

## Public Health Act Email Reply to Senior Environmental Health Officer Who Claimed to be Immune from Personal Liability

Hi Charlene,

Regarding the Notice of Liability, I am aware that according to Part 7 and Section 92 of the Public Health Act, there is a reference to health officers being immune from legal proceedings, and I want to point out to you that in Section 92, Subsection 2, it states: "(2) Subsection (1) does not apply to a person referred to in that subsection in relation to anything done or omitted in bad faith." Now I refer you back to the Notice of Liability that I served you:

<sup>35</sup><sub>17</sub> If you are enforcing an order that violates the individual guaranteed rights of my patrons, **you are acting in bad faith.**

<sup>35</sup><sub>17</sub> I warned you in the Notice of Liability that, "There are no provisions in any orders of any health minister, doctor or provincial legislation, that can, nor pretend that any measures can, override Charter or other pre-Charter constitutional rights." By threatening me under any provisions that are infringing on Charter or other pre-Charter constitutional rights, **you are acting in bad faith.**

<sup>35</sup><sub>17</sub> Just to be clear, neither my staff, nor I, have been deputized to enforce any orders. Further, Section 52(1) of the Constitution Act, 1982, clearly states that any law that is inconsistent with the Constitution is of no force and effect. Therefore, any measures taken by you to compel compliance by means of:

- instigating confrontation
- threats to remove me
- harassment in an attempt to demean, humiliate, and coerce
- attempts to seize person or property
- issuing fines and/or charges

will be recognized as **you acting in bad faith**, and will be met with a human rights complaint, civil litigation, and/or potential criminal charges against you. I have done my homework and am fully prepared to act on all three of these counts if you continue to **act in bad faith** with any further measures as stated above.

If I do have to take action against you personally, the Courts will see that **I have made every effort to warn you against acting in bad faith** towards me, my business, my employees, and my patrons. It is your responsibility to uphold the law. By not respecting the human rights of my patrons and attempting to stop me from respecting the human rights of my patrons, you are not upholding the law; **you are acting in bad faith.**

One other thing - at the end of our recorded Zoom call we agreed that we would meet outside of the gym the following week to discuss matters related to the health orders. In your last two email messages, you have been demanding to come inside the gym to inspect things. I did not agree to this. By changing what we had agreed on, you are again **acting in bad faith**. Remember, I have proof of what we agreed on, and I will follow up with you according to what we agreed on.

During the Nuremberg Trials there were defendants who said they were just following orders. That defense didn't work. Many of them were either hanged or put in prison for life.

When we meet tomorrow (Thursday) at 1:30pm, it will be with the understanding of what I just outlined in this message.