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SMALL BUSINESS
Freedom & Rights Declaration

To the Attention of the Premier and Provincial/Territorial Health Officer;

This letter is in response to ministerial orders made on behalf of, or by, the Provincial government issued to Small Businesses based on the assertion that a 'public health hazard exists". Upon review, these orders are found to be unlawful and arbitrary in their decree and in their application, and these orders stand in direct violation of the Universal Declaration of Human Rights, Canadian Constitution and the Canadian Charter of Rights and Freedoms. Furthermore, the federal and provincial governments have both failed to act in accordance with their own laws as laid out in the Federal *Emergencies Act* itself.

In the matter of unlawful and arbitrary enforcement of orders, the provincial health office has applied the law and orders unequally across provinces as well as across businesses. For example, Costco and the BC Liquor Store are deemed essential, while smaller stores offering the same products are deemed unessential.

In the matter of unlawfulness, small companies are under no obligation to enforce illegal and arbitrary health orders which also impede that company's ability to do business. Yet companies that fail to enforce these health orders have been subject to threats, harassment, intimidation, as well as seizure of property and income by the provincial health office.

Additionally, small company personnel are compelled to enforce orders on patrons and staff at great personal, emotional and monetary cost to both customers and employees of the company. They are not deputized, trained or compensated for doing so. Compelling companies and individuals to work for the government in this capacity without pay constitutes involuntary servitude or slavery.¹

There are no provisions in any orders of any health minister, doctor, or provincial legislation, or Federal *Emergencies Act* which state that these orders supersede the Constitution of Canada, including the Charter of Rights and Freedoms. In fact, the wording of the *Emergencies Act* states exactly the opposite – that any such legislation is subordinate to our Constitution:

AND WHEREAS the Governor in Council, in taking such special temporary measures, would be subject to the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights and must have regard to the International Covenant on Civil and Political Rights, particularly with respect to those fundamental rights that are not to be limited or abridged even in a national emergency. (added emphasis)

Section 52 of the Charter clearly states that *any law that is inconsistent with the Charter is of no force and effect*. We find that the orders of the Provincial Health Officer are in violation of the Charter of Rights and Freedoms pursuant to Sections 2(a)(c)(d), 7, 8, 9, and 15. In addition, and as an example of a provincial contravention, the Ombudsman in BC, Jay Chalke, found M139 and M098, granting authority to the Health Officer, in violation of the Emergency Act itself²

In the matter of declaring a "public health emergency", the provincial health officer has failed to provide evidence to substantiate this decree. With respect to the SARS-CoV-2 virus, the CDC and the WHO

1 *Inutilis labor, et sine fructu, non est effectus legis*. Useless labor and without fruit, is not the effect of law. Co. Lit. 127

2 https://bcombudsperson.ca/investigative_report/extraordinary-times-extraordinary-measures/ page 28 and page 34

have only demonstrated that this virus has a 99.7%+ survival rate (same as the flu) with the average death rate of <2/1000 and the median age of those deaths at 85 yrs of age, and 73% of those deaths occurring in long term care homes.³ These figures remain unchanged as of January 5, 2021.⁴

The ability to demonstrate that a high level of risk to public health exists is required for a “public health emergency” to come into effect. PCR testing is the current test used to diagnose COVID-19 at every level of government in Canada. Yet the inventor of the PCR states definitively that the test was never designed to, nor is it capable of detecting SARS-CoV-2. Kari Mullis, and the manufacturers of the PCR testing equipment,⁵ have repeatedly warned it was not to be used for testing for viruses to determine if a person is actually infected. Furthermore, the Portuguese Court of Appeal, after considering the evidence that, amongst other deficiencies, this test resulted in positive results after testing fruit and other substances, has ruled that PCR tests are unreliable and cannot be used to determine COVID-19 infections.⁶ Similar cases are now before the Canadian courts. The burden of proof for such a risk to the public remains on the PHO and THO has not been met.

The Health Orders issued from your office compelling the mandatory use of masks and social distancing in our businesses are found to be unlawful and arbitrary in their application. Further, there is no evidence to support lockdowns are effective but rather, according to the WHO, they are causing irreparable damage to the economy, tourism, and increased malnutrition of children, starvation and expected to double world poverty.

In Canada, according to the CFIB, 1 in 5 businesses are forecast to close their doors permanently. This is tantamount to criminal negligence, reckless and in direct violation of guaranteed human rights.

The Provincial government has failed to meet the standard laid out in the Federal *Emergencies Act*, required for the Health Board to decree a “public health emergency”.

As a result of the unlawful and arbitrary nature of these orders, which do not in any manner supersede our protections guaranteed under the Constitution and the Charter, and as a result of the failure to meet the standard necessary to decree a “public health emergency”, the Citizens of Canada and small business owners are hereby under no moral or legal obligation to comply. However, we hold that the Provincial Government is required by law to comply with Provincial and Federal law. Any measures taken by any provincial health office or officer to compel compliance via threat to pull licenses, harassment, seizing of person and property, and issue fines are immoral, in contravention of the Universal Declaration of Human Rights, and unlawful pursuant to the Constitution and the Charter of Rights and Freedoms⁷, and will be met with swift legal action.

Yours truly

3 <https://hillnotes.ca/2020/10/30/long-term-care-homes-in-canada-the-impact-of-covid-19/>

4 <https://hillnotes.ca/2020/10/30/long-term-care-homes-in-canada-the-impact-of-covid-19/>

5 <https://www.creative-diagnostics.com/pdf/CD019RT.pdf>

6 <https://translate.google.com/translate?hl=&sl=pt&tl=en&u=http%3A%2F%2Fwww.dgsi.pt%2Fjtrl.nsf%2F33182fc732316039802565fa00497ecc%2F79d6ba338dcbe5e28025861f003e7b30>

7 <https://www.un.org/en/universal-declaration-human-rights/index.html>