement if they choose to avert their gaze and attention from the well-being of residents for three weeks? To ignore, to not acknowledge, to pretend it wasn't happening, and then to not provide any targeted services, community town halls, or any serious reflection, review, and apology in the months that follow. How can we trust that the City will be there when we need it?"

— Jessica

"The messaging around the first weekend of the event left me feeling ignored and as if the City and police service conveniently forgot that people live downtown. Messages from the City and police to "avoid downtown" focused on people driving and people coming from elsewhere. There was no consideration of what people who live here could do, or what would be done to minimize interruptions for residents. It seemed the City and police were more concerned with minimizing traffic disruptions than with disrupting the lives of downtown residents."

— Lisa

"Seeing the thousands of convoy noise, pollution, littering, public toileting, and parking infractions being ignored and no citations being given, I knew that By-law was not functioning during the terrorist occupation and so I did not bother to report the numerous convoy parking, noise, pollution, lane blockages, and offensive, racist messaging that I saw almost daily."

— Anonymous

"The police inaction was offensive to me. I felt completely unprotected and in danger. It maddened me that until commercial activity was threatened and affected by the blocking of the bridges, no level of government, federal, provincial or municipal, cared about what was happening to the citizens living in downtown Ottawa other than a couple of municipal councillors who daily walked the streets. More concern was shown over buildings, monuments and commercial trade than people. It was a horrific experience. I have completely lost faith with our elected and paid officials to keep me safe."

— Judy

"We contacted our elected officials several times to seek action to end the occupation, but their responses pointed to the OPS as the agent responsible for deciding on actions. Yet in his daily televised conferences, the chief of police consistently indicated a lack of capacity to address the issues, until his eventual resignation. It is only when the Emergencies Act was implemented that we saw actions taken that provided relief, calmed our anxieties, and restored normalcy to our daily lives."

— Paul

"I left my home twice (with my pets in tow) due to fear, anxiety, and feelings of helplessness, as I watched my neighbourhood transform. I felt abandoned by the police, who I once thought were there to keep us safe and protected."

— Mary

"The neighbourhood was living in a state of siege and felt cut off. There was no delivery into this neighbourhood, there was no service from OC Transpo, Para Transpo, there was no service from taxis or Uber or anything. There were no police so there was very much a sense of lawlessness and being cut off from the rest of the city."

— Tim

"I don't think the police have a resource problem, they have a resource allocation problem. As I've said before, Black people continued to be harassed and stopped during the occupation, so obviously there's a lot of police dollars going to that but there aren't a lot of police dollars going to hate. (...) It all goes together and connects. So I started feeling abandoned, too. Again, the Ottawa police, even out of this, continues to abandon its citizens because I pay taxes to them, too."

— Erica Ifill

"I saw the police chief give vehicles and trucks charter rights that only citizens, human beings, possess. He said it over and over again in public statements. Those false claims emboldened the actual protesters or insurrectionists with misinformation."

— Terry

"What was the point of reporting anything? I just kept seeing them [police] and they were looking at the trucks. They just never seemed to be looking at residents."

— Andrea

"On the street, there were bonfires, there were propane tanks beside the bonfires amongst a whole bunch of vehicles. And as I'm walking up Kent, I'm like I cannot believe this is happening but what am I supposed to do about it? I thought the responsible thing to do is to call 3-1-1. 3-1-1 directed me to call 9-1-1. When I called 9-1-1, the operator said that they were aware what was going on on Kent Street and the fires were probably lit because people were cold, so I felt like an idiot for even bringing it up because the authorities clearly were aware but nothing was going to happen."

— Kim

"We couldn't help but tell ourselves that the reason the world allowed this far-right 'Freedom Convoy' to park in our backyards was because the people of Overbrook and Vanier don't matter to anyone in the world or the city. People in prominent positions in the city still forget to mention and include us when they're out there telling their version of the events."

— Anonymous

"I was anxious, stressed, and afraid due to the event, and then I felt abandoned by the City and police, frustrated with the lack of response, and helpless to change anything. I felt like I did not matter, and like the City, province, and police were more interested in minimizing any negative media than intervening."

— Lisa

"It was like they were holding us hostage and the different levels of government that they were trying to negotiate with didn't care about us. It felt like no one cared what was happening. I called the police every day and asked if they were doing anything. They would respond that it was a peaceful protest to which I disagreed. I would ask every time if my complaints were being written down. Each time the answer was no. I called my local councillor, my MP, MPP and no one got back to me; only a kind office assistant for my local MP who could only listen to me. He was very nice but he couldn't do anything."

— Rachel

"Many businesses, including the main grocery store for the area at Bank and Somerset, closed at times. This was disruptive, and there were no official ways of ensuring that people could access food and medications"

— Lisa

"A friend and I went for a walk about five days into it. There were three community police officers along Slater whom my friend stopped to ask questions such as and including, "Why aren't the police doing anything?" First, they said there was nothing they could do/nothing could have been done to prevent it. Then one officer had the gall to throw that question back at us, "What would you do!?", angrily. To which of course we responded, "you could have set up roadblocks, you can start handing out fines, arresting people, stop being chummy with the offenders, etc." They didn't like that and we were basically made to feel like we were bothering them and that we shouldn't be questioning their actions/lack of action."

— Anonymous

"The first weekend when the protesters arrived that date is a solemn one for Canadian Muslims. It's the day when a white supremacist gunman walked into a mosque in Quebec City in 2017 and gunned down six Muslim men who were worshipping. January 29 2022 marked the fifth anniversary of that horrible day and Canadians United against Hate along with members of Ottawa's faith communities planned to hold an interfaith vigil. I was in regular contact with councillor Catherine McKenney and a liaison officer from the Ottawa Police discussing issues of location, logistics, and participant safety as the weekend approached. There were frequent communications to discuss social media chatter from protesters who were threatening violence. I was advised by the Ottawa police liaison to cancel the event given the increasing likelihood of violence by protesters and concerns for the safety of attendees."

— Fareed

"I did contact police and the response I got was 'sorry, we can't come to where you are right now, you're on your own, we don't have resources to help the people of Ottawa! I was blown away!"

— Troy

"Our most challenging day was likely on February 5 when we decided to continue holding our COVID vaccination clinic on the Saturday for children 5 to 12. We had been planning this for several weeks and we knew that for many families we were the most convenient and accessible location for vaccinations. There were individuals setting open fire pits in front of our offices while drinking beer and so, concerned for the safety of individuals coming for appointments, I called Ottawa Police to address the fires in front of our building and was told in no uncertain terms that there would be no response because we were in the red zone. In response, I tweeted a picture of the fires that were happening and saying that we had been told that there would be no response and within an hour there was a response from police and bylaw who thankfully did move the individuals with the fires along but also ticketed a family who had been parked in an accessible spot to bring their kids to vaccination."

— Michelle Hurtubise

"All of the focus was on Wellington Street. Everybody including police felt that their responsibility was to Wellington Street and nobody considered what was happening in the residential area even after weeks. I remember once calling the community police officer that had been assigned to me and I said "look I have to go to this building, people are really worried, will you come with me?" She said "I'd love to but I just got reassigned to the occupation so I have to go up to Wellington. I said "the occupation is happening on Metcalfe too, it's where I'm asking you to come." So even in their minds, when they were responding to the occupation, they were responding to Parliament, what was happening up on the Hill on Wellington. I'm not certain that even to this day that there is a clear recognition of what happened to people."

— Catherine McKenney

"Transit was just a lockjam with all the detour routes and cancellations. We had many residents, a couple of examples on Rideau Street, they needed Para Transpo. They couldn't get Para Transpo in the zone, they couldn't get to Para Transpo... and these were for grocery shopping, doctor visits. They were not just wanting to get on a bus. These were for essential access and services."

— Mathieu Fleury

"Because the City abandoned the response to a police command structure, if someone was calling 3-1-1 and someone had been parking illegally, for instance on a sidewalk in Lowertown, the operator of 3-1-1 would ask a question: "please describe the vehicle". I have never heard that in 12 years. You call 3-1-1, say "there is someone breaking the parking by-laws", they send by-law and they deal with it. It became a script from 311. If the vehicle happened to have 'freedom' or flags, they would take in the complaint and pass it on to the command centre. The command centre only cared about Wellington Street."

– Mathieu Fleury

"When people weren't allowed to bring fuel in anymore, I saw people walking in giant cans of gasoline and saw, literally down the same block, a parked OPP car. I went and told them "hey, those people that you can literally see right there are bringing fuel in". They told me it wasn't their jurisdiction and I should talk to OPS. So I walked another half block until I saw an OPS car, told OPS, and they told me it wasn't their jurisdiction and I should go to OPP. I don't think anyone knew what was going on."

– Anonymous

"It was not okay that the police directed the traffic to Kent Street, to Lowertown, and to Overbrook, the three poorest parts of town. It is not okay that the occupation happened in Somerset Ward which is the poorest ward in town. It is not okay that Chief Sloly and Mayor Watson allowed this to continue."

– Paul

"On one occasion, a vehicle inched right up towards myself and another pedestrian. Immediately after that, on my walk home, there were a couple of cruisers right by the station and I told them about what had just happened. They said 'well did you get hurt?' and I said 'no I didn't get hurt, but this is what happened', but there was nothing further done or asked of me."

– Jim

"Many of the concerns and anecdotes of this report were relayed to various OPS members who often parked there. Though the officers were respectful and empathic, their constant refrain until the final weekend of the occupation was that they didn't have adequate resources to deal with the challenges of the occupation, and they could only respond in accord with directives from their higher authorities."

– Jim

"We had no or little help from the police or the City. I complained about the noise to the City of Ottawa By-law on January 30th with no effective action or response from by-law officers – no follow-up. I made calls, filed online reports about the noise, nothing. I reported the trucks parked on Queen blocking the Lyon Street OC Transpo bus and idling their engines. There were gas cans littered on that street. I took photos. Nobody gave a crap. No one came, nothing was done. I asked an officer on patrol to investigate. She called it in. I waited for an hour outdoors, nothing. I even called the RCMP about the gas cans. Nothing was done."

– Dawn

"At one point, I had to venture out of my apartment to buy food at the grocery on Metcalfe and Lisgar. As I approached Metcalfe, the fumes were choking from the huge trucks and the blaring horns were deafening. There were no police in sight. A group of truckers entered the grocery store and loudly proceeded to make their way through the store. A shopper approached them and asked them to mask. They proceeded to loudly harass her. I went to get the store manager who told me he could not do anything, the police were not responding to any of his calls."

– Judy

"If anything, area police, security agencies, and political officials designated to uphold peace, order and good government failed downtown Ottawa residents. They did not perform well and block the hundreds of vehicles entering downtown to get near Parliament Hill."

– Ken Rubin

What we heard

THE COMMUNITY MOBILIZED

As is often the case when a community faces hardship, during the convoy occupation Ottawa residents came together in a wide variety of ways to provide each other with assistance, support, protection and a sense of solidarity. The OPC heard repeatedly that for many people this remarkable, and often courageous, community mobilization was the only encouraging bright spot during the occupation.

The impetus to mobilize and to assist each other came as a direct response to three other dimensions that have been covered earlier in this report: occupation, violence and abandonment. Given that neighbourhoods had been occupied to the extent that streets were impassable, frightening and dangerous, given that people anticipated and were experiencing various forms of violence, and given that residents and business owners felt that they had been abandoned by police and government officials responsible for upholding the law; it was understandable and inevitable that community-level mobilization sought to fill that void, so as to provide both reassurance and practical support to those in need.

Many people launched or became involved in initiatives to provide protection to people who were at risk. This took the form of well-publicized community safety walks, including some that were organized by downtown City councillors, as well as unofficial and spontaneous accompaniment for

people who were fearful or nervous about walking through areas occupied by the convoy. People also made an effort to check in on neighbours who they knew were particularly vulnerable, including the elderly and people with disabilities.

Among the most serious challenges and concerns faced by many people during the convoy occupation was simply being able to access and obtain groceries and other necessities, including prescriptions and other critical health supplies from pharmacies. Most stores in Centretown were closed or operating with significantly reduced hours. The Rideau Centre was closed throughout the entire occupation, which was unprecedented in their forty-year history. It was intimidating and often not physically possible for many people, especially those with mobility limitations, to reach the few locations that remained open or to travel to other parts of Ottawa to obtain what they needed. Para Transpo, which is relied upon by many people with disabilities and the elderly, suspended its operations during the occupation.

People banded together, therefore, to assist those who were not readily able to access food, medicines and other essentials. That included remarkable efforts within the disability community to prepare and distribute meals to other people with disabilities. Within condominium and apartment buildings residents spearheaded informal arrangements to essentially share provisions with each other.

Many people were concerned about what they perceived to be a failure by authorities to properly assess and document human rights abuses and other harms associated with the convoy occupation. Alongside the coverage of the convoy by journalists from mainstream media outlets, who were often threatened, insulted and accosted while reporting, we heard about important community-level initiatives by journalists who focused on ensuring that the experiences of overlooked and marginalized residents received attention. We heard from people who spent a considerable amount of time monitoring social media, taking photos of the licence plates of illegally parked trucks, and documenting what was happening on the streets. The OPC has in fact been able to review and assess some of that information and found it to be very helpful.

Many people mounted or took part in protests about or even against the convoy. Some people did so in small numbers and even on their own, courageously standing in the heart of occupied areas near Parliament Hill or other locations in downtown Ottawa, with signs expressing opposition to the occupation. We heard from people who regularly protested in front of the headquarters of Ottawa Police Services, seeking to draw attention to the lack of enforcement action by police.

Community Solidarity Ottawa, which brought together activists from labour unions and community groups, organized a march from Lansdowne to the edge of Centretown that attracted thousands on February 12, and other events and rallies on subsequent weekends to resist the occupation and promote solidarity.

We also heard from a number of people who were involved in what came to be known as the "Battle of Billings Bridge" protest on February 13, a remarkable example of community mobilization that blocked a significant number of vehicles from entering the downtown core and joining the occupation.


Many programs and services offered by community

organizations were suspended or scaled back during the occupation because of safety concerns and also the inability of staff and volunteers to be able to reach the premises. We did hear, however, about determined efforts by some organizations to continue to offer some of their programs, particularly for vulnerable members of the community. Notably, they did so with little or no support or protection from police or government.

There was also community mobilization in the legal sphere. A truly herculean initiative to initiate a daunting class action lawsuit, in a very short timeframe, which served as the basis of a court application for an injunction to stop the blaring of horns, was a particularly inspiring example. Courageously led by a young woman, Zexi Li, on behalf of downtown residents, the case was brought by a small group of pro bono lawyers at Champ and Associates, located in Centretown. We heard of the many ways in which community members and volunteers assisted the legal team, including distributing information directly to truckers, offering help with legal advice and research, and even providing security patrols for the law office.

Amidst the trauma and harms that came with the occupation, violence and abandonment associated with the convoy, these many examples truly stand out as reminders of the considerable potential, tremendous value, and concrete impact of community mobilization.

A video compilation of testimonies OPC heard is available [here](#).



“For the duration of this occupation, I had my phone on 24 hours a day. I was scrambling to get food to people who were afraid to leave their home.”

— Troy

“I need you to understand that Centretown is not a bunch of empty office buildings. It is full of people.”

— Amy

“As tensions in the city escalated, the people at our rooming house made an unspoken rule to never roam the streets alone. If a guy went out, someone went with them. It just made everyone’s lives easier and none of us wanted to see our neighbours harassed, taunted, or god forbid, injured.”

— Allan

“My building is full of seniors so some of us residents got together to offer any sort of assistance we could to fellow neighbours, like picking up meds or food for them, etc.”

— Anonymous

“Devonshire Public School requested assistance of bodies on the streets for mornings and afternoons from the Hintonburg Community Association – after two mothers and their children were harassed for wearing masks by convoy participants. One incident occurred in front of the school, and the other close to Rosemount at Wellington. At seven o’clock in the morning, we stood out on the corners. We were not counter-protesting. We were just there to make sure that the parents of those young primary school children were not harassed or intimidated.”

— Stephanie

"We sustained a program that ran for six days each week throughout the occupation. Roughly 50 percent of our requests came from ODSP recipients. Many of our recipients had limited mobility using devices like wheelchairs and walkers. These recipients told me that the convoy made the city unsafe for them."

– Ro

"Q: You said you protested because you felt powerless and angry. Did you also feel scared?"

A: I did, absolutely I felt scared. I felt scared for people in my community but I feel like at that time people needed some sort of hope and some sort of symbol of resistance or some sort of somebody doing something, anything."

– Mat

"I've had wonderful citizens of this city wearing head coverings pull up in their vehicles, roll their windows down and thank us for being there [counter-protesting in front of OPS headquarters] when they did not feel safe."

– Clayton

"I started to get updates from residents closer to the staging area at the Hampton Inn parking lot. This is when I realized that we would have to be our own sources of intelligence if we wanted to survive this thing because there was zero communication coming from any level of government. We became glued to our smartphones and mobile devices. The sparse reporting on the occupation given by news outlets was providing a very broken picture of what was happening in our neighbourhood but it was at least better than nothing."

– Anonymous

"One thing that I witnessed during the occupation is that people were craving the space to have that story shared. People were dying to speak to someone who would listen. That Twitter space was supposed to be an hour, it lasted two hours and 45 minutes because we just felt that we needed to hear everybody."

– Erica Ifill

"Some of my amazing organizer friends in the Centretown Helpers Discord set up a worker relief fund that raised thousands of dollars for people in the downtown area and they did disperse that money so again we're seeing grassroots reacting much faster than any level of government did."

– Ro

"A beautiful thing that came out of the disaster of the convoy was neighbours coming together to support each other and developing bigger bonds. To me that was the overriding thing I walked away with, when all hell breaks loose you come together as a community and that's where you can find safety. That's where we found safety and action, it wasn't from our governments and it wasn't from the police."

— Judy

"Over the course of many intense days of work as we endeavoured to pull together all of the necessary plaintiffs, evidence, legal arguments and paperwork in support of the injunction application, the stress was incredible, including mounting concerns about our own safety. What was heartening, however, was how assistance kept coming from unexpected corners. Zexi Li courageously agreed to be the lead plaintiff. People volunteered to hand deliver legal notices to truckers. Residents shared tips and information and evidence. Commissionaires carried out security patrols of our law office in their free time. Lawyers in Ottawa and from across the country shared advice and precedents. We would not have been able to pursue the injunction without the community coming together."

— Paul Champ

"I had to regularly cross the red zone on foot so I made it a habit to record everything I could see and posted it on my personal social media. Over time, I acquired a rather large following which relied on my posts to understand if it was safe for them to work and visit downtown given that reporters themselves could not provide footage. I started receiving a lot of comments and messages from residents, particularly members of the LGBT community like myself, who were thanking me for keeping them informed."

— Mathew

"I didn't know that I was going to be joining a blockade to begin with. I thought I was just going to be joining a protest because I knew that I needed to do something. I couldn't sit by with one of the worst injustices that I've ever witnessed in my life personally up front."

— Paul

"[On the Battle of Billings Bridge] I think it was over a thousand people. We stood there all day, it was the most organic thing that I've ever participated in. It was not a planned event. There was no one organizer. These were folks who showed up and were at a breaking point with the lack of action by government, by the lack of action and complicity of the police in all of this. We're taking a stand and saying enough is enough. And I truly feel like that was the domino that knocked everything over, that led to the end of this occupation."

— Andrea

What we heard

THE CONVOY WAS NOT WITHOUT ITS SUPPORTERS

The OPC heard from Ottawa residents who were supportive of the convoy. Indeed, two hearings were devoted specifically to convoy supporters. As well, two witnesses in other sessions misled Commission staff in advance of their appearance, falsely indicating they were convoy critics, as they believed we would not be willing to hear from convoy supporters. Yet that was not the case.

The OPC's mandate is not tied to opposition to the convoy. We have been tasked with examining the impact of the convoy on affected communities in Ottawa. That includes not only detrimental impact, but the possibility of positive impact as well.

Supporters were urged to focus their comments and submissions on the question of the impact of the convoy on the community. The OPC's mandate does not extend to debates about vaccine science or the validity of COVID-19 masking and other public health protocols.

Convoy supporters generally described that the two years of COVID-19 restrictions, leading up to the arrival of the convoy, had been very difficult for them. Because of their opposition to vaccines, masking and other rules, they may have lost their jobs, suffered financially, faced difficulties operating their business, been required to keep their children home from school, been barred from various public events and

establishments, been unable to conduct research required for university studies, or been alienated from family, friends and neighbours. One convoy supporter said that she felt she had become a pariah.

As such, convoy supporters told the OPC that the arrival of the convoy in Ottawa felt akin to liberation for them, and that they were uplifted by the fact that a significant number of people in the city were actively and publicly expressing views similar to their own. They felt welcomed, after two years of feeling excluded. Many convoy supporters described the atmosphere in downtown Ottawa as being similar to Canada Day celebrations, referring for instance to times when a crowd of people would spontaneously sing O Canada. They stressed that children were welcome and that many families took part.

Convoy supporters generally disagreed with assertions that the convoy had harmful impacts on the community. They said their own experiences of taking part in the convoy were uniformly festive, celebratory and inclusive. They rejected suggestions that the tone of the convoy was in any way aggressive, racist or violent. Some indicated that they had welcomed convoy participants into their own homes.

Such concerns as the impact of impassable streets and incessant horns were generally dismissed as inconveniences or annoyances which should be expected in the downtown of the nation's capital – or that paled in comparison with their own suffering

during two years of COVID lockdowns. When asked about the impact of Confederate and Nazi flags, and other banners and posters with racist or hateful messages, convoy supporters said those were exceptional occurrences not reflective of the views of the majority of convoy organizers and participants.

To the extent that some convoy supporters agreed, to a limited degree, that conditions may have been difficult for some downtown residents, they generally insisted that the blame for that lay not with the convoy but with government officials for imposing COVID-19 vaccine and masking mandates in the first place, and for refusing to meet with convoy leaders once the convoy was underway. Most convoy supporters expressed strong disagreement with the invocation of the Emergencies Act and the subsequent police enforcement that led to the dispersal of convoy participants and the removal or departure of trucks from the downtown core.

"Myself, I lived in fear for two years, I was discriminated against for two years and I feel that the truckers freed me from all that."

— Christine

"I know that there were many protests before January but they were totally ignored by the media. That is why people like me were frustrated. We were not being heard. I believe that people cheered on the trucks, by the side of the road in the dead of winter, because it gave them hope. I was so happy to welcome them to Ottawa. I wish I could have done more."

— Anonymous

"The Freedom Convoy was the proudest I have ever been to be Canadian. Peaceful people coming together, supporting each other, to speak against a government that has done such wrong and criminal acts against its people."

— Julia

"The trucks were loud, and it was very hard to sleep, I will admit that... I'm sure that having trucks parked outside of your building honking, even through the day, even if it's not while you're sleeping but the other 18 hours of the day, I'm sure that that is jarring to your sense of life while you sit at home. I'm sorry that all those people in the downtown core got caught in the crossfire between the government and people not being able to discuss this."

— Zachary

"All I want to say is that I went almost everyday and it was the best experience in my life. It gave me hope! That was a peaceful protest. So much love, smiles and unity. Such a positive experience!"

— Anne

"When I went to Parliament on the day the truckers arrived, it was loud and these people looked into my eyes and they told me 'you have value, you do.' 'You did not deserve to be fired and you did not deserve to be treated like a pariah.' 'I will stay here until someone comes and talks to us because this is such an injustice that I can't just sit by,' and I can't express to you how much this meant to me in that moment after months of just feeling beaten down"

— Stephanie

"It's hard to put into words my experience of participating in the Freedom Convoy in downtown Ottawa. There was this air of hope surrounding us. Finally, people who just wanted freedom of choice were assembling together and felt free for the first time in two years."

— Beth

"The trauma was the months before where my job was lost, where I had to make decisions that were very difficult and that implicated myself and my family. The Convoy as a result was part of the healing for me."

— MBL

"I am also very sorry to the residents of Ottawa who had their lives turned upside down for those three weeks of the convoy, who had their homes filled with exhaust and had loud noises enter their homes. I'm very very sorry for all of it."

— Stephanie

"I received free hugs, hot dogs, and hot chocolate. I saw supporters, teachers, farmers, doctors, and nurses hand in hand cleaning up the streets, feeding the homeless, and giving out free haircuts. I witnessed one lane for emergency vehicles being kept open at all times and I was given free earplugs. Never once did I feel unsafe due to the Freedom Convoy. In fact I felt a sense of pride and hope in my country that I haven't felt for a long time."

— Christine

Commissioner's Reflections

MONIA MAZIGH: INVISIBILITY

At the OPC's first day of public hearings, an Ottawa resident emotionally recounted to the audience some of her experience with the convoy. I remember being stuck with one short story she shared with us.

"There was a schizophrenic man in my neighbourhood. In the day, he used to walk around and at night he slept in the parking lot. The parking lot was his home. When the convoy came to town, the man disappeared."

I was very moved by this story. What happened to that man? Was he supported by some mental health services during those three long weeks? Was he scared or intimidated by the new environment that had "occupied" his neighbourhood? Where did he disappear?

I will likely never know what happened to this man, nor would the woman who lived in his neighbourhood and was used to seeing him on a daily basis. But I know very well what happened to me.

On February 13, 2022, I was scrolling my Twitter feed and trying to figure out how the ongoing "Ottawa occupation" by hundreds of truckers was being handled by City officials, police officers and politicians. One of the tweets mentioned that some

residents were about to join a protest near the Billings Bridge shopping centre at the intersection of Bank Street and Riverside Drive.

I was tempted to join the protesters. In the last two decades, as a resident of Ottawa, I have joined many protests in the streets of downtown Ottawa. Some of them were more tense than others. But even when police officers would follow us and take pictures of us, I never felt intimidated. Even when we chanted solidarity slogans in front of the US Embassy with the RCMP officers surrounding us in their patrol cars, I didn't feel scared. In one of those protests, a few steps from Parliament Hill near the Centennial Flame, I vividly remember being shocked at seeing parliamentary security forces holding military guns and staring at us. But even that didn't prevent me from continuing the protest with my fellow citizens.

But that day in February, sitting on my living room couch and reading the tweets about protesting, aware of the presence of the trucks, and contemplating the idea of joining them, I felt scared. What if the headscarf that I wear as a visibly Muslim woman was interpreted by some of the truckers as a provocation? What if I was physically or verbally attacked?

After a long hesitation, I decided to stay home. I wasn't sure I would be safe. Taking a personal and difficult decision, I erased my presence from the public. I became invisible. I deliberately disappeared from the public space.

This idea of “disappearance” from the public space came to haunt me after I heard the story of the schizophrenic man who disappeared from his neighbour’s sight.

Whether against his will, for his own safety, or whether, like me, of his own free will, the convoy had made, not only him but literally thousands of people “disappear”, scared to go out, feeling like a hostage in their own home, or deciding to temporarily move to stay with family or friends in other parts of the city.

Although I don’t live in Centretown or Lowertown or any parts of the red zone, or in other impacted neighbourhoods like Vanier or Overbrook, and even though I consider myself to be privileged, I didn’t want to be “visible”. Deep inside me, I understood that my presence wouldn’t be welcome. I had to stay home.

The Ottawa occupation forced many residents to take themselves out of the public space so they could feel safe. But at what cost?

Between the end of September and mid-December 2022, I had the privilege and the honour to hear many stories from Ottawa residents who were severely impacted by the convoy of truckers. Several of those testimonies were resonant with this sense of “self-erasure”, with disappearance.

Meanwhile, the streets which used to be shared by different people from different socio-economic backgrounds or diverse ethnic groups became populated by people who behaved like they were entitled to live in and occupy the surrounding neighbourhoods without the consent or approval of the residents.

This “occupation” gave rise to a sense of lawlessness. Many times, residents told us about “not leaving their apartments” or cancelling their medical appointments or not going for their daily walk. If they dared to go out and walk to the grocery store to quickly grab some milk or bread, they would be inevitably followed by a group of protesters, on foot or driving their terrifying

trucks, who would mock them for wearing masks or frighten them with speeding trucks and dangerous moves. I recall one resident telling us “it felt like they owned the place”. “They” referred to the protesters who spent three weeks occupying the streets, dangerously setting fires, drinking during all hours of the day, and defecating and urinating in the snow and on private properties (even on the National War Memorial).

The “usual” consequences for such unacceptable and abhorrent behaviour were not enforced by any level of policing: not by the Ottawa Police, the OPP, or the RCMP. The civic expectations that we grow up learning about, regarding obeying the laws, sharing the public space, and respecting others were gone. Those norms also disappeared. Worse, when some of the residents tried to reach out to institutions like the Ottawa Police Service, by-law officers or politicians, they rarely received any response or assistance. They very rarely felt heard.

The convoy occupation did not only have huge impacts on people living and working in those central neighbourhoods, but Ottawa businesses also suffered too. We heard from Mathieu Fleury, former City councillor for the Rideau-Vanier ward. He talked of the fact that the Rideau Centre, an iconic Ottawa commercial centre that is usually open all year round had to be closed throughout the entirety of the occupation. This forced closure made the centre’s many employees, shoppers and visitors, and even the “homeless people” who rely on it as a place of warmth and company, all “disappear” from the city.

What I first thought was a personal impact, due to my own visibility, stopping me from joining the Billings Bridge protest, was in fact the norm for countless residents of Ottawa who became “invisible” overnight, all because another group of Canadians decided that they deserved to be seen and deserved to be heard very loudly with air and train horns emitting noise in the range of 100 to 150 decibels.

The experience gives rise to so many questions. How can we live in a democratic country and accept each other's divergent opinions and points of view without infringing on each others' rights? What should be considered a "state of emergency" such that the City of Ottawa triggers its comprehensive emergency preparedness plan, as it normally does in cases of flooding or other natural disasters? What is considered to be a "peaceful protest" and what is a disturbance of public order? How can we ensure that our City officials communicate efficiently with police services and with affected residents? And finally in the capital region of a federal country, like Ottawa, how can we make sure that the relevant agencies work together to protect the "reasonable" right of those who protest while also upholding the right of residents to live freely and peacefully?

These are fundamental and crucial questions that our report will try to address. I certainly continue to reflect on these questions, keeping in mind what we have heard from those who lived it firsthand. We will eventually present recommendations, based on the wisdom and experience of downtown residents, in hopes of preventing similar protests and events degenerating in the same way, keeping thousands of residents invisible, imprisoned and trapped in their own homes.

Commissioner's Reflections

ALEX NEVE: THE ABANDONMENT OF HUMAN RIGHTS

We do not matter. We do not count. We have been abandoned.

That is likely the most common sentiment we have heard, over and over, during these past months of hearings and community consultations. Abandoned. I would not be able to count how many times that has come up.

We have heard that from the residents of Centretown, Lowertown, Vanier and Overbrook. We have heard that from the downtown business community. We have heard that from the City councillors who represented them.

And every time we have heard it, I have been struck how deeply that sentiment speaks to a failure of human rights. Over the course of more than three decades of frontline human rights research I have carried out across Canada and around the world, that anguished and raw sense of abandonment is what I have universally heard expressed, as I have investigated unjust imprisonment, forced displacement, armed conflict, discrimination and inequality, torture, and other human rights violations.

That is no surprise. After all, it truly goes to the heart of human rights. Human rights are, at their core, a reflection of human dignity. To have one's rights recognized and upheld is to feel acknowledged and

respected. It is to feel dignified and included. To have one's rights trampled and violated is to feel disregarded and dismissed. It is to feel stripped of dignity. It is absolutely to feel abandoned.

That is certainly so when authorities themselves commit the human rights violations. Could there be any more glaring example of contempt for human dignity and abandonment? But it is equally true when the abuses are committed by private groups and individuals, and officials do not care or try hard enough to provide protection. In both instances, the state is responsible for upholding human rights. In both instances, the failure to do so callously abandons people and communities to their own fate.

It is a sombre realization, to know that thousands of people, only a 15-minute walk from where I live, not only felt but truly were completely abandoned, in the face of what for many of them was the most disruptive, threatening and fearful experience of their lives. Abandoned by police, by government, by public officials and, in a sense, abandoned by society at large.

In some ways, for many people being abandoned was more galling and upsetting than the harms and violence of the convoy itself. It was unfathomable.

People were not abandoned because they did not look for assistance and support. They were not abandoned because they remained silent and were somehow complacent.

Far from it.

They repeatedly approached police and bylaw officers on the street. They submitted numerous complaints about harassment, assault and public safety concerns by phone, online and by going directly to the police station. They took to social media, and were interviewed by journalists. They mounted their own public protests or counter-protests. They pleaded for help from their elected representatives: municipal, provincial and federal. They made calls to the social service agencies they normally rely on for support. And they turned to each other, especially when it became clear that authorities were not going to assist.

A few officials did heed these urgent pleas. We have heard that in particular with respect to the downtown City councillors at the time, particularly Catherine McKenney and Mathieu Fleury. Some agencies valiantly stayed open and did their best to provide assistance.

But overwhelmingly, almost universally, these requests for help and calls for action went unheard and were ignored; abandoning a community of thousands, residents and business owners alike, to cope on their own.

I was so struck by the stark example, described to us by Michelle Hurtubise, the Executive Director of the Centretown Community Health Centre, of the stunning response she received to a compelling request for police assistance. The Centre was carrying out an important COVID vaccination clinic for children between the ages of 5 to 12 on the second Saturday during the occupation. However, as that Saturday morning came around, convoy participants had set up on the street and sidewalk in front of the centre, where they parked their vehicles, lit an open fire with propane tanks nearby, and were drinking beer.

Understandably worried about the evident safety and security concerns, with dozens of young children soon to show up, Michelle made a phone call to ask

the police to intervene. Her request was inexplicably rebuffed and she was told that because the centre was situated within the red zone, they would not be taking action. The police's absurd position seemed to be that those who were most likely to need their support were the ones expressly excluded from receiving it, because of geography. Abandoned. It was only after Michelle took to her personal twitter account that the police, likely feeling rather embarrassed, did send someone to assist.

If dozens of children could be abandoned, who could count on being protected?

The Centretown Community Health Centre's experience played out similarly for many other individuals and organizations who made repeated requests to police or bylaw offices for assistance, including when they had been assaulted or threatened. What they consistently heard back, however, was that police were waiting for their orders, were on standby, were just observing, and did not want to risk provoking the convoy participants and inflaming the situation. All of that against a backdrop of reports of truckers being directed and even escorted into the downtown by police, and of some officers having chummy conversations, laughing and even taking selfies with convoy participants.

We had focused sessions with residents in various apartment and condo buildings at the very heart of the occupied section of downtown, who were clearly extra vulnerable. Many were elderly, with limited mobility. A significant number were living with disabilities and faced challenges buying groceries, filling prescriptions, and using accessible transportation. Many of the people living in Centretown and Vanier are racialized or from the 2SLGBTQIA+ community, and of course easily half of the area's residents are women; all of whom were at heightened risk of being targeted for harassment and abuse by some convoy participants.

We asked whether they had heard proactively from police? Had community police officers reached out

to ensure they were safe, and to ask whether they had any pressing security needs? We kept asking the question, perhaps hopeful that someone would describe a positive experience. None did. All talked instead of being abandoned because they clearly did not matter enough to the powers that be.

I absolutely realize and accept that the convoy occupation presented police and government with complex and unique challenges. No matter how complicated or unique, however, there is no excuse for overlooking human rights responsibilities. In fact, those are precisely the times when a commitment to human rights is more important than ever.

What has become distressingly evident to me, however, is that human rights were simply not in the frame at all as plans for anticipating, responding to and resolving the convoy crisis were being developed and operationalized.

Yet, when officials abandon human rights, they abandon people. I have heard, witnessed and documented that abandonment in communities around the world. It is never understandable and definitely never acceptable, anywhere. Certainly not in Ottawa.

Commissioner's Reflections

DEBBIE OWUSU-AKYEEAH: HYPOCRISY

Having lived in Ottawa for over a decade, I have become accustomed to the various stereotypes of our beloved "government town". Stereotypes that this is a quiet city, very individualistic, and lacking imagination, which often push young people, creatives and activists to move to other cities. From the outside looking in, it might be hard to imagine community-centricity being a part of the culture here – let alone during times of crisis.

Looking back at the multitude of stories we heard during the OPC's first phase, I cannot help but reflect on the many accounts from residents of the hypocrisy they witnessed from decision-makers. But, also Ottawa residents' direct, or indirect, response to the hypocrisy by showing in SO many ways that community keeps people safe – even in our quiet government town.

"As the 'convoy' settled into downtown Ottawa, it was difficult not to notice the troubling differences in the way police welcomed these 'protesters' and the militarized speed of police responses to BIPOC-led protests and to the confrontational way the RCMP approaches land-defenders including the Wet'suwet'en First Nation."

When I look at my initial reaction to the occupation, I couldn't help but think about the stark difference between municipal decision-makers' (specifically our mayor and Ottawa Police Service) response to what was a "protest" to the many actions I have participated in in this city and have even helped organize. Actions that other young Black, Indigenous, and marginalized folks participated in. It wasn't that long ago we witnessed the OPS response to Black and Indigenous organizers protesting police brutality by shutting down Laurier Avenue through a sit-in. Not for a month, but for a couple of hours. There was a much more direct and aggressive disruption of that form of dissent by OPS compared to what we witnessed during the occupation in February. This is one of MANY instances of this form of dissent being met with more brute police force. The fact that this example, but also the general comment around how this city treats different forms of dissent, was mentioned so frequently in the stories we heard shows that there is a collective sense and deeper understanding that these institutions fail us by intention and design.

I think it's important to draw the connection between the hypocrisy and the communities' response to it. It was a common theme with much to unpack.

"Doesn't escape you what their politics are and what their adjoining beliefs are."

We heard from so many different residents from many different backgrounds. What was clear from their narratives was that occupation impacted people differently based on their social location. What we heard, and this report, weaves together how those stories connect.

For example, the focus groups with members of Ottawa's 2SLGBTQIA+ communities. As a queer person myself, I felt really connected with the people who shared their perspectives, as they resonated so closely with mine. We heard stories and analysis from 2SLGBTQIA+ people, specifically those already tapped into monitoring rhetoric and ideology that may have surrounded the occupation. People who have been steps ahead of even our decision-makers when it came to the intelligence and ideological discourse that surrounded the occupation. Queer and trans community members were at the forefront of documenting and sharing it online. It was very important to hear how queer and trans people reacted to the hypocrisy and inaction they witnessed, on top of the homophobia and transphobia that permeated the occupation, with community response and mutual aid.

"Disabled people being told their lives don't matter."

This also brings me back to the session we had with community members with disabilities. A session that will forever impact me when I look back and think about how the occupation – similar to the pandemic – opened a curtain to the systemic issues and barriers that already exist within our city. Where the most marginalized people, impacted by physical access barriers and health challenges, required specific attention, service delivery, and information. They were abandoned in a specific way that shows how our municipal institutions are designed to be intentionally ableist. It forced these community members who

were navigating their specific access and barriers challenges, magnified by the physical occupation of the city, to support other disabled people to get food and counselling support. This all while experiencing, as one resident shared with us, "intensification of legislative violence against disabled people". It's why after this session I shared publicly that anyone running in the municipal election, they should pay close attention to the recorded testimonies of these incredible residents. There were so many fundamental policy lessons to be learned about how we should respond and how we care about the most vulnerable people in our communities in times of crisis.

"I will never forgive any of those guys."

We heard from Paul Champ, a human rights lawyer whose firm is representing downtown residents in the convoy class action lawsuit. I was shocked at how emotional his account was. I still feel sadness and anger when I look back at it. He told a story about not only local but cross-country mobilization of information and support to respond to the inaction and hypocrisy of City officials. From the submission of heartbreaking stories by Ottawa residents that fueled the urgency to lawyers as far as Alberta volunteering to provide legal research – communities came together in so many different ways to support each other in collectively responding to what was, and wasn't, happening during the occupation.

What shocked me about his account was what I have personally coined my, "ah-ha" moment: all the work that Paul and his team put into getting an injunction to end the honking was met with vindictiveness from City of Ottawa officials. It showed a further disconnect of City officials with residents that was intentionally driven by those with political power. The City froze Paul's team out of the initial stages of the legal process and acted in counter-purpose by withholding information. It seemed as if the City, incredibly, felt they were in competition with the community. This vindictiveness that targets community leaders and

groups who, through their activism, hold a mirror to the municipal decision-makers is not new. It is a pattern I have seen time and time again. It stifles positive action for the community and is driven by a toxic culture that exists "at the top" of decision-making in Ottawa. This is what caught me by surprise: If a respected white male lawyer can receive the same disdain and vindictiveness experienced by other progressive and marginalized community leaders, what does that say about the willingness of the City to learn from the mistakes of February 2022?

Ottawa is absolutely community-driven, resilient, and passionate about caring for each other – and yes, all while living in a "government town". The stories of the occupation unearthed so much about the power of collective remembering; about how we can inform change through our stories and collective power. What's needed, which this process and the final report will hopefully achieve, is accountability at the top to match the passion of the people.

Elected officials and senior municipal bureaucrats must recognize that residents of Ottawa are not their enemy or competition. They are not a nuisance or inconvenience. They are in service to residents and constituents. When decision-makers treat citizens working to make their city better with contempt, what we get is the utter failure of leadership we witnessed during the convoy occupation.

In reflecting on this, I can't help but think about the opportunities that are now presented to our newly elected City council and mayor. What is the commitment to real cultural change with the new leadership when, during the election, far too many citizens were treated like the enemy? One way to measure that will be through the response to the recommendations that come out of this People's Commission.

Time and a lot of advocacy will tell. I am cautiously optimistic.

Commissioner's Reflections

LEILANI FARHA: OCCUPATION

One of the things I love about Ottawa is the overall friendliness of the people who live here. You're in a line up at the grocery store and suddenly you're trading socials with the person in front of you; you have a household emergency and meals start arriving on your doorstep. I have taken up residence in a few cities in my life, and I'd say, Ottawa is pretty much unparalleled in this respect³. Protests – which are common here – have never disrupted that for me. Until Saturday 29 January 2022, when the trucker convoy arrived.

Almost immediately the city felt decidedly different to me, even in those first days where my only exposure to the protest was through social media, horn blaring heard from afar, and the putrid fumes on the Ottawa Parkway, near my home. It may sound flakey to say there was suddenly a different “vibe”, but, there was suddenly a different vibe, even in my neighbourhood. Hostility, anger, violence and divisiveness became an overlay to the city as a whole. The easy friendliness was somehow tempered. Spontaneous conversations with strangers that invariably occur, became constrained, a little uneasy – whose side are they on? Do they support the convoy or are they opposed to it?

After about a week, the “vibe” morphed into a daily reality, with hostility and anger on our city streets becoming an entrenched feature and media, government officials and local residents referring to the trucker protest as an “occupation”. This caught my attention. I am an Arab-Canadian human rights lawyer with deep connection to Palestine, and I have spent a great deal of both my personal and working life thinking about and advocating against occupation. I have visited the Occupied Palestinian Territories several times. When “occupation” was used to describe what was happening in Ottawa, I admit, I was skeptical. I have seen Israel's ruthless occupation of the West Bank and Gaza up close: the taking over of streets by occupying forces; the erection of checkpoints at major crossings prohibiting travel and severing one part of a region from another; physical threats and humiliation of the local population by occupying forces; the closing down of shops and economic activities and other obstructions of daily life and violations of fundamental rights of the local population such as access to food, medicines, healthcare, education and social supports; the disappearance of people; and an edgy atmosphere – that at any moment the situation could escalate and real harm could be perpetrated by the occupiers against the occupied.

³ I recognize this may not be everyone's experience of Ottawa, especially not for those members of disadvantaged and marginalized groups including Indigenous people, those from racialized communities, people living in homelessness and poverty, 2SLGBTQIA+, particular groups of women, migrants, persons of colour, etc.

I am mindful not to draw false comparisons or to overstate similarities between what the Palestinians suffer and what happened to Ottawa residents during the convoy last year. The situation in the Occupied Palestinian Territories is a 55 year+ occupation with grave implications for international humanitarian and human rights law.

That being said, having visited the downtown core several times during the "protest", and having listened to many testimonies at the Ottawa People's Commission, "occupation" is not an unreasonable description of what unfolded for three weeks in the nation's capital.

The testimonies at the OPC hearings revealed some hallmarks of an 'occupation', in particular for those living in the red zone, and for others as well.

Takeover of an area. We heard that main arteries in the core, as well as many residential streets, were completely taken over by trucks and their owners who had not only moved their vehicles into the area but who had set up food halls and open fires on street corners.

Controlling movement. Many testified that mobility into and within the red zone was almost impossible, with trucks even blocking apartment building parking entrances, and that public transportation – including for persons with disabilities – to the downtown core had been suspended.

Intimidation and violence, especially of the already vulnerable. Trucks and truckers were at intersections, on the streets and in stores intimidating local residents including through hateful and menacing commentary, and acts of violence, especially against those wearing masks and those who could be identified as from marginalized groups.

Shutdowns. Shops were forced to shutter, some for the entire three weeks. Where they remained open, workers reported being intimidated and harassed by

members of the convoy.

Significant obstructions to daily life and violations of socio-economic rights. We heard countless reports of obstructions to daily life. Some reported finding it difficult to get to and from medical appointments, others were held hostage in their buildings, afraid or unable to leave, and thus could not access necessary medicines, or even food for themselves and their pets. Low-income residents living outside the downtown core including in Vanier, could not reach the city's three drop-in centres, all of which are in the red zone, preventing them from accessing necessary social supports including daily meals they rely upon for survival.

Disappearances. We heard that members of Ottawa's unsheltered homeless population were displaced from the public locations where they reside and some have not been seen since.

Constant threat of violence. We heard repeatedly that within the red zone residents and those working there experienced anxiety and had a constant sense of unease; that violence and more lawlessness could erupt at any time. Many wondered and worried every time they stepped outside their home, "what's in those trucks?", "what's in those jerry cans?"

The idea that government officials and police would allow Ottawa to be occupied in such a fashion is astounding.

Even more astounding, perhaps, is that at no time did any government officials, save two or three City Councillors, bother to inquire let alone address the needs of everyday residents of Ottawa caught in the cross-fire.

How difficult would it have been for government officials to map the downtown core to identify marginalized groups who might be living there and develop a protection plan; to determine which community services are located in the red zone and

create a plan to ensure they could be accessed; to ensure access to transportation so that those living in the red zone could attend medical appointments and undertake grocery shopping?

The bend-over-backward approach by all orders of government and the police to protect the right of free expression for convoy protesters, which reached absurd heights, stands in stark contrast with the utter failure by governments to ensure that the basic social and economic rights of local residents – particularly marginalized groups – were met. This was a complete abdication of governments' international socio-economic human rights obligations.

Sadly, from my vantage, this is government policy on repeat.

And so, as is often the case in the Canadian context, it was piecemeal, individual acts of charity that filled some of the gaps created by governments failing to meet their human rights obligations to the residents of Ottawa. We heard many stories of how in the vacuum of social support by any level of government, neighbours and friends supported each other, and strangers lent a hand. A volunteer food network was established, to ensure those who couldn't reach a grocery store had enough to eat; friends and family members outside of the red zone offered those trapped downtown alternative accommodation; resident-led safe-walking groups were established to help people get to appointments and buy supplies.

These acts of kindness restore my sense of 'friendly Ottawa.' But they do little to restore my confidence in our government officials to do what governments are supposed to: ensure human well-being and basic human rights, especially in a time of crisis.

Findings

Over the course of four months, the OPC has heard from over 200 people, through public testimony, community consultations, private meetings and written submissions. We are grateful and appreciative for the valuable input we have received. We are cognizant that the public space for discussing the convoy, and public health and other issues related to the convoy, can often be exceptionally polarized and toxic. It is no overstatement, therefore, to say that it is courageous to speak out in that context.

This Part I of our final report offers a compilation of what we have heard from Ottawa residents, organized under four broad themes that have emerged, as well as reflections from the four Commissioners. Part II will build on this and offer deeper analysis of what we have heard and recommendations going forward.

The Commissioners have identified a number of themes that came up frequently in what we have heard, leading to initial findings that will be explored more fully in Part II of our report. Those findings are fourfold:

- The convoy was indeed an occupation of downtown Ottawa, distinguishing it from conventional protests that are commonplace in the city. The **occupation** proceeded in disregard of and disrespect for the leadership and protocols of local First Nations, in land and territory that has never been ceded or surrendered. This characterization of the convoy

as an occupation has implications for how it should have been handled from the outset, and how the consequences for residents, workers and business owners in central Ottawa should have been understood and addressed.

- The convoy was unquestionably **violent**. It was not a peaceful, or mainly peaceful, event as has often been asserted. The strategy of using big rig trucks to blockade streets, and blare horns incessantly at harmful decibel levels, was a violent underpinning to the entire experience. Convoy participants assaulted and accosted residents for wearing masks, intimidated, threatened and insulted with racist, misogynist, Islamophobic, homophobic, transphobic and other taunts, and displayed antisemitic and racist flags, banners and posters. This conduct, and other similar activities constituted violence. A pervasive atmosphere of hate, anger and fear of a truck accident, propane explosion or other catastrophic event, added to the violence.
- The people of Centretown, Lowertown, Vanier and Overbrook were undeniably **abandoned** by police and government. Amidst a strategy that appeared to be designed to offer maximum leeway to the convoy and was focused on avoiding confrontation with convoy participants, for several weeks, police and bylaw officers virtually stopped enforcing the law. At the same time, residents and business owners were provided little or no information about conditions

on the ground and plans for resolving the crisis. This stands in sharp contrast to the swift and often aggressive enforcement action that marks police responses to other disruptive, yet peaceful, protests, and the strong communication from police and government during other crises or disruptive, large-scale public events.

- In the absence of police protection and bylaw enforcement, and faced with the cancellation or dramatic reduction of many essential public services and programs, there was exceptional **community mobilization** to address basic concerns about safety, and to help vulnerable community members access food, medical supplies and other necessities.

The Commission has also heard from some Ottawa residents who welcomed and even participated in the convoy. After two years of feeling ostracized because of their opposition to COVID-19 vaccine, masking and other public health protocols, the convoy's arrival bolstered their spirits. While their views and experience were clearly in the minority, their input is reflected in Part I of our report and will be further considered in Part II.

Our conclusion that the people of downtown Ottawa were abandoned by police, government and some politicians in the face of a violent occupation of their neighbourhoods, requiring community level mobilization to address safety concerns and provide basic needs, leads to our overarching assessment that the convoy and the response to the convoy represent a clear **human rights failure**.

We have heard dimensions of that human rights failure that are attributable to all three orders of government, municipal, provincial and federal, extending to both police and public officials. We have heard of a glaring failure to provide people with timely and reliable information about what was happening. We have also heard that the lack of clarity of roles and ineffective coordination among governments and police forces

contributed significantly to this human rights failure. Residents and business owners witnessed that incoherence and felt its consequences firsthand. The applicable human rights framework and related recommendations to ensure greater regard for human rights obligations by governments and police in the future will be discussed in Part II of our report.

The People's Commission is, at the end of the day, of and for the people of downtown Ottawa. And the work of the OPC has therefore only been possible because of what people have brought to this important initiative. That includes the tremendous work of our staff, the enormous contributions of our Steering Committee and other volunteers, the generosity of donors and supporters, the assistance from community partners and, above all, the courage of everyone who has come forward to share their views and experience. We are particularly appreciative of the role played by the Centretown Community Health Centre, the Commission's home.

The Commissioners have been honoured and humbled to have been asked to take on this role of hearing from the community about the impact of the convoy on their lives and livelihoods, and we are deeply grateful to everyone who has made it possible.

Court File No. CV-22-00088514-00CP

ZEXI LI et al.

- and -

CHRIS BARBER et al.

Plaintiffs (Respondents)

Defendants (Moving Parties)

ONTARIO
SUPERIOR COURT OF JUSTICE

AFFIDAVIT OF DEBBIE OWUSU-AKYEEAH

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Solicitors for the Plaintiffs (Respondents)

Court File No: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

ZEXI LI, HAPPY GOAT COFFEE COMPANY INC,
7983794 CANADA INC. (c.o.b. as UNION: LOCAL 613)
and GEOFFREY DEVANEY

Plaintiffs

- and -

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING,
JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS,
CHAD EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANZEN,
JASON LAFACE, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,
NICHOLAS ST. LOUIS (a.k.a. @NOBODYCARIBOU),
FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, GIVESENDGO LLC,
JACOB WELLS, HAROLD JONKER, JONKER TRUCKING INC., and BRAD HOWLAND

Defendants

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF IVAN GEDZ

I, IVAN GEDZ, of the [REDACTED], in the Province of Ontario, AFFIRM:

1. I am the majority owner of 7983794 Canada Inc., a company operating under the name Union: Local 613. The company has agreed to be named as a representative plaintiff in the present action on behalf of a new “Business Subclass” of businesses in downtown Ottawa that have been impacted by the “Freedom Convoy” occupation. As such, I have personal knowledge of the matters to which I hereinafter depose except

where I have stated my evidence to be on information and belief, in which case I have indicated the source of my information and my belief in the truth of the information.

2. Union: Local 613 is a restaurant located at 315 Somerset Street West in downtown Ottawa, within the area affected by the Freedom Convoy. The restaurant was established over ten years ago and can normally seat 120 customers in our lounge and dining area. We view ourselves as an engaged member of our community.
3. The impacts of the global COVID-19 pandemic, and the public health measures which have been implemented to address it, had a profound impact on many in the restaurant industry. Provincial public health regulations frequently required our restaurant to close for prolonged periods from 2020 to 2022.
4. Union: Local 613 was closed from January 5, 2022, to January 31, 2022, to in-person diners in accordance with Provincial public health regulations. On January 31, 2022, we re-opened the restaurant to in-person diners at 50% capacity, as permitted by law.
5. A few days earlier, the Freedom Convoy arrived in Ottawa on January 28, 2022. A large number of semi-trucks drove through our downtown area to start occupying the streets closest to Parliament Hill. I cannot personally confirm how many trucks there were but I have seen estimates in the media that it was around 400 trucks. I also live in downtown Ottawa and from my own observations at the time I believe this estimate is accurate.
6. While Union: Local 613 remained open to in-person diners since January 31, 2022, there was a large drop in our expected customers. During the COVID-19 pandemic, when we were able to open at 50% capacity, we were fully booked most nights. Our experience during the Convoy occupation until it ended on February 20, 2022 was very different.
7. Based on a comparison of our monthly revenues from periods with similar capacity limits, Union: Local 613's revenues during the Convoy occupation decreased

approximately 45% from what we would have expected. Some nights were what we call “shut outs”, meaning almost no customers came in. Union: Local 613 would have considered closing completely, as we were already in a net loss position practically every night since January 31, 2022. However, we didn’t want to lay off staff as we know they rely on their wages. As well, our staff are important to our success and we would risk losing them if we did not keep them on.

8. During the Convoy occupation, I observed that throughout the week the restaurant would get fully booked with weekend reservations, which would be normal based on our previous experience throughout the pandemic when the restaurant was permitted to open. When the February 4-6 and February 11-13 weekends approached, however, and the disturbances from the Freedom Convoy continued to be unresolved, a substantial number of reservations made in the course of the week were cancelled.

9. There are a number of ways in which the presence of the Freedom Convoy had a negative impact on Union: Local 613’s business. The noise from the persistent honking of truck horns could be heard inside the restaurant as a constant din or hum. Diners looking for a peaceful dining experience are deterred from attending restaurants in the affected areas. I was informed by my business partners, and I believe this to be true, that some customers who provided reasons for their cancellations expressly referred to the Freedom Convoy occupation.

10. At times, vehicles participating in the Freedom Convoy paraded down Somerset Street West, passing by Union: Local 613 while honking their horns at extremely loud levels. This created an unwelcoming atmosphere for prospective diners, both inside the restaurant and when they approached it.

11. The two parking lots most proximate to Union: Local 613 on the north and south sides of Somerset Street West between O’Connor Street and Bank Street were fully occupied every evening by Freedom Convoy vehicles, making it impossible for diners to park their cars near the restaurant. It was obvious the trucks in the parking lots were associated with the Freedom Convoy because they had flags, signs and

offensive slogans on their vehicles, including vulgar messages about the Prime Minister. I actually spoke to some of them and again there was no doubt that they were part of the Freedom Convoy.

12. The closest street where trucks were parked was Bank Street. Some days the trucks were backed up on Bank Street as far as Somerset Street West, and even further south. That is very close to our restaurant. The diesel exhaust from these hundreds of trucks idling in downtown Ottawa was all around downtown. At our location, we were approximately five to seven blocks away from where it was really bad, with streets completely blocked all the time. The diesel exhaust was not as bad where we were located, except on the weekends when the number of trucks was larger. But one only had to walk a couple of blocks away from our restaurant to encounter the rotten smell of this pollution that pervaded the downtown core.

13. While the diesel exhaust was not as bad at our restaurant location, the truck horns were definitely uncomfortable. During the first ten days of the Freedom Convoy occupation, the horns were incessant and distressing, even though we were five to seven blocks from the start of the blockades. I cannot imagine how people or businesses located closer to the Freedom Convoy occupation could function at all. The horns did stop for a few days following the injunction, but they later started blaring again at different times. The sound was disturbing to our staff and our customers.

14. More generally, the presence of so many trucks in the downtown core, including several blocked roads, deterred prospective diners from surrounding communities from attending the area because it was difficult to get around by car. Consequently, very few diners attended Union: Local 613 during the Freedom Convoy who did not reside in the immediate neighbourhood. The general atmosphere of chaos and lawlessness in the downtown core had people avoiding the area.

15. I was the head of the Somerset Street Business Improvement Association (“BIA”), and as such I was in regular communications with the members of our BIA as well as the Ottawa Association of BIAs. I heard from the other BIAs that the Freedom


Convoy drastically affected the revenues of their businesses. I am aware that there were a large number of restaurants and other businesses that were closer to the heart of the Freedom Convoy occupation which closed entirely. It was brutal for the restaurant industry, as we were still trying to survive the pandemic restrictions. Union: Local 613 was only open because of government assistance during the pandemic and we were heavily in debt. This Freedom Convoy hurt us and I know of some restaurants in downtown that never survived.

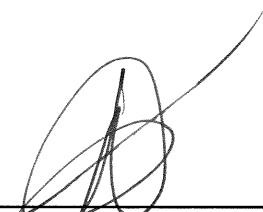
16. There were several news stories about the number of local businesses that experienced losses due to the Freedom Convoy occupation. For example, attached as as Exhibit "A" is a CBC story dated February 10, 2022, "Governments talk as Ottawa businesses plead for urgent help amid protest".

<https://www.cbc.ca/news/canada/ottawa/business-help-government-1.6345059>

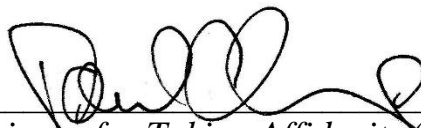
17. Many local businesses in downtown Ottawa suffered huge losses every day during the Freedom Convoy occupation.

AFFIRMED before me in the City of)
Ottawa, in the Province of Ontario,)
this 31st day of August, 2023.)

)
A commissioner for taking affidavits)


Ivan Gedz

This is **Exhibit “A”** referred to in
the Affidavit of Ivan Gedz
sworn August 31, 2023.

A handwritten signature in black ink, appearing to read 'Paul Champ', is written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)
Paul Champ

Ottawa

Governments talk as Ottawa businesses plead for urgent help amid protest

Business associations say impact of protest and pandemic is a one-two gut punch

Giacomo Panico · CBC News · Posted: Feb 10, 2022 4:00 AM EST | Last Updated: February 10, 2022



Ottawa's Rideau Centre mall is losing an estimated \$3 million per day in revenue after management closed the mall on the advice of police, according to the Retail Council of Canada. (Justin Tang/The Canadian Press) ²⁸⁷

Local business groups are calling on all three levels of government to provide immediate financial assistance to shops and restaurants affected by the protest in Ottawa that is now in its 14th day.

The protest against pandemic rules across Canada has led to an estimated loss in sales of \$3 million per day at the city's busiest mall, the Rideau Centre, according to the Retail Council of Canada.

The mall closed on Jan. 29 over health and safety concerns after it was swarmed by maskless protesters. Its owners don't yet know when it will reopen.

This happened just before Ontario began to lift some public health restrictions, which would have allowed previously shuttered shops to open their doors.

Many other downtown businesses also chose to remain closed because of the ongoing protest and they have felt the one-two gut punch of pandemic and protests, says Sueling Ching, president & CEO of the Ottawa Board of Trade.

“There are no programs in place to support them and this is through no fault of their own.”

- Sueling Ching, Ottawa Board of Trade

"They are being further burdened because of these demonstrations, many of them having to completely close," said Ching.

"There are no programs in place to support them and this is through no fault of their own."

The protest and ensuing closures couldn't come at a worst time, according to Michelle Groulx, executive director of the Ottawa Coalition of Business Improvement Areas (BIAs).

"Every single day that revenue is lost is a missed opportunity to pay back mounting debts incurred since the pandemic began," said Groulx.

WATCH | Downtown businesses look for financial support:



Downtown businesses look for financial support — but insurance isn't likely to cover it

▶ 2 years ago 2:54

As the convoy protest reaches the end of its second week in downtown Ottawa, business owners who closed or who haven't seen the customers they anticipated are now hoping for some kind of financial assistance.

Governments talking, but no financial commitment

Groulx and Ching want to see municipal, provincial and federal governments provide urgent financial assistance to the affected businesses. As of Thursday morning, governments have only said the topic is being discussed.

- **Thousands in lost revenue, wages as protest hits one-week mark**

- **Downtown business owners 'defeated' by convoy closures, harassment**

In a written response, the City of Ottawa says it is advocating for financial assistance for local businesses and employees affected by the demonstration in discussions with other levels of government.

While Ontario Premier Doug Ford says it's time for protesters to go home and let businesses safely open, his government has not offered money to help those businesses.

A statement issued on behalf of Ottawa-Vanier MP Mona Fortier and Ottawa Centre MP Yasir Naqvi said the federal government is listening closely to the concerns of businesses and remains in contact with the city to explore options.

There is no concrete offer of financial help, though.

WATCH | A recap of protest developments on Wednesday:



Threat of criminal charges, vehicle seizures won't dissuade Ottawa protesters

▶ 2 years ago 2:12

The protesters in Ottawa are being warned about the possibility of criminal charges, arrests and vehicle

Insurance claims are unlikely

Insurance claims could seem like an appealing option to recuperate lost revenue, but Ottawa business professor Ian Lee says insurance companies likely won't approve such requests.

Lee says business interruption insurance is not the same as something like car or home insurance because it's "not a finite loss."

"It's an open-ended commitment that just keeps going [for a potentially long duration]. So typically they [insurance companies] put very tight restrictions, so you can only claim it in very limited, circumscribed situations," he said.

While downtown establishments plead for help, prominent local chef and restaurant owner Joe Thottungal has helped launch a GoFundMe page in support of affected restaurants.



Chef Joe Thottungal of Thali restaurant in downtown Ottawa has helped launch a fundraiser in support of downtown restaurants. (Supplied)

Thottungal, who owns Thali restaurant at the corner of Laurier Avenue West and O'Connor Street, says the fundraising effort is to provide immediate cash to help downtown eateries stay afloat.

"Help in a timely manner is important," said Thottungal. "We need to distribute a little bit of money at least before Valentine's Day, so that people can support

themselves because they are going through hardship."

As of Wednesday afternoon, the fundraiser had raised close to \$72,000.

With files from Krystalle Ramlakhan

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Court File No: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

ZEXI LI, HAPPY GOAT COFFEE COMPANY INC,
7983794 CANADA INC. (c.o.b. as UNION: LOCAL 613)
and GEOFFREY DEVANEY

Plaintiffs

- and -

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING,
JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS,
CHAD EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANZEN,
JASON LAFACE, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,
NICHOLAS ST. LOUIS (a.k.a. @NOBODYCARIBOU),
FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, GIVESENDGO LLC,
JACOB WELLS, HAROLD JONKER, JONKER TRUCKING INC., and BRAD HOWLAND

Defendants

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF JEREMY KING
Affirmed September 1, 2023

I, JEREMY KING, of the [REDACTED] in the Province of Ontario, AFFIRM:

1. I am the Executive Vice President of King International Advisory Group (“KIAG”), retained on behalf of the Plaintiffs in this matter to collect evidence concerning certain of the named individual defendants in this action, and to track social media relating to the Ottawa “Freedom Convoy” protest and its organization and activities. I have been primarily responsible for this investigation, and directed the work of others at KIAG in this regard. As such, I have personal knowledge of the

- 2 -

matters contained in this Affidavit. Where I have made statements based on information and belief, I have stated the source of the information and believe it to be true.

2. I am aware that, on February 7, 2022, a Judge of the Ontario Superior Court of Justice granted an Order for an injunction (the “Injunction Order”), prohibiting the use of air horns and train horns in downtown Ottawa for a period of 10 days. I have seen and reviewed a copy of this Order.

3. During my investigation, I reviewed statements and information from the Defendants Barber, Dichter, Lich, and King as well as other members of the Freedom Convoy protest on the following social media platforms: Zello; Twitter; Facebook; Instagram; Telegram; Discord; Reddit; TikTok; BitChute; Rumble; and Dave Rubin’s Report. Organizers of the Freedom Convoy, including the named Defendants, also hosted regular “press conferences” streamed via video and made available via Facebook Live and YouTube.

4. During the course of my investigation, I did not see any posts or statements by the Defendants Dichter, Lich, or Barber communicating the Injunction Order to Convoy participants. I note the following with respect to the named Defendants:

Benjamin Dichter

5. I reviewed statements and information from the Defendant Dichter’s known social media profiles, which include Twitter account @BJDichter and Instagram account @bjdichterxo. I did not see any posts or statements on this account communicating the Injunction Order to Freedom Convoy participants.

Tamara Lich

6. I reviewed statements and information from the Defendant Lich’s known social media profiles, which include Twitter account @Tamara_MVC and TikTok account

- 3 -

tamaralich. I did not see any posts or statements on these accounts communicating the Injunction Order to Freedom Convoy participants.

7. I did, however, see a post on the Freedom Convoy 2022 public Facebook page made on February 12, 2022 at 2:27PM by the Defendant Lich stating “We have the support of a Superior Court judge who has stated numerous times that we have a legal right to be here and to protest peacefully, and peaceful we shall remain”. Lich makes no mention in this post of the fact or terms of the Injunction Order. Attached hereto and marked as **Exhibit “A”** is a copy of Lich’s Facebook post dated February 12, 2022.

Chris Barber

8. I reviewed statements and information from the Defendant Barber’s known social media profiles, which include TikTok accounts bigred19755 and chrisbarber1691 and Facebook account Christopher.barber.94009. I did not see any posts or statements on these accounts communicating the Injunction Order to Freedom Convoy participants, but saw one post that does refer to the Injunction Order. On February 9, 2022, Mr Barber posted himself on TikTok “live from Ottawa”, stating there is “an order in place to keep the horns down”. He then advises viewers that if they see a “large mass of police” approaching their trucks, they should:

...lock that door, crawl into that bunk but before you do that grab that horn switch and don’t let go. Let that fucking horn go no matter what time it is and let it roll as long as possible, until they’re busting your fucking windows down. We want everybody to know when the time comes, and that’s the way to do it. When that happens, do that guys please. Let that horn go and don’t let it go when we see that mass force of police coming at you. [...] We’ll see if we can fire some shit up.

Mr Barber’s TikTok video posted February 9, 2022 can be accessed online at the following link:

https://www.tiktok.com/@bigred19755/video/7062842855907200262?is_copy_url=1&is_from_webapp=v1.

- 4 -

Patrick King

9. I also reviewed statements and information from the Defendant King's known social media profiles, which include Facebook account The Real Pat King and Instagram account @real_patrick_king.

10. I saw on Mr King's public Facebook page, "The Real Pat King", a Facebook Live video initially broadcast on February 7, 2022 starting at 3:03PM, and which can be accessed online using the link: <https://fb.watch/b1dCQTIMAL/>. The words "BREAK BREAK BREAK" appear under the video on the Facebook page. Starting around 10 seconds into this video, the Defendant King states he wants all truckers' attention and tells them to "break break break". He then makes the following statements throughout the video:

- (a) at approximately 0:28, he states he has a message that needs to go out to "every trucker, everybody on the Convoy" and that everybody needs to be "dead silent on the horns";
- (b) at approximately 0:54, he states that a Judge has issued an injunction against the horns for 10 days, and repeats that there needs to be "silence on the horns";
- (c) at approximately 1:10, he states, "This is their grounds to arrest you and pull you out of your trucks";
- (d) at approximately 2:50, he states, "For the next ten days, you cannot blast your horns. I understand it's hard, we love them, we absolutely love them, but no more horns";
- (e) at approximately 3:55, he states, while laughing, "Remember, these people haven't been able to sleep for 10 days. Okay, it's kind of funny. I'm not going to laugh. I'm not going to lie, it's pretty hilarious";
- (f) at approximately 4:07, he states, "So now, you've got the citizens of Ottawa requesting the municipality of Ottawa to put in an injunction to stop the horns, and now they put an injunction in there. And now they're asking for the Feds to come and negotiate and get us out of their city. It's working, it's working beautiful. It's awesome guys. I'm not laughing, you're laughing. It's kind of funny, it's kind of funny how we can hug and laugh and have a good time, and things are working. Ladies and gentlemen, from the

bottom of my heart, great job out there. You're doing fantastic, let's keep up that great work. Let's keep up that enthusiasm";

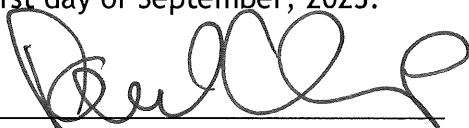
(g) at approximately 5:00, he repeats to "stop on the horns" and that "the injunction's been put in for 10 days".

11. I also saw on Mr King's public Facebook page, "The Real Pat King", a subsequent Facebook Live video initially broadcast on February 8, 2022 starting at 9:39AM, and which can be accessed online using the link: <https://www.facebook.com/therealpatking/videos/653197749066349/>. Starting around 7 minutes and 16 seconds into this video, the Defendant King says: "I don't give a shit anymore. It's game on boys. Blow those horns. Let them go. Let them fire as loud as you can. I don't give a shit anymore."

12. I have not seen any other posts or statements on these or other accounts which I know to be associated with the Defendants Barber, Dichter, Lich, King, or other Freedom Convoy organizers communicating the Injunction Order to Freedom Convoy participants.

13. I make this affidavit with respect to defendants' motion to dismiss the action as an anti-SLAPP lawsuit and for no improper purpose.

AFFIRMED BEFORE ME REMOTELY)
in accordance with O. Reg. 431/20)
by videoconference between)
██████████ ON (affiant) and)
Ottawa, ON (commissioner))
this 1st day of September, 2023.)

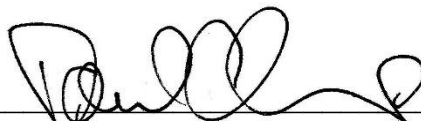


Commissioner for Taking Oaths



JEREMY KING

This is **Exhibit “A”** referred to in
the Affidavit of Jeremy King
sworn September 1, 2023.

A handwritten signature in black ink, appearing to read 'Paul Champ', written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)
Paul Champ



Freedom Convoy 2022

Yesterday at 2:27 PM

Hi my fellow freedom loving Canadians! I have been able to finally get a new FB account set up but the powers that be still won't let me access it from my cell phone. I am going to get some videos made to get posted here on our main page as I can't do lives from my cell

As a quick update, it has been a very hectic few weeks but I am happy to say we are winning! Canadians have come together like I have never witnessed in my lifetime. HOPE and PRIDE are now the two words I hear the most. Everywhere I go people are hugging and smiling and flying their Canadian flags with pride. People break out into Oh Canada on a regular basis and everywhere you go there are always shouts of FREEDOM. People are dancing in the streets and the atmosphere of joy is everywhere.

We are waiting on a ride to take us out to visit the truckers out at 'the farm'. We are all one big family now and it moves me to tears daily. We have had our struggles, they have seized all of the money but still we persevere. Canadians are generously donating so much more than just money. I have faith the monetary donations will be recovered and we have great people working around the clock on this. We have the support of a Superior Court judge who has stated numerous times that we have a legal right to be here and to protest peacefully, and peaceful we shall remain.

I cannot express my love and gratitude enough. Hold your heads high and know that we have Truth, Justice and Freedom on our side (and I am more than certain some Divine Intervention) Canada, we got this.

Sincerely, Tamara

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Joe Rogan

Public Figure



Pierre Poilievre

Politician

See more of Freedom Convoy 2022 on Facebook

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Court File No: CV-22-00088514-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**ZEXI LI, HAPPY GOAT COFFEE COMPANY INC,
7983794 CANADA INC. (c.o.b. as UNION: LOCAL 613)
and GEOFFREY DEVANEY**

Plaintiffs

- and -

**CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING,
JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS,
CHAD EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANZEN,
JASON LAFACE, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,
NICHOLAS ST. LOUIS (a.k.a. @NOBODYCARIBOU),
FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, GIVESENDGO LLC,
JACOB WELLS, HAROLD JONKER, JONKER TRUCKING INC.,
and BRAD HOWLAND**

Defendants

AFFIDAVIT OF LARRY ANDRADE

I, Larry Andrade, of the [REDACTED], in the Province of Ontario, MAKE OATH AND SAY:

1. I am a Partner in Deloitte LLP (“Deloitte Canada”) and part of the Financial Advisory group, also operating as the leader of Deloitte Canada’s National Disputes practice.
2. I have been retained by counsel for the Plaintiffs to provide the court with a preliminary estimate of the damages suffered in the above referenced proceeding. As such, have knowledge of the matters contained in this Affidavit.

Qualifications

3. I am a Chartered Business Valuator and a Fellow Chartered Professional Accountant. I received my Masters of Business Administration from the Schulich School of Business in 2002. My *curriculum vitae* is attached as **Exhibit “A”** to this affidavit.

4. I received input from Deloitte Canada’s Economic Advisory practice in forming my preliminary estimate of the economic damages (“losses”) suffered by the Business and Employee Sub-Classes in the above referenced proceeding.

5. I have no interest, financial or otherwise, in the outcome of the litigation that is the subject of my opinion. I understand that it is my obligation to be independent as an expert witness. A copy my signed Acknowledgment of Expert’s Duty is attached as **Exhibit “B”** to this affidavit.

Scope of Work

6. My preliminary estimate was prepared as of February 25, 2022 and has not been updated to the current date. In preparing my preliminary estimate, I have reviewed and relied upon various publicly available information outlined in Schedule 1 attached as **Exhibit “C”** to this affidavit.

7. As noted above, I have prepared a preliminary estimate of the damages suffered in the above referenced proceeding based on limited publicly available information. Upon receipt of additional, more detailed information, my calculations would require revision.

Mandate

8. In relation to this matter, I have been asked to assist with the Court Motion dated October 11-12, 2023. Specifically, I have been asked to assist with the quantification of losses pertaining to the Business and Employee Sub-Class of the above referenced proceeding¹.

9. Specifically, I have been asked to:

(a) Provide and explain the conceptual approach to quantifying damages for the Employee and Business Sub-Classes resulting from the Freedom Convoy protests (the “Protests”) in downtown Ottawa, assuming availability of required information and adequate resourcing and time to complete the calculations.

(b) Provide a preliminary estimate or range of losses suffered by the Business and Employee Sub-Classes resulting from the Protests, based on publicly available information.

10. I have estimated a range of losses for the Business and Employee Sub-Classes of \$150.0 million to \$210.0 million as outlined in Table 1 below. Please refer to paragraphs 27 to 65 for a detailed explanation of our calculations.

¹ We have not been asked to estimate the losses pertaining to the Resident Sub-Class.

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Description	Low	High
Estimated Losses to the <u>Employee</u> Sub-Class:	\$ 105,677,215	\$ 145,616,706
Estimated Losses to the <u>Business</u> Sub-Class:	\$ 44,498,615	\$ 61,316,356
Total Losses to Employee & Business Sub-Classes:	\$ 150,175,831	\$ 206,933,061
Total Losses to Employee & Business Sub-Classes (Rounded):	\$ 150,000,000	\$ 210,000,000

Table 1 - Summary of Preliminary High-Level Estimate of Damages

Background

11. On or around January 28, 2022, hundreds of trucks arrived in downtown Ottawa as part of the Freedom Convoy 2022, in an effort to protest vaccination mandates².

12. As of January 29, 2022, approximately 400 trucks³, and an estimated range of 4,000⁴ to as high as 15,000 (on weekends) protesters converged in downtown Ottawa to mark the official launch of the Protests⁵.

13. The protesters and their vehicles remained on public streets for the duration of the period of loss, blowing the vehicle horns periodically throughout the day⁶.

² Further Fresh as Amended Statement of Claim, paragraph 6

³ <https://ottawa.ctvnews.ca/about-100-convoy-trucks-in-downtown-ottawa-have-children-living-inside-police-1.5772103>

⁴ <https://www.ottawapolice.ca/Modules/News/index.aspx?page=4&newsId=bed085e8-7c29-4b03-beb5-85862d682fd4>

⁵ <https://www.thestar.com/news/investigations/2022/02/22/timeline-of-the-freedom-convoy.html?rf>

⁶ Further Fresh as Amended Statement of Claim, paragraphs 9 and 10

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14. As a result of the protestors occupying downtown Ottawa during the period of loss, businesses operating in the protest area either closed entirely, or remained open with significant losses and employees were either laid off or lost work as a result of business closures⁷.

15. The above referenced proceeding is for private and public nuisance for the serious harms and losses experienced by the residents, businesses, and workers in downtown Ottawa (the “Occupation Zone⁸”) due to the Protests. Paragraphs 51 to 53 of the Further Fresh as Amended Statement of Claim detail the various subclasses impacted by the Protests:

- (a) Resident Sub-Class – representing all persons who reside within the Occupation Zone in downtown Ottawa;
- (b) Business Sub-Class – representing all businesses that operate within the Occupation Zone in downtown Ottawa and experienced business losses; and,
- (c) Employee Sub-Class – representing all persons who work as employees within the Occupation Zone in downtown Ottawa and experience wage loss

Conceptual Damages Approach

16. The methodology in calculating the damages or losses arising from an event / incident is intended to put the injured party in the same financial position had the event or incident not

⁷ Further Fresh as Amended Statement of Claim, paragraphs 13 and 14

⁸ The borders of the Occupation Zone are outline in the Further Fresh as Amended Statement of Claim, paragraph 49 and 50

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occurred. This is determined by calculating the financial position an injured party would have been in 'but for' the event / incident, less the 'actual' financial position as a result of the event / incident.

17. In the absence of specific data provided by each class member, there are a number of other data sources that could be referred to in order to prepare calculation of losses to the Business and Employee Sub-Classes. These include: but not limited to

- (a) Real-time payment data – For example: credit card payment data both before and after the Protests could be used to assess the decline in business activity in the Occupation Zone during the period of loss.
- (b) People and vehicular traffic data – Obtaining this information for before and after the Protests could be used to assess the decline in business activity in the Occupation Zone during the period of loss.

18. Such data sources could be used to corroborate information obtained from class members. Alternatively, such data could be used to develop estimates of class-wide loss in the absence of information from specific class members.

Preliminary Estimate of Damages Based on Publicly Available Information – Selected Approach

19. Due to the lack of availability of Business / Employee specific information, I have prepared a high-level preliminary estimate based on publicly available information. Upon receipt of such additional information from Businesses and Employees, our preliminary estimates would be subject to revision. In addition, as described above, With the benefit of additional data sources,

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additional estimates could be prepared that would not depend on information from particular class members. A detailed estimate of that nature was not requested at this time.

20. For the purposes of our preliminary high-level estimate of damages, I have relied upon publicly available income-based Gross Domestic Product⁹ (“GDP”) information for Ottawa as a starting point for my estimate of losses in this matter.

21. I have excluded an estimate of public sector GDP from my analysis; however, I understand that some government employees and offices were impacted by the protest and our preliminary estimate is not inclusive of those amounts.

22. As mentioned previously, there are three subclasses as a result of the above-mentioned proceeding, two of which are considered in my preliminary estimate of losses:

(a) Business Sub-Class; and,

(b) Employee Sub-Class.

23. The Business Sub-Class damages are based on my estimate of lost profits as a percentage of the estimated GDP lost as a result of the Protests. The profit margin was calculated based on our analysis of the components of GDP. I note that the use of profit margin would likely understate the losses of the Business Sub-Class as it does not consider the lost ‘contribution’ towards the

⁹ Per Statistics Canada, the Provincial and Territorial Gross Domestic Product (GDP) by Income measures the unduplicated value of production that sums all of the factor incomes (compensation of employees, gross operating surplus, gross mixed income and taxes) generated by this productive activity - incomes representing the returns to the labour and capital employed.

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continuing fixed expenses that businesses incurred but were not able to recuperate through revenues. The calculation of business losses would typically be based on contribution margin (revenues less incremental variable costs which is also equal to net profits and fixed expenses)¹⁰.

24. The Employee Sub-Class damages are based on wages that would have been earned by employees but for the Protests. To estimate the Employee Sub-Class losses, I have relied upon the percentage of annual GDP that pertains to compensation of employees (includes wages & salaries and employer's social contributions).

25. It is important to note that the estimated labour losses will be considered either losses to the Employee Sub-class (if employees did not work and were not paid) or the Business Sub-Class (if employees did go into work and were paid but the business was unable to recuperate the wages expense through revenues). Either way, they represent a loss to one of the Sub-Classes in this action resulting from the Protests.

Preliminary Estimate of Damages Based on Publicly Available Information – Calculation

26. As noted above, I have prepared a preliminary estimate of the damages suffered as at February 25, 2022 in the above referenced proceeding based on limited publicly available information. I have not been provided with business-specific or employee-specific data that would allow me to do a detailed calculation, and I have only considered a limited set of publicly available

¹⁰ The GDP data available does not provide a breakdown of variable or fixed costs. Instead, the GDP data reviewed includes net profit earned by corporations and unincorporated entities.

materials. However, I have been asked to prepare this preliminary high-level estimate of damages to assist the Court in the upcoming motion (see Table 1 below).

27. I have estimated a range of losses for the Business and Employee Sub-Classes of \$150.0 million to \$210.0 million as at February 25, 2022. Please refer to Schedule 1 in **Exhibit “C”** for the detailed calculations and supplementary notes.

Description	Low	High
Estimated losses, measured as the loss of GDP (Ottawa areas impacted by protest):		
Estimate of Ottawa private sector daily GDP for 2022	\$ 190,550,498	\$ 190,550,498
Estimate of % of Ottawa businesses negatively impacted by the Protests (Loss of revenue)	8.9%	12.2%
Ottawa private sector daily GDP potentially negatively impacted by the Protests	16,875,636	23,253,588
Estimate of % of daily private sector GDP (revenue) lost by businesses negatively impacted by the Protests	50.0%	50.0%
Loss of daily private sector GDP (revenue) due to Protests	8,437,818	11,626,794
Number of days of the Protests	23	23
<i>Total loss of private sector GDP (revenue):</i>	194,069,810	267,416,266
Estimated Losses to the <u>Employee</u> Sub-Class:		
Labour as a % of GDP (revenue)	54%	54%
<i>Total Employee Sub-Class Loss:</i>	105,677,215	145,616,706
Estimated Losses to the <u>Business</u> Sub-Class:		
Profit as a % of GDP (revenue)	23%	23%
<i>Total Business Sub-Class Loss:</i>	44,498,615	61,316,356
Total Losses to Employee & Business Sub-Classes:	\$ 150,175,831	\$ 206,933,061
Total Losses to Employee & Business Sub-Classes (Rounded):	\$ 150,000,000	\$ 210,000,000

Table 2 – Calculation of Preliminary High-Level Estimate of Damages

28. My calculated range of Employee and Business Sub-Class losses are less than 5% of the estimated total GDP of Ottawa¹¹.

¹¹ Dividing the calculated total losses (\$150 million to \$210 million) by the total Ottawa private sector GDP (\$190 million) over the period of loss (23 days) results in my calculated losses ranging from 3.4% to 4.8% of the total GDP during this period.

Ottawa Daily GDP

29. In order to prepare my estimate of the damages incurred as a result of the Protests, I have relied upon publicly available GDP information¹². Specifically, I have utilized the Ottawa GDP information as of 2018¹³ (expressed in nominal terms).

30. In order to project the Ottawa GDP in 2022, I have applied the annual year over year nominal growth rates in GDP (income based) for the province of Ontario from 2019 to 2020 to the Ottawa GDP in 2018.

31. For 2021 and 2022, I have relied upon the provincial economic forecast prepared by TD Economics which forecasts the nominal GDP growth rate in Ontario to be 9.7%. and 8.0%, respectively, which reflects the rebound experienced following the COVID-related impacts and pandemic restrictions.

32. I have then calculated a daily GDP estimate for 2022 during the period of loss based on the estimated 2022 GDP for the Ottawa of approximately \$229.3 million.

33. This estimate of Ottawa's daily GDP is inclusive of government wages which should be removed from the calculation as it is our understanding that government employees were able to work from home during the Protests and did not experience wage loss.

¹² In the absence of revenue information, GDP is being used as a proxy for lost revenue. GDP consists of labour, profit and taxes but excludes other business inputs. Even though GDP does not equate to revenues, it serves as a reasonable estimate of revenue losses for the purposes of my calculations.

¹³ 2018 is the most recent year that city specific GDP information is available per Statistics Canada.

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34. I have calculated the share of the private sector GDP in Ontario (in 2018 based on nominal GDP by industry) to be 83.1%¹⁴.

35. I have then multiplied the 83.1% by the estimated 2022 Ottawa GDP to estimate the daily GDP of the Ottawa private sector of approximately \$190.6 million.

Percentage of Businesses Impacted by the Protests (Loss of Revenue)

36. To estimate the percentage of Ottawa businesses within the Occupation Zone that were potentially negatively impacted by the Protests, I have relied upon the publicly available Ottawa BIA Business Survey - Convoy Protest Impacts prepared by the Ottawa Coalition of Business Improvement Areas ("OCOBIA")¹⁵. The OCOBIA acts as a unified voice of their members to advocate and influence policies that affect BIAs and protect the interests of BIAs¹⁶.

37. The OCOBIA represents 19 BIAs within Ottawa, including more than 6,700 businesses and 120,000 employees. I understand that the OCOBIA represents approximately 70% of the businesses in the region impacted by the Protests.

38. The survey was sent to 11 BIAs in the Ottawa core totalling 2,100 businesses that were expected to have been impacted by the Protests¹⁷.

¹⁴ Statistics Canada. Table 36-10-0478-01 Supply and use tables, detail level, provincial and territorial (x 1,000)

¹⁵ Additionally, I spoke with Ms. Michelle Groulx of the OCOBIA regarding the BIA Survey results to further understand the conclusions presented.

¹⁶ <https://ocobia.org/about-ocobia/>

¹⁷ Based on our conversations with Ms. Michelle Groulx from the OCOBIA.

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39. I have considered the results of this survey to estimate the percentage of Ottawa's daily GDP that was impacted by the Protests ranging from 8.9% to 12.2% as outlined in Table 3.

Description	Low	High
Number of Businesses represented by the OCOBIA (assumed to be representative of Ottawa as a whole)	6,700	6,700
# of Businesses Potentially Impacted by the Protests	1,073	1,073
% of Businesses Potentially Impacted by the Protests	16.0%	16.0%
% of Businesses That Suffered Revenue Losses - Per survey results	55.3%	76.2%
% of Ottawa Businesses Potentially Negatively Impacted by the Protests	8.9%	12.2%

Table 3 – Calculation of the Percentage of Businesses Negatively Impacted by the Protests

40. The low end of the range represents the survey results from businesses that indicate they are unable to mitigate revenue losses, and the high end of the range represents the survey results from businesses that state they have suffered a loss of revenue as a result of the Protests.

41. My analysis assumes that the OCOBIA membership and impacted businesses are representative of Ottawa businesses as a whole.

42. I understand that of the total number of surveys issued, 1,073 surveys were issued to businesses in the five BIAs within the Occupation Zone that were directly impacted by the Protests in the form of lost revenues, allocated as follows:

- (a) Bank Street BIA – 240 surveys;
- (b) Downtown Rideau BIA – 350 surveys;
- (c) Byward Market BIA – 417 surveys;
- (d) Sparks Street BIA – 51 surveys; and,
- (e) Somerset Street BIA – 15 surveys.

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43. Of the 1,073 surveys issued, 241 responses were received. The survey included the following information:

- (a) BIA;
- (b) Business Sector (for example: food services, retail, etc.);
- (c) If the business was (1) open, (2) closed prior (ahead of event), or (3) closed during (due to arising concern);
- (d) Financially, how the Protests impacted the business (Negatively, neutral or positively);
- (e) Is the business able to recover any lost income in the future;
- (f) Where is the business' customer base located (core, neighbourhood, further);
- (g) How were the business' staff impacted by the Protests (sent home, told not to come in, were not affected, were unsafe, were obstructed from coming to work); and,
- (h) Was police intervention required.

44. Based on the survey results, the total number of impacted businesses within the Occupation Zone is approximately 16.0%¹⁸ of the total OCOBIA membership. It is important to note that some of the areas most impacted by the Protests¹⁹ are not included in the OBOBIA survey and therefore,

¹⁸ Calculated as 1,073 / 6,700.

¹⁹ Areas (streets) in the downtown include: Queen, Albert, Slater, Laurier, Lisgar, O'Connor, Elgin. Areas (streets) in Sandy Hill include Laurier East and Somerset East.

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the portion of businesses impacted and the extent to which those businesses were impacted, may be underrepresented in the survey results.

45. Additionally, consideration must be given to the percentage of GDP that was lost as a result of the Protests. While some businesses fully closed, some remained open while incurring losses.

46. Per the BIA Survey, 55.3% of respondents reported they will not be able to recover or postpone the revenues lost during the protest. 76.2% of respondents reported lost revenue directly because of the protest.

47. Therefore, I have utilized a range from 55.3% to 76.2% to reflect the percentage of impacted businesses with lost revenue.

48. Multiplying the percentage of businesses potentially impacted by the percentage of impacted businesses with loss revenue, I calculate the percentage of Ottawa that was potentially negatively impacted by the Protests ranging from 8.9% to 12.2%.

49. Multiplying the range of percentages of Ottawa that was potentially negatively impacted by the Ottawa daily GDP results in the estimated total daily GDP in Ottawa that was potentially negatively impacted ranging from \$16.9 million to \$23.3 million.

50. It is important to note that I have relied upon the BIA survey results as a preliminary data source for my preliminary estimate of damages. Upon receipt of more detailed information, our calculations would require revision.

Estimate of Percentage of Total Impacted GDP (Revenues) That Was Lost Due to Protests

51. Based on my judgement, I have applied a factor of 50%, as described below, to the Ottawa daily GDP potentially negatively impacted by the Protests to estimate the lost daily GDP (revenues) for only those businesses that experienced a negative impact (or revenue loss).

52. Various factors were considered in determining this adjustment of 50% that I have utilized in my calculation, including:

- (a) This estimate of Ottawa's daily GDP is inclusive of government wages which I have stripped out of my calculation.
- (b) Based on our review of the BIA survey responses received (241 in total), 89% of businesses within the Occupation Zone reported being negatively impacted by the Protests;
- (c) Based on our review of the BIA survey responses received (241 in total), 67% of businesses within the Occupation Zone reported being fully closed throughout the Protests;
- (d) The Rideau Centre has publicly disclosed that they were fully closed and businesses within the Centre lost revenue of approximately \$2 million per day;
- (e) Before the Protests, the economy was undergoing restrictions already as a result of the COVID-19 pandemic – Therefore, the 'but for' is a period where there were already operating restrictions in place (for example: capacity restrictions for indoor dining, etc.). While our estimate of 2022 GDP would consider the impacts of

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COVID and related restrictions, it may not fully reflect the economic reality for the impacted businesses during period of restrictions;

- (f) While our estimate of the daily 2022 GDP for Ottawa would consider impacts of COVID and related restrictions, utilizing estimated GDP as the starting point of our calculations does not necessarily reflect the economic status of the businesses during the 'but for' restriction period;
- (g) Some businesses may be able to subsequently mitigate a portion of their losses; and,
- (h) Some businesses did not suffer losses and some businesses benefitted from the Protests (for example: due to the influx of protestors, – food service or retail services may have experienced an increase in business) – These businesses should be, and we believe are, excluded from consideration of overall losses.

53. Based on the foregoing factors, I view the factor of 50% likely understates the potential losses. Utilizing a conservative estimate is reasonable given that the businesses were operating during a period where COVID-19 restrictions existed and thus their revenues would be expected to have been lower than normal 'but for' the Protests.

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54. Multiplying the range of factors for the estimate of the percentage of daily GDP that was lost by the Ottawa daily GDP that was negatively impacted by the Protests results in the estimated daily GDP lost due to the Protests ranging from \$8.4 million to \$11.6 million²⁰.

Number of Days of the Protests

55. I have assumed a period of loss of 23 days reflecting the commencement of the Protests on January 29, 2022 and continuing until February 20, 2022 when police cleared the main protest area.

56. Multiplying the number of days of the Protests by the loss of daily GDP due to the Protests results in the estimated total loss of GDP ranging from \$194.1 million to \$267.4 million

Estimated Losses to the Employee Sub-Class

57. I have estimated the losses to the Employee Sub-Class by determining the percentage of annual GDP that pertains to compensation of employees (includes wages & salaries and employer's social contributions).

58. As such, I have determined that labour costs as a percentage of GDP is approximately 54% as outlined in Table 4.

²⁰ We note that the Rideau Centre has publicly disclosed that they have suffered losses of approximately \$2 million per day. Thus, the Rideau Centre revenue losses would represent approximately 17% (on the high-end) and 24% (on the low-end) of our estimate of daily loss of GDP resulting from the Protest.

Description	Amount
Total gross domestic product at market prices (Ontario) - 2020 (\$millions)	\$ 866,939
Labour	
Wages and salaries	410,027
Employers' social contributions	62,049
Total compensation of employees	472,076
Labour as a % of GDP	54%

Table 4 – Calculation of Labour as a percentage of GDP

59. It is important to note that the estimated labour losses will be considered either losses to the Employee Sub-class (if employees did not work and were not paid) or the Business Sub-Class (if employees did go into work and were paid but the business was unable to recuperate the wages expense through revenues).

60. Assuming all 54% of labour costs represents the Employee Sub-Class, I calculate total wage losses ranging from \$105.7 million to \$145.6 million.

Estimated Losses to the Business Sub-Class

61. I have estimated the losses to the Business Sub-Class by determining the percentage of annual GDP that pertains to profits (net operating surplus: corporations and net mixed income of unincorporated entities).

62. As such, I have determined that profits as a percentage of GDP is approximately 23% as outlined in Table 5.

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Description	Amount
Total gross domestic product at market prices (Ontario) - 2020 (\$millions)	\$ 866,939
Profit	
Net operating surplus: corporations	123,091
Net mixed income	75,691
Total profit	198,782
Profit as a % of GDP	23%

Table 5 – Calculation of Profit as a percentage of GDP

63. The estimation of business losses based on profits only is a conservative approach as it does not consider fixed continuing expenses that businesses would have incurred during the period of loss. Normally, a calculation of damages pertaining to business losses would be based on contribution margin (net profits and fixed continuing expenses). My calculations of the business losses are based on the net profit component only as data regarding the percentage of continuing fixed expenses of the impacted businesses is not available.

64. Multiplying the profit percentage of 23% by the total loss of GDP, I calculate losses for the Business Sub-Class ranging from \$44.5 million to \$61.3 million.

SWORN (or Affirmed) remotely by *video conference* by Larry Andrade, in the [REDACTED], in the Province of Quebec, before me at the City of Ottawa, in the Province of Ontario, on August 30, 2023 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
(or as may be)
Paul Champ (LSO #: 45305K)
(electronically signed)

(signature of deponent)
LARRY ANDRADE
(electronically signed)

This is Exhibit "A" referred to in the Affidavit of LARRY ANDRADE
sworn August 30, 2023.

A handwritten signature in black ink, appearing to read "Paul Champ", written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)
Paul Champ



Larry Andrade, FCPA, FCA, CBV, CFF, CFE, MBA

Partner, Dispute Advisory Services/Financial Advisory Services
Deloitte LLP



Profile & Experience

Larry is a Partner in our Financial Advisory group and is the leader of Deloitte's National Disputes practice.

Larry has approximately 20 years of experience in the areas of damages economic loss quantification, business valuation and forensic accounting investigations, involving large multi-national organizations and the public sector in North America and internationally.

Larry has completed and signed numerous expert reports and submitted evidence that have been accepted by various Canadian courts and tribunals on a variety of matters, including the quantification of economic losses, business valuation and forensic accounting and fraud investigations. Larry has been qualified as an expert in the Ontario Superior Court, international arbitrations, private arbitrations, the Patented Medicine Pricing Review Board and other tribunals.

Larry is and has been an instructor in both the undergraduate and graduate business administration programs at the Schulich School of Business at York University and at the University of Toronto, where he lectures on financial, management and forensic accounting as well as valuations and the quantification of economic losses. He has also given, and regularly provides, numerous presentations to various law firms, industry groups and conferences.

Larry obtained his Master of Business Administration (MBA) degree from the Schulich School of Business in 2002. He is a member of various professional organizations including the Institute of Chartered Accountants of Ontario, the Canadian Institute of Chartered Business Valuators, the Associates of Certified Fraud Examiners, and the Association of Certified Forensic Investigators of Canada.

Larry is the Treasurer and sits on the Board of various not-for-profit organizations, including a large organization that with the assistance of the Ontario Ministry of Community and Social Services, develops and operates a number of group homes and day programs in Ontario for adults with autism and other mental disabilities.

Education and Professional certifications / affiliations.

- CPA Ontario Fellow (2021)
- Chartered Professional Accountant (2012)
- Chartered Accountant, Institute of Chartered Accountants of Ontario, (1999)

- Chartered Business Valuator, Canadian Institute of Chartered Business Valuators (2002)
- Master of Business Administration, Schulich School of Business (2002)
- Certified Fraud Examiner, Association of Certified Fraud Examiners (2004)
- Certified Specialist in Investigative and Forensic Accounting, CICA (2010)
- Certified in Financial Forensics (2015)
- Part-time Instructor in the areas of Financial and Management Accounting, Schulich School of Business (both undergraduate and graduate programs), York University (1999 to Present)
- Associate Professor in the areas of Financial and Management Accounting, University of Toronto (2002 to 2005)
- Treasurer and Board Member of VITA Community Living Services & Mens Sana Families for Mental Health (part of Villa Charities Group)
- Financial Representative on Allocations Panel at the United Way (Toronto)

Presentations

- Damages Assessments in International Arbitrations, Canadian International Arbitration Conference (2020)
- Financial Statement Analysis and Improving Overall Financial Acumen, Presented to National Sales Team of Weston Foods (2019)
- Economic Loss Quantification & Business Valuation, Lerner LLP (2019)
- Valuation and Pricing in the Context of M&A Transactions, Cassels Brock (2019)
- Valuation and Pricing in the Context of M&A Transactions, Miller Thomson LLP (2018)
- Damages Issues in Class Action Litigations; Canadian Institute of Chartered Business Valuators Conference in Ottawa (2018)
- Big Data Litigation – Relevant Issues; Canadian Institute of Chartered Business Valuators Conference in Ottawa (2018)
- MBA in a Day; Financial Statement Analysis, Ontario Bar Association (2018)
- Complex Accounting Matters; Cassels Brock (2018)
- Financial Statement Analysis and Intro to Valuations; Blaney McMurtry (2018)
- Financial Statement Analysis; Norton Rose (2017)
- Financial Due Diligence and Investigations of Gaming Suppliers; AGCO (2015)
- Economic Loss Quantification; Goodmans LLP (2015)
- Identifying Fraud and Financial Statement Manipulation; British Columbia Institute of Chartered Accountants (2015)

- Issues in the Assessment of Economic Damages; Davis LLP (2014)
- Identifying Fraud and Financial Statement Manipulation, Quebec Institute of Chartered Accountants (2013)
- The Role of the CBV in Resolving Damages Disputes, CICBV National Conference (2013)
- Issues in the Assessment of Economic Damages; McMillan LLP (2013)
- Issues in the Assessment of Economic Damages; Lenczner Slaght Royce Smith Griffin LLP (2012)
- Issues in the Assessment of Economic Damages; Davis & Company (2012)
- Identifying Fraud and Financial Statement Manipulation; Caribbean Institute of Chartered Accountants (2011)
- Financial Statement Fraud & Risk Factors; Manitoba & Saskatchewan Institute of Chartered Accountants (2011)
- Financial Statement Fraud & Risk Factors; BC Institute of Chartered Accountants (2010)
- Damages and Accounting for Profits in Intellectual Property Disputes; Gowlings LLP litigation Group (2010)
- Damages and Accounting for Profits in Intellectual Property Disputes; MacMillian Binch LLP litigation group (2009)
- Risk Management Seminar; British Columbia Institute of Chartered Accountants (2009, 2007, and 2005)
- Quantification of damages and Business Valuation, Borden Ladner LLP litigation group (2009)
- Intellectual Property Litigation and Damages; Gowlings LLP litigation group (2008)
- Risk Management Seminar; AICA Services Inc. for Ontario Chartered Accountants (2005)
- Understanding Financial Statements & Financial Statement Analysis; various law firms (2003 to present)

Language skills

- English
- Portuguese

This is Exhibit "B" referred to in the Affidavit of LARRY ANDRADE
sworn August 30, 2023.

A handwritten signature in black ink, appearing to read "Paul Champ", written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)
Paul Champ

ZEXI LI, HAPPY GOAT COFFEE COMPANY INC, 7983794 CANADA INC.
(c.o.b. as UNION: LOCAL 613) and GEOFFREY DEVANEY

Plaintiff


- and -

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING,
JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS,
CHAD EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANZEN,
JASON LAFACE, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,
NICHOLAS ST. LOUIS (a.k.a. @NOBODYCARIBOU),
FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, GIVESENDGO LLC,
JACOB WELLS, HAROLD JONKER, JONKER TRUCKING INC.,
and BRAD HOWLAND

Defendants

1. My name is Larry Andrade. [REDACTED], in the province of Ontario.
2. I have been engaged by Champ & Associates, to provide evidence in relation to the above-noted court proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - (a) to provide opinion evidence that is fair, objective and non-partisan;
 - (b) to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - (c) to provide such additional assistance as the court may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date: August 30, 2023



Signature

NOTE: This form must be attached to any Report signed by the expert and provided for the purposes of subrule 53.03(1) or (2) of the *Rules of Civil Procedure*.

This is Exhibit "C" referred to in the Affidavit of LARRY ANDRADE
sworn August 30, 2023.

A handwritten signature in black ink, appearing to read "Paul Champ", written over a horizontal line.

Commissioner for Taking Affidavits (or as may be)
Paul Champ

Ottawa Convoy

Schedule 1

Damages Quantification - Ottawa Convoy Protest Class Action

Period of Loss: January 29 to February 20, 2022

Preliminary Estimate of Damages Based on Publicly Available Information

	A	B	C	D	E
	Description	Notes	Low	High	Formula
1	Estimated losses, measured as the loss of GDP (Ottawa areas impacted by protest):				
2	Estimate of Ottawa private sector daily GDP for 2022	[1]	\$ 190,550,498	\$ 190,550,498	<i>a</i>
3	Estimate of % of Ottawa businesses negatively impacted by the Protests (Loss of revenue)	[2]	8.9%	12.2%	<i>b</i>
4	Ottawa private sector daily GDP potentially negatively impacted by the Protests		16,875,636	23,253,588	$c=a*b$
5	Estimate of % of daily private sector GDP (revenue) lost by businesses negatively impacted by the Protests	[3]	50.0%	50.0%	<i>d</i>
6	Loss of daily private sector GDP (revenue) due to Protests		8,437,818	11,626,794	$e=c*d$
7	Number of days of the Protests	[4]	23	23	<i>f</i>
8	Total loss of private sector GDP (revenue):		194,069,810	267,416,266	$g=e*f$
9					
10	Estimated Losses to the <u>Employee</u> Sub-Class:				
11	Labour as a % of GDP (revenue)	[5]	54%	54%	<i>h</i>
12	Total Employee Sub-Class Loss:		105,677,215	145,616,706	$i=g*h$
13					
14	Estimated Losses to the <u>Business</u> Sub-Class:				
15	Profit as a % of GDP (revenue)	[6]	23%	23%	<i>j</i>
16	Total Business Sub-Class Loss:		44,498,615	61,316,356	$k=g*j$
17					
18	Total Losses to Employee & Business Sub-Classes:		\$ 150,175,831	\$ 206,933,061	$l=i+k$
19	Total Losses to Employee & Business Sub-Classes (Rounded):		\$ 150,000,000	\$ 210,000,000	

Ottawa Convoy

Schedule 1

Damages Quantification - Ottawa Convoy Protest Class Action

Period of Loss: January 29 to February 20, 2022

Preliminary Estimate of Damages Based on Publicly Available Information

Notes:

Estimate of Ottawa private sector daily GDP for 2022 is calculated as follows:

(1) We have utilized the 2018 GDP for Ottawa per Statistics Canada (the most recent year of available data) expressed in nominal terms.

(2) We have applied the Ontario annual GDP growth rates for 2019 and 2020 to the 2018 Ottawa GDP to estimate Ottawa's GDP in those respective years.

[1]

(3) To forecast Ottawa's 2021 and 2022 GDP, we have relied upon the nominal GDP growth rates per the Ontario Economic Forecast published by TD Economics.

(4) We have calculated the daily GDP by dividing the annual GDP by 365 days.

(5) We have calculated the share of the private sector GDP in Ontario (in 2018 based on nominal GDP by industry) to be 83.1%.

(6) We have applied the estimate of private sector GDP to the total estimate daily GDP to estimate the private sector daily GDP.

Description	2018	2019	2020	2021	2022
GDP per Stats Canada ¹	\$ 70,086,000,000				
Growth Rate ^{2,3}		3.7%	(2.8%)	9.7%	8.0%
Estimated GDP		\$ 72,703,477,063	\$ 70,643,034,842	\$ 77,495,409,222	\$ 83,695,041,960
Daily Estimated GDP		\$ 199,187,608	\$ 193,013,756	\$ 212,316,190	\$ 229,301,485
Estimate of Private Sector GDP ⁴					83.1%
Estimate of Private Sector Daily GDP					<u>\$ 190,550,498</u>

¹Source: Statistics Canada - Gross domestic product (GDP) at basic prices, by census metropolitan area (CMA) (x 1,000,000)²Source: Statistics Canada - Gross domestic product, income-based, provincial and territorial, annual (x 1,000,000)³Source: TD Economics - Ontario Economic Forecasts⁴Source: Statistics Canada. Table 36-10-0478-01 Supply and use tables, detail level, provincial and territorial (x 1,000)Estimate of % of Ottawa businesses negatively impacted by the Protests (Loss of revenue) was calculated as follows:

To estimate the percentage of Ottawa businesses within the Occupation Zone that were potentially negatively impacted by the Protests, we have relied upon the Ottawa BIA Business Survey - Convoy Protest Impacts prepared by the Ottawa Coalition of Business Improvement Areas ("OCOBIA"). The survey was sent to members of the various BIAs that were expected to have been impacted by the Protests. We understand the OCOBIA consists of 6,700 businesses and they believe that 1,073 of those businesses were directly impacted by the Protests in the form of lost revenues. We also understand that the OCOBIA represents approximately 70% of the businesses in the region impacted by the Protests. We have assumed that the OCOBIA membership and impacted businesses are representative of Ottawa businesses as a whole. The low end of the range represents the survey results from businesses that indicate they are unable to mitigate revenue losses and the high end of the range represents the survey results from businesses that state they have suffered a loss of revenue as a result of the Protests.

[2]

Description	Low	High	Formula
Number of Businesses represented by the OCOBIA (assumed to be representative of Ottawa as a whole) *	6,700	6,700	<i>a</i>
# of Businesses Potentially Impacted by the Protests **	1,073	1,073	<i>b</i>
% of Businesses Potentially Impacted by the Protests	16.0%	16.0%	$c=b/a$
% of Businesses That Suffered Revenue Losses - Per survey results ***	55.3%	76.2%	<i>d</i>
% of Ottawa Businesses Potentially Negatively Impacted by the Protests	8.9%	12.2%	$e=c*d$

* Based on conversations with a representative of the OCOBIA, there are now 6,700 businesses represented by the various BIAs in Ottawa.

** Of the total number of surveys issued, 1,073 surveys were issued to the five BIAs that account for the Occupation Zone (Bank Street, Downtown Rideau, Byward Market, Sparks Street and Somerset Street) and that the OCOBIA believes were negatively impacted by the protests.

*** Per the BIA Survey, 55.3% of respondents reported they will not be able to recover or postpone the revenues lost during the protest. 76.2% of respondents reported lost revenue directly because of the Protests.

Source: OCOBIA - Ottawa BIA Business Survey - Convoy Protest Impacts

Ottawa Convoy

Schedule 1

Damages Quantification - Ottawa Convoy Protest Class Action

Period of Loss: January 29 to February 20, 2022

Preliminary Estimate of Damages Based on Publicly Available Information

[3] We have judgmentally applied a factor of 50% to estimate the lost daily GDP (revenues) suffered by the businesses impacted by the Protests. We believe this estimate to be conservative given the survey results which indicate that more than 50% of the impacted businesses were fully closed throughout the protests and that the Rideau Centre has publicly disclosed that they were closed and that their businesses lost revenue of \$2 million per day. However, we believe a conservative estimate is reasonable given that the businesses were operating during a period where COVID-19 restrictions existed and thus their revenues would be expected to have been lower than normal but for the protests. See affidavit for additional support and rationale for factor selected.

[4] The Protests officially commenced on January 29, 2022. We have extended the period of loss to February 20, 2022 (a period of 23 days). Should it be determined that the period of loss extended beyond February 20, 2022, our calculations would require revision.

Estimated Losses to the Employee Sub-Class were calculated as follows:

[5] We have estimated the losses to the Employee Sub-Class by determining the percentage of annual GDP that pertains to compensation of employees (includes wages & Salaries and employer's social contributions). It is important to note that the estimated labour losses will be considered either losses to the Employee Sub-class (if employees did not work and were not paid) or the Business Sub-Class (if employees did go into work and were paid but the business was unable to recuperate the wages expense through revenues).

Description	Amount	Notes
Total gross domestic product at market prices (Ontario) - 2020 (\$millions)	\$ 866,939	a
Labour as a % of GDP:		
Wages and salaries	410,027	b
Employers' social contributions	62,049	c
Total compensation of employees	472,076	d=b+c
Labour as a % of GDP	54%	e=d/a

Source: Statistics Canada - Gross domestic product, income-based, provincial and territorial, annual (x 1,000,000)

Estimated Losses to the Business Sub-Class were calculated as follows:

[6] We have estimated the losses to the Business Sub-Class by determining the percentage of annual GDP that pertains to profits (net operating surplus: corporations and net mixed income of unincorporated entities). The estimation of business losses based on profits only is a conservative approach as it does not consider fixed continuing expenses that businesses would have incurred during the period of loss and that would normally be considered in a damages analysis through the use of "contribution margin" as opposed to "profit margin".

Description	Amount	Notes
Total gross domestic product at market prices (Ontario) - 2020 (\$millions)	\$ 866,939	a
Profit		
Net operating surplus: corporations	123,091	b
Net mixed income	75,691	c
Total profit	198,782	d=b+c
Profit as a % of GDP	23%	e=d/a

Source: Statistics Canada - Gross domestic product, income-based, provincial and territorial, annual (x 1,000,000)

ZEXI LI et al

v. CHRIS BARBER, BENJAMIN DICHTER,
TAMARA LICH, PATRICK KING et al
Defendants (Moving Parties)

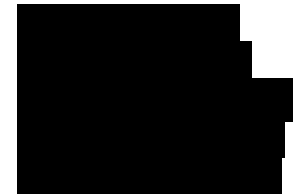
Plaintiff (Responding Parties)

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Ottawa

**AFFIDAVIT OF LARRY ANDRADE
SWORN August 30, 2023**

CHAMP & ASSOCIATES



Per: Paul Champ
LSUC #: 45305K



Solicitors for the Plaintiff

Court File No: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

ZEXI LI, HAPPY GOAT COFFEE COMPANY INC.,
7983794 ONTARIO INC. (c.o.b. as UNION: LOCAL 613)
and GEOFFREY DEVANEY

Plaintiffs

- and -

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING,
JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS,
CHAD EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANZEN,
JASON LAFACE, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,
NICHOLAS ST. LOUIS (a.k.a. @NOBODYCARIBOU),
FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, GIVESENDGO LLC,
JACOB WELLS, HAROLD JONKER, JONKER TRUCKING INC., and BRAD HOWLAND

Defendants

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF SEAN FLYNN

Affirmed August 31, 2023

I, SEAN FLYNN, of the City of [REDACTED], in the Province of Ontario, AFFIRM:

1. I am a resident of Ottawa and concerned citizen. I reside in the New Edinburgh neighbourhood located approximately three kilometers from the core of downtown Ottawa.

2. From January 28, 2022 to February 19, 2022 I regularly ventured around downtown Ottawa, by walking and cycling, to bear witness to the Freedom Convoy 2022 protest occupying the area. As such, I have personal knowledge of the matters to which I hereinafter depose except where I have stated my evidence to be on information and belief, in which case I have indicated the source of my information and my belief in the truth of the information.

JANUARY 28 - FEBRUARY 6, 2022

3. From January 28, 2022 to February 6, 2022, I witnessed extremely loud and constant horn honking by the Freedom Convoy participants occupying downtown Ottawa.
4. Even from inside my residence in New Edinburgh, several kilometres away from downtown, I could hear the sound of honking horns very clearly from January 28, 2022 to the afternoon of February 7, 2022. On January 31, 2022 and February 1, 2022 I could hear the intermittent honking of horns over the course of almost 20 hours.
5. Troubled by reports I read in the media in which witnesses to the events unfolding near Parliament Hill claimed that the protests were not disruptive or particularly loud, which did not accord with what I was hearing from my residence several kilometers away, I decided to attend some of the locations where the Freedom Convoy trucks were situated in order to assess the situation for myself.

6. On the evening of January 29, 2022, I ventured to Parliament Hill, where I witnessed very loud honking and protesters setting off fireworks in very close proximity to building and people. I recorded a 12 second video of these events on my iPhone and posted it to my personal Twitter account @sfyro at 7:59PM: <https://twitter.com/sfyro/status/1487591313453338629>. Attached hereto as **Exhibit "A"** is a copy of the video that I recorded and posted to Twitter on January 29, 2022.

7. On January 30, 2022, I walked to the vicinity of Rideau Street and Sussex Drive where the sound of honking horns was louder than anything I have ever heard. I recorded a 26 second video of this honking on my iPhone and posted it to my personal Twitter account @sfyro at 8:50PM: <https://twitter.com/sfyro/status/1487966419778215938>. Attached hereto as **Exhibit "B"** is a copy of the video that I recorded and posted to Twitter on January 30, 2022.

8. On February 1, 2022, I walked from my home to Parliament Hill and arrived there at approximately 10:50PM. I was shocked by what I heard. The noise from assembled vehicles on Wellington Street was overwhelmingly and oppressively loud. The sound was so loud I could feel it reverberating throughout my entire body. The honking sounds were being emitted from many vehicles including transport trucks. I was also overwhelmed by the heavy diesel fumes that were being generated by the many trucks idling in that area.

9. On February 5, 2022 I attended the intersections of Bank Street and Slater Street. Long rows of several large transport trucks were parked on each side of Slater Street. At around 8:05PM I observe the trucks and vehicles at this intersection honking their horns so loudly that I received an alert on my Smart Watch, stating: “[caution symbol] Loud- Repeated, long term exposure to sounds at this level can damage your hearing.” I recorded a 45 second video of these events on my iPhone and posted it to my personal Twitter account @sfyro at 8:20PM: <https://twitter.com/sfyro/status/1490133171106631680>. Attached hereto as Exhibit “C” is a copy of the video that I recorded and posted to Twitter on February 5, 2022.
10. In the same tweet posted on February 5, 2022, I stated that I had also attended at the intersection of Bank Street and Queen Street that evening, where my Smart Watch had recorded sound levels hitting 105 decibels.
11. After walking downtown for approximately 45 minutes on February 5, 2022, I went to visit a friend. When I arrived, she commented that my clothes smelled heavily of gas fumes.

FEBRUARY 7-10, 2022

12. I am aware that, on February 7, 2022, a Judge of the Ontario Superior Court of Justice granted an Order for an injunction, prohibiting the use of air horns and train horns in downtown Ottawa for a period of 10 days. I learned about this Order by receiving a “Breaking News” alert from the CBC app on my cell phone.

13. After the injunction Order was granted on February 7, 2022, it was my observation that it became much quieter in downtown Ottawa for a few days. When walking and cycling downtown in the days that followed the granting of the Order, I had been listening for honking and did not really hear any.
14. Even at my home in New Edinburgh, I initially experienced relief from the sound of loud honking that could previously be heard from the protesters downtown. This had been a welcome change.
15. On February 8, 2022, I ventured to Parliament Hill and observed Freedom Convoy participants lining up many gas jerrycans in front of trucks parked in the area. I recorded a 15 second video of these events on my iPhone and posted it to my personal Twitter account @sfyro at 8:56PM: <https://twitter.com/sfyro/status/1491229389123911680>. Attached hereto as **Exhibit "D"** is a copy of the video that I recorded and posted to Twitter on February 8, 2022.
16. When I was walking downtown on February 9, 2022 between 12AM to 1AM, I observed that the vehicles had spread out as far the intersection of Kent Street and Cooper Street in Centretown, a mostly residential area.

FEBRUARY 11-18, 2022

17. Starting on Friday, February 11, 2022, I began to hear more regularly occurring honking of air horns and train horns downtown once again.

18. While walking downtown on Saturday, February 12, 2022, I witnessed a number of Freedom Convoy participants blatantly honking horns. Just before 5PM, I observed and recorded a 55 second video of a number of trucks parked at the intersection of Kent Street and Albert Street, revving their engines and intermittently honking very loud horns. In this video, Convoy participants can also be seen setting off pyrotechnics. I posted this video on my personal Twitter account @sfyro at 5:01PM:
<https://twitter.com/sfyro/status/1492619885062627337>. Attached hereto as **Exhibit "E"** is a copy of the 55 second video that I recorded and posted to Twitter on February 12, 2022.
19. At around 9PM on February 12, 2022, I observed a number of trucks parked at the intersection of Albert Street and O'Connor Street, and nearly every one of these trucks were honking loud horns at that time. My Smart Watch indicated sound levels of 101 dB when this honking was occurring. I recorded a 30 second video of these events on my iPhone and posted it to my personal Twitter account @sfyro at 9:45PM:
<https://twitter.com/sfyro/status/1492691425464623105>. Attached hereto as **Exhibit "F"** is a copy of the 30 second video that I recorded and posted to Twitter on February 12 2022.
20. I reposted the video at Exhibit F to my Twitter account at 1:52AM in reply to a tweet by CBC Reporter @Travisdhanraj which stated: "And the horns continue

to blare into Saturday night...@OttawaPolice seem to be unable or unwilling to enforce the law on this one. #cdnpoli #onpoli #Ottawa".

21. While walking around on February 12, 2022, I also observed Freedom Convoy participants playing music and setting off fireworks next to the War Memorial. I recorded a 49 second video of these events on my iPhone and posted it to my personal Twitter account @sfyro at 10:20PM:
<https://twitter.com/sfyro/status/1492700138179072003>. Attached hereto as **Exhibit "G"** is a copy of the 49 second video that I recorded and posted to Twitter on February 12, 2022.
22. While walking around downtown on Saturday, February 12, 2022, I did not see any police enforcement of individuals honking horns. I did at one point pass by a few police officers who were wearing construction-grade noise cancellation ear protection.
23. On Sunday, February 13, 2022, I attended the counter-protest organized by Ottawa citizens that took place at Billings Bridge, at the intersection of Bank Street and Riverside Drive. I learned about this counter-protest on social media, including through a tweet posted by Ottawa Centre MPP Joel Harden at 9:09AM, asking for people to come join this peaceful demonstration:
<https://twitter.com/JoelHardenONDP/status/1492863454499291136>. At this protest, I observed and participated in collective action of citizens joining together to block Freedom Convoy trucks and divert them from returning downtown. It was inspiring to see regular citizens rise up and act against the

occupation of our city. It felt as though this counter-protest was more effective than anything that law enforcement had done to curtail the occupation.

24. On February 14, 2022, I learned through news reports that the Ontario Superior Court had granted the City of Ottawa's request for an injunction in connection with the Freedom Convoy. It was my understanding that the City's injunction prevented Convoy participants from engaging in honking and other loud noise, and also prevented other unlawful behaviour such as the setting of unlawful fires, discharging fireworks, causing noise, blocking or damaging roads, and idling vehicles.
25. On February 14, 2022, I also learned through news reports that the federal government had invoked the *Emergencies Act*.
26. In the evening on February 15, 2022, I passed by Parliament Hill after getting groceries. I observed Convoy participants blaring music while trucks honked their horns to the beat. I witnessed several OPS vehicles parked there, but not taking any enforcement measures against the noise—despite the injunctions in force at the time and the fact that the federal government had invoked the *Emergencies Act* on February 14, 2022. I recorded a video of these events on my iPhone and posted it to my personal Twitter account @sfyro at 8:35PM: <https://twitter.com/sfyro/status/1493760896539271168>. Attached hereto as Exhibit "H" is a copy of the video that I recorded and posted to Twitter on February 15, 2022.

27. I spent much of the day on February 16, 2022 venturing around downtown. For hours on end, I heard very loud honking from Convoy trucks. At around 7:00PM, I recorded a video on my iPhone of this loud honking outside of Parliament Hill. I posted this video to my personal Twitter account @sfyro at 7:10PM: <https://twitter.com/sfyro/status/1494101847673643011>. Attached hereto as Exhibit "I" is a copy of the video that I recorded and posted to Twitter on February 16, 2022.
28. In my Twitter posted on February 16, 2022, I commented that honking was some of the loudest to date, and that my Smart Watch was registering sound levels peaking at 110 decibels.

FEBRUARY 18-19, 2022


29. On February 18, 2022, I observed trucks starting to leave the downtown area on their own. In particular, between 3:30PM and 4:30PM, I observed four trucks leave downtown.
30. At around 8:00AM on February 19, 2022, I visited the intersection of Rideau Street and Sussex Street and observed that the Freedom Convoy trucks had cleared out. In contrast to the high sound readings that my Smart Watch had been registering in this area for the last several weeks, my Smart Watch recorded sound levels at a mere 45 decibels at this intersection on this morning. I took several photos of the cleared out intersection—and a photo of

the low sound reading on my Smart Watch—and posted these photos to my private Twitter account @sfyro at 8:07AM:

<https://twitter.com/sfyro/status/1495022185873870853>.

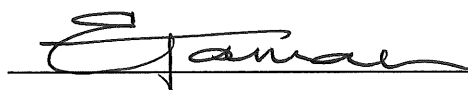
- 31. Attached hereto as **Exhibit “J”** are copies of the photos that I took and posted to Twitter on February 19, 2022.
- 32. At around 6:00PM on February 19, 2022, I ventured to the intersection of Bank Street and Queen Street and observed many Convoy participants still occupying the area. These individuals were loudly chanting, dancing, and setting off fireworks. I also noticed a substantial police presence.
- 33. At around 9:00PM on February 19, 2022, I passed by the intersection of Kent Street and Albert Street and noticed that the trucks had mostly cleared out.
- 34. I make this affidavit in good faith and for no improper purpose.

AFFIRMED before me in the City of)
 ████████ in the Province of Ontario,)
 this 31st day of August, 2023.)
)


 A commissioner for taking affidavits


 Sean Flynn

This is Exhibit "A" referred to
in the Affidavit of SEAN FLYNN,
affirmed before me this 31st day of August, 2023

A handwritten signature in black ink, appearing to read "E. J. [unclear]", written over a horizontal line.

A Commissioner, etc.



Explore

Settings



Sean Flynn
@sfyro



Quote from my good friend: "It's like Evil Canada Day out there."

← Tweet
It really feels like a total free for all out in front of Parliament. And the noise pollution is atrocious for all urban residents right now.



7:59 PM · Jan 29, 2022 · Twitter for iPhone

2 Likes



The video can be viewed by following this link:
<https://twitter.com/sfyro/status/1487591313453338629>

This is **Exhibit "B"** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me this 31st day of August, 2023

A handwritten signature in black ink, appearing to read "E. J. Moran", written over a horizontal line.

A Commissioner, etc.



Explore

Settings

← Tweet



Sean Flynn
@sfyro

"Hey Siri, how long would a car/truck horn last if held down consistently?"



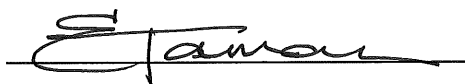
8:50 PM · Jan 30, 2022 · Twitter for iPhone

1 Like



The video can be viewed by following this link:
<https://twitter.com/sfyro/status/1487966419778215938>

This is Exhibit "C" referred to
in the Affidavit of SEAN FLYNN,
affirmed before me this 31st day of August, 2023

A handwritten signature in black ink, appearing to read "E. J. Stawon", written over a horizontal line.

A Commissioner, etc.



Explore

Settings

← Thread



Sean Flynn
@sfyro

In case you're wondering why #centretown residents and the rest of urban Ottawa are losing our minds...my watch was showing dB readings hitting 105 dB at Bank & Queen. This occupation has ZERO sympathy from us anymore. #OttawaOccupation #GoHomeConvoy #ottcity



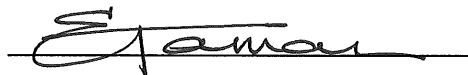
8:20 PM · Feb 5, 2022 from Ottawa, Ontario · Twitter for iPhone

1,522 Retweets 369 Quote Tweets 4,487 Likes



The video can be viewed by following this link:
<https://twitter.com/sfyro/status/1490133171106631680>

This is Exhibit "D" referred to
in the Affidavit of SEAN FLYNN,
affirmed before me this 31st day of August, 2023

A handwritten signature in black ink, appearing to read "E. J. Stamos", written over a horizontal line.

A Commissioner, etc.



Explore

Settings

← Tweet



Sean Flynn
@sfyro

So on the plus side, the courageous action led by 3 courageous citizens of Ottawa has resulted in this dudes drumming as the loudest thing I heard all evening. On the downside, it seems I interrupted a sacred blessing of the jerrycans prior to their next openly defiant refill 🙄



8:56 PM · Feb 8, 2022 from Ottawa, Ontario · Twitter for iPhone

5 Likes



The video can be viewed by following this link:
<https://twitter.com/sfyro/status/1491229389123911680>

This is Exhibit "E" referred to
in the Affidavit of SEAN FLYNN,
affirmed before me this 31st day of August, 2023

A handwritten signature in black ink, appearing to read "E. J. Moran", written over a horizontal line.

A Commissioner, etc.



Explore

Settings

← Thread



Sean Flynn @sfyro

So the #OttawaOccupied #FreedomConvoy has officially reached the injunction be damned point here in #centretown #ottcity. These trucks are on a continuous cycle of grumbling and horn blaring with improvised pyrotechnics thrown in for good measure. #ConvoyGoHome



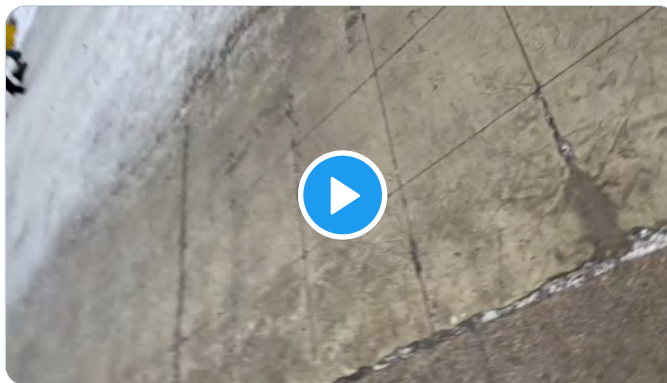
5:01 PM · Feb 12, 2022 from Ottawa Marriott Hotel · Twitter for iPhone

2 Retweets 1 Quote Tweet 8 Likes



Sean Flynn @sfyro · Feb 12
Replying to @sfyro

And I've seen a number of these devices blaring everywhere today as well.



1 1 3 1



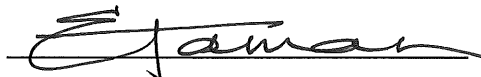
Sean Flynn @sfyro · Feb 12

Taken at Kent/Albert just before 1700 (with ZERO police anywhere 🚔). It's like shooting fish in a barrel at this stage as this is happening all day. Ironically I later passed by a few law enforcement officers donning construction grade noise cancellation ear protection!!!

1 1 1 1

The video can be viewed by following this link: <https://twitter.com/sfyro/status/1492619885062627337>

This is **Exhibit "F"** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me this 31st day of August, 2023

A handwritten signature in black ink, appearing to read "E. J. Tamm". The signature is written in a cursive style with a horizontal line underneath.

A Commissioner, etc.



Explore

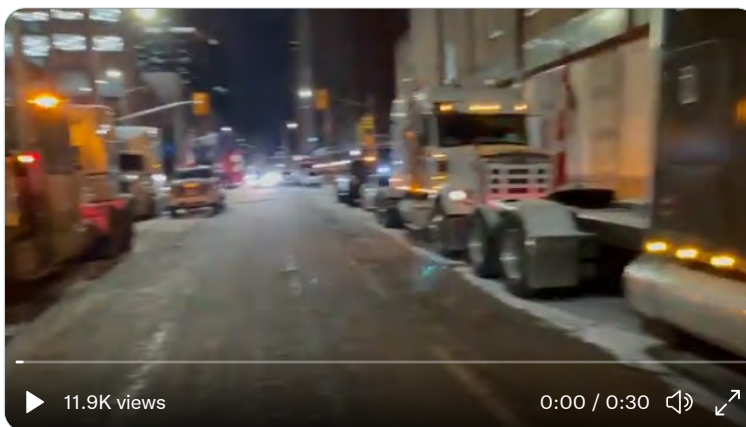
Settings

← Tweet



Sean Flynn
@sfyro

Hey @OttawaPolice anytime you want to come by Albert near O'Connor, basically every truck here has been violating the injunction. I saw 101 dB show up on my watch. Taken at 21:02 this evening (and this is one small sample no doubt). #ottawaoccupiers #ottcity #ConvoyGoHome



9:45 PM · Feb 12, 2022 from O-Train Station - Parliament · Twitter for iPhone

105 Retweets 8 Quote Tweets 347 Likes



The video can be viewed by following this link:
<https://twitter.com/sfyro/status/1492691425464623105>

This is **Exhibit "G"** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me this 31st day of August, 2023

A handwritten signature in black ink, appearing to read "E. J. Stanon". The signature is written in a cursive style with a long horizontal stroke at the end.

A Commissioner, etc.



Explore

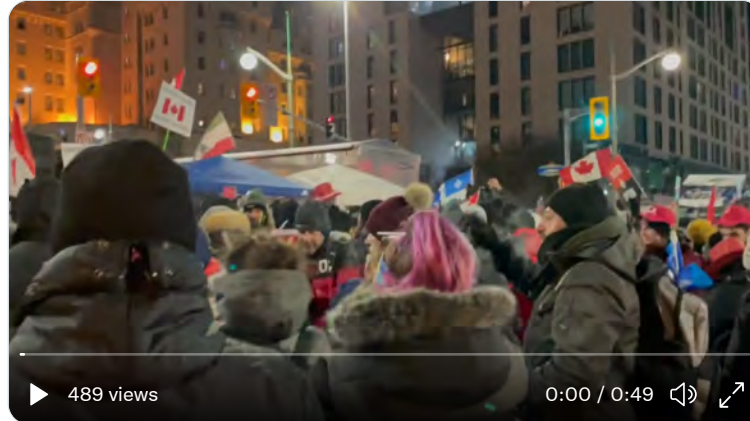
Settings

← Tweet



Sean Flynn
@sfyro

It's hard not to be numb to this #OccupationOttawa circus. See the fireworks next to the War Memorial in the distance...while the occupation disco rages well into the night. #ConvoyGoHome



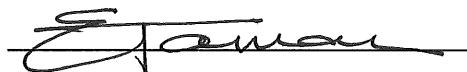
10:20 PM · Feb 12, 2022 from CF Rideau Centre · Twitter for iPhone

2 Quote Tweets 6 Likes



The video can be viewed by following this link:
<https://twitter.com/sfyro/status/1492700138179072003>

This is **Exhibit "H"** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me this 31st day of August, 2023

A handwritten signature in black ink, appearing to read "E. J. ...", written over a horizontal line.

A Commissioner, etc.



Explore

⚙ Settings

← Thread



Sean Flynn @sfyro

So we're at Day 19 of the #OttawaOccupation and:

- ✓ @PaulChampLaw injunction in force
- ✓ #OttCity injunction in force
- ✓ Invocation of #EmergenciesAct

Yet we have the OPS guarding the parliamentary disotheque while trucks blare their horns to MJ's "Don't stop..." for the 🧑🏻🔪 🧑🏻



8:35 PM · Feb 15, 2022 from Parliament Hill · Twitter for iPhone

6 Retweets 4 Likes



Sean Flynn @sfyro · Feb 15

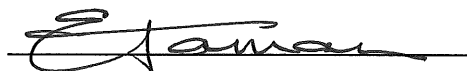
Replying to @sfyro

BTW, I'm not even trying hard to capture the absurdity of it all. I was literally passing by after getting some groceries and going to get some grilled chicken. I'm just a guy with a phone and impeccable timing I guess 🙄

🗨 1 ❤ 3 ↗

The video can be viewed by following this link: <https://twitter.com/sfyro/status/1493760896539271168>

This is **Exhibit "I"** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me this 31st day of August, 2023

A handwritten signature in black ink, appearing to read "E. J. Hanan", written over a horizontal line.

A Commissioner, etc.



Explore

Settings

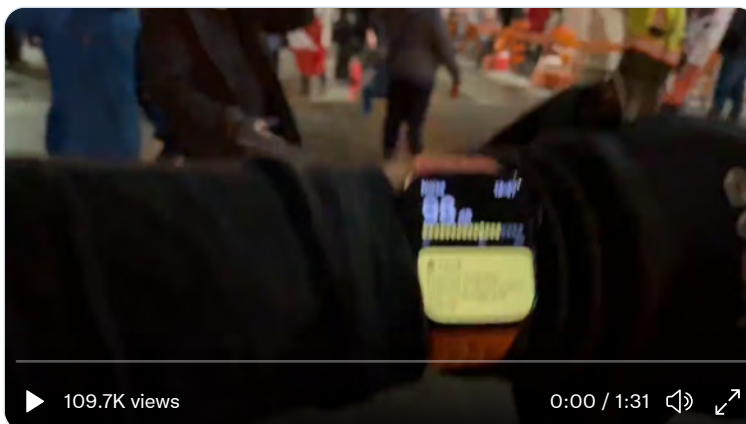
← Thread



Sean Flynn
@sfyro

WARNING: Turn down

As of 1900 it has basically been like this for the past 6 hours. The worst to date with dB readings peaking at 110 dB. I counted a number of kids and toddlers in strollers in the vicinity. People, this is Day 20 of the [#OttawaOccupation](#) [#OttCity](#)




7:10 PM · Feb 16, 2022 from Parliament Hill · Twitter for iPhone

751 Retweets 216 Quote Tweets 1,570 Likes



The video can be viewed by following this link:
<https://twitter.com/sfyro/status/1494101847673643011>

This is **Exhibit "J"** referred to
in the Affidavit of **SEAN FLYNN**,
affirmed before me this 31st day of August, 2023

A handwritten signature in black ink, appearing to read "E. J. Tamm", written over a horizontal line.

A Commissioner, etc.



Explore

Settings

← Thread



Sean Flynn
@sfyro

OMG! The #FreedomConvoy2022 trucks are gone and it's quiet at Rideau/Sussex. For those keeping score:

- ✓ Orange Bronco 🌟
- ✓ TABARNAK Freedom truck 🌟
- ✓ Jesus Evildoers UHaul 🌟
- ✓ DJ Cotton Eye Joe 🌟
- ✓ 45 dB at Rideau/Sussex 🍷🍷

#RamRanchResistance #Ottawa #ConvoyGoHome

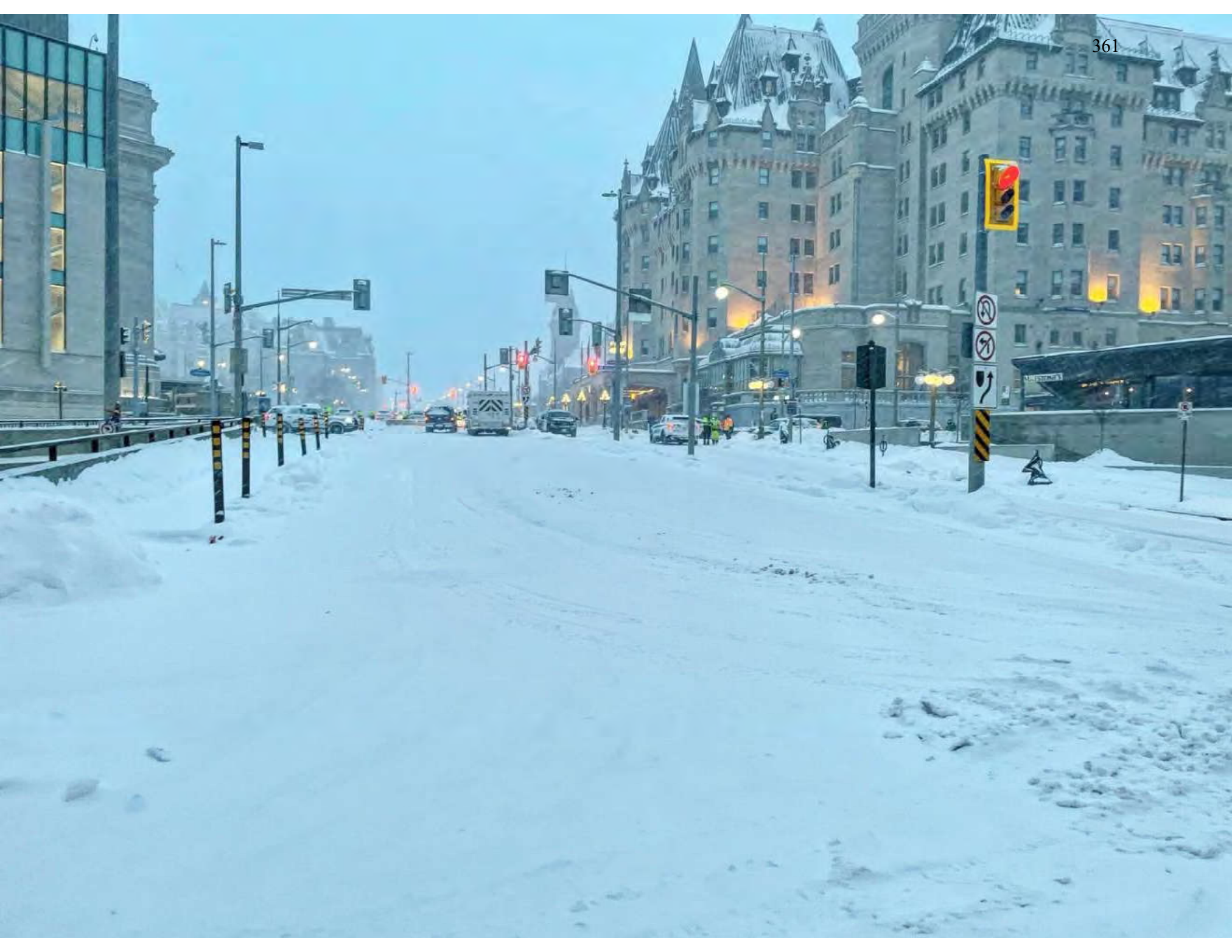


Occasional Transport

8:07 AM · Feb 19, 2022 from CF Rideau Centre · Twitter for iPhone

60 Retweets 7 Quote Tweets 427 Likes







Rideau

Rideau

POLICE

POLICE

NO LEFT TURN
TRUCKS AND
BUSES
EXCEPT
ON
SIGNALS
OR
SIGN

?





Noise

07:15

45 dB



✓ OK

Long-term exposure to sounds at this level should not affect your hearing.

ZEXI LI et al

-and-

BARBER, DICHTER, LICH, KING et al

Plaintiffs (Respondents)

Defendants (Moving Parties)

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at
Ottawa

AFFIDAVIT OF SEAN FLYNN
Affirmed August 31, 2023

CHAMP AND ASSOCIATES

[REDACTED]

Paul Champ
LSO 45305K

[REDACTED]

Solicitors for the Plaintiffs (Respondents)

Court File No: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

ZEXI LI, HAPPY GOAT COFFEE COMPANY INC,
7983794 CANADA INC. (c.o.b. as UNION: LOCAL 613)
and GEOFFREY DEVANEY

Plaintiffs

- and -

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING,
JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS,
CHAD EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANZEN,
JASON LAFACE, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,
NICHOLAS ST. LOUIS (a.k.a. @NOBODYCARIBOU),
FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, GIVESENDGO LLC,
JACOB WELLS, HAROLD JONKER, JONKER TRUCKING INC., and BRAD HOWLAND

Defendants

Proceeding under the *Class Proceedings Act, 1992*

AFFIDAVIT OF TRUDY MOORE
(Affirmed September 1, 2023)

I, TRUDY MOORE of the City of [REDACTED], in the Province of Ontario, AFFIRM:

1. I am a legal assistant at Champ & Associates, the law firm representing the Plaintiffs. As such, I have personal knowledge of the matters to which I hereinafter depose except where I have stated my evidence to be on information and belief, in which case I have indicated the source of my information and belief in the truth of the information.

2. I am generally aware of the procedural history of this action and am aware that the Plaintiffs sought and were granted an interlocutory injunction in February 2022 enjoining persons having notice of the Court's Order from using air horns or train horns within a designated area of downtown Ottawa for an initial period of 10 days, which was subsequently extended (the "Horn Injunction").
3. On August 29, 2023, I reviewed the Responding Motion Record filed by certain Defendants on February 6, 2022 in support of their position on the Horn Injunction. This Motion Recorded included the Affidavit of Daniel Bulford sworn on February 5, 2022. Attached hereto and marked as **Exhibit "A"** is a copy of Mr. Bulford's Affidavit dated February 5, 2022.
4. As a legal assistant at Champ & Associates, I am aware that the Federal Government invoked the *Emergencies Act* and proclaimed a Public Order Emergency on February 14, 2022 in response to the "Freedom Convoy" occupation in downtown Ottawa.
5. I am aware that the Honourable Paul S. Rouleau was subsequently appointed to conduct an Inquiry into the 2022 Public Order Emergency and that the Public Order Emergency Commission ("POEC") hearings were held in the fall of 2022. Our firm represented the Ottawa Coalition of Residents and Businesses in the POEC hearings.

6. I am aware that the five-volume POEC report was released on February 17, 2023. Attached hereto and marked as **Exhibit "B"** is a copy of Volume 1 (Overview) of the POEC Report, which I accessed from the POEC website (www.publicorderemergencycommission.ca/final-report/) on August 31, 2023. Attached hereto and marked as **Exhibit "C"** is an excerpt from Volume 2 (Analysis Part 1) of the POEC Report (Chapter 9, section 3) which I accessed from the POEC website on August 31, 2023.

7. Exhibits filed in the course of the POEC hearings remain publicly accessible on the POEC website. On August 31, 2023 I downloaded the following exhibits from the POEC website, attached hereto and marked as follows:
 - (a) Health Canada Report, Human Health Risk Assessment for Diesel Exhaust (POEC ID: COMM00000624) (**Exhibit "D"**);

 - (b) Message from Ottawa Public Health regarding convoy-related air quality concerns (POEC ID: OTT00030002.0001) (**Exhibit "E"**);

 - (c) Ontario Provincial Police Operations Intelligence Report dated February 14, 2022 (POEC ID: OPP00001767) (**Exhibit "F"**);

 - (d) Restraint Order dated February 10, 2022 (POEC ID: STR000000009) (**Exhibit "G"**);

- (e) Affidavit of Christopher Rhone affirmed February 10, 2022 for Attorney General for Ontario Application for Restraint Order (POEC ID: JCF00000052) (Exhibit "H");
 - (f) Facebook post by James Bauder dated December 13, 2021 (POEC ID: COM00000858) (Exhibit "I");
 - (g) CityNews article (July 9, 2022), "'Freedom Convoy' organizers discussed playing 'race card' with Métis heritage" (POEC ID: COM00000902) (Exhibit "J");
 - (h) Freedom Convoy 2022 Official Daily Event and Safety Report dated February 12, 2022 (POEC ID: HRF00000042) (Exhibit "K"); and
 - (i) Freedom Convoy 2022 Official Daily Event and Safety Report dated February 13, 2022 (POEC ID: HRF00000043) (Exhibit "L").
8. I am aware that several of the Freedom Convoy organizers and participants have authored books and spoken publicly about their experiences during the Convoy. In particular:
- (a) Tamara Lich ("Lich") authored a book titled, "Hold the Line: My story from the heart of the Freedom Convoy" which was published by Rebel News

Network Ltd. in April 2023 and which is available for purchase on Amazon. Attached hereto and marked as **Exhibit "M"** is a printout of the Amazon webpage for Lich's book, which I accessed on August 31, 2023. Attached hereto and marked as **Exhibit "N"** is a printout from the "Media" tab of the website for Lich's book (www.theconvoybook.com), which I accessed on August 31, 2023, listing various media interviews she has given about her Convoy experience. Attached hereto and marked as **Exhibit "O"** is a printout from the Eventbrite website page for Lich's cross-country book tour (www.eventbrite.ca/cc/official-hold-the-line-book-tour-with-tamara-lich-2391549), which I accessed on August 31, 2023, showing various events for Lich's book tour between July to August 2023.

- (b) Benjamin Dichter ("Dichter") authored a book titled, "HONKING FOR FREEDOM: The Trucker Convoy That Gave Us Hope" which was published by ISBN Canada in November 2022 and which is available for purchase on Amazon. Attached hereto and marked as **Exhibit "P"** is a printout of the Amazon webpage for Dichter's book, which I accessed on August 31, 2023.
- (c) Tom Quiggin ("Quiggin") authored a book titled, "Eyewitness to Deceit: Trudeau's Infowar on Freedom Convoy 2022" (containing a preface by Daniel Bulford) which was independently published in June 2022 and which is available for purchase on Amazon. Attached hereto and marked as

Exhibit "Q" is a printout of the Amazon webpage for Quiggin's book, which I accessed on August 31, 2023.

- (d) Tom Marazzo ("Marazzo") has authored a book titled, "The People's Emergency Act: Freedom Convoy 2022" which is apparently scheduled to become available for purchase on Amazon in September 2023. Attached hereto and marked as **Exhibit "R"** is a printout from the landing page of Tom Marazzo's website (www.tommarazzo.ca), which I accessed on August 31, 2023, featuring information about his forthcoming book. Marazzo's website contains a tab for "Booking Tom" and also a "Media" tab which lists some of his speaking engagements. A printout of this Media page is attached hereto and marked as **Exhibit "S"**.
9. I am aware that there have been other "Freedom" convoys, marches, rallies and events that have taken place across Canada following the Freedom Convoy events that took place in Ottawa during January and February 2022. For instance:
- (a) "Rolling Thunder" rallies took place in Ottawa in April 2022 and August 2023. Attached hereto and marked as **Exhibit "T"** is a copy of a CTV News article dated August 5, 2023 reporting on the August 2023 rally, which I accessed on August 31, 2023. According to this article, the initial Rolling

Thunder rally listed Veterans for Freedom and Freedom Fighters Canada as its partners for the first event in 2022.


- (b) The Freedom Fighters Canada website (www.freedomfighterscan.ca/blog) advertises a number of “past events” that have taken place following the Freedom Convoy. Attached hereto and marked as **Exhibit “U”** is a printout of the “Past Events” tabs from the Freedom Fighters Canada website, which I accessed on August 31, 2023.
10. On the website for Jonker Trucking Inc., which I accessed on September 1, 2023 at: <https://jonkertrucking.com>, Harold Jonker’s son Tim Jonker is named as “Traffic Manager” for the company. A YouTube channel in the name of Tim Jonker includes videos documenting the participation of Harold Jonker, Tim Jonker, and Jonker Trucking Inc. in the Freedom Convoy and their occupation of Ottawa. In one of these videos, dated February 14, 2022, Tim Jonker states:

You’re looking at the Parliament buildings, standing on the shoulder of Wellington. We had some trucks move out today, as you can see behind me, but Wellington got repacked. Oh, and look at that! I’m not sure who this guy is, but there happens to be quite a few of our trucks here. There’s Jeffy’s truck. Uncle John and Aunt Diane, they’re sitting in their cab, staying warm. Tom, [unintelligible], Mr Jack Van Rootselaar, Andy in 144, Johnny Doffenberg, and Eddie Dunning. And then there’s trucks filled in behind them here [...] here we’ve got another guy right up here, and Davey Dietrich, he’s a friend from Newmarket, good guy, and Jan Groot, right at the front here. So, Wellington’s pretty packed up here.

11. The above-noted video, dated February 14, 2022 and entitled "Canada Convoy 2022, Monday eve, truck movement", was originally accessed online on September 1, 2023 at <https://www.youtube.com/watch?v=iqMDkbH6mhw>. A copy of the video downloaded for our firm can be accessed using the link: <https://www.dropbox.com/scl/fi/gggl2z8k9a9l09se72fvj/Canada-Convoy-2022-Monday-eve-truck-movement.mp4?rlkey=dxhdzbn060g0wc7secmuoycro&dl=0>.


12. I make this affidavit in good faith and for no improper purpose.

AFFIRMED before me in the City of)
Ottawa, in the Province of Ontario,)
this 1st day of September, 2023.)
)

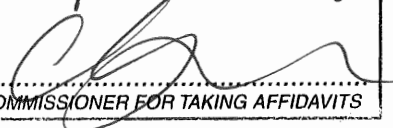


A commissioner for taking affidavits

Christine Johnson
LSO #62226P



Trudy Moore

This is Exhibit A referred to in the
affidavit of Trudy Moore
sworn before me, this 15th
day of September 2023

A COMMISSIONER FOR TAKING AFFIDAVITS

COURT FILE NO.: CV-22-00088514-00CP

FORM 14E

*Courts of Justice Act***ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

ZEXI LI

Plaintiff

-and-

**CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING, and
JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, JOHN DOE 5, JOHN
DOE 6, JOHN DOE 7, JOHN DOE 8, JOHN DOE 9, JOHN DOE 10, JOHN DOE 11,
JOHN DOE 12, JOHN DOE 13, JOHN DOE 14, JOHN DOE 15, JOHN DOE 16,
JOHN DOE 17, JOHN DOE 18, JOHN DOE 19, JOHN DOE 20, JOHN DOE 21,
JOHN DOE 22, JOHN DOE 23, JOHN DOE 24, JOHN DOE 25, JOHN DOE 26,
JOHN DOE 27, JOHN DOE 28, JOHN DOE 29, JOHN DOE 30, JOHN DOE 31,
JOHN DOE 32, JOHN DOE 33, JOHN DOE 34, JOHN DOE 35, JOHN DOE 36,
JOHN DOE 37, JOHN DOE 38, JOHN DOE 39, JOHN DOE 40, JOHN DOE 41,
JOHN DOE 42, JOHN DOE 43, JOHN DOE 44, JOHN DOE 45, JOHN DOE 46,
JOHN DOE 47, JOHN DOE 48, JOHN DOE 49, JOHN DOE 50, JOHN DOE 51,
JOHN DOE 52, JOHN DOE 53, JOHN DOE 54, JOHN DOE 55, JOHN DOE 56,
JOHN DOE 57, JOHN DOE 58, JOHN DOE 59 and JOHN DOE 60**

Defendants

**AFFIDAVIT OF DANIEL BULFORD
(Sworn February 5, 2022)**

I, **Daniel Bulford**, of City of Ottawa, in the Province of Ontario, MAKE OATH AND
SAY:

1. I have personal knowledge of the facts and matters herein deposed to.

2. I am a recently resigned member of the Royal Canadian Mounted Police (“RCMP”). After 15 years of service, I resigned from the RCMP after publicly speaking opposing the mandates.
3. I am currently working with the Adopt-a-Trucker Volunteer Coordination Center in support of the Freedom Convoy 2022 (“Freedom Convoy”). I am currently working on the ground on logistics, security and safety issues on the ground in Ottawa in support of the Freedom Convoy 2022 (“Freedom Convoy”). I have extensive experience in protective operations for large-scale events in the National Capital Region.
4. I have been involved in tactical planning for many of the large-scale events. I am keenly familiar with what is happening regarding the police presence down around Parliament Hill in the downtown area.
5. I have been working closely with the Ottawa Police Service, the RCMP, and the Parliamentary Protective Service. I have been liaising with them since early last week. Any information that I have received related to any public safety concerns has been immediately forwarded to the respective police service.
6. The safety of the trucker, the Ottawa public, the police, and the first responders is of paramount concern to the Freedom Convoy.
7. On the night of February 1, 2022, I received a complaint from the area of Rideau and Sussex about honking through the night. The caller was supportive of the Freedom Convoy. He said that most of residences in his area were vacant, but he wanted to convey his concern about some elderly residents. I explained that the Freedom Convoy leadership had agreed upon the following schedule out of respect for such concerns:

- a. Coordinated unified honk every half an hour for 1 minute, between the hours of 08:00 a.m. and 08:00 p.m., followed by silence between the hours of 08:00 p.m. to 08:00 a.m.
8. I confirmed this schedule in the days following with two separate truck drivers, who advised that during daytime hours, after the coordinated one-minute honk, was up to 10 minutes of distress (S.O.S.) honking signal. Both drivers confirmed that the silent hours between 08:00 p.m. and 08:00 a.m. was still in effect.
9. My primary concern is individuals or groups with potential to deliberately instigate conflict with the Freedom Convoy movement and to discredit the Freedom Convoy. We have seen circulating messaging in the media and social media about people associated with the Freedom Convoy being arrested and charged.
10. I have heard from very reliable sources that people from the movement were not associated with that. Offences related to property damage and just an assault, committed by agitators, were witnessed. This was reported to the police by one of the truckers and one of our volunteer security personnel, and which was ultimately handled by the Ottawa Police Service.
11. What I have seen with my own eyes, on the odd break that I get, are truckers and support of the movement feeding the homeless on Wellington Street and filling their backpacks with food. Truckers have taken a whole trailer full of food to the homeless shelter.
12. I have seen the truckers maintaining the cleanliness of city streets, including picking up discarded masks on the ground, centralized garbage collection, shoveling snow at the War Memorial and the Terry Fox statue, and decorating and providing security for the War

Memorial and Terry Fox statue. I have even seen people set up tents by the Terry Fox statue in order to protect it.

- 13. I expect that the level of commitment to the City of Ottawa and respecting our traditions in this country is just getting started.

Sworn Remotely by videoconference by)	
Daniel Bulford stated as being located in)	
Ottawa, Ontario before me at the City of)	<i>Daniel Bulford</i>
Brampton in the Province of Ontario, this 5)	_____
day of February, 2022.)	DANIEL BULFORD
)	
<i>Henna Parmar</i>)	
_____)	
A Commissioner, etc.)	
)	
)	

ZEXI LE

and

CHRIS BARBER, et al.

380

Plaintiff (Moving Party)

Defendants (Responding Parties)

Court File No.: CV-22-00088514-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**AFFIDAVIT OF
DANIEL BULFORD**

**JUSTICE CENTRE FOR
CONSTITUTIONAL FREEDOMS**

#253, 7620 Elbow Drive S.W.

Calgary, Alberta T2V 1K2

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AMemauri@jccf.ca

**Counsel for the Defendants, Chris Barber, Benjamin
Dichter and Tamara Lich**

This is Exhibit B referred to in the
affidavit of Trudy Moore
sworn before me, this 15th
day of September 2023.


A COMMISSIONER FOR TAKING AFFIDAVITS

Report of the Public Inquiry into the 2022 Public Order Emergency



Volume 1: Overview

The Honourable Paul S. Rouleau, Commissioner

February 2023



**PUBLIC ORDER
EMERGENCY
COMMISSION**



PUBLIC ORDER
EMERGENCY
COMMISSION

COMMISSION
SUR L'ÉTAT
D'URGENCE

Volume 1: Overview

February 2023

Report of the Public Inquiry into the 2022 Public Order Emergency.

Volume 1: Overview.

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Volume 1 : Aperçu.

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ISBN 978-0-660-46654-5



PUBLIC ORDER
EMERGENCY
COMMISSION

COMMISSION
SUR L'ÉTAT
D'URGENCE

February 2023

To Her Excellency
The Governor General in Council

May it please Your Excellency:

Pursuant to Order in Council P.C. 2022-392, I have inquired into the circumstances that led to the declaration of a Public Order Emergency being issued by the Federal Government and the measures taken by the Governor in Council for dealing with the Public Order Emergency that was in effect from February 14 to 23, 2022, along with other matters set out in the Order in Council.

With this letter, I respectfully submit my report.

Paul S. Rouleau

Commissioner

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Executive Summary

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1. Introduction

The federal *Emergencies Act* was enacted in 1988, and for more than thirty years, it had never been used. That record of disuse, in many respects, reflects success. When emergencies arise, as they inevitably do, governments must have the ability to respond promptly and effectively. Fortunately, governments are normally able to deal with emergencies without having to rely on a statute like the *Emergencies Act*, which grants powers that we would not, in ordinary circumstances, think appropriate.

Until February 14, 2022, the *Emergencies Act* had lain dormant. Then, for the first time, the Federal Government proclaimed a Public Order Emergency. This was done in response to a series of protests that occurred throughout the country, which were, in part, a reaction to years of public health measures enacted to address the COVID-19 pandemic. At the centre of these protests was the Freedom Convoy, a loosely organized collection of groups who travelled across the country to Ottawa, entrenching themselves there for three weeks and demanding radical change to government policies.

There is little doubt that the COVID-19 pandemic and the responses of various levels of government played a significant role in how the Freedom Convoy movement emerged. Some Canadians welcomed the public health measures imposed by governments. Others believed that they did not go far enough. Still others believed that government had overstepped its legitimate authority and restricted rights unjustly. It is not surprising that many who fell into the last group engaged in a range of protests against what they viewed as unjust measures. In the case of the Freedom Convoy, rules about

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cross-border travel were the immediate cause of protests. Commercial truckers, who throughout the pandemic had performed critical work in difficult circumstances, had been able to pass the Canada – U.S. border with ease compared to other travellers. However, starting in early 2022, both Canadian and American authorities imposed COVID-19 vaccination requirements on truckers crossing the border. For those cross-border truckers who chose not to be vaccinated, these new rules threatened their livelihoods.

Using social media and existing networks of contacts, individuals in the trucking industry and their allies sought to mobilize a series of truck convoys to Ottawa to protest these rules. The results were beyond anything that the organizers could have imagined. Convoys measuring kilometres in length moved toward Ottawa. Thousands of supporters cheered them on by the roadside. Millions of dollars were donated to support their cause. Upon arrival in Ottawa, the convoys paralyzed the downtown core. Roads were filled with trucks, parks became encampments, and sidewalks teemed with protesters. They entrenched themselves, and some of the protesters claimed that they would remain until all COVID-19 mandates were lifted.

Ottawa was not the only site of major protests. In Windsor, Ontario, protesters blockaded the Ambassador Bridge, Canada's busiest commercial link to the United States. In Coutts, Alberta, another border crossing was blockaded until a Royal Canadian Mounted Police (RCMP) raid uncovered a cache of firearms and an alleged conspiracy to murder police. In dozens of other communities across the country, protests large and small took place that were inspired, at least in part, by the Freedom Convoy.

By February 14, there were some signs of improvement, but significant uncertainties remained. Officials within the Federal Government engaged in intense deliberations about what was needed to end the protests, secure the borders, and protect the national interest. Existing legal tools were seen to be inadequate, and provincial and municipal governments were thought to lack the plans or power to end the protests.

Cabinet concluded that there was only one option left: invoking the *Emergencies Act*. Following the invocation of the Act, some protesters left Ottawa by choice. Others remained and were forced out by police. The additional protests that government officials feared would erupt either did not arise or were not as disruptive as the protests in Ottawa. On February 23, a little more than a week after the Public Order Emergency was proclaimed, the Government announced that it was over.

2. The Public Order Emergency Commission

The *Emergencies Act* grants extraordinary powers, but balances this with a range of accountability mechanisms. One of its most significant mechanisms is that, when the Act is used, the Government is required to hold an inquiry at the conclusion of the emergency. Commissions of inquiry are independent bodies appointed by government with a mission to investigate a matter of public importance. They perform two important functions: They make findings of fact, and they make recommendations for the future. When unforeseen, disruptive, or otherwise significant events occur that impact the lives of Canadians, the public has a right to know what happened and why it happened, and to learn lessons from those experiences.

On April 25, 2022, the Governor in Council appointed me to conduct an Inquiry into the 2022 Public Order Emergency. I was given two different mandates to fulfill. The first was found in the *Emergencies Act* itself, which requires the Inquiry to examine “the circumstances that led to the declaration being issued and the measures taken for dealing with the emergency.” This mandate from Parliament is one of public accountability. The public is entitled to know why the Government proclaimed an emergency, and whether the actions that it took were appropriate. My second mandate is contained in the Order in Council appointing me. In addition to examining the circumstances that led to the proclamation of the Public Order Emergency, it directs me to examine the following:

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- the evolution, goals, leadership, and organization of the convoy movement and border protests, as well as the participants;
- the impact of domestic and foreign funding, including crowdsourcing platforms;
- the impact, role, and sources of misinformation and disinformation, including the use of social media;
- the economic and other impacts of the blockades; and
- the efforts of police and other responders prior to and after the declaration.

The Commission was asked to examine these issues “to the extent relevant to the circumstances of the declaration and measures taken.” In other words, while these topics are important and worthy of attention, it was the mandate given to me by Parliament that drove the Commission’s work.

Conducting this Inquiry presented a number of challenges. By far, the greatest challenge that I faced was time. The *Emergencies Act* itself sets out the deadline for the Inquiry to file its Report in Parliament. From the day I was appointed Commissioner, I had only 300 days to file this Report. To put that number in context, the Air India Inquiry had a little more four years to complete its work. As a result, this Commission was required to work at an accelerated pace. During our public hearings, over the course of 31 days, I heard from 76 witnesses and received more than 8,900 exhibits into evidence. Immediately afterward, I held an additional week of policy hearings, in which a further 50 experts testified.

I am proud of the hearings that the Commission held. They provided a level of insight and transparency into government decision making that is unusual. The public heard testimony from protesters; police; municipal, provincial, and federal civil servants; and political leaders from a range of governments. Eight Cabinet ministers, including the prime minister, were subjected to hours of examination and cross-examination in open hearings.

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Moreover, the Commission gained access to Government records at a level rarely seen in public inquiries. Commission counsel had access to classified information that would normally be unavailable to anyone outside of the Government. Even more significantly, as a result of considerable efforts by the Commission, the Government agreed to waive Cabinet confidence over the various inputs that were before Cabinet when it deliberated on whether to invoke the *Emergencies Act*. In the 371 federal inquiries that have been held since Confederation, this is only the fourth time that such a waiver has been given.

This Report is another way in which the Commission seeks to maintain accountability and confidence in our institutions. In these pages, I have attempted to consolidate the hundreds of hours of testimony and thousands of pages of evidence that I have heard and reviewed into a single account of the events of January and February 2022. I hope that, for all those who want a better understanding of the circumstances that led to the first-ever invocation of the *Emergencies Act*, this Report will meet that need.

3. Emergencies and the law

Before turning to the evidence obtained by the Commission, I believe it is important to address the legal framework that regulates how governments respond to emergencies.

3.1 Jurisdiction over emergencies

Canada is a federation, which means that powers are divided between federal and provincial governments. Most authority to respond to emergencies rests with the provinces. It is the provinces that have jurisdiction over property and civil rights, and, generally, matters of a local nature. By exercising these powers, provinces and municipalities play a primary role in addressing emergencies occurring at the local or regional level. Even in national or international emergencies, provinces can take an active role in responding.

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Under the *Constitution Act, 1867*, the Federal Government has a residual power to make laws and exercise temporary powers in relation to national emergencies. When acting under this power, Parliament has temporary, complete jurisdiction to legislate on all matters regarding the national emergency, including those that are normally exclusively under provincial jurisdiction.

Every jurisdiction in Canada has laws that are intended to provide a legal framework for responding to public emergencies. At the federal level, Canada has two main statutes that address emergency management: the *Emergencies Act* and the *Emergency Management Act*. The *Emergency Management Act* sets out federal roles and responsibilities for emergency prevention, preparedness, response, and recovery. The *Emergencies Act*, which is the focus of this Inquiry, regulates how the Federal Government can invoke extraordinary powers to respond to emergencies, as well as how that power is restrained, overseen, and ultimately reviewed.

Each province and territory also has emergency management legislation that governs their responses and specifies the powers and responsibilities of local governments with respect to emergencies. As well, Indigenous governments implement emergency measures by exercising a range of jurisdictions, including treaty rights and delegated powers.

When an event causes severe or widespread disruption, multiple levels of government may declare an emergency and exercise their authority to manage the event simultaneously. This is what happened with the February 14, 2022, Public Order Emergency. In addition to the Federal Government invoking the *Emergencies Act*, the City of Ottawa declared an emergency on February 6, 2022, and the Province of Ontario made a declaration of emergency on February 11, 2022. The City of Windsor declared an emergency on February 14, 2022.

3.2 The *War Measures Act*

Before the *Emergencies Act* existed, the Federal Government responded to certain emergencies by using the *War Measures Act (WMA)*. As its name suggests, the *WMA* was focused on a narrow set of emergencies; namely, war, invasion, insurrection, and apprehended insurrection. When Canada declared war on Germany in 1914, Parliament passed the *WMA* as a tool to allow wartime governments to make new laws without having to obtain the approval of Parliament. Under the *WMA*, when the Governor in Council (i.e., the federal Cabinet) decided that emergency measures were needed, it could proclaim an emergency. When this was done, Cabinet could enact laws without going through the ordinary process in the House of Commons and the Senate. The power given to Cabinet was subject to little or no oversight.

The *WMA* was used during both World Wars, as well as during the October Crisis of 1970. Some measures enacted under the *WMA* included the internment of Canadians of Japanese descent and the warrantless arrest of suspected members of the Front de libération du Québec. Unsurprisingly, these types of measures attracted significant criticism.

3.3 From the *War Measures Act* to the *Emergencies Act*

In 1987, the Federal Government introduced legislation to repeal the *WMA* and to replace it with a new framework for managing national emergencies. When the proposed *Emergencies Act* was introduced to Parliament, the defence minister claimed that its purpose was to prevent abuses of civil liberties. However, the reforms contained in the Act were much broader than this. The *Emergencies Act* was not simply an attempt to build in additional safeguards to prevent repeating earlier abuses that had occurred under the *WMA*. It was an attempt to enact an entirely different framework for the management of national emergencies, one that reflected a range of concerns.

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The *Emergencies Act* has four main parts. First, it establishes the types of situations in which the federal Cabinet can declare an emergency. Second, it outlines the process for how proclamations of emergency begin and end. Third, it sets out the types of powers that the federal Cabinet can exercise while an emergency proclamation is in effect. Finally, it establishes a series of oversight and review mechanisms related to Cabinet's use of its emergency powers.

The *Emergencies Act* allows the Federal Government to respond to four distinct types of emergencies: (1) public welfare emergencies, such as natural disasters and pandemics; (2) public order emergencies, which arise out of threats to the security of Canada; (3) international emergencies, such as acts of intimidation or coercion by foreign states; and (4) war emergencies. This Inquiry is concerned with public order emergencies.

Each of these four types of emergencies has a distinct definition, but they all share a common element: the existence of a “national emergency.” A national emergency is an urgent and critical situation of a temporary nature that cannot effectively be dealt with under any other law of Canada and that: (1) seriously endangers the lives, health, or safety of Canadians and exceeds the capacity or authority of a province to deal with it; or (2) seriously threatens the government's ability to preserve Canada's sovereignty, security, and territorial integrity.

For a situation to constitute a public order emergency, it must arise from “threats to the security of Canada” that are “so serious as to be a national emergency.” A threat to the security of Canada, in turn, is defined by the *Canadian Security Intelligence Service Act (CSIS Act)* to mean one of four things: espionage or sabotage against Canada; foreign influenced, clandestine activities; activities involving the threat or use of acts of serious violence for the purpose of achieving a political, religious, or ideological objective; and activities directed at the overthrow of Canada's system of government.

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The *Emergencies Act* can be invoked when the Government reasonably believes that the conditions for one of the four types of emergencies have been met. However, because of concerns surrounding federalism, the Federal Government usually needs to consult affected provinces before making such a proclamation. The obligation to consult does not require Cabinet to obtain the agreement of the provinces, except where an emergency exists only within a single province. The *Emergencies Act* does not require consultation with other forms of government, such as Indigenous governments, the territories, or municipalities.

Once an emergency is proclaimed, the federal Cabinet is empowered to make various types of orders and regulations that have the force of law. The powers granted to Cabinet vary with each type of emergency. There are also limits on Cabinet's power to make orders and regulations: They must be consistent with the *Charter of Rights and Freedoms* and the *Canadian Bill of Rights*; they cannot amend the *Emergencies Act* itself; and they cannot provide for the detention, imprisonment, or internment of Canadian citizens or permanent residents based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

The *Emergencies Act* provides legislative and judicial oversight of the Government. The House of Commons and Senate must each vote to confirm a declaration of an emergency within a fixed time, or else the emergency ends. All emergencies also automatically expire after a fixed amount of time unless they are extended by Cabinet, which requires approval by Parliament as well. Either the House of Commons or the Senate may also vote to terminate a state of emergency at any time.

Parliament also reviews the exercise of emergency powers by Cabinet. The Senate or the House of Commons can consider a motion to revoke or amend an order or regulation made under the Act. If both houses of Parliament agree to such a motion, the order is amended or revoked accordingly. Parliament provides additional scrutiny through a joint House of Commons – Senate committee that reviews Cabinet's performance of its functions under a declaration of emergency.

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Both a proclamation of emergency and the exercise of emergency powers under the Act are subject to judicial review on constitutional as well as administrative law grounds. Indeed, when the Federal Government proclaimed the Public Order Emergency of February 2022, numerous applications for judicial review were filed in the Federal Court, challenging the proclamation itself, as well as the measures taken by the Government. Those proceedings remain outstanding as of the time that this Report was drafted.

Finally, as I have already mentioned, once an emergency ends, the Government must cause an inquiry to be held.

4. The right to protest, and its limits

The ability to protest is a cherished right. It empowers individuals to shape the rules by which we choose to govern ourselves, thereby enriching social and political life. Demonstrations sometimes result in public disturbances. Indeed, protests' effectiveness as a form of expression can be because they are confrontational and disruptive. But like all constitutional rights, freedom of expression can be restricted in certain circumstances. This last point often seems to be forgotten in discussions about fundamental freedoms. During the hearings, I heard testimony from several protesters who said that their activities were lawful because they were engaged in protests, and thus were exercising their rights under the *Charter*. This view, while understandable, is inaccurate. The *Charter* provides a robust protection for protest activities. But like all rights in Canada, protest rights are subject to reasonable limits.

4.1 Constitutional protections for the right to protest

The right to protest is protected under the *Charter of Rights and Freedoms* primarily by three provisions: freedom of expression under section 2(b); freedom of peaceful assembly under section 2(c); and freedom of association under section 2(d).

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Expression is inherent in the very idea of protest, since protests are, by definition, attempts to express grievance, disagreement, or resistance. The guarantee of freedom of expression in section 2(b) protects a person's right to communicate a message, as long as the method and location of that expression is compatible with the values of truth, democracy, and self-realization. While violence and threats of violence are not protected, freedom of expression is otherwise broad. Expression can take an infinite variety of forms, including the written and spoken word, the arts, and physical gestures. There is protection for expression regardless of the meaning or message sought to be conveyed.

Freedom of peaceful assembly, as the collective performance of individual expressive activity, incorporates and advances many of the same values as freedom of expression. A public assembly or gathering can send a message of protest or dissent, forcing the community to pay attention to grievances and become involved in redressing them. Public gatherings can enable disadvantaged and disempowered communities to forge a collective entity and leverage their voice.

Only "peaceful" assemblies are protected by section 2(c) of the *Charter*. As a matter of definition, "peaceful" might simply mean "without violence," but it could also entail something closer to "quiet" or "calm." A violent assembly would clearly not fall within section 2(c). The more difficult question is whether an assembly should lose constitutional protection if it is disruptive or unlawful, but not violent. In my view, it can be reasonable to protect assemblies that produce an element of disruption. Many public protests are disruptive, and that disruption may be central to their efficacy. This is especially true for groups and communities who are otherwise politically marginalized. This is not to say that all non-violent assemblies are constitutionally guaranteed regardless of how disruptive they may be. In some cases, the line between disruption and "non-peaceful" may be blurry. For example, what about assemblies characterized by seriously harmful, yet non-violent conduct? Would such an assembly still be "peaceful"? These are difficult questions to answer in the abstract.

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The important point is that an assembly is not excluded from the scope of section 2(c) simply because it is disruptive.

Section 2(d) of the *Charter* guarantees freedom of association. This guarantee is grounded in empowerment for those who join with others to elevate their voice and exercise power. Like freedom of peaceful assembly, freedom of association is a collective right, which protects three categories of activities: (1) the right to join with others and form associations; (2) the right to join with others in the pursuit of other constitutional rights; and (3) the right to join with others to meet on more equal terms the power and strength of other groups or entities. Violent associational activity is not protected by section 2(d).

4.2 Limits of fundamental freedoms

In essence, most forms of protest activity benefit from *Charter* protection. However, all rights protected by the *Charter* are subject to such reasonable limits as can be demonstrably justified in a free and democratic society. In other words, no rights are absolute. In appropriate cases, a government may enact laws or take action that limits a *Charter* right in order to further another important goal. Determining whether any given limit on a *Charter* right constitutes a “reasonable limit” is done by courts under a framework known as the “*Oakes* test.”

The *Oakes* test has four main components. The first step is to determine whether a government’s reason for restricting the right is substantial and pressing enough to justify limiting a fundamental right or freedom. Steps two and three assess the ways a government chooses to advance its purpose: Does the restriction rationally advance the law’s purpose, and if so, does the law restrict the right no more than is necessary to achieve that objective? The final part of the *Oakes* test considers whether the benefit of the restrictive measure is proportionate to its impairment of the freedom.

There are many ways in which governments have sought to restrict the right to protest. Examples include confining protests to designated protest spaces or “free

speech zones,” requiring protest organizers to give notice to the police or obtain their approval, and creating bubble or buffer zones around certain locations such as abortion clinics. Despite the differences in methods, in each of these examples, courts upheld the government actions as a reasonable limit on free expression in particular cases. That does not mean that restrictions like this will always be justified. Context is important when assessing whether limits on any *Charter*-protected right can be demonstrably justified. In different circumstances, the same government conduct could have been found to be an unreasonable — and therefore unconstitutional — limit on free expression. Restrictions on free expression must always be assessed in light of the facts that apply to each individual case.

5. Policing public protests

Occasionally, witnesses at the hearings saw the absence of arrests or coercive police action as an indication that protesters were acting lawfully. This is not necessarily so. Protests are managed through a complex web of written and unwritten laws. When police respond to protests, they have wide discretion in terms of how to use the various powers that are at their disposal. In some cases, protesters work collaboratively with the police to manage parade routes and protest sites. Police may even be involved in planning aspects of public events with protest organizers. Other times, police respond reactively. During protests themselves, police can play a variety of roles, including traffic manager, negotiator, and public relations professional, as well as security guard for protesters, their targets, and members of the public alike. Police may also act to restrict protests, or even shut them down.

Even when police use powers granted to them by the criminal law, they retain wide discretion in how to act. Seriously disruptive protests in Canada seldom end with mass arrests. This is largely because police have significant decision-making authority on whether to use these powers, including whether or not to lay charges when they observe criminal conduct.

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Even when arrests or tactical operations are legally justified, police will frequently choose to employ different strategies, including the use of police liaison teams (PLTs) to negotiate with protesters. There are several reasons why police may choose negotiation over enforcement. By engaging with protesters, liaison teams attempt to maintain open lines of communication and develop a relationship of trust. When police understand protesters' goals, they may be able to facilitate a safe and lawful environment where protesters can exercise their freedom of expression and assembly. Through education, police may reduce or eliminate unlawful conduct. In some instances, they may facilitate an end to the protest or reduce the size of its footprint. Police may also choose not to lay charges or arrest protesters because it is unsafe to do so.

The choices police make to manage a protest may differ from those that elected officials would prefer. While governments decide important questions about policing, their control over police is not absolute. If a government has too much control over the police, there is a risk that the law will not be applied impartially. If a government has too little control over the police, there is a risk that the police will become self-governing. As a result, police need to be accountable to democratic institutions, while still making many decisions independent of government. This latitude is often referred to as "operational independence." The contours of operational independence remain a source of debate. At this juncture, I find it sufficient to note that core law enforcement decisions such as whether to investigate, charge, or arrest someone belong to the police.

The discretion that police have in managing public order disturbances trickles down from Senior Command to individual officers. The Commission heard evidence about a range of policing models employed by different police forces. In general, Senior Command provides direction regarding an operation, including about its purpose, limitations, conditions, and expected conclusion. Incident commanders make decisions about how those objectives should be achieved. At the front-line level, each officer also exercises a degree of discretion in performing their duties.

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Police are not the only actors with legal powers to prevent, manage, or end public protests. Both provincial and federal governments can call on the military to assist with disturbances that are beyond the police's capacity to deal with alone. It is important to be very clear that using soldiers for civilian law enforcement is an extreme measure that should never be taken lightly. Soldiers are not generally trained to police; they are trained to kill. The use of such a force to police domestic disturbances would always be a grave matter.

Governments and private individuals may request the assistance of the courts to manage protest activities by seeking injunctions. An injunction is a court order that requires a person or a group to either do, or refrain from doing, things set out in the order. When protesters do not obey the terms of an injunction, police can arrest them for criminal contempt of court.

It is therefore too simplistic to say that protests are managed by police who arrest individuals who break the law. Large-scale public order disturbances, including large protests, are dynamic, complex events, which may be dealt with through a variety of means, by a variety of entities.

6. The origins of the Freedom Convoy movement

Understanding the origins of the Freedom Convoy movement is difficult. On the surface, the causes of the protests were public health measures made in early 2022 that negatively impacted unvaccinated truckers. However, the roots of the protests run much deeper. The protests against public health measures that emerged during the COVID-19 pandemic did not come out in a vacuum. Underlying protesters' specific concerns about COVID-19 rules were broader grievances about the Federal Government and the state of Canadian society. Understanding the Freedom Convoy phenomenon requires an appreciation for this dynamic.

6.1 The rise of Canadian populism

The 2010s saw the emergence of a new wave of populist sentiment in many parts of the world, including Canada. These sentiments are characterized by the view that political and social elites govern solely for their own self-benefit, at the expense of ordinary citizens. There is no one reason why populist frameworks have become more prevalent in Canada over the last decade. It seems clear that there are at least three broad trends that help to describe the emergence of this sentiment: economic marginalization, social anxiety, and distrust in political institutions.

Economic marginalization has contributed to growing populist sentiment around the world. Many believe that the 2008 economic crisis was the product of a financial system that was rigged in favour of a small economic elite. When that system collapsed under its own weight, political elites bailed out the rich, but left ordinary people to lose their jobs, pensions, and homes. In Canada, events in 2015 added to these economic grievances, particularly in the West. Dropping oil prices presented a stark economic challenge to oil and gas workers at the same time as new environmental policies from the Federal Government, which were viewed as hostile to resource industries, came into effect. Many viewed the Federal Government as actively contributing to Western Canada's economic troubles.

Social anxieties frequently accompany these kinds of economic anxieties. While Canada has grown more globally minded and inclusive over the last decade, polling data shows that a significant segment of the population is skeptical of these trends. A substantial minority of Canadians hold increasingly inflexible views of who is "us" and who is "them," and deepening concerns that "they" represent a challenge to core social values and identity.

The 2010s also saw a dramatic erosion in some people's confidence in public institutions. Perhaps most troubling is the decreasing confidence in electoral politics. Where people question the very legitimacy of the existing political system, there is

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real reason to channel their grievances through means outside of traditional electoral politics.

All of these dynamics, which help to define populist tendencies, could be observed during the Freedom Convoy. COVID-19 measures, for example, were seen by some as rules, imposed by a political elite, that inflicted terrible economic harms on working people. The lack of confidence in public institutions, such as public health authorities, led many to question the value of these measures. Political discourse was increasingly hostile. The politicians and public health officials who imposed these rules were not to be merely criticized. For some vocal opponents, they were enemies to be imprisoned or worse.

The emergence of the COVID-19 pandemic did not create these trends, but it did provide a situation where they could manifest more clearly.

6.2 Social media, social movements, and the problems of mis- and disinformation

One thing that became clear from the evidence I heard during the Inquiry was the critical role social media played in shaping the Freedom Convoy. Social media platforms were the tools by which organizers met, coordinated, and connected with participants. But these platforms do not only permit social movements to organize at a previously unachievable rate and scale. Social media also allows hate speech, propaganda, conspiracy theories, and lies to spread farther, faster, and cheaper than ever before. This too was an important dynamic both before and during the Freedom Convoy protests. False beliefs that COVID-19 vaccines manipulate DNA, social media feeds rife with homophobic or racist content, and inaccurate reporting of important events all featured in the evidence before me.

Evidence from many of the convoy organizers and participants demonstrated a range of views that I have no difficulty characterizing as being based on misinformation. Some views were outright conspiratorial. James Bauder, a protest organizer, testified

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that mRNA vaccines alter people’s genes and that an international declaration on ethical principles for medical research involving human subjects authorizes the Senate of Canada to override domestic law in certain circumstances. Patrick King, another protest organizer, testified to his apparent belief that the Government of Canada had “implement[ed]” the presence of Chinese soldiers in Canada.

The role that mis- and disinformation played in the protests is complicated. In an expert report prepared for the Commission, Professor Ahmed Al-Rawi conducted an extensive review of social media posts made during the protests. His analysis showed a wide degree of variability in how different social media platforms were used. Facebook and Instagram were largely pro-convoy platforms, while Twitter was home to many opponents of the protests. Misinformation was limited on “mainstream” platforms but was prevalent in alternative platforms like Telegram. There was no single role that social media played in the protests.

Evidence from the Government of Canada indicated that there was no basis to believe that the Freedom Convoy was the product of a foreign disinformation campaign. This is an important fact, but one that risks oversimplifying the role that misinformation played. During the COVID-19 pandemic, foreign state actors had significant success spreading false information about COVID-19, public health measures, and vaccines, done as a means to sow mistrust in democratic governments. As Associate Deputy Minister of Foreign Affairs Cynthia Termorshuizen suggested, “there really wasn’t much of a need for foreign state actors to engage significantly in the convoy information environment because there was already such a high level of disinformation surrounding it.”¹

6.3 Predecessor convoys: 2018 – 2019

Trucker convoy protests were not new to 2022. In the years leading up to the Freedom Convoy, many populist movements used similar tactics, such as “slow rolls” of trucks to disrupt traffic. For example, on December 16, 2018, a convoy of some 600 trucks

¹ Evidence of Cynthia Termorshuizen, Transcript, November 14, 2022, pp. 284 – 287.

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drove through Grande Prairie, Alberta to raise awareness for the difficulties truckers in Alberta’s energy industry were facing. On December 19, 2018, the group “Truckers for Pipelines” organized a 22-km-long convoy of trucks to Nisku, Alberta to protest the lack of progress in pipeline development.

In December 2018, a group of individuals in Alberta created a Facebook group called “Yellow Vests Canada” and started planning the “Yellow Vest (Official) Convoy to Ottawa.” They intended to protest, among other things, the Federal Government’s carbon pricing legislation and proposed changes to environmental laws. “Yellow Vests” was a reference to the Yellow Vests protests that had begun in France in November 2018. While the French movement also had its origins in economic grievances, some of its organizers employed anti-immigrant, antisemitic, and Islamophobic rhetoric. Some of the organizers of “Yellow Vest (Official) Convoy to Ottawa” were reportedly concerned about how the French Yellow Vest movement had come to be perceived. A related concern emerged when death threats against the Prime Minister of Canada began to appear on some Yellow Vest Canada websites. The Canadian Yellow Vest organizers eventually rebranded their movement to the “United We Roll” convoy for Canada.

On February 14, 2019, the United We Roll convoy left Red Deer, Alberta. Arriving in Ottawa on February 19, protesters demonstrated at Parliament Hill for two days. Several people who would play prominent roles in the 2022 Ottawa protests were involved in the United We Roll convoy. Tamara Lich, who would go on to play a high-profile role in the events of January and February 2022, was one of the organizers of the Yellow Vest rallies in Medicine Hat, Alberta. Mr. King testified that he was one of two individuals in the pilot truck that led the United We Roll convoy, in which Mr. Bauder also participated.

6.4 Protests in 2020 and 2021: COVID-19 and politics

The United We Roll convoy took place less than a year before the emergence of COVID-19. By the end of March 2020, every province and territory in Canada had declared some form of emergency and imposed a range of public health measures. The timing and details of these measures varied, but a number of commonalities emerged. Examples of these include travel limits, prohibitions on large gatherings, the closure of businesses and schools, and the requirement to wear masks. Some orders imposed significant restrictions on liberty, such as the curfew and stay-at-home orders adopted in Quebec and Ontario, respectively.

Starting in December 2020, Health Canada began to issue regulatory approvals for COVID-19 vaccines. With this came new public health measures that were based on an individual's vaccination status. It became increasingly common for individuals to have to prove that they were vaccinated in order to travel, engage in recreation, and even work.

The public's response to public health measures were varied. Many thought that governments were taking inadequate action to protect the people of Canada. Many others believed that governments had gone too far and were restricting liberties without justification. I do not intend to wade into the debates about the appropriateness of various governments' approaches to the pandemic. However, I do wish to make three observations. First, whatever their merit, these public health measures imposed genuine hardship on Canadians. Second, some of the rules implemented by governments caused understandable confusion and even anger among the public. This is not to say that the rules themselves represented bad policy, only that some measure of negative public reaction was understandable. Third, at a time when the pandemic forced many people to live their lives online, it is not surprising that social media was actively used as a means for individuals to express their displeasure with government actions.

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Protests against COVID-19 public health measures began almost immediately after measures were imposed. Throughout the summer of 2020, protests grew in size, number, and level of coordination. The targets of protests were, at times, concerning. Most protests focused on traditional targets such as legislatures, government offices, and public spaces. As the pandemic went on, however, protesters began targeting less traditional locations such as hospitals, vaccination clinics, and schools.

A federal election was called on August 15, 2021. As with most elections, there were protests associated with campaign events. However, many of the protests were framed as being in opposition to COVID-19 vaccine mandates. Like many of the public health protests that took place prior to the election, those that characterized the 2021 election were unusually aggressive and troubling in their tone.

On August 27, 2021, campaign events in Mississauga, Nobleton, and Bolton, Ontario had been planned for Prime Minister Justin Trudeau. In Nobleton, approximately 200 anti-vaccine protesters gathered outside the venue, holding flags and banners, using bullhorns, and pushing and yelling. They circled the prime minister's bus upon its arrival and then moved toward the windows of the venue and yelled through the glass. The prime minister's campaign cancelled the event in Bolton because of security concerns regarding approximately 400 anti-vaccine protesters who had gathered outside the event venue.

On August 29, protesters at a campaign event in Cambridge, Ontario attempted to drown out the Prime Minister's speech by heckling him loudly. Some held signs with the words "no microchip," referring to the conspiracy theory that COVID-19 vaccines were injecting tracking devices into people. On September 6, 2021, a protester reportedly threw gravel at Prime Minister Trudeau during a campaign stop in London, Ontario. The RCMP reported a "marked escalation" in aggressive protester conduct and indicated that some individuals were advocating for violence.

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Looking back at 2021, one can see a range of factors that contributed to the protests that took place. Individuals protested for a variety of reasons, ranging from the genuine fatigue and hardship caused by almost two years of COVID-19 measures to polarized and hostile partisan views. At the fringes were more radical actors, including both ethno-nationalist extremists and conspiracy groups. Most protests were peaceful, but social media amplified calls for violence. The growing number of people and locations that were being targeted by protests represented a troubling escalation.

6.5 James Bauder and Operation Bearhug

I have already noted that the 2022 Freedom Convoy was foreshadowed by the 2019 United We Roll convoy to Ottawa. In 2021, a second foreshadowing event took place: Operation Bearhug.

Just as United We Roll found its inspiration in the French Yellow Vest movement, Operation Bearhug was also inspired by events abroad. On August 30, 2021, truck drivers in Australia began blockading parts of the Gold Coast Highway as a protest in response to mandatory vaccine requirements and lockdowns. On the same day, Mr. Bauder — a Canadian who, as I noted earlier in this chapter, participated in United We Roll and would go on to help organize the Freedom Convoy — made a post on his Facebook page, referencing the Australian protests and calling out to all truckers in Canada to participate in a “CANADA UNITY Convoy” from Calgary, Alberta to Ottawa, subsequently dubbed “Operation Bearhug.”

On September 16, 2021, Mr. Bauder posted a message on the Facebook page for a group called Canada Unity. He advised that the Canada Unity Convoy would “not leav[e] Ottawa until the LAW is upheld by our elected Canadian government.” On September 28, he posted a copy of a “Memorandum of Understanding” (MOU) drafted by Canada Unity.² The parties to the MOU were the “People of Canada,” the Senate of Canada, and the Governor General. The MOU required the Senate and Governor

²Memorandum of Understanding, COM00000866.

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General to instruct all levels of government to reinstate all employees dismissed due to vaccine mandates, issue a “cease-and-desist order” abolishing all vaccine passport rules, and create a “Citizens of Canada Committee.” In exchange, Canada Unity would “immediately stop Operation Bear Hug.”

By December 6, 2021, the Canada Unity Convoy had arrived in Ottawa. According to the Ottawa Police Service (OPS), 10 – 15 vehicles participated. Mr. Bauder claimed that the convoy grew to 500 vehicles. Protesters demonstrated in Ottawa until December 10. After these events, Mr. Bauder went on Facebook to say that the protest would have been more successful with a bigger crowd and suggested that there could be a “BearHug 2.0”.

6.6 Border measures and truckers

From early in the pandemic until August 2021, there was a general prohibition preventing foreign nationals from entering Canada from the United States for purposes such as tourism. For those who were allowed to enter, most needed to show proof of a negative COVID-19 test or to quarantine. Cross-border truckers, however, were exempted from pre-arrival testing and quarantine. In August and September 2021, Canada’s rules were loosened to permit foreign nationals to enter Canada for discretionary purposes, provided that they were fully vaccinated.

For commercial truck drivers, this change did not have any immediate impact. They continued to be permitted to enter Canada without having to be vaccinated. This began to change in October when first the United States, and then Canada announced new rules that would require truckers to be fully vaccinated to cross the border. Unvaccinated Canadian truckers could still enter, but would now have to quarantine. These changes were the spark that ignited the Freedom Convoy movement.

7. Organizing the Freedom Convoy to Ottawa

The evidence that I heard about the initial days of the Freedom Convoy painted a picture of a group of early leaders that were united in their intent to protest public health measures and, more broadly, the Government's actions in restricting freedom. They were, however, somewhat fractured over their expectations for the movement.

Chris Barber is a commercial truck driver based out of Swift Current, Saskatchewan, with a considerable social media following. He is a self-described "internet troll" and an "online troublemaker." During the pandemic, Mr. Barber became increasingly frustrated with provincial and federal public health rules.

Brigitte Belton is an independent trucker based in Southwestern Ontario. Ms. Belton testified that she faced a range of difficulties during the COVID-19 pandemic. These culminated in a negative interaction with a Canada Border Services Agency (CBSA) officer on November 16, 2021, while crossing the Ambassador Bridge in Windsor, where she was asked to pull over into the CBSA compound because she did not have a mask on. After her interaction with the CBSA, Ms. Belton posted a video on TikTok to share her experience, which garnered significant attention. Ms. Belton's frustration with public health restrictions reached a boiling point when the Federal Government introduced the vaccine mandate for cross-border truckers.

Patrick King lives in Red Deer, Alberta, and has held various positions in the oil and gas industry. He too was active on social media. Between his various online platforms, Mr. King estimates that he had about 500,000 followers. It became apparent during his testimony that Mr. King has made numerous statements on social media that could reasonably be viewed as racist and violent. During the COVID-19 pandemic, Mr. King had been outspoken about public health restrictions.

James Bauder is a commercial truck driver living in Calgary, Alberta. Like Mr. King, he has a background in the oil and gas industry. Public health measures have had a direct impact on Mr. Bauder's employment. He testified that he quit his job because

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he could not access clients' facilities without proof of vaccination. He testified that all COVID-19 public health measures are unlawful, that mRNA COVID-19 vaccines are a form of gene-altering therapy, and that God told him to organize the convoy.

Tamara Lich lives in Medicine Hat, Alberta, and has worked primarily in oil and gas logistics and administration. She has held leadership positions as a board member of Wexit Alberta and Wexit Canada — political parties intended to promote Western Canadian interests or to seek independence. Ms. Lich testified that she and most of her colleagues were laid off in early January 2022, when their workplace closed amid the COVID-19 Omicron variant and an economic downturn. Her parents owned a pilot truck business that was impacted by the cross-border vaccine mandate.

Collaboration between the organizers appears to have begun in early January 2022, when Ms. Belton contacted Mr. Barber using TikTok. The pair had no prior relationship. In their discussions, they initially envisioned a slow roll campaign and made a flyer calling for slow rolls that would begin on January 23 and continue until public health restrictions were lifted. Within days, Ms. Belton learned of Mr. Bauder, who was also in the process of planning a protest convoy to Ottawa. Mr. Bauder, in turn, introduced Ms. Belton to Mr. King.

On January 13, 2022, Mr. King hosted a Facebook Live event. Mr. Barber, Ms. Belton, and Mr. Bauder were present online, along with approximately 3,000 other supporters. During the event, the group began discussing a convoy to Ottawa. That day, Ms. Lich reached out to Mr. Barber and offered to help by drawing on her background in logistics and administration. The following day, Ms. Lich created a Facebook page and a GoFundMe campaign for the Freedom Convoy and started raising funds.

On January 22, two contingents of Freedom Convoy participants departed for Ottawa from Prince Rupert and Vancouver, British Columbia, respectively. Additional contingents of the Freedom Convoy would depart from Nova Scotia and Southwestern

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Ontario on January 27. Participants maintained contact with one another through radios, apps, and social media.

The Freedom Convoy was born of a collective effort by individuals who were dissatisfied with what they perceived as government overreach, particularly regarding responses to the COVID-19 pandemic. While public health measures had impacted each of them differently, their common frustration brought the organizers together and attracted supporters. However, while united in their overall motivation, their perspectives differed at times on what exactly the convoy should accomplish, and what tactics it should employ. Some organizers had ambitious visions of what success would mean, while others had more modest hopes. Mr. Barber testified that he simply wanted his voice heard. Mr. Bauder, on the other hand, publicized Canada Unity's MOU, which appeared to have more radical ambitions.

Given the differences in the organizers' goals, it is not surprising that the way they envisioned reaching those goals varied as well. For instance, the organizers do not appear to have agreed on the duration of their stay in Ottawa. Ms. Belton testified that she expected to stay one or two days. Mr. King, on the other hand, had stated during the January 13 Facebook Live event that protesters would not leave until their demands were addressed or the Government was "fired."

Organizers also did not speak with one voice, though they were sufficiently aligned so as not to denounce each other. There were occasions where some organizers were willing to overlook aspects of the others that they found problematic because they believed that co-operation would more effectively further their own goals. For example, Ms. Lich and Mr. Barber became concerned with Mr. King's involvement in the Freedom Convoy because of previous controversial statements that Mr. King had made that seemed to condone the use of violence against politicians. While I heard evidence that Ms. Lich confronted Mr. King about this prior to the arrival of the convoy in Ottawa, Mr. King continued with the group and participated in the protests.

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Mr. Barber and Ms. Lich were not prepared to disavow Mr. King outright because of his large social media following and the support that he brought with him.

The organizers appear to have been more united in their intention that the protest be peaceful, or at least that it not become physically violent. Maintaining a peaceful protest was important to many of the organizers, who believed that violence or threats of violence would discredit the movement and drain it of popular support.

The five organizers I have mentioned in the preceding paragraphs were not the only ones who played key roles in the protests. They were not even the only ones who organized convoys to Ottawa. I heard evidence of a broad array of groups, organizations, and movements who participated in the Ottawa protests in some way. For example, I heard evidence from Steeve Charland, a writer, speaker, and blogger from Grenville-sur-la-Rouge, Quebec, who was an organizer of a largely independent contingent of protesters from Quebec. He is a former board member of La Meute, an advocacy group that is often associated with the far right, and is now involved with the group Les Farfadaas. Mr. Charland described Les Farfadaas as a protest movement that fights for justice and takes care of those whom society has forgotten.

Mr. Charland testified that, when he first heard about the Freedom Convoy, he had little interest in the cross-border vaccine mandate. Instead, when describing his motivation for joining the protest, Mr. Charland pointed to government overreach in the form of curfews and restrictions on hosting guests at home, among other initiatives. The curfew measure was unique to Quebec. The Federal Government had no role in its implementation.

The importance of noting Mr. Charland is to emphasize that the Freedom Convoy was never a monolithic movement. From its very beginnings, it was a collection of different groups and people, many of whom had their own unique concerns and goals.

8. The City of Ottawa

Parliament Hill is in the downtown core of the City of Ottawa, on the banks of the Ottawa River. Immediately south of Parliament Hill is Wellington Street, which is home to several important institutions including the Office of the Prime Minister and Privy Council building. Two blocks east of Parliament Hill is the intersection of Rideau Street and Sussex Drive. The Rideau Centre, Ottawa's largest shopping mall, is located there. Between Wellington Street and the Rideau – Sussex intersection is Elgin Street, which runs north – south. On the east side of Elgin Street, about four blocks south of Wellington Street, is Confederation Park.

As the national capital, Ottawa is a particularly complicated city from a legal and jurisdictional perspective. Multiple levels of government operate side by side within a relatively small, dense urban space, and multiple law enforcement agencies have jurisdiction and policing responsibilities. The OPS is the police of jurisdiction in the city of Ottawa. As such, it is responsible for providing policing services throughout Ottawa, including on Wellington Street, on Parliament Hill, and within the Parliamentary Precinct.

The OPS is an independent law enforcement agency that has a relationship with both the City of Ottawa and the Ottawa Police Services Board (OPSB). Under Ontario's *Police Services Act (PSA)*, municipalities have the duty to provide adequate and effective police services. Where a municipality establishes its own police force, the *PSA* requires the creation of a municipal police services board, which is independent from the municipality, though it shares some members. The Chair of the OPSB, up to February 16, 2022, was City Councillor Diane Deans.

Various other agencies also provide policing and security in Ottawa. The Ontario Provincial Police (OPP) is responsible for policing provincial highways that run through the city. The RCMP is responsible for protecting senior federal government officials and diplomats, investigating national security-related offences, and conducting

traffic enforcement on parkways owned by the National Capital Commission (NCC). The Parliamentary Protective Service (PPS) is responsible for physical security on Parliament Hill and in the Parliamentary Precinct. NCC conservation officers conduct parking and property offence enforcement on NCC properties. In the Quebec portion of the National Capital Region, the Service de police de la Ville de Gatineau (SPVG) provides policing in Gatineau, and the Sûreté du Québec (SQ) is responsible for highway patrol and assisting the SPVG.

9. Early intelligence and police preparation for the arrival of the convoy

As the Freedom Convoy approached Ottawa, few within the OPS expected that demonstrators would remain for a protracted period. However, there was information available to the OPS that, properly assessed, would have told a different story. Much of the disarray in Ottawa was a result of the OPS's incorrect belief regarding how long the protests would last. To appreciate why the OPS had it wrong, it is first necessary to understand the structure of the OPS, and how it went about assessing intelligence prior to the arrival of the convoy.

9.1 The structure of the OPS and roles of key OPS players

The OPS is overseen by a chief of police, who is supported by two deputy chiefs and a chief administrative officer. Together, they constitute the command team. The following table summarizes the roles of key OPS members as of January 2022, before the protesters' arrival in Ottawa:

Deputy Chief Steve Bell	<ul style="list-style-type: none"> • oversaw the Intelligence, Information, and Investigations Command • was appointed as Interim Chief of Police upon Chief Sloly's resignation on February 15, 2022
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Acting Deputy Chief Patricia Ferguson	<ul style="list-style-type: none"> oversaw the Community Policing Command had executive oversight for planning and operations during the Freedom Convoy
Inspector Russell Lucas	<ul style="list-style-type: none"> oversaw the Operations Support Branch (including the Special Events Unit) and served as Incident Commander during the Freedom Convoy
Superintendent Mark Patterson	<ul style="list-style-type: none"> oversaw the Intelligence Directorate whose responsibilities included gathering intelligence on protests
Chief Peter Sloly	<ul style="list-style-type: none"> was Chief of the OPS from October 28, 2019 to February 15, 2022

At the time of the protests, most senior officers within or overseeing the Intelligence Directorate were new to their roles.

In responding to major incidents like the Ottawa protests, the OPS uses the Incident Command System (ICS). It comprises three levels of command: strategic, operational, and tactical. Those levels are responsible for establishing an objective, determining how to achieve the objective, and carrying out the tasks to accomplish the objective, respectively. Strategic command for OPS planning and operations in response to the Freedom Convoy was assigned to Acting Deputy Chief Patricia Ferguson. The OPS used two levels of operational commanders: an event commander and an incident commander. The respective role of each was not clearly documented. The tactical level involved units that focused on implementing the operational command's plan. This included the Public Order Unit (POU), the Police Liaison Team (PLT) and the Traffic Unit.

9.2 Pre-arrival intelligence and planning

The OPS had access to multiple sources of intelligence before the Freedom Convoy arrived in Ottawa. Taken together, this body of intelligence showed that there was a strong possibility that the Ottawa protests would extend past the first weekend, contrary to what the OPS command believed.

Project Hendon is a joint intelligence project led by the OPP's Provincial Operations Intelligence Bureau. It collects information, produces intelligence, and disseminates intelligence regarding protest events that could present a public safety impact. Multiple agencies from across Canada, including the OPS and the RCMP, received Project Hendon reports regularly.

Project Hendon first reported on the Freedom Convoy on January 13, 2022. As early as the next Hendon report, on January 20, 2022, there was mention that the Freedom Convoy might attempt to disrupt the workings of government and that some participants intended to stay in Ottawa until their demands were met. From their earliest coverage of the Freedom Convoy in January, Hendon reports indicated that protesters lacked an exit strategy after arriving in Ottawa, that hundreds of vehicles from numerous convoys were participating, and that individuals with fringe ideologies were joining the movement.

In addition to the Hendon reports, the OPS had access to other sources of information. PPS assessments articulated the Freedom Convoy's intent to stay, its unprecedented support, its ability to cause disruption, and the potential for it to overwhelm the OPS. A member of the OPP PLT told OPS Acting Deputy Chief Ferguson that she believed that a core group of protesters would remain in Ottawa until all mandates were lifted. The Ottawa Gatineau Hotel Association informed the OPS that it had received an email on January 25 indicating that Freedom Convoy participants were planning to book hotels for 30 – 90 days, although on January 29, hotels advised the OPS

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that groups had only booked stays for Friday and Saturday, and were leaving on the Sunday.

The OPS Intelligence Directorate played a lead role in assessing the information that the OPS was receiving throughout January. Sergeant Chris Kiez was in charge of preparing an overall intelligence assessment for the OPS, and he completed the initial version of this on January 25, 2022. The assessment stressed that this event would be of an unprecedented scale, with “numbers of people beyond the norm,” and added that the convoy would “be able to stop and effectively shut down movement if they desire.” Other risks posed by the Freedom Convoy were not prominently featured.

OPS Inspector Russell Lucas began to act as incident commander on January 21. He initially discounted the intelligence that the Freedom Convoy would remain in and disrupt downtown Ottawa until its demands were met because it did not align with his experience of anti-vaccine protests by local truckers in 2020 and 2021. Those protesters had also said that they would stay in downtown Ottawa until their demands were met, but they left within a day. Consequently, Inspector Lucas focused the OPS’s planning and preparation on traffic management, which he identified as the principal risk posed by the convoy.

Under the traffic plan, the OPS would first fill up Wellington Street with protester vehicles on a “first-come basis,” and would then stack trucks on other streets in the downtown core. Vehicles that could not fit downtown would be directed to the Sir John A. Macdonald Parkway, the Sir George-Étienne Cartier Parkway, and a parking lot located at 300 Coventry Road.

Inspector Lucas received this traffic plan on January 26. By this time, he had developed heightened concerns about the Freedom Convoy because of additional intelligence he had received. He perceived three principal risks: anti-government elements joining the Freedom Convoy; the expressed intention of some participants to remain in Ottawa beyond the weekend; and the growing public support for the

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Freedom Convoy. Inspector Lucas anticipated that the OPS could be overwhelmed by the sheer number of participants.

While Inspector Lucas took steps such as obtaining additional POU's from the OPP and neighbouring municipal forces, and putting both OPS and OPP PLTs into action, the OPS's operational plan still did not contain contingency plans to address a prolonged protest. During an OPS Intelligence Directorate meeting on January 27, Inspector Lucas stated that he was praying for "really cold weather" so that few participants would remain. Without contingency plans, the operational plan counted on the best and did not plan for the worst.

9.3 Oversight by the strategic command

As the convoy approached Ottawa, no member of the OPS executive had access to a complete or accurate intelligence picture. While Chief Sloy began receiving intelligence on January 13, Deputy Chief Bell and Acting Deputy Chief Ferguson only began to receive intelligence briefings or updates around January 20.

The OPS lacked a system to ensure that intelligence reports were disseminated to the entire executive and so, for example, Hendon reports did not begin reaching the OPS's deputy chiefs until January 27, one day before the convoy arrived. Similarly, Chief Sloy and Acting Deputy Chief Ferguson apparently did not have regular access to the OPS Intelligence Directorate's daily briefings. Prior to January 27, there was also no system of dedicated executive-level meetings to discuss intelligence, which allowed this uneven dissemination to continue right up to the arrival of the convoy.

These shortcomings made it challenging for the executive to provide strategic oversight of the operational plan. Acting Deputy Chief Ferguson neither identified nor raised concerns about a disconnect between intelligence and the operational plan to Chief Sloy, perhaps because she was privy to less intelligence than Deputy Chief Bell. While Chief Sloy did identify concerns about the potential for protesters to remain in Ottawa after the weekend, he ultimately agreed with the operational plan. I note that

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Chief Sloly was playing a higher-level strategic oversight role and that he relied on his subordinates to ensure that the plan reflected the intelligence.

9.4 Preparation by OPS partners

The OPS was not the only police service that was preparing for the arrival of the Freedom Convoy. On January 24, the OPP appointed Superintendent Craig Abrams as strategic commander in charge of policing the Freedom Convoy for Ontario's East Region. The OPP also deployed a critical incident commander to the National Capital Region Command Centre (NCRCC) to assist with coordinating the deployment of police resources with the OPS and other police partners. I discuss the NCRCC in more detail in the next section.

Similarly, the SQ and the SPVG prepared to manage Freedom Convoy vehicles travelling from Quebec to Ontario. The SQ, aware of the convoy from Project Hendon and its own intelligence services, developed traffic management plans for the convoys heading from various places in Quebec to Ottawa.

On January 27, a meeting took place under the auspices of INTERSECT, a police-led, information-sharing program in the National Capital Region (NCR). It was apparent to OPP Superintendent Abrams and RCMP Deputy Commissioner Michael Duheme, who both attended the call, that the OPS was planning for a weekend event at most. The two did not question this plan. Indeed, some in the OPP appear to have shared the OPS's confidence in the plan and the assumptions on which it was based.

10. Ottawa's preparation for the arrival of the convoy

10.1 Preparation by the City

The City of Ottawa's response to the protests was led by Department of Emergency and Protective Services General Manager Kim Ayotte. Mr. Ayotte reported to City

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Manager Steve Kanellakos, who was the highest ranking unelected official in Ottawa. Mr. Kanellakos, in turn, reported to Ottawa Mayor Jim Watson and City Council.

When preparing for the Freedom Convoy protests, the City of Ottawa relied primarily on information provided by law enforcement agencies, which indicated that the protest would last the weekend and, while potentially disruptive, would be peaceful. However, some information the City received raised the possibility of a longer and more serious protest.

On January 26, OPS Chief Sloly briefed Mayor Watson, Mr. Kanellakos, and Mr. Ayotte on what to expect in the coming days. Mayor Watson recalled that it was unclear during that briefing how many vehicles were coming to Ottawa, what plan the protesters had, and how long they intended to stay. During this meeting, Mr. Ayotte advised the OPS that Ottawa By-law and Regulatory Services (BLRS) would not be enforcing or ticketing protesters in any situations that were dangerous. The OPS agreed with this approach.

It is unclear to what extent the City questioned or challenged the OPS's operational plan. Mr. Ayotte's evidence is that the City raised concerns about letting trucks into the downtown core but that they received "hard pushback" from the OPS. Conversely, Mr. Kanellakos told the Commission that, while the City was not consulted on the plan, he considered it a reasonable approach. The City deferred to the OPS plan and did not use its authority under municipal by-laws to close roads to prevent the entry of vehicles into the downtown core.

January 28 was the first day that convoy participants began to arrive in Ottawa. The NCRCC, a police-led and emergency operations centre with representatives from the RCMP, the OPP, the OPS, the PPS, and the City, was activated. The OPS assumed the role of incident command for the protests. Other than maintaining situational awareness, the City itself took few steps to prepare for the demonstrations. Most of

the preparation was done by the police, with City actions being more supportive or peripheral.

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In the lead-up to the arrival of the Freedom Convoy, the OPSB was also being briefed by the OPS. The information it received with respect to the anticipated size and character of the protests was mixed. While the OPSB received some information that suggested a large, longer-term protest, the main thrust of the information was that the protests would be manageable and would only last for the weekend.

Chair Deans called a special public meeting of the OPSB on January 26. This was the first and only meeting it held prior to the arrival of the convoy. During the meeting, Chief Sloly briefed the Board. Chair Deans understood from that briefing that the OPS had no reason to believe that the protest was going to become a prolonged occupation. The OPS expected that the demonstration would last the weekend, with a small group of protesters possibly remaining into the beginning of the next week. However, Acting Deputy Chief Ferguson also advised that information obtained through contact with protest organizers indicated that it would be a fluid event that could go on for an extended period. The OPSB seemingly failed to raise this potential discrepancy at the meeting, despite its obvious importance.

The OPSB did not receive detailed information on the OPS's operational plan. Chair Deans believed a plan was in place, but felt that Chief Sloly did not want to share details at that time. The Board did not push for those details, and endorsed the general approach of facilitating the right to protest while protecting against loss of life and serious injury.

11. The Ottawa protests

11.1 Arrival and the first weekend: January 28 – 30, 2022

The police and municipal officials were not the only groups preparing for the arrival of the Freedom Convoy. Convoy supporters in Ottawa were also preparing a welcome. One such effort was the Adopt-A-Trucker campaign, organized by Chris Garrah. In addition to raising funds, which I discuss in later in Section 16.1, Adopt-A-Trucker matched truckers with Ottawa residents willing to provide food, showers, laundry, and accommodations.

Initially, Mr. Garrah was also involved with security and liaising with police, but passed those roles on to Daniel Bulford, a former RCMP member. On January 27, Mr. Bulford contacted the OPS, identified himself as the main point of contact regarding volunteer security for the protesters, and invited them to raise any concerns with him. The OPS provided Mr. Bulford with maps identifying where trucks could park in the downtown core, which Mr. Bulford forwarded to convoy organizers.

The arrival of the Freedom Convoy protesters in Ottawa could fairly be described as chaotic. The organizers' plan was for the smaller convoys to converge on January 28 in the town of Arnprior, Ontario, and then travel to Ottawa as a united convoy the following day. However, some vehicles arrived in Ottawa on January 28. Initially, the OPS was able to facilitate the orderly arrival of protesters, directing vehicles to Wellington Street. Protesters were co-operative and followed police directions. By the afternoon of January 28, approximately 150 trucks had reached downtown, and an additional 50 trucks were parked at the Coventry Road site.

The sheer number of vehicles that began to arrive caused serious challenges. By the evening of January 28, Wellington Street was stacked with vehicles and the OPS was aware that the situation would soon become even more difficult. More than 3,000 additional vehicles were expected to arrive by the afternoon of Saturday, January 29.

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During the night of January 28 – 29 there were warning signs that some protesters were willing to engage in disruptive behaviour. Protesters on Wellington Street warned the OPS that “all Hell’s going to break loose” and that tractors would break through roadblocks. Protesters on Queen Street reacted with hostility to police who tried to move them. There were reports of by-law violations and aggressive conduct by protesters. Small factions of protesters appeared determined to disrupt traffic flow.

Notwithstanding the large numbers of vehicles and protesters predicted to arrive, OPS Chief Sloy was briefed at 10 a.m. on January 29 that the plan to manage traffic was still working and that convoy participants were honouring agreements with the PLT concerning where to park.

Within a few hours of this call, however, the OPS became overwhelmed. By noon, OPS security officers, traffic officers, and the PLT had become exhausted trying to manage the protests, and in order to conceal staffing shortages, the OPS began to deploy Public Order Units (POUs) to conduct foot patrols. By mid-afternoon, the entry points to downtown Ottawa were blocked and impassible.

The influx of Freedom Convoy vehicles and the disruptive behaviour by some protesters threw the OPS operational command at the NCRCC into a state of dysfunction. OPS Inspector Lucas described the atmosphere there as chaotic and explained that he and his team had neither the capacity to process the incoming information nor the resources to respond to the needs it was facing. Some dayshift officers were on duty for more than 15 hours, and some officers were not getting relieved by replacement shifts.

The OPS’s traffic plan collapsed, and the OPS began to lose the ability to manage downtown core streets. The OPS was unable to prevent the entry of heavy equipment into downtown Ottawa, including a boom truck — a heavy truck with a flatbed back used to lift and deliver construction equipment — that made its way onto Wellington

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Street and hoisted a Canadian flag outside the top window of the Office of the Prime Minister.

The OPS also largely lost the capacity to conduct enforcement. When confronted with illegal activities by protesters, the OPS was unable to issue tickets, lay charges, or make arrests. This lack of enforcement contributed to a general sense of lawlessness.

While most protesters were not violent, they were disruptive. There were reported incidents at the National War Memorial, the Tomb of the Unknown Soldier, and the Terry Fox statue that many residents found upsetting. The Ottawa Paramedic Service reported treating 17 patients associated with the demonstration. The Shepherds of Good Hope, a shelter for individuals experiencing homelessness, reported that staff had been harassed for meals by protesters and that a service user and a security guard had been assaulted. Large crowds of unmasked protesters at the Rideau Centre forced the mall to close.

Even as the situation escalated, the OPS did not appear to recognize that they were facing a long-term disruption to the city. The OPS executive still expected that most protesters would soon leave. This led the OPS to miss out on early offers of support, such as when it turned down an offer of 18 front-line OPP constables because the OPS executive believed they were not necessary.

On January 30, Freedom Convoy organizers held a press conference during which they addressed the events of the first weekend. Ms. Lich and Mr. Barber participated, along with Benjamin Dichter, a trucker and podcast producer that Ms. Lich asked to assist with media relations. During the press conference, Mr. Dichter said, referring to the chaos caused by the trucks in the downtown core, “That’s what we want. We want a logistics nightmare for the government because they solve all of our problems, right? Well, they can solve this problem for us.”³ He further commented that the truckers had the intent and financial ability to stay for the long term.

³ Transcript of January 30, 2022 Press Conference, COM00000895, pp. 3 and 4.

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The press conference also addressed reports of misconduct by protesters. Mr. Barber and Ms. Lich denied that anyone associated with their group was involved in defacing monuments or urinating on war memorials. Mr. Dichter dismissed reports of protesters flying Nazi and Confederate flags as “hoax hate” and emphasized the diversity among protesters and organizers.

Over the course of the weekend, the core group of protesters began to establish encampments in downtown Ottawa. Around the same time, the OPS learned that other protesters were re-booking hotels for the following weekend. These two developments forecast the pattern over the next two weeks: a core group of protesters remaining in downtown Ottawa, with thousands of additional supporters joining them on the weekends.

The OPS only identified the need to develop a plan for a longer protest after it realized, on the evening of January 30, that protesters were staying. In his testimony before the Commission, OPS Chief Sloyly stated that, on January 29, he expected five to ten percent of protesters and vehicles to stay behind. It does not appear that he or his deputies considered that if ten percent of the 4,000 – 5,000 vehicles the OPS expected stayed, it would mean that up to 500 vehicles would remain in Ottawa clogging the downtown core. By January 30 or 31, Chief Sloyly believed that what had begun as a demonstration had become an occupation.

11.2 The experience of Ottawa residents

Before continuing with a detailed description of the events that took place in Ottawa, it is important to describe the overall impact of the protests on the city and its residents.

The honking that had characterized the Freedom Convoy’s drive across Canada continued upon its arrival in downtown Ottawa. Throughout the first week of the protests, the honking was almost constant, continuing throughout the day and, at times, into the night. Most of the downtown protest sites had average daytime noise levels of 90 – 110 decibels in the first week. Ottawa resident Zexi Li, who eventually

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obtained an injunction to stop the honking, testified that she measured noise levels inside her tenth-floor condo unit as high as 85 – 90 decibels. The negative impact of the honking was obvious. Some protesters seemed to enjoy the harm that the noise was causing. In one video, Mr. King laughed when referring to residents' inability to sleep.

Many of the trucks in the downtown core were left idling. This caused an abundance of diesel fumes to permeate the air, not only on the streets, but also in people's homes.

City services, particularly those in the downtown area, were seriously disrupted. This included access to City Hall, local libraries, COVID-19 vaccination clinics, snow removal operations, community and social services, and public transit. Traffic disruption impacted residents' lives in many ways. The Children's Hospital of Eastern Ontario reported that its cancer patients had difficulty accessing treatment.

I heard witnesses describe a general state of lawlessness in the downtown area. There was a breakdown of order and social norms, as well as activities that put public health and safety at risk. Open fires were used by protesters to stay warm, despite the nearby storage of diesel, propane, and fireworks.

Ottawa's 911 services were overwhelmed. In addition to a higher than usual number of legitimate calls, there were also many false 911 calls that seemed intended to disrupt the system.

I heard credible reports of residents feeling threatened and being harassed by protesters. On February 3, an individual was criminally charged for uttering threats against Ottawa Mayor Jim Watson. The same individual was alleged to have made a death threat against OPS Chief Sloy. Ottawa Department of Emergency and Protective Services General Manager Kim Ayotte and his family, OPSB Chair Deans and her staff, and City councillors Catherine McKenney and Mathieu Fleury also received threats. In addition, private residents were subjected to harassment,

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particularly those who wore masks in public. In some instances, protesters attempted to remove residents' masks, resulting in physical altercations.

I also heard evidence of homophobic and transphobic slurs being directed at residents, and of racialized residents feeling targeted. Some individuals who lived in the area were too afraid to leave their homes. Vulnerable residents were particularly affected. These fears were compounded by the seeming inability of the police to protect the public and preserve law and order. Residents saw symbols of hate in their community, including swastikas and Confederate flags. Also present was the flag of Diagonol, a group created by online personality Jeremy Mackenzie, who was in Ottawa with other Diagonol members during the first weekend of the protests. Law enforcement and intelligence agencies view Diagonol as a militia-like extremist organization, a characterization that Mr. Mackenzie disputes.

Downtown businesses were also affected, with many closing in response to the protests. By some estimates, lost business revenue and lost wages totalled between CAD\$150 million and CAD\$210 million.

11.3 The protesters after the first week

Throughout the first week, around 500 vehicles remained in the downtown core. Convoy participants who stayed in Ottawa were organized around a system of "block captains" who held daily meetings with protesters camped out in the areas to which they were assigned.

While many of the protesters slept in their vehicles, others stayed in hotel rooms that had been provided by financial supporters of the protests. One donor reportedly spent \$100,000 on hotel rooms for protesters. Hotels were also used as command centres, with different aspects of the protests coordinated out of different hotels. Mr. Dichter stayed at the Sheraton, where he focused on public and media messaging. Mr. Garrah, Mr. Bulford, and the Adopt-A-Trucker team established their

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headquarters at the Swiss Hotel, focusing on distributing food, maintaining portable toilets, shovelling snow from sidewalks, collecting waste, and working with police.

Another command centre took shape at the ARC Hotel. Ms. Lich and Mr. Barber took up residence there, as did Mr. Bauder and his Canada Unity group. Also located in the ARC were the leaders of the anti-mandate group Taking Back Our Freedoms (TBOF).

Early in the first week, Ms. Lich concluded that she needed legal advice regarding the GoFundMe fundraiser that she had started. She was put in touch with the Justice Centre for Constitutional Freedoms (JCCF) who, in turn, asked Edmonton-based lawyer Keith Wilson, KC to represent some of the convoy organizers. Mr. Wilson agreed to lead a team of lawyers, including Eva Chipiuk. On February 2, Mr. Wilson flew to Ottawa with several individuals, including Chad Eros, an accountant who agreed to assist Ms. Lich in dealing with the GoFundMe campaign.

Ms. Lich was exhausted as she fielded requests for access to donated funds from individual protesters and organizations like TBOF. She was concerned that TBOF was attempting to take over the movement.

When they first met, Ms. Lich felt that Mr. Wilson was genuine and was there to help. She immediately liked and trusted him. Others did not. Mr. Dichter felt that Mr. Wilson's messaging was too negative. Mr. Eros came to believe that Mr. Wilson, Ms. Lich, and others with roots in the Alberta sovereigntist movement had taken over the narrative of the Freedom Convoy, which threatened to delegitimize the protest.

11.4 Policing the first week of the protest

Although the OPS realized that the protests had become a more serious policing problem than it had expected, it did not develop an overall operational plan to resolve the protests. Instead, it focused on developing a public order sub-plan that was disconnected from a broader resolution strategy. This resulted in a perception

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that Chief Sloly — who focused on the development of this sub-plan — prioritized enforcement over other strategies to resolve the protests.

The OPS's planning challenges were compounded by a general breakdown of command and control. The breakdown began on February 1, when the OPS shifted primary operational decision-making authority from the OPS Incident Commander, Inspector Lucas to the OPS Event Commander, Superintendent Christopher Rheaume. On February 4, OPS Acting Deputy Chief Ferguson replaced Superintendent Rheaume with Superintendent Jamie Dunlop. Chief Sloly testified that neither of these changes were communicated to him until February 5 and that his deputies' failure to promptly inform him of these significant changes eroded his trust in his executive team. Chief Sloly also lacked confidence in Superintendent Dunlop, which led the OPS to replace him with a third event commander, OPS Superintendent Mark Patterson, on February 6. The constant changing of event commanders during the protests was highly disruptive.

Another problem that emerged during the first week of the protests was the failure to properly employ Police Liaison Teams (PLTs) to manage the protests. PLT engagement was sometimes misunderstood by OPS leadership as an avenue to make later enforcement appear more legitimate, or as another means to gather intelligence, rather than as a tool to build long-term relationships, to identify win-win solutions to problems, and to shrink the footprint of the protests. Perhaps as a result of these misunderstandings, the PLT was denied the autonomy it needs to work effectively. In practice, PLT activities were micro-managed by OPS leadership.

It is hard to understand exactly why these problems existed since the PLT had already proven its usefulness during the first week of the protests. For example, PLT officers were instrumental in convincing protesters to peacefully vacate Confederation Park by February 6. Notwithstanding this early success, the PLTs were underutilized until mid-February. OPP witnesses testified that there were moments when PLT officers were sitting idle.

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Public confidence in the police also began to erode during the first week of the protests. During a briefing for members of Ottawa City Council and OPSB members on February 2, OPS Chief Sloly stated that “there may not be a policing solution” to the Freedom Convoy. Chief Sloly testified that he made this statement because no single police of jurisdiction could handle the size and scale of the events. However, as Chief Sloly recognized, his statement was widely misunderstood and misinterpreted. Many members of the public found the statement alarming, and it left them wondering how the situation could be resolved without police intervention.

OPS members started reaching out to external agencies for help on January 31. The OPP responded to the request, but the RCMP declined to provide some of the personnel requested by the OPS. RCMP Commissioner Brenda Lucki was concerned that the OPS lacked a plan to use RCMP POU's and did not want to commit to providing those officers until there was greater certainty in how they would be used. She did not explain to Chief Sloly that this was one of the reasons why she was declining his request. Requests for policing resources were also made at the political level including calls between Ottawa Mayor Watson and Prime Minister Trudeau, as well as provincial Cabinet Minister Lisa MacLeod, and between Chief Sloly and Ontario Solicitor General Sylvia Jones.

On February 2, the OPP identified that the OPS's lack of internal command, control, and communication was frustrating the OPP's attempts at providing assistance. OPP Superintendent Abrams testified that the OPS's response to the Freedom Convoy remained dysfunctional and dangerous. He pointed to the failure to use PLTs and confusion within the OPS over who had the authority to direct operational planning as reasons why he was reluctant to provide additional OPP resources to the OPS.

OPS Chief Sloly attempted to respond to the OPS's confused command and control structure by becoming more engaged in decision making and planning. Multiple witnesses testified that this was counterproductive because it eroded the authority of the event commander and created more confusion about who was in charge.

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On the morning of February 4, Chief Sloly publicly announced a new “surge, enforce, and contain” strategy that involved the deployment of an additional 150 officers to conduct enforcement and contain the protests within the downtown core. Many OPS officers who were responsible for implementing this plan only learned of it when it was publicly announced, and partner agencies had not been consulted beforehand. The OPS also lacked the officers to staff the plan, even though Chief Sloly was told before the announcement that the OPS did have sufficient personnel.

On February 5, Chief Sloly articulated a number of general priorities for the OPS, which he believed were already embedded in the OPS’s plan. However, OPS Acting Deputy Chief Ferguson understood these to be new priorities that would form the basis for a new plan. Multiple witnesses perceived that Chief Sloly’s interventions contributed to the breakdown of the incident command structure that Chief Sloly was attempting to remedy.

The end of the first full week of the protests on Sunday, February 6 became a low point for police – protester relations and internal police morale. This was best characterized by a series of events involving the Coventry Road site which, by February 6, had evolved into a logistics hub for the Freedom Convoy. To support the trucks in the downtown core, protesters were storing thousands of litres of fuel at this site, and this represented a major safety risk.

The PLT began to negotiate with protest leaders at Coventry Road to get the fuel stockpile removed. The negotiations went well, and a protest leader agreed to do what he could to move the fuel off-site. Approximately two hours into these negotiations, however, the PLT learned that the OPS would be conducting a public order operation at Coventry Road later that day. Upon hearing this news, the PLT attempted to have the POU action stopped, but event commander Superintendent Patterson and Deputy Chief Bell decided to proceed. The result was that the POU moved into the area and arrested protesters as they were removing fuel, pursuant to their agreement with the PLT. Protesters understandably viewed this as a betrayal by the OPS. Both OPS and

OPP PLT members were demoralized and felt that there was no use in trying any longer since the trust they had cultivated with protesters had been lost.

11.5 City residents begin to fight back

Frustrated by what they perceived to be the lack of a meaningful response by the OPS, residents of Ottawa began to take their own action against protesters during the first week. On February 4, Ottawa City Councillor McKenney organized a “safety walk” with residents in order to “take back the streets.” They organized a second walk a few days later, but it was called off because of heightened risks of confrontation with protesters.

Following the first weekend, Ottawa resident Zexi Li became the lead plaintiff in a proposed class action lawsuit against the protesters. As part of that action, Ms. Li obtained an injunction on February 7, prohibiting protesters from using air or train horns within the city. Initially, the injunction was successful, but eventually the honking resumed.

11.6 The municipality's response

Ottawa's primary response during the first week was its decision, on Sunday, February 6, to declare an emergency. City Manager Kanellakos testified that the decision was made at that time because it had become evident that the protesters were staying, and police were reporting that they did not have enough resources. According to Mr. Kanellakos, the City felt that the declaration would notify the community that the situation was serious and would signal to the Province of Ontario that it should step in.

On February 7, Ottawa City Council held its first meeting since the start of the protests. Council passed several motions including the following:

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- asking that the mayor call on the provincial and federal governments to provide the necessary financial and logistical supports needed to peacefully end the protests;
- directing staff to apply for an increase to the set fine applicable to several by-law violations;
- condemning the racism, antisemitism, and discrimination experienced by the Black, Jewish, Muslim, racialized, and 2SLGBTQI+ communities; and
- petitioning the federal government to assume responsibility for public safety and security within the Parliamentary Precinct.

On the following day, OPS Chief Sloly wrote to Mayor Watson and OPSB Chair Deans stating that the OPS was the sole police of jurisdiction and that this last motion lacked authority.

Council also debated a motion for the City to enter into discussions with the federal minister of Public Safety to determine whether the *Emergencies Act* could be invoked at that time. The motion failed on a 12 to 12 vote.

During the first week, City legal staff worked on the possibility of obtaining some type of injunction against the protesters. On February 2 and 4, the City's legal department asked for information from the OPS about the type of injunction that it would need to assist in responding to the protests, but found it difficult to get a clear answer. Ottawa City Solicitor David White concluded that the OPS had lost interest in an injunction. It seems that the City took the position that it would only seek an injunction if the OPS said it needed one.

As the protests continued, members of City Council began to push for more action, and on February 9, they passed a motion asking Mr. White to review the possibility of pursuing an injunction. During its February 11 meeting, the OPSB also discussed why an injunction had not yet been sought by the City. That very day, at the direction of City Manager Kanellakos, the City of Ottawa filed an application for an injunction in the Ontario Superior Court of Justice. The application was for an order prohibiting

protesters from violating the City’s by-laws. Associate Chief Justice Faye McWatt granted the injunction the next day, describing the City’s evidence as overwhelming.

In the end, the City’s injunction was never used by police. Mr. Kanellakos testified that, in hindsight, it probably would have helped to seek the injunction sooner.

11.7 Ontario’s absence

One theme that emerged during the Inquiry was the view that the Government of Ontario was not fully engaged in responding to the protests. Many witnesses saw the Province as trying to avoid responsibility for responding to a crisis within its borders.

These complaints were difficult to assess because Ontario did not fully participate in the Inquiry. While the Province produced about 1,000 documents and provided the testimony of a deputy minister and an assistant deputy minister, it did not seek standing as a party. Moreover, both Premier Doug Ford and Solicitor General Sylvia Jones refused to be interviewed by Commission counsel. When I issued summonses to compel their testimony, they invoked Parliamentary privilege and refused to comply. As a result, the Commission is at a regrettable disadvantage in its understanding of Ontario’s perspective.

Ontario Deputy Solicitor General Mario Di Tommaso testified that the Province was “very engaged in providing support to the City of Ottawa through a variety of means” but also testified that “when the concern was such that the protest was spreading to other parts of the province ... that’s when the Premier decided to act.”⁴ I take these comments as recognition that the Province was not as engaged when protests in Ontario were limited to Ottawa.

The absence of provincial engagement at the political level is well illustrated by a series of “tripartite meetings” that took place between February 3 and 10. These were

⁴Evidence of Deputy Solicitor General Mario Di Tommaso, Transcript, November 10, 2022, pp. 160 – 162.

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attempts to bring together officials at the federal, provincial, and municipal levels to coordinate an integrated response to the protests. They took place at two levels: staff and ministerial. While Ontario sent representatives to the staff table, it was absent at the political table. Premier Ford told Mayor Watson that he did not believe these meetings would be productive. Solicitor General Jones was of the view that responding to the protests was a law enforcement issue to be dealt with between OPS Chief Sloly and OPP Commissioner Thomas Carrique, not political officials.

11.8 The Ottawa Police Service requests 1,800 officers

On February 5, the OPSB asked Chief Sloly how many officers the OPS required to end the protests. Chief Sloly took this to be a formal direction under the *Police Services Act* and on February 6, reported that 1,800 additional officers were needed. OPSB Chair Deans asked the mayor's office to apply political pressure in acquiring these resources. The mayor's office was hesitant to get involved, but after further discussions, the mayor agreed.

On February 7, Chair Deans, Mayor Watson, and Chief Sloly made the request for 1,800 officers public. Chief Sloly publicized the request in a City Council meeting, and Mayor Watson and Chair Deans sent co-signed letters to Prime Minister Trudeau, Federal Public Safety Minister Marco Mendicino, Ontario Premier Ford, and Solicitor General Jones.

While making the request public likely generated political pressure, it also risked revealing the OPS's strategic and operational thinking. The request signalled that the OPS was preparing for a mass mobilization of resources to attempt to remove protesters. That created the possibility that protesters could plan a strategic response.

In fairness, the February 7 request was not the only time when political actors disclosed staffing information, arguably for political purposes. In one media release, Ontario Solicitor General Jones stated that more than 1,500 OPP officers had been on the ground in Ottawa from the beginning of the protest. In reality, the OPP had

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contributed a cumulative 1,500 OPP officer shifts. OPP Commissioner Carrique and Ontario Deputy Solicitor General Di Tommaso characterized the disclosure of these figures as unhelpful and unwise. When pushed on whether the solicitor general was politicizing the issue of police resources through this statement, Commissioner Carrique indicated that the Commission would need to ask the solicitor general herself; however, as discussed previously, Solicitor General Jones refused to testify before the Commission.

On the same day that the request for 1,800 officers became public, OPP Commissioner Carrique, Ontario Deputy Solicitor General Di Tommaso, and RCMP Deputy Commissioner Duheme heard reports that OPS Chief Sloly had told his team to ask for twice as many resources as they needed. Chief Sloly acknowledged that he may have made a remark of this nature during an OPS meeting. While Chief Sloly's intent was to encourage the command team to consider how many resources they needed in the long term, when OPP Superintendent Abrams learned of the request for 1,800 officers the following day, he was understandably suspicious.

11.9 Rideau and Sussex

Tom Marazzo served as an officer in the Canadian Armed Forces for 25 years. He came to Ottawa during the first weekend of protests, after James Bauder asked him to assist with logistics. By the evening of February 7, Mr. Marazzo became concerned about mounting public pressure on the OPS to take action against protesters. Mr. Marazzo felt that the protest organizers needed to help to relieve the tension.

On the morning of February 8, OPS Deputy Chief Bell told City Manager Kanellakos that the PLT wanted to meet with him to discuss a potential meeting with some of the protesters. Mr. Kanellakos told PLT officers that he would meet with the protesters but that he needed something in exchange. An officer suggested that the trucks could be moved out of the residential neighbourhoods.

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At around noon on February 8, the PLT escorted Mr. Marazzo and convoy lawyers Mr. Wilson and Ms. Chipiuk to Ottawa City Hall to meet with Mr. Kanellakos. Mr. Marazzo told Mr. Kanellakos that the protesters wanted a meeting with the mayor. Mr. Kanellakos said that there would be conditions on a meeting; namely, that trucks move out of the residential areas. Everyone agreed that this would be a positive step.

After the meeting, Mr. Marazzo, Mr. Wilson, Ms. Chipiuk, and the PLT went to the intersection of Rideau Street and Sussex Drive to try to convince the protesters there to relocate onto Wellington Street. This intersection was an area of particular concern for the police due to the highly aggressive attitude of the protesters who were situated there. Ms. Chipiuk and Mr. Marazzo led the effort to convince the protesters to move. Eventually, they agreed to do so. Moving the trucks required the assistance of the OPS, which had previously installed jersey barriers that blocked traffic on Rideau Street from moving onto Wellington Street. In the early evening, Ms. Chipiuk and Mr. Marazzo located an OPS PLT member and informed him that the truckers were ready to move. After a phone call, however, the PLT officer informed the protest organizers that the OPS would not remove the jersey barriers.

This decision by the OPS appears to be the result of an internal miscommunication. OPS Acting Superintendent Robert Drummond understood that the plan was to have the group at Rideau and Sussex leave Ottawa, not relocate to Wellington Street. Once it became clear that the protesters simply wanted to relocate, the OPS refused to cooperate. The identity of the individual who did not approve the move is unclear.

In parallel with the negotiations between the City and the protest organizers, the OPS was planning a public order operation to clear the Rideau – Sussex intersection. An operation had initially been planned for February 7, the day before Mr. Kanellakos met with the protesters, but had been postponed for lack of resources. On February 9, OPS Superintendent Patterson presented another plan for this operation. The OPP and the RCMP did not support the operation as presented, and an OPS commander

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cancelled it because OPS public order experts felt that the plan was poorly planned and unsafe.

Unaware of the POU operation that was still under consideration, Mr. Marazzo, Mr. Wilson, and Ms. Chipiuk met with the PLT on February 9 to see if it might still be possible to move the trucks out of the Rideau – Sussex intersection. They told the PLT that, if the police could guarantee the removal of jersey barriers, they could work with the truckers that were located at the intersection and convince them to move. Having been forced to abandon its public order operation, the OPS command eventually approved the plan to move trucks onto Wellington Street.

On February 10, convoy organizer Tamara Lich requested that key organizers and volunteers meet at Rideau and Sussex at 10 a.m. to try to get the truckers to clear the intersection. Together with the PLT, they persuaded several truckers to move onto Wellington Street. At around 4 p.m., the OPS indicated that it would remove the barriers. Just before sunset, police and City workers arrived at the intersection with a forklift and tow truck. The police presence in the area was increased to help manage the move. However, some of the protesters believed that the police were there to remove the truckers by force and reacted accordingly. Despite Mr. Wilson's and Ms. Lich's efforts to calm the growing crowd, it became impossible to carry out the operation.

11.10 The Integrated Planning Cell

The February 7 request for 1,800 officers was referred to the OPP and the RCMP for assessment. The RCMP wanted this request to be supported by a plan before they committed resources, but the OPS still lacked an overall operational plan to end the protests. To address this problem, OPP Commissioner Carrique decided, with RCMP Commissioner Lucki's support, to establish an Integrated Planning Cell (the Cell) to assess the OPS's needs and to support its planning efforts. The Cell was a team of subject matter experts led by OPP Chief Superintendent Carson Pardy. During the

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first meeting with the Cell on February 8, the OPS agreed to provide the Cell with its plan and to consider a proposal from Chief Superintendent Pardy to establish a unified command with the OPP and the RCMP.

OPS Chief Sloly's attitude toward the Cell was mixed. He saw benefits from the Cell's expertise, but also felt that it was assessing whether the OPS was "worthy" of additional resources. Chief Sloly was also concerned that the Cell would be used to undermine him and the OPS. On February 9, he commented that integration with the Cell was, in effect, a zero-sum game: either the OPS would embed the Cell into the OPS's plan, or the Cell would embed the OPS into the Cell's plan. Chief Sloly insisted that the OPS remain in control.

Chief Sloly proceeded to oversee the development of an operational plan that reflected his focus on public order operations. This February 9 plan contained a terse, one-sentence mission statement that emphasized ending unlawfulness and restoring safe and open neighbourhoods and businesses. The plan called for negotiation but included little detail on the role of the PLT. Its focus was a series of public order operations to reduce the protest footprint by clearing protesters out of Ottawa, one area at a time. The command and control dysfunction and the lack of trust between Chief Sloly and his deputies that had plagued the OPS during the first week persisted in the development of this plan.

The OPS's second meeting with the Cell on February 9 was, at times, contentious. Chief Sloly insisted that the Cell guarantee specific numbers of officers and suggested that attempting to plan without those resource commitments would be a waste of time. The Cell did not view the OPS's plan as safe. The Cell stated that it wanted to help the OPS to develop an appropriate plan and was prepared to commit to providing the resources required to implement it. While Chief Sloly understood the Cell's perspective that the OPS's plan was too aggressive, he did not agree to pause it.

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From the Cell's perspective, this meeting did not generate the agreement on planning or integration that the Cell was seeking. Instead of a joint plan, there were now two plans: the OPS's February 9 plan, and a plan that the Cell was developing to systematically clear the downtown core.

By February 10, OPP Commissioner Carrique had prioritized the deployment of OPP resources to Windsor to address protests that were taking place there, which I discuss in Section 12, later in this chapter. He based this decision not only on Windsor's economic importance, but also on the fact that the OPS lacked an appropriate plan to use OPP officers. The RCMP redeployed officers from Ottawa to Windsor for similar reasons. Neither the RCMP nor the OPP appears to have communicated this decision to Chief Sloly, which may have contributed to his low expectations of the Cell.

The OPS's integration, planning, and command and control challenges reached their breaking point on February 10. The Cell struggled to obtain information on OPS resources and plans because OPS officers felt unable to provide it without Chief Sloly's approval. While the Cell was developing its own plan, the OPS had not endorsed it.

Making matters worse, the relationship broke down between OPS strategic commander Acting Deputy Chief Ferguson and OPS operational commander Superintendent Patterson. As I discussed earlier, the February 9 public order action against the Rideau – Sussex protesters was cancelled. Chief Sloly and Superintendent Patterson wanted to proceed, but Acting Deputy Chief Ferguson stated that she disagreed with their approach. In response, Superintendent Patterson accused her of undermining his authority and colluding with her spouse, who led the OPS PLT. She denied this allegation. Chief Sloly removed Superintendent Patterson as event commander due to his comments regarding Acting Deputy Chief Ferguson.

11.11 The OPS's attempt to "reset"

Superintendent Patterson's removal paved the way for a significant reset. Chief Sloly consulted with his deputies on a replacement, and on February 10, they selected

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Acting Superintendent Robert Bernier, one of the OPS's best-trained commanders. Acting Superintendent Bernier immediately identified a series of priorities that he believed would help the OPS to "reset" its response to the protests.

Acting Superintendent Bernier began by developing a new mission statement for the OPS's plan that emphasized negotiation, de-escalation, respect for the right to protest, public safety, and integration of the POU and the PLT into decision making. He formed an integrated command table to make all operational decisions, which had seats for POU, PLT, and OPP officers.

The appointment of Acting Superintendent Bernier did not solve all of the OPS's challenges. At times, Chief Sloly continued to be engaged in operations. Acting Superintendent Bernier was not always provided with timely information. Nevertheless, the course correction that began on February 11 was significant, and marked a genuine turning point.

By February 11, the Cell had developed a draft plan. It outlined a four-phase approach to stabilize the situation, dismantle the entire protest zone, maintain the cleared zone, and then demobilize. RCMP Commissioner Lucki and OPP Commissioner Carrique both expressed confidence in the draft plan when they were briefed on it on February 11. OPS Acting Deputy Chief Ferguson also supported it.

However, the Cell and the OPS were still working in silos, and Acting Superintendent Bernier did not even know that the Cell was developing its own plan. On February 12, OPS Deputy Chief Bell recognized that there was a need to marry the Cell's plan with Acting Superintendent Bernier's plan. The Cell's RCMP representative contacted Acting Superintendent Bernier later that day, and the work of integrating the plans began.

While Acting Superintendent Bernier advised the Cell that he had spoken with Chief Sloly and that the Cell should proceed with the plan, Chief Sloly subsequently told the Cell that he needed to be briefed on it himself. When OPP Chief Superintendent Pardy

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told Chief Sloly that the Cell wanted greater integration, Chief Sloly responded that he wanted to be briefed on that, too. On the afternoon of February 12, the Cell briefed Chief Sloly on its draft plan, but Chief Sloly did not provide his approval. According to OPP Chief Superintendent Pardy, this occurred because of a statement made by an RCMP expert during the meeting that unintentionally suggested that Chief Sloly's actions could cause the police response to the Ottawa protests to fail. Chief Sloly requested further documentation and stated that he would not support the Cell's approach if he was not confident in what the OPS and the Cell could accomplish.

On the evening of February 12, the Cell finalized and approved its draft plan. On February 13, the Cell sought and obtained Acting Superintendent Bernier's approval, and Acting Deputy Chief Ferguson informed the Cell that OPS Chief Sloly's approval was not required. Chief Sloly told RCMP Commissioner Lucki and OPP Commissioner Carrique later that evening that the OPS had fully approved the plan.

The February 13 plan was a significant improvement over the February 9 plan. It detailed how the police would end the protests by first using the PLT to shrink the footprint of the protests and then launching POU actions to remove any remaining protesters. It created an integrated OPS – OPP – RCMP strategic command that would resolve any disagreements between the forces' operational commanders and provide a buffer between the operational commanders and the political sphere.

While the February 13 plan did not yet include sub-plans to clear protesters from downtown Ottawa and tow vehicles, they were under development. Commissioners Lucki and Carrique expressed confidence in the plan and appeared to be prepared to commit significant resources to it.

11.12 Continued resistance from residents

By the third weekend of protests, residents' frustrations were reaching a boiling point. This frustration culminated on February 13 in "The Battle of Billings Bridge," a counter protest that was organized to prevent another convoy from joining the demonstrations

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in the downtown core. Hundreds of residents filled the street, blocking the convoy from passing. Eventually, protesters agreed to remove the flags supporting the convoy from their vehicles and were allowed to leave, one at a time.

According to Ottawa City councillors McKenney and Fleury, this was a watershed moment. The community felt empowered and wanted to take more action. Others viewed this event quite differently. Prime Minister Trudeau testified that the Government was concerned that counter protests such as this would become more frequent and would increase the possibility of violence.

11.13 The “breakthrough” with the protesters

At the same time that the OPS was engaged in its course correction, protesters and City officials were engaged in renewed talks.

Dean French is the former chief of staff to Ontario Premier Doug Ford. On February 6, he was put in touch with convoy lawyer Mr. Wilson. Mr. French offered to act as an intermediary between the protesters and the City of Ottawa to see if the two sides could find common ground on a way forward. On February 10, Mr. French called Mayor Watson, whom he knew from his time in politics. Mr. French indicated that he was willing to facilitate discussions with the protesters. The mayor asked his Chief of Staff, Serge Arpin, to call Mr. French back. During his first call with Mr. French, Mr. Arpin suggested that if Mr. French could persuade the convoy organizers to remove trucks from residential areas, a meeting between the protesters and Mayor Watson might be possible. Mr. French conveyed this message to Mr. Wilson and the protesters.

Mr. French continued to have productive one-on-one discussions with Mr. Arpin and Mr. Wilson, and on February 11, went to Ottawa to iron out a deal. He met with Mr. Arpin to finalize the details of an agreement, which included a commitment to move at least 75% of the trucks in residential areas out within 24 – 72 hours.

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Later that day, Mr. French met with protester representatives Mr. Wilson, Ms. Chipiuk, Ms. Lich, Mr. Marazzo, and several others and finalized the terms of a deal. Some trucks would be moved onto Wellington Street, while others would depart to the nearby town of Arnprior. In exchange, the mayor of Ottawa would meet with Ms. Lich and other protesters. Ms. Lich and Mr. Wilson viewed the deal as a possible exit strategy for protesters. Several convoy organizers met that evening and decided to accept the deal.

Letters setting out the terms of the agreement were drafted to be signed by Mayor Watson and Ms. Lich. On February 12, the two exchanged these letters.⁵ On February 13, copies of the letters were distributed to Chief Sloy, OPS legal counsel, City councillors, and the chief of staff to Minister Mendicino. Both letters were made public later that day.

The OPS only became aware of these negotiations on February 12. At noon on February 13, just prior to the letters being made public, there was a call between City Manager Kanellakos and OPS Chief Sloy. They agreed that OPS Acting Superintendent Drummond would be assigned to assist with the logistics of implementing the deal, and that OPS, City, and protester representatives would meet that evening to sort out the move. At this meeting, Acting Superintendent Drummond negotiated some of the details of the move with the protesters. It was understood that the trucks that could not fit onto Wellington Street would leave the city. Acting Superintendent Drummond told the protesters that even if they moved to Wellington Street, they could not stay there forever.

The protester group went out to speak to the truckers on the ground to get agreement on the deal. Although there was some pushback, the protester representatives felt that they were getting significant buy-in from the truckers. However, not all the organizers were supportive of these plans, and a number of them worked to undermine them.

⁵ Letter from Jim Watson, February 12, 2022, HRF00001264; Letter from Tamara Lich, February 12, 2022, HRF00001275.

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Benjamin Dichter used his Twitter account to deny that a deal existed, even though he had been briefed on it. He caused even more confusion by tweeting a denial from Tamara Lich's Twitter account, to which he had access. Patrick King and Brigitte Belton also denied the existence of a deal, calling it "a false flag" and "fake news."

Attempts to move trucks began at around 1 p.m. on February 14. At 4:30 p.m., the Parliamentary Protective Service (PPS) contacted OPS Chief Sloly, expressing concern at not having been informed of the deal to move trucks. By 5 p.m. it was dark, and the movement of trucks had stopped for the day. At that time, 102 vehicles had been moved, including 42 heavy trucks, 23 of which had moved onto Wellington Street. According to Mr. Wilson, other vehicles may have gone to locations outside of the city or returned home.

One significant consequence of the February 14 invocation of the *Emergencies Act* was the OPS decision, made during a February 15 noon meeting with the Integrated Command Table, to no longer facilitate the movement of trucks. Other reasons for this decision, aside from the invocation of the Act, appear to be the PPS's security concerns, the limited additional space on Wellington Street, and the fact that not all protester groups were prepared to leave.

11.14 Challenges in implementing the OPS's February 13 plan

By February 14, the OPS's February 13 plan had been approved, but the command, control, and integration challenges persisted.

Chief Sloly requested that OPS general counsel review the February 13 plan. While the general counsel advised that she would review but not approve the plan, the Cell was concerned because it understood that the plan could not be actioned until the review occurred. In addition, Acting Superintendent Bernier continued to believe that Chief Sloly wanted to review and approve the plan before it was actioned. RCMP Commissioner Lucki asked Chief Sloly, on February 14, why he had not signed off on

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the plan. Chief Sloly said that he was shocked by the question and told her that his approval was not required.

The Cell also believed that the OPS was reviving its area-by-area approach from the February 9 plan because Acting Superintendent Bernier, without the involvement of the Cell, decided to launch a public order operation to remove protesters who remained on the residential streets on February 14. This unilateral initiative caused the Cell to question the OPS's commitment to integration and the February 13 plan.

11.15 Police governance during the protests

OPSB Chair Deans had regular one-on-one discussions with Chief Sloly. However, at the board level, communication was less frequent. During the first week, Chair Deans was advised by OPS communications personnel that she needed to reduce the number of OPSB meetings because of finite police resources. When Chair Deans pursued a meeting on Saturday, February 5, Chief Sloly discouraged her, saying that he wanted it delayed until Monday because he was fully focused on managing the protests over the weekend. However, Chair Deans proceeded to hold the meeting and Chief Sloly attended, as directed.

The minutes of the February 5 meeting show that the OPSB was requesting more information and putting more pressure on Chief Sloly for particulars around the OPS's plan. The minutes of the meeting indicate that Chief Sloly reassured the Board that a comprehensive plan existed, but that he could not provide them with operational details. In reality, no comprehensive plan existed at that time.

Prior to the next meeting on February 11, Chief Sloly told Chair Deans that he would not provide the OPSB with operational information, suggesting that it would have been unlawful for him to do so. When testifying, however, he agreed that the OPSB was entitled to any information relevant to its oversight function and there were no legal impediments to providing this type of information.

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Around this time, Chair Deans began to doubt whether the OPS actually had a plan to end the protests. She made a further request for information. In response, Chief Sloy arranged for the OPP to attend on February 15 and brief the Board. This briefing did not occur because of his resignation, which I discuss in Section 19.1.

Ontario's Ministry of the Solicitor General is responsible for monitoring, consulting with, and advising police services boards. Kenneth Weatherill, Inspector General of Policing in Ontario's Ministry of the Solicitor General, found it concerning that Chief Sloy did not share an operational plan with the OPSB when they asked for it. Mr. Weatherill also observed that the OPSB was not receiving answers to questions it asked of OPS leadership.

Throughout the relevant period, the OPSB turned to the Ministry of the Solicitor General to get a more complete understanding of its role. The Board requested training on its responsibilities and sought guidance on developing relevant policies. The Ministry declined to provide the requested training in the middle of the protests. Instead, the Ministry offered to answer any specific questions that the Board had. On February 9, the OPSB provided a list of seven questions, and the Ministry provided a detailed response, emphasizing the Board's right to request information from the OPS.

12. The Windsor and Ambassador Bridge protests

The Ambassador Bridge in Windsor, Ontario serves as a Canadian port of entry (POE) from Detroit, Michigan. Originally targeted for a slow roll protest, the Ambassador Bridge was blocked by protesters starting on February 7. While this was not the first blockade of a Canadian POE that was inspired by the protests in Ottawa, it was perhaps the most significant due to the critical role the bridge plays in Canada's economy. The blockade would become a major preoccupation of the Federal Government in the days leading up to the invocation of the *Emergencies Act*, as well as the catalyst for

greater involvement by the Province of Ontario in responding to the Freedom Convoy movement.

121 The City of Windsor

The City of Windsor is in Southwestern Ontario, on the southern bank of the Detroit River. It is both a vital trade link with the United States and home to hundreds of thousands of residents. Windsor and Detroit are connected by a series of international crossings, the largest of which is the Ambassador Bridge. In 2021, the Ambassador Bridge was associated with almost 24% of Canada's trade activity by road.

On the Canadian side of the border, there are two entrances to the bridge: the primary entrance from Huron Church Road and a secondary entrance from Wyandotte Street West. Huron Church Road is a major artery in the city, and connects to Highway 401, a little more than three kilometres from the Ambassador Bridge.

The Windsor Police Service (WPS) is the police of jurisdiction in the City of Windsor. While the Ambassador Bridge itself falls within federal jurisdiction, the WPS responds to emergencies on the bridge. In January and February 2022, Pamela Mizuno was the chief of the WPS. Superintendent (Investigation Services) Jason Crowley and Inspector Karel DeGraaf acted as the WPS Critical Incident Commanders (CIC) during the protests. In their capacity as CICs, they were in charge of making operational decisions for the WPS. Subsequently, the OPP would appoint Superintendent Dana Earley as its CIC in Windsor.

The WPS has limited experience with large-scale public order events. It does not have a Public Order Unit (POU) or a Police Liaison Team (PLT); however, it uses officers trained in crisis negotiations in a similar capacity to how other forces use PLTs.

The mayor of Windsor is Drew Dilkens. He is also the chair of the Windsor Police Services Board (WPSB). Stephen Laforet is Fire Chief and Community Emergency Management Coordinator for the City. He has primary responsibility for coordinating

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the development and implementation of Windsor's emergency management program. As in Ottawa, police led the response to the protests, with City officials acting in a support capacity.

122 Pre-arrival intelligence and preparation

Windsor had already been the site of several slow roll protests in December 2021 and January 2022, including two along Huron Church Road on January 23 and 29, both of which caused disruptions to the Ambassador Bridge. The WPS knew the organizers of these protests and were in communication with them in December and January. The WPS also monitored the social media accounts of known protesters. On February 3, the WPS learned on social media that protesters were planning a new slow roll protest in Windsor and confirmed this directly with protest organizers. Superintendent Crowley requested that his team prepare an operational plan to deal with the expected slow roll.

The WPS also had access to several sources of information and intelligence, including the Hendon reports. The first identification of an Ambassador Bridge blockade was in the January 31 Hendon Report; however, no particular date for such a protest was listed. The first time a specific date was mentioned was in the February 4 Hendon Report. It noted that commercial truck drivers would conduct slow roll protests in the coming days and might attempt to block the Ambassador Bridge on February 7. That same day, the WPS began to seek out POU resources from other jurisdictions in Ontario, and WPS Chief Mizuno reached out to OPP Commissioner Carrique directly to request assistance. Chief Mizuno briefed Mayor Dilkens on the anticipated slow roll and the threat of a blockade.

The February 6 Hendon Report reiterated the possibility that the slow roll protest planned for that day could turn into a blockade. The WPS began formally liaising with the OPP, the RCMP, the CBSA, and others to obtain further assistance. However, because resources were needed in Ottawa, only limited assistance was available.

123 The start of the Windsor protests

On February 6, more than 100 vehicles gathered at Mic Mac Park in Windsor. The protesters were generally co-operative with the WPS, although some responded aggressively to the presence of three WPS officers.

At 10:05 a.m. on February 7, a relative of a convoy participant called the WPS to say that the protesters were planning on shutting down the border. That morning, Chief Mizuno advised City officials that protesters were meeting in the nearby town of Comber, Ontario, and that a convoy would be driving into Windsor that morning with the purpose of blocking the Ambassador Bridge. Early that morning, Chief Mizuno and WPS Deputy Chief Jason Bellaire exchanged emails regarding the possibility of stopping the convoy before it reached the bridge. However, the WPS could not implement this because the number of personal vehicles in the convoy made it difficult to determine who was a protester and who was simply a motorist. Similarly, attempts by WPS officers to convince protesters at Mic Mac Park not to engage in a blockade failed due to the lack of any clear protest leader to negotiate with.

The WPS identified strategic intersections leading to the Ambassador Bridge and attempted to control movement through them. This worked at first, but protesters responded by improvising alternative blockade locations. By mid-afternoon, southbound traffic on Huron Church Road was stopped just south of College Avenue. By the early evening, traffic into the United States was also blocked.

On the evening of February 7, WPS officers engaged with protesters who had parked their vehicles at Assumption High School. The WPS had two tow trucks ready to assist in removing the vehicles when the protesters became confrontational. Protesters threatened violence with tire irons, jammed the towing company's phone lines, and threatened to attend the tow yard.

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Over the next few days, the Ambassador Bridge was sometimes only partially blocked, and other times fully blockaded. However, throughout this period, commercial traffic was at a standstill.

At 6:30 a.m. on February 8, 2022, Superintendent Crowley sought further assistance from the OPP. Later that day, the OPP PLT arrived in Windsor. The OPP PLT convinced protesters to open a limited number of lanes and keep an emergency lane open. However, sometime on February 8, protesters blocked Huron Church Road and Tecumseh Road West, which further strained police resources. The WPS had to begin deploying non-uniformed personnel to help manage the protest.

City officials were also working to obtain additional resources at the political level. Windsor Mayor Dilkens asked Chief Mizuno what additional resources the WPS required and was told that they needed 100 additional officers. On February 7 or 8, Mayor Dilkens had separate calls with Ontario Solicitor General Jones and Federal Public Safety Minister Mendicino. In parallel with these discussions, the WPS and the OPP were also communicating about the request for 100 officers. OPP Superintendent Mike McDonnell advised WPS Superintendent Crowley that the OPP needed a plan for how the WPS intended to use 100 front-line OPP officers.

On February 9, Chief Mizuno sent formal requests for policing resources to both the Province of Ontario and the Federal Government, while Superintendent Crowley circulated a document outlining how the WPS intended to use the resources it was requesting. POUs from both the OPP and the Waterloo Regional Police Service began to arrive in Windsor that day. The arrival of these units was a welcome relief for the WPS as the protests continued and, in some respects, grew in seriousness. As of 7:30 p.m. on Wednesday, February 9, there were approximately 125 vehicles and 300 people in the vicinity of the Ambassador Bridge. The City received a report from one of its contracted parking enforcement supervisors of increasing aggression from protesters.

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On the morning of Thursday, February 10, an OPP command team headed by Superintendent Earley arrived in Windsor. The WPS and the OPP established a unified command, which jointly controlled operations. Under the shared command, planning and command responsibility for any given operation was assigned to the CIC whose police force was leading the operation. In practice, this meant that the OPP was responsible for the public order response.

Upon her arrival in Windsor, Superintendent Earley set about developing a public order plan that would permit police to clear the blockade as soon as possible. By the end of the day on February 10, Superintendent Earley made the decision to launch the public order enforcement action on the morning of February 12. She picked this date and time because it was likely that fewer protesters and no children would be present.

124 The provincial declaration of emergency, the injunction, and the enforcement plan

The City first began considering the possibility of seeking an injunction on the afternoon of February 9. The next day, City Council voted in favour of doing so. The City ultimately decided that instead of bringing the injunction itself, it would support one brought by the Automotive Parts Manufacturers' Association. The hearing for this injunction took place on February 11. Chief Justice Geoffrey Morawetz of the Ontario Superior Court of Justice granted the motion and imposed a temporary 10-day injunction prohibiting protesters from blocking access to the Ambassador Bridge.

The Province of Ontario also took action on February 11. In addition to supporting the injunction application, it declared that an emergency existed under the *Emergency Management and Civil Protection Act (EMCPA)*. It used its powers under that law to make the *Critical Infrastructure and Highways Order*, which prohibited impeding access to certain types of infrastructure, such as the Ambassador Bridge, and gave police additional authorities to remove blockades.

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Both the City and the WPS began to use signs, social media, and flyers to notify protesters that it was unlawful for them to blockade the Bridge. At 7:24 p.m., Superintendent Earley signed off on the operational plan to remove the blockade. The OPP and other participating public order units were positioned and ready to begin enforcement action. However, by then night had fallen and as news of the injunction spread, protesters were becoming more confrontational, so Superintendent Earley prepared to begin the operation the next morning.

Superintendent Earley briefly considered delaying enforcement even longer, after a discussion with OPP command about the possibility of a negotiated resolution to the protests. This option only emerged on the afternoon of February 11, when one of the protest leaders, Jake Neufeld, told an OPP PLT member that the protesters would leave if they received a letter from the Provincial Government inviting them to a meeting. The decision was made to distribute such a letter to the protesters.

Superintendent Earley learned that a similar letter would be distributed to protesters in Ottawa on the afternoon of February 13. She decided to pause the planned action in Windsor because she feared that it could negatively impact negotiations in Ottawa. Within half an hour of making this decision, OPP Deputy Commissioner Chris Harkins told her that she should not be concerned about potential impacts on the Ottawa negotiations. Superintendent Earley advised her command table that they would proceed with the planned enforcement action the next morning if the Windsor letter was not successful.

At 8:24 p.m., Superintendent Earley received a signed copy of the letter from the Province offering the possibility of a meeting in exchange for ending the blockade. PLT members distributed the letter to protesters, along with a flyer about the effect of the provincial declaration of emergency. Some protesters left in response to the letter, but many did not. There was too little time between the distribution of this letter and the planned public order enforcement action for the letter to have any meaningful effect.

125 Clearing the protests at the Ambassador Bridge

On the morning of February 12, there were approximately 500 protesters and 100 vehicles participating in the blockade of the Ambassador Bridge. Starting at 8:20 a.m., police began to clear the blockade. By 10 a.m., they had cleared the first of three main protest areas, and by 11:12 a.m., the second area was cleared.

By the afternoon of February 12, however, the number of protesters had increased enough to outnumber police, and police observed mounting aggression. Superintendent Earley decided to pause the enforcement action partway through clearing the third area and reinforce it for the night. That evening, protesters made attempts to breach the POU line, and police had to bring in additional officers.

The POU resumed their enforcement action at 7:54 a.m. on February 13, when there were fewer protesters present. By 8:46 a.m., they had cleared the third area. By the end of the enforcement action, 47 individuals had been criminally charged, although the charges against four of the protesters were subsequently withdrawn. A total of 37 vehicles were towed.

When the blockade was cleared, Mayor Dilkens notified Minister Mendicino, Premier Ford, and the solicitor general. Premier Ford expressed some relief, as Mayor Dilkens understood that major companies in Windsor, including the automotive and agricultural industry, were putting pressure on the premier to resolve the situation.

Significant traffic controls and police presence remained along Huron Church Road. Police closed all side street access by installing wall-to-wall jersey barriers so that the road could only be used to access the Ambassador Bridge. Emergency vehicles and those with a legitimate need to cross were permitted to do so at designated access points. This corridor, which effectively bifurcated the city, was in place for several weeks and then scaled back incrementally with the support of a significant continued police presence. A secure perimeter was kept in place until March 28, 2022.

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On February 14, Mayor Dilkens learned, through media reports, of rumours that the *Emergencies Act* might be invoked. Shortly after 9 a.m., he asked Minister Mendicino if the Federal Government would be taking this step but did not receive a direct response. However, at around noon, Minister Mendicino texted Mayor Dilkens suggesting that it would be helpful if the mayor could be “supportive” of any “additional authorities” that could assist in keeping the Ambassador Bridge open.

Intelligence collected by police following the clearing of the blockade reflected that there were continued threats to the bridge and other locations in Windsor. In some cases, these threats materialized. For example, on February 15, police learned of a convoy from Ottawa headed toward Windsor. Police successfully intercepted the convoy. Peaceful protests continued in Windsor, albeit with smaller numbers of individuals.

13. The Coutts protests

The Coutts Port of Entry (POE) is located near the village of Coutts, Alberta, and is approximately 20 km south of the town of Milk River along Highway 4. The Coutts POE is the busiest land border crossing in Alberta. Jim Willett is the mayor of Coutts, and the RCMP is the police of jurisdiction. The blockade at the Coutts POE was notable for its duration, complexity, and volatility, as well as the dramatic way in which it was resolved: an RCMP action that uncovered a cache of weapons and allegations of a conspiracy to murder police officers.

13.1 The lead-up to the protest and the establishment of the blockade

On January 19, 2022, the RCMP first became aware of the possibility of protests at the Coutts POE through open-source intelligence. On January 24, an organizer of a planned protest called the Coutts Village Office to let them know there would be a slow roll convoy in the area. The organizer emphasized that the protest would not

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result in a road blockage. Social media posts advertised a protest set to take place on January 29. The tone of the posts varied. Some emphasized a family-friendly event, while others referred to blocking traffic and staying until all COVID-19 mandates and restrictions were lifted.

The RCMP also spoke with protest organizers, who said that they did not intend to stage a blockade. Their plan was to conduct three slow rolls between Coutts and Milk River, ensuring that at least one lane of traffic remained unobstructed while they protested.

On January 29, a convoy of approximately 1,000 vehicles gathered in Lethbridge, Alberta, and proceeded toward Coutts on Highway 4. As the convoy neared Coutts, a lengthy backlog formed along the highway. Eventually, a truck jackknifed across the highway, blocking traffic. According to the RCMP, a splinter group of protesters wished to take a more aggressive stance than the organizers, and the organizers did not have sufficient control of the convoy to stop them.

Only some of the protesters present in Coutts on the weekend of January 29 – 30 intended to participate in a long-term protest. By January 31, most vehicles had departed, and only about 175 vehicles remained. However, several drivers positioned their trucks to fully block Highway 4.

The RCMP deployed a Consultative Conflict Management Group (CCMG), their version of a PLT, to negotiate with remaining protesters to clear the highway. The immediate difficulty that they faced was an inability to identify a clear leader to negotiate with. While protesters had begun to use Smuggler's Saloon, a bar in Coutts, as a forum to discuss their collective strategy, at that time there was little to no organization or leadership for the protests.

On January 31, additional protesters began to arrive on the highway north of the Coutts POE. In order to prevent more vehicles from joining the blockade, the RCMP created a checkpoint south of Milk River known as Checkpoint 10. Over the course of

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January 31, the number of protesters at Checkpoint 10 swelled to between 500 and 700, effectively forming a second blockade along the highway.

The RCMP began to take actions to clear out the Coutts blockade on February 1. This initially involved RCMP officers approaching vehicles at the back of the convoy and asking the drivers to leave the area. This was met with success, and some vehicles departed. Through social media, protesters at the Milk River blockade became aware of what was taking place and began to drive off-road to bypass Checkpoint 10 and make their way toward Coutts. As these protesters arrived, their vehicles added to the blockade, significantly expanding it.

RCMP CCMG members went to Smuggler's Saloon to attempt to negotiate a resolution. Late on February 1 or in the early morning of February 2, they reached an agreement with protesters to open one lane of traffic in each direction. Marco Van Huigenbos, a local town councillor and unofficial spokesperson for the protesters, testified that the protesters agreed to do this to reduce the risk of further enforcement action, and to emphasize the fact that they were engaged in peaceful protest.

132 The evolving character of the protests

Between February 3 and 7, traffic along the highway was slow, and there were many sporadic disruptions. On February 3, a full blockade was re-established. Soon after, Grant Hunter, an Alberta Member of the Legislative Assembly (MLA) who had already been speaking with the protesters, tried to convince them to reopen one lane of traffic. It seems that they were about to agree when Artur Pawlowski, a well-known Calgary pastor, delivered a sermon at Smuggler's Saloon that incited the crowd and made them take a more entrenched attitude.

During this time, the size and makeup of the protesters fluctuated. Large numbers were present on weekends, with significantly fewer attending on weekdays. Mayor Willett also commented that, over time, the character of the protests changed. Fewer children and families were present, and the tone became more confrontational.

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On February 8, after days of constant changes in the state of the protest, a full blockade was re-established. This was in reaction to a speech made by Alberta Premier Jason Kenney about easing public health restrictions. Protesters viewed the Premier as being too slow to act and believed that there was too much uncertainty about when restrictions would be eased.

13.3 Political engagement with protesters

Throughout the protests at Coutts, a range of politicians engaged with protesters in order to hear their concerns and attempt to resolve the blockade. Mr. Hunter appears to have been the first elected official to travel to the protests, arriving there on January 30. At other times, Alberta MLAs Drew Barnes and Shane Getson were also present. On February 5, local Member of Parliament Glen Motz arrived with Mayor Lorne Buis of the Village of Foremost to speak with protesters. None of these individuals represented the Government of Canada or the Government of Alberta.

Alberta Minister of Transportation Rajan Sawhney spoke on the phone with Mr. Van Huigenbos, though she was not speaking on behalf of the Provincial Government, either. Mayor Willett also tried to have Minister Sawhney come to Coutts in person, but this never happened.

Direct political engagement did not resolve the situation. In part, this may have been because none of the politicians were there in official government roles. Another explanation was that for many protesters, dialogue was not enough. They were not looking to be heard; they were looking for their demands to be met.

13.4 Efforts to procure tow trucks

The RCMP recognized that it would need tow trucks and other heavy equipment to clear the blockade if protesters refused to depart voluntarily. While a number of tow truck operators were hired to provide services, these plans began to fall apart as

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early as February 1, when supporters of the blockade encouraged boycotts of anyone assisting the RCMP.

On February 4, RCMP Deputy Commissioner Curtis Zablocki, commanding officer of K Division (Alberta), signed a request for assistance (RFA) to the Canadian Armed Forces for access to heavy towing capacity. The RCMP was later told that the military did not have the equipment that would be suitable for use at Coutts.

The Government of Alberta was also seeking to obtain equipment with heavy towing capabilities. On February 2, Premier Kenney and Minister Mendicino discussed the request for military equipment, and on February 5, a formal RFA was sent by the Province in a letter from Minister of Municipal Affairs Ric McIver to Minister Mendicino and Minister of Emergency Preparedness Bill Blair. On February 7, having not yet received a response from the Federal Government, the Province of Alberta began to procure its own heavy towing equipment. By February 12, it had started to receive some of the equipment it expected to need but had difficulty locating operators who were trained to use the vehicles. In total, the Province purchased 12 vehicles at a cost of more than \$800,000.

Alberta never received a formal response to its RFA due to human error. A letter turning down the RFA was drafted and approved by Minister Blair but was never sent.

135 Security concerns, renewed enforcement, and the end of the blockades

As early as January 31, the RCMP was concerned about the possible presence of firearms within the protester group at Coutts. They had received reports of a protester with a gun, which they investigated without success. None of the protesters they spoke with were willing or able to identify who among them may have had the weapon.

Concern about firearms resurfaced on February 9, when the CCMG officers obtained new information about a possible cache of weapons. On February 11, the RCMP

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obtained a wiretap authorization, and on February 13, based on the results of that order, they obtained a search warrant. The warrant authorized searches of Smuggler’s Saloon as well as a motorhome and two trailers.

The RCMP executed the warrant in the early morning hours of February 14. The RCMP seized 13 long guns, two handguns, two sets of body armour, a machete, a large quantity of ammunition, and high-capacity magazines. One of the pieces of body armour had patches that depicted the symbol of Diagonon, the alleged extremist organization that I discuss in Section 11.2 of this chapter. The police arrested 12 individuals during the execution of the warrants. Later that day, they arrested a thirteenth person who had been travelling from Calgary to Coutts while allegedly in possession of two additional firearms.

The arrests by the RCMP on February 14, 2022 played a significant role in ending the blockades. Mr. Van Huigenbos testified that the message of the protesters “had been lost” as soon as the news of the seizure began to circulate. By 7 p.m. on February 14, the protesters agreed with the RCMP to dismantle the blockade and disperse the next day. Many protesters returned to their homes. Others — mostly from the Milk River camp — moved to a nearby location that was offered by the Provincial Government as an alternative protest site, with some staying there for weeks.

14. Protests at other ports of entry

14.1 Southern Ontario

Southern Ontario represents a vital trade corridor with the United States. Canada’s four busiest commercial land border crossings — the Ambassador Bridge in Windsor, the Blue Water Bridge in Sarnia, the Peace Bridge in Fort Erie, and the Queenston Lewiston Bridge in Queenston — are all located in this region. When the Ambassador Bridge was blocked, much of the commercial traffic was re-routed to the three other

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crossings. In addition to dealing with increased traffic, the Blue Water Bridge and Peace Bridge POEs were subjected to disruptive protests.

On February 5, 2022, the CBSA received information that a convoy of protesters was headed to the Blue Water Bridge and intended to block it. A convoy of approximately 400 vehicles arrived on February 6 and blocked all U.S.-bound traffic. After about three-and-a-half hours, protesters began to disperse, and by February 7, the CBSA reported no impact to its operations. On February 9, protesters re-established a blockade nearby, but traffic was diverted and could continue to access the bridge. This blockade continued until February 14.

On February 12, approximately 120 vehicles set up a blockade near the Peace Bridge POE. Protests continued on February 13, and that afternoon, police directed the Peace Bridge Authority to close the bridge to U.S.-bound commercial traffic. That evening, law enforcement cleared protester vehicles off nearby roads, and only 15 – 20 pedestrian protesters remained. By 9 a.m. on February 14, the Peace Bridge was reopened to U.S.-bound traffic.

14.2 Emerson, Manitoba

The Emerson POE, located in Emerson, Manitoba, is the busiest land border POE in Manitoba. Slow roll protests took place at the Emerson POE on January 17 and 18, 2022. On January 29, a convoy of vehicles began to circle about five kilometres north of the POE, causing traffic congestion. The next day, vehicles blocked the southbound lanes headed to the United States, but they departed that evening.

On February 2, a 14-vehicle convoy appeared at the Emerson POE and conducted a slow roll protest. The leader of this convoy was the same individual who appeared to be leading the late-January protests. The RCMP was in communication with him, and the protesters departed later that day.

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On February 9, the same protest leader contacted the RCMP and advised that a group of Freedom Convoy supporters might attempt to block the POE. The next day, approximately 50 vehicles started a blockade about one-and-a-half kilometres north of the Emerson POE.

The RCMP assembled a Divisional Liaison Team (DLT) — an equivalent to a PLT — to negotiate with protest leaders. From February 10 to 14, the DLT continued to discuss a resolution to the blockade with the protesters. During these discussions, the RCMP observed a gradual reduction in the number of vehicles occupying the area. On February 13, the RCMP informed a lawyer who was advising protesters that enforcement actions might occur soon and that charges could be laid. The next day, the RCMP completed a plan to initiate an operation to clear the blockade if it did not resolve by February 15. This plan was never put into operation because on February 15 the protesters informed the RCMP that they had agreed to depart midday the next day, which is what occurred.

14.3 Pacific Highway, British Columbia

The Pacific Highway POE is in Surrey, British Columbia. It is the fifth busiest commercial land border crossing in Canada. On February 7, 2022, small groups of protesters began to assemble at the POE. On February 9, there were 20 – 30 protesters in the area, but by the early evening of February 12, there were approximately 800. Aggressive conduct by the protesters led to a service disruption at the POE and caused local RCMP to call in reinforcements from nearby detachments.

On February 13, the RCMP made a small number of arrests and moved other protesters. By the next day, 25 – 50 vehicles and their operators remained on the road and refused to leave. An additional 12 arrests were made on February 14, and multiple vehicles were removed from the area. On February 15, the POE became operational again.

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On February 19, the RCMP had information regarding a convoy of approximately 400 big rigs and passenger vehicles approaching the area. Shortly after noon, as a preventive measure and to help ensure safety, the RCMP blocked vehicle and pedestrian access to the POE. Surrey RCMP became aware of several incidents involving a group of aggressive protesters who surrounded members of the media. Police intervention was required to ensure that the journalists could safely get to their vehicles. Protesters were cleared over the ensuing hours, and the POE resumed normal operations late that night.

14.4 Other ports of entry

Many other POEs were targeted by protesters. Some resulted in partial disruptions, such as a protest at the Woodstock, New Brunswick POE on January 29. Others raised complex problems for Canadian authorities, such as a February 13 protest at the Ontario-based Cornwall POE that risked cutting off the Akwesasne Mohawk community that lives on Cornwall Island from the rest of Canada.

Throughout this period, the CBSA, law enforcement, and government officials were confronted with a constantly changing environment and shifting intelligence. Officials made significant efforts to respond to threats to POEs, although in most cases, disruptions did not occur. The CBSA, for example, reported disruptions at 19 POEs in January and February 2022, though they received information about many more possible blockades. There were also concerns about blockades of a rail crossing and disruptions at the Port of Halifax, neither of which occurred.

15. Protests in other locations

Protests also occurred in cities and smaller communities around the country. Nearly all required significant resources and efforts from government and law enforcement at the provincial and local levels.

15.1 British Columbia

From February 5 to 6, 2022, protesters supporting the convoy to Ottawa gathered at the Legislative Assembly of British Columbia in Victoria. That weekend, there were also protests in Kelowna, Salmon Arm, Osoyoos, Powell River, the Fraser Valley, Campbell River, Fort Nelson, Fort St. John, 100 Mile House, Nelson, and Vancouver.

On February 12, protests also occurred across the province, including another protest targeting the Legislature in Victoria, but the Victoria Police Department reported no major issues. Demonstrations at the Legislature in Victoria persisted until February 20, and protesters said they would remain until COVID-19 mandates ended. By February 17, only about 30 people were left, but on Saturday, February 19, a convoy of 400 vehicles drove from Campbell River to the Legislature. There was also a counter protest that day.

Also on February 19, a convoy of 400 vehicles participated in a rally in Chilliwack and at the Osoyoos border crossing. On February 20, small protests occurred in Penticton and at the Paterson border crossing.

15.2 Alberta

Several convoys, rallies, and protests occurred throughout Alberta between January 29 and February 22, 2022. The Government of Alberta reported that these events were generally peaceful, non-violent, and did not result in multi-day occupations of cities or other locations.

Approximately 9,000 people and 200 vehicles converged on Edmonton on January 29. These initial protests were followed up by calls on social media using keywords like “Bear Hug” and suggesting blockades and highway slowdowns.

On February 5, the Edmonton Police Service reported a growing but peaceful crowd of approximately 1,000 people at the Alberta Legislature Building in Edmonton. Some

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counter protesters threw eggs at protesters from downtown condo balconies. It was reported that protest events were dispersed by the end of the day.

February 5 saw significant protests in the City of Calgary. Media reported that thousands of people marched through downtown Calgary. A Freedom Rally took place in Central Memorial Park involving an estimated 3,000 – 4,000 protesters and approximately 20 vehicles, including a dump truck that continuously blew its horn.

Protest activity resumed on the weekend of February 11 – 13, and the City of Edmonton obtained an interim injunction prohibiting the frequent or sustained sounding of horns. Edmonton's downtown core experienced traffic congestion that weekend caused by 700 – 800 vehicles. Edmonton police kept protesters and counter protesters apart to avoid confrontations.

Approximately 5,000 people, accompanied by a convoy of about 50 vehicles, attended a rally against public health measures in Calgary from February 11 to 13. On the afternoon of February 22, about 225 vehicles and 1,500 pedestrians demonstrated in front of the Legislature in Edmonton.

15.3 Saskatchewan

The Government of Saskatchewan became aware that a "Freedom Convoy" protest was planned for Saturday, February 5, at the Saskatchewan Legislative Building in Regina. Convoy protesters and their vehicles blocked the right driving lane of a loop of streets around Wascana Centre, while leaving the left driving lane open for emergency vehicles. Some protesters were upset and verbally abusive when ticketed for violating by-laws. Most protesters left by midnight on February 6, and the following morning police initiated an enforcement plan to disperse remaining protesters.

Starting on February 7, the RCMP received intelligence of planned protest activity at the Regway border crossing for February 12, and at the North Portal border crossing for February 18. Protesters in vehicles set up camps on private property near the

border crossings, at the invitation of the owner. Delays were initially expected at the border crossings, but it appears that blockades never materialized.

15.4 Winnipeg

Protest activity in Manitoba centred around the Manitoba Legislative Building in Winnipeg. On February 1, the Winnipeg Police Service became aware of planned protests that were modelled on what was occurring in Ottawa. A group of people and vehicles gathered at the Legislature in Winnipeg on Friday, February 4, and remained there until February 23. Approximately 100 – 300 protesters initially attended. On weekends, attendance could reach around 1,000. Traffic disruptions were minimal, but the protests generated considerable noise in one of Winnipeg's most densely populated areas.

On February 23, police delivered a letter to protest organizers, warning that anyone who remained after 5 p.m. risked being arrested, and their vehicles could be subject to forfeiture. The protesters departed later that day.

15.5 Toronto

The Toronto Police Service (TPS) learned in early February 2022 that convoys from multiple locations were planning to converge in Toronto, Ontario on February 5 to replicate events in Ottawa. On February 3, the TPS began developing a plan to protect critical public services.

As expected, the convoys arrived in Toronto on February 5. Planned traffic management measures prevented convoy vehicles from reaching their destinations in front of and around Queen's Park, which is the location of the Provincial Legislature. As a result, there were no major disruptions of critical public services. Several vehicles blocked the intersection of Avenue Road and Bloor Street West, but this area is some distance from critical public service locations, which minimized the demonstration's impact.

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When the TPS learned that a convoy intended to target Toronto's downtown core on February 12, police developed another response plan. As with the convoy events of February 5, the protests on February 12 resulted in limited disruption to municipal and critical services, while permitting protests to take place.

15.6 Quebec

Protests in support of the Freedom Convoy occurred in Québec City from February 3 to 6, 2022. About 10,000 protesters converged at the National Assembly, peaking on Saturday, February 5. The Sûreté du Québec (SQ) reported that the atmosphere was festive. Most demonstrators left the city by the evening of February 6.

On February 16, the SQ reported about 20 convoys in the province, but none were obstructing critical infrastructure. Also on February 16, RCMP and open-source information suggested that protesters would attempt to block the St-Bernard-de-Lacolle border crossing. The SQ prepared a risk assessment and an operational plan in response to this threat. This operation was widely publicized and ultimately no blockade materialized.

On February 19, there was a major demonstration at the National Assembly. Using lessons learned from the previous protests, police negotiated an agreement with protesters to allow those with trucks, tractors, and tractor trailers parked in front of the National Assembly to blow their horns for two blocks of time on February 19. The protest dispersed on the afternoon of February 20.

15.7 New Brunswick

New Brunswick had multiple anti-mandate protests starting in mid-January 2022. Some of these events resulted in significant traffic disruptions, notably near Fredericton City Hall on January 22, and in downtown Moncton and at the New Brunswick – Nova Scotia border on January 23. In late January, protests occurred at the New Brunswick – Nova Scotia border and the New Brunswick – Maine border crossing, but these

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blockades did not last longer than an hour-and-a-half because of severe weather conditions. There were also small convoys and protests in Fredericton, Moncton, Saint John, Bathurst, Quispamsis (at the Premier's residence), and Grand Falls during the week of February 4 – 10, with no reported threats to public or police safety.

A planned four-day demonstration at the Legislative Assembly of New Brunswick in Fredericton began on February 11. Police set up four blockades near the Legislature and 15 checkpoints at entrances to the city where heavy trucks were stopped, their manifests checked, and those without business in Fredericton were turned away. On February 12, there were about 700 people protesting in downtown Fredericton. By Sunday, February 13, only about 50 people and fewer than 10 vehicles were left. A small group continued demonstrating at the Legislature in Fredericton until February 15, 2022.

158 Nova Scotia

On or about January 15, 2022, Nova Scotia Department of Justice officials began to receive information through social media that a blockade of Highway 104 at, or near, the border with New Brunswick was planned for January 29. Nova Scotia had previously experienced a blockade of Highway 104 in June 2021 by people protesting public health measures. The RCMP H Division (Nova Scotia) and J Division (New Brunswick) shared operational information regarding the interprovincial border.

On January 28, the minister of Municipal Affairs and Housing issued a direction pursuant the *Emergency Management Act* that prohibited vehicles from stopping, parking, or operating in a manner that caused a partial or complete blockade of a road. The direction also prohibited financing, organizing, aiding, encouraging, or supporting the interruption of the normal flow of traffic.

On the day when the blockade was scheduled to go ahead, a snowstorm occurred resulting in sections of Highway 104 being closed. Most vehicles were unable to get to the location of the planned protest, and it never took place.

16. Financial support for the Ottawa protests

Moving hundreds of people across the country and establishing them in Ottawa for weeks required everything from fuel, food, and lodgings, to laundry, portable toilets, and cooking equipment. In this section, I set out what the Commission learned about how the Ottawa protests were sustained.

16.1 Early fundraisers

To raise money to support the Freedom Convoy, Tamara Lich created a GoFundMe crowdfunding campaign on January 14, 2022. She began accepting email money transfer donations on January 18. Both the GoFundMe and email money transfer campaigns were set up to receive donations into an existing savings account that Ms. Lich had with the Toronto-Dominion Bank (TD).

Within a few hours of its creation, the campaign came to the attention of GoFundMe executives because of how quickly it was receiving donations. GoFundMe became concerned about Ms. Lich's ability to distribute the funds in accordance with the campaign's description, which indicated that the money would go to reimbursing truckers for fuel costs. When a committee of volunteers who were helping Ms. Lich manage the fundraiser contacted GoFundMe to ask them to release some of the donations to Ms. Lich, the company asked for more information about how the money would be used before doing so. After the committee provided the information and reiterated their request for funds, GoFundMe asked Ms. Lich to sign a "Letter of Attestation" confirming that she would only use the funds as outlined in the campaign.

Ms. Lich signed the letter on January 27. After receiving the letter, GoFundMe directed its payment processor, Stripe, to initiate a CAD\$1 million payment to Ms. Lich's TD account. The money was deposited into her account on February 2, though for reasons I explain later, it was not accessible to her.

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While Ms. Lich was raising funds on GoFundMe, Chris Garrah was establishing a second major fundraiser. In January 2022, Mr. Garrah participated in a video call with several of the early organizers of the Freedom Convoy. During the call, he agreed to help organize Ottawa-area protest supporters to prepare for the arrival of the convoy.

Mr. Garrah's work took two forms: organizing local volunteers to provide things like food, showers, and laundry services; and raising money to help pay for this local support. Mr. Garrah termed this the "Adopt-A-Trucker" campaign and started fundraising on a crowdfunding platform called GiveSendGo on January 18. The campaign was connected to an account he had set up at the Royal Bank of Canada (RBC). Adopt-A-Trucker would eventually develop its own website with the assistance of a man identified only as "Serge" (no last name), whom Mr. Garrah had met while in Ottawa. This website also solicited donations of cryptocurrencies, which Serge controlled.

16.2 The creation of the Freedom Corporation and the suspension of the GoFundMe fundraiser

In between GoFundMe's decision to release CAD\$1 million to Ms. Lich and the money arriving on February 2, GoFundMe continued to communicate with Ms. Lich's volunteer committee. Members of the committee felt that they were having difficulty dealing with GoFundMe and wanted assistance. Mr. Garrah learned of these difficulties and introduced the committee to his friend Chad Eros, a chartered professional accountant. Mr. Eros agreed to assist.

Mr. Eros believed that the fundraiser should not have been set up to connect to Ms. Lich's personal bank account. On January 30, Mr. Eros incorporated the Freedom 2022 Human Rights and Freedoms Non-Profit Corporation (Freedom Corporation) and offered it to be used to receive donations. The convoy organizers agreed, and several of them were added as directors.

By the end of January, GoFundMe became concerned that the fundraiser might be violating its terms of service, which prohibit the explicit or implicit purpose of promoting

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hate, violence, discrimination, or the violation of any law. This led GoFundMe to seek new assurances from the organizers that donations would not be given to anyone who had engaged in unlawful acts. It did not receive an immediate response.

On February 2, GoFundMe suspended the fundraiser pending a further investigation. On the same day, it had a call with OPS Deputy Chief Steve Bell. Deputy Chief Bell told GoFundMe that the Ottawa protests involved residents being harassed, and that there were concerns for safety and livability for the people of Ottawa. The next day, GoFundMe spoke with Ottawa Mayor Jim Watson, who expressed concern about the possibility of GoFundMe releasing additional funds.

On February 3, lawyer Keith Wilson, who was acting as legal counsel for the Freedom Corporation, wrote a letter to GoFundMe answering the questions that had been asked before the fundraiser was suspended. Later that day, representatives of GoFundMe spoke with Ms. Lich, Mr. Wilson, Mr. Eros, and other organizers to discuss the fundraiser. GoFundMe was not satisfied by the information it received. On February 4, in a second phone call, OPS Deputy Chief Bell told GoFundMe that the situation was escalating and that acts of violence were taking place. Later that day, GoFundMe decided to remove the fundraiser from its platform and refund all donations.

16.3 The Freedom Convoy campaign moves to GiveSendGo

Meanwhile, a different group of people were attempting to move the Freedom Convoy fundraiser from GoFundMe to GiveSendGo. This process was initiated by two men associated with an American social media platform called CloutHub: founder Jeff Brain and investor John Ballard. On January 26, Mr. Ballard contacted Jacob Wells, the co-founder of GiveSendGo, to discuss working together to have the Freedom Convoy use their respective services.

On January 31, Mr. Brain, Mr. Ballard, Mr. Wells, Mr. Eros, and James Peloso, a man associated with the group Taking Back Our Freedoms (TBOF), had a call to discuss the Freedom Convoy using GiveSendGo and CloutHub. While the Freedom Convoy

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never followed up with CloutHub, Mr. Eros did begin working with Mr. Wells to start a fundraising campaign on GiveSendGo.

Creating a GiveSendGo campaign was complicated by the fact that the Freedom Corporation did not have a bank account set up yet. Without a bank account, it could not create an account with GiveSendGo's payment processor, Stripe. Mr. Wells proposed a temporary solution: While the Freedom Corporation worked to establish a bank account, Mr. Wells would connect the Freedom Convoy 2022 campaign to his own Stripe account. Mr. Eros agreed to this plan, and on January 31, the GiveSendGo Freedom Convoy 2022 campaign went live.

Mr. Eros eventually created a Stripe account for the Freedom Convoy by linking it to Keith Wilson's trust account. On or about February 7, Mr. Wells switched the GiveSendGo fundraiser over from his Stripe account to the one created by Mr. Eros. On February 8, Stripe notified Mr. Eros that they had put a pause on his account. Mr. Eros reached out to Mr. Wells, and Mr. Wells switched the fundraiser back to his own Stripe account on either February 10 or 11.

16.4 Cryptocurrencies

In addition to more traditional forms of fundraising, people also donated cryptocurrencies to support the protests. Earlier in this chapter, I mention that Adopt-A-Trucker solicited such donations on its website. Patrick King was associated with a short-lived project called Freedom Convoy Token. However, the most successful campaign was a Bitcoin fundraiser started on January 27 by Ottawa resident Nicholas St. Louis called "Honk Honk Hodl." It raised nearly 21 Bitcoin, which was at the time worth more than CAD\$1 million.

16.5 Ongoing barriers to accessing money

Earlier in this section, I explain that GoFundMe released CAD\$1 million to Tamara Lich before suspending her fundraiser. Ms. Lich also accumulated more than

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CAD\$400,000 in email money transfers. However, she was never able to use much of this money. The day after GoFundMe deposited donated funds into her TD account, TD emailed Ms. Lich to say it had placed a temporary hold on the funds because it appeared that the money was being held in trust for beneficiaries other than her. Following unsatisfactory discussions between Ms. Lich and TD on February 6 and 10, the bank implemented a freeze on her accounts.

On February 10, the attorney general of Ontario applied to the Ontario Superior Court of Justice for a “restraint order” under section 490.8 of the *Criminal Code* regarding the money raised on GiveSendGo. The premise of the application was that the money being raised by both the Freedom Convoy 2022 campaign and the Adopt-A-Trucker campaign met the legal definition of “offence-related property.” The Court granted the application, prohibiting anyone from disposing of the Freedom Convoy 2022 or Adopt-A-Trucker money.

On February 14, TD applied to the Ontario Superior Court of Justice for an “interpleader,” which is an order to pay funds into the court. TD’s position was that the money in Ms. Lich’s account belonged to “the truckers,” but it had no way of identifying who “the truckers” were. TD wanted the Court to hold the money until its proper ownership could be determined.

On February 17, Ottawa resident Zexi Li obtained what is known as a *Mareva* injunction. This is a court order that is brought as part of a civil lawsuit and designed to preserve a defendant’s assets pending the outcome of the case. Ms. Li had previously commenced a class action on behalf of downtown Ottawa residents against various Freedom Convoy organizers. In granting a *Mareva* injunction, the court prohibited the defendants from dealing in any way with all funds held in the bank accounts that Chris Garrah and Tamara Lich used to collect donations, as well as a range of cryptocurrency donations.

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On February 28, 2022, the terms of the *Mareva* injunction were varied to appoint an escrow agent. The funds targeted by the *Mareva* injunction, as well as the money TD had sought to pay into court, were transferred to the escrow agent, who was mandated to hold them pending the outcome of Ms. Li's class action.

16.6 Sources and destination of donations

According to information provided by GoFundMe, the Freedom Convoy 2022 campaign hosted on that platform had 133,836 donors. Approximately 107,000 donations originated in Canada (86%), 14,000 in the United States (11%), and 4,000 originated from 80 other countries (3%). According to GoFundMe, the campaign raised approximately CAD\$10,060,000 before it was shut down. CAD\$9 million originated from Canada (89%), CAD\$870,000 originated from the United States (9%), and CAD\$190,000 originated from 80 other countries (2%).

Email money transfer donations totalling CAD\$419,416.63 were made to the Freedom Convoy campaign. There were approximately 3,000 transfers, all of which originated from Canadian domiciled financial institutions.

The money raised by Ms. Lich through the original Freedom Convoy 2022 fundraisers ended up in three places. The bulk was refunded to donors by GoFundMe. Ms. Lich was able to access CAD\$26,000, which she spent on fuel payments to bulk fuel providers and other items. The remaining funds were handed over to the escrow agent.

According to information provided by GiveSendGo, the Adopt-A-Trucker campaign had 8,380 donors. Canada was the country of origin for 3,640 donations (43%), while 4,293 came from the United States (51%), and 447 from other countries (5%). A total of USD\$591,789.18 was donated to the Adopt-A-Trucker campaign. Of this, USD\$327,843.13 originated in Canada (55%), USD\$244,526.10 from the United States (41%), and USD\$19,419.95 from other countries (3%).

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Documents from RBC showed that, between February 7 and 11, Mr. Garrah received 170 email money transfers worth CAD\$31,067.

According to Stripe, it processed CAD\$793,584.74 in donations to the Adopt-A-Trucker campaign. It paid out CAD\$330,470.92 to Mr. Garrah's RBC account. Stripe turned over CAD\$375,999.68 to the escrow agent. The remaining funds were accounted for by credit card chargeback and other account actions.

Approximately CAD\$220,000 was withdrawn from Mr. Garrah's RBC account between January 31 and February 11, when it was restrained. This includes approximately CAD\$150,000 in cash withdrawals, bank drafts, and other transfers and CAD\$10,553.44 in payments to the Swiss Hotel.

According to information provided by GiveSendGo, the Freedom Convoy 2022 campaign hosted on that platform had 113,152 donors. Canada was the country of origin for 39,498 donations (35%), while 67,264 came from the United States (59%), and 6,390 from other countries (6%). A total of USD\$9,776,559.50 was donated to this campaign. Of this, USD\$4,627,660.00 originated in Canada (47%), USD\$4,593,686.50 originated in the United States (47%), and USD\$555,213.00 originated in other countries (6%).

While the fundraiser was connected to the Stripe account in the name of Chad Eros, it received CAD\$3,763,180.40 in donations. These funds were never paid out, and CAD\$3,401,844.30 was handed over to the escrow agent. For money donated while the GiveSendGo Freedom Convoy 2022 campaign was connected to Jacob Wells' Stripe account, it appears that the donations were refunded to donors.

According to RCMP documents, the Adopt-A-Trucker cryptocurrency campaign raised approximately USD\$6,040 (CAD\$7,685.90) as of February 15, 2022. Of this, CAD\$3,847.13 was paid to the escrow agent, while CAD\$3,838.77 was unaccounted for.

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The Honk Honk Hodl fundraiser raised approximately 21 Bitcoin. On February 16, 14.4048 Bitcoin was distributed into 100 wallets, each containing the equivalent of CAD\$8,019.43 at the time. Mr. St. Louis and an unknown individual distributed 100 physical envelopes, each containing unique instructions on how to access one wallet, to truckers in Ottawa. Of the 100 wallets that were distributed, 40 remained untouched as of early November 2022.

On February 28, police executed a search warrant on the home of Mr. St. Louis and seized four Bitcoin wallets. I note that, as far as the Commission is aware, Mr. St. Louis has not been charged with any criminal offence. Eventually, approximately 7.57 Bitcoin derived from the Honk Honk Hodl fundraiser was transferred to the escrow agent.

16.7 Physical currency

During the Ottawa protests, there were many locations where individuals could drop off cash donations. One such location was the main stage on Wellington Street, where a water jug was placed to collect donations to Adopt-A-Trucker. The donations that were dropped off there made their way to the Swiss Hotel. Mr. Eros estimated that these donations sometimes reached up to CAD\$20,000 per day. Brigitte Belton testified that a similar, unrelated cash distribution system operated out of the ARC Hotel. Unsure what to do with the money, Mr. Eros created a system to distribute envelopes containing CAD\$500 to truckers.

16.8 Funding protests outside of Ottawa

The Commission did not receive any information suggesting that funds raised by the Ottawa protest organizers were sent to any border protests.

17. Invoking the *Emergencies Act*

The decision to invoke the *Emergencies Act* was the culmination of multiple streams of information working their way through the complex machinery of the government. A wide range of federal actors were obtaining, assessing, and passing on information, along with their own views and opinions, during a period characterized by imperfect information, uncertainty, high stakes, and an evolving situation on the ground.

17.1 Context and concurrent events

The events of the Freedom Convoy did not occur in a vacuum. Several of the witnesses from the Federal Government testified that the Government's response could only be understood in the context of other significant events that were occurring in January and February 2022.

At the start of 2022, federal officials viewed the Canadian economy as fragile. It was only starting to emerge from the impact of COVID-19 health measures. The pandemic had placed a significant strain on supply chains. Inflation was rising. The chronic issue of business investment in Canada was particularly acute, a problem that was compounded by increasing American protectionism, exemplified through its "Build Back Better" legislation. As originally drafted, this legislation contained significant incentives for car companies to build electric cars exclusively in the United States. Given that electric vehicles are the future of the automotive industry, the Federal Government felt that this would have been devastating for the Canadian automotive sector. Canadian officials were fighting for changes that would permit continued manufacturing in Canada. A key argument was that the United States needed Canada as much as Canada needed the United States, and that Canada was a reliable trading partner.

Several witnesses also noted that, at the same time as the Freedom Convoy protests were taking place, Russia was preparing to invade Ukraine. While Russia's illegal

invasion did not commence until February 24, 2022, the federal government received intelligence as early as December 2021, warning of an invasion.

172 Federal monitoring and coordination

In the weeks leading up to the invocation of the *Emergencies Act*, federal officials received information, intelligence, and assessments from various departments and agencies. Several RCMP units were involved in the collection and assessment of information during the convoy. The CBSA had various intelligence teams undertake assessments that focused on threats at or near POEs. The Canadian Security Intelligence Service (CSIS) focused on investigating its existing subjects, but also monitored the protests to determine whether other individuals were mobilizing toward serious violence. The Privy Council Office (PCO) and National Security and Intelligence Advisor (NSIA) Jody Thomas played key roles in coordinating this work.

Notwithstanding all of the federal entities gathering intelligence, there was a sense that gaps remained. NSIA Thomas identified a gap related to the collection of open-source information from social media. While police collected this information for law enforcement purposes, CSIS was more limited in what it could investigate. The federal government does not have a clear legislative framework, appropriate policies, or the necessary technological tools to collect this information while respecting privacy rights.

NSIA Thomas further stated that it was sometimes difficult to know how to interact with law enforcement agencies due to concerns about their operational independence. Apprehension about federal officials not crossing the line meant that, in her view, there was useful information that could have been provided to decision makers but was not.

The first recorded formal meeting of public servants in which the convoy was discussed was the January 25 meeting of the Assistant Deputy Ministers' National Security Operations Committee (ADM NS Ops), a body that coordinates actions among

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national security agencies and ensures situational awareness across the federal government. Daily meetings of that committee were convened from January 26 until February 12. The Deputy Ministers' Committee on Operational Coordination (DMOC), a deputy minister-level national security body, began to hold *ad hoc* meetings on January 31, first to maintain situational awareness, and later to discuss what tools the Federal Government did or did not have to respond to the protests.

On January 26, RCMP Commissioner Lucki briefed Public Safety Minister Mendicino and Minister of Intergovernmental Affairs Dominic LeBlanc about the convoy. Ministerial briefings continued at least once every day. The attendees at these meetings varied, but generally included Minister Blair, Minister LeBlanc, and Minister Mendicino, as well as representatives from the PCO, the Prime Minister's Office, the RCMP, CSIS, Transport Canada, the CBSA, and the Department of Justice.

On Sunday, January 30, 2022, officials within the PCO watched a press conference held by convoy organizers, which led them to realize that the protesters were not leaving Ottawa. That same day, the Clerk of the Privy Council gave the Prime Minister his first formal briefing on the convoy. Ministers became further engaged through the Cabinet Committee on Safety, Security, and Emergencies (SSE), which met on February 3, 6, and 8 to discuss the convoy. After the SSE's February 8 meeting, the Prime Minister transferred the management of the file to the Incident Response Group (IRG). The IRG is a special emergency committee, chaired by the prime minister, that is convened in response to national crises. Its task is to develop and coordinate a prompt federal response. Unlike other Cabinet committees or the full Cabinet, IRG meetings involve direct participation by senior members of the public service, as well as ministers. The first IRG meeting related to the Freedom Convoy was on February 10, 2022.

17.3 Interactions with external stakeholders

Throughout the convoy, interactions between the federal, provincial, territorial, and municipal governments varied in terms of their purposes and formality.

Transport Canada played a major role in the federal response to the protests by developing a document called the Strategic Enforcement Strategy. It had two parts: communication and enforcement. The communication component was a response to the fact that many protesters did not believe that they were doing anything illegal. It called for consistent communication to protesters about the illegal nature of their conduct. The enforcement component involved identifying the spectrum of enforcement authorities available to police, provincial transportation authorities, and others that could be used where commercial trucks or other vehicles were involved in unlawful protests or demonstrations. The strategy required the co-operation of provinces, territories, and municipalities to succeed.

On February 7, senior Transport Canada officials participated in the meeting of the Federal, Provincial, and Territorial Crime Prevention and Policing Committee. At the meeting, Deputy Minister of Transport Michael Keenan presented an early version of the Strategic Enforcement Strategy. Alberta and Ontario provided mixed feedback. Deputy Minister Keenan felt that Ontario's response was "slightly cooler" than the other provinces. On February 8, Deputy Minister Keenan received a letter from Ontario Deputy Minister of Transportation Laurie LeBlanc, which Deputy Minister Keenan described as collaborative and collegial in tone, but negative and disappointing in substance. He interpreted the letter as a polite but firm "no" to Transport Canada's strategy.

Global Affairs Canada (GAC) is responsible for ensuring security for diplomatic missions in Ottawa. As protest activity intensified, GAC began to receive formal and informal complaints from foreign missions and governments.

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On February 7, the protests in Ottawa entered their second full week, and protesters in Windsor began their blockade of the Ambassador Bridge. The next day, protesters re-established a full blockade in Coutts, Alberta. With these developments came increasing pressure on the Federal Government from both domestic and foreign sources to intervene and end the protests.

Internally, the voices of many domestic industries began to call for federal intervention. The Retail Council of Canada advised that there was not enough inventory available to avoid material and product shortages if the blockades persisted. The Automotive Parts Manufacturing Association (APMA) communicated that plants might shut down if the blockades reached a critical point. The CEOs of Canada's big banks reported receiving negative messages from international investors.

Canada was also receiving negative messages directly from foreign actors, including both industry and politicians. Some U.S. officials emphasized that the Ambassador Bridge had to reopen quickly. Others began to use the blockade to argue for shifting manufacturing out of Canada entirely. Canada received concerned messages from United States Homeland Security Advisor to the President Elizabeth Sherwood-Randall, United States Secretary of Transportation Pete Buttigieg, and United States Secretary of Homeland Security Alejandro Mayorkas. On February 10, Deputy Prime Minister Chrystia Freeland spoke with Director of the National Economic Council of the United States Brian Deese, United States President Joe Biden's most important economic advisor. After her call, Minister Freeland wrote to her staff that:

They are very, very, very worried. If this is not sorted out in the next 12 hours, all of their north eastern car plants will shut down.

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He said that he supposed this proved the point we had made previously to them about how closely integrated our economies are. (He did not seem to see this as a positive.)⁶

These engagements culminated in a call between Prime Minister Trudeau and President Biden on February 11. Such calls usually take weeks or months to organize. The fact that a call between the Prime Minister and the President occurred a day after Minister Freeland's call with Mr. Deese was seen as significant and a clear sign of the degree of the United States' concern.

17.4 Financial analysis of border blockades

Within days of the Ambassador Bridge blockade, Canadian officials began to assess its economic impacts. Transport Canada was the first to produce an assessment.⁷ It considered three scenarios for how the blockades would impact Canada's gross domestic product (GDP). In what Transport Canada considered to be the most likely scenario, the auto sector would be shut down due to supply chain disruptions, but other sectors would continue to operate by re-routing traffic through alternative POEs. In this scenario, Transport Canada estimated the loss to the economy to be CAD\$45 million per day.

The Department of Finance's Economic Policy Branch, led by Assistant Deputy Minister Rhys Mendes, produced two economic analyses during the convoy events: an initial analysis on February 10 and an updated version on February 22.⁸ The Department of Finance's February 10 analysis relied on Transport Canada's most likely scenario, and agreed that it set a reasonable upper limit to the impact of the Ambassador Bridge blockade. The Department of Finance also modelled the Coutts

⁶ Email from Deputy Prime Minister Chrystia Freeland to Leslie Church, February 10, 2022, SSM.CAN.00001255.

⁷ Backgrounder on the Impact of a Road Blockade at the Ambassador Bridge, PB.CAN.00000840.

⁸ Blockades – Recent Developments and Summary of Economic Disruptions, SSM. CAN.00000177 and SSM.CAN.00007571, respectively.

and Emerson blockades and the Economic Policy Branch assessed that the longer the disruptions continued, the greater the economic impacts could be.

17.5 The Government of Ontario increases its engagement

The Ambassador Bridge situation was also causing concern to the Government of Ontario. On February 9, Prime Minister Trudeau spoke with Ontario Premier Ford, who expressed frustration with how Ottawa officials were managing the protests. Premier Ford indicated, however, that the bigger issue was the Ambassador Bridge.

As I discuss in Section 12.4 in this chapter, on February 11, Ontario declared a province-wide emergency, and the Ontario Superior Court of Justice granted an injunction prohibiting persons from impeding access to the Ambassador Bridge. On February 12, the OPP and the WPS began clearing the blockade with the assistance of other law enforcement agencies.

17.6 The work of the Incident Response Group

During the first meeting of the IRG on February 10, two “tracks” of work were identified for senior officials. Under Track 1, deputies were to examine all options under existing authorities available to their departments and agencies that could be used to respond to the protests. Under Track 2, deputies and ministers were to consider whether new legal authorities were needed and, if so, whether they should be secured through the adoption of new legislation or through the invocation of the *Emergencies Act*. Deputies and assistant deputy ministers completed this work on February 11, and on February 12, the IRG considered options under Track 1.

The first was Transport Canada’s Strategic Enforcement Strategy, which I discuss in Section 17.3. The strategy called upon provinces to use emergency measures as part of their enforcement efforts. Ontario’s declaration of an emergency on February 11 was consistent with this aspect of the strategy, and Transport Canada believed that it had a significant positive effect on the Ambassador Bridge blockade. Nonetheless,

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Transport Canada was concerned that the strategy could not provide a complete solution to the continuing protests and that it would take time to implement.

The Department of Finance considered measures that could be put in place to dissuade people from being involved in the protests and that would persuade people to leave. It considered options under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA)* and the *Bank Act*. In a memo on these options the Department of Finance noted that the *PCMLTFA* did not apply to crowdfunding platforms and payment service providers.⁹ Bringing these platforms under the *PCMLTFA* would, according to the memo, “help mitigate risks that these platforms receive illicit funds, increase the quality / quantity of intelligence received by [FINTRAC], and make more information available to support investigations by law enforcement.”

The Department of Finance concluded that there were no useful tools under the *Bank Act* as it stood. This led them to consider legislative amendments that could be introduced. Its view was that there were significant limitations to this approach, as *Bank Act* measures could only apply to federally regulated financial institutions and, in any event, would take time to enact through legislation.

Public Safety developed a proposal for direct engagement between protesters in Ottawa and the Federal Government. A face-to-face meeting between protest leaders and federal officials had the potential to give the protesters a “win” and allow them to leave feeling that they had accomplished something. The OPS had identified six individuals with whom they believed they could engage. RCMP Commissioner Lucki raised concerns about the proposal. In particular, she suggested that it might interfere with police operational independence and that it was premature. The IRG ultimately chose not to pursue this option. Minister Mendicino explained that this was because there were unanswered questions about which protesters were in charge and whether they had the ability to get other protesters to leave.

⁹Memorandum to the deputy prime minister and minister of finance, SSM.CAN.00003764.

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Federal departments and agencies also identified “gaps” in existing authorities and other obstacles that stood in the way of an effective federal response. This included the fact that RCMP officers could not enforce municipal or provincial laws in Ontario without being sworn in as special constables, the difficulty in procuring heavy tow trucks, and the inability of the CBSA to prevent foreign nationals from entering Canada on the grounds that they intended to participate in the Freedom Convoy protests.

During the February 12 IRG meeting, participants also had detailed discussions on the state of protest activity across the country. NSIA Thomas noted that law enforcement had begun to take action in Windsor, but that the situation remained fluid. RCMP Commissioner Lucki reported that the OPP had delivered a letter signed by the Ontario Government proposing to meet with the protesters if they agreed to end their demonstrations, but that the letter had little impact.

Both the NSIA and the RCMP reported a worsening of protest activity in Ottawa. Commissioner Lucki added that the mood on the ground had become more hostile toward police and that additional convoys were reportedly travelling to Ottawa.

The reports on the state of police planning in Ottawa were inconsistent. Minister Mendicino indicated that a plan seemed to be lacking in Ottawa. The minutes of the meeting indicate, however, that the RCMP received confirmation that OPS Chief Sloly had accepted the Integrated Planning Cell’s plan, and Commissioner Lucki said she would be able to provide additional details on the plan on the next call.

Turning to the state of protests across the country, NSIA Thomas reported that slow roll protests had proven to be an effective tactic and that multiple POEs were experiencing blockages. Commissioner Lucki described the situation as “evolving hour by hour.”

At the conclusion of the February 12 IRG meeting, the Prime Minister called another IRG meeting for 4 p.m. the following day.

17.7 Meetings and deliberations on Sunday, February 13, 2022

Minister Freeland spent the early part of Sunday afternoon on a call with the CEOs of Canada's largest banks. The CEOs were alarmed about the ramifications of the protests, the impact on the Canadian economy, and the possible loss of future foreign investment.

The DMOC met at around noon. Commissioner Lucki provided another detailed situational update on the state of protest activity across the country. With respect to the Ambassador Bridge, she noted that progress had been made over the last 24 hours, but that the situation was dynamic. Commissioner Lucki also provided an update on the state of police planning in Ottawa. She indicated that there was a new plan involving the RCMP, the OPP, and the OPS, and that it had been approved, but not signed off yet by the OPS.

After this meeting, Commissioner Lucki called Minister Mendicino to update him on the situation in Coutts. She told him that Coutts involved a hardened cell of individuals, armed with firearms, who were willing to "go down" for their cause. Minister Mendicino testified that this was the most serious and urgent moment in the blockade so far. After the call, he reached out to Chief of Staff to the Prime Minister Katie Telford and told her what he had learned.

When the IRG met at 4 p.m., Minister Mendicino announced that great progress had been made in clearing and securing the Ambassador Bridge, but that there was no definitive timeline for reopening. He noted that enforcement actions were occurring at other ports of entry, and that an Integrated Central Command had been established in Ottawa to coordinate the RCMP, the OPP, and the OPS.

In his testimony before the Commission, Prime Minister Trudeau expressed the view that the police plan for Ottawa was not fully developed by February 13 and that he did not have confidence that the police had the situation under control. He had not seen the February 13 plan himself, but formed his view based on briefings he had received.

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When asked at the hearing whether she ought to have provided an update on the Ottawa plan at the February 13 IRG meeting, RCMP Commissioner Lucki did not agree that this was significant, pointing out that she had reported on the plan at the previous day's meeting.

Minister Freeland provided an update on the economic impacts of border blockades. She cited "ongoing economic losses of 0.1 – 0.2% of gross domestic product for every week the blockades continue." Minister Freeland acknowledged having obtained this figure from a Bloomberg economic analysis, and not her departmental officials. Minister Freeland conveyed to her Cabinet colleagues that the main concern was not the daily trade impact, but the fundamental and long-term harm that would occur if the blockades continued.

CSIS Director David Vigneault told the IRG that CSIS had not identified a threat to the security of Canada as defined by CSIS's legal mandate. However, at the end of the meeting, he was asked by the Prime Minister whether he believed it was necessary for the Federal Government to invoke the *Emergencies Act*. He responded that, in his view, it was. He explained that this answer reflected his understanding, based on legal advice provided by the Department of Justice, that the definition of a threat to the security of Canada is broader for the purposes of the *Emergencies Act* than it is for the *CSIS Act*.

CSIS provided a written threat assessment at the February 13 IRG meeting on the risks associated with invoking the *Emergencies Act*.¹⁰ CSIS assessed that invoking the *Emergencies Act* would likely disperse the Freedom Convoy in Ottawa and elsewhere but would also likely increase the number of Canadians holding extreme anti-government views and might radicalize some of them toward violence.

¹⁰ Possible Implications of *Emergencies Act* (formerly *War Measures Act*) Across the IMVE Space, TS.NSC.CAN.001.00000172_REL.

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The IRG concluded that the information available to it disclosed real threats of serious violence not only in existing protest sites like Ottawa, but also at a range of other locations where new protests might erupt. By the end of the February 13 IRG meeting, there was consensus around the table that the *Emergencies Act* was necessary and that the Prime Minister should call a meeting of the full Cabinet. The meeting was scheduled for 8:30 p.m. that evening.

The Prime Minister provided opening remarks at the meeting of Cabinet. NSIA Thomas then provided Cabinet with an integrated briefing on the situation across Canada. She reported that multiple POEs continued to experience blockages. She noted that the threat picture with respect to ideologically motivated violent extremism (IMVE) remained stable and unchanged, and that CSIS continued to watch persons of interest. She reported that there had been recent and important gains in Windsor, that there was potential for a breakthrough in Ottawa, and that the RCMP was taking enforcement action in Coutts.

RCMP Commissioner Lucki did not speak at the Cabinet meeting, and so did not provide Cabinet with an update on the police plan for Ottawa. Clerk of the Privy Council Janice Charette testified that Cabinet was generally aware that the RCMP, the OPP, and the OPS were working together to develop an operational plan. Cabinet was not provided with any detailed information about the contents of that plan, or how and when it would be approved and implemented.

A question that arose during the Commission's hearings was whether Cabinet was advised of Commissioner Lucki's view that not all existing tools had yet been exhausted in Ottawa. She had expressed this view to Minister Mendicino's chief of staff less than an hour before the Cabinet meeting began, but this was not passed on to Cabinet. NSIA Thomas noted that Commissioner Lucki had not voiced this view at either the DMOC meeting or the IRG meeting held earlier in the day, something she would have been expected to do had there been anything she considered useful or critical.

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Cabinet was provided with a verbal briefing by the attorney general on the threshold for declaring a Public Order Emergency and the definition of threats to the security of Canada. When asked whether Cabinet was aware that CSIS had assessed that there was no threat to the security of Canada under the *CSIS Act*, Clerk Charette and Deputy Clerk of the Privy Council Nathalie Drouin confirmed that Cabinet had been advised of this. However, when asked again on cross-examination, neither the Clerk nor the Deputy Clerk could clarify whether this had been said to the full Cabinet or to the IRG.

The Cabinet meeting ended with a consensus that the Prime Minister should convene a meeting with the First Ministers (the premiers of the provinces and territories in Canada) to consider invoking the *Emergencies Act*. The actual decision on invocation was left *ad referendum* to the Prime Minister following his consultations, meaning he was left with the final decision on whether to invoke the Act.

178 The First Ministers' Meeting

The Cabinet meeting concluded at roughly 10 p.m., and invitations for a First Ministers' Meeting (FMM) were sent shortly after. This was unusually short notice. No agenda or briefing material was provided in advance, and the premiers were not advised of the subject of the call. Prime Minister Trudeau testified that none of the premiers seemed surprised about the topic or seemed ill-prepared to discuss it.

The First Ministers' Meeting was attended by Prime Minister Trudeau and the premiers of all provinces and territories; Public Safety Minister Mendicino, Minister of Justice David Lametti, and Minister of Intergovernmental Affairs LeBlanc; and several senior federal, provincial, and territorial officials. The Prime Minister began by discussing the situation in Ottawa and elsewhere and informed them that the purpose of the meeting was to consult with them on whether the Federal Government should declare a public order emergency. He told them that no decision had yet been made. Minister Lametti

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explained the threshold for declaring a public order emergency and then outlined the measures that the Government was contemplating.

The premiers of British Columbia, Yukon, the Northwest Territories, Ontario, and Newfoundland and Labrador all supported the invocation of the Act. The premier of Nunavut was more neutral. The premiers of Quebec, New Brunswick, and Nova Scotia all emphasized that the situation was under control in their provinces and that the Act should not apply there. Both Nova Scotia and Prince Edward Island premiers voiced their concern that tensions could be inflamed by Federal Government action. The premiers of Alberta, Saskatchewan, and Manitoba voiced the strongest reservations, including that the situation was under control in their provinces, that using the Act could inflame tensions, and that governments had other means to respond, such as by lifting public health measures.

The Prime Minister was asked at the hearing what it would have taken to convince him not to invoke the *Emergencies Act*. He said that he would have had to hear from the premiers that they had a solution that would not require the use of the Act, and that he did not hear this.

17.9 The decision to invoke the *Emergencies Act*

The responsibility of providing advice to the Prime Minister on the invocation of the Act fell to the Clerk of the Privy Council. The PCO had begun preparing a Decision Note from the Clerk to the Prime Minister after the Cabinet meeting on February 13. The Decision Note was sent to the Prime Minister at 3:41 p.m. on February 14.¹¹ It provided a summary of the information and assessments that the Government had received to date and stated that the legal thresholds for invoking the *Emergencies Act* had been met. Ultimately, Clerk Charette recommended that the Governor in Council declare the existence of a Public Order Emergency.

¹¹ Memorandum for the Prime Minister, Invoking the *Emergencies Act* to End Nation-Wide Protests and Blockades, SSM.NSC.CAN.00003224.

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The Decision Note summarized the threats posed by the protests as follows:

While the demonstrations have started out relatively peaceful, they have grown more complex and expanded into multiple locations in the country. The movement is considered to be highly organized, well financed, and is feeding a general sense of public unrest that could continue to escalate with severe risks to public security, economic stability and international relations. The economic impact to date is estimated at approximately 0.1 per cent of Canada's gross domestic product (GDP) per week, however the impact on important trade corridors and the risk to the reputation of Canada as a stable, predictable and reliable location for investment may be jeopardized if this continues.

The Decision Note indicated that a more detailed threat assessment was being provided to the Prime Minister under separate cover. However, that was never prepared.

The core of the Clerk's opinion on whether the criteria for declaring a Public Order Emergency were met is contained in a section called "PCO Comment":

PCO is of the view that the examples of evidence collected to date [redaction for solicitor-client privilege] support a determination that the two criteria required to declare a public order emergency pursuant to the EA have been met.

Specifically, PCO is of the view that while municipal and provincial authorities have taken decisive action in key affected areas, such as law enforcement activity at the Ambassador Bridge in Windsor, considerable effort was necessary to restore access to the site and will be required to maintain access. The situation across the country remains concerning, volatile and unpredictable. While there is no current evidence of significant implications by extremist groups or international sponsors,

PCO notes that the disturbance and public unrest is being felt across the country and beyond Canadian borders, which may provide further momentum to the movement and lead to irremediable harms – including to social cohesion, national unity, and Canada’s international reputation. In PCO’s view, this fits with the statutory parameters defining threats to the security of Canada, though this conclusion may be vulnerable to challenge.

In her testimony before me, Clerk Charette elaborated on the reasons that led her to conclude that the legal threshold for declaring a Public Order Emergency had been met. The Clerk remarked that the protest in Ottawa had evolved into an illegal occupation, and the discovery of a large cache of firearms in Coutts confirmed her view that there was a risk of serious violence. Further, although there was no holistic movement or central coordination of the protests going on across the country, there was evidence of some degree of organization and coordination between different cells of protest activity. To the extent that they were able to follow social media, the government could see some of this communication happening.

Prime Minister Trudeau testified that he was not surprised by the content of the Note. Upon receiving and reviewing the Decision Note, he made the decision to invoke the Act.

18. Measures taken under the *Emergencies Act*

The Government enacted two measures under the *Emergencies Act*: the *Emergency Measures Regulations (EMR)* and the *Emergency Economic Measures Order (EEMO)*. In this section, I describe the provisions that they contained.

18.1 Prohibitions regarding protests

The central provision of the *EMR* banned participation in three specified kinds of public assemblies that could reasonably be expected to lead to a “breach of the peace.” The first were assemblies that interfered with the functioning of “critical infrastructure,” including airports, railway stations, and ports of entry. The second were assemblies that caused serious disruption to the movement of persons or goods or seriously interfered with trade. The third were assemblies that supported the threat or use of acts of serious violence against persons or property.

The *EMR* also banned foreign nationals from entering Canada to participate in any public assembly that was prohibited by the *EMR*, or to facilitate such an assembly. The *EMR* also prohibited travelling “to or within an area” where a banned public assembly was taking place, unless a person was “moving through that area for reasons other than to participate in or facilitate the assembly.”

The final set of prohibitions under the *EMR* targeted individuals who, while not engaged in prohibited assemblies themselves, supported those who were. The *EMR* banned anyone from providing any form of material support to either help or reward persons who were involved in prohibited assemblies. This had the effect of banning donations of money, food, fuel, or other goods to protesters.

18.2 Exclusion zones

The second type of power created by the *EMR* allowed public officials to secure what were called designated “protected places.” This power effectively allowed for the creation of exclusion zones by the police. There were five types of protected places: critical infrastructure; Parliament Hill and the Parliamentary Precinct; official residences; government and defence buildings; and war memorials. In addition, the minister of Public Safety was authorized to designate any other location as a protected place.

18.3 Rendering essential services

The *EMR* contained a power for the government to require a person to render “essential goods and services” to the government for the removal, towing, and storage of any vehicle, equipment, structure, or object that was part of a blockade. The government was required to provide reasonable compensation to those who provided such services.

18.4 Enforcement and offences

Peace officers were empowered to “take the necessary measures to ensure compliance” with the *EMR*, as well as any provincial or municipal laws. This rule allowed the RCMP to enforce all applicable laws without first having to be sworn in as special constables in Ontario.

Any contravention of a rule in the *EMR*, such as by participating in a prohibited assembly, constituted an offence. Those found guilty could, in the most serious cases, face five years of imprisonment.

18.5 Asset freezing

The *EEMO* imposed duties on financial institutions that controlled the property of “designated persons,” i.e., anyone who, directly or indirectly, was involved in an activity that was prohibited by the *EMR*. In addition to banks and credit unions, the *EEMO* applied to specialized businesses such as insurance companies, securities dealers, cryptocurrency exchanges, and payment processors.

Covered financial institutions had two key duties under the *EEMO*: the duty to determine and the duty to cease dealings. The duty to determine required institutions to determine whether they were in possession or control of any property that belonged to or was controlled, directly or indirectly, by a designated person.

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The duty to cease dealings required financial institutions to stop any activity with the property of a designated person, effectively freezing designated persons' bank accounts, RRSPs, mortgages, trading accounts, lines of credit, and credit cards.

Because of the broad definition of “designated person,” the duty to cease dealings did not only apply to people participating in protests. Individuals who donated money to a fundraiser after the *EEMO* came into effect were also designated persons, and all financial institutions would be under a duty to cease dealings with them. Officials within the Department of Finance stated, however, that the Government’s intention was that financial institutions would only freeze the assets of protester leadership or major supporters.

The disconnect between the legal and desired scope of the *EEMO* reflected the *EEMO*’s dual purpose. On the one hand, the duty to cease dealings was intended to cut off major financial support flowing to protesters. On the other hand, the Federal Government wanted to use the threat of asset freezing to convince rank and file protesters to leave. It appears that the Government drafted the *EEMO* in this broad way to cause maximum concern to protesters that their assets could be frozen, even though it only actually wanted to target protester leadership.

One of the more controversial aspects of the *EEMO* from the perspective of financial institutions was that it placed the duty on them, and not the Federal Government, to determine who was a designated person. To aid in this area, the *EEMO* authorized government institutions to disclose information to financial institutions that would help them to apply the *EEMO*. Pursuant to this authority, the RCMP disclosed lists of persons that it identified as being involved in activities that violated the *EMR*.

18.6 Transaction reporting to Financial Transactions and Reports Analysis Centre of Canada

Under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA)*, various individuals and entities, known as “reporting entities,” are required

to make reports to the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC). One type of report is a suspicious transaction report, which is submitted when a reporting entity has reasonable grounds to suspect that a transaction is related to a money laundering or terrorist financing offence.

In February 2022, crowdfunding platforms, like GoFundMe, and payment processors, like Stripe, were not reporting entities under the *PCMLTFA*. The *EEMO* required these entities to register with FINTRAC if they were in possession or control of property belonging to a designated person. Once registered, these entities were required to file reports with FINTRAC when there were reasonable grounds to suspect a transaction was related to a money laundering or terrorist financing offence by a designated person.

19. The end of the Public Order Emergency

Mid-February was a critical time during the Freedom Convoy protests. Freedom Convoy organizers and the City of Ottawa reached an agreement to move trucks out of residential neighbourhoods, only to see it fall apart; the OPS and the Cell developed an integrated operational plan; the OPP cleared the blockade of the Ambassador Bridge; an RCMP operation resulted in multiple arrests in Coutts; and Cabinet decided to invoke the *Emergencies Act*. These events culminated in a large-scale police operation that finally cleared the protesters in Ottawa.

19.1 Changes in the Ottawa Police Service and Ottawa Police Services Board leadership

On February 14, OPSB Chair Diane Deans learned that a national media outlet, *CBC / Radio-Canada*, would soon be releasing a critical piece about OPS Chief Sloly. She called Chief Sloly that evening to discuss the piece and asked whether he had a serious interest in resigning. Chief Sloly interpreted this as the OPSB chair pressuring him to resign. While initially indicating his desire to remain in his position,

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the next morning Chief Sloly advised Chair Deans that he had decided to resign, effective at the end of the day. He explained that his primary reason for resigning was his concern that decreasing public confidence in him and the OPS was endangering public safety. He also believed that the OPSB, and Chair Deans specifically, had lost confidence in him.

The OPSB held an *in-camera* meeting shortly after Chief Sloly announced his resignation. Chair Deans recommended hiring Matthew Torigian, an external candidate, as interim chief effective February 24. However, the OPSB had a legal obligation to have an interim chief in place by the time Chief Sloly's resignation came into effect at the end of the day. OPSB Police Services Advisor Graham Wight raised this issue with the Board, after which it agreed to ask Deputy Chief Bell to act as an immediate and temporary interim chief while the Board completed the hiring process for an external interim chief.

Mr. Wight reported to his superiors at the Ministry of the Solicitor General that Chair Deans had been provided with authority to hire an external interim chief. While the OPSB *in-camera* meeting was still ongoing, the deputy solicitor general of Ontario advised OPP Commissioner Carrique that Chief Sloly had resigned and that an external interim chief would be hired. It appears that OPP Commissioner Carrique communicated this information to RCMP Commissioner Lucki. The two were concerned about the possibility of continued changes in the OPS's senior ranks, and believed it was critical for Deputy Chief Bell to remain interim chief while the protests were ongoing. Commissioner Lucki asked federal Deputy Minister of Public Safety Rob Stewart to speak to Ottawa City Manager Kanellakos about this issue. He did so, which put pressure on the mayor's office to intervene.

Ottawa Mayor Watson, his Chief of Staff Serge Arpin, and OPSB Chair Deans spoke by phone on the morning of February 16. Chair Deans said that the OPSB had chosen Mr. Torigian to be interim chief and would be signing a contract with him that afternoon. Mayor Watson expressed his strong disagreement with that decision. The two sides

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had different understandings of how the discussion ended: Mayor Watson and Mr. Arpin understood that Chair Deans had agreed not to sign Mr. Torigian's contract without the mayor's consent. Chair Deans believed that she had said that she would not sign the contract if the mayor directed her not to, but that no such direction had been given.

Mayor Watson clearly implied during the call that his continued confidence in Chair Deans depended on the OPSB changing course regarding the hiring of the interim chief. Despite the implied consequences, Chair Deans signed a contract with Mr. Torigian later that day. Mayor Watson, believing this to be contrary to what Chair Deans had committed to during their phone call, concluded that he had lost confidence in her.

City Council was scheduled to meet on February 16. Before the meeting, Mr. Arpin informed Chair Deans that a motion would be brought to remove her as chair of the OPSB and offered her an opportunity to step down. She declined. During the meeting that followed, Council removed Chair Deans. City Councillor Carol Anne Meehan, along with the two other City appointees who were members of the OPSB, resigned in protest. Ultimately, Mr. Torigian rescinded his acceptance of the role of interim chief. Deputy Chief Bell continued on as interim chief through the remainder of the protest.

Interim Chief Bell promptly supported integration between the OPS, the OPP, and the RCMP, and agreed to a unified command. He also confirmed that the February 13 plan was fully approved and told the OPS event commander, Acting Superintendent Bernier, to make operational decisions without seeking his approval. From February 15 onward, the implementation of the February 13 plan proceeded smoothly.

192 The implementation of federal emergency measures

As I describe in Sections 18.1 and 18.2 of this chapter, the *Emergency Measures Regulations (EMR)* had two provisions that could be used to exclude people from protest sites: the prohibition against travelling to or within an area where an unlawful assembly was taking place (section 4 of the *EMR*) and the power to secure designated protected places (section 6). The OPS consulted Public Safety Minister Mendicino's

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office about designating a secure zone in Ottawa. Ultimately, officials agreed that it would be better for police to rely on the more flexible powers under section 4 of the *EMR* to control access to the downtown core.

The *EMR*'s prohibition on foreign nationals entering Canada to participate in prohibited assemblies was only used once while the *Emergencies Act* was in effect.

As I discuss in Section 18.3 of this chapter, the *EMR* required persons to make available goods and services for the removal and storage of any object that was part of a blockade. Prior to the declaration of emergency, the Integrated Planning Cell had tasked the OPP with sourcing heavy tow trucks to help clear Ottawa's streets. By February 13, the OPP had identified seven tow truck companies willing to provide a total of 34 tow trucks. However, no agreements were concluded with these companies, and operators were reluctant to assist the police without indemnification and confidentiality agreements.

The OPP had contingency plans in place in the event that towing companies did not render services, and Commissioner Carrique was told by his team that they could "get the job done" with or without the assistance of towing companies. Still, with the authorities granted by the *EMR*, Commissioner Carrique sent a letter to towing companies in the Ottawa area expressly invoking the *EMR*.

With respect to the provisions of the *EMR* that removed the need to swear in RCMP officers before they could enforce provincial and municipal laws in Ontario, there was differing evidence before me on whether this power was used. While RCMP Deputy Commissioner Michael Duheme suggested that RCMP officers continued to be sworn in even after the *EMR* came into effect, other police witnesses testified that they benefited from not having to swear in officers. Although this contradiction was never put directly to him, Deputy Commissioner Duheme recognized that he did not have direct knowledge of how the swearing-in process was working on the ground.

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As I discuss in Section 18.5 in this chapter, the RCMP facilitated the asset freezing required under the *EEMO* by distributing lists of individuals and entities believed to be “designated persons” to financial institutions. The RCMP began disclosing these on February 15. A question raised at the hearing was whether financial institutions had any discretion in how they applied the lists. Department of Finance officials and the RCMP indicated that financial institutions would have to “vet” the lists against other information in their possession, before freezing an account. In her interview with Commission counsel, General Counsel of the Canadian Bankers Association Angelina Mason said that the banks’ duty to determine consisted mainly of matching listed entities against their own client lists to ensure that they were the same person. At the hearing, Department of Finance officials accepted that financial institutions relied heavily on these lists.

In total, approximately 280 accounts worth around CAD\$8 million were frozen. It is important to note that fewer individuals or entities were affected, because in some cases, multiple frozen accounts belonged to the same person.

The *EEMO* did not set out a process for unfreezing accounts, and officials had discussions about how this should be done while the *EEMO* was in effect. The main options were for protesters to go in person to either their bank branches or to local police detachments outside of Ottawa to show that they were no longer participating in protests. Ultimately, no individualized process was developed because, on February 21, the RCMP advised financial institutions that it no longer believed that any of the previously disclosed entities met the criteria of a designated person.

With respect to the FINTRAC reporting measures I discuss in Section 18.6, these rules had almost no effect. FINTRAC Deputy Director of Intelligence Barry MacKillop stated that from FINTRAC’s perspective, there was no noticeable difference in the numbers of suspicious transaction reports received between January 26 and February 23, relative to other periods. Mr. MacKillop stated that, from an intelligence perspective, the *EEMO* had no impact on FINTRAC’s ability to fulfill its mandate.

19.3 Police messaging to protesters

On February 15, police started advising protesters to either leave or face possible arrest. On February 16, the OPS posted a “Notice to Demonstrators” on its website and on social media informing them that they were required to leave and would risk being arrested and charged under the *Criminal Code* if they did not. The next day, it posted a further notice to its website and social media stating that a secured zone had been established under the *Emergencies Act*. On February 16 and 17, PLT members handed out flyers and advised protesters to leave.

On February 16, Freedom Convoy organizer Chris Barber and convoy lawyer Keith Wilson published a video on Mr. Barber’s TikTok account responding to these notices. Mr. Wilson said that the notices described the emergency orders inaccurately and that the orders still permitted peaceful assemblies. He ended the video by calling on concerned citizens to come to Ottawa.

On the same day, convoy organizers Daniel Bulford, Tamara Lich, and Mr. Barber met with OPS PLT officers, who delivered a message advising that the protesters should leave Ottawa.

From the various messages put out by the OPS, I would have expected protesters to have known that the police intended to prohibit protesters from entering downtown Ottawa and to potentially arrest those who remained. However, several protesters, including Ms. Lich, testified that they were never told by the City or the OPS that they were required to move their trucks and leave Ottawa. Ms. Lich did recall seeing the OPS flyers but suggested that she did not believe that they were official because they had not been signed. Another convoy organizer, Tom Marazzo, testified that he continued to believe, based on legal advice from Mr. Wilson and Ms. Chipiuk, that protesters could enter and remain in downtown Ottawa if they were on foot. Once the public order action was underway on February 18, it became apparent to Mr. Marazzo that this was not the case.

19.4 Police enforcement action

On February 17, OPS Acting Superintendent Bernier, the RCMP, and the OPP operational commanders approved an updated operational plan. The February 17 plan built on the February 13 plan in two significant ways: 1) it outlined objectives to accomplish for each of the four phases referenced in the February 13 plan; namely, stabilization, actions on, maintenance, and demobilization; and 2) it included sub-plans for traffic, towing, investigations, arrests, tactical action, and public order.

On February 18, the police began operations to remove the protesters in downtown Ottawa by force. Police used long-range acoustic devices to alert protesters to the need to either leave or face arrest. Police left an exit route open for any individuals who chose to leave.

The first phase of enforcement began at 7:41 a.m. Large numbers refused to leave and were more aggressive than expected. Some grabbed for police firearms, struck at officers, and used flagpoles or hockey sticks as weapons. The first enforcement phase took nearly four hours. After clearing the first area, police began to clear the intersection of Rideau Street and Sussex Drive. At 8 p.m. on February 18, police decided to hold the line they had established in front of the Fairmont Château Laurier hotel, which police considered safer than continuing operations through the night.

At 9 a.m. on February 19, police resumed their operation, moving west toward Wellington Street. By the end of that day, police had cleared the downtown core of protesters and trucks. On February 20, police cleared the Coventry Road staging area.

Chris Barber and Tamara Lich were arrested separately on February 17. Daniel Bulford and Patrick King were arrested on February 18, though Mr. Bulford was later released without charge. James Bauder was arrested on February 21. By February 19, with several key convoy leaders in custody, and in the face of the public order policing action, Mr. Marazzo began to encourage protesters to leave Ottawa.

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The protesters in Ottawa were not offered an alternative site to exercise their right to protest, although some moved to the Canadian War Museum, a few blocks west of the Parliamentary Precinct, and they were permitted to lawfully protest there.

Between February 18 and 20, police in Ottawa made 273 arrests and laid 422 charges. More broadly, between January 28 and March 31, 2022, the OPS laid 533 criminal charges against 140 individuals for actions arising from the Freedom Convoy. Police towed or impounded 110 vehicles. No charges were laid under the *Emergency Measures Regulations*.

According to OPS Acting Superintendent Bernier, there were no significant injuries sustained by protesters or bystanders during the enforcement operation. Ontario's Special Investigations Unit reviewed two incidents but did not lay any charges against police. Some of the protester witnesses suggested that the police acted with undue violence. In response to this evidence, Acting Superintendent Bernier swore an affidavit setting out, in some detail, how the POU plan was put into effect. The affidavit contains general information and does not address individual protesters.¹²

Neither a detailed review of the public order operation nor specific findings regarding the arrests of particular individuals is within my mandate.

19.5 Federal Government activities during the emergency

Following the invocation of the *Emergencies Act*, the Incident Response Group (IRG) met daily from February 16 to 23. At the IRG meetings, NSIA Thomas provided daily operational and threat updates, and RCMP Commissioner Lucki provided daily law enforcement updates.

As I note in Section 17.4, the Department of Finance did not attempt to quantify the economic impact of the blockades until February 22. When its analysis was done, it

¹² Affidavit of Robert Bernier, November 20, 2022, AFF.00000020.

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arrived at a result similar to that which Deputy Prime Minister Freeland stated during the February 13 IRG meeting. The Department of Finance's best estimate was that the blockades would reduce the growth of Canada's GDP by 0.1 – 0.2% and the level of GDP in the first quarter of 2022 by 0.03 – 0.05%. Much of the impact on the level of GDP was likely be recouped in the second quarter of 2022. Assistant Deputy Minister for Economic Policy Mendes explained that they were able to come to this conclusion on February 22 because by that time, they knew that the disruptions had ended, and their impact had therefore been limited. The February 22 analysis cautioned that the economic impacts could quickly escalate if blockades re-emerged, and noted the risk posed by producers choosing to reduce trade with Canada as a result of these events.

As the law enforcement operation in downtown Ottawa progressed, federal officials began to consider what the threshold for revocation of the emergency should be. This is a matter that the *Emergencies Act* does not specify. At NSIA Thomas's request, the PCO proposed eight draft criteria, which were circulated on February 21 to senior officials, and were subsequently revised based on their feedback. Several senior officials emphasized that the primary consideration ought to be whether the emergency tools were still necessary to respond to threats of serious violence.

Email exchanges dated February 20 indicate that the Deputy Clerk asked PCO officials and deputy ministers to prepare a possible rationale for the maintenance of the *Emergencies Act*, and she received a long list of justifications. Nevertheless, by February 23, the IRG had received information that the situation had stabilized and was satisfied that the *Emergencies Act* authorities were no longer necessary.

On February 23, the Clerk sent the Prime Minister a Decision Note advising that the Public Order Emergency no longer existed and recommending the revocation of the special measures. The Prime Minister agreed with the Clerk's recommendation, and the Public Order Emergency was revoked that day.

20. Findings and Conclusions – Introduction

As this was the first time the *Emergencies Act* has been invoked, it is also the first time a commission of inquiry has been established to consider its invocation. Just as the Cabinet had no precedent to guide it in its interpretation of the Act, there is no blueprint for my work.

The typical tasks associated with a public inquiry are to enquire into a set of circumstances and to prepare a record of the relevant facts so that the public is as knowledgeable as possible and able to make informed judgments. As I have often stated, I consider it essential that this Inquiry bring the facts to light, in full public view. With the end of the public hearings and filing of evidence, I believe that this has been achieved.

The next task of a commission of inquiry is to reach its own conclusions on the facts. This Report provides those answers.

In the previous sections of this summary, I set out an extensive narrative of the events of January and February 2022. Much of this narrative focused on an unprecedented set of protests in Ottawa, and an equally unprecedented response from numerous governments. Having reviewed that evidence carefully, it is apparent that there were signals missed, opportunities lost, and delays created that resulted in a situation in the nation's capital that was far more serious and complex than it might have otherwise been.

In the remaining sections of this summary, I set out the findings of fact that enable me to answer the questions posed in the Commission's Terms of Reference and to make recommendations for change. My fact finding is informed by several considerations. To start, I should only make findings necessary to fulfill the Commission's mandate. For example, Canadians have strongly differing views over whether government vaccine mandates were appropriate. This Inquiry is not directed to resolving that debate.

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In addition, it would be unfair to evaluate anyone’s performance based on what only became known after the fact. However, this should not be confused with assessing what was reasonably foreseeable to individuals and institutions at the time decisions were made. My assessments of others’ performance are appropriately informed by both what they knew and what they reasonably could have or should have known.

Of course, the full use of hindsight — that is, what we now know — is not only appropriate, but also necessary in determining what lessons have been learned and what recommendations for change should be made.

It is also important to note that I am precluded from making findings of civil or criminal liability. I am, however, permitted to make findings of misconduct. The Commission took appropriate procedural steps to permit me to make some findings of misconduct, such as sending out confidential notices in writing outlining what findings could be made, and giving parties the opportunity to tender evidence, cross-examine witnesses, and make submissions.

Nonetheless, I have not, in fact, made findings of misconduct for two reasons. First, it was unnecessary to do so to fulfill my mandate. Second, although I have found that certain institutions and their representatives’ conduct was, at times, ill-advised or deficient, it did not rise to the level of misconduct. Put simply, the evidence did not support such findings on issues relevant to my mandate.

21. The Freedom Convoy

21.1 The evolution and origins of the convoy

As I describe in Sections 6 and 7, the origins of the protests in January and February 2022 can be traced to populist movements that pre-date the COVID-19 pandemic and revealed a growing distrust in government by certain segments of the population. Government responses to COVID-19 exacerbated this pre-existing dynamic.

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The public health measures imposed, and the protests they generated, provided opportunities for those with broader grievances about economic status, government policy, social change, and western alienation to air these concerns.

It is not my role to analyze the efficacy of any government or business response to COVID-19. I accept that restrictions were imposed to reduce the spread of a novel virus and, in doing so, reduce deaths and ease the burden on the healthcare system. In hindsight, some of these measures may ultimately prove to be ineffective, misguided, or confusing, but they were implemented in an unprecedented time and in response to an unprecedented public health crisis.

I also accept that COVID-19 health measures had a profound impact on many Canadians. Businesses were closed and livelihoods were lost. Families and friends could not meet in person. Children could not go to school. People died in hospitals and long-term care homes at times when their loved ones were not allowed to visit them. The protesters who testified at the hearings spoke passionately about the impacts of COVID-19 and how, from their perspective, the desire for change to these rules was a driving force behind the protests. I accept that this was the case.

Canadians who disagreed with COVID-19 policies had the right to engage in lawful protest against what they saw as government overreach. A multitude of COVID-19 protests had already occurred prior to 2022, although none matched the size and scope of what would occur in Ottawa and other locations.

In part, the scale of the early 2022 protests was the culmination of more than two years of COVID-19 restrictions. The spark itself was the Federal Government's decision in November 2021 to require commercial truck drivers to be vaccinated in order to enter Canada. This policy decision alone did not lead thousands of Canadians to protest and donate money to the Freedom Convoy, but it shaped the protest in at least two important ways.

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First, it mobilized truckers negatively affected by the policy to find each other and coordinate a response. In this respect, I accept the evidence of convoy organizers Chris Barber, Brigitte Belton, and others that they viewed not exempting truckers from vaccine requirements as threatening the livelihood of many truckers who had chosen not to get vaccinated. Truckers, in general, had already faced significant challenges during COVID-19. This decision prompted a group with expertise in logistics and planning to organize a cross-country journey to Ottawa. Although they blamed the Government of Canada for initiating the vaccine mandate for truckers, it appears that the imposition of the requirement was first announced by the Government of the United States as a requirement to enter that country. It is then that Canada followed suit.

Second, for those already engaged in political action opposing COVID-19 mandates, the “truckers” proved to be a powerful symbol: hard-working Canadians who, despite their contributions to society, were having their lives and livelihoods upended by government COVID-19 regulations. Patrick King, Tamara Lich, and others immediately recognized that the truckers’ grievances could be used as a rallying point for the broader dissatisfaction among their friends and supporters, whether with other COVID-19 mandates or with governments in general.

I accept that the Freedom Convoy had support across the country. The success of Ms. Lich’s fundraising campaign showed that the Freedom Convoy had tapped into a broader set of concerns shared by many Canadians.

21.2 Organization and leadership of the convoy

While I have used the term “organizers” in this Report, there was no true central organization of the protests over the course of the three weeks. Certain parts of the protests were organized at times, but no one person or group spoke for all protesters, or even most of the protesters.

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Serious and significant efforts were made to organize the Freedom Convoy and the donations that it received, including by creating the not-for-profit Freedom Corporation and engaging accountants and lawyers. I accept that these were good faith efforts to bring legitimacy and organization to the protests. However, as convoy lawyer Keith Wilson recognized, there was no effective manner to control all of the protesters.

Even among those I have termed “organizers,” leadership was fractured and divided. Nearly all of the convoy organizers testified to various levels of dysfunction and power struggles. For example, when Mr. Wilson sought to bring more order to the group, his efforts were met with suspicion and criticism from Freedom Corporation Director Benjamin Dichter and convoy accountant Chad Eros. Mr. Dichter deliberately sought to undermine the deal with the mayor of Ottawa because he believed that Mr. Wilson had orchestrated it as a means to allow the police to end the protest.

21.3 The goals and makeup of the protesters

The Freedom Convoy and the protests in Ottawa and Windsor, Ontario; Coutts, Alberta; and elsewhere were never a single monolithic movement. The protests involved a collection of groups and people with different goals and plans. While there may have been a shared desire to see reform, there was no common understanding on what that change should be or how it would be implemented.

This was true from the time of the protests’ inception. The initial convoy organizers had different views about what they hoped to achieve. On one hand, Mr. Barber testified that all he wanted was a conversation with the prime minister or the Federal Government about ending COVID-19 mandates. On the other hand, James Bauder and his group, Canada Unity, sought support for a memorandum of understanding (MOU) that, on its face, called for the Governor General to change Canada’s system of government if all COVID-19 restrictions were not repealed.

As the protests grew, so did the diversity of views and goals of the people who participated in them. For example, some members of the Quebec group, Les Farfadaas,

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joined the protests in Ottawa and settled at the Rideau – Sussex intersection. The group had not coordinated with the Freedom Convoy and brought their own purpose and history to the protests.

As a broad-based movement, the protests also attracted individuals and groups who espoused racist, extremist, and other reprehensible views. I have discussed other controversial groups and individuals in this Report, including Mr. King and Romana Didulo, the self-styled “Queen of Canada.” While they do not represent all protesters, their presence was notable and contributed to how the public perceived the protest movement.

Another controversial group associated with the protests was Diagonon, and its founder, Jeremy Mackenzie. Diagonon may have started as a joke on Mr. Mackenzie’s podcast, but it has grown into a larger community. The Royal Canadian Mounted Police (RCMP) has described Diagonon as a militia-like network with members who are armed and prepared for violence. In his testimony, the head of the Ontario Provincial Police (OPP) Intelligence Bureau described Diagonon as an extremist group. Mr. Mackenzie strongly rejected these characterizations when he testified, asserting that they are the product of certain individuals and groups — including the RCMP — with ulterior motives.

I do not accept Mr. Mackenzie’s evidence in that regard. I am satisfied that law enforcement’s concern about Diagonon is genuine and well founded. The fact that a ballistic vest that was seized by the RCMP during the protests in Coutts — along with numerous guns — bore a Diagonon patch suggests as much.

While it is important to recognize the presence of controversial and extreme elements at the protests, it should not detract from my findings that many and perhaps most of the protesters sought to engage in legitimate and lawful protests. Their participation alone does not mean that they supported or condoned the conduct of extreme or fringe participants.

21.4 The nature of the protests

I accept that many of the people who organized and participated in the protests in Ottawa and elsewhere wanted to engage in legitimate political protest against COVID-19 policies. I also accept that many of the organizers who testified wanted to maintain a peaceful protest, as they recognized that violence or threats of violence would discredit the movement and drain it of popular support.

These efforts, however, were not successful.

I do not accept the organizers' descriptions of the protests in Ottawa as lawful, calm, peaceful, or something resembling a celebration. That may have been true at certain times and in isolated areas. It may also be the case that things that protesters saw as celebratory, such as horn honking, drinking, and dancing in the streets, were experienced by Ottawa residents as intimidating or harassing. Either way, the bigger picture reveals that the situation in Ottawa was unsafe and chaotic.

The lack of safety, despite efforts by the organizers, is illustrated by the blockage of emergency lanes on Kent Street. Organizers made efforts to clear the emergency lanes but were unsuccessful in doing so on this important road. In the event of a fire in one of the large apartment buildings along that street there was potential for a real catastrophe. Propane tanks, jerry cans filled with fuel, fireworks, and other safety hazards that were being stored in the downtown core also posed serious risks.

In addition to these safety risks, I accept the evidence of the residents, police, and municipal politicians that many participants took advantage of the lack of police supervision to disrupt and intimidate residents. There was disregard for both the law and the well-being of the people of Ottawa.

I do not conclude that all of the convoy organizers promoted or condoned unlawful behaviour. To the contrary, most of them recognized that such conduct risked undermining their popular support.

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At the same time, I do not accept the evidence espoused by the organizers that they were never aware of harassment, intimidation, or other non-peaceful conduct by protesters. Their knowledge of actual and potential violence or harassment can be inferred from their own evidence. As a starting point, Mr. Barber testified that if you put 200 truck drivers in a room, “somebody’s going to get a black eye and a broken nose.” Mr. Barber himself almost got into a physical altercation “at least twice” with a driver who “was ignorant about moving [trucks] when I asked him to.”¹³

Mr. Barber and Ms. Lich also recognized early on that Mr. King’s rhetoric could be seen to condone or support violence, so much so that they asked him not to come to Ottawa. Mr. King still came and, according to Mr. Eros, came close to beating him up after Mr. Eros questioned Mr. King’s cryptocurrency project.

For his part, Mr. Wilson testified about a concern the organizers had regarding what he described as “Antifa” vandalizing property and harassing people in order to discredit the protests. Mr. Wilson heard that the group had come in at night and cut air lines and tires in trucks. Assuming that this actually occurred, it reflects knowledge among protest organizers that certain actors had and were intent on engaging in unlawful conduct.

Mr. Wilson and others also explained that an attempt to move trucks from Rideau Street and Sussex Drive was stopped out of concern for safety when protesters “swarmed in” as police tried to move barricades to facilitate the move. This occurred despite efforts by Ms. Lich and Mr. Wilson to convince protesters that the move was co-operative. The organizers were also aware of death threats being made to the mayor of Ottawa and several other politicians.

I am satisfied that the organizers understood that the protests presented serious challenges to Ottawa residents, the police, and municipal politicians, and that they had caused a severe disruption of life in Ottawa. The Freedom Corporation’s

¹³ Evidence of Chris Barber, Transcript, November 1, 2022, pp. 56 and 109.

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organizers entered into negotiations with the Ottawa mayor precisely to reduce this disruption and the pressure it placed on the city. In this regard, I put little weight on the organizers' evidence that they never received any direct reports or complaints about harassment and intimidation, as those suffering violence at the hands of protesters would be unlikely to complain to protesters. The organizers needed no such reports to be aware of the effects of the protesters' behaviour.

Protests are messy and some level of unlawfulness can be expected. I do not consider that the protests became an "occupation" as of the first Saturday. The protesters had, in effect, been invited to park their trucks for the weekend in various locations in the downtown core. By Monday, however, when they refused to leave, the invitation was clearly revoked. In addition, it was clear that the assembly was no longer peaceful, given the widespread intimidation of residents and the fact that their ability to live and work had been fundamentally disrupted. It was apparent that the police were unable to control the protest and limit unlawful conduct in the protest area.

This was, to some extent, the result of the size of the protests. Convoy organizers did not anticipate the level of participation that ultimately occurred. The Freedom Convoy was successful, in part, because it permitted and encouraged participation from groups and individuals who held a variety of perspectives and were frustrated about a range of issues. Broad participation, however, made it difficult for the organizers to control the message of the protest and the conduct of those involved.

At the same time, I am also satisfied that the organizers did not do all they could to limit the amount of violence and harassment. Mr. Barber and Ms. Lich both testified that they were not in favour of the constant honking, but they took no meaningful steps to stop it. To the contrary, organizers opposed the injunction sought by Zexi Li to restrict honking. In addition, at times, Mr. Barber and Mr. King posted videos and other content where they appeared gleeful about the harm being inflicted on downtown residents. At the hearings themselves, the organizers displayed a lack of empathy for the residents of Ottawa, even with the benefit of hindsight.

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Similarly, while some organizers like Ms. Lich and Mr. Barber sought to distance themselves from controversial figures such as Mr. Bauder and Mr. King — and at one point, even convinced Mr. Bauder to retract his MOU — they remained reluctant to sever all ties. I am satisfied that this is, in part, because they understood that the protest movement included Mr. King and Mr. Bauder’s supporters, and those who shared their views. Despite all of the problems Mr. King and Mr. Bauder presented, neither Ms. Lich nor Mr. Barber disavowed them. With respect to Mr. Bauder, Mr. Barber said that, while he did not support an undemocratic change in Government, he still believed that Mr. Bauder shared the same goals and that the MOU was simply “improperly written.” Similarly, with respect to Mr. King, Mr. Barber said he “had all the right reasons and a good heart.”¹⁴ From Ms. Lich’s view, despite Mr. King having deliberately sought to undermine her deal with the mayor of Ottawa, she believed that “at his core,” Mr. King “was here to — just like the rest of us were, to exercise his democratic rights to a peaceful assembly.”¹⁵ Tom Marazzo, another organizer, testified that he had been in contact with Mr. Mackenzie during the protests in Ottawa and spoke about him in glowing terms. These statements show that many organizers, instead of cutting ties with protesters that attracted criticism and controversy, viewed figures like Mr. Bauder, Mr. King, and Mr. Mackenzie, and their supporters, as part of their movement.

21.5 Misinformation and disinformation

As I describe in Sections 6 and 7, social media played a critical role in the protests. Some of the organizers initially contacted each other on social media platforms. Facebook, Twitter, and numerous other social networks were the tools by which organizers met, coordinated, and connected with other participants. Many of the organizers already had, or quickly developed, large social media followings. Early planning meetings were livestreamed on Facebook. More than CAD\$10 million in the

¹⁴ Evidence of C. Barber, Transcript, November 1, 2022, pp. 23 and 45.

¹⁵ Evidence of T. Lich, Transcript, November 3, 2022, pp. 344 and 345.

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GoFundMe campaign was raised with the assistance of an accompanying Facebook page. The role of social media is difficult to overstate.

Social media also served as an accelerant for misinformation and disinformation, which I find, for reasons I discuss in Section 6.2, clearly played a role in the protests. I have no doubt that misinformation about COVID-19 influenced the views of some protesters and how they assessed the quality of government health measures. Some protesters also spread misinformation and disinformation about the protests themselves. One notable example is the denials by some prominent organizers about Ms. Lich's deal with the mayor.

I am also satisfied that there was misinformation about the Freedom Convoy, which was used as a basis to unfairly discredit all protesters. In one example, protesters were blamed for an act of arson in an apartment building, which the police later confirmed had no links to the protests. Where there was misinformation and disinformation about the protests, it was prone to amplification in news media. OPP Superintendent Pat Morris testified that, as the officer leading the collection of intelligence for the OPP, what he was seeing in the media did not always reflect what the intelligence was showing.

The fact that protesters could be at once both the victims and perpetrators of misinformation simply shows how pernicious misinformation is in modern society. The overall impact of misinformation and disinformation on the Freedom Convoy protests cannot be precisely identified, but it was pervasive.

Indeed, misinformation and disinformation have become so entrenched in the events surrounding the Freedom Convoy that they arose within this Inquiry itself. From testimony claiming that COVID-19 vaccines manipulate genes to allegations that this Commission was secretly controlled by Federal Minister of Emergency Preparedness Bill Blair — apparently because he also holds the title of “President of the King's

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Privy Council for Canada” — misinformation and disinformation have been a constant presence throughout these proceedings.

Misinformation and disinformation are inherently destructive and divisive. They undermine the ability of government officials and members of the public to meaningfully engage in discussions on policy and governance. Here, the Government did not have a realistic prospect of productively engaging with certain protesters, like those that believed COVID-19 vaccines were part of a vast global conspiracy to depopulate the planet. At the same time, protest organizers’ mistrust of government officials was reinforced by unfair generalizations from some public officials that suggested all protesters were extremists. During the hearings, I heard the suggestion that a meaningful dialogue between protesters and the Federal Government was impossible. While I do not necessarily accept that is true, I do find that the prevalence of misinformation and disinformation diminished the prospect of productive discussions.

How to identify and respond to misinformation and disinformation is a topic worthy of further exploration.

21.6 Connections between protest locations

I am satisfied that there was no meaningful coordination between the protests in Ottawa and other locations in Canada. The convoy organizers who testified denied any connections to other protests. The evidence before me of communication between protest locations was minimal and did not reveal a collaborative effort. A February 10, 2022 Special Threat Advisory Report from the RCMP stated that the protests outside Ottawa “appeared to be inspired by the Ottawa convoy” but that these “solidarity actions appear to be decentralized, in some cases organized impromptu, and not directly linked to organizers in the Ottawa convoy.”¹⁶ I accept this as an accurate description.

¹⁶ RCMP Ideologically Motivated Criminal Intelligence Team, *Special Threat Advisory – Update 6*, February 10, 2022, PB.NSC.CAN.00000526, p. 4.

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The most troubling connection between protest locations is the presence of Dialogon members in both Ottawa and Coutts. Mr. Mackenzie was in Ottawa, meeting and recruiting Dialogon members. Although he did not travel to Coutts, Chris Lysak, a Dialogon community member with whom Mr. Mackenzie had met previously at a Dialogon event, was in Coutts and was arrested as part of the police investigation into the presence of weapons. The RCMP believes that the ballistic vest displaying the Dialogon logo was Mr. Lysak's vest. In addition to Mr. Mackenzie's connections to Mr. Lysak, the Canadian Security Intelligence Service (CSIS) reported that Alex Vriend, a friend of Mr. Mackenzie's and a Dialogon supporter, collected donations to pay transportation costs for protesters to both Coutts and Ottawa.

Given law enforcement's characterizations of Dialogon, these connections are troubling, but there is little evidence of significant or widespread coordination between Dialogon supporters in Coutts and Ottawa. To the contrary, in a report on the arrests in Coutts, the RCMP noted that "there has been no information uncovered to suggest that there is an organized effort between the individuals charged in Alberta and individuals involved in the Ottawa protest."¹⁷

I do not doubt that the protests in Windsor, Coutts, and other locations drew energy and inspiration from the convoy protests in Ottawa. I do not find, however, that any of the Ottawa organizers played a significant role in the organization of the other protests.

22. The policing response in Ottawa

There were several deficiencies in how the police responded to the events in Ottawa. Before identifying these deficiencies, I make three observations. First, the events in Ottawa were unprecedented in size and complexity. They would have presented significant challenges regardless of the adequacy of the police response. Second,

¹⁷ RCMP "K" Division Criminal Analysis Section, *Coutts Intel Brief*, PB.NSC.CAN.00008508, p. 1.

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before the protests began, the Ottawa Police Service (OPS) was dealing with severe staffing challenges and the loss of experienced officers at the Senior Command level. These staffing issues continued throughout the protests. Third, as already indicated, for many Ottawa residents and businesses, these events were traumatic and extraordinarily difficult to endure. However, without minimizing that impact, I agree with those who point out that no one was seriously injured, and that buildings, highways, and monuments were not destroyed. Our Parliamentary institutions continued to function. I now turn to the deficiencies that I wish to highlight.

221 Intelligence failures

Police decision making should be intelligence led. Decisions should be based on the timely and continuous collection of information from multiple sources that is evaluated for reliability, and re-evaluated and supplemented on an ongoing basis. “Intelligence,” put simply, is the evaluation or analysis of information collected.

Before the convoy’s arrival, OPS Chief Peter Sloly recognized the importance of the OPS conducting an ongoing intelligence assessment and instructed his subordinates accordingly. I also acknowledge that the Hendon reports, while generally lauded as containing high-quality analysis, left room for varying interpretations as to what was likely to follow. Having said that, in my view, the Hendon reports, other intelligence received from partner agencies, and the content of the OPS’s own intelligence assessment, viewed cumulatively, should have raised greater concerns that the events in Ottawa would be unprecedented in size, intensity, and duration, and should have prompted the OPS to plan accordingly.

The OPS’s own intelligence officers identified some, but not all, of the important red flags that countered the view that they were only facing a weekend disruption. The Parliamentary Protective Service (PPS) provided information and assessments that articulated the Freedom Convoy’s intent to stay, its unprecedented support, its ability to cause disruption, and the potential for it to overwhelm the OPS. The OPP’s

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Provincial Liaison Team (PLT) informed the OPS of the number of vehicles in the convoys headed to Ottawa and the protesters' intent to stay.

In testimony, OPS Acting Superintendent Robert Bernier felt that there was a “bizarre disconnect” between the Hendon reports and the OPS’s planning.¹⁸ I prefer to say that there was a significant disconnect between the information available to the OPS and the early planning for the event. This disconnect arose, in part, because the OPS Intelligence Directorate did not share the Hendon reports with the operational command. However, the operational command still received sufficient intelligence to understand the risks that Ottawa was facing and did not plan for these risks. The operational command initially discounted this intelligence because it was inconsistent with the OPS’s experience with previous weekend protests. While the OPS’s reliance on its past experience was understandable, it should have given more weight to the intelligence that contradicted this experience and developed contingency plans.

There were also serious deficiencies in the OPS’s ability to access and evaluate open-source social media and other online information based, in part, on staffing shortages. This contributed to shortcomings in intelligence.

At the hearing, issues also arose over the extent to which the chief and other senior OPS officers read the Hendon reports. I need not resolve these issues, other than to note that the uncertainties over who read what and when, and who communicated the contents of the Hendon reports to others, speak to a somewhat disorganized approach and inadequate record-keeping around the collection, review, and dissemination of intelligence.

These issues were not limited to the Hendon reports. The OPS also lacked a system to ensure proper dissemination of its own intelligence products, resulting in uneven distribution. This, coupled with the lack of dedicated meetings to discuss intelligence,

¹⁸ Evidence of R. Bernier, Transcript, October 25, 2022, p. 242.

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made it more challenging to provide oversight and ensure that the operational plan was intelligence led.

It would have been helpful if the OPP had taken a more active posture in questioning the original OPS plan and the assumptions that were baked into it. The OPP was familiar with intelligence indicating that some protesters would stay beyond the weekend and that the protests could cause significant disruption. However, OPP Superintendent Craig Abrams did not question the OPS's plan to let trucks into the downtown core when he learned of it on January 27. I accept that the OPP was reluctant to do so because the OPS expressed confidence in their plan, OPS Chief Sloy assured OPP Commissioner Thomas Carrique that the OPS had everything it needed, and the OPP did not want to appear to be second-guessing the OPS. Nonetheless, it would have been helpful for the OPP to ask the OPS if it had contingency plans and, if it did not, to offer to help develop and resource them.

Several parties at the Commission relied heavily on the testimony of OPP Superintendent Morris, whose unit was responsible for the Hendon reports. He described the absence of credible threats that protesters intended to engage in violence or other unlawful activity, and, in fact, commented on there being no instances of serious violence despite the size and length of the protests. I disagree with his assessment and accept the evidence from several witnesses that there was violence. Further, the conduct of some protesters was intimidating and highly disruptive. Some disagreement may come down to different witnesses using the word "violence" to mean different things. In any event, the more important point here is that planning for a weekend event, even when there is no indication of violence, is a very different exercise from planning for something that could potentially become a prolonged, large-scale protest.

I also wish to highlight a fundamental flaw in how intelligence was collected in relation to the Freedom Convoy. The Freedom Convoy was a nation-wide event. However, the intelligence gathering was led by the OPP, a provincial police service. I question,

as did several of the witnesses, whether it is appropriate for the intelligence gathering for such an event to be coordinated at a provincial level instead of at a national level.

222 Lack of continuity of command

Effective command and control require continuity of leadership at the strategic, operational, and tactical levels. There must be processes in place to ensure that the best people are able to fill leadership positions, and redundancies to allow for continuous coverage in the event that a commander becomes unavailable. At the time of the protests, the OPS did not have sufficient resources and competencies to implement these best practices. Staffing shortages contributed to this, as did the departure of skilled commanders, and the constant rotation of officers into various roles and responsibilities.

Dysfunction within the OPS prevented optimal use of the resources that it did have. The appointment of three event commanders within the space of several days undermined effective command and control. There was no articulable reason why Acting Superintendent Bernier, certainly one of the OPS's most seasoned commanders, was given no event-related role until February 3 and was not appointed event commander until February 10.

Poor communication respecting transfer of authority, and confusion about who was in charge, compounded these challenges. In Section 11.4, I discuss how this confusion arose, starting with the shift of operational decision-making authority from the OPS incident commander to the event commander without notifying Chief Sloly, and how these events led Chief Sloly to lose trust in subordinates. These events reflect serious dysfunction within the OPS's leadership, and also the absence of a coherent approach to the selection of operational commanders. The switches in event commanders also adversely impacted the OPS's operations and the development of plans and resource requests.

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The lack of continuity regarding event commanders was only the tip of the iceberg. There were many situations in which changes took place in staff responsibilities during the relevant period, particularly at the operational and tactical levels. The numerous titles used by the OPS, and the changes in those titles throughout the Freedom Convoy's presence, compounded these difficulties. I question whether the two levels of operational command adopted by the OPS was unduly complicated. OPS witnesses confused these roles in their testimony, and they added to the confusion when partner forces sought to work with the OPS.

2.2.3 Failures in communication with incident command

The effectiveness of the OPS incident command was undermined due to a lack of internal communication. One of the most glaring examples was the Coventry Road operation, in which an OPS Public Order Unit (POU) operation occurred contrary to agreements protesters had reached with the OPS's Police Liaison Team (PLT). The issue is not whether the PLT's negotiation to remove fuel cans was a good idea; the issue is the disconnect between that negotiated result and the event commander's views. It was critically important that the PLT be given clear parameters and then autonomy to work within those parameters. Instead, a breakdown in communication occurred between the PLT and the operational and strategic command, which adversely impacted the PLT's morale and effectiveness.

There were other similar communication failures. The OPS's efforts to address the challenges at the intersection of Rideau Street and Sussex Drive bore a striking resemblance to the events at Coventry Road, with PLT negotiations and POU enforcement plans operating without coordination and at cross purposes. OPS Acting Superintendent Bernier became event commander on February 10 but did not begin to work with the Integrated Planning Cell (the Cell) — a team of subject-matter experts from the OPP, RCMP and other police forces assembled to assist the OPS — until he was contacted by it on February 12, even though other OPS officers were then embedded with the Cell. Acting Superintendent Bernier was not informed of the City's

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negotiations with protest organizers until February 13, even though Chief Sloly had been notified days earlier. All of these communication failures were avoidable and undermined the OPS's response to the protests.

2.24 Lack of integration of the PLT into decision making

The Coventry Road and Rideau – Sussex related events were illustrative of a larger problem: the failure to integrate the PLT into the police strategic and operational response. Notwithstanding the broad acceptance of the importance of PLTs, before the integrated command structure prevailed, decisions were made at times without consultation with the PLT. OPS Acting Deputy Chief Patricia Ferguson acknowledged, correctly in my view, that the PLT was not being given the time, room, or authority to negotiate.

Early opportunities to integrate the PLT into the incident command system were missed. While Chief Sloly testified that he invited PLT representatives to a February 1 meeting with POU commanders, it appears that there was insufficient follow-up after this meeting to ensure that the PLT had a voice in operational decision making. The OPS only corrected this deficiency on February 11 with OPS Acting Superintendent Bernier's integrated command table. By that time, the lack of integration of the PLT into decision making had already reduced the PLT's effectiveness in engaging with protesters.

There were certainly instances when OPS Chief Sloly correctly articulated the role of the PLT and met with them. However, a number of his statements, directions, and orders to subordinates appeared to have emphasized or directed enforcement actions without full consideration of measured alternatives and PLT input.

Other OPS commanders also had an inadequate understanding of the PLT's role. This is undoubtedly due, at least in part, to the OPS having neither trained senior officers on the National Framework for Police Preparedness for Demonstrations and Assemblies nor adopted a specific PLT strategy at the time of the protests. I agree with

the testimony from OPS Acting Deputy Chief Ferguson and OPS Inspector Russell Lucas that the OPS sometimes prioritized a quick win through enforcement, without an overall plan that truly integrated the role of the PLT.

Seamless involvement of the PLT in decision making would be more likely to produce an agreed-upon or at least a fully informed approach to many of the decisions that had to be made. The lack of integration of the PLT in decision making at various stages during the protests also reflected a lack of appreciation for what the PLT is generally able to do and not do in its work. Ultimately, I am unconvinced that the PLT was given the full opportunity to de-escalate many of the issues that arose. Such de-escalation may have led to at least a smaller protest “footprint,” if not a resolution of the entire event.

2.2.5 The Chief's involvement in operational decisions

OPS Chief Sloly testified that he understood the importance of autonomy for operational commanders and that his role was not to make operational decisions. At times, during the protests, he acted consistently within those boundaries. However, he also crossed them on multiple occasions. His actions, however well-intentioned, undermined the chain of command, caused confusion, and left subordinates and integrated partners such as the OPP and the RCMP confused as to the extent to which Chief Sloly had to approve decisions or sign off on plans.

In testimony, Chief Sloly attributed his involvement in operational decisions to his diminished trust in his subordinates, his desire to ensure that the plans were effective, and his deep concern over the readiness of his team for the second weekend of protests. By way of example, Chief Sloly intervened in an attempt to support the development of a public order sub-plan, but this and other interventions fostered further confusion about who was in charge. An unhealthy dynamic between Chief Sloly and his team furthered the problem of his involvement in operational matters. His

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unfortunate comment that he would “crush” those who did not support his February 9 plan is just one example of this unhelpful dynamic.

The command structure does not need to be so inflexible as to preclude the chief of police from contributing to a discussion at the operational level. Strategic command may need to initiate such discussions if there are concerns about alignment between strategy and operations. But this is not what occurred here. Despite his testimony to the contrary, Chief Sloly used language that conveyed the message that there would be no changes to the plan without his approval. That is the language of operational command.

226 The failure to embrace integrated or unified command in a timely way

As an experienced police leader, Chief Sloly understood the value of collaborative policing and had worked co-operatively with other services on a variety of initiatives. Here, however, his mistrust of the motives of other agencies and an overriding concern that he and the OPS retain control contributed to a delay in recognizing the benefit and implementation of an integrated or unified command with policing partners.

Chief Sloly’s distrust of the OPP and the RCMP may well have been linked to public comments and private statements by federal and provincial politicians that blamed the OPS for failing to manage the Freedom Convoy, as well as communication failures between police forces. That said, I find that the OPP and the RCMP leadership wanted the OPS to remain the police of jurisdiction and to succeed.

Communication between Chief Sloly and the Integrated Planning Cell was also dysfunctional, which likely reflected Chief Sloly’s distrust of the Cell’s motives and his concern that the OPS remain the police of jurisdiction. As I discuss in Sections 11.10 and 11.14, there was miscommunication about the appropriate level of integration between the OPS and the Cell as well as miscommunication about whether Chief Sloly expressed support for the Cell’s work and plan. At times, Chief Sloly appeared hostile

and dismissive toward the Cell and its concerns, and the OPS's conduct caused the Cell to question the OPS's commitment to integrated command.

I take no issue with Chief Sloly's insistence that the OPS remain the police of jurisdiction. But integrated or unified command supports this by simply integrating or unifying the OPS and its policing partners within a command and control module designed to allow multiple services to seamlessly respond to a critical incident.

22.7 Uncertainty over the existence or adequacy of the plan

In testimony, there was a debate as to whether a comprehensive plan must exist before substantial human resources are provided by other policing agencies or whether the comprehensive plan must be informed by what other policing agencies will provide. This is a false dichotomy, and it focuses on the wrong issue.

Significant resources were provided by the OPP to the OPS without a plan because its needs were obvious and immediate. The OPP did not need to be given a plan to provide some front-line officers to maintain police positions and relieve exhausted OPS officers. However, as police contemplated not only maintaining the *status quo* but also dismantling an unlawful protest, the resource requests increased exponentially. A constellation of factors informed the response of the OPP and the RCMP to these requests, including:

- a. reports that OPS Chief Sloly had instructed his officers to calculate the number of officers needed and then double it;
- b. reports that OPS command and control was dysfunctional and resistant to an integrated command;
- c. reports that the OPS did not have a plan or that its plan was inadequate, overly aggressive or risky;

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- d. reports that OPP officers already sent to Ottawa had not been deployed or supported appropriately;
- e. the possibility that the OPP would be asked to provide substantial resources elsewhere in Ontario; and
- f. the sheer size of the ultimate requests for resources.

With respect to the claim about doubling the reported number of resources required, I find that Chief Sloly did make a comment to this effect, but that it was simply an unfortunate turn of phrase intended to convey the importance of not underestimating the resources required when planning. However, it fed into a narrative that questioned reports from the OPS and its decision-making ability, as well as the confidence that external partners had in Chief Sloly and the OPS's operational plan. In fairness to Chief Sloly, he recognized, in a timely way, that substantial additional resources would be needed, identified this as critical to success, and prioritized it. He tasked subordinates with specifically identifying the OPS's needs. He engaged with the Ottawa Police Services Board (OPSB) and with government to press the case for these needed resources.

It was reasonable that the OPP and the RCMP wanted to know that an adequate plan existed and how and when its resources would be utilized. Some parties at the hearing pointed out that additional resources were provided by the RCMP and the OPP to the Windsor Police Service (WPS) before the operational plan for Windsor was finalized. In my view, there were many differences between the two events that explain why the OPP and the RCMP needed more information before releasing officers to Ottawa. For example, Windsor was a smaller, simpler situation, and a unified command was already in place. In addition, the requests for resources came through the OPP's commander in charge.

A great deal of testimony focused on what plans existed at what points in time. OPS Chief Sloly testified that there was only one plan: it was in place by January 28 and

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was appropriately updated as more work was done and as circumstances changed. Other witnesses gave evidence that different plans were developed at different stages. In particular, there was conflicting evidence about whether the February 13 plan that the Integrated Planning Cell and Acting Superintendent Bernier developed was or was not an evolution of Chief Sloly's February 9 plan.

This would be a question of semantics if the only issue was whether to characterize the documents as iterations of a single plan or multiple plans. That was not at the heart of what went wrong here. The plan that existed on January 28 was largely a traffic management plan for a weekend event. It was obvious by Monday, January 31 that a different plan was needed.

I accept that it is no easy feat to pivot to a plan to dismantle a protest the size of the one in Ottawa. Members of the public and politicians held unrealistic expectations of how quickly such plans could be developed and operationalized, and they failed to appreciate the importance of a measured response, which would necessarily take more time to execute. However, as I discuss in Section 11.11, the OPS did not develop an overall operational plan until February 13. The various plans that existed prior to that date never represented an appropriate overall plan to comprehensively end the protests.

Further, there was a high level of confusion and mixed messaging at various times over what document(s) constituted the most current plan, what further work it needed, and the extent to which existing documents required the chief's approval. The chief's messaging on these issues was confusing and, at times, inaccurate.

228 Communication failures

In addition to poor communication between the police and government that I identify earlier in this summary, there were also serious problems in how the police and others communicated with the public. Effective communication with the public might well have mitigated unrealistic expectations around the police response. Effective

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communication involves accurate, timely, and consistent messaging. That did not take place in Ottawa.

During the public segment of an OPSB meeting, Chief Sloly identified the number of officers he sought from other police agencies. He indicated that he did so in response to a question asked by the Board in a public meeting. It would have been preferable if Chief Sloly asked to be permitted to answer that question *in camera*. I agree with the witnesses who suggested that it was unwise for him to reveal such operational details publicly. Such revelations could have compromised operations by signalling that the OPS was preparing for a mass mobilization of resources in an attempt to remove protesters.

It was also ill-advised for the Ontario solicitor general to publicly claim that 1,500 OPP officers had been sent to Ottawa. As Ontario Deputy Solicitor General Mario Di Tommaso acknowledged, this too represented operational information. Further, it left the mistaken impression that 1,500 OPP officers were in Ottawa at a single point in time when, in reality, that number represented the total number of officer shifts that had been provided.

As I discuss later in this summary, the response to the Windsor protests required a highly coordinated messaging plan that involved both police and government. This was missing in Ottawa. The Province of Ontario's refusal to participate in the tripartite meetings, which were intended to have participation from municipal, provincial, and federal government representatives, contributed to these messaging failures.

229 The plan's adequacy

With one exception, I do not intend to critique the ultimate plan and subplans that were adopted by the OPS and the Integrated Planning Cell. These plans are designed by professional planners and subject-matter experts. Moreover, each protest is different. There is no precise template — nor should there be — for how an operation is done.

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However, Phase 3 of the February 13 plan included, appropriately, that during the maintenance phase, the police should be “[c]ommunicating with persons who wish to continue to demonstrate, discouraging them from continued illegal activities and promoting lawful actions to express their messages.” The latter aspect of this direction — promoting lawful expressions of the protesters’ message — was not carried out effectively.

The evidence showed that after the dispersal of the protesters from Ottawa’s downtown core, some people continued to protest in front of the Canadian War Museum and in Confederation Park. This fact reinforced my finding that many protesters wanted to engage in a lawful protest. In my view, there should have been a heavier emphasis on identifying locations for lawful protests as part of the messaging to be communicated to the protesters before dispersal of the protest took place. There was no evidence that locations had been clearly identified in advance and that this was communicated to protesters in a comprehensive way. This shortcoming, which was also present in the police response in Windsor, can be contrasted with the steps taken in Coutts to clearly identify an alternative, highly visible location for lawful protest. In fairness, the advice given by Freedom Convoy lawyer Keith Wilson that effectively encouraged continued protests in Ottawa’s downtown core may have made many protesters less receptive to offers of alternative protest locations.

22.10 Legal uncertainty

At the outset of the protests, the OPS was uncertain about what it could lawfully do. The OPS received a hastily drafted legal opinion on January 28 that was requested too late (January 27) and which, in any event, did not provide concrete advice on the most pressing issues that would inform operations, such as the ability to exclude trucks from the downtown core. I saw little evidence that the OPS had a clear understanding of the powers its officers had at common law, by statute, or through the invocation of provincial emergency legislation. The lack of understanding of police common law powers was particularly problematic.

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I appreciate that these legal powers are not easily articulated. Reasonable people can differ on what powers exist. But policing a protest, a convoy entering one's city, or an occupation depends, to a considerable degree, on a clear understanding of the available police powers and their limits. I return to this theme in my recommendations.

2211 Decision making and communication unduly influenced by extraneous considerations

The OPS and the OPSB were entitled to utilize crisis management communications experts or strategists to assist them with messaging. However, several meetings involving the OPS chief and external communications advisors from Navigator Ltd. and/or Advanced Symbolics, Inc. appear to have morphed into operational discussions that considered which decisions would best address reputational concerns about the OPS and Chief Sloly. Chief Sloly should have been far more careful to avoid even the perception of operational or tactical decisions tied to reputational concerns.

Similarly, following some interactions with his subordinates, Chief Sloly appears to have left them with the impression that he was consumed with how he would be perceived when the event was over, and the extent to which he would be blamed for deficiencies in the police response. It appeared to some people, with some justification, that Chief Sloly was too willing to attribute blame to others, while avoiding any blame himself.

2212 Chief Sloly

Much of the focus of the evidence was on Chief Sloly. It is all too easy to attribute all of the deficiencies in the police response solely to him. This would be unfortunate and indeed, inconsistent with the evidence. Errors in leadership must be seen in the context of a truly unprecedented event in size, duration, and complexity. Chief Sloly served the public with distinction as a police leader for 30 years. He came to Ottawa as an agent of change to address racism, misogyny, and a lack of community trust in

the OPS, and he faced substantial resistance in doing so. He was heading the OPS at a time when the senior ranks had been depleted and expertise had been lost. Chief Sloly's resignation, rooted in an acknowledgement that he had lost the confidence of others, did remove one obstacle to a successful resolution by creating an opportunity to restore that confidence.

As well, some errors on Chief Sloly's part were unduly enlarged by others to a degree that suggests scapegoating. He was rarely given the benefit of the doubt as to his intentions. His statements were sometimes cast in an unreasonably harsh light. For example, his public comment that "there may not be a policing solution to the demonstrations" attracted disproportionate scrutiny. I found it obvious that he was not abandoning the city through this comment or attempting to diminish the OPS's important role in the ultimate solution.

23. The policing response in Windsor

The police response in Windsor was influenced by what had transpired and was still occurring in Ottawa. It was also affected by the economic importance of the Ambassador Bridge to the city of Windsor, the province of Ontario, and more generally, the Canadian economy.

The threat of a blockade to the Ambassador Bridge was reasonably foreseeable to the WPS and other police agencies by February 4, when a Hendon report referred to the possibility of a blockade starting on February 7. This was consistent with the intelligence that the WPS was gathering through social media and its contact with local protest organizers. Thus, the police had at least three days to plan for a potential blockade of the Ambassador Bridge.

Actual planning and preparation, prior to February 7, were limited for a couple of reasons. First, jurisdictional issues hampered the police response. The WPS is responsible for policing the City of Windsor and responds to incidents that occur on

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the Ambassador Bridge. The Canada Border Service Agency's (CBSA) jurisdiction extends only to the physical port of entry, and given its limited jurisdiction, the CBSA advised the WPS that it did not have a plan to deal with the blockade. The federal government had authority over the bridge itself, but not the municipal roads feeding into it.

Second, partner police resources were already stretched thinly elsewhere. The RCMP told the WPS that it would need to balance competing demands for resources. When the WPS requested assistance from the OPP prior to the Ambassador Bridge blockade, the OPP responded at the local detachment level and did not escalate the response or send additional resources.

While the WPS and the OPP separately tried to prevent a blockade from taking hold through dialogue with protesters on February 7, they were unable to do so. There were local protest organizers who had a good relationship with the WPS. However, by February 7, there were other groups of protesters with no such relationship. There was no single group of protesters with a shared vision and clear leadership. This affected the ability of police to prevent the blockade or obtain concessions during the protest.

I also find that the WPS had learned from what had happened in Ottawa and tried to prevent a blockade of the bridge by controlling the intersection nearest to it. However, protesters responded by blocking other intersections farther from the bridge. The blockade did not immediately bring traffic in both directions to a complete standstill. However, data collected by the CBSA clearly indicates that only eight commercial vehicles entered Canada through that port of entry between February 8 and 13. As such, the protesters' actions effectively caused a blockade of the Canada-bound traffic during that time frame.

Much as in Ottawa, the protesters in Windsor represented a cross-section of Canadians who were present for a variety of reasons. Situational reports document the presence

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of dozens of children at times, and many personal vehicles alongside commercial vehicles. However, unlike in Ottawa, the protest did not entrench itself long enough to see a “surge” on weekends. It began in earnest on Monday, February 7, and police enforcement action began early on the morning of Saturday, February 12. However, police described the evenings in Windsor as having a “party-like” atmosphere, with a corresponding surge of people who were drinking alcohol and behaving boisterously — and sometimes aggressively — toward police.

Unlike in Ottawa, police integration in Windsor proceeded swiftly and smoothly. The OPP and the WPS established a unified command and agreed to have the OPP lead the public order planning and operations on February 10. The speed with which the WPS and the OPP did so was the result of pre-existing relationships and trust between senior WPS and OPP officers, as well as the WPS’s acknowledgment of the need to let the OPP’s subject-matter experts control both the planning and the conduct of POU-led action. The division of responsibility between the WPS and the OPP during the weekend of February 12 – 13 reflected their forces’ respective strengths and allowed action to proceed efficiently.

Police planning and resource deployment also proceeded smoothly, with a full operational plan and all necessary subplans developed by the evening of February 11, only 48 hours after the planning process had begun. Planning proceeded quickly in part because the OPP command had assured OPP Superintendent Dana Earley that Windsor was a priority and that she would have whatever resources were necessary. The RCMP supported this approach because it had confidence in the OPP’s control over the situation.

I find that both the OPP and the WPS command respected the autonomy of their respective commanders on the ground in Windsor. Though the OPP command made it clear to Superintendent Earley that Windsor was a priority and that clearing the blockade was urgent, there was no evidence of any interference in her decision making. As I explain in Section 12.4, the OPP command’s message to Superintendent

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Earley that clearing the Ambassador Bridge was her priority was an appropriate strategic-level communication.

I also find that there was a unified approach to messaging between police, the Windsor Police Services Board (WPSB), and the municipal government. Unlike in Ottawa, where the mayor and the chair of the OPSB were at odds, Windsor's mayor was also the chair of the WPSB. This meant that information flowed freely between the WPSB and City Council, and that it fostered coordination, which allowed the WPS to control public messaging.

I find that the OPP and the RCMP prioritized clearing the Ambassador Bridge blockade over other protests for several reasons, including the economic impact of the blockade, the smaller and less entrenched nature of the Windsor protest compared to Ottawa, the rapidity and seamlessness of the integration between the WPS and the OPP, and the fact that the plan in Ottawa was not yet ready.

Finally, I find that the Ambassador Bridge blockade was cleared as of shortly after midnight on February 14, before the Federal Government invoked the *Emergencies Act*. While the blockade never again took hold, there were continued threats of further disruptions to the bridge and other critical infrastructure in and around Windsor. These threats contributed to the need for a lengthy demobilization period and continued police presence and checkpoints along Huron Church Road, which was not fully reopened to the public until March 28. Police established these checkpoints without relying on the *Emergency Measures Regulations* and continued to use them following the revocation of the Public Order Emergency.

24. Civilian oversight and governance of the police

24.1 The oversight role of police services boards

The *Independent Civilian Review into Matters relating to the G20 Summit* (the “Morden Report”) and *Missing and Missed — Report of The Independent Civilian Review into Missing Person Investigations* (the “Epstein Report”) articulate the important oversight role and responsibilities of a police services board during and after a critical incident. These reports dispel misconceptions about the role of civilian police services boards and the prohibition against these types of boards directing the day-to-day operations of a police service. This prohibition exists but has been misinterpreted in a way that unduly narrows a board’s ability — indeed, duty — to obtain information and ask questions relating to a critical incident that are relevant to its oversight mandate.

Unfortunately, this Inquiry has revealed that the guidance set out in the Morden and Epstein reports in this regard has not yet been fully realized. Throughout the protests in Ottawa, the OPSB had a diminished view of its own role. Its ability to provide proper oversight of the OPS was further undermined by Chief Sloly’s resistance to providing it with relevant information. Furthermore, Ontario’s Ministry of the Solicitor General, which is responsible for ensuring the provision of adequate and effective policing, did not fully utilize its existing authority when it became aware of issues at the OPSB. Finally, when the OPSB attempted to act decisively, it faced external political pressure. Each of these factors diminished or undermined the effective civilian police oversight role of the OPS by the OPSB.

24.2 Resistance to board meetings

As I discuss in Section 11.15, OPS Chief Sloly was resistant to meeting with the OPSB during the protest, viewing the meetings as a demand on his time that could otherwise be spent responding to the protests themselves. Ultimately, the OPSB had

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to force the issue by directing a Special Meeting of the Board, which the chief was legally obligated to attend.

It is a police chief's responsibility to answer to the police services board. While I appreciate that Chief Sloly had many demands on his time, maintaining regular communication with the OPSB was an essential part of his responsibilities, and necessary to permit the OPSB to fulfill its mandate. Police services must prioritize board meetings, rather than view them as an impediment to policing. This is of particular importance when a police service is responding to a critical event. It may have been difficult for Chief Sloly to devote sufficient time to updating the OPSB because he was involved in operations. In contrast, the WPS executive in Windsor had the ability to update the WPSB because it was less involved in operations.

24.3 The OPSB's request for detailed information on operational plans

As I discuss in Section 10.2, on January 26, the OPSB asked about the OPS's operational plan and was provided with a high-level explanation. The OPSB did not request further details prior to the convoy's arrival. OPS Chief Sloly did, however, assure the OPSB that a plan was in place.

The OPSB failed to obtain details of the operational plan until February 15, shortly before enforcement action occurred. According to OPSB Chair Diane Deans, the Board became more interested in the details of the operational plan as the demonstrations dragged on, and their requests for more information led to increasing tension between the OPSB and Chief Sloly. Chief Sloly testified that he limited the information he provided for a variety of reasons: a prior breach of confidentiality on a board member's part; a lack of precedent for the level of information the OPSB sought; and concerns that operational detail was unnecessary for the Board to exercise its functions.

It was within the OPSB's authority to request the details of the operational plan. It was also open to the Board to set priorities for the OPS, such as ensuring continued

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effective policing in the areas of the city not affected by the protests. I wholly endorse the guidance in this regard as set out in the Morden and Epstein reports.

In light of the conflicting information received by the OPSB ahead of the convoy's arrival, which I discuss in Section 10.2, the Board should have ensured that the OPS had contingency plans in place in case the protest turned into a more protracted demonstration. The OPSB did not do this.

As I discuss in Section 11.15, OPS Chief Sloly maintained a high degree of resistance in sharing the OPS's operational plan with the OPSB throughout February. When asked if he would have provided the Board with a copy of the OPS's plan if the Board had specifically directed him to do so, Chief Sloly said that he would have consulted with legal counsel and, if there was no prohibition, he "would have provided what we could, and that would largely be a heavily redacted document."¹⁹ But there is no constraint on providing this type of information to a board and there are mechanisms in place to ensure the confidential exchange of information. It would be inappropriate — and against the guidance set out in the Morden Report — to provide the OPSB with a "heavily redacted document" of the kind described by the chief.

Chair Deans explained that the OPSB wanted its relationship with Chief Sloly to be collaborative and did not want to create more angst for him by telling him what to do. While maintaining a positive relationship between a board and a chief of police is important, it cannot come at the cost of being denied necessary information. Chair Deans confirmed that the OPSB would have been better able to exercise its oversight function if it had been provided with the information it had requested. I consider that its statutory duty entitled it to direct the chief to provide this information.

¹⁹ Evidence of Peter Sloly, Transcript, October 28, 2022, p. 256.

24.4 Confidentiality

One reason that OPS Chief Sloly gave for not providing the OPSB with a detailed operational plan was his pre-existing concern around the Board's ability to maintain confidentiality. He testified about *in-camera* discussions that had been leaked by OPSB members to the public prior to the convoy's arrival. This was corroborated by Graham Wight, an OPSB police services advisor, who stated that the OPSB's executive director had described it as a "leaky organization" and recalled that Chair Deans had also expressed concerns about confidentiality.²⁰ Chair Deans seemed to acknowledge these concerns in her testimony.²¹

It does not appear that Mr. Wight took any steps in response to these concerns, though in fairness to him he indicated to the Commission that he was never asked for advice on this issue. I am not aware of the seriousness of these confidentiality issues or whether the OPSB took any steps to address them. I will simply say that it is imperative that trust be maintained between police services and their boards. This cannot be achieved without the ability to communicate confidentially.

While I accept that the OPSB's ability to maintain confidentiality was of concern to the OPS, this is not an acceptable reason for failing to provide the Board with all of the information necessary to exercise its oversight function. OPS Chief Sloly acknowledged in his testimony that internal issues at the Board regarding confidentiality did not relieve him of his obligation to provide this information, though it might impact the level of caution with which he would brief.

The provincial Code of Conduct for Police Service Board Members requires them to keep confidential information disclosed to them during *in-camera* meetings. If a member breaches this obligation, there is a range of possible consequences, from additional training to removal. The *Police Services Act* also requires the provincial

²⁰ Interview Summary: Graham Wight, WTS.00000081, p. 4.

²¹ Evidence of Diane Deans, Transcript, October 19, 2022, p. 72.

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solicitor general to monitor boards to ensure that they comply with prescribed standards.

The OPSB had primary responsibility for taking action to rectify these issues. Because they were aware of these concerns, Ontario’s Ministry of the Solicitor General and OPS Chief Sloly should also have raised concerns about confidentiality with the Board. While it appears that Chief Sloly did raise these concerns with OPSB Chair Deans, he did not know whether there had been any action in response. The Ministry of the Solicitor General did nothing about this issue, and it appears that the police services advisor never reported these concerns to Ontario’s inspector general of policing. It is obvious to me that this unresolved issue undermined the relationship of trust between the OPSB and the OPS, compromising their ability to collaborate.

24.5 Oversight by the Ontario Ministry of the Solicitor General

In Section 11.15, I describe the mandate of the Ontario Ministry of the Solicitor General in relation to police services boards and its interactions with the OPSB during the protests. I note that Kenneth Weatherill, Ontario’s Inspector General of Policing, was concerned that Chief Sloly did not share an operational plan with the OPSB, and that the Board was not holding Chief Sloly accountable to the extent that it was entitled. However, Mr. Weatherill did not believe that it was the Ministry’s role to weigh in on these matters.

I do not agree. The Ministry has a statutory duty to monitor board performance and ensure adequate and effective policing in the municipality. Insofar as the Ministry had concerns that the Board was not exercising its oversight function, it fell to the Ministry to provide guidance to the Board. This could have empowered the Board to direct the chief to provide operational information, particularly given that the Board was hearing from Chief Sloly that it was “unlawful” for him to do so. I find that, based on what the Ministry knew at the time, it would have been preferable if it had acted.

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The Ministry's decision not to provide the OPSB with the training that it requested during the protests — directing them instead to send the questions they had about their role in writing to the Ministry — demonstrated another shortcoming in its response. While I commend the Ministry on its helpful answers to the questions sent by the OPSB, I cannot agree with Mr. Weatherill's decision to deny the Board's request for training. He identified two reasons for this decision. First, the OPSB could consult other resources. This response is unsatisfactory as the Ministry is the only body with a statutory duty to monitor police boards and ensure adequate and effective policing in municipalities. Second, he took the position that it would have been irresponsible to pull the Board away from its governance responsibilities to provide this training. I disagree. The OPSB was seeking to better understand its role. Any training the Ministry could have provided on governance during a major event, even informally, would have served to enhance the Board's ability to govern effectively.

24.6 Outside influences on the Ottawa Police Services Board

I describe in Section 19.1 how the OPSB decided to hire an external candidate to act as interim chief after Chief Sloly resigned from the OPS. This information was initially communicated to Ontario Deputy Solicitor General Di Tommaso by Mr. Weatherill. Deputy Solicitor General Di Tommaso, in turn, informed OPP Commissioner Carrique. In doing so, Deputy Solicitor General Di Tommaso indicated that the information came from an ongoing *in-camera* meeting of the OPSB.

While the role of the police services advisor includes reporting information on police services boards to the inspector general of policing and the deputy solicitor general, confidential information communicated *in camera* should not be circulated outside of this reporting structure without the Board's knowledge. The relationship between police services boards, police services leadership, and the provincial government requires that confidential information be treated as such. The OPSB should have been aware that the Ministry would be communicating this confidential information to OPP Commissioner Carrique.

The facts of this case raise the question of to what extent it is appropriate for confidential board information to be shared more widely, as was done when OPP Commissioner Carrique communicated the information to RCMP Commissioner Brenda Lucki. While the RCMP is a federal entity, at the time, it was part of the command structure that was in place in Ottawa. It is therefore possible that Commissioner Lucki had relevant information for the OPSB to consider in making its decision regarding the next Ottawa chief of police. In my view, this question cannot be conclusively answered on the evidence before me, but I raise it for others' consideration.

If Commissioners Lucki and Carrique had concerns about the impact of a change in OPS leadership on operational plans, these concerns should have been raised with the OPSB, either directly or through the relevant deputy minister. The Board would have benefited from this additional perspective in making this important decision.

Ottawa Mayor Jim Watson had his own concerns with the hiring of an external candidate. He raised these directly with OPSB Chair Deans. In Section 19.1, I describe how he may have implied that her continued leadership of the OPSB was contingent on having the Board reverse its course on this decision. This again undermined the Board's ability to exercise its governance and oversight functions and to act decisively. It was open to him to communicate his concerns to Chair Deans, but he should have been careful to not insinuate that failure to comply would have consequences for her continued leadership.

25. Pre-invocation activities by the Federal Government

25.1 The Federal Government's situational awareness

In the lead-up to the arrival of the Freedom Convoy, the message conveyed to the RCMP by the OPS was that they had the protest situation well in hand. The RCMP accepted that message at that time. The RCMP was not the police of jurisdiction in

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Ottawa, and so I accept that it was reasonable for it to accept the OPS's reassurances in this regard.

However, there were troubling signals about both the character and possible duration of the protests that were immediately apparent to the Federal Government. The RCMP described the Freedom Convoy as a nation-wide protest with the goal of disrupting traffic flow and the general business of government in the hope that this would cause the Federal Government to lift all COVID-19-related public health measures. Most indications were that the protests would be peaceful; however, the Freedom Convoy was also attracting attention and support from ideologically motivated networks. Open-source monitoring had identified posts associated with the Freedom Convoy that were advocating violence. A number of threats were being made against elected and other public officials, with Prime Minister Justin Trudeau and Minister of Transport Omar Alghabra being particular targets of strong resentment. Minister Alghabra was advised to stay at home and participate in meetings from there. Several other ministers had already been placed under increased protection in mid-January due to an escalation in online threats, including references to assassination, from individuals and groups opposed to public health measures.

The Prime Minister and his staff had recently observed and experienced an unprecedented level of violent rhetoric and threats to their safety during the 2021 federal election campaign. On the heels of this experience, they were somewhat skeptical of the OPS's assurances that the protest would follow the usual pattern of a demonstration.

CSIS advised that it was investigating ideologically motivated violent extremism (IMVE) activities, and that there had been online commentary calling for violence and the storming of Parliament Hill buildings. CSIS reported that it was unaware, at that time, of any tangible plots of serious violence.

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RCMP Commissioner Lucki advised that it was unknown how long the convoy protesters planned to stay in Ottawa, but that social media posts indicated that some participants might stay until January 31, 2022, in order to the disrupt the House of Commons when it returned.

As I discuss in Section 17.2, NSIA Jody Thomas raised concerns in these proceedings about gaps in the federal government's ability to collect information needed in order to properly monitor and collect open-source information from social media. They identified the absence of a legislative framework and the lack of necessary tools to engage in this type of collection as particular concerns.

I accept that there is a gap in the federal government's authority and ability to monitor the digital information environment, and that this gap hampered its ability to anticipate the convoy and understand and gauge the situation as events unfolded.

I also agree with the observation of the McDonald Commission, which was established to investigate the activities of the RCMP Security Service in the aftermath of the October Crisis, that accurate intelligence is needed not only to enable the government and police forces to take effective action, but also to avoid over-reacting to threats. Sound intelligence enables the government to cope with a crisis using methods appropriate to the real, rather than the imagined, dimensions of the threat. As Commissioner McDonald cautioned,

[a] small group of terrorists could realize a very great victory for their undemocratic cause by frightening a government into adopting measures which encroach on the civil liberties of citizens to a degree far in excess of what may be necessary to deal with the actual threat.²²

²² Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police, *Second Report: Freedom and Security Under the Law*, Vol. 1 (1981), p. 436.

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I also note that a number of Federal Government witnesses expressed concerns about the flow of information between law enforcement and government, in part due to concerns surrounding operational independence. I have already discussed this problem in my findings on the policing response, and simply note that the problem applies with equal force at the federal level.

A related concern is the seemingly limited amount of “raw” information that is passed up through the chain of command, as opposed to delivered in synthesized reports. I was surprised to hear, for instance, that the National Security and Intelligence Advisor (NSIA) does not receive reports provided to the RCMP by other intelligence agencies. I appreciate that high-ranking officials and Cabinet ministers generally have neither the time nor the inclination to pore through extensive materials, but particularly in an emergent situation, there is value in providing more information, and filtering it less.

252 Government messaging

On January 27, ahead of the Freedom Convoy’s arrival, the Prime Minister gave a televised address in which he said the following:

[t]he small fringe minority of people who are on their way to Ottawa, or who are holding unacceptable views that they’re expressing, do not represent the views of Canadians who have been there for each other who know that following the science and stepping up to protect each other is the best way to continue to ensure our freedoms, our rights, our values as a country.²³

These comments, as well as remarks the Prime Minister made at a press conference on January 31, were interpreted by many as referring to all Freedom Convoy

²³ Overview Report: Timeline of Key Events, COM.OR.00000004, p. 5; *Canadian Frontline Nurses and Kristen Nagel v. Attorney General of Canada*, Notice of Application, February 18, 2022, para 26, COM00000397, p. 73.

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participants. This served to energize the protesters, hardening their resolve and further embittering them toward government authorities.

I expect that the Prime Minister was intending to refer to the small number of people who were expressing racist, extremist, or otherwise reprehensible views, rather than to all Freedom Convoy participants. It may well be that his comments were taken out of context, including by some media. However, in my view more of an effort should have been made by government leaders at all levels during the protests to acknowledge that the majority of protesters were exercising their fundamental democratic rights. The Freedom Convoy garnered support from many frustrated Canadians who simply wished to protest what they perceived as government overreach. Messaging by politicians, public officials and, to some extent, the media should have been more balanced, and drawn a clearer distinction between those who were protesting peacefully and those who were not.

25.3 Early federal responses to the arrival of the Freedom Convoy

By Monday January 31, it became clear that, contrary to expectations, the Freedom Convoy was not leaving, and the OPS was overwhelmed. The federal government started to become more involved at all levels: political, public service, and law enforcement. Internally, the government activated both existing committee structures and *ad hoc* working groups, to track what was happening and assist in developing strategies. Externally, ministers and senior public servants began reaching out to municipal and provincial counterparts, as well as the OPS and the OPP, in an effort to coordinate and help resolve the situation.

By the end of the first week of the protests, there was a sense within the Federal Government that the OPS had lost control of the situation in Ottawa. On February 3, the Cabinet Committee on Safety, Security, and Emergencies (SSE) met to discuss whether there was anything the federal government could do to assist in resolving the situation. At that meeting, Deputy Minister of Public Safety Rob Stewart reported that

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the OPS had expressed the view that they would not be able to bring the protests to a conclusion without the assistance of the federal government. At this meeting, CSIS advised that, at this point, there was no indication that violent extremism was planned, but that they were watching persons of interest.

As I discuss in Section 11.8, there was early confusion and disagreement about the number of policing resources being provided to the OPS. Beyond the question of numbers of officers that had already been deployed to Ottawa, there was also confusion around the proper process for requesting assistance from the RCMP. Both the OPP and the RCMP were understandably hesitant to commit the considerable resources requested by the OPS without knowing that an adequate plan existed for how they would be utilized. An added complication for the RCMP was that providing a large number of officers to the OPS meant drawing on the resources of RCMP divisions across the country. This became increasingly problematic as protest activities around the country increased in frequency and seriousness. It was unfortunate that these types of process questions may have hindered prompt aid. It would have been preferable if these issues could have been discussed and addressed in a multilateral forum such as the tripartite table that the Federal Government attempted to establish to address the situation in Ottawa.

I find the Province of Ontario's reluctance to become fully engaged in such efforts directed at resolving the situation in Ottawa troubling. As I discuss in Section 11.7, it appears that Ontario's refusal to participate in the political tripartite table with Ottawa and the Federal Government was based on two beliefs. First, as Ontario Deputy Solicitor General Di Tommaso expressed it, Ontario's view was that responsibility for resolving the situation in Ottawa fell largely to the Federal Government because the Freedom Convoy was "protesting a federal vaccine mandate on Parliament's doorstep."²⁴ Second, it was Ontario's position that the situation in Ottawa was a policing matter best left to the OPP.

²⁴ Interview Summary: M. Di Tommaso, WTS.00000041, p. 3.; Evidence of M. Di Tommaso, Transcript, November 10, 2022, p. 170.

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The Prime Minister's view was somewhat different. He concluded that the Ontario Government was content to sit back and let the Federal Government "wear" the problem. Ottawa Mayor Watson expressed a similar sentiment.

In Canada's constitutional order, municipalities fall within provincial jurisdiction. I recognize that Ottawa is a uniquely complex city from a jurisdictional perspective, given the multiple levels of government that operate there, among other reasons. In fact, many of the key federal institutions affected by the protest, including the Prime Minister's Office and Privy Council Office, the Supreme Court of Canada, and Parliament, are located there. But this does not change the fact that Ottawa is a municipality created by the Province of Ontario and subject to its jurisdiction. The Province is ultimately responsible for effective policing in Ottawa. Given that the City and its police service were clearly overwhelmed, it was incumbent on the Province to become visibly, publicly, and wholeheartedly engaged from the outset.

In one of the Commission's policy roundtables, Professor Leah West of Carleton University described the events leading to the invocation of the *Emergencies Act* as a failure in federalism. Unfortunately, I find that this description is apt. I recognize that Ontario was eventually spurred to action by the Ambassador Bridge blockade. It was not until Prime Minister Trudeau spoke to Premier Doug Ford on February 9, after the Ambassador Bridge blockade, that collaboration became the name of the game. It is unfortunate that such collaboration did not take place days earlier.

Had there been greater collaboration at the political level from the start, it could well have assisted in ironing out the communication, jurisdictional, and resourcing issues that plagued the early response to the protests. It could also have assisted in identifying authorities available to each level of government that might have been used to respond to the protests and coordinate direct engagement with protesters. It could also have provided the people of Ottawa with a clear message that they had not been abandoned by their provincial government during a time of crisis.

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Unfortunately, Ontario's premier and solicitor general exercised Parliamentary privilege to resist the summonses that I issued to them. The Commission would have greatly benefited from the perspective that their testimony could have provided.

By February 5, the protest activity in Coutts had become sufficiently problematic that the government of Alberta requested the federal government's assistance in the form of heavy equipment and personnel. By this time, the Alberta division of the RCMP had also requested that additional RCMP officers be sent to Alberta to assist, on the basis that the acting minister of Justice and Solicitor General was of the opinion that an emergency existed in the province. While the RCMP was able to provide Alberta with the requested policing resources by drawing on officers from its British Columbia division, the federal government did not provide the requested towing equipment. The only heavy towing equipment to which the federal government had access were Canadian Armed Forces heavy-duty wreckers that were neither readily available nor suitable for the intended use.

Meanwhile, protests had also spread to Toronto, Ontario and Québec City, Quebec. On February 7, the Ambassador Bridge blockade began, instantly wreaking havoc at the single most important commercial land crossing in Canada. On February 8, the situation in Coutts had deteriorated to the point that protesters had re-established a full blockade of the highway, effectively shutting down Alberta's largest port of entry.

The Federal Government perceived that the situation was worsening nation-wide. The minutes of the February 6 and February 8 meetings of the SSE reflect the Federal Government's concerns: The CBSA reported that there had been at least a dozen situations involving Canada's borders in the past 10 days; CSIS reported an increase in online activity focused on anti-enforcement rhetoric and invitations to participate in blockades at border crossings, though no actual violence had been identified to date; Public Safety Canada reported that the OPS staff were tired and needed reinforcements, and that the protest appeared organized, including that the blockade at the Ambassador Bridge was designed to divide the OPP's attention; and the RCMP

reported that the OPP was in the process of developing an integrated plan to manage the Ottawa demonstration, but that demonstrations persisted in Windsor, Coutts, and Winnipeg, Manitoba.

There was public perception and expectation that, since the protests were triggered by a federal vaccine mandate and were taking place “at Parliament’s doorstep” in Ottawa as well as along the Canada – U.S. border, the Federal Government should own the situation and solve the problem. Jurisdictionally, however, there were severe limits on what it could do. As noted, attempts by the Federal Government to coordinate a response with the provinces had, to that point, failed to bear fruit. On February 9, the Clerk of the Privy Council instructed the federal deputy ministers to create a comprehensive list and preliminary assessment of all available federal powers, authorities, and resources that might be available to assist in resolving the protest situation across the country. It was at this time that use of the *Emergencies Act* began to be seriously considered.

26. The path to invoking the *Emergencies Act*

As I discuss in Section 17.6, on February 10, the Prime Minister convened an Incident Response Group (IRG) meeting to discuss potential Federal intervention. The IRG is a purpose-built special committee of Cabinet, chaired by the Prime Minister and convened to respond to crisis situations. It is less formal and more flexible than other Cabinet committees and involves a far greater degree of direct input from senior public servants.

By this point, the Federal Government was already familiar with the *Emergencies Act*. In March 2020, in response to the COVID-19 pandemic, the Federal Government considered using the Act as part of the federal response. Government officials studied the parameters of the statute (in what the Prime Minister described as “a crash course

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in the *Emergencies Act*²⁵) and engaged in extensive consultations with the provinces. In the end, the Prime Minister concluded that it was not appropriate to invoke the Act in response to the pandemic. But this process meant that, by February 2022, key decision makers already had at least some familiarity with this statute.

The February 10 IRG meeting was preceded by a ministerial briefing. RCMP Commissioner Lucki gave an operational update, at which she expressed concerns about the OPS's ability to resolve the situation in Ottawa. When the Cell arrived in Ottawa to review the Ottawa police plan, they discovered that there was no plan to review. There was reason to hope that progress would be made, because as of that morning the appropriate people from the OPS were engaged with the Integrated Planning Cell. But it was unlikely that there would be any significant actions taken for a few days. As for the national situation, open-source reporting suggested that there was a plan to block a Canadian National Railway (CN Rail) route. There were at least 24 planned demonstrations in British Columbia for the coming weekend, with others planned for later in February and the beginning of March. There were another five planned in Nova Scotia, and five in Manitoba. She noted that these were just the ones they knew about; she expected there would be more. She further noted that managing these protests was a huge draw on RCMP resources nation-wide. Further deployment would have a significant impact on operations, including on a number of national security investigations. CSIS Director Vigneault advised that as the occupation continued and frustrations and tensions increased, so did the risk that an individual or small group would mobilize to violence.

At the February 10 IRG meeting, NSIA Thomas and RCMP Commissioner Lucki provided a situational update. The report on Ottawa was that the situation remained largely unchanged. The Integrated Planning Cell was developing a plan of action. There were challenges throughout the country. The size of the Coutts protest was smaller than in previous days, but those who remained were entrenched. The protesters at

²⁵ Evidence of Prime Minister Justin Trudeau, Transcript, November 25, 2022, pp. 42 and 43.

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the Ambassador Bridge were becoming more aggressive, and enforcement action was set to begin the next day. New Brunswick and Nova Scotia were already using their emergency statutes to address protests, and Ontario was expected to follow suit the following day. There were also rumours of blockades at the Alberta – Northwest Territories border. Minister Blair noted that in areas like Coutts and Windsor, police capacity was exceeded almost immediately after the protests began.

On the basis of the information available at that time, I find that there was cause for serious concern that protests associated with the Freedom Convoy were spreading and would continue to do so, and that law enforcement, while responding to these challenges for the moment, were stretched to the limit.

The IRG soon began the “two track” consideration that I describe in Section 17.6, examining existing federal authorities under Track 1, and considering what additional authorities might be needed, either through new legislation or the use of the *Emergencies Act* under Track 2. The results of this process were presented to the IRG on February 12.

The use of the Canadian Armed Forces, while technically an available option, was never seriously considered by the IRG, nor should it have been. Soldiers are trained for combat, not for crowd control. Even the appearance of military involvement risked exacerbating the protests rather than resolving them.

The IRG also considered an Engagement Proposal, prepared by Deputy Minister Stewart and OPP Inspector Marcel Beaudin, for a representative of the Federal Government to meet with protest leaders if they agreed to leave the protest and publicly denounce unlawful activity. The IRG ultimately decided not to pursue this approach.

I am not troubled by the Government’s decision not to pursue this approach. The Ottawa protest had been going on for more than two weeks and was fueling a growing national movement. The Government understandably wanted it to end quickly. I

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accept that meeting with an undefined group of organizers with no clear leadership, when in any event there was little likelihood of predicting, let alone controlling, the protesters' actions, was unlikely to resolve matters. Comparable attempts to negotiate in Windsor had been unsuccessful for similar reasons. I find that the Engagement Proposal was a good faith effort by public officials to try to solve the problem, but that it was reasonable in the circumstances for the Federal Government not to pursue it.

There was one criticism of this Engagement Proposal, however, that I do not accept. As it was being prepared, RCMP Commissioner Lucki raised the concern that it might cross the line into interference with police operational independence. I do not view this as a concern here. The proposal did not purport to direct police in respect of operational matters, but rather contemplated a non-policing solution developed with input and guidance from police. There was nothing to suggest that the Engagement Proposal was an attempt to direct law enforcement in any way.

The IRG met at 4 p.m. on Sunday February 13 to discuss whether the time had come to invoke the *Emergencies Act*. By the end of that meeting, there was consensus around the table that invoking the *Emergencies Act* was necessary. The prevailing view was that the protest in Ottawa had become an entrenched illegal occupation, and that the situation across the country was dangerous, complex, and volatile. The IRG concluded that a meeting of the full Cabinet should be held to discuss the invocation of the *Emergencies Act*.

Cabinet met at 8:30 p.m. that evening. After receiving a situational update and a briefing on the *Emergencies Act*, Cabinet proceeded to deliberate on whether the thresholds had been met and the Act should be invoked. The consensus was that it should be and that a First Ministers' Meeting should be called to consult with the provinces. The final decision on invoking the Act was left *ad referendum* to the Prime Minister, following the First Ministers' Meeting, meaning that no further Cabinet meeting would be necessary.

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Two issues arose at the hearing about information provided to the IRG and Cabinet that require additional comment.

First, the Prime Minister expressed the view that there was no police plan in place for clearing the Ottawa protest by February 13, and that he was not confident they had the situation under control. At the February 12 IRG meeting, Commissioner Lucki indicated that she would provide additional details of the police plan at the next meeting, however she did not speak at the February 13 IRG meeting, and therefore did not provide an update on the plan. I heard the suggestion that, had Commissioner Lucki told the IRG about the plan, a different decision might have been made.

I accept that it would have been preferable for Commissioner Lucki to provide a further update on February 13, but I am not prepared to find that it would have made a difference. First, while the evidence was somewhat contradictory as to what Commissioner Lucki understood regarding the approval of the plan on February 13, regardless of the status of the plan, she had significant doubts about police leadership in Ottawa and what that meant for timing and implementation of the plan. Second, a further update on the plan from Commissioner Lucki was unlikely to have inspired confidence around the IRG table. Federal officials had repeatedly been told a plan was in place without any apparent results. Several ministers and officials also had concerns about police leadership in Ottawa, many of which I have found to be valid. The February 13 plan was a significant development, but its successful execution depended on integration and co-operation between law enforcement actors, issues that had not been fully resolved by the time of the IRG meeting. However, even more significant was the fact that, by this point, the IRG's concerns were national in scope. The fact that a plan existed for Ottawa, though relevant, was unlikely to have changed the course of the IRG's deliberations. As Clerk Charette testified, "there was no single plan at any single site that would have necessarily changed my advice to

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the Prime Minister about the totality of the circumstances that led to the invocation of the *Emergenc[ies] Act*.²⁶

The second issue relates to Commissioner Lucki's view that not all of the tools available through existing legislation had been exhausted in responding to the protests.

As I discuss in Section 17.7, Commissioner Lucki made this comment to Public Safety Minister Marco Mendicino's chief of staff in replying to an email request to provide the RCMP's "wish list" of powers that could be granted if the *Emergencies Act* was invoked. This view was not included in speaking notes that Commissioner Lucki sent NSIA Thomas, who spoke on her behalf during the Cabinet meeting, and, therefore, this view was not conveyed to Cabinet.

I do not view this as particularly significant. The Clerk confirmed that in the conversation around the invocation of the *Emergencies Act*, Cabinet was briefed that there were tools and authorities in many organizations that had not been fully deployed, including in the RCMP. It is clear that legal tools and authorities existed; the problem was that these powers, such as the power to arrest, were not being used because doing so was not thought to be an effective way to bring the unlawful protests to a safe and timely end.

Following the February 13 Cabinet meeting, the Privy Council Office was tasked with convening a First Ministers' Meeting for the next morning. No agenda or briefing material was provided in advance. Out of concern that knowledge of the purpose of the meeting would trigger a reaction from protesters if it became known, the premiers were not advised of the topic of the call, though it appears that none of the premiers were surprised about it or seemed ill-prepared to discuss the possible invocation of the Act.

²⁶ Evidence of Janice Charette, Transcript, November 18, 2022, p 270.

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The result of the meeting was that the Prime Minister did not believe that the premiers had a solution to the crisis that did not require the invocation of the *Emergencies Act*. After receiving a memorandum from the Clerk of the Privy Council recommending invocation of the Act, he decided to do so.

The Clerk's memorandum referred to a threat assessment that was to be provided to the Prime Minister under separate cover. That assessment would have been a collation of the inputs and assessments that had been delivered up to that point. It was never prepared. In my view, this integrated assessment document should have been provided. A threat assessment is a critical component of a decision-making process. It would have constituted an important part of the record and, although I accept that it would likely not have contained any significant information that had not been communicated earlier, there is benefit in presenting information in consolidated form. I do not, however, find that its absence in any way affected the validity of the decision.

27. How to assess the invocation of the *Emergencies Act*

27.1 The role of the Commission in reviewing the decision to invoke the *Emergencies Act*

One of the most difficult questions that I have faced, and one for which there is no precedent, is what role the Commission should assume in assessing Cabinet's decision to declare a public order emergency. Some parties have argued that I should not opine on the appropriateness or legality of the decision, as that is the role of the Federal Court in a judicial review proceeding. Others have argued that pronouncing on the decision is the *raison d'être* of the Inquiry.

I consider this question in light of the terms of my mandate. Section 63 of the Act and my Order in Council both direct me to enquire "into the circumstances that led to the declaration being issued and the measures taken for dealing with the emergency."

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There is no clear direction to decide whether the decision to declare an emergency was justified in law. Arguably, this is implied by this language, but the emphasis is on an enquiry into the circumstances leading to the decision, rather than the decision itself.

That being said, I must also consider my mandate in light of the Act's emphasis on public accountability. The various oversight mechanisms contained in the *Emergencies Act* speak to a legislative intention to subject the declaration of an emergency to careful scrutiny both during and after the life of an emergency.

The role and focus of a commission established under section 63 will, to some extent, depend on the context. In some instances, it may be beyond doubt that the conditions for invoking the *Emergencies Act* were met, but there may be other questions regarding the circumstances that led to the declaration and the measures taken under it that require careful review. In the present situation, however, I am faced with a statute that has never been used or judicially interpreted, and questions have been raised by the parties as to whether its conditions have been satisfied. My assessment of the circumstances must therefore inevitably involve a consideration of the Act's requirements.

I acknowledge that the Commission's role is distinct from that of a court. The Commission does not have the legal authority to adjudicate the "lawfulness" of the declaration as such. I do not intend or consider my findings on this topic to be in any sense binding on the courts. The effect or significance of the Commission's findings and conclusions in the judicial review proceedings will be a matter for the Federal Court to determine.

Thus, I interpret the Act and the Terms of Reference of my mandate as directing that I should enquire into the circumstances that led to the declaration being issued, examine and assess the basis for the invocation of the Act, and make findings and draw conclusions about the appropriateness of the declaration and the exercise of

powers granted under it, including whether the Act's requirements were met. The ultimate legality of the decision remains within the purview of the courts.

272 Norms, values, and interpretive principles

Before considering the relevant legislative provisions, I will outline the norms, values, and principles that, in my view, underlie emergency legislation and ought to be considered when interpreting the legislation and considering whether its requirements have been met. In doing so, I draw on the work of Professor Nomi Claire Lazar, University of Ottawa, on the theory and ethics of emergency powers in liberal democracies.²⁷

The difficulty of addressing emergencies can be understood as a challenge in reconciling the tension between the conflicting values that come to the forefront in an emergency situation. Three pairs of values in particular must be balanced in considering whether invocation of emergency legislation is justified: order and freedom, speed and deliberation, and rules and exceptions.

Tensions between order and freedom sit at the heart of our system of governance. Freedom cannot exist without order, because the machinery of order — such as procedures, laws, police, and courts — create the conditions for the protection of freedom, the enjoyment of freedom, and the mediation of conflicting freedoms. While order constrains freedom — laws, for example, limit the range of permissible actions — without order's constraints, freedom cannot exist.

The ever-present tension between order and freedom generally goes unnoticed in our society because we are accustomed to the many day-to-day limits on our rights in the service of order. Traffic rules, driver's licences, building codes, municipal by-laws, and

²⁷ Nomi Claire Lazar, *States of Emergency in Liberal Democracies* (Cambridge University Press, 2013), c. 4 – 6.

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of course the criminal law are all examples of constraints on our freedoms, but they are habitual, accepted, and therefore inconspicuous.

It is commonly assumed or asserted that tensions and trade-offs between order and freedom are a distinctive problem of emergencies and emergency powers. In fact, they are not. The fundamental and inevitable tension between order and freedom is a constant; it is simply more visible, and more stark in a time of emergency. In times of emergency, however, freedoms that are usually unconstrained may suddenly be curtailed. This puts a spotlight on the clash of values.

The tension between order and freedom is reflected in the thresholds for invoking the *Emergencies Act*. When the use of emergency powers becomes necessary, this is generally because the order necessary to freedom is under a special threat. The threshold for invocation is the point at which order breaks down and freedom cannot be secured or is seriously threatened.

The tension between speed and deliberation is one that is inherent in our system of government but becomes acute in a situation of emergency. In normal times, we expect government action to be timely and effective, but also cautious, deliberative, and well thought out. Acting in haste is generally considered the greater risk; thus, the legislative process is designed to slow down government action to ensure that it is properly and thoroughly deliberated. The urgent character of emergencies, however, demands quick decisions, which cannot be achieved through the normal legislative process. Emergencies by their very nature often require rapid if not instant response, as hasty action may be necessary to protect life and limb. As I explain earlier in this section, the *Emergencies Act* accommodates this to a degree by reversing the sequence of decision and deliberation. While deliberation normally precedes decision, under the *Emergencies Act*, the decision is made by Cabinet where deliberations are usually much less extensive than in the legislative process. In this sense the decision comes first, and the deliberation follows. This deliberation may lead the Legislature

to reverse the executive's decision; thus, despite the need for speed, the check on executive power is ultimately preserved.

Finally, the tension between rules and exceptions is also reflected in the Act. The definitional thresholds under the *Emergencies Act* attempt to delineate the conditions under which exceptions to the normal course of law are justifiable. But the law can only go so far in anticipating what may occur. The determination that those thresholds have been met and that the Act must be invoked is not a cut-and-dried activity; it inevitably requires the exercise of judgment, often in the heat of a crisis. The accountability mechanisms inherent in the Act ensure that the decision makers operate in full knowledge that their decision will not escape scrutiny and judgment. That scrutiny must be careful, and that judgment must be exercised in a manner that is firm, but fair.

27.3 Interpreting the *Emergencies Act*

The *Emergencies Act* is, without doubt, extraordinary legislation. It temporarily allows the executive to legislate without going through the usual Parliamentary process. It contemplates the taking of measures that may not be appropriate in normal times. It allows for the temporary suspension of the division of powers under the Constitution.

The *Emergencies Act* is also necessary. It is a fundamental responsibility of government to ensure the safety and security of people and property in emergency situations. Most, if not all, modern democratic governments have enacted emergency power legislation in order to ensure that this responsibility can be fulfilled.

I discuss Canada's history of emergency measures legislation in Section 3.2. By the time the *Emergencies Act* was enacted, the *War Measures Act* was considered, to use the words of then Minister of National Defence Perrin Beatty, "an archaic and dangerous piece of legislation completely out of tune with democratic Canadian life."²⁸

²⁸ *House of Commons Debates (Hansard)*, 33rd Parl., 2nd Sess., Vol. 9 (November 16, 1987), p. 10808 (The Hon. Perrin Beatty).

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In part because of the *War Measures Act's* troubled legacy, the Government that brought in the *Emergencies Act* was acutely aware of the need to craft a statute that ensured respect for civil liberties and the rule of law, while at the same time being powerful and flexible enough to deal with urgent, unanticipated circumstances.

The *Emergencies Act*, while in some respects imperfect or outdated, is a statute firmly anchored in the principles of the rule of law, constitutionalism, and public accountability. It is predicated on a complex matrix of conditions, requirements, checks, balances, and accountability mechanisms designed to prevent its abuse. The combination of limits and safeguards in the *Emergencies Act* distinguishes it from emergency statutes at the provincial and territorial level in Canada, which generally have lower thresholds for declaring an emergency and fewer, if any, mechanisms for accountability.²⁹ It also distinguishes the *Emergencies Act* from emergency statutes in comparable countries around the world, which generally lack this robust, multi-layered approach to constraints and oversight.³⁰

The Act does not envision unrestricted legislation by decree. Rather, it reverses the normal order of decision and deliberation, so that rather than having legislative action follow deliberation by Parliament, action comes first, and Parliamentary deliberation follows shortly thereafter. As Professor Lazar has written, the *Emergencies Act*

does not eliminate deliberation, debate, and oversight [...]. The *Emergencies Act* functionally shifts these processes of deliberation forward in time. While deliberation over the public good and what laws, policies and actions might best serve it takes place *in advance* in normal times, the Act allows that sometimes decisions [...] must be made *now*,

²⁹ Jocelyn Stacey, *Governing Emergencies in an Interjurisdictional Context*. This paper is reproduced in Vol. 5 of this Report.

³⁰ See, for example, Kim Lane Scheppele, "North American emergencies: The use of emergency powers in Canada and the United States" (2006) 4:2 *International Journal of Constitutional Law* 213.

while remaining subject to deliberation and judgment along the way and after the fact.³¹

Put simply, the operational principle underlying the *Emergencies Act* is a recognition that in a situation of emergency, it may be necessary for the executive to “act now and ask later.” Invocation of the *Emergencies Act* is a drastic move, but it is not a dictatorial one.

When the Act was introduced, the government of the day tabled a white paper that reviewed the policy, constitutional, and legal basis for the legislation, and was intended to aid in the discussion of the complex and fundamental issues associated with the formulation of emergencies legislation.³² According to the white paper, the category of public order emergency was designed to deal with “situations resulting from lawlessness, terrorism or insurrection,”³³ also described as “several varied kinds of contingencies, ranging from civil unrest to apprehended insurrection.”³⁴ The common thread tying these circumstances together is that they

arise from the deliberate actions of individuals or groups that place in jeopardy the life, liberty, safety, security, or property of the citizen, the rule of law, or constitutional government. And when such disturbances are so serious in nature or so widespread in scope as to threaten the security of Canada as a nation, the federal government has a constitutional as well as a social responsibility to intervene to restore conditions of safety and security.³⁵

³¹ Nomi Claire Lazar, *On Necessity under the Emergencies Act*, p. 9-6. This paper is reproduced in Vol. 5 of this Report.

³² Canada, Emergency Preparedness Canada, *Bill C-77: An Act to Provide for Safety and Security in Emergencies — Working Paper*.

³³ Canada, Emergency Preparedness Canada, *Bill C-77: An Act to Provide for Safety and Security in Emergencies — Working Paper*, p. 56.

³⁴ Canada, Emergency Preparedness Canada, *Bill C-77: An Act to Provide for Safety and Security in Emergencies — Working Paper*, p. 22.

³⁵ Canada, Emergency Preparedness Canada, *Bill C-77: An Act to Provide for Safety and Security in Emergencies — Working Paper*, p. 22.

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I return here to the tension between rules and exceptions as this manifests itself in the *Emergencies Act*. The white paper asserts that the *Emergencies Act* is intended to provide the government with “an appropriately safeguarded statute to deal with a full range of possible emergencies.”³⁶ Parliament may only go so far in anticipating what may occur. The determination of whether it necessary and appropriate to invoke the Act will ultimately and always require the exercise of judgment. What Canadians can and should expect is that this judgment be exercised in good faith, in the best interests of the country, in compliance with each of the prerequisites required by the legislation, and in keeping with the rule of law.

27.4 The statutory thresholds for declaring a public order emergency

In interpreting the Act, I face a similar challenge to that faced by Cabinet: interpreting a complex, multi-layered legislative scheme enacted more than 35 years ago in a very different social and political context, and for which there is no precedent. Ascertaining what constitutes a public order emergency is a complex exercise, requiring one to weave together several multi-part definitions across two statutes. I begin with the definition of a “national emergency,” which is a threshold that must be met before any of the types of emergency under the Act may be declared:

<p>3 For the purposes of this Act, a national emergency is an urgent and critical situation of a temporary nature that</p> <p>(a) seriously endangers the lives, health or safety of Canadians and is of such proportions or nature as</p>	<p>3 Pour l'application de la présente loi, une situation de crise nationale résulte d'un concours de circonstances critiques à caractère d'urgence et de nature temporaire, auquel il n'est pas possible de faire face adéquatement sous le régime des lois du Canada et qui, selon le cas :</p>
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³⁶ Canada, Emergency Preparedness Canada, *Bill C-77: An Act to Provide for Safety and Security in Emergencies — Working Paper*, p. 50.

<p>to exceed the capacity or authority of a province to deal with it, or</p> <p>(b) seriously threatens the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada</p> <p>and that cannot be effectively dealt with under any other law of Canada.</p>	<p>a) met gravement en danger la vie, la santé ou la sécurité des Canadiens et échappe à la capacité ou aux pouvoirs d'intervention des provinces;</p> <p>b) menace gravement la capacité du gouvernement du Canada de garantir la souveraineté, la sécurité et l'intégrité territoriale du pays.</p>
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The Government of Canada has confirmed that, in invoking the *Emergencies Act*, the Governor in Council relied on paragraph (a) of this definition.

The definition of a public order emergency builds upon the notion of a national emergency, and ties it to the concept of “threat to the security of Canada”:

<p>16 In this Part,</p> <p>...</p> <p>public order emergency means an emergency that arises from threats to the security of Canada and that is so serious as to be a national emergency;</p> <p>threats to the security of Canada has the meaning assigned by section 2 of the <i>Canadian Security Intelligence Service Act</i>.</p>	<p>16 Les définitions qui suivent s'appliquent à la présente partie.</p> <p>...</p> <p>état d'urgence Situation de crise causée par des menaces envers la sécurité du Canada d'une gravité telle qu'elle constitue une situation de crise nationale.</p> <p>menaces envers la sécurité du Canada S'entend au sens de l'article 2 de la <i>Loi sur le service canadien du renseignement de sécurité</i>.</p>
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The definition of “threat to the security of Canada,” in turn, is found in the *Canadian Security Intelligence Service Act*:

<p>2 In this Act,</p> <p>...</p>	<p>2 Les définitions qui suivent s’appliquent à la présente loi.</p> <p>...</p>
<p>threats to the security of Canada means</p>	<p>menaces envers la sécurité du Canada Constituent des menaces envers la sécurité du Canada les activités suivantes :</p>
<p>(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage,</p>	<p>a) l’espionnage ou le sabotage visant le Canada ou préjudiciables à ses intérêts, ainsi que les activités tendant à favoriser ce genre d’espionnage ou de sabotage;</p>
<p>(b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person,</p>	<p>b) les activités influencées par l’étranger qui touchent le Canada ou s’y déroulent et sont préjudiciables à ses intérêts, et qui sont d’une nature clandestine ou trompeuse ou comportent des menaces envers quiconque;</p>
<p>(c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state, and</p>	<p>c) les activités qui touchent le Canada ou s’y déroulent et visent à favoriser l’usage de la violence grave ou de menaces de violence contre des personnes ou des biens dans le but d’atteindre un objectif politique, religieux ou idéologique au Canada ou dans un État étranger;</p>

<p>(d) activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada,</p> <p>but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d).</p>	<p>d) les activités qui, par des actions cachées et illicites, visent à saper le régime de gouvernement constitutionnellement établi au Canada ou dont le but immédiat ou ultime est sa destruction ou son renversement, par la violence.</p> <p>La présente définition ne vise toutefois pas les activités licites de défense d'une cause, de protestation ou de manifestation d'un désaccord qui n'ont aucun lien avec les activités mentionnées aux alinéas a) à d).</p>
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The Government of Canada has confirmed that, in invoking the *Emergencies Act*, the Governor in Council relied on paragraph (c) of this definition.

The previously mentioned provisions, taken together, comprise the definition of a public order emergency. The legal authority to declare a public order emergency is found in section 17 of the *Emergencies Act*:

<p>17 (1) When the Governor in Council believes, on reasonable grounds, that a public order emergency exists and necessitates the taking of special temporary measures for dealing with the emergency, the Governor in Council, after such consultation as is required by section 25, may, by proclamation, so declare.</p>	<p>17 (1) Le gouverneur en conseil peut par proclamation, s'il croit, pour des motifs raisonnables, qu'il se produit un état d'urgence justifiant en l'occurrence des mesures extraordinaires à titre temporaire et après avoir procédé aux consultations prévues par l'article 25, faire une déclaration à cet effet.</p>
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Section 25 refers to the obligation of the Federal Government to consult with the provinces prior to a declaration of a public order emergency:

<p>25 (1) Subject to subsections (2) and (3), before the Governor in Council issues, continues or amends a declaration of a public order emergency, the lieutenant governor in council of each province in which the effects of the emergency occur shall be consulted with respect to the proposed action.</p>	<p>25 (1) Sous réserve des paragraphes (2) et (3), le gouverneur en conseil, avant de faire, de proroger ou de modifier une déclaration d'état d'urgence, consulte le lieutenant-gouverneur en conseil de chaque province touchée par l'état d'urgence.</p>
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Section 19 sets out the powers available in the event of a public order emergency, which I discuss in the next section.

In summary, to declare a public order emergency, Cabinet had to believe, on reasonable grounds, that:

- a. there was an urgent and critical situation of a temporary nature that seriously endangered the lives, health, or safety of Canadians;
- b. the emergency arose from activities directed toward the threat or use of serious violence against persons or property for the purpose of achieving a political, religious, or ideological objective;
- c. the emergency was of such proportions or nature that it exceeded the capacity or authority of a province to deal with;
- d. the emergency could not be effectively dealt with by any other federal law; and
- e. the emergency required the taking of special temporary measures.

The Government also had to establish that the requirement of provincial consultation mandated by section 25 had been met.

27.5 The “reasonable grounds to believe” standard

The “reasonable grounds to believe” standard is a familiar one in law. It

requires something more than mere suspicion, but less than the standard applicable in civil matters of proof on the balance of probabilities. In essence, reasonable grounds will exist where there is an objective basis for the belief which is based on compelling and credible information.³⁷

The “reasonable grounds to believe” standard is sometimes expressed as “reasonable and probable grounds to believe.” As the Supreme Court of Canada has explained, these terms are synonymous: “[r]easonableness’ comprehends a requirement of probability.”³⁸ This means that a person who exercises a power based on reasonable grounds to believe must believe in the probability that certain facts or a certain situation exists. However, the existence of the facts or situation need not ultimately be proven on a balance of probabilities.

The “reasonable grounds to believe” standard has both a subjective and an objective component. The decision maker must subjectively (i.e., personally) believe that the conditions are met, and that belief must be justifiable from an objective point of view. The objective element means that a reasonable person “standing in the shoes” of the decision maker must be able to come to the same conclusion that the decision maker did. It is possible for the decision maker to be reasonably mistaken about the existence of a fact or situation, but still meet the standard. An error is reasonable if

³⁷ *Mugesera v. Canada (Minister of Citizenship and Immigration)*, [2005] 2 S.C.R. 100, para 114 [internal references omitted]; see also *R v. Beaver*, 2022 SCC 54, paras 71 and 72.

³⁸ *Baron v. Canada*, [1993] 1 S.C.R. 416, p. 447.

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a reasonable person placed in the same situation, observing the same facts, would have committed the same error.³⁹

Importantly, the objective component must be based on an assessment of the totality of the circumstances known to the decision maker at the time of the decision, not what may become known after. This cuts both ways. On the one hand, it means that the decision maker may not rely on information obtained after the fact to bolster the reasonableness of the decision. On the other hand, it means that information unknown to the decision maker at the time cannot be used to undermine the reasonableness of the decision unless it was unreasonable for the decision maker not to have secured such information before acting.

The context in which the *Emergencies Act* operates is important. Cabinet will invariably be acting on incomplete information and in circumstances of urgency. These practical realities must be considered when assessing whether Cabinet had reasonable grounds to believe a public order emergency existed.

A similar recognition exists in the criminal law, where police officers are required to exercise certain powers on a “reasonable grounds to believe” standard in dynamic and volatile circumstances. In *R. v. Beaver*, the Supreme Court discussed this dynamic in the context of the police power to make an arrest:

In evaluating the objective grounds to arrest, courts must recognize that, “[o]ften, the officer’s decision to arrest must be made quickly in volatile and rapidly changing situations. Judicial reflection is not a luxury the officer can afford. The officer must make his or her decision based on available information which is often less than exact or complete”. Courts must also remember that “[d]etermining whether sufficient grounds exist to justify an exercise of police powers is not a ‘scientific or metaphysical

³⁹ See Anne-Marie Boisvert, *The Reasonable Grounds to Believe Standard in Canadian Criminal Law*. This paper is reproduced in Vol. 5 of this Report.

exercise’, but one that calls for the application of ‘[c]ommon sense, flexibility, and practical everyday experience’”.⁴⁰

Provided that the necessary factual basis exists, the “reasonable grounds to believe” standard builds in the concept of a margin of appreciation. Reasonable minds may differ on the same question, and a decision is not wrong or unreasonable because an outcome thought likely to happen does not materialize. The margin of appreciation inherent in the standard is important, particularly when the decision is one made by the highest levels of the executive, in a situation of urgency, and requires the application of judgment.

I emphasize, however, that the decision must nevertheless be carefully scrutinized. The “reasonable grounds to believe” standard was inserted specifically to ensure that decisions made under the Act would be reviewable.⁴¹ While the standard may be a flexible one, the margin of appreciation it affords Cabinet is not limitless. Moreover, given the impact that the use of the *Emergencies Act* can have on both *Charter* rights and the constitutional division of powers with the provinces, the review of the decisions made by Cabinet must be meaningful. All of the prerequisites to the declaration must be in place. The Act is not a tool of convenience; it is one of last resort.

27.6 Economic considerations

One interpretive question that arose during the Inquiry was whether economic concerns could be relevant to the existence of a national emergency under the *Emergencies Act*. The *Emergencies Act* does not, and was not intended to, capture purely economic crises.⁴²

⁴⁰ *R. v. Beaver*, 2022 SCC 54, para 72(5) [internal citations omitted].

⁴¹ *House of Commons Debates*, 33rd Parl., 2nd Sess., Vol. 12 (April 25, 1988), pp. 14765 and 14766 (Bud Bradley).

⁴² Canada, Emergency Preparedness Canada, *Bill C-77: An Act to Provide for Safety and Security in Emergencies — Working Paper*, p. 26.

This does not mean that when a public order disturbance causes economic disruption to such a degree that it seriously endangers the lives, health, and safety of Canadians, those effects are irrelevant or that Cabinet is required to disregard them. To the extent that a public order event causes an economic disruption that is significant enough to put the life, health, and safety of Canadians in danger, Cabinet can take those consequences into account when considering whether the situation constitutes a national emergency.

28. Assessing the decision to invoke the *Emergencies Act*

As the IRG and Cabinet deliberated over whether to invoke the *Emergencies Act*, they were required to weigh a significant amount of information, much of which I have set out in this Report. I discuss next what I believe to have been the most salient information regarding each of the statutory conditions. In doing so, I consider only the information known to Cabinet and the Prime Minister at the time the decision was made. I note that this discussion is not comprehensive, in that it does not reflect all the information before Cabinet, and that the information listed under one requirement may in some cases also have bearing on another.

28.1 Subjective grounds

There was little suggestion by the parties that the subjective requirement had not been met, (i.e., that Cabinet did not genuinely believe that the statutory requirements for a declaration of a public order emergency had been satisfied). This conforms with my assessment of the evidence I heard from the various officials and ministers who were instrumental in the decision to invoke the Act. The Federal Government undertook a thorough and structured analysis and, applying the law as it understood it to be, Cabinet and the Prime Minister believed that the threshold for declaring a public order emergency had been met.

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Some suggestion was made that in the absence of disclosure of the legal advice that Cabinet received, which is protected by solicitor – client privilege, it cannot be known whether its decision conformed to that opinion. I do not accept this argument. Numerous witnesses, including, but not limited to the Prime Minister, the Clerk of the Privy Council, and the minister of Justice (who was responsible for providing the legal advice to Cabinet), testified that they believed the legal thresholds for invoking the *Emergencies Act* were met. Each of them explained what they believed those thresholds to be. I do not need to see the legal advice itself in order to accept the evidence that they believed their conclusion to be justified in law.

I note, however, that it would have been preferable if the legal basis for Cabinet's decision had been articulated at an earlier stage of the Commission's work, an issue to which I return in my Recommendations.

I have no hesitation in accepting that Cabinet had a subjective belief that it was facing a public order emergency. The more substantial issue that I must assess is the objective question: whether Cabinet's belief in the existence of a public order emergency was objectively reasonable. I turn now to that question and will assess it with respect to each of the statutory thresholds contained in the Act.

282 An urgent and critical situation of a temporary nature that seriously endangered the lives, health, or safety of Canadians

From my assessment of the situation as understood by Cabinet, I am satisfied that a compelling and credible factual basis existed that objectively supported a reasonable belief that the lives, health, and safety of Canadians were seriously endangered.

Cabinet had four main bases upon which to conclude that this criterion was satisfied: dangers to the life, health, and safety of residents and other innocent bystanders in Ottawa, as well as other areas affected by the protests; risk of serious injury and

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violence within the protests themselves; the short- and long-term impacts of border blockades; and the risk of conflict arising from counter protests.

The impact of the occupation on the residents of Ottawa was striking. Many experienced negative effects on their physical and psychological health and were legitimately concerned for their personal safety. Street obstructions impeded access to critical public and emergency services. There were multiple reports of harassment, intimidation, and assaultive behaviour, to which law enforcement was often unable to respond. The very fact that law enforcement was overwhelmed and unable to enforce basic laws created a safety risk. The fire hazards caused by open fires, wood piles, propane tanks, and jerry cans of fuel were constant. Residents endured prolonged exposure to diesel fumes and excessive noise from air and train horns. Many of these effects had a particularly strong impact on vulnerable individuals, especially those who rely on homecare or the delivery of goods and services.

There were also dangers to bystanders who found themselves in the midst of other protests across the country. Residents of Coutts, for example, appear to have been unable to travel to Milk River to access essentials such as medical services and grocery stores. Others suffered negative impacts to their psychological health.

There were also reasonable concerns regarding serious injury and violence arising from the protests themselves. On several occasions, police attempting to enforce the law were swarmed. Tow truck drivers who tried to assist were physically threatened. Police reported that the tone of the protests was becoming increasingly hostile, as were some protesters. The entrenched nature of the protests made it more likely that some form of police enforcement action would be necessary, and if such action occurred, the large numbers of protesters involved increased the potential for violent confrontation. Children were present at many protest sites, placing them at risk, and there were suggestions that they were being used as human shields to prevent police enforcement. The possibility of injury was particularly high following the discovery of a large cache of weapons in Coutts. The recent known presence of weapons at the

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site of a protest, together with the inflammatory provocation expressed by protest supporters, increased concerns that bad actors such as had been discovered at Coutts might be present within, or might join, other protests.

There was also a risk of violence arising from counter protests. Frustration was growing on the part of individuals and communities impacted by the ongoing protests. There were numerous reports of confrontations between protesters and others, and suggestions by some, such as union leadership in Windsor regarding the blockade, that they would take matters into their own hands.

The border blockades had both immediate and potentially long-term impacts on the lives, health, and safety of Canadians. They instantly disrupted the lives and livelihoods of thousands of Canadians. They interfered with critical supply chains and risked causing shortages of essential medical supplies and food. There was concern that they would expand to other critical infrastructure such as railways and ports, the consequences of which would be profound. Coming at a time when the economy was already particularly vulnerable, they risked jeopardizing Canada's trade relationships, and significantly imperilled the economic livelihood of Canadians, with unknowable consequences.

As explained earlier in this section, I recognize that the *Emergencies Act* was not intended to apply to “economic emergencies.” Financial costs and trade impacts are not sufficient in themselves, and I have not considered them to be so. What is relevant, however, is the human health and public safety consequences that may flow from a serious, sudden, prolonged, and deliberate disruption to economic security and the ability to earn a living. The human impact of this cannot be ignored in considering whether there was “an urgent and critical situation that seriously affected the lives, health, and safety of Canadians.”

I also acknowledge that there were facts that suggested that the situation might be less concerning. Certain sites and situations, such as Coutts and the Ambassador

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Bridge, were in the process of being brought under control. There remained, however, considerable uncertainty as to whether that control could be maintained. As RCMP Commissioner Lucki reported to the Deputy Ministers' Committee on Operational Coordination (DMOC) regarding the Ambassador Bridge blockade, it "would only take a few vehicles to shut it down again."⁴³

In addition, the protests were an ongoing, rolling, and mobile movement. As one protest ended, another would soon appear. I note that Cabinet was receiving reports of potential blockades of rail crossings and ports. While these situations did not materialize, the Government's concern about them was reasonable.

I accept that there had not been reports of serious, widespread violence manifesting at protest sites, and that Police Liaison Teams (PLTs) had, on certain occasions, been able to negotiate with protesters to mitigate harms, such as by opening traffic lanes for essential services and, in some cases, cross-border traffic. These were important factors to take into consideration, but they did not render Cabinet's conclusion that the safety of Canadians was endangered unreasonable. Objectively speaking, there were substantial grounds for this concern.

28.3 Activities directed toward the threat or use of serious violence against persons or property for the purpose of achieving a political, religious, or ideological objective

The invocation of the *Emergencies Act* requires that there be a threat to the security of Canada, that is to say, a real risk of serious violence against persons or property, and that the violence be directed to achieving a political, religious, or ideological objective. Lawful advocacy, protest, and dissent are excluded from the definition, unless carried out in conjunction with threat activity.

⁴³ DMOC Read out, February 13, 2022, SSM.CAN.00000096, p. 1.

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This proved to be the most controversial of the statutory requirements in this instance and was the focus of much attention during the Inquiry.

Canadian criminal law helps to illuminate the meaning of “serious violence” against persons. The term “serious violent offence” has been held, albeit in a different statutory context, to mean an offence in which someone causes or attempts to cause “serious bodily harm.” “Serious bodily harm,” in turn, means “any hurt or injury, whether physical or psychological, that interferes in a substantial way with the physical or psychological integrity, health or well-being of the complainant.”⁴⁴

In my view it is reasonable to interpret “serious violence” to persons in the context of the *Emergencies Act* as violence causing, or intended to cause, substantial interference with someone’s physical or psychological integrity, health, or well-being.

Threats or use of serious violence against property may also be threats to the security of Canada.

In assessing the threat requirement, it is important not to lose sight of the “purpose” element. Only those threats of serious violence that can reasonably be viewed as being for the purpose of achieving a political, religious, or ideological objective are relevant.

There was information before Cabinet indicating a threat of serious violence for a political or ideological purpose. Ideologically motivated extremists, several of whom CSIS had identified as subjects of investigation, were present at and encouraging the protests. There were numerous threats made against public officials by individuals opposed to public health measures. Targets included the prime minister and several Cabinet ministers, the premier of Ontario, the mayors of Ottawa, Windsor, and Coutts, multiple Ottawa City councillors, and the chief of the Ottawa Police Service. Certain

⁴⁴ *R. v. C.D.*; *R. v. C.D.K.*, [2005] 3 S.C.R. 668, para 20; *R. v. McCraw*, [1991] 3 S.C.R. 72, p. 81.

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federal elected officials and staff had been advised to stay away from downtown Ottawa for their own safety. CSIS and the Integrated Terrorism Assessment Centre (ITAC) had repeatedly advised that, although no tangible plot had been identified, the protests presented an opportunity for IMVE supporters to engage in threat activities. CSIS and ITAC had also advised of the risk that a lone wolf actor, inspired by the IMVE elements at the protests, might conduct an attack against soft targets such as opposition groups or members of the public, and that lone wolf actors are very difficult to detect and predict.

The rhetoric of the protests also increasingly began to contemplate violence as part of a desire to achieve policy change over public health measures. Online messaging from protesters in Ottawa, Coutts, and elsewhere suggested that protesters intended to succeed in their cause or die trying. Messaging also indicated that any action by police or Government would be interpreted as a “call to arms.” NSIA Thomas and the RCMP reported that the protesters in Ottawa were becoming more hostile and aggressive, suggesting that violence might erupt out of frustration with the Government’s refusal to accede to their demands. According to the following, from OPS Deputy Chief Steve Bell, after weeks of occupying the streets of downtown Ottawa, the mood of participants was already volatile and becoming more so:

The 11th, 12th, and 13th are the weekend. I remember that weekend having extreme concerns for the safety of our members, for the safety of our community based on the volatility and escalation in violence in direct confrontational interactions with our members as it relates to them trying to manage the area or conduct any enforcement in it. It was concerning. The situation at this point was becoming exceptionally more volatile and you could see it escalate almost on an hour-by-hour basis.⁴⁵

⁴⁵ Evidence of Steve Bell, Transcript, October 24, 2022, p. 128.

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I recall that the white paper specifically indicated that the concept of a public order emergency was intended to cover situations of “civil unrest” and “lawlessness,” when connected to threats of politically motivated serious violence.

Throughout the protests, there were also various threats made against the Canadian system of government itself. Perhaps the most notorious was the “Memorandum of Understanding” prepared by Canada Unity, which proposed to have the Governor General and the Senate force the resignation of Canada’s democratically elected Government. There were others, including Patrick King’s messages on social media that included statements such as “WE WILL BE THE NEW GOVERNMENT. We will just take the power and share it together.”⁴⁶ Concerns such as these took on an additional gravity with the discovery in Coutts of a large cache of weapons and ammunition amassed by protesters with allegedly extremist anti-government views.

These threats must be understood in the broader context of the online rhetoric that had become increasingly violent over the course of the pandemic. This included references to assassination, holding “Nuremberg Trials 2.0,” and conducting civilian arrests of those perceived to be involved with public health rules. These concerns must also be assessed within the context of law enforcement’s acknowledgement that its ability to identify potential perpetrators was limited and that a significant portion of ideologically motivated violent rhetoric occurring online likely remained undetected and unreported.

In my view, there was credible and compelling information supporting a reasonable belief that the definition of threat to the security of Canada was met.

I recognize, of course, that CSIS had not assessed the protests as constituting a threat to the security of Canada pursuant to their mandate under the *CSIS Act*. Some parties suggested that, because of this, Cabinet’s conclusion that there was such a threat was unreasonable. I do not accept this argument.

⁴⁶ OPS Daily Intelligence Advisory Convoy 2022, OPS00010125, p. 1.

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To be clear, I agree that since the definition of “threats to the security of Canada” in the *Emergencies Act* is incorporated by reference from the *CSIS Act*, the definition is the same in both statutes. The effect of incorporation by reference is that the incorporated material is considered to be part of the text of the legislation.⁴⁷

This said, the *CSIS Act* and the *Emergencies Act* are different regimes that operate independently from each other. They serve different purposes, involve different actors, and implicate different considerations. While CSIS’s input was, of course, an important consideration for Cabinet, it was not, and should not have been, determinative.

In other words, it is not the definition itself that is different, but rather that two different decision makers, each interpreting the same words in the context of different statutes, can reasonably come to different conclusions as to whether the threshold is met.

I recognize that CSIS Director Vigneault, in explaining why he advised the Prime Minister that declaring a public order emergency was necessary even though CSIS had not identified a threat to the security of Canada, erroneously referred to the definition of “threat to the security of Canada” as being “broader” under the *Emergencies Act* than under the *CSIS Act*. Similar comments were made by Minister Blair and NSIA Thomas. I note that these witnesses are not lawyers, and I consider their evidence on this with that in mind.

Minister of Justice and Attorney General of Canada David Lametti explained the point more clearly:

So there is a definition that is incorporated by reference. It’s moved into the *Emergencies Act* and the decision-making power remains with Cabinet.

⁴⁷ *B.C.G.E.U. v. British Columbia (Minister of Health Services)*, 2007 BCCA 379, paras 34 and 35.

So there's also a purpose change. What CSIS is doing is determining whether a threshold is met for the purposes of further investigations, generally clandestine, according to CSIS protocols, with warrants, et cetera, they're all -- you've heard testimony already from the CSIS Director, as well as Madam Tessier, about the rules of thumb that CSIS uses for proceeding in their analysis under section 2.

That isn't incorporated in here because the decision maker is different. And the inputs can be much wider - have to [be] much wider when you're a member of Cabinet, when you're making a decision Governor-in-Council. There are other inputs that can go into the meeting of that definitional standard that CSIS wouldn't normally use. And so that's very, very important to underline, that it is -- while it is the same standard of the same magnitude, the interpretation of that standard is being done according to a wider set of criteria by a very different set of people with a different goal in mind, and that goal is given by the *Emergencies Act* and not the *CSIS Act*.⁴⁸

The Prime Minister confirmed that this was his understanding as well.

There's been a bit of back and forth at this Commission on whether these words are different or can be read differently, or broader when they're used in a public order emergency than they're used for the *CSIS*. It's not the words that are different. The words are exactly the same in both cases. The question is, who is doing the interpretation, what inputs come in, and what is the purpose of it?⁴⁹

I also accept that the definition in section 2(c) of the *CSIS Act* includes broad, open-ended concepts such as "threat" and "serious," that leave scope for reasonable

⁴⁸ Evidence of David Lametti, Transcript, November 23, 2022, p. 81.

⁴⁹ Evidence of Prime Minister Trudeau, Transcript, November 25, 2022, p. 50.

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people to disagree. As University of Ottawa Faculty of Law Professor Craig Forcese has written regarding the four categories of threat outlined in section 2 of the *CSIS Act*, “each of these categories of national security threat is broad and vague, and thus capable of expansive definition.”⁵⁰ While I do not suggest that expansive definition is appropriate, I agree that the definitions are broad and open-ended.

I note as well that both Director Vigneault and CSIS Deputy Director of Operations Michelle Tessier candidly acknowledged that determining whether a threat to the security of Canada exists is “not an exact science.” Director Vigneault further noted that “in this event and other events of the sort that we’ve seen in the US, [...] in other democracies is that there could be a very quick turn of events.”⁵¹ My impression, upon hearing the CSIS witnesses and reviewing the documents, is that CSIS was, with good reason, extremely hesitant to invoke its investigative mandate with respect to the Freedom Convoy protests, beyond the existing subjects of investigation. Under the current structure of the *Emergencies Act*, this can lead to precisely the situation that seems to have occurred here: a public order disturbance arising from a threat to the security of Canada that has not been identified as such by CSIS.

I highlight here the situation in Coutts, Alberta, which was a concrete manifestation of the very risk that had been identified to Cabinet: a highly disruptive, but mainly peaceful protest that included a smaller group of actors who allegedly intended to effect serious violence for a political purpose. The fact that this situation was discovered and disrupted is a credit to law enforcement. It was, nevertheless, clearly a situation that could reasonably be viewed as meeting the definition under section 2(c) of the *CSIS Act*, but that CSIS had not identified as such. In the same way, Cabinet could reasonably consider that the risk of similar groups of politically or ideologically motivated violent actors being present at other protests met the definition in section 2(c) although CSIS had not identified them.

⁵⁰ Craig Forcese, “Through a Looking Glass Darkly: The Role and Review of ‘National Security’ Concepts in Canadian Law” (2006) 43:4 *Alberta Law Review* 963, p. 969.

⁵¹ Evidence of David Vigneault, Transcript, November 21, 2022, p. 42.

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Though no definitive links had been found, there was legitimate concern that similar individuals or groups intent on violence might be present in Ottawa or at other protests. Law enforcement and intelligence agencies view the group Diagonon as a militia-like extremist organization. The discovery of the Diagonon insignia among the material seized at Coutts, coupled with the presence of Diagonon leader Jeremy Mackenzie in Ottawa, heightened this concern.

I recognize that some of the information before Cabinet at the time, such as the suggestion that a firearms theft in Peterborough, Ontario, might be connected to the protests, was later found to be unsubstantiated. The record before me shows, however, that most of the information that Cabinet was acting upon was borne out.

It is also important to acknowledge that not all the threats of serious violence I have enumerated can be linked to both specific political or ideological objectives and to identified protesters. However, in some instances the link between serious violence and political or ideological objectives is clear, such as the threats to assassinate public officials because of the government's public health policies. In still other cases, for example the alleged conspiracy uncovered at Coutts, not only is this connection between serious violence and politically or ideologically motivated violence made, but it can also be attached to a specific protester. When the record is viewed as a whole, the inference connecting the protests to threats of serious violence and the achievement of political or ideological objectives is readily and reasonably available.

I emphasize here that this should in no way be taken to mean that peaceful, lawful protest that seeks to achieve a change in government policy is in any way a threat to the security of Canada. To the contrary, it is a fundamental and cherished part of a healthy democracy. Indeed, the right to protest helps ensure the security of Canada. But the situation that Canada experienced in February 2022 was not peaceful, lawful protest. Many of the protesters may have intended it to be, but the situation

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escaped their control. As NSIA Thomas put it, at some point peaceful, lawful protest “metastasized into something else.”⁵²

To return once again to the theoretical principles underlying emergency powers, the threshold for invocation is the point at which order breaks down and freedom cannot be secured or is seriously threatened. In my view, that threshold was reached here.

I do not come to this conclusion easily, as I do not consider the factual basis for it to be overwhelming and I acknowledge that there is significant strength to the arguments against reaching it. It may well be that serious violence might have been avoided, even without the declaration of emergency. That it might have been avoided does not, however, make the decision wrong. There was an objective basis for Cabinet’s belief, based on compelling and credible information. That was what was required. The standard of reasonable grounds to believe does not require certainty.

28.4 An emergency of such proportions or nature that it exceeded the capacity or authority of a province to deal with it

In order to constitute a national emergency under section 3(a), the situation must be such that a province lacks the capacity (i.e., the ability in practice), or the authority, (i.e., the power), to deal with the emergency. An emergency could be beyond the capacity or authority of a province to deal with if:

- a. the emergency is such that no single province would be capable of resolving the entire situation, because the emergency extends beyond provincial boundaries; or

⁵² Evidence of Jody Thomas, Transcript, November 17, 2022, pp. 224 and 225.

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- b. the emergency is beyond the capacity or authority of at least one province, such that the provinces, collectively, would be unable to resolve the situation.

I find that this requirement is met. This was a nation-wide, mobile, and constantly evolving series of events. Many provinces were affected, and the protest groups were numerous and geographically disparate. The protest in Ottawa drew protesters and convoys from across the country. The convoys were, by definition, mobile.

It is true that the protests were first and foremost policing matters, and in that sense fell within provincial jurisdiction. Although certain provinces expressed the view that they could manage the situation in their own province, this was uncertain, and evidently not the case nation-wide. I note also that certain affected provinces had indicated their incapacity to resolve the situation. The protests in Ontario required drawing on RCMP resources from all over the country. Alberta had requested federal assistance with law enforcement, which the RCMP had been able to provide by drawing on resources from British Columbia. On February 11, the premier of Manitoba requested “immediate and effective federal action regarding the blockade activity unfolding at the Canada- US border crossing at Emerson, part of a series of damaging protest activities now occurring at international border crossings across the country.”⁵³ In addition, it was reasonably foreseeable that if the protests continued to spread as anticipated, absent federal action, provincial resources would be insufficient, as they had proved to be in Ontario and Alberta.

Between their inception and the date that the emergency was declared, the protests had grown into a movement that could not be resolved in a localized, piecemeal fashion. It was a national situation, requiring national measures such as cutting off funding to the protests, which no province had the authority to do.

⁵³ Letter from Premier Heather Stefanson to Prime Minister Trudeau, February 11, 2022, SSM.NSC.CAN.00001176.

28.5 Could the emergency be effectively dealt with by any other law of Canada, and did it require the taking of special temporary measures?

For a situation to constitute a national emergency, it must be one that cannot be dealt with under any other law of Canada. This raises the question: what is meant by “any other law of Canada”? The Supreme Court has held that the phrase “law of Canada” in section 101 of the *Constitution Act, 1867*, means federal statute, regulation, and common law.⁵⁴ In other words, it excludes provincial law. Both federal and provincial legislation differentiates between the language “law of Canada” with “law of Canada or a province.”⁵⁵

Section 3 of the *Emergencies Act* confirms this interpretation. Section 3(a) requires that a national emergency must “exceed the capacity or authority of a province to deal with it.” It would be redundant for section 3 to also require that the situation be one that “cannot be effectively dealt with” by provincial law. Rather, once Cabinet has established that a situation exceeds provincial authority, it must then consider whether that situation can be effectively addressed under any other federal statute or common law before concluding that a “national emergency” exists under the *Emergencies Act*.

The modifier “effectively” is important. There may be situations where other federal laws could technically apply to a situation, but still fall short. Practical considerations must be taken into account, such as whether the resources exist to enforce existing authorities, whether they would be effective in resolving the situation in a timely way, and whether they would address the situation safely.

⁵⁴ *Roberts v. Canada*, [1989] 1 S.C.R. 322.

⁵⁵ See for example, *Privacy Act*, R.S.C. 1985, c P-21, s. 8(2)(e); *Softwood Lumber Products Export Charge Act, 2006*, SC 2006, c. 13, s. 88. See also examples in provincial statute, *Business Corporations Act*, SNWT (Nu) 1996, c. 19, s. 264; *Income Tax Act*, R.S.B.C. 1996, c. 215, s. 68.1.

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Here, the evidence shows that the federal government found itself seriously impacted by the protests in the operation of its ports of entry and with respect to critical buildings in Ottawa, as well as in areas of responsibility such as the economy and trade. Jurisdictionally, however, it was unable to resolve the protests or meaningfully contribute to the efforts of police to do so, beyond providing the assistance of the already-stretched RCMP. As I discuss earlier in this section and in Section 17.6, the Federal Government had done considerable work to identify solutions that could be drawn from existing authorities, but ultimately concluded that none, taken separately or together, were a viable solution to the situation.

Although there continued to be laws such as the *Criminal Code* that, if effectively used, could bring the protests under control, it was apparent that law enforcement had serious concerns about using those powers, including whether engaging in enforcement action would give rise to unacceptable safety risks for police, protesters, and bystanders. This is as an example of a law being legally available, but ineffective due to the practical realities of the situation.

Finally, although the option of deploying the Canadian Armed Forces continued to exist, I agree with the Federal Government's view that it was not an appropriate solution in these circumstances. In saying this, I recognize that when the *Emergencies Act* was adopted, use of the military against civilians to quell protests was considered not only a viable option, but preferable to using emergency powers. The white paper proposes that "[l]ess serious emergencies arising from the breakdown of public order would continue to be dealt with under the *Criminal Code* or Part XI of the *National Defence Act* (which covers aid to the Civil Power [...])."⁵⁶ Much has changed since then.

The question of whether the emergency necessitated special temporary measures is effectively a consequence of the previous point. The work done to identify solutions within existing legislation identified the gaps in authority that would require the taking

⁵⁶ Canada, Emergency Preparedness Canada, *Bill C-77: An Act to Provide for Safety and Security in Emergencies – Working Paper*, p. 58.

of special temporary measures. As I explain later in this summary, only measures that are necessary to address the Public Order Emergency could be taken.

28.6 Provincial consultation

The Federal Government submits that the First Ministers' Meeting on February 14, 2022, complied with its obligation to consult with the provinces before declaring a public order emergency. The Federal Government was correct to recognize that this was the only "consultation" that took place, and that the previous "engagements" that I review in Section 17.3 would not, on their own, satisfy this requirement. The First Ministers' Meeting was the only time the premiers were asked for their views on the invocation of the *Emergencies Act*.

The Federal Government has only carried out this sort of consultation once before. That was in 2020, when it considered declaring an emergency in response to the COVID-19 pandemic. The provinces point to those consultations as an example of a proper process. Compared to that process, a number of provinces have suggested that the First Ministers' Meeting was a perfunctory exercise that did not comply with the statutory consultation requirement.

The 2020 example notwithstanding, there is effectively no "playbook" to instruct federal officials in how to carry out an effective and meaningful consultation under section 25.

The Government, when introducing the *Emergencies Act*, recognized that measures taken pursuant to a declaration of emergency might intrude upon areas of provincial jurisdiction.⁵⁷ The obligation of the Federal Government to engage in consultations was a response to this exceptional aspect of the Act.

⁵⁷ *House of Commons Debates*, 33rd Parl., 2nd Sess., Vol. 9 (November 16, 1987), pp. 10807 and 10809 (The Hon. P. Beatty). See also Canada, Emergency Preparedness Canada, *Bill C-77: An Act to Provide for Safety and Security in Emergencies – Working Paper*, pp. 50 – 53.

The white paper explains how the Government anticipated that the term “consultation” should be understood in the context of the *Emergencies Act*:

“Consultation” in this context is to be interpreted in its fullest dictionary sense of not only exchanging information but also seeking the advice and taking into consideration the interests and views of the provincial government which may be affected. Furthermore, to ensure clarity and accountability, the onus of consultation will vary depending upon the circumstances of the emergency and operational requirements. The limitation of “reasonableness,” where it is applied, is designed to permit the commencing and conducting of necessary operations and controls in a timely fashion.⁵⁸

Thus, the intention was to create a requirement that would maximize the principles of federalism but remain flexible enough that the consultation requirement would vary in keeping with the practical realities and exigencies of any given emergency situation.

The white paper noted that as a legal matter, it is “clear that Parliament, and Parliament alone, has authority to determine when such a national emergency exists,” but that consultation is desirable not only to “respect principles of federalism,” but also because “the effective deployment of the country’s resources during a national crisis requires the coordination of efforts by all levels of government, and thus demands consultation.”⁵⁹

I certainly agree that the premiers had little time to prepare and that the notice they received was not explicit regarding the topic to be discussed at the First Ministers’ Meeting. That said, in the context of the events, the topic of discussion probably did not come as a surprise to many of the participants.

⁵⁸ Canada, Emergency Preparedness Canada, *Bill C-77: An Act to Provide for Safety and Security in Emergencies – Working Paper*, pp. 55 and 56.

⁵⁹ Canada, Emergency Preparedness Canada, *Bill C-77: An Act to Provide for Safety and Security in Emergencies – Working Paper*, p. 32.

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The Federal Government indicated to the Commission that one of the reasons it did not inform the provinces of the purpose of the meeting was the concern that news could leak, and the potential for the declaration of an emergency could anger protesters and increase the risk of violence. I accept this point as valid, though I would characterize it as one taken out of an abundance of caution. I hope and expect that if the provincial governments were advised of the concerns that CSIS had expressed regarding the potential for escalation and violence should the proposed use of the *Emergencies Act* become public, they would have respected the confidentiality of the information.

Taken in isolation, it is arguable that the First Ministers' Meeting was not an appropriate consultation. In my view, however, this conclusion would be a mistake. The First Ministers' Meeting must be considered in the context of the substantial intergovernmental engagement work that came before, both at the political and the officials' level, the aim of which was to make sure that existing legal tools were being used and resourced — a key aspect of and reason for consultation under the *Emergencies Act*.

Considering the totality of the circumstances, my view is that the manner in which the Federal Government conducted the consultation was adequate and satisfied the minimum requirements of section 25, but could, and likely should, have been better. It would have been preferable, for instance, if the provinces had been provided a brief period to provide feedback on the proposed measures. This might have assisted Cabinet in delineating the scope and application of the measures taken under the Act.

There was no formal consultation with Indigenous communities regarding use of the *Emergencies Act*, although I heard evidence that the minister of Crown and Indigenous Relations reached out to the heads of the three national Indigenous organizations. The Act as currently drafted does not require consultation with Indigenous Peoples. This is an issue to which I return in my Recommendations.

28.7 Conclusion on the invocation of the *Emergencies Act*

I end with a quote from Perrin Beatty, the minister who introduced the *Emergencies Act*:

When the country is threatened by serious and dangerous situations, the decision whether to invoke emergency powers is necessarily a judgment call, or more accurately a series of judgment calls. It depends not only on an assessment of the current facts of the situation, but even more on judgments about the direction events are in danger of moving and about how quickly the situation could deteriorate. Judgments have to be made, not just about what has happened or is happening, but also about what might happen. In addition, to decide about invoking exceptional measures, judgments have to be made about what the government is capable of doing without exceptional powers, and on whether these capabilities are likely to be effective and sufficient.⁶⁰

For these reasons, I have concluded that Cabinet was reasonably concerned that the situation it was facing was worsening and at risk of becoming dangerous and unmanageable. There was credible and compelling evidence supporting both a subjective and objective reasonable belief in the existence of a public order emergency. The decision to invoke the Act was appropriate.

29. Were the measures appropriate and effective?

I am required by section (a)(iii) of the Order in Council to set out findings and lessons learned on the appropriateness and effectiveness of the measures taken under the *Emergency Measures Regulations (EMR)* and the *Emergency Economic Measures Order (EEMO)*.

⁶⁰ House of Commons, Legislative Committee on Bill C-77, *Evidence*, 33rd Parl., 2nd Sess., Vol. 1, No. 1 (December 15, 1987), pp. 13 and 14 (The Hon. P. Beatty).

29.1 The Commission's mandate

In assessing how I should examine the measures contained in the *EMR* and the *EEMO*, I am guided by both the purpose of the Inquiry mandated by section 63(1) of the *Emergencies Act* and the terms of the Order in Council establishing the Commission.

As I have already stated, this Commission is intended to be a tool of public accountability. As such, it must be able to fully examine not only the circumstances that led to the invocation of the Act, but also the measures taken under it. It is possible for a government to be entirely justified in invoking the Act, but still use the Act in an unjustifiable manner. A commission under section 63(1) must have a robust role in examining measures adopted under the Act in order to fulfill its role as a check against government overreach.

The language in the Order in Council appointing me is consistent with this approach. The language of “appropriateness and effectiveness” is broad and places few restrictions on how I may go about my consideration of the measures.

Although the role of the Commission is not to conduct a judicial review, and the Commission does not have the legal authority to render a formal judgment on the “lawfulness” of the measures, I cannot avoid considering the legality of the measures in assessing whether they were appropriate. Again, I do not intend or consider my findings on this topic to be in any sense binding on the courts. The effect or significance of my findings and conclusions in any judicial review proceedings will be a matter for the Federal Court to determine.

In my view, however, assessing the appropriateness of measures goes beyond a consideration of whether statutory or constitutional thresholds for the measures have been satisfied. “Appropriateness” is a more open-textured standard that permits me to assess the measures holistically. Parts of a measure may be appropriate while other parts may not be. However, any measure that does not meet the statutory preconditions will by definition be inappropriate.

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I therefore interpret my mandate to give me the freedom to comment about any aspect of the appropriateness of the measures as broadly defined, in light of the information received during the course of the Inquiry.

Effectiveness relates more directly to whether the measures fulfilled the purpose of responding to the particular emergency in question. The concept is closely related to appropriateness. The fact that a measure was wholly ineffective in addressing an emergency may be a strong signal that it was also inappropriate. However, this is not always the case. Even a well-designed, lawful, and rights-respecting measure might still fail to successfully contribute to the resolution of an emergency. No measure can be perfect, particularly when created in situations of urgency. In such circumstances, a measure might well be appropriate, even if not ultimately effective in the particular case.

Moreover, like appropriateness, effectiveness is not an all-or-nothing concept. A measure may have been effective but could have been more effective if drafted or implemented differently. My mandate is broad enough to allow me to make this type of comment where applicable.

292 The legislative framework

Section 19(1) of the *Emergencies Act* sets out the powers that are available in a public order emergency:

<p>19 (1) While a declaration of a public order emergency is in effect, the Governor in Council may make such orders or regulations with respect to the following matters as the Governor in Council believes, on reasonable grounds, are necessary for dealing with the emergency:</p>	<p>19 (1) Pendant la durée de validité de la déclaration d'état d'urgence, le gouverneur en conseil peut, par décret ou règlement, prendre dans les domaines suivants toute mesure qu'il croit, pour des motifs raisonnables, fondée en l'occurrence :</p>
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<p>(a) the regulation or prohibition of</p> <p>(i) any public assembly that may reasonably be expected to lead to a breach of the peace,</p> <p>(ii) travel to, from or within any specified area, or</p> <p>(iii) the use of specified property;</p> <p>(b) the designation and securing of protected places;</p> <p>(c) the assumption of the control, and the restoration and maintenance, of public utilities and services;</p> <p>(d) the authorization of or direction to any person, or any person of a class of persons, to render essential services of a type that that person, or a person of that class, is competent to provide and the provision of reasonable compensation in respect of services so rendered; and</p> <p>(e) the imposition</p>	<p>a) la réglementation ou l'interdiction :</p> <p>(i) des assemblées publiques dont il est raisonnable de penser qu'elles auraient pour effet de troubler la paix,</p> <p>(ii) des déplacements à destination, en provenance ou à l'intérieur d'une zone désignée,</p> <p>(iii) de l'utilisation de biens désignés;</p> <p>b) la désignation et l'aménagement de lieux protégés;</p> <p>c) la prise de contrôle ainsi que la restauration et l'entretien de services publics;</p> <p>d) l'habilitation ou l'ordre donnés à une personne ou à une personne d'une catégorie de personnes compétentes en l'espèce de fournir des services essentiels, ainsi que le versement d'une indemnité raisonnable pour ces services;</p> <p>e) en cas de contravention aux décrets ou règlements d'application du présent article, l'imposition, sur déclaration de culpabilité :</p>
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<p>(i) on summary conviction, of a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both that fine and imprisonment, or</p> <p>(ii) on indictment, of a fine not exceeding five thousand dollars or imprisonment not exceeding five years or both that fine and imprisonment, for contravention of any order or regulation made under this section.</p>	<p>(i) par procédure sommaire, d'une amende maximale de cinq cents dollars et d'un emprisonnement maximal de six mois ou de l'une de ces peines,</p> <p>(ii) par mise en accusation, d'une amende maximale de cinq mille dollars et d'un emprisonnement maximal de cinq ans ou de l'une de ces peines.</p>
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These provisions must be read together with section 17(2), which sets out certain things that must be contained in a declaration of a public order emergency:

<p>17 (2) A declaration of a public order emergency shall specify</p> <p>(a) concisely the state of affairs constituting the emergency;</p> <p>(b) the special temporary measures that the Governor in Council anticipates may be necessary for dealing with the emergency; and</p> <p>(c) if the effects of the emergency do not extend to the whole of Canada, the area of Canada to which the effects of the emergency extend.</p>	<p>17 (2) La déclaration d'état d'urgence comporte :</p> <p>a) une description sommaire de l'état d'urgence;</p> <p>b) l'indication des mesures d'intervention que le gouverneur en conseil juge nécessaires pour faire face à l'état d'urgence;</p> <p>c) si l'état d'urgence ne touche pas tout le Canada, la désignation de la zone touchée.</p>
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Section 19(2) provides that if a declaration of emergency is limited to a specific area of Canada, the powers in section 19(1) can only be exercised or performed with respect to that area. Section 19(3) provides that the powers in s. 19(1) shall be exercised in a manner that does not unduly impair the provinces' ability to deal with the emergency, and with a view to achieving concerted action with them.

As I have noted earlier, the preamble to the Act confirms that measures must comply with the *Charter* and the *Canadian Bill of Rights*. Of course, this would be true even in the absence of the Act's preamble.

Taken together, these provisions indicate the following requirements for measures taken under the Act:

- a. The measures must fall within one of the types of measures authorized in section 19(1) of the *Emergencies Act*;
- b. The governor in council must have reasonable grounds to believe that the measures are necessary for dealing with the emergency;
- c. The measures may only relate to the parts of Canada to which the declaration of emergency applies;
- d. The measures must not unduly impair the provinces' ability to deal with the emergency; and
- e. The measures must comply with the *Charter of Rights and Freedoms* and the *Canadian Bill of Rights*.

In the case of the *EMR* and *EEMO*, some of these criteria are non-controversial. There was no suggestion that the measures in question fell outside of the scope of the kinds of measures authorized by section 19(1). Similarly, I did not hear a suggestion that the measures themselves unduly impaired the ability of provinces to respond to the

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events of January and February 2022. As such, I need not comment further on these matters.

The requirement for the governor in council to have reasonable grounds to believe the measures are necessary is a threshold that requires more extensive discussion. I have already discussed the standard of “reasonable grounds to believe” in my analysis on the invocation of the Act. In section 19 of the Act, the belief on reasonable grounds is tied to the necessity of the measures. The English text of section 19(1) refers to order and regulations “necessary for dealing with the emergency,” while the French text refers to “toute mesure ... fondée en l’occurrence.” This difference in terminology can be resolved by an interpretation of the term “necessary” that is informed by the notion of “justification.”

A necessary measure is one that is required, needed, or essential in order to deal with a declared public order emergency. A government confronting an emergency situation will seek not only to resolve the situation but to do so in a particular way.⁶¹ Here, the Federal Government witnesses emphasized the importance of resolving the protest situation quickly and safely. In other words, Cabinet determined that it was necessary to resolve the emergency as soon as possible, and with a minimum amount of physical force, in order to ensure the safety and security of Canadians and restore their faith in the ability of their institutions to respond to a crisis. In my view, this was an appropriate outcome to strive for in addressing the emergency. A necessary measure will be one that Cabinet reasonably believes is needed to bring about that outcome.

In assessing what is necessary for dealing with an emergency, Cabinet will properly take into account a wide range of circumstances, including the urgency of the situation, the nature and scope of the emergency, and an assessment of how existing authorities have been used.

⁶¹ Nomi Claire Lazar, *On Necessity in the Emergencies Act*, p. 9-11. This report is reproduced in Vol. 5 of this Report.

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Necessity also requires tailoring. Cabinet, when it designs measures to adopt, must tailor these so as not to impose unnecessary restrictions or requirements on persons, property, or areas, or confer unnecessary powers on law enforcement or other officials. There may be more than one measure that could achieve the outcome of resolving the emergency quickly and safely. To show that a measure is necessary, Cabinet must consider alternatives, and be able to justify why the measure they chose, from among the possible measures likely to bring about the outcome, was deemed necessary in the circumstances.

With respect to the requirement that measures comply with the *Charter*, I only wish to note that this question encompasses an assessment of whether a *Charter* right has been limited by the measures, as well as if such a limit can be justified under section 1 of the *Charter* pursuant to the *Oakes* test, which I describe in Section 4.2.

29.3 Approach to my assessment

In assessing the appropriateness and effectiveness of the measures, I am mindful of the tension between speed and deliberation that is inherent in the exercise of emergency powers.

The urgent character of emergencies will generally demand quick decisions. Inaction or delay may lead to an emergency becoming significantly worse. The *Emergencies Act* is designed to permit swift action, and it is unlikely that measures adopted under the law will be models of perfection. In assessing measures, I cannot ignore the reality of the situation in which they were made.

At the same time, emergency measures are powerful tools. It is essential that reasonable efforts be made to ensure that they are as focused and controlled as possible, while still being effective in achieving their aim. Circumstances of urgency will nearly always be present when the *Emergencies Act* is used. This cannot serve as an excuse to accept what are otherwise inappropriate measures.

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The present case presents an unusual situation due to the short duration of the emergency. As I have explained, the *Emergencies Act* reverses the normal order of deliberation and decision, allowing quick decisions to be made in urgent circumstances, with more considered deliberation to follow. Had the Public Order Emergency continued for a longer period, I expect that this process of deliberation and refinement would have taken place, whether through the Parliamentary review process, or by Cabinet itself. As it stands, the Parliamentary Review Committee was not even established until after the emergency was over, and there was likely insufficient time during the emergency for any meaningful refinement of the measures after they were enacted.

Assessing effectiveness presents additional challenges. The *EMR* and *EEMO* did not exist in a vacuum. At the same time those provisions were in effect there were many other ongoing activities directed toward responding to the protests. Separating the impact of the measures from other activities of government, law enforcement, and private actors is, in many cases, impossible. Assessing the effectiveness of measures may involve drawing reasonable inferences.

It is also important for me to assess the measures both individually and as a whole. The measures were intended to work with each other, and with existing powers and authorities. Their effectiveness and their appropriateness should be assessed within the full context in which they operated.

A final word on this part of my mandate: During this Inquiry, attention was focused primarily on the question of whether it was appropriate for the Federal Government to invoke the *Emergencies Act*. Less attention was paid to the question of the appropriateness or effectiveness of some of the measures. This is largely a function of the short time during which the declaration of emergency and measures were in place, and the short time frame in which the Commission operated. Readers of this Report should be aware that, as I conduct my assessment of the measures, I do so without the benefit of the same thoroughness of submissions with respect to some of the measures as that which I received on the question of invoking the Act.

29.4 The deterrent effect of the measures

Before turning to an examination of the individual measures, I wish to begin by discussing the topic of deterrence. Throughout the hearings various witnesses referred to the deterrent effect of the declaration of the emergency itself as well as the measures adopted under it. This objective was particularly true of the emergency economic measures.

As a general matter, I agree that deterrence was an appropriate objective. The use of force to resolve the unlawful protests in Ottawa and elsewhere in Canada necessarily entailed a risk of physical harm to protesters, police, and bystanders alike. The larger the protests, the greater the risk. In Section 5, I discuss the role that Police Liaison Teams (PLTs) play in reducing the footprint of protests in order to make public order operations safer. The use of emergency measures to deter participation in the unlawful protests was consistent with this approach. It was preferable, as a general matter, to dissuade protesters from participating than to remove them by force.

This is not to say that all deterrence measures were necessarily appropriate. Particular means of deterring participation might be grossly inappropriate. My point is that the strategy of deterrence was an appropriate one to pursue through the use of emergency measures.

Evaluating the effectiveness of the measures on deterring participation is difficult. It is generally impossible to know how many protesters left before enforcement and what motivated any given protester to leave. It is similarly impossible to know for a fact whether any person chose not to join the protests as a result of the measures. I did, however, hear considerable agreement among witnesses that the invocation of the *Emergencies Act* discouraged some individuals from remaining at existing unlawful protests or starting new ones.

A number of federal officials testified that they believed the measures had a significant deterrent effect. Although some of these witnesses rightly acknowledged that evidence

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of this was speculative or anecdotal, their belief appears to have been informed, at least in part, by the assessment of law enforcement personnel, who were in a position to observe these effects “on the ground.” Moreover, the deterrent effect reported by law enforcement was not only in Ontario; it extended from one side of the country to the other. For example, on February 21, RCMP Commissioner Lucki reported to the IRG that law enforcement in British Columbia, Nova Scotia, and Manitoba had each reported that the *Emergencies Act* had served as an effective communication tool and deterrent in their jurisdictions.

In Ottawa, law enforcement issued notices to protesters highlighting some of the measures that could be taken against them pursuant to the *EEMO* and the Ontario emergency regulations. I heard from law enforcement that this messaging incentivised some individuals to leave voluntarily, and deterred others from joining the unlawful protests. I heard of similar messaging with respect to the *Emergencies Act* being used in Winnipeg and Windsor. Some witnesses felt that the *Emergencies Act* helped reduce the risk of a second blockade in Windsor and mitigated the threat of new unlawful protests in other provinces.

Although I note that the protest organizers who testified before this Commission do not appear to have been personally deterred by the invocation of the *Emergencies Act*, I am satisfied, based on the preceding paragraphs, that it did have some deterrent effect. While it is not possible for me to measure that effect with any precision, I find that messaging regarding the *Emergencies Act* likely incentivised some protesters to return home voluntarily or helped convince some individuals to stay home altogether.

I note that when the declaration of emergency was first proclaimed, unlawful protest activity nationwide was volatile and barely controlled. Within nine days, it was brought under control, and the declaration was revoked. In my view, it is fair to say that the declaration of an emergency and the measures taken pursuant to that declaration had a deterrent effect across the country, and this was an appropriate objective.

29.5 The prohibition on public assemblies

The prohibition on participation in certain types of public assemblies that were likely to lead to breaches of the peace was the cornerstone of the entire measures package. More than any other measure, the prohibition on participation directly targeted the most immediate manifestation of the emergency; namely, the protests themselves.

This measure was also the one that most directly impacted the constitutional rights of protesters. Most of the participants in the protest were engaged in the exercise of the core right protected by freedom of expression: political expression. While some protesters may have crossed the line into violence, and at times and in places, the assembly may not have been “peaceful,” the fact remains that many protesters were engaged in conduct that is afforded significant protection under the *Charter*. For this measure to have been appropriate, it needed to be carefully tailored.

In my view, Cabinet went to significant lengths to tailor the prohibition. It did not prohibit all anti-government protests, but only those that were likely to result in a breach of the peace as well as the serious disruption of the movement of persons, goods or trade, interference with critical infrastructure, or the support or threat or use of acts of serious violence (which is not constitutionally protected). This tailoring made a difference. Protests lawfully continued in various locations, including just outside of the town of Milk River, Alberta, and at the Canadian War Museum in Ottawa, Ontario.

One aspect of the measure does raise legitimate concerns: its geographical scope. It may be argued that the prohibition should have applied only in Ontario. By the time the *EMR* was made, the situation in Coutts had effectively been resolved, and the protest at the Pacific Highway border crossing in British Columbia was in the process of being cleared. Protesters in Emerson, Manitoba, had already been told that the RCMP would shortly be conducting an enforcement action, which resulted in them voluntarily leaving within days. Representatives of several provinces, both in the First Ministers’ Meeting and during the Inquiry, stressed that they were able to

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manage local protests without the *Emergencies Act*. While Ottawa was by no means the Federal Government's only concern, it was the primary site of protest activity.

Federal Government witnesses stressed the importance of a Canada-wide prohibition because unlawful protests were still taking place outside of Ottawa, and there was a very real risk that new ones would erupt elsewhere. There is force to this submission. It would not be difficult, for instance, to imagine protesters in Ottawa simply moving to Gatineau, Quebec, and encamping outside of the federal institutions located there.

On the other hand, the Federal Government had the option to enact this provision of the *EMR* as only applicable within Ontario, but to clearly announce to protesters that it was prepared to quickly amend the *EMR* to expand it to any other province should circumstances so require.

While it is important for Cabinet to carefully consider limiting the geographical scope of measures such as this, I am satisfied that they did, and that there was an objective basis for Cabinet to believe that it was necessary that this measure apply nationally. Although I view it as a close call, I accept that Cabinet was reasonably concerned about continued proliferation of unlawful protests and over-stretched law enforcement resources nation-wide. This was a dynamic and fluid situation. As Minister of Intergovernmental Affairs Dominic LeBlanc explained, the national application of the measure was intended to be both dissuasive and preventive; dissuasive, by making it clear that a protest deemed unlawful in one jurisdiction could not simply show up in another; preventive, by giving the provinces the tools they would need to deal with situations that might suddenly arise in their jurisdiction, without further intervention by the Federal Government. The measure sent a clear signal that conduct like that which was occurring in Ottawa would not be tolerated anywhere in Canada. Finally, Cabinet was concerned about coordination between the protests. While I have found that there was no such coordination, that concern was nonetheless reasonable at the time, and would have contributed to a reasonable belief that it was necessary for this measure to apply nation-wide.

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I have little difficulty concluding that this measure was effective. The provision clearly indicated to protesters that their conduct was unlawful and provided a firm foundation for police action to remove protesters who did not leave on their own.

The strongest argument against the effectiveness of this measure is that police did not lay any charges under the *EMR*. The suggestion is that the existence of the *EMR* did not really play a role in ending the protests since it was not used. I do not find this argument compelling for at least two reasons.

First, as I discuss in Section 5, the policing of public protests cannot be reduced to a singular model of police laying charges against protesters. The management of public order events is more complex. The fact that police have exercised their discretion in a particular way — including to not lay certain types of charges — does not tell the full story of the role the law played in managing the situation. In the case of the prohibition on participation, the Commission heard evidence that it was used by police in public messaging prior to enforcement to convince protesters to leave, not only in Ottawa, but in other provinces as well. As I indicate earlier in this summary, I am satisfied that this measure did play a role in dissuading participation in the unlawful protests. The fact that they did so without actually needing to lay charges should arguably count in favour of its effectiveness, not against it.

Second, this argument looks at the prohibition on participation in isolation, rather than in the context of the measures as a whole. The effectiveness of the prohibition on participation cannot be assessed without considering the other measures that rested on it, such as the power to create exclusion zones, the prohibition against providing material support, or the *EEMO* asset freezing regime. As I discuss in more detail later in this summary, these measures were also effective in responding to the emergency. Since they all relied on the central prohibition on participation, I have no difficulty in accepting that the measure was itself effective.

29.6 Prohibition on travelling to or within a prohibited public assembly

The appropriateness of the ban on travelling to or within a prohibited public assembly is closely tied to the appropriateness of the prohibition against participation. Indeed, I see very little conceptually that divides the two. The prohibition against travel was subject to a number of exceptions, the most significant of which is that it did not apply to a person who resides in, works in, or is moving through that area for reasons other than to participate in or facilitate the assembly. In light of my conclusion on the appropriateness of the prohibition on participation, I do not see why I would arrive at a different conclusion on this aspect of the *EMR*.

My conclusion might have been different had there been evidence that the measure was intended or used to limit access to the protest area by representatives of the media. In that case, the measure would be limiting access to the protest by persons who were not engaged in any unlawful activities, but who were still exercising a key constitutional right — freedom of the press. In such circumstances, other considerations, such as the operational requirements of the police, would have to be strong enough to render the measure appropriate. However, since I did not hear evidence or receive submissions on this point, I merely identify this as a potential weakness of how the measure was drafted that should be considered in the future.

With respect to the effectiveness of this provision, I have no difficulty concluding that it was effective. It was this provision that the OPS relied upon to create an exclusion zone around the downtown core, which was a critical component of their operational plan. Indeed, this speaks to the necessity of the measure as well.

I acknowledge that OPS Acting Superintendent Bernier believed that the police had common law power to create exclusion zones and that this power was sufficient to allow for the implementation of the plan to end the Ottawa protest. I agree that there is a common law power to create exclusion zones in some circumstances. This

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power, however, is not clearly defined. In my view, it is doubtful that the common law would have allowed for the creation of an exclusion zone on the scale of the one that was created pursuant to the *EMR*. At an absolute minimum, reliance on the common law would have led to disputes over the legality of such an exclusion zone. I note that although Ontario's *Emergency Management and Civil Protection Act* would have permitted the Government of Ontario to make a prohibition order akin to this measure, this was not included among the measures that Ontario adopted pursuant to its declaration of emergency.

The fact that many protesters did not respect the measure and that other protesters attempted to join the demonstrations, does not change my conclusion. As I have already said, I find that, taken as a whole, the measures provided clarity and had a deterrent effect. The fact that many protesters did not comply with this rule may mean that it was not fully effective in ending the protests on its own, but that is not a reasonable standard against which to measure the *EMR*'s effectiveness. What must be assessed is whether it was effective in the sense that it made a meaningful contribution to bringing the emergency to an end. I conclude that it did.

29.7 Prohibition on bringing minors to a prohibited public assembly

In light of my conclusions on the appropriateness of the prohibition on participation and travel, it follows that the ban on causing minors to travel to or participate in prohibited assemblies was also appropriate. I heard evidence of protesters bringing young children to protests in Ottawa, Windsor, and Coutts. I suspect that many of the parents who did so believed that they were taking their families to lawful protests. In certain places and at certain times, they were likely correct. However, there was also a suggestion that, in some cases, children may have been used to prevent police enforcement. As events unfolded, the reality was that children were present in locations that were already unsafe, and becoming even less so by the day. By the time the *Emergencies Act* was invoked, these protests were no place for children.

In terms of the effectiveness of the measure, I am satisfied that at least some parents decided to either remove their children from the protest locations or not bring their children to the protests in the first place. I heard evidence that on several occasions, the police decided not to proceed with enforcement because of the presence of children at the protests; when the police did move to enforce in Ottawa, this no longer appeared to be an impediment. In light of this, and of the overall evidence of deterrence presented to me, it seems a matter of common sense that this measure had an impact.

29.8 Designation of protected places

I arrive at a somewhat different conclusion with respect to the list of designated protected places under section 6 of the *EMR*. Although I find that the objective of the measure was appropriate, its design was not.

It was appropriate to create a measure aimed at protecting designated places in light of the very real threat that new protests might emerge and interfere with critical infrastructure or other important property.

That said, the drafting of this provision strikes me as problematic in two respects. First, it simply provided that designated places could be “secured,” without elaboration as to what this meant. This is too vague to properly restrict the exercise of enforcement powers, and arguably too vague to be useful. As I discuss in Section 19.2, the Federal Government and the OPS ultimately decided that this provision should not be used in Ottawa. Second, it may also be problematic that the provision identifies a lengthy list of places that may be designated as protected, but also gives the minister of Public Safety and Preparedness the authority to designate, without restriction, any other places.

I recognize that I did not hear argument on this point and that there may be evidence and argument to support the measure, but based on the information before me, I conclude that it was not appropriate as drafted. I believe that this measure could have

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been appropriate, had it been properly designed. A more carefully crafted measure would have specified, for example, what types of conduct were prohibited, for instance damaging, destroying, or obstructing the use or operation of a designated place. This would have given direction to both the police and the public on how the provision would be implemented.

As for effectiveness, while I have found that the *EMR* as a whole deterred protesters, there is little to suggest that the power to secure designated places specifically contributed to this, and the power went unused because Cabinet's reasonable fears of further illegal protests interfering with designated places did not materialize. I therefore conclude that it was not an effective measure.

29.9 Rendering essential services

The measures that empowered the RCMP or its designate to require towing companies to assist the police was appropriate in light of the circumstances. Perhaps the defining feature of the demonstrations in January and February 2022 was the extensive use of trucks and heavy equipment as protest tools. They were the key components of slow rolls, blockades, and the long-term occupation of the streets of Ottawa, as well as locations such as Coutts. Honking their horns was one of the most obvious forms of the protesters' expression, as well as the cause of harm to local residents. Given the size of the vehicles and equipment involved, the police required towing capacity to help resolve at least some of the protests that took place.

I also heard evidence of the difficulty authorities had in procuring towing capacity. Towing companies near Ottawa, Windsor, and Coutts refused to assist police due to pressure from protesters and their supporters. I acknowledge that the Ontario Provincial Police (OPP) expressed confidence that it would have been able to deal with the protests even if the towing companies it had secured ultimately decided not to co-operate. However, having considered all the evidence, I am satisfied that tow trucks were important for a safe enforcement operation. It was likely that most, and

potentially all available towing companies would have refused to assist police without the *EMR*. Although I have no basis to question the OPP's belief that the Ottawa protest could have been ended without access to heavy tow trucks, it is nonetheless certain that the operation was made considerably easier and likely safer because of the availability of tow trucks. The tow trucks also allowed the reopening of the streets once they were cleared of protesters. The authority to compel, if necessary, avoided the problem of retribution from protesters and their supporters, and offered companies the broad indemnification they felt they needed in order to participate. Indeed, it turned out to be the carrot of indemnification, and not the stick of sanction for refusing to cooperate, that ultimately proved more important in procuring towing capacity.

I find that the measure was effective. While there was some debate about this, I am satisfied that the measure was used in Ottawa. This is clear from the OPP bill provided to the federal government for more than half a million dollars. The federal government was only required to pay to the extent that the *EMR* was invoked to require towing services. As I have already said, I am satisfied that such co-operation was not forthcoming absent the indemnification and compulsion measures under the *EMR*.

29.10 Enforcement authority for extra-provincial police

The *EMR* removed the need for the swearing in of out-of-jurisdiction police officers in order to enforce provincial laws and municipal by-laws. This allowed for rapid deployment of RCMP and officers from other provinces to assist the OPS and the OPP. By simplifying and accelerating this process, the measures assisted in bringing the situation to a rapid end.

I am satisfied that it was advantageous to remove this swearing-in requirement for RCMP officers to effectively assist with police operations in the protests. While the RCMP would have been able to enforce the prohibitions in the *EMR* itself without

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being sworn in, police operations also included enforcing provincial laws, including the provincial emergency measures.

The difficulties encountered when the RCMP came to assist in Windsor would have been avoided if the *EMR* measures had been in place. OPP Superintendent Earley, who led the operation in Windsor, found the swearing-in process so cumbersome that she circumvented it by pairing every RCMP officer with a partner from the OPP or the WPS so that the full range of authorities under provincial and municipal legislation could be used. This was a pragmatic solution, but an unfortunate waste of police resources at a time when they were badly needed and clearly stretched.

I recognize that the OPS had already taken steps to simplify and speed up the swearing-in process in Ottawa, but in a situation where time was of the essence, removing this unnecessary administrative burden was appropriate, especially given that several hundred RCMP officers were about to arrive in Ottawa, and the Government wanted the State of Emergency to be in place for as short a time as possible. As OPS Interim Chief Steve Bell noted, removing the swearing-in requirement allowed the OPS to “streamline and effectively create operational bodies.”⁶²

29.11 Border measures

The provision of the *EMR* that allowed the Canada Border Services Agency (CBSA) to exclude foreign nationals from entering Canada to participate in an unlawful assembly was ultimately of little, if any, assistance in resolving the emergency. The CBSA already had exclusion powers which it had successfully used to exclude many individuals who were entering Canada for the purpose of joining the protests, most notably, the requirement for individuals to show proof of COVID-19 vaccination. There was only one case in which foreign nationals were turned away at the border on the authority of the *EMR* provision. I have no difficulty concluding that their exclusion had no bearing on the resolution to the Public Order Emergency.

⁶² Evidence of S. Bell, Transcript, October 24, 2022, p. 130.

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Given the lack of evidence of an influx of foreign nationals who could not be turned away using existing vaccination requirements, I conclude that this measure was not effective.

In the circumstances however, I am not prepared to say that it was not justified as part of the measures considered necessary at the time. The concern about American involvement and potential participation in the protests was reasonable. Many of the border blockades involved protests taking place on both sides of the port of entry. Calls originating from the United States had flooded emergency 911 call centres in Ottawa. More than CAD\$6 million in funding for the Freedom Convoy had been sent from the United States. The links between the United States and what was happening in Canada were significant enough that Prime Minister Justin Trudeau raised this in his call with U.S. President Joe Biden, who acknowledged that the situation was a shared problem. In this light, it was reasonable to consider that individuals would come to Canada to physically join the protests, and it was appropriate to take measures to prevent this.

29.12 Prohibition on providing material support

The prohibition on providing material support to individuals involved in illegal protests was appropriate. The Ottawa protests were only able to become as entrenched as they did through extensive contributions of support from others. Cash donations allowed for the purchase of hotel rooms and fuel. Sophisticated operations like Adopt-A-Trucker provided food, showers, and shelter. All of these contributed to sustaining the protests. It was appropriate for the Government to attempt to cut off this support to encourage protesters to depart before the police resorted to the use of force.

In reaching this conclusion, I am mindful that providing material support to protesters could be viewed as a constitutionally protected expressive act. However, given the pressing need to bring the protests to an end, and the important role that cutting off

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donations played in achieving that goal, I find that it was a reasonable limit to prohibit such donations.

I also have no difficulty in concluding that this measure was effective. Although I have found that few of the online donations ever reached the protesters, there were many other ways that third parties provided material support that sustained the protests. When this provision was taken together with other measures, such as the asset freezing regime under the *EEMO*, I conclude that it played a role in reducing the level of support received by the protesters, which in turn reduced their capacity to continue with the protests. This likely had at least some impact on the footprint of the protests prior to police enforcement action.

29.13 Asset freezing

The asset-freezing regime had two main purposes: first, discouraging people from remaining at the site of unlawful protests; and second, preventing further financial support from reaching convoy participants.

The level of financial support provided to the Ottawa protest from people across Canada and around the world was significant. Protest organizers were clear that they were stunned by how successful they were in generating funds. While their intended use was not always well-defined, it was obvious that the donated funds could enhance the ability of protesters to remain in Ottawa for an extended time, whether by purchasing food, fuel, hotel rooms, or entertainment.

However, as I have found, relatively little of this donated money ever reached the protesters. Most funds were blocked through steps taken by private entities and through court orders. This raises an interesting question of whether the provisions of the *EEMO* directed at freezing assets were necessary to respond to the unlawful protests.

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I have concluded that they were, at least when viewed through the prism of the “reasonable grounds to believe” standard under the *Emergencies Act*. Given the pace at which donations were accruing, it was reasonable for Cabinet to be concerned that donations were continuing to make their way to protesters. The ability of Tamara Lich’s Freedom Convoy fundraiser to move to GiveSendGo so quickly following GoFundMe’s decision to shut it down demonstrated that both protesters and donors could rapidly change their fundraising tools. The use of cryptocurrencies as a fundraising tool complicated matters even more. It was entirely reasonable for Cabinet to be concerned that there would be further attempts to evade the effects of the Attorney General’s Restraint Order, or the *Mareva* injunction obtained by downtown Ottawa resident Zexi Li. There was evidence that court orders, while useful tools, could be slow to obtain and might not be effective in intercepting donations before they could be moved. In light of the evidence, I conclude that Cabinet had reasonable grounds to believe that an extraordinary measure such as the *EEMO*’s asset freezing provision was necessary to prevent the protests from being financially sustained over the long term.

In addition, as I will explain later, the asset freezing regime had a significant impact in encouraging protesters to leave unlawful protests.

That conclusion, on its own, does not answer the question of whether the measures were appropriate. In particular, there are six features of the scheme that call for additional scrutiny: 1) the impact of asset freezing on *Charter* rights; 2) the geographical scope of the measure; 3) the application of the measure to provincially regulated financial institutions; 4) the scope of who the measures applied to; 5) the absence of discretion or exceptions in the scheme; and 6) the absence of adequate procedural protections.

Fundraising itself attracts constitutional protection under section 2 of the *Charter*, both for donors and for the recipients of the funds. For donors, the act of donation can itself be an expressive act. Given the political character of the protests, I have no difficulty in finding that many donors to the Freedom Convoy did so at least in part to express

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solidarity with protesters and to add their voices to a political protest. It also impacted protesters themselves by removing a key resource that permitted them to continue to engage in political expression.

However, for reasons I explain earlier in this summary, by the time the *Emergencies Act* was invoked, ending the unlawful protests was itself a reasonable limit on freedom of expression. The asset freezing regime, while highly impactful on protesters, did not involve physical force or violence. By encouraging protesters to leave without having to resort to force, the *EEMO* sought to achieve an end to the unlawful protests that did not place the physical well-being of protesters or others at risk. It was a proportionate response to the situation as it existed as of February 14, 2022.

It was not an infringement of section 8 of the *Charter* for the *EEMO* to require listed entities to freeze property owned, held, or controlled by persons engaging in prohibited activities. While the *Charter* protects individuals against “unreasonable search and seizure,” the freezing of assets under the *EEMO* is neither unreasonable nor a “seizure” for the purposes of section 8. The Supreme Court has explained that s. 8 is meant to promote an individual’s privacy interests. It does not protect against restrictions on the enjoyment of property. Accordingly, even the taking of property by government action would not, in itself, constitute a “seizure” for the purpose of s. 8 unless it were done in the context of an administrative or criminal investigation.⁶³ The *EEMO* did not constitute a taking of the assets in question; it only required designated institutions to freeze them. This was not meant to assist an administrative or criminal investigation, but to deter people from continuing to participate in illegal protests.

The second feature of the *EEMO* that requires consideration is that it applied throughout Canada. It might be argued that it should have been limited to Ontario, given its obvious focus on those who were involved in or supported the protests in Ottawa. The simple response is that the measures had to be national in scope in order to be effective. Between online banking and smartphone apps, moving money

⁶³ *Québec (Attorney General) v. Laroche*, [2002] 3 S.C.R. 708, paras 52 and 53.

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between financial institutions takes only minutes to accomplish. Had the *EEMO* applied only to institutions in Ontario, there would have been little to stop protesters raising or moving money using out-of-province entities.

The third feature of the *EEMO* was the fact that it covered provincially regulated financial institutions, such as credit unions. This was a real concern. One of the most significant aspects of the emergency branch of the “Peace, Order, and good Government” (POGG) power, which I discuss in Section 3.1, is that it permits the Federal Government to deal with matters that are ordinarily in the exclusive jurisdiction of the provinces. Such disruption of the ordinary rules of federalism should not be done lightly, nor accepted as appropriate without serious justification.

However, I find that the *EEMO*'s regulation of provincial institutions was appropriate for two reasons. The first is that, just as protesters could easily move their money from province to province, so too could they move their money from banks to credit unions or other provincial institutions with relative ease. Second, the *EEMO* did not seriously interfere with provincial jurisdiction. The sole impact of the measure was to require asset freezing. Provinces remained free to regulate their institutions in any other way they saw fit.

The fourth feature of the *EEMO* is that it applied to more people than it should have. As I discuss in Section 18.5, there was a tension between what the *EEMO* did, and what the Federal Government was seeking to achieve. The *EEMO* required the freezing of assets for all “designated persons,” which would include not just protesters, but also small-dollar donors to the Freedom Convoy. On the other hand, the Federal Government stated, both in February 2022 and to the Commission, that it only wanted financial institutions to freeze the assets of protest leadership and major supporters. The message conveyed by the Government was that contributions to illegal protests were prohibited and exposed the donors to having their accounts frozen but that, at least at the outset, only significant donors would be targeted.

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Ultimately, I do not find that the scope of the *EEMO* was inappropriate. Seeking to prevent any funds from supporting the illegal protests was, in my view, a reasonable measure in the circumstances. Further, the measure was not retrospective, meaning that those who had donated to the Freedom Convoy before the *Emergencies Act* was invoked were never at risk of having their assets frozen.

I note that in practice asset freezing was done largely on the basis of lists of designated persons provided by the RCMP to financial institutions. There appears to be no dispute that these lists did not capture small-dollar donors or others with only a peripheral connection to the protests. This mitigated the effects of the provision.

A related scope issue that I heard evidence about pertained to joint bank accounts. An individual who had no connection to the protests could still have had their assets frozen under the *EEMO* if they held their accounts jointly with a protester. It is not difficult to imagine a scenario where an individual would participate in the protests without the involvement of their spouse (or, indeed, against the spouse's wishes). It is clearly unjust for individuals with no connection to the protests to have their accounts frozen.

The difficulty, however, is that this appears to have been unavoidable. None of the parties made submissions on how the *EEMO* could have been structured to avoid this consequence, and I am unable to think of an obvious mechanism myself. The question then is whether the inevitable impact of the *EEMO* on innocent third parties rendered the measure inappropriate. Again, and not without some hesitation, I conclude that the measures were still appropriate. Excluding joint accounts from the *EEMO* would have allowed the protesters to easily and quickly circumvent it by using or creating joint accounts.

A fifth feature of the *EEMO* is that it imposed a blanket requirement to freeze assets without any type of discretion or exceptions for humanitarian considerations. I heard evidence of the *EEMO* interfering with the ability to purchase necessary medicines or

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interfering with child and spousal support payments. The *EEMO* did not intend such consequences.

In my view there ought to have been a provision granting flexibility in the *EEMO*'s application. Unlike the impact of asset freezing on joint accounts, which appeared to be an inevitable consequence of the *EEMO* regime, this measure could have been drafted to permit at least some type of humanitarian exception. Indeed, it appears that this was a matter of discussion between financial institutions and the Department of Finance while the *EEMO* was in effect. The absence of such a provision was concerning.

My criticism here is tempered by the reality that the *EEMO* was drafted quickly and was in force for only a short period of time. While officials from the Department of Finance ought to have anticipated the need for some type of exception regime when designing the *EEMO*, I am prepared to accept that the speed in which the measures had to be drafted may have made this challenging to do. Had the *EEMO* been in effect for a longer period of time, I would have expected that a system of exceptions or flexibility would have been introduced.

A sixth feature of the asset freezing regime is that it did not provide for adequate procedural protections. There were two components to this criticism: the absence of adequate notice to persons whose assets were to be frozen, and the absence of any unfreezing mechanism.

I do not accept that there was a failure to provide adequate notice. While there was no formal obligation in the *EEMO* for financial institutions to tell their customers about asset freezing, I do not think it was necessary to include such a rule. What was required was for protesters to know ahead of time that they were at risk of having their assets frozen if they continued in the conduct that qualified them as designated persons. I am satisfied that the police and the Federal Government went to considerable lengths to inform protesters about the invocation of the *Emergencies Act* and the possible

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consequences that they would face if they continued in their participation in the protests. Although there was less publicity with respect to the prohibition on making donations, there is also no indication that any donors had their accounts frozen.

The absence of a delisting mechanism is more troubling. If one of the objectives of the freezing regime was to convince people to leave protest sites, the regime should have had a mechanism to unfreeze accounts once people complied. The absence of any specific rules about unfreezing caused concern for financial institutions, who were unclear how to determine when an individual listed on a report provided by the RCMP was no longer a designated person. The Department of Finance initially expected that financial institutions would, as a result of their obligation to monitor client relationships on an ongoing basis, unfreeze accounts once they confirmed that individuals were no longer involved in the prohibited activities. However, security concerns began to arise for front-line workers at financial institutions regarding individuals coming in and demanding to have their accounts unfrozen.

The absence of any rules was also a problem from the perspective of protesters. They received no direction on what they should do to have their accounts unfrozen, beyond leaving the protests. They were not told who to contact or what information they should provide. This lack of direction may well have contributed to the frustration and the security concerns mentioned previously.

The lack of an unfreezing mechanism was a failing of the *EEMO*. The Government ought to have anticipated the need to give former protesters prompt access to their funds. Greater attention ought to have been paid to this issue at the outset. However, I am satisfied that, with more time, such a system would have been developed. Department of Finance officials were already working with the RCMP to develop such a process when, on February 21, the RCMP issued a blanket notice to financial institutions that it no longer viewed any of the previously listed individuals to be “designated persons.” This was, for all intents and purposes, a clear statement that financial institutions should unfreeze accounts.

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There is one aspect of the freezing regime that was, in my view, inappropriate in principle: the suspension of vehicle insurance. While intended to be another measure to discourage participation, it was in fact counterproductive and if implemented, would have been potentially dangerous. As police explained, it would be dangerous to suspend the insurance on these vehicles, as it would mean that either the protesters would have to leave without their vehicles, or they would have to drive away in uninsured vehicles. If they were then involved in an accident, innocent people might have been unfairly impacted by the absence of insurance. This measure was viewed as sufficiently problematic that the RCMP decided not to provide its designated persons lists to insurance companies. Quite simply, they did not want this part of the *EEMO* to be used. While perhaps well intentioned, I do not view this measure as having been either necessary or appropriate.

Given the overall effectiveness of the asset-freezing regime in bringing the emergency to a safe and speedy resolution, I conclude that it was an appropriate and effective measure. As I have found, there ought to have been mechanisms providing for flexibility in the application of the regime and for the unfreezing of accounts, and the insurance provision should not have been included. Viewed as a whole, however, it was a powerful tool to discourage participation and to incentivise protesters to leave. I am satisfied that it played a meaningful role in shrinking the footprint of the protests, and in doing so, made a meaningful contribution to resolving the Public Order Emergency.

29.14 Reporting to Financial Transactions and Reports Analysis Centre of Canada

The measures requiring Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) reporting by payment processors and crowdfunding platforms were a function of a legislative gap that pre-dated the protests. As Deputy Prime

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Minister Chrystia Freeland put it, FINTRAC’s monitoring authorities “were appropriate for a 20th century economy, but not for a 21st century economy.”⁶⁴

While the changes may have enhanced the integrity of Canada’s anti-money laundering and terrorist financing regime, they had no impact on resolving the protests. According to FINTRAC itself, the changes did not result in any shift in reporting patterns and had no impact on its ability to fulfill its mandate because they were not in place long enough to have an effect.

While I am mindful that this was not argued or explored during the hearing, it strikes me that s. 4(2) of the *EEMO*, which required payment processors and crowdfunding platforms to report transactions reasonably suspected of being related to the commission of a money laundering or terrorist activity financing offence by a designated person, may have been unnecessary simply because it was largely redundant given other provisions in the *EEMO*. Crowdfunding platforms and payment processors were listed entities under section 3 of the *EEMO*. Section 2 of the *EEMO* required listed entities to cease dealings with designated persons. Thus, there would be no completed transactions by designated persons for the entities to report to FINTRAC. Meanwhile, under section 5 of the *EEMO*, the entities would have to report the existence of property in their possession belonging to a designated person, as well as any information about transactions or attempted transactions in respect of that property, to the RCMP or the Canadian Security Intelligence Service (CSIS). It is difficult to see, then, why reporting to FINTRAC under s. 4(1) was necessary.

The types of reporting obligations that section 4(3) of the *EEMO* imposes on crowdfunding platforms and payment processors already exist for other money services businesses. While I appreciate that this measure was important to fill a gap in the architecture of Canada’s financial reporting and intelligence scheme, I have difficulty seeing how it was necessary for the specific purpose of dealing with the

⁶⁴ Evidence of Deputy Prime Minister Freeland, Transcript, November 24, 2022, pp. 15 and 16.

Public Order Emergency, particularly since it was acknowledged that this measure would take a long time to have an effect. Based on the information I have, I would conclude it was not appropriate as an emergency measure, but I recognize that there may be evidence and arguments on this point that were not before me.

30. Conclusion

Many have called the events of January and February 2022 exceptional. I think that is an apt description. There was much about that period that was, if not wholly unprecedented, then at the very least extraordinary. One exceptional event, and the focus of this Inquiry, was the use of the *Emergencies Act* for the first time in its 35-year history.

It is unsurprising that the *Emergencies Act* had never been used until now. It is exceptional legislation, meant for exceptional times. It can only be invoked when a multi-layered series of preconditions are satisfied. Its invocation triggers a series of review, oversight, and accountability mechanisms that serve as a check against governments using the Act when they should not, and as a means to restrain overreach. The cumulative effect of these preconditions and mechanisms is that resort to the *Emergencies Act* will be rare.

I have concluded that in this case, the very high threshold for invocation was met. I have done so with reluctance. The state should generally be able to respond to circumstances of urgency without the use of emergency powers. It is only in rare instances, when the state cannot otherwise fulfill its fundamental obligation to ensure the safety and security of people and property, that resort to emergency measures will be found to be appropriate. As for the measures Cabinet put in place in response to the emergency, I conclude that while most of the measures were appropriate and effective, others fell short.

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It is regrettable that such a situation arose here, because in my view, it could have been avoided. As I have explained in this Report, the response to the Freedom Convoy involved a series of policing failures. Some of the missteps may have been small, but others were significant, and taken together, they contributed to a situation that spun out of control. Lawful protest descended into lawlessness, culminating in a national emergency.

The failures were not only in policing. The events of January and February 2022 can also be seen as a failure of federalism. In Canada, our federal system of government enriches democracy by striving to maintain national unity while supporting regional diversity. But fulfilling these promises depends on co-operation and collaboration. Responding to situations of threat and urgency in a federal system requires governments at all levels, and those who lead them, to rise above politics and collaborate for the common good. Unfortunately, in January and February 2022, this did not always happen.

The Freedom Convoy was a singular moment in history, in which simmering social, political, and economic grievances were exacerbated by the COVID-19 pandemic, shaped by a complex online landscape rife with misinformation and disinformation, and unleashed in a torrent of political protest and social unrest. Though extraordinary, it was not entirely unpredictable. Historically, it is common for pandemics to be accompanied by a decline in social cohesion and a surge in civil unrest. This one has been no exception.

It was the failure to anticipate such a moment and to properly manage the legitimate protests that emerged, especially the protest in Ottawa, that resulted in the 2022 Public Order Emergency. Had various police forces and levels of government prepared for and anticipated events of this type and acted differently in response to the situation, the emergency that Canada ultimately faced could likely have been avoided. Unfortunately, it was not.

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Fortunately, the Parliament that passed the *Emergencies Act* had the wisdom to create a statute with both the powers needed to protect Canadians in times of crisis, and the safeguards needed to ensure restraint and accountability.

There are important systemic lessons to be learned for both police and governments from the events in January and February 2022. I have recommended legislative amendments that I hope will result in improvements to the *Emergencies Act*. I have also suggested best practices that I hope will better prepare governments and police to respond to situations that risk becoming public order emergencies.

I also hope that through the work of this Commission and this Report, I have provided the public with the transparency and accountability that Parliament intended from this Inquiry.

Consolidated List of Recommendations

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1. Policing

Recommendation 1: The federal government — in conjunction with provincial, Indigenous, and territorial governments; police and intelligence agencies; the Canadian Association of Police Chiefs; and other stakeholders — should develop or enhance protocols on information sharing, intelligence gathering, and distribution that:

- a. identify how and by whom information and intelligence should be collected, analyzed, and distributed for major events, such as protests, that have multijurisdictional or national significance;
- b. enhance the ability to collaboratively evaluate information collected for reliability;
- c. adhere to the *Canadian Charter of Rights and Freedoms* and the reasonable expectations of privacy of those affected;
- d. enhance record-keeping regarding the collection, analysis, and distribution of information and intelligence;
- e. ensure compliance with legislative mandates, for example, statutory limits on surveillance of lawful protests by the Canadian Security Intelligence Service (CSIS);

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- f. promote appropriate access to and interpretation of social media and open-source materials;
- g. ensure that — where appropriate — comprehensive, timely, and reliable intelligence be communicated to police and government, within their appropriate spheres of decision making; and
- h. promote objective, evidence-based risk assessments that are written to both acknowledge information deficits and avoid misinterpretation.

Recommendation 2: The stakeholders identified in Recommendation 1 should consider the creation of a single national intelligence coordinator for major events of a national or interprovincial or interterritorial dimension.

Recommendation 3: Police and other law enforcement agencies should develop, in conjunction with affected governments, protocols around requests for additional law enforcement resources, where a police service is unable to respond on its own to major events, including certain protests. Such protocols should address:

- a. whether a municipal police service should request additional resources in Ontario through the OPP or concurrently directly with other police services and/or the RCMP;
- b. whether and when such requests should prioritize provincial policing resources before calling on the RCMP or other federal agency resources;
- c. to whom such requests should be directed and in what circumstances;
- d. to what extent governments should participate in these requests for resources;

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- e. what, if any, circumstances (such as a plan acceptable to the agency providing substantial resources or the creation of an integrated or unified command) should exist before external resources are provided and to what extent such circumstances should be memorialized in writing;
- f. in situations involving limited resources that cannot be deployed at the same time to multiple jurisdictions, what factors inform the jurisdiction given first or primary access to such resources, and to what extent can government be involved in the prioritization of limited resources to specific events; and
- g. in Ontario, whether the OPP commissioner should be given formal authority to address the provision and allocation of policing resources where other police services require external assistance.

Recommendation 4: All police services boards in jurisdictions that may be the subject of or adversely affected by major events including large-scale protests should create policies, consistent with the Morden and Epstein reports and their statutory-defined responsibilities, that delineate their oversight and governance roles in addressing those events. Such policies should, at a minimum:

- a. articulate what constitutes a “critical point”;
- b. articulate what kinds of activities constitute best practices, including what they can and should do to ensure adequate and effective policing in their jurisdiction — such as setting priorities, asking questions, and providing non-binding advice in relation to operational matters — and obtaining such information as may be needed for them to facilitate resourcing issues. These activities might well include post-event evaluations of lessons learned, particularly in connection with unplanned major events, and the identification of best practices in policing, going forward;

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- c. differentiate, where appropriate, between planned and unplanned events insofar as this distinction may affect the nature and timing of civilian oversight when an event rises to the level of a “critical point”;
- d. articulate the scope and meaning of prohibitions against interference or direction of day-to-day operations and when directions to the chief of police should be memorialized in writing;
- e. articulate the role of boards in supporting requests for additional resources or an integrated command and control to address major events;
- f. ensure that information conveyed outside of board meetings is shared with all board members;
- g. provide for training and education of board members and senior police leadership on the contents of such policies and best practices; and
- h. where appropriate, require that the police service create complementary procedures and practices to support these policies.

Recommendation 5: Governments should consider incorporating the points in Recommendation 4, in whole or in part, in policing legislation and/or mandating the creation of board policies that incorporate these points.

Recommendation 6: The Ontario Ministry of the Solicitor General should consider formalizing the responsibilities of its police services advisors in interacting both with police services boards and the Ministry. The process of doing so should be informed by the issues identified in this Report.

Recommendation 7: The Province of Ontario should create protocols to be potentially incorporated into its policing legislation, regulations, or policing manual that:

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- a. articulate criteria for the exercise of the powers set out in sections 9 and 55 of the Ontario *Police Services Act* and in Ontario's successor legislation;
- b. articulate the structure of an integrated or unified command and control model, and best practices around how it is created and operationalized; and
- c. create criteria and a clear process for compelling, in exceptional circumstances, a municipal police service to accept an integrated or unified command and control model for managing a major event. The authority to compel a municipal police service may be conferred, for example, on the OPP commissioner or the inspector general of policing.

Recommendation 8: The federal government, other provincial and territorial governments, and Indigenous governments should create similar protocols or memoranda of understanding to address either major events other than in Ontario or territories, or major events of a national or interprovincial / territorial dimension.

Recommendation 9: All governments and their police services should work cooperatively to create, to the extent possible, national standards on how these issues are addressed.

Recommendation 10: The Province of Ontario should consider the creation of a major event management unit, analogous to the unit created for major case management of investigations. A major event management coordinator could ensure that integrated command and control is immediately initiated where identified criteria are met and could facilitate the sharing of intelligence and other information, as well as the accumulation of resources. Requirements to notify the coordinator when certain criteria are met would also promote accountability and a seamless transition to integrated command, where appropriate.

Recommendation 11: Other jurisdictions in Canada should consider analogous changes to existing legislation, regulations, policies, and procedures to provide for the creation of such units.

Recommendation 12: The federal government should similarly consider the creation of a major event management unit or major event management coordinator to address and coordinate policing responses across the country to major events of a national dimension.

Recommendation 13: Federal, Indigenous, provincial, and territorial governments should consider either the creation of national standards for policing a major event, or changes to existing legislation, regulations, policing manuals, policies, and procedures that identify essential elements of strategic, operational, and tactical planning for major events, such as protests.

Recommendation 14: Based on the lessons learned at this Inquiry, such standards, frameworks, legislation, policies, procedures, or manuals should include, but not be limited to:

- a. processes to identify strategic, operational, and tactical commanders together with succession planning;
- b. building redundancies in command to ensure 24/7 coverage and address continuity of command;
- c. identifying lawful alternate sites for continuing protests, where applicable;
- d. health and wellness planning for officers;
- e. ongoing assessment of community impact;

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- f. pre-event planning and ongoing dialogue with protesters by trained and, where applicable, culturally competent officers; and
- g. coordination with non-policing first responders and relevant public authorities or agencies (for example, through the creation of executive tables).

Recommendation 15: The RCMP should consider leading an initiative, working with other police agencies, for police services across the country to adopt a single command and control model, with shared nomenclature to facilitate integrated operations in appropriate situations.

Recommendation 16: Where feasible, police services should have a contingent of trained PLT officers or have entered into an agreement with another service to access such officers or appropriate expertise, as needed.

Recommendation 17: Police services should create procedures, if they do not already exist, that clearly articulate the role of PLT officers within the context of major events. The procedures should adopt, with appropriate modifications for local conditions, frameworks such as the OPP Framework for Indigenous Incidents Protests and/or the CACP National Framework.

Recommendation 18: PLT officers and major event commanders, as well as senior leadership, should receive specialized training and education on, among other things, the OPP Framework and/or the CACP National Framework, and the role to be played by PLT officers and leadership in relation to major events.

Recommendation 19: In relation to Recommendation 18, police services should recognize the unique considerations that should inform a policing response to Indigenous-based protests, including the need for cultural competencies in addressing such protests. This recognition should also extend, more generally, to the development

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of national policing standards, frameworks, legislation, policies and procedures, and manuals.

Recommendation 20: The federal government, working together with other affected governments, should develop an expedited accreditation process for RCMP or interprovincial officers to exercise legal authority to enforce provincial legislation or municipal by-laws where applicable, and where their training and education ensure that they are competent to exercise such authority.

Recommendation 21: Any expedited accreditation process should address police oversight and accountability mechanisms.

Recommendation 22: Municipalities, police services boards, and police services should, when dealing with major events, provide the public with accurate, useful, and regularly updated information.

Recommendation 23: The federal government, in conjunction with other governments and with police services and other stakeholders, should comprehensively examine the scope and limitations on police powers in relation to protest activities. This examination should ultimately result in the clarification of such powers, whether in legislation or through the development of policing protocols that draw upon the lessons learned at this Inquiry.

Such protocols should, among other things, articulate the extent to which the police may lawfully restrict access to an area within or outside a city, or at or adjacent to a border crossing, by protesters and/or certain types of vehicles; and criteria for the exercise of such restrictions that remain compatible with the lawful rights under the Charter to protest and peacefully assemble.

Recommendation 24: Consultations and discussions should continue, through a working group, led by the federal government but including other governments, police agencies, and the Parliamentary Protective Service, to study, on a priority basis,

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whether changes should be made to the division of responsibilities for policing and security in the National Capital Region. The working group’s discussion should be informed, in part, by the contents of this Report.

Recommendation 25: Where the Federal Government proposes to declare a public order emergency and introduce law enforcement measures, it should, circumstances permitting, obtain, through direct consultation or through an appropriate intermediary such as the RCMP commissioner, the views of those law enforcement agencies likely to be primarily affected by these proposed decisions.

Such consultation should be specifically directed to what, if any, law enforcement-related measures are needed to address the emergency, and whether the consulted agencies have any concerns about the consequences of declaring a public order emergency.

Recommendation 26: The perspectives of affected law enforcement agencies should, circumstances permitting, be summarized in writing and made available to decision makers.

Recommendation 27: The federal government should develop, on a priority basis and in consultation with subject matter experts, publicly available guidelines that set out, in clear and accessible language:

- a. First:
 - i. the basic principles that operate to limit information that can be requested of police;
 - ii. the “lines” differentiating, with scenario-driven examples, what is permitted from what is not permitted; and

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- iii. the extent to which distinctions should be drawn between the circumstances in which it is acceptable for elected officials (and exempt staff supporting them) or for public officials to request information from the police.
- b. Second:
- i. whether there are circumstances in which the police, when dealing with major events, should on their own initiative provide information to elected officials and/or senior government officials; and
 - ii. if so, the types of information that should be provided.

2. Federal intelligence collection and coordination

Recommendation 28: The federal government, while mindful of concerns related to privacy and government intrusiveness, should examine the question of whether a department or agency of government should have the authority and responsibility to monitor and report on information contained in social media for appropriate purposes and with appropriate safeguards.

Recommendation 29: The federal government should initiate a review to ensure that the federal government agencies with a responsibility for the collection or analysis of security intelligence are fully coordinated among themselves. The overall goals to be achieved are to minimize duplication, and to promote integration and effective and timely sharing at the federal level and among stakeholders at other levels of government.

3. Critical trade corridors and infrastructure

Recommendation 30: The federal government should initiate discussions with provincial and territorial governments, in consultation with Indigenous governments and affected municipalities, to promptly identify critical trade transportation corridors and infrastructure, and establish protocols to protect them and respond to interference with them.

4. The *Emergencies Act*

Recommendation 31: The incorporation by reference into the *Emergencies Act* of the definition of “threats to the security of Canada” from the *CSIS Act* should be removed.

Recommendation 32: There should be an in-depth review of Part II of the Act dealing with public order emergencies with a view to:

- a. ensuring that the definition of a public order emergency is modernized in order to capture the situations that could legitimately pose a serious risk to the public order, now and in the foreseeable future;
- b. providing the government with the tools necessary to address these situations; and
- c. ensuring that the threshold remains high, the invocation of the Act remains exceptional, and all appropriate safeguards are put in place to maintain Parliament’s ultimate and effective control over the steps taken by the Government in response to a public order emergency.

Recommendation 33: Section 25 of the *Emergencies Act* should be amended to include a requirement to consult with the territories.

Recommendation 34: The federal government should engage in discussions with Indigenous communities to establish the appropriate parameters for consultations regarding possible recourse to the Act.

Recommendation 35: Should invocation of the *Emergencies Act* be necessary and to the extent that circumstances permit, the federal government should co-operate with the provinces to ensure that the measures it adopts to deal with the emergency comply with the requirements of subsection 19(3) of the Act so as to mitigate any infringement on provincial jurisdiction.

Recommendation 36: Although not determinative, the views of provincial, territorial, and Indigenous governments that such measures are not needed within their jurisdictions should be considered in the development of the measures and the jurisdictions to which they are made applicable.

Recommendation 37: Section 63 of the *Emergencies Act* should be amended to require that the inquiry be called pursuant to Part I of the *Inquiries Act*.

Recommendation 38: The *Emergencies Act* should be amended to provide greater direction to the commission of inquiry established in consequence of the declaration of a public order emergency and, at a minimum, direct it to examine and assess the basis for the declaration and the measures adopted pursuant thereto.

Recommendation 39: The prospective commissioner of a commission of inquiry pursuant to the Act should be consulted as to the substance of the terms of reference for the inquiry.

Recommendation 40: The *Emergencies Act* should be amended to require that, at the time a commission of inquiry into the declaration of a public order emergency is established, the Government deliver to the commission a comprehensive statement setting out the factual and legal basis for the declaration and measures adopted, including the view of the Minister of Justice of Canada as to whether the decision

Volume 1 – Consolidated List of Recommendations

to proclaim an emergency was consistent with the purposes and provisions of the *Emergencies Act*, and whether the measures taken under the Act were necessary and consistent with the *Charter*.

Recommendation 41: Amendments should be made to the *Emergencies Act* to impose upon the Government the obligation to create and maintain a thorough written record of the process leading to a decision to declare a public order emergency. That obligation should apply to both elected officials (and their exempt staff) and public servants.

Recommendation 42: The Government should commence the work of collecting and organizing its documents and information as soon as the decision to declare a public order emergency is made. Such records should be produced to the commission at the outset of its work or as soon thereafter as is feasible.

Recommendation 43: A Government that has declared a public order emergency should be bound to produce to the resulting commission of inquiry all of the inputs to Cabinet and to ministers on the issue. “Inputs to Cabinet” should be understood as encompassing all information, advice, and recommendations provided to Cabinet, Cabinet Committees, or individual ministers.

Recommendation 44: The government should have the obligation to provide a commission of inquiry with all of its documents and information holdings without redactions on account of irrelevance, or on account of national security confidentiality and similar public interest privileges.

Recommendation 45: Should a future commission of inquiry create a working group to work through challenges to claims of national security and related privileges, the Government should actively engage in the working group with a view to resolving issues expeditiously.

Report of the Public Inquiry into the 2022 Public Order Emergency

Recommendation 46: The *Emergencies Act* should be amended to allow the commissioner appointed for the inquiry to appoint an individual who will have jurisdiction to resolve any claim of privilege that would normally be within the jurisdiction of a superior court judge in accordance with such expedited procedures as adopted by the adjudicator.

Recommendation 47: Where it can reasonably be anticipated that claims will be made by the government pursuant to section 38 of the *Canada Evidence Act*, a request should be made to the chief justice of the Federal Court to appoint a judge to determine all challenges to such claims on an expedited basis.

Recommendation 48: The *Emergencies Act* should be amended to give the commission the power to order a person to produce any information, document, or thing under the person's power or control.

Recommendation 49: The *Emergencies Act* should be amended, subject to any constitutional constraints, to clarify that a federal Parliamentarian may not claim Parliamentary privilege to refuse to testify before a commission of inquiry into a public order emergency.

Recommendation 50: The *Emergencies Act* should be amended such that:

- a. The 360 days within which an inquiry must complete its work should start to run on the day that the Order in Council creating the commission is made.
- b. The commissioner heading a public order emergency inquiry should have the power to extend the time within which the commission's report must be produced by up to six months.

Recommendation 51: Section 62 of the *Emergencies Act* should be amended:

- a. to clarify that the mandate of the Parliamentary Review Committee is to oversee how the government is exercising its powers and performing its duties and functions while a declaration of an emergency is in effect; and
- b. to provide that the Parliamentary Review Committee is to be struck as soon as possible, and no later than seven days after the proclamation of the emergency.

Recommendation 52: Subsection 28(1) of the *Federal Courts Act* should be amended to add: (1) a commission of inquiry established pursuant to section 63 of the *Emergencies Act*; and (2) the Governor in Council when it issues a proclamation pursuant to subsection 17(1) of the Act among matters the Federal Court of Appeal has jurisdiction to hear applications for judicial review.

5. Other areas for further study

Recommendation 53: All levels of government should continue to study the impact of social media, including misinformation and disinformation, on Canadian society, with a focus on preserving freedom of expression and the benefits of new technologies, while addressing the serious challenges that misinformation, disinformation, and other online harms present to individuals and Canadian society. Governments should coordinate their work in this area to ensure that any jurisdictional issues may be addressed.

Recommendation 54: The federal government should continue with its study into cryptocurrencies. This study should be informed by the findings of this Commission. Federal officials should seek to collaborate with counterparts at other levels of

government to benefit from existing study in this area and to ensure that any jurisdictional issues may be addressed.

6. Follow-up and accountability

Recommendation 55: Within twelve months following the tabling of the commission's report, the Government should issue a public response identifying which recommendations it accepts and rejects. For the recommendations the Government accepts, it should provide a detailed timeline for their implementation. For the recommendations the Government rejects, it should provide a detailed explanation of its refusal to implement them.

Recommendation 56: The Government's response should be referred to an implementation committee, the mandate and composition of which are to be determined by Parliament.

Acronyms, Initialisms, and Other Abbreviations

Acronyms, Initialisms, and Other Abbreviations

Abbreviation	Full Title
ADM NS Ops	Assistant Deputy Ministers' Committee on National Security Operations
APMA	Automotive Parts Manufacturing Association
ASI	Advanced Symbolics Inc.
BIA	Business Improvement Area
BLRS	By-law and Regulatory Services (Ottawa)
BOC	Border Operations Centre (CBSA)
CACP	Canadian Association of Chiefs of Police
CAF	Canadian Armed Forces
CBA	Canadian Bankers Association
CBSA	Canada Border Services Agency
CCLA	Canadian Civil Liberties Association
CCMG	Consultative Conflict Management Group
CCUA	Canadian Credit Union Association
<i>CEA</i>	the <i>Canada Evidence Act</i>
Cell (the)	Integrated Planning Cell
CIC	Critical Incident Command(er)
CIG	Combined Intelligence Group
CME	Canadian Manufacturers & Exporters
CN Rail	Canadian National Railway
CSE	Communications Security Establishment

Acronyms, Initialisms, and Other Abbreviations

CSIS	Canadian Security Intelligence Service
<i>CSIS Act</i>	<i>Canadian Security Intelligence Service Act</i>
CVOR	Commercial vehicle operator's registration
DHS	Department of Homeland Security
DLT	Divisional Liaison Team
DMOC	Deputy Ministers' Committee on Operational Coordination
DND	Department of National Defence
DSC	Deputy Secretary to Cabinet
<i>EA</i>	<i>Emergencies Act</i>
<i>EEMO</i>	<i>Emergency Economic Measures Order</i>
<i>EMCPA</i>	<i>Emergency Management and Civil Protection Act</i>
<i>EMR</i>	<i>Emergency Measures Regulations</i>
EOC	Emergency Operations Centre (Ottawa)
EPCRS	Emergency Preparedness and COVID Recovery Secretariat
FINTRAC	Financial Transactions and Reports Analysis Centre of Canada
FMM	First Ministers' Meeting
FPT	federal – provincial – territorial
FPT CPPC	Federal, Provincial, and Territorial Crime Prevention and Policing Committee
Freedom Corporation	Freedom 2022 Human Rights and Freedoms Non-Profit Corporation
GAC	Global Affairs Canada
GDP	Gross Domestic Product

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GIC	Governor in Council
GOC	Government Operations Centre
IAS	Intelligence Assessment Secretariat
ICS	Incident Command System
IGA Secretariat	Intergovernmental Affairs Secretariat
IMCIT	Ideologically Motivated Criminal Intelligence Team (RCMP)
IMVE	ideologically motivated violent extremism
IRG	Incident Response Group
ITAC	Integrated Terrorism Assessment Centre
JCCF	Justice Centre for Constitutional Freedoms
JIG	Joint Intelligence Group
MCM	Major Case Management
MLA	Member of the Legislative Assembly
MOU	memorandum of understanding
National Framework	National Framework for Police Preparedness for Demonstrations and Assemblies
NCC	National Capital Commission
NCR	National Capital Region
NCRCC	National Capital Region Command Centre
<i>NDA</i>	<i>National Defence Act</i>
NSIA	National Security and Intelligence Advisor
OCPC	Ontario Civilian Police Commission
OPP	Ontario Provincial Police

Acronyms, Initialisms, and Other Abbreviations

OPS	Ottawa Police Service
OPSB	Ottawa Police Services Board
<i>PCMLTFA</i>	<i>Proceeds of Crime (Money Laundering) and Terrorist Financing Act</i>
PCO	Privy Council Office
PIU	Protective Intelligence Unit (RCMP)
PLT	Police Liaison Team (OPS)*
PLT	Provincial Liaison Team (OPP)*
PMO	Prime Minister's Office
POE	Port of Entry
POGG power	Peace, Order, and good Government power
POU	Public Order Unit
PPS	Parliamentary Protective Service
PS	Public Safety
<i>PSA</i>	<i>Police Services Act</i>
PSPC	Public Services and Procurement Canada (department of)
RBC	Royal Bank of Canada
RCMP	Royal Canadian Mounted Police
RE	reporting entity
RFA	Request for Assistance
SIRA	Strategic Intelligence, Research, and Analytics Unit (FINTRAC)
SJAM	Sir John A. Macdonald Parkway
SPVG	Service de police de la Ville de Gatineau
SQ	Sûreté du Québec


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SSE	Safety, Security, and Emergencies (Cabinet Committee)
TBOF	Taking Back Our Freedoms
TD	Toronto-Dominion Bank
TIMG	Traffic Incident Management Group
TPS	Toronto Police Service
TPSB	Toronto Police Services Board
<i>WMA</i>	<i>War Measures Act</i>
WPS	Windsor Police Service**
WPS	Winnipeg Police Service**
WPSB	Windsor Police Services Board

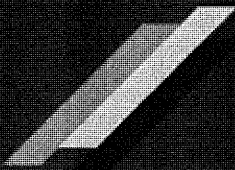
* PLT can refer to either Police Liaison Team or Provincial Liaison Team, depending on the context.

** WPS can refer to either Windsor Police Service or Winnipeg Police Service, depending on the context.

This is Exhibit C referred to in the
affidavit of Trudy Moore
sworn before me, this 15th
day of September 2023.


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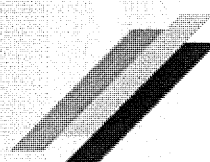
Report of the Public Inquiry into the 2022 Public Order Emergency



Volume 2: Analysis (Part 1)

The Honourable Paul S. Rouleau, Commissioner

February 2023



**PUBLIC ORDER
EMERGENCY
COMMISSION**

them. Thus, as OPP Superintendent Abrams testified, even if the OPS had been able to promptly develop contingency plans, it still would have lacked the resources to implement them. Similarly, as OPS Chief Sloly testified, by the time the convoy arrived, it was too late to request and receive the significant number of resources from partner agencies in time to promptly respond.

3. The experience of Ottawa residents

Before continuing with a detailed description of the events that took place in February 2022 in Ottawa, it is important to describe the overall impact of the protests on the city of Ottawa and its residents.

The Freedom Convoy protest in Ottawa involved tens, if not hundreds of thousands of people, each with their own experience. No public inquiry could ever collect a comprehensive set of firsthand accounts of an event like this. Much of the evidence before me was necessarily anecdotal and hearsay, but this was not a barrier to my ability to get an understanding of what occurred. I heard a range of evidence from law enforcement professionals, government officials, and area residents, and received contemporaneous documents that described the experience of Ottawa residents. I accept that this body of evidence, taken as a whole, paints an accurate picture of how the protests impacted many people in Ottawa.

3.1 Noise

The honking that characterized the Freedom Convoy's drive across Canada continued upon its arrival in downtown Ottawa. It took a considerable toll on residents. While there were many sources of noise during the protests, the most significant was the use of air horns and train horns by the trucks that had entered the city. Throughout the first week of the protests, the honking was almost constant, continuing throughout the day and, at times, into the night.

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The negative impact of the honking was obvious, including to protesters. Some protest organizers tried to implement “quiet hours” from 8 p.m. to 8 a.m. There was conflicting evidence about the extent to which this was successful. Even when enforced, having 12 quiet hours did little to quell the discomfort that residents experienced throughout the other 12 hours of the day. Some protesters seemed to enjoy the harm that the noise was causing. In one video, Mr. King laughed when referring to residents’ inability to sleep due to the horns.

Noise readings were taken on the streets of downtown Ottawa throughout the protests. According to data obtained and analyzed by Canadian data visualization firm Spatial Media, most of the downtown protest sites had average daytime noise levels of 90 – 110 decibels in the first week. Ottawa resident Zexi Li, who eventually obtained an injunction to stop the honking, as I discuss later in this chapter, testified that she measured noise levels as high as 85 – 90 decibels inside her tenth-floor condo unit. Ms. Li alleges, as part of a class action lawsuit against protest participants, that the noise caused serious physical and psychological harm.

Victoria De La Ronde, another downtown resident, testified that the noise level in Ottawa caused her to experience difficulty sleeping, anxiety, hearing loss, vertigo, and hearing “phantom” honking. Fireworks were another source of noise during the protest. Ms. De La Ronde testified that fireworks sprayed against her windows and that she was terrified that they would break.

3.2 Fumes

Many of the trucks in the downtown core were left idling much of the time in order to keep protesters warm, given the low temperatures in Ottawa at that time of year. A significant effect of this idling was the emission of diesel fumes. Fumes were a serious issue in downtown protest sites, not only permeating the outdoor areas where the trucks were located, but also infiltrating people’s homes. These fumes were a nuisance, and likely affected people’s breathing. The situation became sufficiently

dangerous that Ottawa Public Health ultimately issued a caution on February 18 about the potential for negative health impacts.

3.3 Traffic and City services

The protests disrupted traffic in Ottawa, and travel to and from Quebec was particularly challenging. Local hospitals advised the City that health care workers were experiencing long commutes, and so were patients. The Children's Hospital of Eastern Ontario reported that its cancer patients had difficulty accessing chemotherapy and radiation treatment. The City worked with health care partners to find hotel accommodations outside the downtown core for a small group of higher-risk home and community care clients, whose level of care was compromised because of the traffic issues.

Parked trucks were not the only source of problems. During the protests, there were slow roll demonstrations throughout the city, including in residential neighbourhoods. Images and video evidence show large trucks parked on sidewalks and, at times, being driven in an unsafe manner.

City services, particularly those downtown, were also seriously disrupted by the protests. This included access to City Hall, local libraries, COVID-19 vaccination clinics, snow removal operations, community and social services, and public transit. Two municipal childcare centres located in the downtown core were forced to close during the protests, affecting numerous families.

3.4 Public safety, threats, and violence

I heard witnesses describe a general state of lawlessness in the downtown area. There was a breakdown of order and social norms, including reports of public urination and defecation, streets blocked by trucks, idling trucks, open fires, and fireworks being set off during the day and night. There were also activities that put public health and safety at risk. The handling of flammable and explosive substances was an example

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of this. I heard evidence of open fires being used by protesters to stay warm, with diesel, propane, and fireworks stored close by.

During the protests, Ottawa's 911 services were overwhelmed. In addition to a higher than usual number of legitimate calls, there were also many false 911 calls, which posed a clear public safety risk.

OPS Chief Sloly described a wide array of social disorder which he referred to as "assaultive" including "threatening and intimidating behaviours, physically and psychologically assaultive behaviour, and yes, hate related behaviour" by some convoy participants.⁹ This conduct included but was not limited to assault under the *Criminal Code*. I accept that these behaviours occurred. I have heard credible reports of residents feeling threatened and being harassed by protesters. This was particularly true for those who wore masks in public, as they were at times subjected to harassment and threats of violence. In some instances, protesters physically attempted to remove residents' masks, resulting in physical altercations. There were also reported physical altercations at public transit stations between residents and persons believed to be associated with the protest. Some City staff who attended the protest area were also harassed or threatened, including paramedics who endured racial slurs and had rocks thrown at their vehicle.

Public figures were also threatened. On February 3, an individual was criminally charged for uttering threats against Ottawa Mayor Jim Watson. The same individual was alleged to have made a death threat against OPS Chief Sloly. Mr. Ayotte and his family, Ottawa Police Services Board (OPSB) Chair Diane Deans and her staff, and City councillors Catherine McKenney and Mathieu Fleury also received threats. In fact, a group of protesters drove to Councillor Fleury's home in two pick-up trucks with flags, yelling "absurdities" to intimidate him and his family. As a result, Councillor Fleury relocated his family until the protests subsided.

⁹ Evidence of P. Sloly, Transcript, October 31, 2022, pp. 47, 80, 83, and 236.

Counsel for the protest organizer group pointed to low numbers of charges under the *Criminal Code* to suggest that little to no violence, harassment, or other illegal conduct was taking place. However, OPS Chief Sloly testified that there were challenges in investigating many alleged offences, including because the OPS was overwhelmed and had limited investigative capacity. He agreed that “any available data regarding criminal activity which was investigated and resulted in charges, is not necessarily a reliable indicator of the scope of criminality in the course of the occupation.”¹⁰ I accept this explanation, and therefore do not come to the conclusions that the protest organizers asked me to draw from the arrest data.

3.5 Symbols of hate and intolerance

Some residents felt particularly targeted by protesters. At the hearings, I heard evidence of homophobic and transphobic slurs being directed at residents, and of racialized residents feeling targeted. The actions of certain protesters also drew condemnation from Indigenous groups.

Residents saw symbols of hate in their community, including swastikas and Confederate flags. The presence of these symbols in the community caused many to feel intimidated and fearful.

One symbol that was present, but had disputed meaning, was the flag of a group called Diagon. Diagon was created by Jeremy Mackenzie, a podcaster and online personality. Mr. Mackenzie was present in Ottawa with other members of the group during the first weekend of the protests. While in Ottawa, Mr. Mackenzie promoted Diagon and handed out business cards bearing its logo.

Law enforcement and intelligence agencies view Diagon as a militia-like extremist organization. Mr. Mackenzie described Diagon as a community of his fans and explained that law enforcement has labelled it an extremist organization because he

¹⁰ Evidence of P. Sloly, Transcript, October 31, 2022, pp. 100 and 164.

has been critical of the RCMP. He also attributed the negative perception of Diagon to work done by the Canadian Anti-Hate Network, which he described as not credible. The Canadian Anti-Hate Network, on hearing his testimony, responded with an affidavit in which it described Diagon as an extremist organization with antisemitic and Islamophobic tendencies.¹¹

3.6 Fear and anxiety

Some residents were too afraid to leave their homes. Vulnerable residents were particularly affected. Ms. De La Ronde, who is visually impaired, testified about her loss of independence due to the serious disruptions in the streets and her inability to navigate by relying on auditory cues. Women experiencing homelessness felt significant anxiety and distress, with some residents of Cornerstone Housing for Women admitting themselves into hospital due to the increased trauma from the noise and fear.

These fears were compounded by the seeming inability of the police to protect the public and preserve law and order. Residents expressed dismay about the lack of police presence and enforcement action in residential areas of the convoy-occupied zone.

3.7 Impact on businesses and the local economy

Downtown businesses were also affected. The protests came at a particularly difficult time, as businesses were still recovering from the impact of COVID-19 and public health measures.

As the capital of Canada, the city of Ottawa is often used as a location for protests. Businesses there do not typically close during protests. However, after the first Saturday of the Freedom Convoy protest, many downtown businesses closed. They

¹¹ Affidavit of Evan Balgord, COM00000939.

did this for several reasons, including pervasive violation of public health measures by protesters, and threats to staff and customers. Businesses that stayed open had to enforce public health restrictions or risk being fined. According to the executive director of the Sparks Street Business Improvement Area (BIA), approximately 85% of the businesses on Sparks Street remained closed for the duration of the protests. A broader survey of downtown BIAs indicates that a little more than half of the businesses stayed open.

More than three-quarters of businesses surveyed about the protests reported lost revenues. By some estimates, lost business revenue and lost wages totalled between CAD\$150 million and CAD\$210 million. I have no difficulty accepting that the losses suffered by downtown businesses were significant. The government relief funds available to those businesses could not likely make them whole.

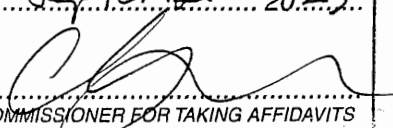
Ultimately, the City estimates its total costs associated with the protests, not including policing costs, at CAD\$7,060,717. The OPS estimated that its costs totalled CAD\$55,479,044.

4. The protesters after the first week

4.1 Protesters on the ground

January 31 represented the start of a cycle that would characterize the Ottawa protests: During the week, a hard-core group of protesters would remain in the city. On weekends, additional protesters would join them. At a granular level the dynamics were more complicated: Individual protesters were constantly entering and exiting Ottawa, additional convoys were still arriving, and the situation on the ground was dynamic.

Convoy participants who stayed in Ottawa were organized around a system of “block captains.” The block captains parked on various blocks in downtown Ottawa and

This is Exhibit D referred to in the
affidavit of Trudy Moore
sworn before me, this 15th
day of September 2023

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Canada

Santé
Canada

*Your health and
safety... our priority.*

*Votre santé et votre
sécurité... notre priorité.*

Human Health Risk Assessment for Diesel Exhaust



Canada

Health Canada is the federal department responsible for helping the people of Canada maintain and improve their health. We assess the safety of drugs and many consumer products, help improve the safety of food, and provide information to Canadians to help them make healthy decisions. We provide health services to First Nations people and to Inuit communities. We work with the provinces to ensure our health care system serves the needs of Canadians.

Également disponible en français sous le titre :
Évaluation des risques pour la santé humaine des gaz d'échappement des moteurs diesel

To obtain additional information, please contact:

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Ottawa, ON K1A 0K9
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Human Health Risk Assessment for Diesel Exhaust

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March 2016

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List of abbreviations

AQBAT	Air Quality Benefits Assessment Tool
AURAMS	A Unified Regional Air Quality Modelling System
BC	black carbon
CD	census division
CEPA 1999	<i>Canadian Environmental Protection Act, 1999</i>
CO	carbon monoxide
COPD	chronic obstructive pulmonary disease
CRF	concentration–response function
DE	diesel exhaust
DEMS	Diesel Exhaust in Miners Study
DEP	diesel exhaust particles
EC	elemental carbon
EPA	Environmental Protection Agency
HDDV	heavy-duty diesel vehicle
HEC	human equivalent concentration
HRV	heart rate variability
IHD	ischemic heart disease
LDDV	light-duty diesel vehicle
LDGV	light-duty gasoline vehicle
LOAEL	lowest-observed-adverse-effect level
MOVES2010a	Motor Vehicle Emission Simulator version 2010a
NAPS	National Air Pollution Surveillance
NH ₃	ammonia
NO	nitric oxide
NO ₂	nitrogen dioxide
NOAEL	no-observed-adverse-effect level
NOx	nitrogen oxides
O ₃	ozone
OC	organic carbon
PAH	polycyclic aromatic hydrocarbon
PM	particulate matter
PM _{2.5}	fine particulate matter
ppb	parts per billion
ppbv	parts per billion by volume
SO ₂	sulphur dioxide
TWBL	tire wear and brake lining
UFP	ultrafine particulate matter
US EPA	United States Environmental Protection Agency
VOC	volatile organic compound

Human Health Risk Assessment for Diesel Exhaust

The report *Human Health Risk Assessment for Diesel Exhaust* is a comprehensive review and analysis of the potential adverse health effects associated with diesel fuel use in Canada. The report focuses on diesel exhaust (DE) emissions from on-road and off-road vehicles (excluding rail and marine applications) and targets impacts resulting from general population exposures. Part A includes a review of diesel fuels, engines and emissions, a review of exposure to DE and an evaluation of the health effects associated with DE exposure. Part B presents a quantitative analysis of the population health impacts associated with the contribution of DE to criteria air contaminant concentrations in Canada.¹

This report does not address the health risks of diesel fuel itself, which is under review as part of the Chemicals Management Plan of the Government of Canada and will be reported elsewhere.

Part A – Human health risk assessment for diesel exhaust

1 Diesel fuels, engines and emissions

Diesel fuels are mixtures of hydrocarbon compounds composed of 12–20 carbon atoms. The composition of diesel fuel varies depending on factors such as crude oil feedstocks, production processes and blending practices. Regulations and fuel quality standards prescribe the fuel composition. The *Canadian Environmental Protection Act, 1999*² (CEPA 1999) includes various regulations pertaining to motor vehicle fuels, including the *Sulphur in Diesel Fuel Regulations*³ and the *Renewable Fuels Regulations*.⁴ The *Sulphur in Diesel Fuel Regulations* set a maximum sulphur content of 15 parts per million (ppm; or 15 mg of sulphur per kilogram of fuel) in on-road and off-road diesel fuels. The *Renewable Fuels Regulations* require a 2% renewable content by volume in diesel, which is based on an annual national average of the whole diesel pool. Motor vehicle fuels produced or imported for the Canadian market must also meet specifications developed and published by the Canadian General Standards Board. CAN/CGSB 3.517-2007, Automotive (On-Road) Diesel Fuel, is the standard for automotive low-sulphur diesel fuel intended for use in high-speed diesel-powered engines (e.g. intercity trucks). CAN/CGSB 3.6-2010, Off-Road Diesel Fuel, is the standard for diesel fuels that are suitable for use in off-road and stationary diesel engines. These variables and requirements influence the physical and chemical fuel parameters that subsequently affect exhaust emissions.

Diesel fuels are used in compression ignition internal combustion engines (i.e. diesel engines). Diesel engines, characterized as fuel efficient and durable, are widely used for on-road and off-road applications.⁵ Successive regulations have been adopted to ensure that vehicles and engines meet increasingly more stringent emission standards. Specific emission standards apply to new engines or vehicles for their intended useful lives. Since 1988, partly because of the integrated North American

¹ The content of this report is based on information presented in a comprehensive supporting document prepared by Health Canada.

² laws-lois.justice.gc.ca/eng/acts/C-15.31/

³ laws-lois.justice.gc.ca/eng/regulations/sor-2002-254/index.html

⁴ laws.justice.gc.ca/eng/regulations/SOR-2010-189/

⁵ Off-road applications include, for example, construction, mining, farming and forestry equipment.

market for vehicles, engines and fuels, the general approach in Canada regarding engine and vehicle emission standards has been one of harmonization with the United States Environmental Protection Agency's (US EPA) federal standards.

Environment Canada regulates emissions from engines other than those used in aircrafts, locomotives and commercial marine vessels (for which Transport Canada has the authority) under CEPA 1999. The *On-Road Vehicle and Engine Emission Regulations*⁶ came into effect in January 2004 and aligned with the US EPA's federal emission standards.⁷ These regulations apply to all on-road vehicles, regardless of fuel type. Regulations targeting heavy-duty vehicles are essential for controlling DE emissions, as most of the heavy-duty vehicles are powered by compression engines. Notably, the Environment Canada and US EPA regulations include emission standards for particulate matter (PM) and nitrogen oxides (NOx) for on-road heavy-duty truck engines of model year 2007 and later, which reduce PM emission limits by 90% and NOx emissions by 95% compared with previous standard levels. These reductions were achieved through the use of emission control technologies, such as diesel particulate filters, exhaust gas recirculation and selective catalytic reducers. Regulations adopted for light-duty vehicles are also important, although diesel vehicles represent only 2–3% of the light-duty vehicle fleet.

Emissions from off-road engines were not federally regulated prior to CEPA 1999. Before the development of regulations targeting off-road engines, Environment Canada signed an agreement with engine manufacturers for the supply in Canada of engines meeting the US EPA Tier 1 standards starting with the 2000 model year. The Canadian *Off-Road Compression-Ignition Engine Emission Regulations*,⁸ adopted in February 2005, introduced emission standards for model year 2006 and later diesel engines used in off-road applications.⁹ The Canadian *Regulations Amending the Off-Road Compression-Ignition Engine Emission Regulations*¹⁰ came into force on January 6, 2012. They impose stricter standards and new requirements starting with engines of the 2012 and later model years (i.e. Tier 4 standards).

Whereas fuel-related regulations have immediate impacts on emissions for the entire targeted mobile source fleet, it may take more than 20 years to fully benefit from the adoption of new engine or vehicle standards, because older, more polluting vehicles remain in use for many years.

Emissions from diesel vehicles may originate from several sources, such as combustion (i.e. exhaust), mechanical wear (e.g. tires, brakes) and fugitive releases. Exhaust emissions are generally the dominant source of emissions and were the focus of this assessment. The composition of the exhaust emission mixture is dependent on several factors, such as fuel characteristics and additives, lubricants, engine and vehicle technologies, emission control devices and environmental conditions. PM and NOx emissions are the main concerns associated with diesel engines because of their association with health impacts and their relatively high emission levels compared with spark ignition gasoline engines.

Diesel PM generally consists of fine particulate matter (PM_{2.5}) and ultrafine particulate matter (UFP), which are released directly or formed secondarily via gaseous precursors in exhaust and evaporative

⁶ laws-lois.justice.gc.ca/eng/regulations/sor-2003-2/index.html

⁷ US Tier 2 program for new light-duty vehicles and trucks and medium-duty passenger vehicles; Phase 1 and Phase 2 programs for new heavy-duty vehicles and engines.

⁸ laws-lois.justice.gc.ca/eng/regulations/SOR-2005-32/

⁹ These regulations covered the US EPA Tier 2 and Tier 3 standards for off-road diesel engines.

¹⁰ www.gazette.gc.ca/rp-pr/p2/2011/2011-12-07/pdf/g2-14525.pdf

emissions.¹¹ It is estimated that close to 90% of the particles (PM number basis) emitted from diesel engines are ultrafine particles. In urban areas, vehicle emissions are generally the most important source of UFP. The small size of diesel exhaust particles (DEP) implies a very large surface area on a per mass basis with a potential to adsorb large amounts of compounds, including organic and sulphur compounds. Identifying and quantifying the variety of chemical species found in DEP are challenging. The operational definitions of elemental carbon (EC) and organic carbon (OC) offer a practical way of analyzing the carbon fraction of the complex matrix of compounds. EC is associated with soot formed during combustion and is found in the particulate phase. EC is often used synonymously with black carbon (BC).¹² OC is associated with condensed-phase compounds (e.g. acids, alcohols, aldehydes, alkanes and alkenes) on the soot core. OC compounds in the atmosphere partition between the gas and particulate phases, depending on the vapour pressure of the compounds, the quantity and type of ambient PM and environmental conditions.

NO_x refers to a group of seven gaseous compounds that includes nitric oxide (NO) and nitrogen dioxide (NO₂). Following combustion, NO_x is generally dominated by NO, which is gradually converted to NO₂ following its release. With newer diesel vehicles, the initial fraction of NO₂ in emissions appears to be increasing compared with the older diesel fleet. Newer vehicles emit more of their NO_x as NO₂ as a result of their exhaust after-treatment systems, which convert NO to NO₂ for oxidation purposes.

The historical data suggest that the observed decline in diesel emissions through the years is a result of changes in engine technology due to increasingly more stringent emission standards and higher fuel quality (e.g. lower fuel sulphur content). Traditional diesel exhaust – that is, emissions from on-road model year engines up to 2006 – and new technology diesel exhaust – that is, emissions from 2007 and later on-road model year engines encompassing a variety of different diesel engine technologies and after-treatment system configurations – differ significantly for regulated and unregulated compounds. New technology diesel exhaust emissions show considerable reductions (more than 70%) across a broad spectrum of compounds, such as EC, metals, NO_x, PM, UFP and volatile organic compounds (VOCs). Further, the use of new technologies has considerably altered the physical and chemical characteristics of PM and gaseous DE emissions.

As mentioned previously, diesel engines and vehicles are very durable and will remain in service for extended periods. The current diesel fleet is composed of old and new vehicles designed and required to meet different emission standards. The rate of fleet turnover determines the fraction of vehicles from each model year currently in use, and this must be considered when conducting an assessment of DE emissions.

2 Exposure to diesel exhaust

DE emissions contain many gaseous and particulate compounds, including carbon monoxide (CO), NO_x, PM_{2.5}, UFP, polycyclic aromatic hydrocarbons (PAHs) and many semi-volatile organic compounds and VOCs. Given that one third of Canadians live within 250 m of a major road and that diesel engines are pervasive on major roadways and in urban areas of Canada, it is reasonable to assume that most

¹¹ For regulatory purposes, exhaust particulates are currently defined as all solid or liquid matter collected at temperatures of 47°C ± 5°C on a filter surface.

¹² BC is an optical term and is also referred to as soot or light-absorbing carbon. BC includes EC and OC compounds capable of absorbing light efficiently at different wavelengths. For DE, EC is considered the major contributor to light absorption, and for this reason, EC and BC are sometimes used interchangeably for DE.

Canadians are regularly exposed to DE. Owing to the complex and variable nature of DE in space and time and the fact that many of its constituents are also emitted by other sources, quantifying human exposure to DE has been challenging, both for general population exposures and in occupational settings.

Researchers have considered a number of surrogate markers of DE in ambient air and of DE exposure. Ideally, surrogates should 1) have diesel as the principal source of atmospheric emissions, 2) vary with other constituents of DE over time, 3) be accurately measurable at low concentrations and 4) reasonably approximate personal exposure to DE. To date, the DE surrogates identified are not without limitations.

NO_x, especially NO and NO₂, have been commonly used as a surrogate for traffic-related exposures owing to a rich monitoring database and the large contribution of mobile sources to NO_x emissions. However, in Canada, the diesel fleet and the gasoline fleet emit roughly equal amounts of NO_x, and roadway exposures cannot be explicitly associated with DE. NO_x is therefore not considered an appropriate marker for general population exposures to DE.

PM, which can be measured based on different characteristics, such as mass, particle number, size fractions and chemical composition, is a potential surrogate for DE. Mobile sources are responsible for about one quarter of PM_{2.5} emissions in Canada, and DE contributes about half of that. However, the use of PM as a surrogate for general population exposure to DE has several limitations, including the many sources of primary and secondary PM_{2.5}, transformation of DEP in the atmosphere, temporal changes in both the quantity and the composition of DEP emissions associated with new technologies and fuels, and the significant proportion of semi-volatile PM_{2.5} components.

Carbonaceous material represents a significant fraction of PM content and mass. The carbon composition of PM (i.e. EC and OC), particularly EC, has been used as a surrogate for DE emissions in analyses of urban environments. Although EC is not a unique tracer for DE, the analysis of PM carbon fractions has been used to differentiate between PM emissions from diesel and gasoline vehicles and to allocate a fraction of particulate emissions to each fuel type. Typically, gasoline vehicle emissions have been reported to have high concentrations of OC fractions, whereas on-road diesel sources have shown some association with high EC concentrations. BC has also been used as a proxy for DE exposure, as diesel engines are considered a main source of BC in urban areas. Factors that may confound the link between DE and BC include contributions from high-emitting gasoline vehicles and the long-range transport of air pollutants.

Air pollutant concentration data in Canada are available from the National Air Pollution Surveillance (NAPS) program. However, data collected at central site monitors like those of the NAPS network are of limited use for the estimation of population exposures to DE, as they lack the resolution necessary to capture both the temporal and spatial variability of DE pollutants. Studies have investigated concentrations of traffic-related air pollutants or DE surrogates in near-roadway environments and how pollutant concentrations evolve in space and time. Generally, urban populations are exposed to higher traffic pollutant concentrations compared with populations in rural areas. Further, pollutant concentrations in microenvironments influenced by traffic (e.g. in-vehicle and roadside) are higher than concentrations reported at background and indoor locations. Although the fraction of the day spent in traffic-influenced microenvironments may be limited (e.g. 6% of day is spent in-vehicle on average in Canada), the higher pollutant concentrations in these microenvironments can result in an elevated contribution to daily exposure (e.g. 21% for BC). At this time, estimates for Canadian population

exposures to DE or DEP are limited by the absence of an explicit DE surrogate and uncertainties affecting exposure characterization.

3 Health effects of diesel exhaust

This report provides a detailed review of the scientific literature with the objective of identifying and characterizing the human health effects associated with exposure to emissions from diesel engines. Given the very large body of literature addressing this issue, findings from previously published health risk assessments by the California Environmental Protection Agency (California EPA 1998) and the US EPA (2002) were used as a starting point in this review. A detailed review of studies published between January 1, 2000, and June 15, 2012, is provided and evaluated within the context of the previous information. Only studies pertaining to DE or DEP were reviewed, and studies on the health effects of individual DE constituents, traffic pollution in general or ambient PM_{2.5} were not considered for review.

3.1 Weight of evidence for determination of causality

Although substantial epidemiological research has focused on the potential role of DE in the development of lung cancer, many studies have targeted other cancers and non-cancer effects. In addition, studies in humans, experimental animals and in vitro models have investigated the toxicological effects of DE under controlled conditions and the mechanisms by which DE may exert its toxic effects. Studies were reviewed individually, and the overall weight of evidence was evaluated to assess the causal role of DE in the development of specific adverse health effects, including carcinogenicity and respiratory, cardiovascular, immunological, reproductive, developmental and central nervous system effects. Causality determinations are categorized as 1) causal relationship, 2) likely to be a causal relationship, 3) suggestive of a causal relationship, 4) inadequate to infer a causal relationship and 5) not likely to be a causal relationship (Table 1). In weighing the evidence, consideration is given to the following criteria of causal inference: biological plausibility, temporal sequence, consistency of the association, coherence, biological gradient and strength of the association.

A summary of the weight of evidence causality determinations is provided in Table 2, and details of the evaluations are provided in the following sections.

3.1.1 Carcinogenicity

The epidemiological database includes significant new studies investigating the role of DE exposure in the development of lung cancer, as well as updates of previously studied cohorts of US railroad workers and trucking industry workers. The magnitude of the risk estimates is low, with the majority between 1.1 and 3. Importantly, several recent studies include quantitative estimates of personal DE exposure for each of the exposed workers, based on respirable EC or total carbon. Exposure–response relationships were noted in some, but not all, studies, including in a large pooled analysis of 11 case–control studies, among railroad workers, truck drivers and non-metal miners, and in a population-based study. The recently published US Diesel Exhaust in Miners Study (DEMS), which includes a large cohort analysis and nested case–control study, is given significant weight in this review, as it successfully addressed key limitations in the pre-existing database. The DEMS provides strong evidence of an association between DE exposure and lung cancer, and updates of studies in trucking industry workers and railroad workers along with a large pooled analysis provide additional strong support. Overall, consistently elevated lung cancer risks in association with occupational exposure to DE have been reported by many research groups, for many occupations, using multiple study designs and various exposure metrics, and

Table 1. Weight of evidence for determination of causality

Relationship	Description
Causal relationship	Evidence is sufficient to conclude that there is a causal relationship with relevant pollutant exposures. That is, the pollutant has been shown to result in health effects in studies in which chance, bias and confounding could be ruled out with reasonable confidence – for example: a) controlled human exposure studies that demonstrate consistent effects; or b) observational studies that cannot be explained by plausible alternatives or are supported by other lines of evidence (e.g. animal studies or mode of action information). Evidence includes replicated and consistent high-quality studies by multiple investigators.
Likely to be a causal relationship	Evidence is sufficient to conclude that a causal relationship is likely to exist with relevant pollutant exposures, but important uncertainties remain. That is, the pollutant has been shown to result in health effects in studies in which chance and bias can be ruled out with reasonable confidence, but potential issues remain – for example: a) observational studies that show an association, but co-pollutant exposures are difficult to address and/or other lines of evidence (controlled human exposure, experimental animal or mode of action information) are limited or inconsistent; or b) animal toxicological evidence from multiple studies from different laboratories that demonstrates effects, but limited or no human data are available. Evidence generally includes replicated and high-quality studies by multiple investigators.
Suggestive of a causal relationship	Evidence is suggestive of a causal relationship with relevant pollutant exposures, but is limited because chance, bias and confounding cannot be ruled out – for example, at least one high-quality epidemiological study shows an association with a given health outcome, but the results of other studies are inconsistent.
Inadequate to infer a causal relationship	Evidence is inadequate to determine that a causal relationship exists with relevant pollutant exposures. The available studies are of insufficient quantity, quality, consistency or statistical power to permit a conclusion regarding the presence or absence of an effect.
Not likely to be a causal relationship	Evidence is suggestive of no causal relationship with relevant pollutant exposures. Several adequate studies, covering the full range of levels of exposure that human beings are known to encounter and considering susceptible subpopulations, are mutually consistent in not showing an effect at any level of exposure.

Adapted from US EPA (2009)

Table 2. Summary of causal determinations for exposure to diesel exhaust

Outcome	Acute/chronic DE exposure	Causality determination
Carcinogenicity	Chronic	Causal (lung cancer) Suggestive (bladder cancer) Inadequate (other cancers)
	Acute	Causal
Respiratory effects	Chronic	Likely
	Acute	Likely
Cardiovascular effects	Chronic	Suggestive
	Acute	Likely
Immunological effects	–	Likely
Reproductive and developmental effects	–	Suggestive
Central nervous system effects	Acute	Suggestive
	Chronic	Inadequate

controlling for key potential confounders. Therefore, it is considered unlikely that the observed results are due solely to chance, bias or confounding.

There has been a significant amount of new research examining the potential role of DE in bladder cancer development in human populations. A large pooled analysis and three meta-analyses consistently presented small but significant risk estimates (1.1–1.4) associated with DE exposure. However, several factors limit the interpretation of the overall findings, including a lack of measured DE exposure in the studies and the fact that most risk estimates were derived for occupational groups exposed to a mixture of vehicle emissions rather than to DE alone. Other cancers have also been studied in relation to DE exposure, and a small number of studies have reported an increase in markers of genotoxicity in workers exposed to DE; however, those databases remain limited.

Both the particulate and gaseous phases of DE contain known or suspected carcinogens, and the very small size of DEP contributes to their efficient delivery to the deep lung. In addition, there is extensive evidence that DE is mutagenic and genotoxic in experimental animals and in cell culture. It is therefore biologically plausible that DE as a mixture is carcinogenic in humans. Although lung tumours have been observed in multiple studies in rats following long-term exposure to DE, the evidence suggests that this is the result of a chemically non-specific and species-specific response to overloading of the lung with particles. This occurs only at very high DE exposures ($\geq 2 \text{ mg/m}^3$ DEP), at which point clearance mechanisms are overloaded, resulting in chronic inflammatory responses and leading to tumour induction. This mechanism is not considered to be relevant to general population exposures to DE and lung cancer development. Animal models have not been sensitive to lung cancer development at lower DE concentrations, which has been similarly observed following tobacco smoke exposure.

The overall literature, including studies pertaining to in vitro, experimental animal and human exposures to DE, presents a coherent body of evidence indicating that DE is carcinogenic to humans. Based on sufficient evidence of a causal relationship between DE exposure and lung cancer in occupational studies, substantial supporting evidence from toxicological studies establishing the mutagenicity and genotoxicity of DE and the fact that DE contains known human carcinogens, **it is concluded that there is sufficient evidence of a causal relationship between DE exposure and lung cancer.** Based on limited epidemiological evidence supporting a causal relationship between DE exposure and bladder cancer, substantial supporting evidence from toxicological studies establishing the mutagenicity and genotoxicity of DE and the fact that DE contains known human carcinogens, **it is concluded that the evidence is suggestive of a causal relationship between DE exposure and bladder cancer.** Based on the small number of studies addressing individual cancer types and the equivocal results published to date, **it is concluded that there is inadequate evidence to infer a causal relationship between DE exposure and the development of individual cancers other than lung cancer and bladder cancer.**

3.1.2 Respiratory effects

Studies examining the impact of DE on respiratory health outcomes in human populations have focused on occupationally exposed workers and general population groups exposed to traffic-related DE. These studies provide evidence of increased risk of various adverse health effects in association with DE exposure, such as asthma, pulmonary function decrements and chronic obstructive pulmonary disease (COPD). Several studies have reported increased risk of chronic respiratory symptoms, such as wheeze, in infants and children in relation to traffic-related DE exposure, suggesting potential enhanced vulnerability of this age group. Risk estimates for respiratory outcomes were relatively low, with values up to about 2, and several exposure–response relationships were observed. The major limitations of most studies are the lack of quantitative DE exposure assessment and the potential for general population DE exposure estimates to include exposures from other sources owing to the lack of a unique DE marker.

Many controlled human exposure studies have reported that short-term DE exposure was associated with respiratory symptoms, altered lung function, respiratory inflammation and respiratory oxidative response. DE exposure was associated with increased measures of airway resistance, indicative of bronchoconstriction, in healthy and asthmatic individuals. In addition, both DE and DEP can induce a range of inflammatory responses in human airways.

Studies in animals indicate that short-term DE exposure can cause an increase in airway resistance and reactivity and that short- and long-term DE exposures can result in respiratory inflammation. In addition, many studies have demonstrated that DE and DEP exposures can lead to pulmonary injury in laboratory animals and to cytotoxic effects in cell culture.

Overall, **it is concluded that there is sufficient evidence of a causal relationship between acute DE exposure and adverse respiratory health outcomes**, based on clear evidence of adverse respiratory symptoms, decrements in lung function and inflammatory responses from multiple controlled human exposure studies and supporting evidence of enhanced airway responsiveness and respiratory inflammation from toxicological studies. However, it should be noted that the adverse respiratory health outcomes were observed at high DE exposure levels. Furthermore, the most plausible mechanism of action for adverse acute respiratory effects is likely irritation of the respiratory tract, leading to inflammatory responses.

It is concluded that there is sufficient evidence that the relationship between chronic DE exposure and adverse respiratory health outcomes is likely to be causal, based on epidemiological studies, supporting long-term animal toxicological studies and panel studies. Epidemiological studies indicated various adverse respiratory symptoms, increased risk of COPD, increased risk of asthma development in children and some evidence of pulmonary function decrements in association with DE exposure. The epidemiological studies included multiple study designs and provided some evidence of an exposure–effect relationship. Although the characterization of DE exposure and co-exposure to other combustion emissions in epidemiological studies remain a challenge, the use of surrogate DE markers has improved the quantitative DE exposure assessment. Multiple studies conducted in animals show consistent adverse respiratory effects resulting from chronic DE exposure. In addition, there is limited evidence of pulmonary function decrements and pulmonary inflammation in sensitive subpopulations from the panel studies. The most plausible mechanism of action for adverse chronic respiratory effects is likely irritation, which is supported by the inflammatory and immunological responses, as well as histopathological findings in the long-term animal studies.

3.1.3 Cardiovascular effects

The association between DE exposure and adverse cardiovascular effects is a relatively new area of research. Increased risks of ischemic heart disease (IHD) and myocardial infarction were demonstrated in some occupational groups exposed to DE, with risk factors below 2. Exposures have been based on job category only, and hence exposure–response relationships have not been evaluated. Results for an association between DE exposure and cerebrovascular disease were equivocal. Studies of potentially susceptible populations exposed to DE at ambient levels have reported alterations in cardiac function in relation to DE exposure.

The effects of short-term exposures to DE in the general population have been studied in exposure chambers. Studies have reported changes in vasomotor function in healthy individuals, as well as increases in prothrombogenicity effects, but not in blood coagulability. There is only minimal evidence

of effects on cardiac function, blood pressure and atherosclerosis, and further investigation in this area is warranted.

Studies with laboratory animals support some of the findings in humans. Animal studies provide evidence that DE and DEP can have adverse effects on cardiac function, resulting in decreased heart rate variability (HRV), arrhythmia, ischemia and decreased contractility. Studies using models of chronic ischemic heart failure reported that DE and DEP exposures may further impair cardiac function in this sensitive subgroup. In addition, short- and medium-term DE exposures in animals impair normal vasoreactivity, and medium-term exposures resulted in increased thrombogenicity and reduced blood coagulability. Inconsistent effects on blood pressure were reported. There is some evidence that DE exposure in experimental animals results in systemic inflammation and oxidative stress in the cardiovascular system and that DE exposure may enhance the progression of atherosclerosis in animals predisposed to this disease.

Overall, it is concluded that there is sufficient evidence that the relationship between acute DE exposure and adverse cardiovascular health outcomes is likely to be causal, based on changes to vasomotor function and some evidence of prothrombogenicity effects in controlled human exposure studies. In addition, there is supporting evidence from toxicological studies, based on the observations of decreased cardiac contractility, altered HRV, ischemia and altered vasomotor function in experimental animals.

It is concluded that the evidence is suggestive of a causal relationship between chronic DE exposure and adverse cardiovascular health outcomes, based on epidemiological studies and supporting long-term animal toxicological studies. In general, there is limited evidence of an increased risk of cardiovascular disease and of exposure–response relationships in the recent epidemiological studies. Toxicological studies provide supporting evidence of perturbations in a number of adverse cardiovascular endpoints that are due to DE exposure, including potential progression of atherosclerosis. Although the mode of action for adverse cardiovascular health outcomes in relation to DE exposure has not been elucidated, the toxicological studies aid in identifying potential key events for cardiovascular pathogenesis.

3.1.4 Immunological effects

Immunological effects were investigated in a limited number of studies among children exposed to DE from traffic-related sources. One out of two studies found evidence of increased risk of allergic sensitization to outdoor allergens and increased immunoglobulin E in association with DE exposure metrics, and another study found a potential synergistic effect of DE exposure and indoor endotoxin levels on risk of persistent wheeze. The magnitude of risk estimates was about 2–6, but confounders were not fully addressed.

Controlled human exposure studies have shown that DEP can have an adjuvant effect – an effect that has been associated with the organic content of DEP – with several allergens in healthy individuals. This is consistent with the observations from epidemiological studies. In addition, individual susceptibility to an increased allergic response may be influenced by genotype. However, low DE exposure concentrations did not augment immunological responses to an allergen in asthmatic subjects.

Results from toxicological studies support the effects seen in humans. In laboratory animals, co-exposure to DE or DEP with an allergen has an adjuvant effect, exacerbating allergic inflammation and

inducing airway hyperreactivity; this provides a possible link to development and exacerbation of allergic asthma. In addition, several studies demonstrated that DE or DEP exposure increased susceptibility to bacterial and viral pathogens in laboratory animals and cell culture, with multiple effects on host defence systems.

Overall, it is concluded that there is sufficient evidence that the relationship between DE exposure and immunological effects is likely to be causal, based on the evidence from multiple controlled human exposure studies, which demonstrated an adjuvant effect of DE or DEP with different allergens and a potential role for DE in allergic airway disease and allergic sensitization, as well as limited evidence of reduced viral clearance. Supporting toxicological studies demonstrated exacerbation of allergic responses, increased sensitization to allergens and reduced host defence in animals. Furthermore, there is limited epidemiological evidence based on the increased risk of asthma in children exposed to DE, which is associated with a T helper type 2 immune response.

3.1.5 Reproductive and developmental effects

Studies examining reproductive and developmental effects of DE exposure in humans are very limited.

Multiple studies in rodents have demonstrated that DE and DEP can exert adverse effects on the male reproductive system. Exposure of adult animals resulted in changes in hormone levels, sperm characteristics and testicular tissue. Prenatal exposure to whole or filtered DE led to functional, histological and hormonal effects on the male reproductive system, indicating that the gaseous component of DE was involved. Non-linear dose–response relationships were observed, often with adverse effects present at low and medium, but not at high, exposure levels. There is more limited evidence of effects on the female reproductive system. Several studies have investigated potential developmental effects of prenatal or perinatal DE exposure in laboratory animals and have reported alterations in neurodevelopment, neurobehaviour, immunological outcomes and changes in deoxyribonucleic acid.

Overall, it is concluded that the evidence is suggestive of a causal relationship between DE exposure and reproductive and developmental effects, based on consistent evidence of adverse male reproductive effects from multiple animal studies and limited supporting evidence from a single cross-sectional study. Although the mechanisms of adverse reproductive and developmental effects have not been fully elucidated, DE exposure has been shown to result in alterations in hormone levels, nuclear receptor activation and gene expression in toxicological studies. These mechanisms of action may play a role in the observed histopathological changes in male and female reproductive systems, altered sperm morphology parameters, delayed sexual maturation and developmental neurotoxicity in animals.

3.1.6 Central nervous system effects

A limited number of studies in humans, experimental animals and cell cultures have investigated the potential effects of DE exposure on the nervous system. Neurophysiological symptoms associated with DE exposure were reported in epidemiological and controlled human exposure studies. Indications of altered neurological activity were noted in human and experimental animal studies. Also, oxidative stress was induced in neuronal cells exposed to DEP.

It is concluded that the evidence is suggestive of a causal relationship between acute DE exposure and central nervous system effects, based on acute neurophysiological symptoms in overexposed workers

in a case study and in subjects exposed to high DE levels in a controlled human exposure study. In addition, changes to frontal cortex activity were observed in the controlled human exposure study. Toxicological studies provide supporting evidence for an effect of DE exposure on spatial learning and memory deficits, as well as alterations in neurotransmitter levels and gene expression in the brains of offspring of dams exposed during pregnancy, which may have resulted from either single or repeated exposures.

It is concluded that there is inadequate evidence to infer a causal relationship between chronic DE exposure and central nervous system effects, based on limited evidence from potential perturbation of the parasympathetic nervous system due to observed HRV alterations in the panel studies. Furthermore, there is limited supporting evidence of neurotoxic effects in the developmental neurotoxicity study, as well as in vitro evidence of DEP-induced oxidative stress to neuronal cells and potential changes to brain capillaries due to oxidative stress.

3.2 Quantitative risk assessment

Evidence from the studies evaluating the impacts of diesel emissions on human health was also considered for use in quantitative risk assessment for the derivation of a cancer risk estimate as well as chronic exposure and short-term exposure guidance values for non-cancer health effects. It is recognized that Canadian population exposures to DE or DEP cannot be estimated at this point in time; however, the guidance values represent the current state of the science and may be of use in the future.

A summary of the quantitative risk assessments is provided in Table 3, and details are provided in the sections below.

Table 3. Summary of quantitative risk assessments

Health outcome	Risk/guidance value	Critical effect
Cancer	N/A ^a	
Non-cancer – chronic exposure	5 µg/m ³	Respiratory – inflammation, histopathological and/or functional changes
Non-cancer – short-term exposure	10 µg/m ³	Respiratory – increased airway resistance and inflammation

^a See section 3.2.1.

3.2.1 Cancer

Within the current document, Health Canada has not evaluated the reviewed studies for use in a quantitative exposure–response analysis of lung cancer risk with DE exposure. Health Canada will consider the report of the Health Effects Institute’s Diesel Epidemiology Project Panel¹³ to inform any future activities relating to quantitative risk assessment analysis of DE. This expert panel was tasked with evaluating the potential utility of the existing epidemiological studies for estimation of cancer risk associated with DE exposure. It is considered that the observations made in rat bioassays of lung tumour induction due to DE exposure are not directly relevant to unit risk quantification owing to a number of factors, including the apparent species specificity of the observed effect, the very high levels of DE exposure required to solicit those effects and the role of particle overload in tumour development.

¹³ www.healtheffects.org/Workshops/DieselWorkshop2014/DieselEpiWorkshop2014.html

3.2.2 Chronic exposure to diesel exhaust and non-cancer effects

It is recognized that it would be preferable to use human data for characterization of the exposure–response relationship between DE and non-cancer health effects and for derivation of a chronic exposure guidance value. However, the current body of epidemiological literature is not considered adequate for this purpose. Consequently, evidence from studies in experimental animals was evaluated in lieu of epidemiological data. Using a traditional risk assessment framework and approach, the following methods were used to estimate a chronic exposure guidance value for DE.

For non-cancer health effects, DEP was chosen as the basis for development of a chronic exposure guidance value, for several reasons. Toxicological studies have demonstrated DEP to be the main causative agent of many of the health effects associated with DE exposure. Removal of the particulate component of DE resulted in fewer or less severe health effects. The DEP component of exhaust contains compounds known to be hazardous to human health, and DEP contributes to ambient PM, which is also known to be harmful to human health. Lastly, DEP is typically the parameter used to set experimental exposure levels.

For chronic exposure to DE, respiratory effects were chosen as the critical health effect for determination of a guidance value. The literature database for respiratory health effects is the most fully developed among the non-cancer health effects, with a consistent exposure–response relationship observed in several animal species in chronic exposure studies, and effects are observed at lower exposure concentrations compared with other effects. Additionally, epidemiological studies provide corroborative evidence that respiratory health effects are a pertinent health outcome for human exposures.

Considering the total body of literature on respiratory health effects, the no-observed-adverse-effect level (NOAEL) from the study by Ishinishi et al. (1986, 1988) was chosen as the point of departure for development of a chronic exposure guidance value. Five multi-dose, chronic exposure studies in rats were identified in the literature as candidates for guidance value development, with each reporting dose-dependent effects in the respiratory tract, including inflammation, histopathological changes and/or functional changes. Of the different studies, the lowest-observed-adverse-effect level (LOAEL) from each was within a narrow range of exposure concentrations, indicating a consistency in effect. From these candidate studies, the highest NOAEL was reported by Ishinishi et al. (1986, 1988). From this study, the NOAEL of 0.46 mg/m³ DEP was chosen as the point of departure.

To develop a chronic exposure guidance value, dosimetric modelling was performed using the Multi Path Particle Dosimetry model. The model was used to estimate a human equivalent concentration (HEC) based on the point of departure concentration derived from the animal studies (Ishinishi et al. 1986, 1988). The HEC for a 70-year lifetime exposure was estimated to be 0.12 mg/m³ DEP. An uncertainty factor of 10^{0.4} was applied to reflect potential toxicodynamic differences in animal to human extrapolation, and an additional uncertainty factor of 10 was applied to account for sensitive individuals in the human population. Based on the HEC of 0.12 mg/m³ DEP and applying a composite uncertainty factor of 25 (10^{0.4} × 10), a guidance value of 5 µg/m³ DEP (0.12 mg/m³ / 25) was derived. This chronic exposure guidance value is consistent with values previously developed by the World Health Organization, the US EPA and the California EPA.

Using a traditional risk assessment approach, the chronic exposure guidance value derived herein is an estimate of the concentration of DEP to which the general population, including sensitive subgroups,

may be exposed for a lifetime without the likelihood of appreciable harm from non-cancer effects. It is important to note that the recent epidemiological literature provides evidence of respiratory health effects associated with DE exposure, including increased risk of wheeze and asthma in children. The characterization of DE exposure is limited in these studies; therefore, it is uncertain if effects occur at levels below the chronic exposure guidance value. Further research is required to improve DE exposure–response relationships and characterization of population health risks associated with chronic DE exposure.

3.2.3 Short-term exposure to diesel exhaust and non-cancer effects

As per the discussion above regarding the chronic exposure guidance value, it would similarly be preferable to use epidemiological data for large populations for characterization of the exposure–response relationship between short-term DE exposure and non-cancer health effects. However, the current data are not deemed adequate for this purpose, and evidence from controlled human exposure studies was used instead. Using a traditional risk assessment framework and approach, the following methods were used to estimate a short-term exposure guidance value for DE.

Controlled human exposure studies were reviewed to determine the critical effect and point of departure. These studies provide a body of evidence that short-term exposure to DE can induce biological effects, with respiratory or cardiovascular health effects most often evaluated. Review of these studies indicated that respiratory endpoints are the most sensitive, with effects demonstrated at lower concentrations than for other types of endpoints. In three studies conducted with healthy and/or mildly asthmatic participants, increased measures of airway resistance were observed at 100 $\mu\text{g}/\text{m}^3$ DEP for a 2 h exposure period (Mudway et al. 2004; Riedl et al. 2012; Stenfors et al. 2004). Additionally, three studies reported respiratory inflammation in healthy subjects exposed to 100 $\mu\text{g}/\text{m}^3$ DEP for 2 h (Behndig et al. 2006, 2011; Stenfors et al. 2004). Respiratory inflammation was not noted in asthmatic subjects. Based on the consistency of results across multiple studies, a LOAEL of 100 $\mu\text{g}/\text{m}^3$ DEP was chosen as the point of departure for a short-term exposure guidance value.

Given that the studies used to select the point of departure included evaluation of a potentially sensitive subgroup (subjects with mild asthma), an uncertainty factor of $10^{0.5}$ was applied to account for further susceptibility in the population due to age, disease status or genetic factors. To account for extrapolation from a LOAEL to a NOAEL, an uncertainty factor of $10^{0.5}$ was applied, because the respiratory effects observed at the LOAEL are mild and reversible. This resulted in a composite uncertainty factor of 10. From the point of departure of 100 $\mu\text{g}/\text{m}^3$ DEP, a short-term exposure (2 h) guidance value of 10 $\mu\text{g}/\text{m}^3$ DEP ($100 \mu\text{g}/\text{m}^3 / 10$) was derived. Previous assessments of DE did not derive a short-term exposure guidance value.

Using a traditional risk assessment approach, the short-term exposure guidance value derived above is an estimate of the concentration of DEP to which the general population, including sensitive subgroups, may be exposed for up to 2 h without the likelihood of appreciable harm from non-cancer effects. However, large-scale epidemiological studies examining the acute effects of DE in the general population would likely provide a better understanding of the exposure–response relationships and characterization of population health risks associated with short-term DE exposure.

3.2.4 Guidance values for diesel exhaust and PM_{2.5} health effects

It is important to note that DE is a major contributor to ambient PM_{2.5} in Canada and that both DE and ambient PM_{2.5} are mixtures that contain combustion emissions and many of the same constituents. Extensive epidemiological research into the population health effects of ambient PM_{2.5} and the associated exposure–response relationships has provided evidence that PM_{2.5} causes cardiorespiratory health effects with no indication of a threshold of effect in the population (e.g. respiratory hospital admissions and mortality). Importantly, the epidemiological studies of PM_{2.5} examine very large populations and thus include a wide range of susceptibilities and health states that cannot be easily or adequately examined in laboratory settings. It is unclear at this time how DE contributes to the observed health effects of the larger mixture of ambient PM_{2.5}. In addition, owing to limitations in the DE exposure surrogates available for use in general population studies, it has not been possible to evaluate the population health impacts of DE as effectively as has been done for PM_{2.5}. In this document, Health Canada has evaluated the body of evidence regarding the health effects of exposure to DE or DEP specifically. The guidance values derived herein, which are traditionally based on the assumption that thresholds exist for the adverse health endpoints in the current database for DE/DEP, reflect an appropriate evaluation of the available data. However, it is recognized that further research may reveal a role for DE in the observed non-threshold population health effects of ambient PM_{2.5} and better characterize the exposure–response relationships of DE health effects.

4 Conclusions

Internationally, the potential health effects of DE exposure have long been recognized, and great effort has resulted in substantial reductions in diesel emissions, including in Canada. A key accomplishment has been the introduction of stringent emission regulations for new diesel vehicles and engines, resulting in improved engine and emission control technologies in both the off-road and on-road diesel fleets. In addition, the quality of diesel fuel used in on-road, off-road, rail, marine and stationary engines has improved, particularly in terms of the sulphur content. Some jurisdictions have undertaken additional initiatives to mitigate in-use diesel engine emissions and human exposure to them, such as inspection and maintenance programs, retrofit and scrappage programs, idling restrictions and the establishment of low-emission zones. However, the Canadian in-use diesel fleet is still dominated by engines pre-dating the most recent emission standards.

Diesel-powered vehicles are pervasive on major roadways and in urban centres in Canada. It is reasonable to assume that most Canadians are regularly exposed to DE. Because of the variable and complex nature of DE and the fact that DE constituents are emitted by other pollution sources, it has been difficult to quantify general population exposure to DE. Several surrogates have been used to represent DE, all of which have had their limitations, and the respirable fraction of EC is considered to be one of the better options used to date.

This risk assessment considered the reviews and conclusions of the California EPA (1998) and the US EPA (2002) human health risk assessments for DE and provided detailed review of the health effects literature published since 2000. The available information supports the conclusion that DE emissions have direct effects on human health.

The newly published health studies along with supporting evidence from work published prior to 2000 provide sufficient evidence to conclude that DE is carcinogenic in humans and is specifically associated with the development of lung cancer. Although the risk estimates are generally small, the population

health risks are considered to be significant given the ubiquitous presence of DE emissions in Canada. The evidence is also suggestive that DE may be implicated in the development of cancer of the bladder in humans, but further research is required to allow definitive conclusions to be drawn. A limited number of studies have investigated other cancers in association with DE exposure, but the evidence is inadequate to draw conclusions regarding causality. Overall, these conclusions are consistent with the categorization of DE as a human carcinogen (Group 1) by the International Agency for Research on Cancer (Benbrahim-Tallaa et al. 2012; IARC 2013).

Regarding non-cancer health effects and the potential causal role of DE in their development, a number of conclusions are drawn from the existing literature. The evidence supports a causal relationship between acute exposure to DE at relatively high concentrations (a LOAEL of $100 \mu\text{g}/\text{m}^3$ was identified for mildly asthmatic subjects) and effects on the respiratory system, including increases in airway resistance and respiratory inflammation. Under conditions of chronic exposure, DE exposure is likely to be causal in the development of respiratory effects. The evidence suggests that the toxicity of DE is associated with irritation of the respiratory tract, eliciting an immunological response via inflammatory processes. It was concluded that DE exposure is likely to be causal in the development of adverse cardiovascular outcomes following acute exposure and in the development of adverse immunological responses. The evidence reviewed is suggestive of a causal relationship between DE and 1) adverse cardiovascular outcomes following chronic exposure, 2) adverse reproductive and developmental effects and 3) central nervous system effects following acute exposure to DE. Currently, there is inadequate evidence to draw conclusions regarding the potential neurological impacts of chronic DE exposure.

Based on traditional risk assessment methodologies and with regard to general population exposures, a short-term exposure guidance value of $10 \mu\text{g}/\text{m}^3$ and a chronic exposure guidance value of $5 \mu\text{g}/\text{m}^3$ have been derived based on DEP to protect against adverse effects on the respiratory system. The available evidence indicates that respiratory effects occur at lower concentrations of DE than those associated with other non-cancer adverse effects, and so these guidance values are considered protective against the non-cancer health impacts of DE exposure. However, it is recognized that there have not been adequate large-scale epidemiological studies of non-cancer effects associated with either short-term or chronic DE exposure to conclusively characterize the exposure–response relationships. More research is needed to elucidate this and to evaluate the potential role of DE in the observed non-threshold population health effects of $\text{PM}_{2.5}$.

In general, it has been shown that sensitive subpopulations, such as the elderly, children and asthmatics, can be at greater risk of adverse respiratory effects due to DE exposure. Exposure of the elderly and asthmatics to traffic-related DE has been shown to increase respiratory inflammation. Also, pulmonary function decrements have been demonstrated in asthmatics exposed to traffic-related DE. Furthermore, traffic-related DE exposure in children has been implicated in potential asthma development later in life. The guidance values for short-term and chronic DE exposure presented above account for the enhanced sensitivity of subgroups in the population.

Overall, it is concluded that DE is associated with significant population health impacts in Canada, and efforts should continue to further reduce emissions of and human exposures to DE.

5 Key uncertainties and gaps

The epidemiological evidence along with supporting information regarding the genotoxicity and mutagenicity of DE and the known presence of human carcinogens in DE clearly indicate that DE is a

human carcinogen. However, the specific mode of action by which DE results in lung cancer in humans remains to be elucidated. In addition, it is unclear why cancer has not been consistently reported in animal models with a mode of action with relevance to humans, although it is noted that animal models have been similarly insensitive to the induction of lung tumours by mainstream tobacco smoke. These factors represent uncertainty in the database.

DE is a complex mixture of hundreds of chemicals, and the component or components of DE that are the most relevant toxicologically in the development of lung cancer or other health effects have not yet been identified. The evidence suggests that DE-related carcinogenicity is associated with the organic compounds adsorbed to the DEP. Evidence for several other health endpoints (e.g. respiratory and immunological outcomes) suggests that the toxicity of DE is associated predominantly with the particulate content.

The most appropriate metric for DE exposure remains unknown. Respirable EC is the best exposure surrogate used to date; however, it is not expected that EC is the toxicologically active component. Identification of the toxicologically relevant exposure metric(s) would allow for improved exposure–response quantification and estimation of general population risks.

Efforts to identify one or more exposure metrics for DE and to generate population exposure estimates would help to fill an important gap. Owing to the lack of an exposure metric specific to DE, it has been difficult to conduct large-scale general population epidemiological studies to investigate the health effects of DE specifically, limiting our understanding of the impacts of DE on potentially sensitive populations and our ability to estimate risk levels and to investigate the presence or absence of thresholds of effects. Such studies would provide an improved understanding of the exposure–response relationships for cancer and non-cancer effects associated with both short-term and chronic DE exposure and help to elucidate the potential role of DE in health effects associated with exposure to PM_{2.5}.

Although there have been some studies targeting effects in the elderly, children and asthmatics, in general, more information is required regarding the effects of DE in potentially sensitive subpopulations, including during pregnancy.

Characterization of historical exposures to DE in occupational and general population studies remains difficult, and, in spite of robust efforts to address this in occupational studies in particular, some level of uncertainty in the exposure estimates remains.

There is a general lack of human exposure–response information for chronic non-cancer health effects associated with DE exposure. The human guidance value for chronic inhalation exposure to DEP derived in this document was based on results from animal studies, introducing a level of uncertainty.

For other non-cancer health effects (e.g. immunological) to be considered as a critical effect of DE exposure, further epidemiological and toxicological evaluations to establish a consistent exposure–response relationship and mode of action would be required. For example, the role of DEP in allergic sensitization is a growing area of research, and the potential link to the increasing prevalence of asthma and allergy in the population warrants further evaluation.

Canadian population exposures to DE or DEP have not been characterized, and efforts in other jurisdictions, such as the United States, include substantial uncertainty.

Health Canada recognizes that there has been substantial evolution in diesel engine design and emission after-treatment, largely driven by new engine emission regulations over time. In addition, diesel fuel quality has changed to meet the technical requirements of the engines. Of key significance, new technology on-road heavy-duty diesel vehicles (HDDVs) since 2010 meet drastically reduced PM and NO_x emission standards in North America. DE exposures in the epidemiological and toxicological studies reviewed in this document were mostly derived from older technology engines. Although the magnitude of emissions from new technology diesel engines is reduced, emissions may also change both physically and chemically, and it remains unclear as to how this will affect the toxicological properties of DE as a mixture and the health risks of DE exposure. In addition, because of the durability of diesel engines, it is expected that older engines will continue to contribute substantially to DE exposure of Canadians.

Part B – Health impacts assessment of diesel exhaust

As part of this assessment, efforts were made to quantify the population health impacts associated with the contribution of DE to criteria air contaminant concentrations in Canada. The analysis of population health impacts was conducted in a stepwise manner with the use of computer simulation tools to 1) estimate emissions from the Canadian diesel fleet, 2) estimate the impact of those emissions on ambient concentrations of criteria air contaminants across the country and 3) estimate population health impacts resulting from the incremental contribution of DE to air pollution levels. This was undertaken for calendar year 2015, and results were assessed on a national, provincial/territorial and regional basis. This analysis is complementary to the traditional risk assessment approach presented in Part A of this document.

6 Mobile source diesel emissions in Canada

The assessment of population health impacts resulting from exposure to air pollutants associated with the use of diesel fuel in Canada begins with an analysis of the pollutants released to the atmosphere. The national emission inventory was developed by Environment Canada for the year 2015, based on the best available data and tools. Emissions were projected for all source categories except open and natural sources,¹⁴ with special consideration given to on-road and off-road¹⁵ mobile diesel sources. Emission scenarios were defined in this analysis to estimate the contribution to Canadian pollutant emissions from on-road diesel emissions and the contribution from on-road and off-road diesel emissions combined. All Canadian engine emission standards and fuel regulations projected for 2015 were considered. The sulphur content of ultra low sulphur diesel was set at 10 ppm in the model to be more representative of current Canadian fuels.

¹⁴ Open source emissions are dispersed over large areas in a non-point manner, such as dust from farms, construction operations and paved and unpaved roads. As some of these sources involve the use of diesel vehicles and equipment, it is reasonable to expect that a fraction of these emissions, especially particulates, would be affected by the removal of diesel-related emissions. Allocating open source emissions to specific activities and sources was not currently feasible. Open source emissions were not affected by the scenarios investigated for this project.

¹⁵ Note that rail and marine sources, which also consume diesel fuels, were not considered in off-road diesel applications to reflect the assumptions of the current assessment.

The 2015 Canadian mobile source emission inventory was generated from three different models: the NONROAD2012C model for off-road applications,¹⁶ MOBILE6.2C for the light-duty on-road fleet and Motor Vehicle Emission Simulator version 2010a (MOVES2010a) for on-road HDDVs. These models, initially developed by the US EPA, were modified to reflect Canadian conditions (e.g. vehicle population and age distribution, vehicle emission standards, meteorological conditions and fuel characteristics). Estimates were available for exhaust, fugitive and evaporative emissions of air pollutants on a regional and provincial or territorial basis.¹⁷ The models provided emission rates for a series of pollutants, such as NO_x, PM, sulphur dioxide (SO₂) and VOCs, which were then combined with vehicle activity data. Emission factor ratios based on the SPECIATE data set from the US EPA were added for compounds that were not explicitly modelled (e.g. formaldehyde, acetaldehyde and benzene). Greenhouse gases were not considered.

Vehicle or engine population data were evaluated with respect to population numbers, fuel use and geographical distribution. For example, whereas HDDVs represent 68% of the heavy-duty class for the on-road fleet, light-duty diesel vehicles (LDDVs) account for only 3% of the on-road light-duty fleet. HDDVs and LDDVs are responsible for 94% and 6%, respectively, of the on-road diesel fuel consumption. For off-road applications, engines used in agricultural, mining, construction and oil sands operations, which represent only 10% of the fleet, are responsible for 80% of off-road diesel fuel use in Canada. In terms of geographical distribution, HDDVs are generally limited to major roadways and truck routes, LDDVs are concentrated in populated areas and off-road diesel applications are distributed in urban and rural or less populated regions. Consequently, the influence of the different diesel fleets on pollutant emissions and concentrations is expected to vary across Canada.

Table 4 shows on-road and off-road diesel pollutant emissions by province or territory. Canadian emission estimates are also included for different emission source categories. Lastly, the contributions from on-road and off-road diesel sources to Canadian emissions are presented. On-road diesel sources contribute significantly to on-road NO_x, PM, SO₂ and VOC emissions. For example, on-road diesel sources are responsible for 72% of on-road PM_{2.5} emissions and 54% of on-road NO_x emissions. Off-road diesel sources also contribute considerably to total off-road emissions, with respective estimates of 37%, 43% and 46% for ammonia (NH₃), NO_x and PM_{2.5}.

However, the contribution from on-road and off-road diesel sources to national pollutant emissions is limited to 2%, except for NO_x at 23%. This suggests that although on-road and off-road diesel sources emit a considerable fraction of on-road and off-road source emissions, respectively, they contribute only minimally to total emissions of most air pollutants. It is important to recognize that the values presented in Table 4 are national averages and do not account for the spatial distribution of emissions across Canada. Although the portion of the national emission inventory associated with mobile source diesel emissions is limited, mobile source diesel emissions are relatively concentrated in populated areas, and their influence on urban air pollutant concentrations and human health is expected to be significant.

On-road HDDVs are associated with greater NO_x emissions than on-road and off-road gasoline mobile source emissions combined (not shown). In comparison, on-road LDDV emissions are considerably less

¹⁶ The off-road diesel applications considered by the model include, for example, agricultural, mining and construction equipment.

¹⁷ On-road diesel emissions included tire wear and brake lining (TWBL) emissions. TWBL emissions were not available for off-road applications, as they are not routinely generated by NONROAD2012C. TWBL emissions contribute only to particulate emissions.

Table 4. On-road and off-road diesel pollutant emissions by province or territory in comparison with Canadian emission estimates for mobile source and all emission source categories, for the year 2015

	CO	NH ₃	NOx	PM ₁₀	PM _{2.5}	SO ₂	VOCs
Province or territory	On-road and off-road ^a diesel emissions (t) ^b						
Alberta	59 063	152	126 626	8 897	8 380	226	12 586
Ontario	36 812	144	72 532	5 766	5 169	105	8 551
Quebec	30 243	106	64 921	4 658	4 192	156	6 358
Saskatchewan	16 696	47	39 796	2 570	2 407	58	3 274
British Columbia	13 087	55	28 420	1 971	1 710	30	2 809
Manitoba	5 492	20	14 149	796	697	24	1 139
New Brunswick	5 021	17	11 160	742	664	30	1 111
Nova Scotia	4 618	14	9 544	686	631	22	1 000
Newfoundland and Labrador	3 144	10	8 210	474	447	45	672
Northwest Territories	1 372	3	2 946	192	186	5	317
Prince Edward Island	714	2	2 056	96	88	3	125
Yukon	201	1	541	32	30	2	42
Nunavut	29	0	90	4	4	0	6
Total (Canada)	176 492	572	380 989	26 885	24 604	707	37 992
Canadian source category	Canadian emissions (t)						
On-road HDDVs	59 597	301	164 183	8 711	6 885	301	13 166
On-road LDDVs	3 910	41	2 736	347	249	19	1 483
Off-road diesel ^a	112 984	230	214 070	17 828	17 471	387	23 343
On-road mobile – all fuels	3 133 371	22 980	308 072	15 032	9 865	1 889	155 666
Off-road mobile – all fuels ^a	2 225 190	623	493 968	39 900	37 964	7 710	232 192
All sources ^c	7 621 595	490 829	1 680 058	6 683 732	1 252 862	969 184	1 679 326
Canadian source category ^d	Contribution of mobile source diesel use to Canadian emissions (%)						
On-road diesel as % of on-road mobile (all fuels)	2.0	1.5	54.2	60.3	72.3	16.9	9.4
Off-road diesel as % of off-road mobile (all fuels) ^a	5.1	36.9	43.3	44.7	46.0	5.0	10.1
On-road and off-road ^a diesel as % of total emissions ^c	2.3	0.1	22.7	0.4	2.0	0.1	2.3

CO: carbon monoxide; HDDVs: heavy-duty diesel vehicles; LDDVs: light-duty diesel vehicles; NH₃: ammonia; NOx: nitrogen oxides; PM_{xx}: particulate matter with an aerodynamic diameter of xx µm or less; SO₂: sulphur dioxide; TWBL: tire wear and brake lining; VOCs: volatile organic compounds

^a Excluding locomotive and marine applications.

^b On-road PM emissions include TWBL emissions. TWBL emissions contribute only to particulate emissions, notably PM₁₀. Off-road diesel emissions do not include TWBL emissions.

^c All emission source categories except open and natural sources

^d For this section of Table 4, the contributions were determined by comparing the on-road and/or off-road diesel source emissions with the selected Canadian source category. For example, off-road diesel sources contribute 5.1% to total off-road CO emissions; on-road diesel sources contribute 2.0% to total on-road CO emissions; and on-road and off-road diesel sources contribute 2.3% to CO emissions from all sources.

than on-road light-duty gasoline vehicle (LDGV) emissions (e.g. equivalent to approximately 10% of PM_{2.5} and 2% or less of CO or NOx emissions from on-road LDGVs). On-road HDDV PM emissions are 2–3 times higher than PM emissions estimated for on-road gasoline vehicles. VOC emission levels are relatively limited for diesel vehicles compared with emissions from gasoline vehicles. Nonetheless, as diesel-related emissions of VOCs and other pollutants (e.g. CO, PM_{2.5}, SO₂) tend to be localized near populations (e.g. within urban centres and along major truck routes), DE emissions potentially influence population exposure to several air pollutants.

The spatial distribution of on-road heavy-duty diesel emissions reflects the regional and provincial/territorial distribution of on-road HDDV populations. The combined emissions from Ontario, Quebec, Alberta and, to a lesser extent, Saskatchewan are responsible for most of the Canadian on-road HDDV pollutant emissions. The highest share of LDDV emissions is allocated to Alberta and Quebec.

Off-road diesel emissions are very high in Alberta, being responsible for nearly 40% of Canadian off-road NO_x, PM_{2.5} and VOC emissions. In particular, the oil sands region of Alberta is associated with very high emission levels.

7 Effects of on-road and off-road diesel emissions on air quality

The Canadian emission inventory developed for the current assessment was used as input for air quality model simulations with the source-oriented model A Unified Regional Air Quality Modelling System (AURAMS). AURAMS is a prognostic tool that integrates meteorological data, emission data and specific algorithms to simulate the diffusion, transport and chemical transformation of gases and particles in the atmosphere. It is used to predict how atmospheric concentrations change if emission rates or input scenarios are modified. AURAMS is used by Environment Canada to study the formation of tropospheric ozone (O₃), PM and acid deposition in North America, in support of air quality policy and management decisions for Canada.

The objective of the current analysis was to evaluate the impact that diesel emissions have on air quality in Canada. A sensitivity analysis technique was used wherein air quality was modelled under three scenarios: 1) with the full Canadian emission inventory, 2) with on-road diesel emissions removed from the Canadian inventory and 3) with on-road and off-road diesel emissions removed from the Canadian inventory.¹⁸ The scenarios were based on 2015 emission projections. The AURAMS model estimated ground-level concentrations of individual air pollutants under each scenario, for each grid cell of a national domain. The air quality differences between the full emission inventory scenario and the scenarios with diesel emissions removed were assumed to represent the impact of diesel emissions in Canada.

The AURAMS modelling was initially conducted over a continental 45 km grid domain. Two nested regional domains that overlap to cover the 10 Canadian provinces were run using piloting files from the 45 km grid. The outputs from the regional domains were merged to obtain national coverage on a 22.5 km grid. AURAMS generated results for the following annual concentration metrics: 1 h daily maximum for CO and O₃; 8 h running average daily maximum for O₃; and 24 h daily average for CO, NO₂, O₃, PM₁₀ and PM_{2.5}. Summer 1 h daily maximum O₃ (i.e. May–September) results were also generated.¹⁹ Modelling results are presented as ground-level concentrations over grid cells and Canadian census divisions (CDs). Concentrations from individual 22.5 km grid cells were used to generate the following figures.

The discussion herein focuses on O₃ and PM_{2.5}, which are constituents of smog, and NO₂. O₃ is not emitted in DE but is formed from gaseous precursors found in DE emissions – notably, NO_x and VOCs. The local concentration of NO_x influences whether the atmosphere in a particular region is either a source or a sink of O₃. Atmospheric conditions also influence O₃ concentrations.

¹⁸ Similar scenarios were not assumed for the United States or Mexico.

¹⁹ O₃ formation is generally higher in summer than in winter as a result of meteorological conditions (e.g. increased solar radiation).

7.1 Impacts associated with diesel emissions

7.1.1 Ozone

Diesel emissions are associated with both increases and decreases in O₃ concentrations across Canada. Increases of 1–5% in O₃ concentrations cover economically active and populated areas – for example, most of the Windsor–Québec corridor, the area along the St. Lawrence River and the southern portion of the Prairies. Figure 1 shows the absolute contribution of on-road diesel emissions to summer 1 h daily maximum O₃ concentrations. Positive variations indicate that diesel emissions contribute to an increase in O₃ concentrations, whereas negative variations suggest that diesel emissions lead to a decrease in O₃ concentrations. Absolute contributions are generally estimated at 0.01–1.00 parts per billion by volume (ppbv), although increases of 1.00–2.78 ppbv (highest value reported near Regina) are projected downwind of major urban centres (e.g. east of Montréal).

Within large urban centres, on-road diesel emissions are associated with reductions in O₃ concentrations of 5% or more. These correspond to decreases of 0.01–5.76 ppbv, with the maximum variation being reported in Vancouver. Decreases in urban areas are likely related to elevated NO_x emissions from on-road diesel sources, which decrease O₃ levels via O₃ scavenging and atmospheric radical removal by NO and NO₂, respectively.

For O₃, the air quality effects associated with on-road and off-road diesel emissions combined are larger than the effects of on-road diesel emissions only. On-road and off-road diesel sources contribute 1–5% to summer O₃ concentrations over most of the southern half of Canada. Contributions of 5% or more to O₃ concentrations are noted over large areas of Alberta, Saskatchewan and Quebec. Reductions of 5% or more in O₃ concentrations are associated with on-road and off-road diesel emissions in most of the large urban centres, but they are more spatially limited than reductions associated with on-road emission results (e.g. compare Figure 2 with Figure 1). Although the exact reason for this observation is uncertain, it is possible that on-road and off-road diesel emissions combined do not have the same influence on the NO_x/VOC equilibrium in urban grid cells as do on-road emissions alone. As a result, decreases in O₃ are observed in fewer grid cells, presumably only in those with higher NO_x to VOC ratios (i.e. urban cores).

Figure 2 shows that on-road and off-road diesel emissions are associated with an increase in summer 1 h daily maximum O₃ levels of 0.01–0.50 ppbv across a large part of Canada, in particular across areas with low populations. Increases of 0.50–2.00 ppbv affect the Lower Fraser Valley region of British Columbia, the Prairies, the Windsor–Québec corridor and areas along the St. Lawrence River, whereas contributions of 2.00–8.44 ppbv are modelled over vast areas around Calgary, Edmonton, Saskatoon, Regina and Montréal. Decreases in O₃ levels are limited to grid cells corresponding to large urban centres. A decrease of 7.63 ppb is modelled in Vancouver.

7.1.2 Fine particulate matter

Based on the modelling, on-road diesel emissions contribute 0.1–5% to annual daily PM_{2.5} concentrations across Canada. Contributions of 1–5% are modelled in the Lower Fraser Valley area of British Columbia, the southern part of the Prairie provinces and the Windsor–Québec corridor and along the St. Lawrence River. Increases of 5–10% are also observed in some urban areas (e.g. Vancouver, Edmonton, Winnipeg and Montréal), where on-road diesel emissions are presumably concentrated and more important. Areas between and around urban centres are also affected by on-road emissions, likely

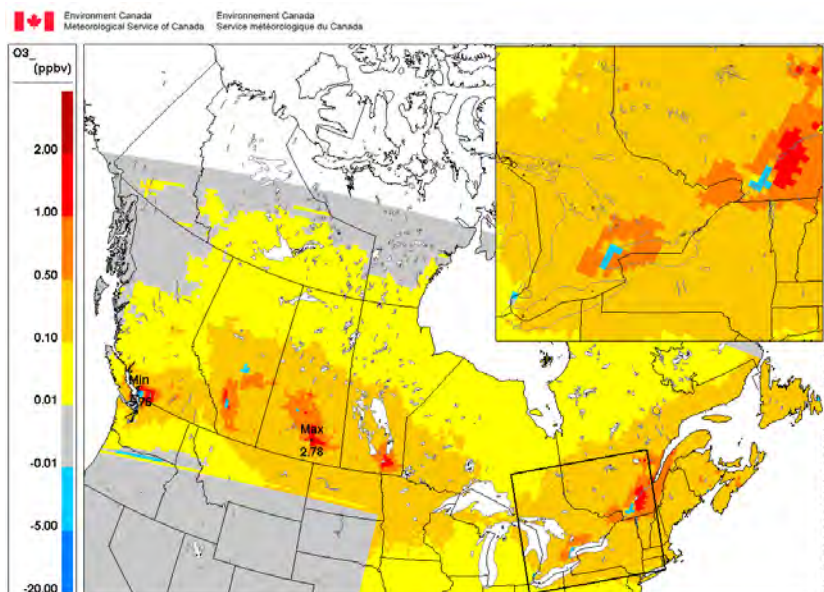


Figure 1. Absolute contribution to summer 1 h daily maximum O₃ concentrations associated with on-road diesel emissions in Canada in 2015

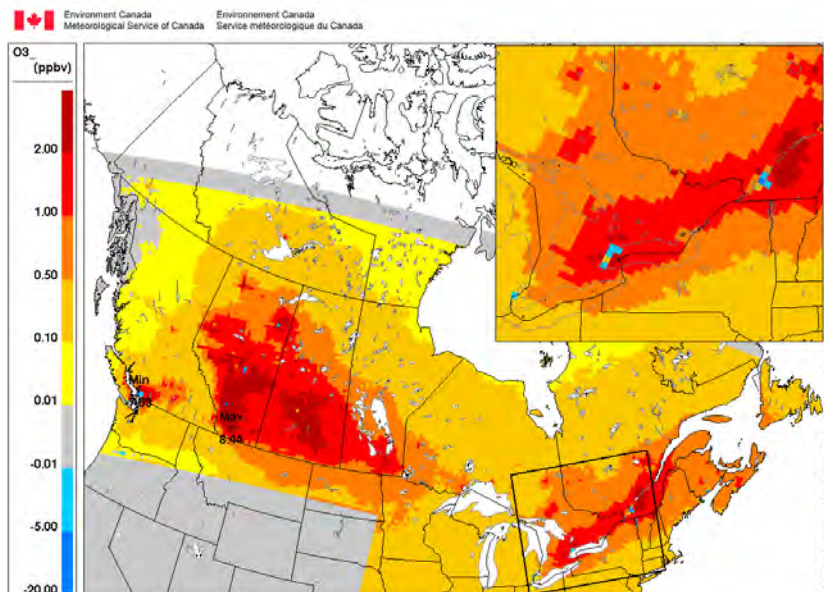


Figure 2. Absolute contribution to summer 1 h daily maximum O₃ concentrations associated with on-road and off-road diesel emissions in Canada in 2015

owing to the transportation of goods on major roads connecting population and economic centres. In terms of PM_{2.5} composition, on-road diesel emissions potentially contribute 10–50% of the EC content by mass (maximum contribution reported in Edmonton).

Figure 3 shows that on-road diesel emissions contribute 0.01–0.50 µg/m³ to PM_{2.5} concentrations in the populated and economically active regions and 0.50–1.35 µg/m³ in urban centres (maximum contribution reported in Edmonton).

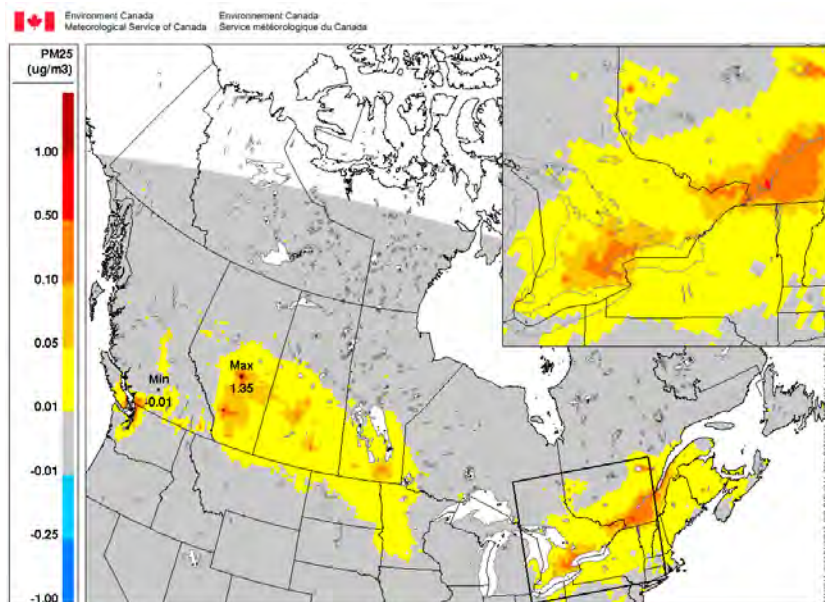


Figure 3. Absolute contribution to annual daily mean $PM_{2.5}$ concentrations associated with on-road diesel emissions in Canada in 2015

On-road and off-road diesel emissions increase $PM_{2.5}$ concentrations by 0.10–10% across Canada. Contributions of 5–10% are observed in the Lower Fraser Valley area of British Columbia, most of the Prairie provinces as well as an area located southeast and east of Montréal. Contributions to $PM_{2.5}$ concentrations higher than 10% are also reported in Calgary and Edmonton, in addition to a few grid cells in Saskatchewan. On-road and off-road diesel emissions influence 25–50% of the EC fraction content of $PM_{2.5}$ mass in urban and economically active areas. In Edmonton, at least 50% of the EC fraction appears to derive from on-road and off-road diesel emissions.

Figure 4 shows the absolute contribution from on-road and off-road diesel emissions to annual daily mean $PM_{2.5}$ concentrations. The Lower Fraser Valley region of British Columbia, the southern half of Alberta and Saskatchewan and the Windsor–Québec corridor are associated with contributions of 0.10–1.00 $\mu\text{g}/\text{m}^3$. On-road and off-road diesel emissions from agricultural and mining (e.g. oil and gas) activities seem to have a considerable effect on air quality in the Prairie provinces. In the larger urban centres, on-road and off-road diesel emissions increase $PM_{2.5}$ concentrations by 1.00–2.65 $\mu\text{g}/\text{m}^3$ (maximum contribution reported for Calgary).

7.1.3 Nitrogen dioxide

On-road diesel emissions contribute 0.01–50% to NO_2 concentrations across Canada. Higher contributions (10–50%) are projected around the more populated areas, as well as in areas where sources of NO_2 emissions other than on-road diesel vehicles (e.g. industrial) are possibly limited, such as New Brunswick, Prince Edward Island and the Saguenay-Lac-St-Jean and Bas-Saint-Laurent regions of Quebec. In absolute terms, on-road diesel emissions contribute 0.01–0.50 ppbv to NO_2 concentrations in the more populated and economically active regions and 0.50–4.62 ppbv in urban centres (maximum contribution reported in Montréal; Figure 5).

On-road and off-road diesel emissions are responsible for a minimum of 1–10% of NO_2 concentrations across Canada. Contributions of 10–50% are estimated over large regions. Nonetheless, in absolute

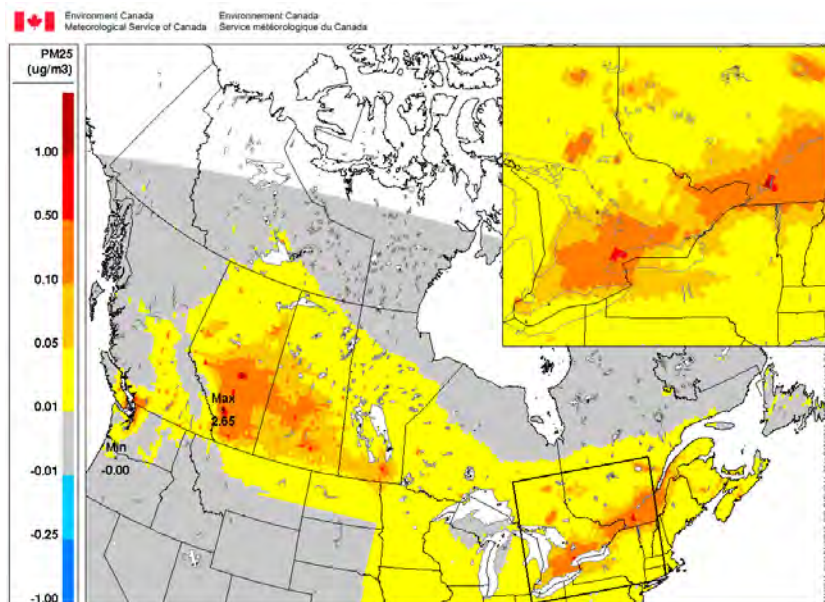


Figure 4. Absolute contribution to annual daily mean PM_{2.5} concentrations associated with on-road and off-road diesel emissions in Canada in 2015

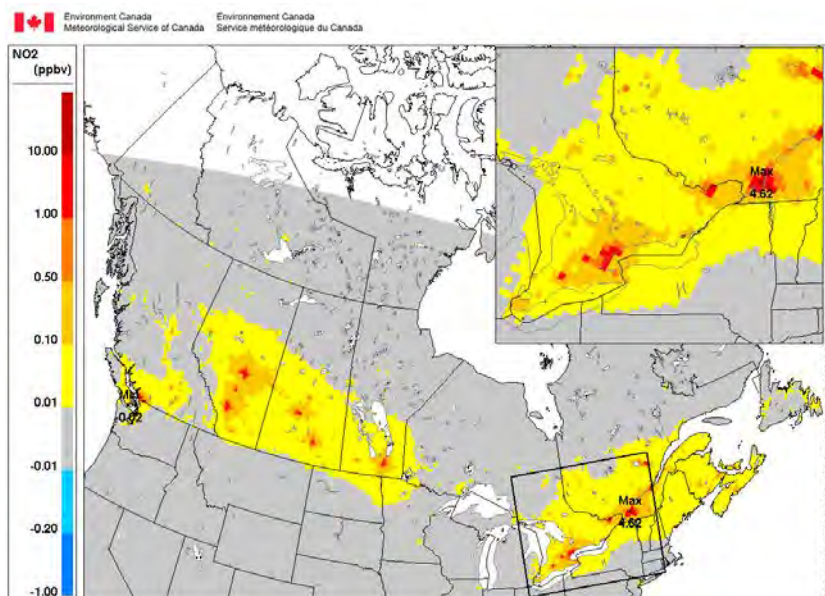


Figure 5. Absolute contribution to annual daily mean NO₂ concentrations associated with on-road diesel emissions in Canada in 2015

terms, on-road and off-road diesel emissions are generally associated with an increase of less than 1 ppbv (Figure 6).

A comparison of Figures 5 and 6 reveals the relative importance of off-road diesel NO₂ emissions in urban and rural areas. Large urban centres, intensive agricultural regions and important mining regions (e.g. Alberta oil sands) correspond to increases of 1–8.04 ppb (maximum contribution reported in Calgary).

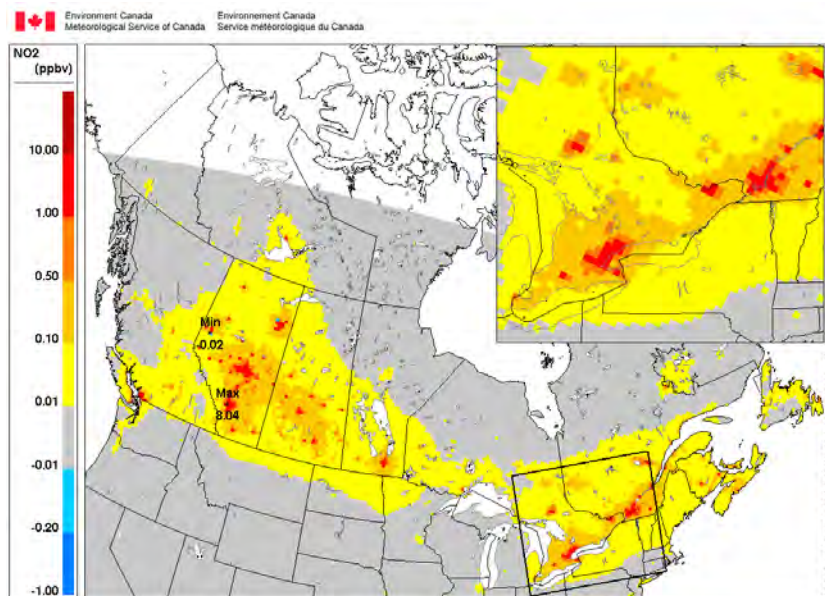


Figure 6. Absolute contribution to annual daily mean NO₂ concentrations associated with on-road and off-road diesel emissions in Canada in 2015

7.1.4 Other pollutants

Diesel emissions contributed minimally to SO₂ concentrations across Canada as a result of the use of ultra low sulphur diesel in on-road and off-road diesel applications. Diesel emissions showed limited contributions to CO concentrations. Diesel emissions also had a limited influence on VOC concentrations, contributing 2.21 ppbv or less even in urban centres where most of the diesel emissions are released.

7.2 Results by Canadian census division

The air quality impacts of DE were also estimated at the CD level for CO, NO₂, O₃, PM_{2.5} and SO₂. The CD-based results are used in the Air Quality Benefits Assessment Tool (AQBAT) presented below. Results from the 22.5 km grid modelling were area-weighted for each CD based on the 2006 Census of Canada.²⁰ Generally, DE contributions to air pollutant concentrations per CD are lower than those at the grid cell level owing to the area weighting. The more extreme values observed in a single or a few grid cells tend to lessen when averaged across larger areas. This is especially the case outside of major urban areas, where CDs cover large areas.

The national mean of the area-weighted CD concentrations represents the average change in concentration across all CDs, irrespective of the population that resides in each CD. An alternative

²⁰ Area-weighted concentrations for each CD were determined by summing the product of a grid cell concentration and the area of that grid cell occupied by the CD, for all grid cells intersecting with the CD. For example, if three grid cells intersect with a CD, its concentration (C_d) is determined by Equation 1:

$$C_d = (A_{d1} \times C_{g1} + A_{d2} \times C_{g2} + A_{d3} \times C_{g3}) \div A_d \quad (\text{Equation 1})$$

where A_{dx} is an intersection area between the model grid squares and the CD, C_{gx} is the concentration of the grid cell gx and A_d is the area of the CD.

approach to estimating a national average from the CD results is to use a population-weighting method. This method estimates the average exposure concentration for an individual within a geographic unit. When averaged across larger geographic units, CDs with high populations have more influence or weight than CDs with low populations. Population-weighted concentrations for all provinces and territories were determined by summing the product of a CD concentration and the fraction of the provincial population that is included in that CD, for all CDs in a province.²¹ From the provincial and territorial population-weighted results, the same method is used to estimate the population-weighted national average. The national and provincial mean population-weighted results for PM_{2.5}, NO₂ and summer O₃ are provided in Table 5.

Table 5. Impact of mobile source diesel emissions on modelled national and provincial mean population-weighted concentrations of PM_{2.5}, NO₂ and summer O₃ in Canada in 2015^{a,b,c}

Region [population]	Modelled mean population-weighted concentration [On-road diesel impact (%) / On-road and off-road diesel impact (%)]		
	PM _{2.5} (µg/m ³)	NO ₂ (ppb)	Summer O ₃ (ppb)
Canada [36 101 253]	5.80 [2.8 / 5.3]	4.77 [17.2 / 26.5]	40.72 [-0.2 / 1.7]
Alberta [3 995 100]	4.80 [2.3 / 6.9]	4.39 [10.2 / 24.1]	45.07 [0.7 / 6.4]
British Columbia [4 888 059]	4.61 [3.9 / 5.7]	3.64 [20.9 / 26.4]	39.64 [-1.1 / -1.0]
Manitoba [1 300 664]	4.02 [5.2 / 6.6]	5.28 [32.8 / 36.9]	37.85 [1.2 / 3.5]
New Brunswick [768 857]	2.26 [1.1 / 2.1]	0.58 [18.7 / 28.0]	35.51 [1.0 / 2.1]
Newfoundland and Labrador [510 193]	2.00 [0.3 / 0.4]	0.44 [6.7 / 12.4]	31.88 [0.5 / 1.2]
Nova Scotia [967 182]	2.78 [0.6 / 1.4]	0.67 [13.4 / 23.3]	35.66 [1.0 / 2.1]
Ontario [14 127 882]	6.45 [2.1 / 4.8]	5.20 [13.7 / 24.2]	44.24 [0.1 / 1.7]
Prince Edward Island [148 740]	3.49 [0.8 / 1.4]	0.58 [24.8 / 34.2]	34.98 [1.1 / 2.2]
Quebec [8 212 175]	7.65 [3.6 / 5.9]	6.56 [21.1 / 29.3]	35.79 [-1.4 / -0.2]
Saskatchewan [1 067 999]	2.27 [2.1 / 4.7]	1.09 [15.4 / 24.7]	39.43 [1.6 / 5.4]

NO₂: nitrogen dioxide; O₃: ozone; PM_{2.5}: fine particulate matter or particulate matter with an aerodynamic diameter of 2.5 µm or less; ppb: parts per billion

^a Concentration values rounded to two decimals; percent values rounded to one decimal.

^b For O₃ concentrations, summer is defined as the period from May to September.

^c Values for the Northwest Territories, Nunavut and Yukon are not shown. The values were generally very low and difficult to interpret.

On-road and off-road diesel emissions combined contribute approximately 2 times more to PM_{2.5} concentrations than on-road diesel emissions alone. This suggests that off-road and on-road diesel emissions, individually, have a roughly similar impact on concentrations of PM_{2.5} in Canada. On-road and off-road diesel emissions also increase NO₂ concentrations by 1.5 times compared with on-road diesel emissions alone. Thus, on-road diesel emissions appear to have more influence on ambient NO₂ concentrations than off-road diesel emissions, possibly because of the spatial distribution of those emissions. However, as NO_x emissions are involved in multiple photochemical reactions, a linear scaling of NO₂ concentrations between scenarios is unlikely. Nonetheless, regional variations are observed. For example, the data provided in Table 5 suggest that on-road diesel emissions have relatively more impact

²¹ For example, if a province or territory includes three CDs, the following formula would apply to determine its population-weighted concentration (C_{pw}):

$$C_{pw} = (CD_{d1} \times CD_{pop1} \div PT_{pop}) + (CD_{d2} \times CD_{pop2} \div PT_{pop}) + (CD_{d3} \times CD_{pop3} \div PT_{pop}) \quad (\text{Equation 2})$$

where CD_{dx} is the concentration of CD_x, CD_{popx} is the population of CD_x and PT_{pop} is the population of the province or territory.

in British Columbia and Manitoba, whereas off-road diesel emissions have relatively more impact in Alberta.

The national population-weighted summer O₃ concentration estimate associated with on-road diesel emissions is negative (i.e. -0.2 % or -0.06 ppb), whereas the national estimate for on-road and off-road emissions is positive (i.e. 1.7 % or 0.69 ppb). The negative result reflects the fact that on-road diesel emissions are expected to decrease summer O₃ concentrations in a few highly populated CDs, which include a large fraction of the Canadian population. Owing to non-linear processes that affect O₃ concentrations, it is not possible to accurately differentiate the contributions from on-road and off-road diesel emissions individually within the current analysis. The change from a negative to a positive contribution cannot be allocated to off-road diesel emissions. Rather, the positive value reflects the contribution from emissions equal to the combined on-road and off-road contributions. Overall, the results suggest that both on-road and off-road diesel emissions affect O₃ concentrations across Canada and that the magnitude and direction of their contributions to O₃ levels are dependent on environmental conditions and non-linear atmospheric chemical mechanisms.

8 Health impacts of on-road and off-road diesel emissions

Population health impacts associated with exposures to CO, NO₂, O₃, PM_{2.5} and SO₂ resulting from diesel fuel use were estimated using the AQBAT, a Health Canada model that estimates annual population health and welfare benefits or costs associated with changes in ambient concentrations of pollutants in Canada. The health effects of these air pollutants are well documented in the scientific literature, and diesel applications contribute to both primary emissions and secondary production of these pollutants in the atmosphere. The health effects assessed in the AQBAT include both morbidity and mortality outcomes.

For this analysis, the AQBAT was used to estimate the incremental health impacts associated with the difference in air pollutant concentrations between the diesel scenarios modelled with AURAMS, as described in section 7. Specifically, health impacts associated with the air pollutant concentration differences between the scenario with the full emission inventory and the scenario with either the on-road diesel emissions or the on-road and off-road diesel emissions removed were estimated. The population health impacts are assumed to represent the effect of diesel emissions in Canada. Health impacts were estimated for individual geographic areas, represented by 288 CDs of varying geographical and population sizes.²²

The AQBAT includes health impact information for PM_{2.5}, O₃, CO, NO₂ and SO₂ in the form of concentration–response functions (CRFs) derived from published peer-reviewed epidemiological studies pertaining to Canadian and other populations. A CRF is a probabilistic value expressed as the average per capita excess risk of an adverse outcome (e.g. asthma symptom days) per unit increase in ambient pollutant concentration (e.g. per 1 µg/m³ of PM_{2.5}). CRFs, which are input as distribution functions to reflect the uncertainty of the estimates, are used to estimate the magnitude of health impacts resulting from a specified change in air quality. The calculations used in the AQBAT to estimate the number of excess health outcomes attributable to a change in air pollutant concentrations are based on the baseline risk of each outcome in the population, population counts, the CRFs and the change in air pollutant concentrations. The health outcomes in the AQBAT are considered to have no threshold for

²² Population estimates for the 2015 AQBAT runs were based on projections prepared by Statistics Canada.

effect (i.e. effects are assumed to occur at all levels of exposure). The health endpoints, their acute or chronic nature, the associated CRFs and the applicable population group(s) (e.g. age-specific groups) are pre-defined within the AQBAT and represent Health Canada–endorsed values drawn from the health science literature.

The AQBAT also includes economic valuation estimates for the health outcomes considered in the model. Economic valuation estimates consider the potential social, economic and public welfare consequences of the health outcomes, including medical costs, reduced workplace productivity, pain and suffering, and the effects of increased mortality risk. The dollar value per health outcome is entered as a distribution in the AQBAT, reflecting the uncertainty in the estimates. For example, the central value provided for premature mortality is \$6.5 million (low and high values of \$3.5 million and \$9.5 million, respectively; probability weight factor of 50% for the central value and of 25% for the low and high values).

To estimate the incremental health costs or benefits across the Canadian population associated with diesel emissions in 2015, two runs were simulated to address the following questions: 1) What are the annual health impacts associated with on-road diesel emissions in Canada? and 2) What are the annual health impacts associated with on-road and off-road diesel emissions in Canada? The analysis focused solely on variations in pollutant emissions during vehicle use and excluded emissions from upstream activities, such as diesel fuel production, storage and transport.

8.1 National estimates of population health impacts from diesel fuel use

Results of the AQBAT simulations for the 2015 national diesel use scenarios are presented in Table 6. Mean incremental health risks associated with diesel emissions are presented for individual health endpoints. Economic valuation estimates are the mean estimates, expressed in 2013 Canadian dollars. Negative values indicate a benefit in terms of health outcomes and monetary valuation associated with diesel emissions, whereas positive values reflect a cost. The values are interpreted as the incremental population health impacts associated with diesel emissions in Canada.

8.1.1 On-road diesel sources

Based on the AQBAT simulations, it is estimated that on-road diesel emissions contribute 320 premature mortalities in 2015 (2.5th and 97.5th percentiles equal 110 and 740, respectively; Table 6). Chronic exposure IHD mortality (170 outcomes or 51% of all mortalities), acute exposure mortality (85 outcomes or 26% of all mortalities) and chronic exposure lung cancer mortality (50 outcomes or 15% of all mortalities) account for the majority of mortalities. Incremental premature mortalities are driven by mortality risk associated with chronic exposure to PM_{2.5} (250 premature mortalities) and acute exposure to NO₂ (150 premature mortalities). The large effects associated with PM_{2.5} and NO₂ concentrations concur with the emission data presented previously, which demonstrated that mobile diesel sources contributed significantly to PM_{2.5} and NO₂ emissions. It also shows that relatively small changes in PM_{2.5} concentrations (generally less than 1 µg/m³; see Figure 3) can have considerable impacts on Canadian population health.

On-road diesel emissions are associated with reductions in premature mortalities caused by exposure to annual O₃ (68 avoided acute premature mortalities) and summer O₃ (9 avoided chronic premature mortalities). Diesel emissions can decrease O₃ concentrations in areas where ambient NO_x

concentrations are elevated compared with VOC concentrations. In the case of annual O₃, on-road diesel emissions increase health impacts in 260 CDs and decrease impacts in 25 CDs.²³ The overall O₃ effect associated with on-road diesel emissions is positive, because the 25 CDs, which included Greater Vancouver, Toronto and Montréal, represent 48% of the Canadian population. On-road diesel emissions

²³ Results were available for 285 of the 288 CDs in Canada.

Table 6. National count estimates by health endpoint and total cost estimates associated with diesel emissions, based on results from the AQBAT for Canada in 2015

Health endpoint ^a	Pollutant	On-road diesel emissions ^b	On-road and off-road diesel emissions ^b	Difference ^c
Mortality^d				
Acute exposure mortality ^e	CO, SO ₂	1	2	1
Acute exposure mortality ^f	NO ₂	150	230	80
Acute exposure mortality	O ₃	-68	-33	35
Chronic exposure respiratory mortality	O ₃ summer ^g	-9	55	64
Chronic exposure cerebrovascular mortality	PM _{2.5}	13	25	12
Chronic exposure COPD mortality	PM _{2.5}	17	32	15
Chronic exposure IHD mortality	PM _{2.5}	170	310	140
Chronic exposure lung cancer mortality	PM _{2.5}	50	94	44
Total chronic mortality ^c	O ₃ summer, PM _{2.5}	240	520	280
All mortalities ^c	All pollutants	320 [110; 740]	710 [330; 1500]	390
Morbidity^d				
Acute respiratory symptom days	O ₃ summer, PM _{2.5}	880 000	2 200 000	1 400 000
Adult chronic bronchitis cases	PM _{2.5}	360	680	320
Asthma symptom days	O ₃ summer, PM _{2.5}	62 000	170 000	110 000
Cardiac emergency room visits	PM _{2.5}	37	70	43
Cardiac hospital admissions	PM _{2.5}	28	53	25
Child acute bronchitis episodes	PM _{2.5}	1 500	3 000	1 400
Elderly cardiac hospital admissions	CO	5	8	3
Minor restricted activity days	O ₃ summer	-11 000	110 000	120 000
Respiratory emergency room visits	O ₃ summer, PM _{2.5}	76	340	260
Respiratory hospital admissions	O ₃ summer, PM _{2.5}	15	67	52
Restricted activity days	PM _{2.5}	490 000	940 000	450 000
Costs^c (\$ thousands)				
All mortalities	All pollutants	\$2 300 000 [\$690 000/ \$5 600 000]	\$5 100 000 [\$2 100 000/ \$11 000 000]	\$2 800 000
All endpoints	All pollutants	\$2 500 000 [\$870 000/ \$5 800 000]	\$5 500 000 [\$2 500 000/ \$12 000 000]	\$3 000 000

AQBAT: Air Quality Benefits Assessment Tool; CO: carbon monoxide; COPD: chronic obstructive pulmonary disease; CRF: concentration–response function; IHD: ischemic heart disease; NO₂: nitrogen dioxide; O₃: ozone; PM_{2.5}: fine particulate matter or particulate matter with an aerodynamic diameter of 2.5 µm or less; SO₂: sulphur dioxide

^a Unless otherwise specified, CRFs reflect an exposure to the pollutant at any time during the year.

^b Counts represent mean estimates from the multiple iterations; counts and costs for all mortalities and all endpoints include [2.5th; 97.5th] percentiles.

^c Total or difference may not calculate as expected because of rounding.

^d Counts of health outcomes and valuation estimates (\$ thousand) are rounded to the nearest integer with a maximum of two significant figures. Costs are in 2013 Canadian dollars.

^e Premature mortalities associated with acute exposure affect all ages, whereas other premature mortality endpoints apply only to adults.

^f Although the AQBAT includes a CRF for acute exposure mortality associated with NO₂ exposure, it is not assumed to reflect a causal relationship. Rather, NO₂ may be acting as a surrogate for a specific component of the air pollution mixture, such as vehicle exhaust emissions.

^g May–September only.

Table 7. Comparison of national and provincial or territorial premature mortality counts for pollutants associated with diesel emissions, based on results from the AQBAT for Canada in 2015

Region [population]	Contribution to premature mortality – counts ^a							
	On-road diesel emissions				On-road and off-road diesel emissions			
	NO ₂	PM _{2.5}	O ₃ ^b	All pollutants	NO ₂	PM _{2.5}	O ₃ ^b	All pollutants
Canada [36 101 253]	150	250	-77	320	230	460	21	710
Alberta [3 995 100]	7	14	2	23	16	42	38	96
British Columbia [4 888 059]	18	34	-15	37	22	50	-15	57
Manitoba [1 300 664]	12	12	-2	23	14	15	4	34
New Brunswick [768 857]	1	1	2	3	1	2	4	7
Newfoundland and Labrador [510 193]	0	0	1	1	0	0	1	2
Northwest Territories [45 541]	0	0	0	0	0	0	0	0
Nova Scotia [967 182]	1	1	2	4	1	2	5	8
Nunavut [34 101]	0	0	0	0	0	0	0	0
Ontario [14 127 882]	49	77	-21	110	86	170	12	270
Prince Edward Island [148 740]	0	0	0	1	0	0	1	1
Quebec [8 212 175]	64	110	-50	120	89	170	-41	220
Saskatchewan [1 067 999]	1	2	4	7	2	5	13	20
Yukon [34 760]	0	0	0	0	0	0	0	0

^a Counts represent mean estimates of premature mortality. Counts are rounded to the nearest integer and given to a maximum of two significant figures. All pollutants also include premature mortalities associated with CO and SO₂.

^b Acute and chronic exposure premature mortalities combined.

are also associated with a considerable number of acute respiratory symptom days, asthma symptom days and restricted activity days.

The total economic value of the incremental health outcomes associated with on-road diesel emissions in 2015 is approximately \$2.5 billion (2.5th and 97.5th percentiles equal \$870 million and \$5.8 billion, respectively). Premature mortalities alone are valued at \$2.3 billion (Table 6). Although the monetary value associated with morbidity endpoints is low compared with mortality endpoints, the morbidity outcomes represent a significant impact on Canadian population health.

Benefits or costs associated with on-road diesel emissions are not distributed equally across provinces/territories and CDs owing to several key factors, such as population density, vehicle fleet composition and size, and baseline air quality. The highest costs and counts are associated with the most populated provinces, such as Alberta, British Columbia, Ontario and Quebec (Table 7), as well as with CDs corresponding to large urban centres. For example, on-road diesel emissions are generally associated with greater health impacts in the CDs of Montréal (CD2466), Toronto (CD3520) and Greater Vancouver (CD5915). In addition, on-road diesel emissions are estimated to have high population health impacts relative to population size in the province of Quebec (e.g. 120 premature mortalities from all pollutants in Quebec compared with 110 for Ontario). Possible reasons for this observation are population density and geographic distribution, vehicle fleet characteristics and atmospheric transport of traffic emissions. In fact, it is likely that urban centres in southwestern Quebec (including Laval, Longueuil and Montréal) are affected by on-road emissions released locally and regionally along the Windsor–Québec corridor.

8.1.2 On-road and off-road diesel sources

Diesel emissions from on-road and off-road sources combined are associated on average with incremental health impacts of approximately 710 premature mortalities in 2015 (Table 6). Chronic exposure IHD mortality (310 outcomes or 43% of all mortalities), acute exposure mortality (200 outcomes or 28% of all mortalities) and chronic exposure lung cancer mortality (94 outcomes or 13% of all mortalities) account for the majority of mortalities. Chronic and acute effects are responsible for approximately 73% and 27% of total mortalities, respectively, for both simulations. PM_{2.5} concentrations account for most of the chronic mortalities, whereas NO₂ and O₃ concentrations account for most of the acute mortalities.

Incremental mortality risks are associated with chronic exposure to PM_{2.5} (460 premature mortalities) and summer O₃ (55 premature mortalities) and acute exposure to NO₂ (230 premature mortalities) and CO (1 premature mortality). On-road and off-road diesel emissions are associated with a notable increase in chronic exposure respiratory mortality compared with on-road diesel emissions alone (9 avoided mortalities for on-road diesel emissions compared with 55 mortalities for on-road and off-road diesel emissions; Table 6). On-road and off-road diesel emissions are associated with a decrease in acute O₃ exposure (33 avoided premature mortalities). Overall, on-road and off-road diesel emissions are associated with O₃-related exposure mortalities (acute and chronic combined). This is in contrast to on-road diesel emissions, which were linked to reductions in O₃-related premature mortalities.

The total economic value of the health outcomes for on-road and off-road diesel emissions is approximately \$5.5 billion (2.5th and 97.5th percentiles equal \$2.5 billion and \$12 billion, respectively), largely due to premature mortalities (valued at \$5.1 billion). On-road and off-road diesel emissions are also associated with considerable costs related to morbidity outcomes: acute respiratory symptom days (\$2 300 000), adult chronic bronchitis cases (\$280 000 000), asthma symptom days (\$12 000 000) and restricted activity days (\$61 000 000).

The greatest impacts are located in the more populated provinces and CDs. On a provincial basis, the greatest premature mortality impacts for all pollutants associated with diesel emissions are observed in Ontario (Table 7), whereas PM_{2.5} and NO₂ impacts are similarly high in Ontario and Quebec. For summer O₃ chronic respiratory exposure mortalities, on-road and off-road diesel emissions increase counts in Alberta, Ontario and Saskatchewan (24, 22 and 7 premature mortalities, respectively), but show benefits in Quebec (4 avoided premature mortalities). For acute O₃ exposure mortalities, benefits are observed in Quebec, Ontario and British Columbia (37, 12 and 11 avoided premature mortalities, respectively), whereas impacts are observed in Alberta and Saskatchewan (15 and 6 premature mortalities, respectively). Approximately 28% of the Canadian population is included in 13 CDs that are associated with a decrease in annual O₃ concentrations. In contrast to on-road diesel emissions, on-road and off-road diesel emissions increase O₃ concentrations in the province of Alberta (i.e. additional health impacts). On a CD basis, on-road and off-road diesel emissions are associated with the highest premature mortality counts for PM_{2.5} and NO₂ in Montréal, for O₃ in Calgary and for all pollutants in Toronto. On-road and off-road diesel emissions are associated with the most avoided O₃-related premature mortality counts in Montréal.

8.1.3 Comparison between the AQBAT simulations

On average across Canada, the combined pollutants associated with on-road and off-road diesel emissions are associated with 2.2 times more premature mortalities than on-road diesel emissions

alone. This ratio suggests that off-road and on-road diesel emissions contribute equally to population health effects or that off-road diesel emissions contribute slightly more than on-road diesel emissions. The results for PM_{2.5}-related health impacts lead to similar observations (average ratio of 1.9 for all mortalities across Canada), whereas NO₂-related health effects differ less between simulations (average ratio of 1.5 for all mortalities across Canada). A comparison of health impacts from on-road and off-road diesel emissions with those for on-road diesel emissions only (Table 6) reveals that PM_{2.5}-related impacts approximately double (e.g. chronic exposure COPD mortality and child acute bronchitis episodes), whereas impacts linked to both PM_{2.5} and summer O₃ approximately triple (e.g. asthma symptom days and respiratory hospital admissions). For endpoints associated with summer O₃ only, on-road diesel emissions are linked to benefits, whereas on-road and off-road diesel emissions are associated with disbenefits (e.g. chronic exposure respiratory mortality and minor restricted activity days). As O₃ is a secondary atmospheric pollutant that is influenced by precursors emitted in DE, non-linear effects are not unexpected.

Off-road diesel emissions have a greater influence on health outcomes relative to on-road diesel emissions in Alberta and Saskatchewan, as reflected by ratios for all pollutants of 4.2 and 2.9, respectively, between simulations (Table 7). This concurs with the higher off-road vehicle populations in Alberta and Saskatchewan. The low values modelled for the territories and Atlantic provinces do not allow comparative analyses.

The maximum differences in premature mortality counts between the two scenarios are observed in large urban centres, such as Toronto and Montréal. The large apparent impacts of off-road emissions are in large urban centres, owing to the confluence of high emissions and high population density. The atmospheric transport of off-road diesel source emissions that are released upwind of urban centres (e.g. in agricultural or mining areas) can also contribute significantly to urban air pollution. Off-road diesel emissions have relatively more influence in Calgary and Edmonton than in other urban centres, highlighting the importance of the off-road diesel fleet in those areas.

In all provinces and territories, on-road and off-road diesel emissions are associated with higher O₃-related premature mortalities or lower avoided premature mortalities than on-road diesel emissions alone. Differences in the O₃-related effects between the scenarios are concentrated and highest in urban centres, such as Montréal, Toronto, Calgary and Edmonton. The combination of on-road and off-road diesel emissions is associated with increased summer O₃ levels in several Canadian urban centres, except in the Montréal and Toronto areas. Although the exact causes of the differences among urban centres are unclear, it is likely that the importance of the gasoline fleet, the nature of industrial activities and environmental factors influence the resulting contribution from diesel emissions. Caution must be exercised when interpreting the results, owing to the non-linearity of O₃ formation. The increase in premature mortalities and other health endpoints estimated for on-road and off-road diesel emissions in comparison with on-road diesel emissions cannot be attributed to off-road diesel emissions alone. The estimates represent the influence from on-road and off-road emissions combined.

8.2 Discussion

The results suggest that off-road and on-road diesel emissions, individually, have a similar influence on health impacts. This comparison includes inherent uncertainties, as outlined previously. The PM_{2.5} results suggest that on-road and off-road diesel emissions have roughly equivalent impacts on population health, although off-road diesel PM_{2.5} emissions are much higher than on-road diesel PM_{2.5} emissions (see Table 4). However, the populations exposed to off-road emissions are likely smaller (a

large fraction of off-road emissions being allocated to rural and less populated areas) than those exposed to on-road diesel emissions (mainly in urban centres), which decreases the magnitude of the effect on population health on a per emission basis. Further, as secondary PM_{2.5} formation is not linear, it is not possible to determine the contribution from off-road diesel emissions to PM_{2.5}-associated health outcomes with high certainty without additional modelling runs. Similar limitations must be considered when interpreting the NO₂ results, as NO₂ emissions are involved in photochemical reactions leading to the formation of both O₃ and PM_{2.5}.

Concentrations of O₃ are dependent on precursor emissions from all sources and are sensitive to photochemical conditions and regimes (e.g. relative ambient concentrations of NO_x and VOCs). Comparing the two AQBAT runs does not provide a clear indication of the effects associated with off-road diesel emissions, as the difference ignores the influence of non-linear photochemical reactions that affect ambient concentrations of several pollutants, including O₃ and secondary PM_{2.5}. For example, as shown in Table 7, on-road diesel emissions are associated with 77 avoided O₃-related premature mortalities, whereas on-road and off-road diesel emissions are linked to 21 additional O₃-related premature mortalities. It would be misleading to conclude, based on these results, that off-road diesel emissions, via their impact on O₃ levels, are responsible for 98 premature mortalities. In fact, the 21 additional premature mortalities reflect how a change in emissions equivalent to those from on-road and off-road diesel applications affects ambient O₃ concentrations. Although on-road diesel emissions appear more beneficial than off-road diesel emissions in terms of O₃-related health effects, it is more likely that adding off-road emissions into the equation affects the NO_x/O₃ equilibrium that is responsible for the avoided premature mortalities with on-road diesel emissions.

The magnitude of health impacts varies regionally. In general, health effects associated with diesel emissions are expected to be larger in more populated CDs (e.g. Montréal, Toronto and Greater Vancouver) and in areas where diesel activity is more important (e.g. Alberta oil sands region), unless other significant variables exist. Additional factors that may influence the human health impact estimates include the relative importance of diesel emissions in comparison with emissions from other sectors, such as industry, gasoline and open sources. For example, diesel emissions in an area dominated by industrial emissions may not have the same impact as diesel emissions on a diesel-dominated roadway. Further, the impact of DE emissions may also depend on background air concentrations, which are influenced in part by long-range transport of pollutants, local or regional sources of emissions (e.g. industrial and institutional facilities, power production) and meteorology.

9 Conclusions

The air quality scenarios modelled with AURAMS and the AQBAT were selected in order to provide an indication of potential air quality and health impacts associated with diesel fuel use in on-road and off-road applications in Canada. On-road and off-road diesel applications are responsible for substantial levels of pollutant emissions. Compared with other mobile sources, diesel vehicles and engines contribute significantly to NO₂ and PM_{2.5} emissions, whereas gasoline mobile sources contribute the majority of CO and VOC emissions. Diesel source emissions are notably important in large urban areas, such as Greater Vancouver, Toronto and Montréal, where a large fraction of the Canadian population resides. Diesel emissions are also important along major trucking routes and roadways connecting major cities (e.g. Windsor–Québec corridor), as well as in agricultural and mining areas (e.g. Alberta). The characteristics of the mobile fleet and the dominating economic sectors in a particular region determine the influence of diesel emissions. The concentration of diesel emissions in specific geographic areas leads to distinct air quality impacts across Canada.

Diesel emissions are estimated to contribute significantly to ambient concentrations of NO₂, PM_{2.5} and O₃. The air quality modelling results show that on-road diesel emissions contribute significantly to air pollutant concentrations in urban and economically active areas and along major transportation routes. Off-road diesel emissions, which are more widely distributed than on-road diesel emissions, affect air quality in both rural and urban areas. The combination of on-road and off-road emissions leads to greater air quality impacts in the largest Canadian urban centres, notably Greater Vancouver, Edmonton, Calgary, Winnipeg, Toronto and Montréal. Off-road diesel emissions also have a relatively large impact in less developed areas characterized by few other sources of pollutant emissions (e.g. remote mining communities).

Based on the current health impact analysis, on-road and off-road diesel emissions result in significant and substantial population health impacts and societal costs in Canada via the contribution of DE to ambient concentrations of criteria air contaminants. The modelling undertaken estimates that on-road diesel emissions are associated with 320 premature mortalities for 2015 (valued at \$2.3 billion), with 65% and 35% of the estimated mortalities attributable to PM_{2.5} and NO₂, respectively. On-road and off-road diesel emissions are associated with 710 premature mortalities (valued at \$5.1 billion), with 65%, 32% and 3% of the estimated mortalities being attributable to PM_{2.5}, NO₂ and O₃, respectively. Diesel emissions are also associated with significant numbers of acute respiratory symptom days, restricted activity days, asthma symptom days, hospital admissions, emergency room visits, child acute bronchitis episodes and adult chronic bronchitis cases across Canada. Results from the AQBAT simulations for the current assessment suggest that on-road and off-road emissions each contributed approximately equally to health impacts. The results also indicate that both on-road and off-road diesel applications have significant health impacts in major Canadian urban centres. Diesel emissions have higher health impacts in the most populated provinces, such as British Columbia, Alberta, Ontario and Quebec, and in the most populated CDs, which correspond to the Greater Vancouver, Calgary, Winnipeg, Toronto and Montréal areas. The greatest air quality impacts are also observed in those areas. Overall, it is concluded that efforts should continue to further reduce emissions of DE in Canada, particularly in areas with large populations.

10 Key uncertainties and gaps

Estimating the population health impacts associated with a fuel use scenario is the final step in a sequential process that is preceded by an evaluation of mobile source emissions and the impact of these emissions on air quality. The modelling conducted in the current assessment made use of the best available tools and data for Canadian scenarios. For practical reasons, assumptions were required at each step, which introduced uncertainties in the analysis. Estimates of health effects from on-road and off-road diesel emissions were also influenced by the uncertainties in each of the previous steps in the analysis (i.e. emissions and air quality modelling).

Limitations and uncertainties in estimating future emissions from mobile and other sources include modelling assumptions and simplifications. Uncertainty in modelling or imperfect spatial and temporal predictions arise for a variety of reasons, such as simplified algorithms, limited vehicle fleet data and errors in forecasting future economic activity. Additional uncertainties are associated with the use of three distinct models to estimate emissions from different segments of the mobile source population. Although these models share comparable methodologies, they can provide different results for air pollutants of interest. To assess some of the limitations, modelling data are analyzed in parallel to available air quality, meteorological, and engine or vehicle emission testing data to provide some perspective for emission modelling results and to corroborate results with as many sources of

information as possible. This is important, as assumptions made during the estimation of mobile source emissions are reflected in subsequent stages of the analysis (e.g. air quality modelling) and may affect the final conclusions.

Air quality models aim to accurately reproduce atmospheric processes that influence the fate and transport of pollutants. Nonetheless, the use of approximations is required for practical purposes, and the approximations used must be carefully considered when interpreting the results. Examples of modelling limitations and uncertainties include the quality of the meteorological and emission data, the horizontal grid resolution, the precision of spatial surrogates and the accuracy of the numerous and complex atmospheric reactions.

For example, the impact of diesel emissions on air quality is estimated for each 22.5 km grid cell, which cannot accurately represent the very local and likely higher impacts expected near major roadways. In addition, a limited number of pollutants are explicitly addressed in AURAMS. As a result, the contribution of diesel emissions to local levels of several pollutants of interest, such as UFP or individual air toxics (e.g. PAHs), is not estimated. Spatial surrogates are used to allocate pollutant emissions in different geographic locations across Canada, especially for non-point sources such as mobile source emissions. Although road network, traffic and demographic data, for example, are considered suitable proxies for part of the mobile fleet, there are limitations to this method.

The interpretation of the results was also limited by the fact that compensating effects were indistinguishable with the sensitivity analysis approach that was selected. For example, a reduction in on-road diesel NO_x emissions affects the rate of O₃ formation per quantity of NO_x released from other sources, such as off-road diesel emissions. Hence, NO_x emissions from other sources could be producing O₃ more efficiently compared with the reference scenario, and this would lead to a mischaracterization of the contribution from on-road diesel emissions to air pollutant concentrations. This is one reason why the contribution from off-road diesel emissions to air pollutant concentrations cannot be determined simply by comparing the on-road with the on-road and off-road diesel use scenarios. The method shows only the absolute or marginal change in pollutants associated with a variation in emissions. Lastly, air quality models do not include algorithms to reflect all atmospheric reactions. This is especially important for secondary pollutants, such as secondary aerosols, secondary VOCs and O₃, that originate from atmospheric reactions. As a result of this limitation, mischaracterization of secondary pollutants is a possibility.

The quantitative health impact analysis is based on differences in ambient concentrations of PM_{2.5}, O₃, NO₂, CO and SO₂ and established CRFs for morbidity and mortality outcomes associated with these pollutants. Although the CRFs are derived from peer-reviewed sources and are endorsed by Health Canada, they include some inherent uncertainties, which are reflected in the AQBAT output as distributions for the health outcomes. The AQBAT includes a limited number of CRFs related to criteria air contaminants. Although other health outcomes associated with exposure to these pollutants (e.g. reproductive and developmental outcomes) are reported in the literature, not all health effects of air pollution are adequately quantified to be included in the analysis. As the AQBAT model does not include all pollutants, such as VOCs, the health and economic impacts associated with on-road and off-road diesel emissions are likely underestimated. As more robust pollutant-specific health data become available, the AQBAT will improve with the addition of more specific CRFs.

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ZEXI LI. ET AL.
PLAINTIFFS

-and-

CHRIS BARBER ET AL.
DEFENDANTS

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(Pursuant to section 137.1(3) of the CJA)

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