

Domestic/International Travel Notice of Liability



How to Serve the Notice of Liability

- Obtain and fill in the full name, badge number and job title of the individual who is interfering with your mobility
- Fill out the date, time and location of the incident
- Sign and date the NOL. If a witness is available have them also sign it
- Take a video, or photo, of the completed Notice of Liability for your records
- Video record serving the NOL and all interactions. In Canada, you can legally record any conversation that you are a part of, without the need of the other person's knowledge or consent. If possible, have a witness record the interaction.
- Document in writing everything that transpired as soon as you can, while it is fresh in your mind.

Keep all information (eg. Liability Notice copy, video, mailing proof etc.) in a safe place for future use.

NOTE: You do not need a lawyer to serve a Notice of Liability and you do not need consent, or the signature of the person you are serving it to.

Disclaimer: Action4Canada accepts no responsibility or liability for any harms or losses that occur as result of serving a notice of liability. If you do not agree to these terms, then please do not use this notice. We do not make any representations or warranties about the potential consequences of serving a Notice of Liability. This information is not intended as legal or health advice.

Domestic/International Travel Notice of Liability

Date: _____

Time: _____ am / pm

Location: _____

Name: _____

Position: _____ Badge Number: _____

Citizens of Canada and permanent residents have the legal right to travel within, or enter Canada, at will¹.

The first page of the Canadian passport states: **“Allow the bearer to pass freely, without delay or hindrance...and to afford the bearer such assistance and protection as may be necessary.”**

This statement speaks for itself and must be adhered to. Border services officers are legally obligated to provide assistance and protection, including protection from the illegal and unlawful mandates and actions of the Canadian government.

A valid Canadian passport is all that is required to travel within, or enter, Canada². Requesting additional verification (such as a Driver’s License, address, phone number) is an impingement on the bearer’s fundamental right to freely travel.

The definition of *“passport”* in s. 2 of the *Canadian Passport Order, SI/81-86*, means an official Canadian document that shows the identity and nationality of a person and expressly states that it is only for the purpose of facilitating travel by that person outside Canada. Any other purpose is prohibited.

It is not Constitutionally, statutorily or otherwise authorized by law to be used by Federal or Provincial Health Officials for any purpose, including obtaining your confidential medical information.

Canadian citizens are not required to provide personal/medical information to any border guard, transportation personnel or employee, or public health employee.

The Government’s domestic and international travel mandates, including the use of ArriveCAN, are in violation of the Constitution, which is the supreme law of Canada, and envelopes the Charter of Rights and Freedoms. All Statutes, Orders, By-laws, and Acts **MUST** be consistent with the Constitution...or they are of no force or effect.

Section 52(1) of the **Constitution Act**, 1982: The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

Charter of Rights and Freedoms

Section 6 – Mobility Rights Provision

1 <https://laws-lois.justice.gc.ca/eng/const/page-12.html#>

2 <https://action4canada.com/wp-content/uploads/gov-can-travel-documents.pdf>

(1) Every citizen of Canada has the right to enter, remain in and leave Canada.

(1) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right:

- a) to move to and take up residence in any province; and
- b) to pursue the gaining of a livelihood in any province.

Guaranteed Right to not be Prohibited, Harassed or Detained

Section 7 – Legal Rights

Everyone has the right to life, liberty, and **security of the person** and the right to not be deprived thereof except in accordance with the principles of fundamental justice.

Section 8³

Everyone has the right to be secure against unreasonable search and seizure.

Section 9

Everyone has the right not to be arbitrarily detained or imprisoned.

Privacy: The Supreme Court of Canada has emphasized in many cases⁴, in the strongest possible terms, that a **citizen's right to privacy** is sacrosanct and subsumed in both s. 7 and 8 of the Charter and is of paramount importance to life, liberty, and security of the person, and protects citizens from unreasonable search and seizure.

Masks: there is no law in Canada that legislates people must wear a mask, because you cannot interfere with an individual's right to breathe freely.

Vaccination: According to the Public Health Agency of Canada's Canadian National Report on Immunization, 1996:

“Vaccines are not mandatory in Canada, and they cannot be made mandatory because of the Canadian Constitution.”

Rights: Not to be limited or abridged: If the Federal Government had invoked the **Federal Emergencies Act** in response to COVID-19, which it has not, even that Emergencies Act states:

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**.

Consent to Medical Treatment and Testing

In Canada, a doctrine of informed consent regarding any medical treatment has become part of Constitutional law. According to Supreme Court rulings, no Canadian citizen is required to take any medical treatment without informed consent, which includes the right to refuse such treatment⁵.

3 <https://www.justice.gc.ca/eng/csj-sic/rfc-dlc/ccrf-ccd/check/art8.html>

4 <https://action4canada.com/wp-content/uploads/constitutionally-protected-privacy-rights.pdf>

5 https://bottomlineresearch.ca/pdf/informed_consent.pdf

The Genetic Non-Discrimination Act, Bill S- 201, states that it is an indictable offence to force anyone to take a DNA/RNA or chromosome test or deny any service to anyone who refuses to take such a test. The punishment is a fine not exceeding \$1,000,000 or imprisonment for a term not exceeding five years, or both⁶.

In 1986, **the Supreme Court of Canada ruled** in *E. (Mrs.) v. Eve*, 1986 CanLII 36 (SCC), [1986] 2 S.C.R. 388⁷, that **forced medical testing violates the inviolability of the body and is unlawful**. The Court upheld this ruling in *Engel v. Salyn* 1993 CanLII 152 (SCC), [1993] 1 SCR 306⁸.

Quarantine Act

Section 14 (1): Any qualified person authorized by the Minister may, to determine whether a traveler has a communicable disease or symptoms of one, use any screening technology authorized by the Minister that does not involve the entry into the traveler's body of any instrument or other foreign body⁹.

According to the Criminal Code it is unlawful to make anyone participate in something against their will using coercion, threats or intimidation.

Canadian Criminal Code¹⁰

Intimidation and Coercion:

423 (1) Everyone is guilty of an indictable offense and liable to imprisonment for a term of not more than five years or is guilty of an offense punishable on summary conviction who, wrongfully and without lawful authority, for the purpose of compelling another person to abstain from doing anything that he or she has a lawful right to do, or to do anything that he or she has a lawful right to abstain from doing,

- (a) uses violence or threats of violence to that person or their intimate partner or children, or injures the person's property;
- (b) intimidates or attempts to intimidate that person or a relative of that person by threats that, in Canada or elsewhere, violence or other injury will be done to or punishment inflicted on him or her or a relative of his or hers, or that the property of any of them will be damaged;
- (c) persistently follows that person;

Assault:

Under sections 265 and 266 of the Criminal Code a person commits an assault when, without the consent of another person, he applies force intentionally to that other person, directly or indirectly. Everyone who commits an assault is guilty of an indictable offense and liable to imprisonment for a term not exceeding five years, or an offense punishable on summary conviction.

6 <https://laws-lois.justice.gc.ca/eng/acts/G-2.5/index.html>

7 <https://www.canlii.org/en/ca/scc/doc/1986/1986canlii36/1986canlii36.html?searchUrlHash=AAAAQAWRS4gKE1ycy4pIHuYulEV2ZSwgMTk4NgAAAAAB&resultIndex=1>

8 <https://www.canlii.org/en/ca/scc/doc/1993/1993canlii152/1993canlii152.html?searchUrlHash=AAAAQARYm9keSAvcyBpbnZpb2xhdGUAAAAAAQ&resultIndex=1>

9 <https://laws-lois.justice.gc.ca/eng/acts/Q-1.1/page-1.html>

10 <https://laws-lois.justice.gc.ca/eng/acts/c-46>

Definition of Terrorist Activity:

Section 83.01 of the Criminal Code¹¹ defines terrorism as an act committed “in whole or in part for a political, religious or ideological purpose, objective or cause with the intention of intimidating the public...with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act.”

The Government is directing border services officers, transportation personnel and employees to deny service, delay (for public health questioning), fine, and/or quarantine citizens who do not comply with the unlawful mandates, including using the ArriveCAN app. However, the border services officers, transportation personnel, and employees have no legal authority to enforce these punitive actions due to the numerous Constitutional, Criminal Code and medical and constitutionally protected privacy violations it would cause.

Should a Canadian citizen undergo any detainment, harassment or intimidation when traveling domestically or re-entering Canada, they have the right to protect their legal position, bodily safety and autonomy, mobility, liberty and security of the person, therefore, any illegal enforcement or detainment may result in legal action against the individuals committing the offence and any fines issued, will be disputed in a court of law.

Unlawful detainment, search and seizure, harassment, intimidation, privacy violations, and assault are serious indictable Criminal Code and Privacy Act offences. Interfering with someone's right to travel freely or to obtain essential, or non-essential services, is a further violation of the Constitution and Charter of Rights and Freedoms.

This Notice of Liability is to put you on notice that if you persist in interfering with my guaranteed rights and freedoms by supporting or enforcing the unlawful COVID-19 travel mandates, under threat of losing my right and liberty to travel freely or other essential, or non-essential services, that I will hold you personally liable for any financial loss of income, damages and/or any injury I suffer as a result of your actions. You are personally not protected under any Act, Order, By-law or Statute that is in violation of the Canadian Rule of Law, Constitution and Charter of Rights and Freedoms. It is the duty of every Canadian citizen to uphold the law and respect the Constitution and Charter of Rights and Freedoms. You have been duly warned.

Name (Print): _____

Signature _____

Date: _____

Witness (if applicable):

Name: _____

Signature: _____

Date: _____

11 <https://www.criminal-code.ca/criminal-code-of-canada-section-83-01-1-definition-of-terrorist-activity/index.html>

Domestic/International Travel Guidelines

Guidelines on how to travel freely, domestically or internationally, in accordance with the law and your guaranteed rights and freedoms. This document applies to Canadian citizens and permanent residents. Action4Canada has compiled this information to assist you in upholding your right to unhindered mobility and to be treated with respect and dignity.

Knowledge is power. Read and be familiar with the contents of this Notice.

Do **NOT** provide the guidelines portion of this document when serving the Notice of Liability. The guidelines are for your own personal use.

Guidelines:

Print several copies of the Domestic/International Travel Notice of Liability (pages 1-4 of this document) so you have them on hand to serve. Include copies of the Charter of Rights¹², the Quarantine Act¹³, and the Constitutionally Protected Privacy Rights document¹⁴.

Print a paper boarding pass. Do not use a digital boarding pass on your phone.

Use your passport as identification, for both domestic and international travel. That way you are not required to provide any additional identification.

NOTE: It has been reported that Nexus cards are being revoked if people do not comply with filling out the ArriveCan App. Be sure to carry your passport.

Do not fill out the ArriveCan App or paper form version. If they offer to assist you in filling it out, politely decline. If they ask why you have not filled it out, advise them that all that is required is your passport.

Do not comply in any way as they may interpret that as an admission that you are required to comply.

Either carry a flip phone (apps cannot be downloaded on a flip phone) or pack your phone in your luggage. Place your phone in a faraday bag (faraday bags also stop cell phone tracking).

If you are detained:

Be confident. Speak in a calm, polite manner but be firm in asserting your rights.

As stated in the Notice of Liability, your passport is all that is required when re-entering Canada. Domestically, use your passport to travel as well. Do not provide your driver's license or any other ID, such as your Care Card or Health Card, unless you are being charged with an offense.

12 <https://action4canada.com/wp-content/uploads/canadian-charter-rights-freedoms-eng.pdf>

13 <https://laws-lois.justice.gc.ca/eng/acts/Q-1.1/page-1.html>

14 <https://action4canada.com/wp-content/uploads/constitutionally-protected-privacy-rights.pdf>

When you provide your passport to the customs official, warn them prior to giving it to them, that:

1. "I have rights and duties in this passport, and I am obligated, as stated on **p. 1, 4** of my passport, and **s. 9, 10** of the *Canadian Passport Order, SI/81-86* to safeguard it all times and to ensure it is not used for unconstitutional purposes or purposes not authorized by law, and to further ensure that it is not lost or stolen¹⁵";
2. "I am providing it to you only on the accepted condition that you do not take it out of your sight or provide it to any health official, at any time". The definition of "passport" in s. 2 of the *Canadian Passport Order, SI/81-86*, means an official Canadian document that shows the identity and nationality of a person and expressly states that it is only for the purpose of facilitating travel by that person outside Canada. Any other purpose is prohibited.

It is not Constitutionally, statutorily or otherwise authorized by law to be used by Federal or Provincial Health Officials for any purpose, including obtaining your confidential medical information.

This provides the terms and conditions for the safe and legal use of this property. If a border services officer attempts to walk away with it then immediately voice your opposition and advise them:

I do not consent to you taking it or handing it over to anyone else and by doing so you are prohibiting me from fulfilling my legal rights and duties. When I provided my passport to you, you were warned not to do so and you agreed you would not do so. I demand that you return it.

Remember that unconstitutional purposes includes, but is not restricted to, using or attempting to use your passport to give health officials access to your confidential medical information, that is subsumed within your Charter of Rights and Freedoms, medical and common law privacy rights and freedoms.

If the border services officer needs to share it with another border services officer that is fine but do NOT allow them to hand it to any health official.

NOTE: You are not required to speak with health officials. Health officials do not have any jurisdiction on Federal property when someone is arriving from any foreign place. They only have power if you give them authority. Outright refuse to speak to health officials.

Be prepared to fill out and serve a Notice of Liability (NOL) to any individual interfering with your mobility, which may include a border services officer, health official, RCMP officer, transportation personnel or employees.

Answering Questions:

Standard questions Border Services Officers can ask:

- Where did you travel to?
- Purpose of trip?
- How long were you gone?
- Did you buy anything?
- What was the total value of the goods purchased?

¹⁵ <https://laws.justice.gc.ca/eng/regulations/SI-81-86/FullText.html>

You are not required to answer questions or comply with demands regarding Covid-19 travel mandates, such as:

Did you fill out the ArriveCan App?
What is your vaccine status?
You need to test
You must quarantine
Provide your phone number and address

Politely answer questions regarding Covid-19 mandates or the ArriveCan App, with:

I do not consent or I do not comply
I am not required to disclose personal information
I am not required to answer those questions
All I need to provide is my passport which states that I, the bearer, am permitted to pass freely, without delay or hindrance.
Am I being detained?

Once you have answered the standard questions, do not engage in additional conversation as this will only lead to providing information you are not obligated to give. They will likely give warnings of fines, quarantine, etc. and probably try to ask a few more questions, but your answer remains the same:

“I do not consent and unless I am being detained, then I want to leave and I demand to be immediately and unconditionally allowed to leave.

The Border Services Officer or Health officer may threaten to call the RCMP. Reply by saying:

I would be happy to speak with the RCMP and inform them of your illegal activities in detaining me and using coercion, threats and intimidation in an effort to force me to comply with the unlawful mandates.

NOTE: The RCMP have no grounds to detain or arrest you as you have not committed a crime. They must have “Reasonable Articulate Suspicion” (ARS) to detain you. They must have reasonable grounds to suspect that you have committed a crime, that you are committing a crime or that you are about to commit a crime.

If the coercion and intimidation persists, ask:

Am I being detained?
What crime did I commit?

If they cannot provide evidence that you are committing criminal activity, ask:

Am I free to go?

The answer should be YES you are free to go as they do not have grounds to legally detain you. Collect your things and proceed to the nearest exit. Do not engage anyone else in further conversation.

Tickets: If they threaten to give you a ticket for not complying then take the ticket but DO NOT sign it and do not pay it. **Immediately contest it. Dispute it in court. It has no legal validity.**

Vehicle Searches at Border Crossings:

- Do not leave your purse/wallet, vehicle insurance papers or other identification in your vehicle

NOTE: The Canadian government is constantly changing the vaccination and travel requirements but it is all irrelevant because it is unlawful.

Remember: Freedom of speech, thought, belief and the right to life, liberty and security of the person are guaranteed. We do not need to beg, barter or ask for them...they are ours for the taking.

As **Action4Canada** continues to courageously defend Canadians rights and freedoms we ask that you would please consider courageously giving, either a one-time donation or becoming a monthly donor. Help **Action4Canada** continue to bring solutions and hope to the nation!

God bless you and God bless Canada!

The Team @

Action4Canada

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