

Form 39.08

2021

Hfx. No.506040

Supreme Court of Nova Scotia

Between:

The Attorney General of Nova Scotia representing Her Majesty the Queen in Right of the Province of Nova Scotia, the Department of Health and Wellness, and the Chief Medical Officer of Health

Applicant
Responding party on motion

and

Freedom Nova Scotia, John Doe(s), Jane Doe(s), Amy Brown, Tasha Everett, and Dena Churchill

Respondent
Responding party on motion

and

The Canadian Civil Liberties Association

Non-Party
Moving party on motion

Affidavit of Cara Zwibel

I affirm and give evidence as follows:

1. I am **Cara Zwibel**, the Director of the Fundamental Freedoms Program at the Canadian Civil Liberties Association (“**CCLA**”), the moving party on this motion.
2. I have personal knowledge of the evidence affirmed in this affidavit except where otherwise stated to be based on information and belief. I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
3. On May 14, 2021, this Court issued a *quia timet* injunction (“**Injunction Order**”) following an Application in Chambers brought by the Province of Nova Scotia (“**Province**”). The Application was heard *ex parte* on an urgent basis.
4. The CCLA seeks standing, as a public interest litigant, to request rehearing of the Province’s *ex parte* Application. As a result of its expertise, special knowledge and perspective regarding constitutional rights and government accountability, including in the context of the COVID-19 pandemic, I believe that the CCLA is a suitable public interest litigant.

The CCLA

5. Founded in 1964, the CCLA is a national, non-profit, independent, non-governmental organization dedicated to promoting respect for and observance of fundamental human rights and civil liberties in Canada. The CCLA's work, which includes research, advocacy, public education and engagement, aims to defend and ensure the protection and full exercise of those rights and liberties. The CCLA has thousands of supporters drawn from all walks of life in communities across Canada. A wide variety of persons, occupations, and interests are represented amongst the organization's supporters.
6. The CCLA was constituted to actively defend and promote the recognition of fundamental human rights as enshrined in the Constitution and to extend and foster the observance of those rights. Our role necessarily includes holding government accountable and seeking to ensure that the rule of law is upheld. The CCLA fulfills this mission in several forums including the media, courts, provincial legislatures and Parliament, as well as through training in schools and universities. In every issue on which the CCLA advocates, we direct our attention to the critical balance between civil liberties and the competing public and private interests that are involved.
7. The CCLA has made vital contributions to civil liberties and *Charter* jurisprudence in a variety of areas, by intervening in cases before courts at many levels. The CCLA has also been granted standing to litigate issues in its own right.
8. Courts have recognized CCLA's contribution to the development of the law in relation to civil liberties and constitutional rights. For instance, in *Working Families Ontario v. Ontario*, 2021 ONSC 3652, the Court stated, at paras 4-6:

The CCLA has frequently been granted intervenor status in this Court and others to make submissions on matters touching on those within its expertise. ... [In] literally hundreds of cases, it has contributed through its interventions to the development of Canadian law on civil liberties generally and on freedom of expression and association in particular. ... Given its history of interventions, there is little doubt that it will be able to make cogent submissions on the issues of political expression [and] association.

9. A recurring theme in the CCLA's submissions to courts, tribunals and government bodies is the need to develop principled approaches that balance competing interests engaged in complex civil liberties and constitutional rights cases.

The Province's Application in Chambers and the Resulting Injunction Order

10. The Province's Application was sought in the context of a planned political protest against public health guidelines and restrictions issued in response to the COVID-19 pandemic. The Application was heard *ex parte* on an urgent basis. The evidentiary record presented to the Court was focused on the planned protest as well as the group's past protest activities, and not the risk of outdoor transmission of COVID-19 more generally. Copies of the affidavits filed by the Province in support of its Application are attached and marked as **Exhibit "A"**.

11. The Injunction Order issued in response to the Application is much broader. It is not limited to those persons who were the subject of the evidence put before the Court. It applies to all Nova Scotians, including those who are exercising their constitutional right to protest while making best-efforts to comply with public health orders. It also purports to restrict online expression of any person deemed to be promoting an “illegal public gathering” in Nova Scotia. A copy of the Injunction Order is attached and marked as **Exhibit “B”**.
12. All activities prohibited by the Injunction Order were already prohibited under provincial public health restrictions and subject to fines for violations. The effect of the Injunction Order was to enhance police powers and make all Nova Scotians in violation of these restrictions automatically arrestable for contempt of court.
13. The Injunction Order incorporates by reference the definition of “Illegal Public Gathering” contained in the *Restated Order #2 of the Chief Medical Officer of Health* made under s 32 of the *Health Protection Act*, SNS 2004, c 4. This public health order is subject to change without judicial oversight. It has changed five times in the past 30 days. It has changed since the Court issued the Injunction Order. A copy of the present public health order is attached and marked as **Exhibit “C”**
14. The Application and Injunction Order raise serious justiciable issues of:
 - a. Whether a permanent *quia timet* injunction can be obtained against all Nova Scotians on the basis of the actions of some Nova Scotians;
 - b. Whether the apparent harm(s) related to the protests that were the subject of the evidence before the Court create a strong probability of harm in other contexts;
 - c. Whether the *Charter*-protected rights to freedom of expression, freedom of assembly, and liberty are engaged and unjustifiably infringed; and
 - d. Whether principles of fundamental justice are violated, including principles against arbitrariness, overbreadth and gross disproportionality.
15. The impact of the resolution of these issues will extend well beyond the interests of the immediate parties and well beyond the context of the COVID-19 pandemic.
16. Whether and how the Province and the Court balances rights and freedoms, in the context of an emergency and a corresponding urgent request for *ex parte* relief, are matters that fall within the core mandate of the CCLA.

The CCLA’s Interest in Government Action Related to the COVID-19 Pandemic

17. The CCLA has a genuine interest in the issues raised in the Application and the Injunction Order as they are directly connected to the organization’s mandate. The CCLA is engaged closely with these issues through its advocacy, public education and research.

18. As a long-time defender of the rule of law, access to justice, and government accountability, the CCLA has a particular interest in how governments across the country respond to the public health emergency that COVID-19 has presented. The CCLA has actively monitored and advocated for a rights-centred response to the COVID-19 pandemic by governments and state agencies, both in terms of protecting vulnerable populations and preventing unjustified infringements of civil liberties in the name of public safety.
19. The CCLA has advocated for increased measures to prevent the transmission of the disease among homeless people and individuals being held in detention. CCLA has also advocated against regulations permitting the police and other first-responders to access individuals' COVID-19 test results without cause, and unwarranted and excessive enforcement of public safety regulations, including overly stringent restrictions of public gatherings and enforcement measures which do not further public health objectives.
20. The CCLA has also initiated litigation as a public interest litigant in three matters directly related to the COVID-19 pandemic:
 - a. On April 24, 2020, CCLA and coalition partners brought an application in the Ontario Superior Court of Justice against the City of Toronto and Province of Ontario, challenging the constitutionality of the Toronto Shelter Standards and the Toronto 24-Hour Respite Site Standards on the basis that: they endanger those who use the shelter system because they require spacing between beds of only 2.5 feet, well under the 6 feet requirement being enforced during the pandemic; and have had the additional consequence of forcing countless others to set up tents and encampments outdoors, rather than risk going into spaces where there are already many people who have contracted the virus.
 - b. On May 12, 2020, CCLA and coalition partners initiated a challenge in the Federal Court, concerning the government's handling of the COVID-19 pandemic in federal correctional institutions. The challenge concerned the Correctional Service of Canada's failure to take reasonable steps to protect the lives and health of inmates and argues that this failure violates CSC's statutory and Charter duties.
 - c. On May 20, 2020, CCLA partnered with an individual to bring a challenge in the Supreme Court of Newfoundland and Labrador to two public health orders restricting the entry of people into the province.
21. The CCLA has also written more than thirty letters to public authorities across Canada expressing concerns and making recommendations about the balance between COVID-related public health restrictions and civil liberties.

The CCLA's Knowledge and Expertise in the Civil Liberties and Constitutional Rights Engaged by the Application and Injunction Order

22. Through litigation as a public interest litigant or as an intervenor, the CCLA has gained knowledge and expertise in the civil liberties and constitutional rights engaged by the Province's Application and the Injunction Order.

23. The CCLA has litigated freedom of expression cases, for example:
 - a. *CCLA v. Attorney General of Ontario*, 2020 ONSC 4838 concerning compelled speech and a provincial requirement to place certain political messaging on gasoline pumps;
 - b. *R v. Banks*, 2017 ONCA 19 concerning provincial legislation that prohibited solicitation for money on roadways; and
 - c. *Canada (Human Rights Commission) v. Taylor*, [1990] 3 SCR 892 concerning hate speech provisions in federal human rights legislation.
24. The CCLA has also litigated freedom of assembly cases, for example:
 - a. *Fleming v. Ontario*, 2019 SCC 45 which dealt with the scope of the police power at common law to arrest for breach of the peace;
 - b. *Batty v. City of Toronto*, 2011 ONSC 6862 concerning municipal enforcement action against a group of persons engaged in “occupying” a park as a form of political protest; and
 - c. *CCLA v. Attorney General of Canada* (1998), 40 OR (3d) 489 (CA) concerning security and intelligence gathering directed at peaceful protestors.
25. Finally, the CCLA has also litigated cases where life, liberty, and security of the person are engaged as well as related principles of fundamental justice, for example:
 - a. *Canadian Civil Liberties Association v. Canada*, 2019 ONCA 243 concerning prolonged solitary confinement in correctional institutions;
 - b. *R. v. Smith*, 2015 SCC 34 concerning the constitutionality of the federal cannabis regulations limiting the possession amounts for medical purposes;
 - c. *Carter v. Canada (Attorney General)*, 2015 SCC 5 concerning the prohibition on medical assistance in dying; and
 - d. *Canada (Prime Minister) v. Khadr*, 2010 SCC 3 concerning the interrogation by Canadian officials of a Canadian citizen detained by the U.S. military at Guantanamo Bay, Cuba.
26. The cases outlined in paragraphs 21-23 are only a selection of the CCLA’s work. Since 1976, the CCLA has intervened in more than 200 cases. A chronological listing of this work is attached and marked as **Exhibit “C”**.
27. In addition to its expertise, the CCLA has the resources to pursue a rehearing of the Province’s Application. CCLA is being represented by able and experienced counsel with the capacity to manage litigation of this nature, and will effectively present the issues to this Court.
28. I believe the CCLA’s submissions will assist this Honourable Court in reviewing the Injunction Order’s interference with the *Charter* rights of all Nova Scotians in the context

of COVID-19 public health restrictions. The CCLA's submissions will be grounded in its mandate to promote and protect fundamental rights and liberties and its extensive experience in addressing the difficult questions that arise when those fundamental rights and liberties have to be balanced with other important governmental objectives.

Affirmed remotely using videoconferencing technology by Cara Zwibel of Toronto, Ontario, before me at Halifax, Nova Scotia, on May 27, 2021 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Benjamin Perryman
A barrister of the Supreme Court of Nova Scotia and the Ontario Superior Court of Justice

Cara Zwibel

This is **Exhibit “A”** to the Affidavit of Cara
Zwibel affirmed before me on May 27, 2021

Benjamin Perryman

A barrister of the Supreme Court of Nova Scotia
and Ontario Superior Court of Justice

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Between:

The Attorney General of Nova Scotia representing Her Majesty the Queen in Right of the Province of Nova Scotia, the Department of Health and Wellness, and the Chief Medical Officer of Health

Applicant

and

Freedom Nova Scotia, John Doe(s), Jane Doe (s), Amy Brown, Tasha Everett, and Dena Churchill

Respondents

Affidavit of Dr. Robert Strang

I make oath/affirm and give evidence as follows:

1. I am Dr. Robert Strang, Chief Public Health Officer, Department of Health and Wellness for the Province of Nova Scotia. In this role, I provide public health expertise to support health surveillance, population health, and disease control initiatives on issues of public health importance under the authority of the *Health Protection Act* 2004, c. 4, s. 1.
2. I have personal knowledge of the evidence sworn to in this Affidavit except where otherwise stated to be based on information and belief.
3. I state, in this Affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
4. I received my Public Health and Preventive Medicine specialty fellowship training in 1997. I have worked as an associate Medical Officer of Health in BC (1997-1999), regional Medical Officer of Health (1999-2006), provincial Deputy Chief Medical Officer of Health (2006-2007) and since 2007 Chief Medical Officer of Health for the Province of Nova Scotia.
5. As a part of my training and experience, I have expertise in assessing and interpreting evidence on public health matters, and my personal assessment of the facts in this affidavit based on my experience and expertise is that these facts represent the best currently available evidence related to SARS-CoV-2 and Covid-19.

6. Covid-19 is a new disease which can cause adverse health outcomes, including death in individuals with pre-existing medical conditions and in individuals over 65 years of age. People not in a high-risk group can also experience adverse health outcomes after contacting the SARS-CoV-2 virus which causes Covid-19.
7. In addition, SARS-CoV-2 is a new strain of coronavirus for which there is no underlying immunity and therefore wide spread of the virus can create a significant burden of disease and negative impacts on health systems, communities and economies.
8. There are at present no drug therapies to cure Covid-19 nor its various strains. Accordingly, the only available resources to prevent or reduce the spread of the virus, aside from vaccination, involve the use of public health requirements, including physical distancing measures, limiting the size of gatherings and mandatory mask wearing in public places, whether indoors or outdoors, particularly where physical distancing cannot be maintained.
9. Nova Scotia public health requires that people maintain a distance of two meters from one another. This physical distance requirement is based on current knowledge regarding the virus' spreading mechanisms.
10. If left unchecked, SARS-Cov-2 can spread exponentially, for this reason, it is critical that public health requirements are followed in order to minimize the spread of the virus, reduce long-term consequences, and reduce the number of hospitalizations and deaths. It is therefore imperative to reduce the number of contacts an individual has with others to reduce the risk of spread of the virus.
11. Due to the virus' transmissibility patterns, restrictions on how people interact with others outside of their households are necessary to prevent the transmission of SARS-CoV-2 and its variants, which in turn can effectively reduce cases of Covid-19. This includes mandating the use of mask wearing in public places, whether indoors or outdoors, particularly where physical distancing cannot be maintained.
12. The current Public Health Order attached to this my sworn affidavit as **Exhibit "A"** outline measures directed toward preventing or reducing the transmission of Covid-19 among the population of Nova Scotia.

Transmission of SARS-Co V-2 can Occur Even When Infected People are Asymptomatic

13. SARS-CoV-2 is spread primarily from close person to person contact. The virus may be transmitted by respiratory droplets or droplet nuclei (aerosols) produced when an infected person breathes, coughs, sneezes, talks, or sings. The virus may also be transmitted by touching a surface or object contaminated with the virus and then touching the eyes, nose, or mouth
14. Risk of SARS-Co V-2 transmission depends on many variables, such as location (indoors versus outdoors), quality of ventilation, and activity. The Public Health Order requires that people maintain a distance of two meters (six feet) from one another. This physical distance requirement is based on current knowledge of droplet spread which is the main way the virus spreads between people.
15. These requirements are designed to be implemented together as no one measure alone will prevent all SARS-CoV-2 person-to-person transmission.

16. The time from infection with SARS-CoV-2 until the development of observable symptoms is called the incubation period. The incubation period can last 14 days or very rarely longer. Unfortunately, infected people can transmit SARS-CoV-2 to others beginning about 48 hours before symptoms are present (pre-symptomatic transmission) until at least 10 days after, longer if symptoms continue past 10 days.
17. Not all people infected with SARS-CoV-2 develop symptoms but, even without symptoms, an infected person can transmit the virus to others. This is called asymptomatic transmission.
18. SARS-CoV-2 can be spread through direct or indirect (surfaces) contact with an infected person. Community spread refers to the spreading of a disease from person to person in the community. Community spread can occur when the source is known or unknown. The latter form of spread poses a serious threat to the community. The effectiveness of contact tracing is greatly reduced in cases of unknown community spread.
19. COVID-19 testing is available in Nova Scotia for both asymptomatic and symptomatic people, people in outbreak settings, and people identified as a close contact of a case. A COVID-19 test result only reflects a snapshot of a moment in time. A negative result does not necessarily mean that the person is not infected. A person infected with SARS-CoV-2 could have 13 days of negative results and a positive test on day 14.

Nova Scotia's Current COVID-19 Situation

The Spread of COVID-19

20. Since March 1, 2020, there have been a total of 4152 confirmed cases of COVID-19 and 71 deaths reported.
21. During Wave 3 (April 1, 2021 – present), there have been 2410 confirmed cases and 5 deaths have been reported. The cases reported in Wave 3 constitute 58% of the total cases reported in Nova Scotia since March 1, 2020. In addition, there have been 103 hospitalizations (non-ICU and ICU) compared to 12 during Wave 2, 54% of hospitalizations occurred in individuals <60 years of age and 13.7% of contacts became cases, compared to 7.6% in Wave 2 suggesting that the virus is more transmissible.
22. A true copy of the SARS-CoV-2 statistics are attached hereto as **Exhibit "B"**.
23. As evidenced from the above and set out in **Exhibit "B"**, SARS-CoV-2 can spread exponentially if left unchecked. It is critical that Nova Scotians follow public health requirements and protocols to minimize the spread of the virus and its variants, reduce the long-term consequences, and reduce the number of hospitalizations and deaths.
24. Left unchecked SARS-CoV-2 virus will spread within a population resulting in an exponential growth in the number of people infected. Public health measures put in place in December 2020 brought cases down. When public health measures were eased in March 2021, cases plateaued but began to rise again in April and have continued into May. Even with increased public health requirements in place, the number of recognized SARS-CoV-2 infections (COVID-19 cases) has continued to grow dramatically in since April 1, 2021, as set out in **Exhibit "B"**.

Nova Scotia's COVID Health Care Capacity related to COVID-19

25. When this capacity is exceeded, non-COVID-19 patients will experience cancelled treatments for non-urgent conditions. The cancellation of these non-urgent, but necessary, surgeries can have health impacts, such as ongoing pain and mobility issues.
26. If Nova Scotia's COVID-19 hospitalization capacity is significantly exceeded, it could result in the need to ration acute care resources. This may mean that some patients, who are in need of critical care supports, may be unable to receive those supports.
27. In Nova Scotia, as of May 11, 2021, there were 1591 active cases of people with COVID-19, 64 people in the hospital due to COVID-19. There were 10 patients in the ICU, 54 patients in non-ICU beds due to COVID-19 and 71 people have died from COVID-19 or associated complications since the first Public Health Order was issued on March 23, 2020. This high level of hospitalization will result in continued cancellation of non-urgent surgical treatments. If the requirements for in hospital care continue to escalate, a need to triage access to care supports, especially supports in intensive care, may be required. This could require doctors and nurses to make decisions between which patients live and which die.

Nova Scotia's COVID-19 Public Health Measures

28. Nova Scotia has attempted to control the spread of the SARS-CoV-2 virus by implementing a number of public health requirements under the Public Health Order. Restrictions on how people interact with others outside of their households in public places, whether indoors or outdoors, are necessary to prevent the transmission of SARS-CoV-2 and are effective in reducing cases of COVID-19.
29. Nova Scotia's approach has been to attempt to protect Nova Scotians and control the spread of the virus through the enactment of Public Health restrictions on gathering limits, physical distancing and mandatory masking, no greater than reasonably required, considering the circumstances of the global pandemic and risk mitigation strategies required to respond to this communicable disease and its negative impact on Nova Scotians' lives. As the number of COVID-19 cases and related hospitalizations, ICU stays, and deaths have increased, public health measures have also evolved.
30. One of the health measures that Nova Scotia has employed to control the spread is to implement mandatory masking. Masks, when worn properly, are a valuable tool in reducing the transmission of SARS-CoV-2. The use of masking can prevent an infected person from transmitting the virus to others and use of masks, especially medical masks, can help protect a healthy individual from infection in public places, whether indoor or outdoor settings. Masking, on its own, is not sufficient to control the spread of COVID-19.
31. In response to the number of COVID-19 cases with no identifiable source, Nova Scotia implemented additional public health measures, aimed at limiting the spread in high-risk settings or in settings with high-risk activities. High risk activities are activities that have more expulsions of air than ordinary activities. With increased expulsions of air, there is an increased risk of respiratory droplets or aerosols. For example, singing, shouting, and activities that result in heavy breathing are higher risk activities. These activities also may occur in higher risk settings, such as in indoor settings or settings where individuals will remain for prolonged

periods of time. Reducing time spent indoors with large groups of people and reducing the time spent indoors engaging in high-risk activities can reduce the risk of the spread of COVID-19. Recent evidence also shows that even outdoors, if people are not distanced from each other or masked, transmission can happen from an infectious person to someone else.

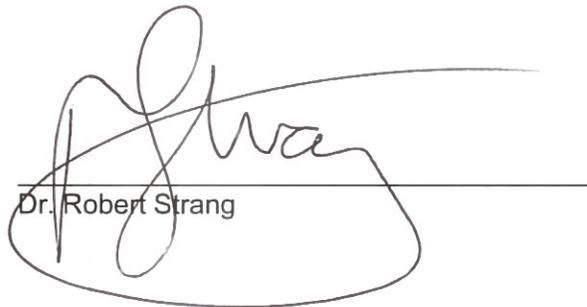
- 32. The available evidence shows that widespread public masking, in addition to other public health measures, such as reducing time spent indoors with large groups of people (relative to the size of the room and the spacing of people within the room) while engaging in high risk activities, can contribute to controlling the overall transmission of SARS-CoV-2. In addition, outdoor gatherings must also include measures such as restricted gatherings, and physical distancing and masking in order to prevent COVID-19 transmission.

Freedom Nova Scotia Rally

- 33. It is my medical opinion that if the scheduled social gathering is held on or about May 15, 2021 at Citadel Hill, in Halifax, Nova Scotia that there is a substantial risk of Covid-19 transmission among the attendees.
- 34. It is also my medical opinion that social gatherings similar to the one intended to be held by Freedom Nova Scotia on May 15, 2021 should not occur anywhere in the Province of Nova Scotia because there is a substantial risk of Covid-19 transmission among the attendees.

Sworn to before me on the May 12, 2021 at Halifax.


A Barrister of the Supreme Court of Nova Scotia


Dr. Robert Strang

DUANE A. C. EDDY
A Barrister of the Supreme Court of Nova Scotia

2021

Hfx No.

This is Exhibit "A" referred to in the Affidavit of
Dr. Robert Strang sworn before me this 12th day
of May, 2021


A Barrister of the Supreme Court of Nova Scotia

DUANE A. C. EDDY
A Barrister of the Supreme
Court of Nova Scotia

**RESTATED ORDER #2 OF THE CHIEF MEDICAL OFFICER OF HEALTH UNDER
SECTION 32 of the *HEALTH PROTECTION ACT* 2004, c. 4, s. 1.**

May 8, 2021

Update Log:

May 8, 2021: Sections 2-2.3, 3.1-3.2, 4-4.2, 10, 11, 12.1, 12.3-12.4, 13A, 19-19.2, 20, 21A, 22 and 31.1 (amened), and Sections 13.4 and 31.1.2 (new)

May 4, 3021: Sections 2.2, 28.2 and 31.1 (amended), and Section 13.3 (new)

April 29, 2021: Sections 24.3 and 31.2 (amended) and Section 31.2.1 (new)

- TO:**
- 1.) All persons residing in or present in the Province of Nova Scotia;**
 - 2.) All not-for-profit and for-profit businesses and organizations operating or carrying on business in Nova Scotia;**
 - 3.) Such other persons or entities as may be identified by the Chief Medical Officer of Health or otherwise as set out in this Order.**

ORDER made pursuant to Section 32 of the *Health Protection Act* (Nova Scotia)

AND WHEREAS Section 32 of the *Health Protection Act* states:

32 (1) Where a medical officer is of the opinion, upon reasonable and probable grounds, that:

- (a) a communicable disease exists or may exist or that there is an immediate risk of an outbreak of a communicable disease;
- (b) the communicable disease presents a risk to the public health; and
- (c) the requirements specified in the order are necessary in order to decrease or eliminate the risk to the public health presented by the communicable disease.

the medical officer may by written order require a person to take or to refrain from taking any action that is specified in the order in respect of a communicable disease.

WHEREAS COVID-19 has been identified as a communicable disease that presents a risk to public health as defined under s.4(b) of the *Health Protection Act*, and;

WHEREAS I am the Chief Medical Officer of Health for the Province of Nova Scotia and am of the opinion, upon reasonable and probable grounds, that

- (a) a communicable disease (COVID-19) exists; and that there is an immediate risk of an outbreak of the communicable disease;
- (b) the communicable disease presents a risk to the public health; and
- (c) the requirements specified in the order are necessary to decrease or eliminate the risk to the public health presented by the communicable disease, and;

WHEREAS as the Chief Medical Officer of Health, I have determined it necessary to issue this Order to the Class of Persons to decrease the risk to public health presented by COVID-19.

Please be advised that:

I, Dr. Robert Strang, Chief Medical Officer of Health, **order** the following:

PART I ENTRY, ISOLATION AND QUARANTINE REQUIREMENTS

1. In this Order,

- (a) “self-isolate” means the requirement of any person who has COVID-19 to remain separate from others in such places and under such conditions to prevent or limit the direct or indirect transmission of COVID-19; and
- (b) “self-quarantine” means the requirement of any person who has been exposed or may have been exposed to COVID-19 during its period of communicability to restrict that person’s activities in order to prevent disease transmission during the incubation period for this disease.

2. Effective 8:00a.m. May 10, 2021, all persons are prohibited from entering Nova Scotia, except as stated herein or set out elsewhere in this Order:

- (a) permanent residents of Nova Scotia; or
- (b) persons who have engaged in essential travel outside Nova Scotia.

2.1 Where any person travels into Nova Scotia in contravention of this Order, a peace officer is hereby authorized and directed to return that person to an interprovincial border and require the person to leave the Province immediately or at such a time as may be

directed, and in doing so, may exercise authority under section 46 of the *Health Protection Act*.

2.2 For the purpose of section 2(b), persons engaged in essential travel means:

- (a) a resident of Nova Scotia whose primary employment is in another province;
- (b) a person required to participate in-person in a legal proceeding in another province;
- (c) students coming to study in Nova Scotia, or returning to their primary or family residence in Nova Scotia after studying outside Nova Scotia;
- (d) a party to a child sharing arrangement that requires entry into or exit from Nova Scotia;
- (e) a temporary foreign worker as set out in sections 7 to 7.1, a rotational worker as set out in sections 9 to 9.1, a specialized worker as set out in section 10, and a fish harvester as set out in section 11;
- (f) essential health care workers;
- (g) a person exempt from self-isolation following the exempt traveler protocol; or
- (h) a person traveling between Nova Scotia and New Brunswick for work, school and child care only, while following the Nova Scotia-New Brunswick protocol;
- (i) a person required to travel to Nova Scotia for essential health services, with accompanying support persons; or
- (j) a person who has been granted an exception in accordance with section 32.

2.3 All persons entering Nova Scotia must complete the Nova Scotia Safe Check-in form and daily digital check-ins, located at:

<https://novascotia.ca/coronavirus/travel/#self-declaration>, except:

- (a) persons following the Nova Scotia-New Brunswick protocol;
- (b) professional truck drivers; and
- (c) persons who have received compassionate exceptions.

3.1 The requirements of section 3.2 apply to all persons residing in or present in the Province of Nova Scotia who:

(a) have travelled outside Nova Scotia or reside in the same household of a person who has travelled outside Nova Scotia; or

(b) are identified as a close contact of a person who has or has been diagnosed with COVID-19; or

(c) are identified as a person diagnosed with COVID-19; or

(d) have been tested for COVID-19 due to the presence of symptoms or as directed by public health and are awaiting the results of their test.

3.2 Effective 8:00a.m. May 10, 2021, those persons listed in section 3.1 must:

(a) self-quarantine or self-isolate, for:

(i) the period commencing on the day of entry into Nova Scotia, and continuing thereafter for 14 consecutive days or as directed by a Medical Officer of Health, or

(ii) the first day of close contact, or first day of symptoms, testing, diagnosis, and continuing thereafter for 14 consecutive days or as directed by a Medical Officer of Health.

(b) During the 14-day period, conduct themselves in such a manner as not to in any way expose any other person to infection or potential infection from COVID-19, and follow all infection control instructions given to them on the Government of Nova Scotia's website, at: <https://novascotia.ca/coronavirus/>, or given to them by Telehealth 811 staff, public health staff or any other staff of a healthcare facility to which they may seek or receive treatment.

(c) After the 14-day period in section 3.2(a.) has lapsed, they may cease self-isolation or self-quarantine if they do not exhibit symptoms of COVID-19.

3.3 All persons are encouraged to complete the online assessment tool should they exhibit symptoms of COVID-19.

3.4 For greater certainty, persons required to self-isolate or self-quarantine in accordance with section 3.2 must remain in their residence or residence grounds and otherwise remove themselves from the presence of others in public while they may be infectious during the 14-day period, so that all precautions necessary to protect others are in place. Specifically, such persons must not enter any buildings, public transportation, or other enclosed spaces (other than their residence) where other people are present.

3.5 Notwithstanding section 3.2(a):

(a) persons who receive a negative COVID-19 test result after being referred for testing by the online assessment tool due to the presence of COVID-like symptoms may cease self-quarantine on the date of receipt of the negative test result.

(b) persons who are required to self-isolate or self-quarantine may leave their residence:

(i) to undergo COVID-19 testing as directed by a Medical Officer of Health;
or

(ii) for 1 outing per day for outdoor exercise within walking/running distance of their home or isolation site for a maximum of 1 hour.

4. Notwithstanding section 3.1(a), persons who reside in the same household as a person who has travelled into Nova Scotia or is returning to Nova Scotia from any geographic location outside Nova Scotia for essential travel, are not required to self-quarantine if the traveller, during their 14-day period of self-quarantine, meets all of the following criteria:

4.1 For essential travel set out in subsections 2.2, the traveller:

(a) stays at their place of residence;

(b) has their own separate room in the home (e.g. separate bedroom, basement or attic);

(c) sanitizes their hands before leaving the separate room;

(d) wears a non-medical mask when outside of their separate room;

(e) avoids being in the same space as other household members;

(f) has their own bathroom or if sharing a bathroom then cleans high touch surfaces (e.g. doorknob, tap, toilet handle, sink, etc.) after each use;

(g) has food and beverages prepared by others and accesses them in a non-contact manner;

(h) does not share dishes, drinking glasses, cups, eating utensils, towels, bedding or other items with others in the home;

(i) keeps their personal items (e.g. toothbrush, cups, cell phones, tablets, laptops, etc.) separate from those belonging to others; and

(j) does not share food, drinks or cigarettes or any other items that are put in the mouth.

4.2 For greater clarity, a person who travels to Nova Scotia from any geographic location outside Nova Scotia for non-essential travel must self-quarantine in accordance with section 3.2.

5. Notwithstanding sections 2 and 3.1, persons who are well and showing no symptoms of COVID-19 may enter Nova Scotia for the purposes of facilitating child sharing between parents under an order or agreement providing for joint custody, and in such instances, both the persons facilitating custody and children showing no symptoms of COVID-19 are exempt from the requirement to self-quarantine.

5.1 Further to section 5, parents and children entering or leaving Nova Scotia for the purposes of facilitating child sharing arrangements must adhere to the self-quarantine requirements established by the Chief Medical Officer of Health, located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-child-custody.pdf>.

6. Notwithstanding sections 2 and 3.1, individuals who are well and showing no symptoms of COVID-19 and are engaged in a legal proceeding in Nova Scotia, whether the accused, victim, witness, party or lawyer in such proceeding, may enter Nova Scotia for participation in the legal proceeding and are exempt from self-quarantine if the person adheres to the COVID-19 Protocol for Exempt Travelers established by the Chief Medical Officer of Health, located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-exempt-travellers-en.pdf>.

7. An employer or contractor of any Temporary Foreign Worker entitled to enter Nova Scotia pursuant to the Federal Order in Council 2021-0076, 2021-0078, as amended, must first, before the Temporary Foreign Worker enters Nova Scotia, satisfy me, as Chief Medical Officer of Health, that the employer or contractor has made adequate provision for compliance with:

- (a) the federal quarantine rules applicable to the Temporary Foreign Worker; and
- (b) the self-quarantine requirements set out in section 3.2 of this Order.

7.1 In addition, the employer or contractor and the Temporary Foreign Worker must, for the duration of the entire work period in Nova Scotia:

- (a) adhere to all applicable terms and conditions of this Order; and
- (b) adhere to the COVID-19 Protocol for Temporary Foreign Workers Employed in Agriculture and Seafood Sectors established by the Chief Medical Officer of Health, located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-temporary-foreign-workers-agriculture-and-seafood-sectors-en.pdf>.

(c) comply with any direction issued by me, as Chief Medical Officer of Health, or a Medical Officer of Health with respect to the Temporary Foreign Worker and their employment in Nova Scotia.

8. Notwithstanding sections 2 and 3.1, persons who are required to travel to Nova Scotia or outside Nova Scotia for essential health services, with accompanying support persons as permitted by health authority policy, are exempt from the requirement to self-quarantine but must adhere to the COVID-19 Protocol for Exempt Travelers established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-exempt-travellers-en.pdf>.

9. For the purpose of section 9.1, “rotational worker” means a person who lives in Nova Scotia and travels to work in another province or territory in Canada on a regular schedule or travels outside Canada on a regular schedule and is exempt from self-quarantine under the federal *Quarantine Act*.

9.1 Notwithstanding sections 2 and 3.1, rotational workers must adhere to the self-quarantine and COVID-19 testing requirements established by the Chief Medical Officer of Health, located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Directive-on-Exceptions-for-Rotational-Workers.pdf>.

10. Notwithstanding sections 2 and 3.1, specialized workers required to enter Nova Scotia from any geographic location outside Nova Scotia to perform urgent critical infrastructure work that cannot be done by individuals from within any of these provinces must adhere to self-quarantine and COVID-19 testing requirements established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Directive-on-Exceptions-for-Specialized-Workers.pdf>.

11. Notwithstanding sections 2 and 3.1, fish harvesters required to enter Nova Scotia from any geographic location outside Nova Scotia to perform the commercial or licensed activity of catching fish and other seafood for market or other approved activities, excluding recreational fishing, must adhere to self-quarantine requirements established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-fish-harvesters-en.pdf>.

12.1 Notwithstanding section 3.1, workers who are essential to the movement of people and goods, and who must enter Nova Scotia as part of their duty requirements, are exempt from the requirement to self-quarantine, particularly:

(a) healthy workers in the trade and transportation sector who are employed in the movement of goods and people across the Nova Scotia border by land, air, or water, including truck drivers, crew, maintenance and operational workers on any plane, train or ship;

(b) Canadian Military and Defence Team personnel, Coast Guard, RCMP, Canadian Border Services Agency, and Canadian Security Intelligence Service; and

(c) first responders, including police, fire, EHS paramedic workers and essential healthcare workers.

but must adhere to the COVID-19 Protocol for Exempt Travelers established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-exempt-travellers-en.pdf>.

12.2 For greater clarity, airline crew employed in the movement of people and goods and who are required to travel to Nova Scotia or from Nova Scotia to carry out their work duties are exempt from the self-quarantine requirements set out in section 3.2.

12.3 Notwithstanding section 3.1, persons who reside in Nova Scotia or New Brunswick and are required to cross the Nova Scotia land border on a regular ongoing basis to work, attend a school or post-secondary institution, or access child care located in Nova Scotia or New Brunswick are exempt from the requirement to self-quarantine if that person follows the travel protocol at: <https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-Nova-Scotia-New-Brunswick.pdf>.

12.4 Persons exempt under sections 12.1 to 12.3 must practice physical distancing of 2 metres (6 feet) to the best of their ability, follow all public health recommendations, closely self-monitor and must self-isolate or self-quarantine should they exhibit any COVID-19 symptoms as set out in the online assessment tool.

PART II PHYSICAL DISTANCING, GATHERING LIMITS, MASKS AND FACE COVERINGS

13A Effective 8:00a.m. May 10, 2021, except where otherwise stated in this Order the requirements for physical distancing, gathering limits, masks and face coverings apply to all persons present and residing in Nova Scotia.

13. All persons present and residing in Nova Scotia must maintain physical distancing of 2 metres (6 feet).

13.1 All persons present and residing in Nova Scotia must not participate in any gatherings, whether indoors or outdoors, unless subject to a specific exception set out in this Order.

13.2 Notwithstanding sections 13 and section 13.1:

(a) persons living in the same household may gather together, whether indoors or outdoors, up to the maximum of the number of immediate family members residing same the household, and are not required to practice physical distancing; and

(b) where the number of persons living in the same household is 2 persons or less, they may gather together with up to a maximum of 2 additional persons, who shall be 2 consistent persons, and they are not required to practice physical distancing.

13.3 Notwithstanding section 13.1, persons from one household may gather outdoors with persons from another household to engage in an outdoor activity such as a walk or play but must adhere to the physical distancing requirements of section 13.

13.4 Notwithstanding sections 13.1 and 13.2 and for greater certainty, parties to a child sharing arrangement, or an order or agreement providing for joint custody:

(a) may facilitate and participate in such child sharing or custody arrangement between households,

but

(b) must adhere to the self-quarantine requirements established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-child-custody.pdf> if a parent or child develops symptoms or tests positive for COVID-19.

14. Notwithstanding section 13.1, persons may engage in outdoor physical activity while adhering to the gathering limitations set out in section 13.2 or the gathering limitations while participating in an outdoor fitness class and other recreational or leisure activities as set out in section 28.2, and in doing so, must adhere to physical distancing requirements of 2 metres (6 feet) as set out in section 13.

15. Persons may engage in, and business and organizations may host the following events and activities in-person, whether indoors or outdoors:

(a) weddings; or

(b) funerals,

while adhering to the following:

(a) a maximum of 5 persons, plus the officiant; and

(b) all persons in attendance must practice physical distancing, except persons residing in the same household as set out in section 13.2(a) or additional persons as set out in section 13.2(b).

15.1 Persons may not engage in, and persons, business and organizations may not host the following events and activities in-person:

(a) social events;

- (b) arts and culture events;
- (c) sports, recreation and physical activity events;
- (d) special events;
- (e) festivals;
- (f) faith gatherings;
- (g) wedding receptions; or
- (h) funeral visitation or receptions,

but may host these events virtually while adhering to a maximum of 5 persons in one location to support the delivery of the event and complying with the physical distancing requirements set out in section 13.

15.2 Any person, business or organization that hosts an event authorized by sections 15 or 15.1 is responsible for maintaining oversight of the gathering and for ensuring that all persons in attendance comply with the requirements of this Order.

15.3 No person may engage in and no person, business or organization may host:

- (a) organized sport practice, training, games, competitions, or tournaments (recreational, amateur, and professional), or
- (b) organized arts and culture rehearsals or in-person performances.

15.4 No person, business or organization may host a formal in-person meeting or training.

15.4.1 Notwithstanding section 15.4, a business or organization may host a mental health and addictions support group meeting while adhering to the following:

- (a) a maximum of 10 persons in attendance; and
- (b) all persons in attendance must adhere to masking and physical distancing requirements of 2 metres (6 feet) set out in this Order.

15.4.2 Notwithstanding section 15.4, a business or organization may carry out meetings and training that are required for safety and essential operation.

16. For greater clarity, physical distancing and the person limit rule set out in sections 13 and 13.1 do not apply to the following organizations, activities, persons, or places:

(a) hospitals as defined in the *Hospitals Act* and a health authority as defined in the *Health Authorities Act*;

(b) profit, not-for-profit or government operated Department of Community Services funded organizations or representatives that are covered under the *Homes for Special Care Act* and the *Children and Family Services Act* including places of safety for children and youth, and customized placements for persons with disabilities;

(c) profit or not-for-profit Department of Health and Wellness funded long-term care facilities licensed under the *Homes for Special Care Act* or home care agencies funded under the *Homemaker Services Act*;

(d) persons providing care under the self-managed care program, supportive care program, caregiver benefit program funded by the province of Nova Scotia;

(e) persons providing support under the Independent Living Support, Supported Apartment and Supervised Apartment Programs funded by the Department of Community Services;

(f) homeless shelters receiving operational grants from the Department of Municipal Affairs and Housing, and those operated by religious and other voluntary organizations;

(g) unlicensed child-care facilities;

(h) a place designated or established under the authority of the *Correctional Services Act* or the *Youth Criminal Justice Act (Canada)* for the supervision or custody of offenders and includes community-based correctional services;

(i) any administrative tribunal, arbitration proceeding or court operating essential services in the Province under the authority of any provincial or federal enactment, including but not limited to, a justice centre or courthouse under the authority of the *Judicature Act* or a provincial court under the authority of the *Provincial Court Act* or the *Family Court Act*;

(ia) notwithstanding clause (i), the Labour Board must still comply with section 13 when conducting a vote under the *Trade Union Act*.

(j) Emergency Medical Care Incorporated;

(k) persons providing, servicing or repairing medical equipment, such as wheelchairs, red cross beds/equipment, home oxygen equipment;

(l) private not-for-profit community transportation providers;

(m) food production plants; and

(n) fishing vessels.

16.1 Physical distancing requirements and the person limit set out in sections 13 and 13.1 do not apply to the following municipal entities and their contractors when carrying out their work duties:

(a) Police and Fire Services;

(b) Municipal Utilities such as water, wastewater and stormwater;

(c) Maintenance of utilities and municipal facilities;

(d) Transportation;

(e) Road maintenance/repair;

(f) Municipal ICT systems and services;

(g) Public Transit;

(h) Solid Waste, garbage and litter collection and disposal;

(i) Urban Forestry; and

(j) Municipal logistic, distribution, storage, inventory and repair services.

16.2 Physical distancing requirements and the person limit rule set out in sections 13 and 13.1 do not apply to the following provincial entities and their contractors when carrying out their work duties:

(a) Transportation and Active Transit;

(b) Infrastructure and Housing;

(c) Road maintenance/repair;

(d) Government building construction and/or repair; and

(e) Enforcement or compliance officers authorized by their statutory appointments or delegated authority to inspect, investigate and/or enforce provincial legislation while carrying out their powers pursuant to the relevant statutory authority.

17. Gatherings for sleep over camps held by a recognized business or organization are cancelled for 2021 unless otherwise amended.

18. For the purpose of sections 18.2 -18.6, a “mask” means a commercial medical or non-medical mask or a home-made mask made as per the PHAC instructions located at: <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/prevention-risks/sew-no-sew-instructions-non-medical-masks-face-coverings.html>, that covers the nose and mouth.

18.1 For the purpose of section 18.2, a “public place” means the part of the following places accessible to the public,

insofar as it is enclosed:

- (a) a retail business, a shopping centre, or a building or room of a business where personal care services are provided;
- (b) a restaurant or a liquor licensed establishment, including the kitchen and preparatory space of a restaurant or a liquor licensed establishment;
- (c) a place of worship or faith gathering;
- (d) a place where activities or services of a cultural or entertainment nature are offered;
- (e) a place where sports are played, fitness, recreational or leisure activities are carried on;
- (f) a rental hall or other place used to hold events, including conventions and conferences, or to hold receptions;
- (g) a place where municipal or provincial government services are available to the public;
- (h) a common area, including an elevator, of a tourist accommodation establishment;
- (i) a lobby, reception area or elevator in an office building;
- (j) a common area or public space on a university or college campus;
- (k) a train or bus station, a ferry terminal, or an airport;
- (m) common areas of a multi-residential building;
- (n) all common areas of private indoor workplaces;

(o) private indoor workplaces where there are:

(i) interactions with the public;

(ii) areas with poor ventilation; or

(iii) areas where physical distance as set out in section 13 cannot be maintained,

and insofar as it is outdoors:

(p) all serviced areas of a restaurant or a liquor licensed establishment, including their patios but excluding holes on the golf course that are licensed; and

(q) organized outdoors gatherings such as special or temporary events where 2 metres (6 feet) physical distancing cannot be consistently maintained.

(r) outdoors where physical distancing cannot be maintained such as playgrounds and parks.

18.2 All persons must wear a mask that covers their nose and mouth while present in a public place.

18.3 Notwithstanding section 18.3, a person is exempt from the requirement to wear a mask in a public place if the person:

(a) is less than 2 years of age or age 2 to 4 years and their caregiver cannot persuade them to wear a mask;

(b) for whom the wearing of a mask is not possible because of the person's medical condition;

(c) is reasonably accommodated by not wearing a mask in accordance with the *Nova Scotia Human Rights Act*;

(d) is in the public place receiving care or being provided a service or while participating in a physical or other activity requiring the mask be removed, in which case the person may remove the mask for the duration of the care, service or activity;

(e) removes the mask momentarily for identification or ceremonial purposes;

(f) is in a courtroom, jury room or secured area in a courthouse, or room where a proceeding or meeting of an administrative tribunal established by legislation is being held; or

(g) is a performer at a virtual event or officiant in the course of performing activities requiring vocalization such as talking or singing at an event or activity as described in sections 15 or 15.1.

18.4 All persons must wear a mask that covers their nose and mouth as defined in section 18 while travelling on vehicles providing transportation to the public, including:

- (a) any municipally operated public transit, including municipally operated buses and ferries;
- (b) any public passenger vehicle licensed under the *Motor Carrier Act*, including community transit vehicles, commercial vehicles (shuttle vans), and vehicles providing charters and/or tours;
- (c) any school buses licensed under the *Motor Carrier Act* and any vehicles of any capacity operated by private schools recognized by the Minister of Education and Early Childhood Development;
- (d) commuter vehicles and courtesy vehicles as defined under the *Motor Carrier Act*, vans, mini-buses, or buses of any passenger capacity providing services to the public;
- (e) any vehicles serving residents and staff of facilities listed in section 20.1; and
- (f) taxicabs regulated by municipalities under the authority of the *Motor Vehicle Act*.

18.5 Notwithstanding section 18.4, the following persons are exempt from the requirement to wear a mask while travelling on vehicles providing transportation to the public:

- (a) a person is less than 2 years of age or age 2 to 4 years and their caregiver cannot persuade them to wear a mask;
- (b) a person for whom the wearing of a mask is not possible because of the person's medical condition; and
- (c) a person who is reasonably accommodated by not wearing a mask in accordance with the *Nova Scotia Human Rights Act*.

18.6 A person may remove the mask momentarily for identification purposes when boarding any public transit set out in section 18.4.

18.7 For greater certainty, the requirement to wear a mask, as set in section 18 and 18.4, is the minimum standard that persons and businesses must adhere to, and where

the business's plan approved in accordance with section 26.1 of this Order imposes a greater standard, then that standard applies.

19. Effective 8:00a.m. May 10, 2021:

(a) all public schools under the jurisdiction of a regional centre for education or the Conseil Scolaire Provincial are closed to students and pre-primary children and may remain open for staff to carry out work duties at the direction of the employer; and

(b) private schools are closed to students and may remain open for staff to carry out work duties at the direction of the employer.

19.1 For greater certainty, section 19(b) does not include post-secondary institutions, private career colleges or registered language schools.

19.2 Childcare facilities and family childcare homes regulated under the *Early Learning and Child Care Act*:

(a) may remain open; and

(b) directors, caregivers, staff, visitors and children over two years old must wear a mask as defined in section 18, unless subject to one of the exemptions as set out in section 18.3.

PART III LONG TERM CARE FACILITIES AND OTHER VULNERABLE POPULATIONS

20. Effective 8:00a.m. May 10, 2021, except where otherwise stated in this Order, the restrictions on long term care facilities and other vulnerable populations apply to all persons present and residing in Nova Scotia.

20.1 Notwithstanding section 16(b) and (c) and subject to section 20.2, all for-profit or not-for-profit Department of Health and Wellness funded long-term care facilities licensed under the *Homes for Special Care Act* and all Adult Residential Centers and Regional Rehabilitation Centers funded and licensed by the Department of Community Services under the *Homes for Special Care Act* must comply with Schedule "A", "COVID-19 Management Long term Care Facilities Directive Under the Authority of the Chief Medical Officer of Health", dated December 21, 2020, as amended from time to time and located at:

<https://novascotia.ca/dhw/ccs/documents/COVID-19-Management-in-Long-Term-Care-Facilities-Directive.pdf>;

20.2 All long term care facilities licenced by the Department of Health and Wellness and all Adult Residential Centers and Regional Rehabilitation Centers licensed by the Department of Community Services under the *Homes for Special Care Act*, and all residents of such facilities must comply with the process for isolating COVID-19 positive long term care residents set out in Schedule “A”, “COVID-19 Management Long Term Care Facilities Directive Under the Authority of the Chief Medical Officer of Health”, dated December 21, 2020, as amended from time to time and located at: <https://novascotia.ca/dhw/ccs/documents/COVID-19-Management-in-Long-Term-Care-Facilities-Directive.pdf>.

20.3 All long term care facilities licensed by the Department of Health and Wellness and all Adult Residential Centers and Regional Rehabilitation Centers licensed by the Department of Community Services under the *Homes for Special Care Act* are closed to visitors and volunteers, except 2 designated caregivers, in accordance with the terms and conditions set out in Schedule “A”, “COVID-19 Management Long term Care Facilities Directive Under the Authority of the Chief Medical Officer of Health”, dated December 21, 2020, as amended from time to time and located at: <https://novascotia.ca/dhw/ccs/documents/COVID-19-Management-in-Long-Term-Care-Facilities-Directive.pdf>.

20.4 All homes licensed by the Minister of Community Services for persons with disabilities under the *Homes for Special Care Act* not referred to in section 20.3 are closed to visitors.

20.5 Subject to 20.6, all residents in homes licensed by the Minister of Health and Wellness and all residents in homes licensed by the Minister of Community Services under the *Homes for Special Care Act* are not permitted to have community access.

20.6 Notwithstanding section 20.5, all residents in homes licensed by the Minister of Health and Wellness and the Minister of Community Services under the *Homes for Special Care Act* may participate in drives by a designated caregiver or staff, but such outings must not include:

- (a) other passengers in the case of drives by a designated caregiver; or
- (b) stops or drive throughs.

20.7 All residents of all Adult Residential Centres and Regional Rehabilitation Centers licensed by the Department of Community Services under the *Homes for Special Care Act* are not permitted to have community access.

20.8 For the purpose of section 20.9, “Adult Day Program” means a planned program of activities in a professional care setting designed for older adults who require supervised care during the day, or those who are isolated and lonely. Adult day care centers enable seniors to socialize and enjoy planned activities in a group setting, while still receiving needed health services. At the same time, they offer family caregivers respite from caregiving duties while knowing that their loved one is in a safe place.

20.9 All senior's Adult Day Programs are closed, except for provision of respite care.

20.10 All Day Programs for persons with disabilities funded by the Department of Community Services are closed, except for scheduled vaccine clinics at these locations.

20.11 For greater clarity, nothing in this Order prevents the:

(a) discharge of a COVID-19 patient from a hospital to a long-term care or residential care facility;

(b) transfer of a COVID-19 patient from community to a long-term care or residential care facility; or

(c) return of a COVID-19 patient who has left a long-term care or residential care facility for healthcare services back to that facility after receiving treatment at a hospital.

PART IV BUSINESSES, ORGANIZATIONS AND PROFESSIONS

21A Effective 8:00a.m. May 10, 2021, except where otherwise stated in this Order, the restrictions on businesses, organizations and professions apply to all established businesses, organizations and professions carrying on business and operating in Nova Scotia.

21.1 The *Occupational Health and Safety Act*, 1996, c.7, s.1, is hereby incorporated by reference and must be followed by all employers, contractors, constructors, suppliers, owners and employees and each shall take every precaution that is reasonable in the circumstances to ensure the health and safety of all persons at or near a workplace.

22. All not-for-profit and for-profit businesses and organizations operating or carrying on business in Nova Scotia may not carry out COVID-19 Point of Care Screening Tests (PCTs) unless the business or organization:

(a) has obtained prior approval from the Office of the Chief Medical Officer of Health; and

(b) complies with any direction issued by me, as Chief Medical Officer of Health.

23. Subject only to specific closures or limitations directed elsewhere in this Order, all not-for-profit and for-profit businesses and organizations operating or carrying on business in Nova Scotia may continue to operate but must implement physical distancing of 2 metres (6 feet) within all workplaces and meeting spaces, except where otherwise provided in this Order.

23.1 Any not-for-profit or for-profit business or organization carrying on business in Nova Scotia that cannot maintain the physical distancing requirements set out in section 13 of this Order must limit the number of customers or clients on its premises to no more than 5 persons at a time.

24. Restaurants and liquor licensed establishments are:

(a) restricted to providing food and alcohol take-out and delivery service only; and

(b) prohibited from offering in-person dining, except to serve guests of the hotel within which a restaurant or licensed establishment is located.

24.1 Restaurants offering in-person dining service under section 24(b) must:

(a) collect and maintain records of each patron contact information that includes the following minimum data:

(i) name(s);

(ii) contact telephone number;

(iii) date; and

(iv) time,

that the patron was at the restaurant or liquor licensed establishment;

(b) retain information collected under section 24.1 for a period of 30 calendar days and destroy it on the following day immediately thereafter;

(c) provide the information collected under section 24.1 to the Chief Medical Officer of Health or his delegate in electronic form; and

(d) only use the information collected under section 24.1 for the purpose of provision to the Chief Medical Officer of Health in compliance with this Order and may not use it for any other purpose.

24.2 Liquor licensed establishments and non-liquor licensed establishments, including community centres, charities or organized clubs, are prohibited from hosting patrons for activities such as darts, pool, bingo or bowling.

25. Regulated and unregulated health professions practicing may continue to practice and provide services within their scope of practice if they have a Workplace COVID-19 Prevention Plan that has been approved by the Chief Medical Officer of Health.

26. All not for-profit, for-profit businesses, organizations and professions named in Part IV of this Order shall, as a requirement of their ongoing operations, develop and comply with a Workplace COVID-19 Prevention Plan, as amended from time to time.

26.1 In addition to the physical distancing requirements and person limit rule set out in sections 13 and 23.1, the Workplace COVID-19 Prevention Plan required by section 26 shall address the following:

- (a) how to work and interact with customers or clients;
- (b) physical distancing in the workplace;
- (c) cleaning;
- (d) equipment;
- (e) preparing employees to return to work;
- (f) preparing for customers or clients; and
- (g) monitoring and communicating of plan,

and may be substantially similar to those proposals listed in Schedule "B", located at: <https://novascotia.ca/coronavirus/docs/Schedule-B-HPA-Order.pdf> for similar businesses or health professionals and must be made available for review by the Chief Medical Officer of Health.

26.2 All businesses or regulated health professionals that are a member of an association listed in Schedule "B" must adopt as their Workplace COVID-19 Prevention Plan the proposal submitted by their association and must be made available for review by the Chief Medical Officer of Health.

26.3 For greater certainty, in the case of conflict between a Workplace COVID-19 Prevention Plan and this Order, the more stringent provision applies.

27. Casino Nova Scotia (Halifax and Sydney locations) and Video Lottery Terminals are closed.

28. Subject to 28.2, all not-for-profit and for-profit fitness facilities such as gyms and yoga studios, sport and recreational facilities such as pools, arenas, tennis courts, and large multipurpose recreation facilities:

- (a) are closed to patrons,
but may open
- (b) to offer virtual classes; and

(c) to perform administrative and operational functions.

28.1 Businesses and organizations that offer indoor recreation and leisure activities such as indoor play areas, arcades, climbing facilities, dance classes and music lessons are closed.

28.2 All not-for-profit and for-profit fitness facilities, recreation and leisure businesses, and organized clubs may offer outdoor fitness classes and other recreational activities up to a maximum capacity of 5 persons, or multiple groups of 5 each on their premises, while ensuring 2 metres (6 feet) physical distance between participants.

29. All personal service establishments such as hair salons, barber shops, spas, nail salons and body art establishments are closed for provision of personal services but may sell retail products in accordance with section 31.3.

30. The Art Gallery of Nova Scotia and all museums and public libraries are closed, but libraries may offer curbside pickup and drop-off of books and other materials.

31. For the purpose of sections 31.1 and 31.2, "retail business" means a business operating on an ongoing basis at a fixed location primarily selling goods or products for use or consumption by individual purchasers.

31.1 Retail business primarily or substantially providing consumer products essential to the life, health or personal safety of individuals and animals, including:

- (a) food;
- (b) pharmaceutical products, medicine and medical devices;
- (c) personal hygiene products;
- (d) cleaning products;
- (e) baby and childcare products;
- (f) gas stations and garages;
- (g) computer and cell phone service and repair;
- (h) electronic and office supplies;
- (i) hardware supplies and home appliances;
- (j) pet and animal supplies;
- (k) gardening supplies;
- (l) workplace safety supplies; and
- (m) automobile purchases (by appointment only); and
- (n) laundromats,

may remain open but must, at all times, limit the number of customers in the store to a maximum of 25% of store capacity.

31.1.2 Effective at 8 a.m. May 8, 2021:

(a) all persons present or residing in Nova Scotian must designate one person per household to carry out purchase of products essential to the life, health or personal safety of individuals and animals; and

(b) retail businesses operating under section 31.1 to 31.2.1 must limit one person per household to enter to their business to complete purchase of products essential to the life, health or personal safety of individuals and animals,

but

(c) exceptions to (a) and (b) may be made for children and caregivers.

31.2 NSLC and their Agency Stores may remain open but must, at all times, limit the number of customers in the NSLC retail stores and their Agency Stores to a maximum of 25% of store capacity.

31.2.1 Liquor boutiques, distilleries, breweries and wineries:

(a) may remain open but must, at all times, limit the number of customers to a maximum of 25% of store capacity,

but

(b) are prohibited from offering in-person tastings, samplings or in-person dining.

31.3 All other retail businesses must restrict customer service to online, delivery, or door side or curbside pick-up and should restrict in store presence only to staff and no customers shall be permitted in such retail stores.

31.4 For greater clarity:

(a) shopping malls may remain open to facilitate the shopping as outlined in sections 31.1 to 31.3; and

(b) customers may

(i) may enter the mall to complete their shopping transaction while using contactless payment, whether for in-person shopping under section 31.1 and 31.2, or for curb-side pickup;

(ii) must go directly to the retail business to complete their shopping transaction;

(iii) may line up outside the entrance of the retail business while maintaining a physical distance of at least 2 metres (6 feet) from other

persons inside the shopping mall; and

(iv) must wear a mask as defined in section 18 while in the shopping mall to complete their purchase, unless they are entitled to any of the exceptions set out in section 18.3,

(c) no line up outside any one retail business located inside the shopping mall shall exceed 5 persons;

(d) the person responsible for the shopping mall must ensure that:

(i) music is not played at the place of business at a decibel level that exceeds the level at which normal conversation is possible, and in any event no greater than 50 db;

(ii) customers are not permitted to loiter in any area of the shopping mall; and

(iii) directional markings are provided to manage the flow of persons within the mall,

(e) the non-retail public areas in the mall shall be closed, other than for traffic flow/store access and washroom access; and

(f) notwithstanding clause 31.4(e), food courts are closed to the public but:

(i) food court vendors may provide services to persons who work in the mall;

(ii) tables in food courts may only be used by persons who work in the mall;

(iii) a minimum of 2 metres (6 feet) is maintained between patrons seated at food court tables and between other patrons in the food court;

(iv) patrons must wear a mask as defined in section 18 except when consuming food or beverages; and

(iv) each food court vendor may offer takeout food service.

31.5 For greater certainty, shopping malls are closed to the public for in-person shopping as set out in section 31.4 and persons are prohibited from going to a mall except to complete a purchase transaction as set out in section 31.4 or to enter their workplace located in the mall.

PART V EXCEPTIONS

32. Under exceptional circumstances and under the authority granted to me as the Chief Medical Officer of Health under Part I of the *Health Protection Act*, I may exercise discretion to grant an exception to any term and condition of this Order.

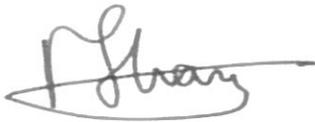
PART VI PENALTIES

33. Any direction provided by a medical officer of health to a person, business, organization or other entity pertaining to COVID-19 and the terms and conditions of this Order must be followed.

34. Failure to comply with this health protection order may be considered a breach of this Order issued under the *Health Protection Act* and may result in penalties under the *Act*.

This Order remains in effect until notice is provided by myself, as Chief Medical Officer of Health, under the authority granted under Part I of the *Health Protection Act* and will be updated from time to time.

Signed:



Dr. Robert Strang
Chief Medical Officer of Health
Nova Scotia Department of Health and Wellness

cc The Honourable Iain Rankin, Premier of Nova Scotia
The Honourable Zach Churchill, Minister of Health and Wellness
Laura Lee Langley, Deputy to the Premier and Clerk of Executive Council
Dr. Kevin Orrell, Deputy Minister of Health and Wellness
Dr. Shelley Deeks, Acting Deputy Chief Medical Officer of Health
Tina M. Hall, Legal Counsel, Nova Scotia Dept. of Justice

2021

Hfx No.

This is Exhibit "B" referred to in the Affidavit of
Dr. Robert Strang sworn before me this 12th day
of May, 2021



A Barrister of the Supreme Court of Nova Scotia

DUANE A. C. EDDY
A Barrister of the Supreme
Court of Nova Scotia

Nova Scotia COVID-19 Wave 2 and 3 Summary

October 1, 2020 - April 1, 2021

NS Dept. Health & Wellness

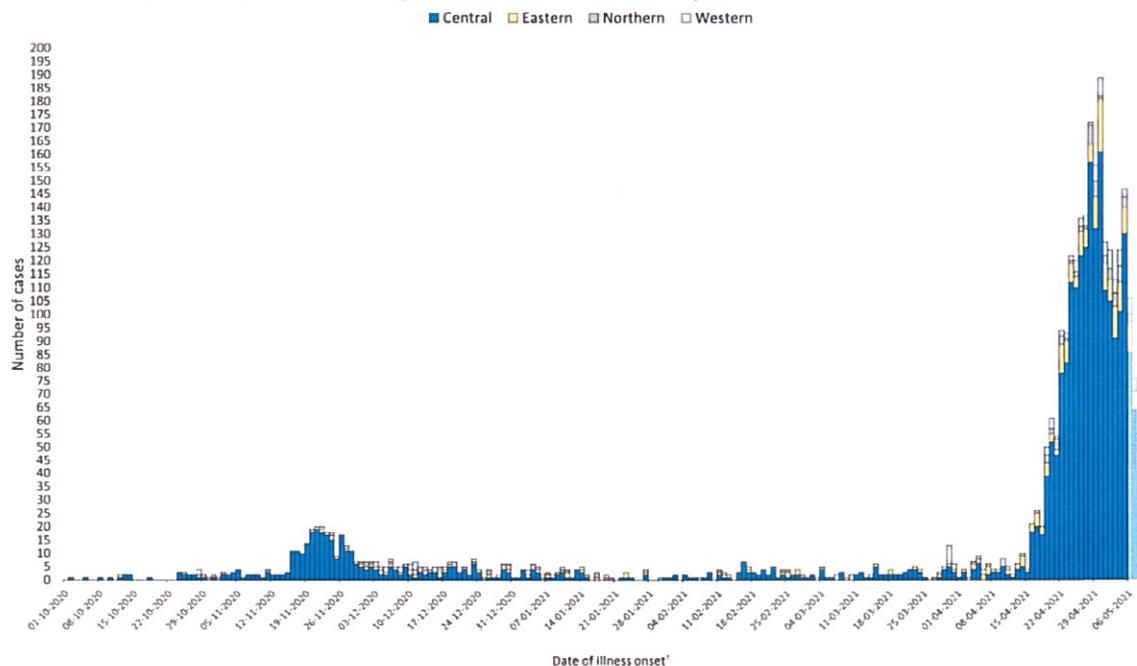
HIGHLIGHTS

- Since March 1, 2020, there have been a total of 4152 confirmed cases of COVID-19 and 71 deaths reported.
- During Wave 3 (April 1, 2021- present):
 - 2410 confirmed cases and 5 deaths have been reported. The cases reported in Wave 3 constitute 58% of the total cases reported in Nova Scotia since March 1, 2020.
 - There have been 103 hospitalizations (non-ICU and ICU) compared to 12 during Wave 2.
 - 54% of hospitalizations occurred in individuals <60 years of age
 - 13.7% of contacts became cases, compared to 7.6% in Wave 2 suggesting that the virus is more transmissible.

WAVE 2 AND 3 SUMMARY

Part One: Cases

Figure 1. Epidemic curve of confirmed and probable COVID-19 cases by Zone of residence and date of illness onset, Wave 2, and Wave 3 (October 1st 2020-Present)[†], n=3067



[†]date of illness onset is the first of: symptom onset and date of laboratory specimen collection. Due to the lag time in reporting of cases, not all cases for the previous 7 days are included.

Table 1. Summary of confirmed COVID-19 cases, COVID-19 case status, and current case prevalence rate by zone of residence, Wave 3 (Apr 1st, 2021- present)

	Cumulative Confirmed Cases	Total Resolved	Total Deceased	Current case prevalence rate per 100,000 population
Western	85	30	0	28.2
Northern	68	20	0	32.2
Eastern	205	71	0	85.2
Central	2052	693	5	300.0
NS	2410	814	5	167.2

Part 2: Serious Outcomes (Hospitalizations, ICU admissions, and Deaths)

Table 2. Most severe outcome reported among 2410 confirmed and probable cases of COVID-19, Wave 3 (Apr 1st, 2021- present)

Most severe outcome	Wave 3 (Apr 1, 2021 - present)		
	Total		Age
	n	%	median
Hospitalized - non-ICU	76	3.2%	53.5
Hospitalized - ICU	27	1.1%	56.5
Deceased	5	0.2%	78

Number of patients currently hospitalized (excl. ICU):	54
Number of patients currently in ICU:	10

Note: data for patients currently hospitalized is based on inpatient encounters (NSHA and IWK Inpatient Census Data from Meditech and STAR registration system as of 00:00 the day of reporting) with a COVID-19 positive laboratory result or active case status.

Note: Age and sex data for deaths are only reported for those who have information available in Panorama at the time of report and is subject change as new information becomes available.

Part 3: Transmission and contacts

Table 3a: Contacts of COVID-19 cases who have also become cases, Wave 2 and 3

Indicator	WAVE 2 (Oct 1, 2020 – Mar 31, 2021)	WAVE 3 (≥ Apr 1, 2021)
# of contacts who became a case	389	1483
% of contacts who became a case	7.6	13.7

The proportion of contacts who have become cases has almost doubled from Wave 2 to Wave 3, reflecting the increased transmissibility of the virus.

Supreme Court of Nova Scotia

Between:

The Attorney General of Nova Scotia representing Her Majesty the Queen in Right of the Province of Nova Scotia, the Department of Health and Wellness, and the Chief Medical Officer of Health

Applicant

and

Freedom Nova Scotia, John Doe(s), Jane Doe(s), Amy Brown, Tasha Everett, and Dena Churchill

Respondent

Affidavit of Hayley Crichton

I make oath/affirm and give evidence as follows:

1. I am Hayley Crichton, the Director of Public Safety and Investigations with the Department of Justice for the Province of Nova Scotia.
 2. I have personal knowledge of the evidence sworn to in this Affidavit except where otherwise stated to be based on information and belief.
 3. I state, in this Affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
 4. In the Nova Scotia context, mask requirements and adherence to restrictions are set out in the Public Health Orders.
 5. The Restated Public Health Order issued under section 32 of the *Health Protection Act* 2004, c. 4, s. 1 by Dr. Robert Strang, was last updated on May 8, 2021 (hereinafter, the "Public Health Order"). A true copy of the Public Health Order is attached hereto as **Exhibit "A"**.
 6. On April 23, 2021, Halifax Regional Police attended a large gathering at a private residence. 22 fines were issued as a result of this gathering as it was in contravention of the Public Health Order.
 7. On April 25, 2021, RCMP attended a residence in Wolfville, Nova Scotia, at which 30 people were gathered in contravention of the Public Health Order for a party. 4 fines were issued as a result of this gathering.
-

8. On May 3, 2021, New Glasgow Police attended a private residence in Trenton, Nova Scotia. Eight people were gathered in contravention of the Public Health Order and were subsequently ticketed.
9. Worldwide Rally for Freedom and Democracy is a global movement and organizer that has been developed with the explicit objective of spreading anti-mask, anti-vaccine, anti-restrictions, and anti-lockdown rhetoric.
10. Worldwide Rally for Freedom and Democracy has planned a global event entitled, The Worldwide Demonstration May 15, 2021. The associated open Facebook event page has a total of 31,000 followers.
11. In Nova Scotia, participation in the Worldwide Rally for Freedom and Democracy global events are organized by the local Facebook group "Freedom Nova Scotia". The Freedom Nova Scotia Facebook open group has a total of 896 followers and the related Instagram account has 100 followers.
12. On March 20, 2021, Freedom Nova Scotia organized an open event on Facebook to rally against mask wearing and restrictions on Citadel Hill in Halifax. Attendees gathered in a large group of approximately 100 people, the attendees were not wearing masks and were not maintaining six feet of physical distance, in direct contravention of the Public Health Order. The event drew media attention.
13. A picture of the event derived from CTV News is attached hereto as **Exhibit "B"**.
14. **Exhibit "B"** shows a large gathering of people who can be observed to not be wearing masks, nor maintaining a distance of six feet from one another.
15. On March 20, 2021, Freedom Nova Scotia also organized an open event on Facebook to rally against mask wearing and restrictions at Alderney Landing. 25 people responded as "going" and 45 responded as "interested".
16. Freedom Nova Scotia has also organized rallies in the greater Halifax area on March 28, 2021 (Spring Garden Road), April 1, 2021 (Alderney Landing) and May 1, 2021 (Halifax). The rallies were in contravention of the Public Health Order.
17. Freedom Nova Scotia has scheduled an event for Saturday May 15, 2021, at 1:00pm entitled, "Worldwide Rally for Freedom – Halifax" in support of anti-mask rhetoric. The event is open and there are 261 comments on the event page, with 88 people listed as "interested" and 66 people listed as "going".
18. During the week of May 3rd, 2021, Halifax Regional Police was contacted by Freedom Nova Scotia event participant Jane Doe via telephone. Jane Doe requested protection for the rally participants who will attend Citadel Hill to protest the COVID-19 lockdown and restrictions. I am advised by Halifax Regional Police and do verily believe that the Halifax Regional Police advised Jane Doe that any such gathering would contravene of the Public Health Order, and potentially the Travel Directive issued under the *Emergency Measures Act* 1990, c. 8, s. 1; 2005, c. 48, s. 1. (should people travel in from outside HRM).
19. The Halifax Regional Police provided the Province with information pertaining to Freedom Nova Scotia, Worldwide Rally for Freedom and Democracy, and the related social media posts advertising the event scheduled for Saturday May 15, 2021, at 1:00 pm entitled, "Worldwide Rally for Freedom – Halifax".

20. The information provided by the Halifax Regional Police to the Province references multiple rallies hosted by Freedom Nova Scotia. The information provided by the Halifax Regional Police contains photographs depicting attendees gathering without masks and in large groups in direct contravention of the Public Health Order. This is supplemented by screenshots of the open group in which commenters have requested Halifax Regional Police and Government intervention. A true copy of the information set out above in this my sworn affidavit provided by the Halifax Regional Police is attached hereto as **Exhibit "C"**.
21. On May 11, 2021, the Freedom Nova Scotia open Facebook page included the following post, "Here is our daily event update. Thank you for all the amazing support and shares people! We have already beat the highest amount of shares previous rallies had! We were at 77 last night – let's make it to 100 today! And don't forget to let your fellow freedom fighters know they can invite their people from the event page and the guest list is private. Four more sleeps until we climb the hill!!!!". A screenshot of this post is attached hereto as **Exhibit "D"**.
22. A Worldwide Freedom Rally is also scheduled for Barrington, Nova Scotia on May 15, 2021 at 6pm at the Barrington baseball field. A true copy of the social media post for the Barrington event is attached hereto as **Exhibit "E"**.
23. A Worldwide Freedom Rally is also scheduled for Dartmouth, Nova Scotia (Alderney Landing) on May 15, 2021 at 1 pm. A true copy of the social media post for the Dartmouth event is attached hereto as **Exhibit "F"**.
24. Similar anti-mask, anti-vaccine, anti-restriction protests have taken place across Nova Scotia that have included gatherings of people who not wearing masks and were not maintaining six feet of physical distance, in direct contravention of the Public Health Order.
25. On April 24, 2021, an event was planned at the New Brunswick and Nova Scotia border to protest COVID-19 restrictions including border closures and mask requirements by disrupting traffic on Hwy 104. The event organizer Tasha Everett posted the following to her open Facebook page, "12PM tomorrow! Be there! Its time to make more noise than ever before! Truckers have our backs, and are planning to block the highways with us. United we stand, Divided we fall. A screenshot of this post is attached hereto as **Exhibit "G"**.
26. On May 9, 2021, Kings District RCMP were called to Weston Christian Fellowship Church in Weston, Nova Scotia. 26 people were gathered at the church in contravention of the Public Health Order. 26 fines were laid against individuals and a larger fine was laid against the organizer.
27. On May 12, 2021 I received information from the Royal Canadian Mounted Police (RCMP) regarding a rally held on May 9, 2021, and do verily believe the following:

PURPOSE:

To update the Attorney General of a protest, in relation to the continued border restrictions between Nova Scotia and New Brunswick that occurred on May 9, 2021.

BACKGROUND:

A group on Facebook, identified as "Support to OPEN The NS/NB Border", organized a protest for May 9, 2021 at 12:00 pm, at the NS Tourism Centre along Hwy 104, immediately as you enter Nova Scotia.

Organizers indicated that this was strictly about the border closure and the impact it is having on everyday lives.

CURRENT STATUS:

An assembly took place as scheduled on May 9, at 12:00 pm.

Approximately 20 protesters assembled along the Nova Scotia side of the Provincial border, Highway 104 Eastbound lane.

At approximately 12:30 pm, a passenger from a vehicle involved in the protest was seen throwing traffic cones into the ditch which had been positioned to block off exit 1.

The interaction between the RCMP and the vehicle passenger was met with hostility from the occupants of the vehicle.

Shortly after, a hostile crowd of 15-20 people formed around the police officer.

Protesters were recording police and expressed negative comments.

Protesters were not wearing masks or social distancing.

All attendees left by 2:30 pm.

Commentary from attendees suggests protests will be a weekly occurrence.

28. On May 10, 2021, Dena Churchill posted an advertisement for the May 15, 2021 on her facebook page, among other anti-mask, anti-vaccine, anti-restrictions, and anti-lockdown rhetoric.
29. Historical public gatherings organized by Freedom Nova Scotia and others have not complied with the requirements of COVID-19 Emergency Health Orders issued under section 32 of the Health Protection Act, including but not limited to:
 - a. masking requirements;
 - b. attendance limits applicable to indoor or outdoor gatherings; and
 - c. minimum physical distancing requirements.

Sworn to before me on the May 12, 2021 at
Halifax.



Duane A. Eddy
A Barrister of the Supreme Court of Nova
Scotia



Hayley Crichton

DUANE A. C. EDDY
A Barrister of the Supreme
Court of Nova Scotia

2021

Hfx No.

This is Exhibit "A" referred to in the Affidavit of
Hayley Crichton sworn before me this 12th day of
May, 2021


A Barrister of the Supreme Court of Nova Scotia

DUANE A. C. EDDY
A Barrister of the Supreme
Court of Nova Scotia

**RESTATED ORDER #2 OF THE CHIEF MEDICAL OFFICER OF HEALTH UNDER
SECTION 32 of the *HEALTH PROTECTION ACT* 2004, c. 4, s. 1.**

May 8, 2021

Update Log:

May 8, 2021: Sections 2-2.3, 3.1-3.2, 4-4.2, 10, 11, 12.1, 12.3-12.4, 13A, 19-19.2, 20, 21A, 22 and 31.1 (amended), and Sections 13.4 and 31.1.2 (new)

May 4, 2021: Sections 2.2, 28.2 and 31.1 (amended), and Section 13.3 (new)

April 29, 2021: Sections 24.3 and 31.2 (amended) and Section 31.2.1 (new)

- TO:**
- 1.) All persons residing in or present in the Province of Nova Scotia;**
 - 2.) All not-for-profit and for-profit businesses and organizations operating or carrying on business in Nova Scotia;**
 - 3.) Such other persons or entities as may be identified by the Chief Medical Officer of Health or otherwise as set out in this Order.**

ORDER made pursuant to Section 32 of the *Health Protection Act* (Nova Scotia)

AND WHEREAS Section 32 of the *Health Protection Act* states:

32 (1) Where a medical officer is of the opinion, upon reasonable and probable grounds, that:

- (a) a communicable disease exists or may exist or that there is an immediate risk of an outbreak of a communicable disease;
- (b) the communicable disease presents a risk to the public health; and
- (c) the requirements specified in the order are necessary in order to decrease or eliminate the risk to the public health presented by the communicable disease.

the medical officer may by written order require a person to take or to refrain from taking any action that is specified in the order in respect of a communicable disease.

WHEREAS COVID-19 has been identified as a communicable disease that presents a risk to public health as defined under s.4(b) of the *Health Protection Act*, and;

WHEREAS I am the Chief Medical Officer of Health for the Province of Nova Scotia and am of the opinion, upon reasonable and probable grounds, that

- (a) a communicable disease (COVID-19) exists; and that there is an immediate risk of an outbreak of the communicable disease;
- (b) the communicable disease presents a risk to the public health; and
- (c) the requirements specified in the order are necessary to decrease or eliminate the risk to the public health presented by the communicable disease, and;

WHEREAS as the Chief Medical Officer of Health, I have determined it necessary to issue this Order to the Class of Persons to decrease the risk to public health presented by COVID-19.

Please be advised that:

I, Dr. Robert Strang, Chief Medical Officer of Health, **order** the following:

**PART I
ENTRY, ISOLATION AND QUARANTINE REQUIREMENTS**

1. In this Order,

- (a) “self-isolate” means the requirement of any person who has COVID-19 to remain separate from others in such places and under such conditions to prevent or limit the direct or indirect transmission of COVID-19; and
- (b) “self-quarantine” means the requirement of any person who has been exposed or may have been exposed to COVID-19 during its period of communicability to restrict that person’s activities in order to prevent disease transmission during the incubation period for this disease.

2. Effective 8:00a.m. May 10, 2021, all persons are prohibited from entering Nova Scotia, except as stated herein or set out elsewhere in this Order:

- (a) permanent residents of Nova Scotia; or
- (b) persons who have engaged in essential travel outside Nova Scotia.

2.1 Where any person travels into Nova Scotia in contravention of this Order, a peace officer is hereby authorized and directed to return that person to an interprovincial border and require the person to leave the Province immediately or at such a time as may be

directed, and in doing so, may exercise authority under section 46 of the *Health Protection Act*.

2.2 For the purpose of section 2(b), persons engaged in essential travel means:

- (a) a resident of Nova Scotia whose primary employment is in another province;
- (b) a person required to participate in-person in a legal proceeding in another province;
- (c) students coming to study in Nova Scotia, or returning to their primary or family residence in Nova Scotia after studying outside Nova Scotia;
- (d) a party to a child sharing arrangement that requires entry into or exit from Nova Scotia;
- (e) a temporary foreign worker as set out in sections 7 to 7.1, a rotational worker as set out in sections 9 to 9.1, a specialized worker as set out in section 10, and a fish harvester as set out in section 11;
- (f) essential health care workers;
- (g) a person exempt from self-isolation following the exempt traveler protocol; or
- (h) a person traveling between Nova Scotia and New Brunswick for work, school and child care only, while following the Nova Scotia-New Brunswick protocol;
- (i) a person required to travel to Nova Scotia for essential health services, with accompanying support persons; or
- (j) a person who has been granted an exception in accordance with section 32.

2.3 All persons entering Nova Scotia must complete the Nova Scotia Safe Check-in form and daily digital check-ins, located at:

<https://novascotia.ca/coronavirus/travel/#self-declaration>, except:

- (a) persons following the Nova Scotia-New Brunswick protocol;
- (b) professional truck drivers; and
- (c) persons who have received compassionate exceptions.

3.1 The requirements of section 3.2 apply to all persons residing in or present in the Province of Nova Scotia who:

(a) have travelled outside Nova Scotia or reside in the same household of a person who has travelled outside Nova Scotia; or

(b) are identified as a close contact of a person who has or has been diagnosed with COVID-19; or

(c) are identified as a person diagnosed with COVID-19; or

(d) have been tested for COVID-19 due to the presence of symptoms or as directed by public health and are awaiting the results of their test.

3.2 Effective 8:00a.m. May 10, 2021, those persons listed in section 3.1 must:

(a) self-quarantine or self-isolate, for:

(i) the period commencing on the day of entry into Nova Scotia, and continuing thereafter for 14 consecutive days or as directed by a Medical Officer of Health, or

(ii) the first day of close contact, or first day of symptoms, testing, diagnosis, and continuing thereafter for 14 consecutive days or as directed by a Medical Officer of Health.

(b) During the 14-day period, conduct themselves in such a manner as not to in any way expose any other person to infection or potential infection from COVID-19, and follow all infection control instructions given to them on the Government of Nova Scotia's website, at: <https://novascotia.ca/coronavirus/>, or given to them by Telehealth 811 staff, public health staff or any other staff of a healthcare facility to which they may seek or receive treatment.

(c) After the 14-day period in section 3.2(a.) has lapsed, they may cease self-isolation or self-quarantine if they do not exhibit symptoms of COVID-19.

3.3 All persons are encouraged to complete the online assessment tool should they exhibit symptoms of COVID-19.

3.4 For greater certainty, persons required to self-isolate or self-quarantine in accordance with section 3.2 must remain in their residence or residence grounds and otherwise remove themselves from the presence of others in public while they may be infectious during the 14-day period, so that all precautions necessary to protect others are in place. Specifically, such persons must not enter any buildings, public transportation, or other enclosed spaces (other than their residence) where other people are present.

3.5 Notwithstanding section 3.2(a):

(a) persons who receive a negative COVID-19 test result after being referred for testing by the online assessment tool due to the presence of COVID-like symptoms may cease self-quarantine on the date of receipt of the negative test result.

(b) persons who are required to self-isolate or self-quarantine may leave their residence:

(i) to undergo COVID-19 testing as directed by a Medical Officer of Health;
or

(ii) for 1 outing per day for outdoor exercise within walking/running distance of their home or isolation site for a maximum of 1 hour.

4. Notwithstanding section 3.1(a), persons who reside in the same household as a person who has travelled into Nova Scotia or is returning to Nova Scotia from any geographic location outside Nova Scotia for essential travel, are not required to self-quarantine if the traveller, during their 14-day period of self-quarantine, meets all of the following criteria:

4.1 For essential travel set out in subsections 2.2, the traveller:

(a) stays at their place of residence;

(b) has their own separate room in the home (e.g. separate bedroom, basement or attic);

(c) sanitizes their hands before leaving the separate room;

(d) wears a non-medical mask when outside of their separate room;

(e) avoids being in the same space as other household members;

(f) has their own bathroom or if sharing a bathroom then cleans high touch surfaces (e.g. doorknob, tap, toilet handle, sink, etc.) after each use;

(g) has food and beverages prepared by others and accesses them in a non-contact manner;

(h) does not share dishes, drinking glasses, cups, eating utensils, towels, bedding or other items with others in the home;

(i) keeps their personal items (e.g. toothbrush, cups, cell phones, tablets, laptops, etc.) separate from those belonging to others; and

(j) does not share food, drinks or cigarettes or any other items that are put in the mouth.

4.2 For greater clarity, a person who travels to Nova Scotia from any geographic location outside Nova Scotia for non-essential travel must self-quarantine in accordance with section 3.2.

5. Notwithstanding sections 2 and 3.1, persons who are well and showing no symptoms of COVID-19 may enter Nova Scotia for the purposes of facilitating child sharing between parents under an order or agreement providing for joint custody, and in such instances, both the persons facilitating custody and children showing no symptoms of COVID-19 are exempt from the requirement to self-quarantine.

5.1 Further to section 5, parents and children entering or leaving Nova Scotia for the purposes of facilitating child sharing arrangements must adhere to the self-quarantine requirements established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-child-custody.pdf>.

6. Notwithstanding sections 2 and 3.1, individuals who are well and showing no symptoms of COVID-19 and are engaged in a legal proceeding in Nova Scotia, whether the accused, victim, witness, party or lawyer in such proceeding, may enter Nova Scotia for participation in the legal proceeding and are exempt from self-quarantine if the person adheres to the COVID-19 Protocol for Exempt Travelers established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-exempt-travellers-en.pdf>.

7. An employer or contractor of any Temporary Foreign Worker entitled to enter Nova Scotia pursuant to the Federal Order in Council 2021-0076, 2021-0078, as amended, must first, before the Temporary Foreign Worker enters Nova Scotia, satisfy me, as Chief Medical Officer of Health, that the employer or contractor has made adequate provision for compliance with:

- (a) the federal quarantine rules applicable to the Temporary Foreign Worker; and
- (b) the self-quarantine requirements set out in section 3.2 of this Order.

7.1 In addition, the employer or contractor and the Temporary Foreign Worker must, for the duration of the entire work period in Nova Scotia:

- (a) adhere to all applicable terms and conditions of this Order; and
- (b) adhere to the COVID-19 Protocol for Temporary Foreign Workers Employed in Agriculture and Seafood Sectors established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-temporary-foreign-workers-agriculture-and-seafood-sectors-en.pdf>.

- (c) comply with any direction issued by me, as Chief Medical Officer of Health, or a Medical Officer of Health with respect to the Temporary Foreign Worker and their employment in Nova Scotia.

8. Notwithstanding sections 2 and 3.1, persons who are required to travel to Nova Scotia or outside Nova Scotia for essential health services, with accompanying support persons as permitted by health authority policy, are exempt from the requirement to self-quarantine but must adhere to the COVID-19 Protocol for Exempt Travelers established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-exempt-travellers-en.pdf>.

9. For the purpose of section 9.1, “rotational worker” means a person who lives in Nova Scotia and travels to work in another province or territory in Canada on a regular schedule or travels outside Canada on a regular schedule and is exempt from self-quarantine under the federal *Quarantine Act*.

9.1 Notwithstanding sections 2 and 3.1, rotational workers must adhere to the self-quarantine and COVID-19 testing requirements established by the Chief Medical Officer of Health, located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Directive-on-Exceptions-for-Rotational-Workers.pdf>.

10. Notwithstanding sections 2 and 3.1, specialized workers required to enter Nova Scotia from any geographic location outside Nova Scotia to perform urgent critical infrastructure work that cannot be done by individuals from within any of these provinces must adhere to self-quarantine and COVID-19 testing requirements established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Directive-on-Exceptions-for-Specialized-Workers.pdf>.

11. Notwithstanding sections 2 and 3.1, fish harvesters required to enter Nova Scotia from any geographic location outside Nova Scotia to perform the commercial or licensed activity of catching fish and other seafood for market or other approved activities, excluding recreational fishing, must adhere to self-quarantine requirements established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-fish-harvesters-en.pdf>.

12.1 Notwithstanding section 3.1, workers who are essential to the movement of people and goods, and who must enter Nova Scotia as part of their duty requirements, are exempt from the requirement to self-quarantine, particularly:

(a) healthy workers in the trade and transportation sector who are employed in the movement of goods and people across the Nova Scotia border by land, air, or water, including truck drivers, crew, maintenance and operational workers on any plane, train or ship;

(b) Canadian Military and Defence Team personnel, Coast Guard, RCMP, Canadian Border Services Agency, and Canadian Security Intelligence Service; and

(c) first responders, including police, fire, EHS paramedic workers and essential healthcare workers.

but must adhere to the COVID-19 Protocol for Exempt Travelers established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-exempt-travellers-en.pdf>.

12.2 For greater clarity, airline crew employed in the movement of people and goods and who are required to travel to Nova Scotia or from Nova Scotia to carry out their work duties are exempt from the self-quarantine requirements set out in section 3.2.

12.3 Notwithstanding section 3.1, persons who reside in Nova Scotia or New Brunswick and are required to cross the Nova Scotia land border on a regular ongoing basis to work, attend a school or post-secondary institution, or access child care located in Nova Scotia or New Brunswick are exempt from the requirement to self-quarantine if that person follows the travel protocol at: <https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-Nova-Scotia-New-Brunswick.pdf>.

12.4 Persons exempt under sections 12.1 to 12.3 must practice physical distancing of 2 metres (6 feet) to the best of their ability, follow all public health recommendations, closely self-monitor and must self-isolate or self-quarantine should they exhibit any COVID-19 symptoms as set out in the online assessment tool.

PART II PHYSICAL DISTANCING, GATHERING LIMITS, MASKS AND FACE COVERINGS

13A Effective 8:00a.m. May 10, 2021, except where otherwise stated in this Order the requirements for physical distancing, gathering limits, masks and face coverings apply to all persons present and residing in Nova Scotia.

13. All persons present and residing in Nova Scotia must maintain physical distancing of 2 metres (6 feet).

13.1 All persons present and residing in Nova Scotia must not participate in any gatherings, whether indoors or outdoors, unless subject to a specific exception set out in this Order.

13.2 Notwithstanding sections 13 and section 13.1:

(a) persons living in the same household may gather together, whether indoors or outdoors, up to the maximum of the number of immediate family members residing same the household, and are not required to practice physical distancing; and

(b) where the number of persons living in the same household is 2 persons or less, they may gather together with up to a maximum of 2 additional persons, who shall be 2 consistent persons, and they are not required to practice physical distancing.

13.3 Notwithstanding section 13.1, persons from one household may gather outdoors with persons from another household to engage in an outdoor activity such as a walk or play but must adhere to the physical distancing requirements of section 13.

13.4 Notwithstanding sections 13.1 and 13.2 and for greater certainty, parties to a child sharing arrangement, or an order or agreement providing for joint custody:

(a) may facilitate and participate in such child sharing or custody arrangement between households,

but

(b) must adhere to the self-quarantine requirements established by the Chief Medical Officer of Health, located at:
<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-child-custody.pdf>
if a parent or child develops symptoms or tests positive for COVID-19.

14. Notwithstanding section 13.1, persons may engage in outdoor physical activity while adhering to the gathering limitations set out in section 13.2 or the gathering limitations while participating in an outdoor fitness class and other recreational or leisure activities as set out in section 28.2, and in doing so, must adhere to physical distancing requirements of 2 metres (6 feet) as set out in section 13.

15. Persons may engage in, and business and organizations may host the following events and activities in-person, whether indoors or outdoors:

(a) weddings; or

(b) funerals,

while adhering to the following:

(a) a maximum of 5 persons, plus the officiant; and

(b) all persons in attendance must practice physical distancing, except persons residing in the same household as set out in section 13.2(a) or additional persons as set out in section 13.2(b).

15.1 Persons may not engage in, and persons, business and organizations may not host the following events and activities in-person:

(a) social events;

- (b) arts and culture events;
- (c) sports, recreation and physical activity events;
- (d) special events;
- (e) festivals;
- (f) faith gatherings;
- (g) wedding receptions; or
- (h) funeral visitation or receptions,

but may host these events virtually while adhering to a maximum of 5 persons in one location to support the delivery of the event and complying with the physical distancing requirements set out in section 13.

15.2 Any person, business or organization that hosts an event authorized by sections 15 or 15.1 is responsible for maintaining oversight of the gathering and for ensuring that all persons in attendance comply with the requirements of this Order.

15.3 No person may engage in and no person, business or organization may host:

- (a) organized sport practice, training, games, competitions, or tournaments (recreational, amateur, and professional), or
- (b) organized arts and culture rehearsals or in-person performances.

15.4 No person, business or organization may host a formal in-person meeting or training.

15.4.1 Notwithstanding section 15.4, a business or organization may host a mental health and addictions support group meeting while adhering to the following:

- (a) a maximum of 10 persons in attendance; and
- (b) all persons in attendance must adhere to masking and physical distancing requirements of 2 metres (6 feet) set out in this Order.

15.4.2 Notwithstanding section 15.4, a business or organization may carry out meetings and training that are required for safety and essential operation.

16. For greater clarity, physical distancing and the person limit rule set out in sections 13 and 13.1 do not apply to the following organizations, activities, persons, or places:

- (a) hospitals as defined in the *Hospitals Act* and a health authority as defined in the *Health Authorities Act*;
- (b) profit, not-for-profit or government operated Department of Community Services funded organizations or representatives that are covered under the *Homes for Special Care Act* and the *Children and Family Services Act* including places of safety for children and youth, and customized placements for persons with disabilities;
- (c) profit or not-for-profit Department of Health and Wellness funded long-term care facilities licensed under the *Homes for Special Care Act* or home care agencies funded under the *Homemaker Services Act*;
- (d) persons providing care under the self-managed care program, supportive care program, caregiver benefit program funded by the province of Nova Scotia;
- (e) persons providing support under the Independent Living Support, Supported Apartment and Supervised Apartment Programs funded by the Department of Community Services;
- (f) homeless shelters receiving operational grants from the Department of Municipal Affairs and Housing, and those operated by religious and other voluntary organizations;
- (g) unlicensed child-care facilities;
- (h) a place designated or established under the authority of the *Correctional Services Act* or the *Youth Criminal Justice Act (Canada)* for the supervision or custody of offenders and includes community-based correctional services;
- (i) any administrative tribunal, arbitration proceeding or court operating essential services in the Province under the authority of any provincial or federal enactment, including but not limited to, a justice centre or courthouse under the authority of the *Judicature Act* or a provincial court under the authority of the *Provincial Court Act* or the *Family Court Act*;
- (ia) notwithstanding clause (i), the Labour Board must still comply with section 13 when conducting a vote under the *Trade Union Act*.
- (j) Emergency Medical Care Incorporated;
- (k) persons providing, servicing or repairing medical equipment, such as wheelchairs, red cross beds/equipment, home oxygen equipment;
- (l) private not-for-profit community transportation providers;

- (m) food production plants; and
- (n) fishing vessels.

16.1 Physical distancing requirements and the person limit set out in sections 13 and 13.1 do not apply to the following municipal entities and their contractors when carrying out their work duties:

- (a) Police and Fire Services;
- (b) Municipal Utilities such as water, wastewater and stormwater;
- (c) Maintenance of utilities and municipal facilities;
- (d) Transportation;
- (e) Road maintenance/repair;
- (f) Municipal ICT systems and services;
- (g) Public Transit;
- (h) Solid Waste, garbage and litter collection and disposal;
- (i) Urban Forestry; and
- (j) Municipal logistic, distribution, storage, inventory and repair services.

16.2 Physical distancing requirements and the person limit rule set out in sections 13 and 13.1 do not apply to the following provincial entities and their contractors when carrying out their work duties:

- (a) Transportation and Active Transit;
- (b) Infrastructure and Housing;
- (c) Road maintenance/repair;
- (d) Government building construction and/or repair; and
- (e) Enforcement or compliance officers authorized by their statutory appointments or delegated authority to inspect, investigate and/or enforce provincial legislation while carrying out their powers pursuant to the relevant statutory authority.

17. Gatherings for sleep over camps held by a recognized business or organization are cancelled for 2021 unless otherwise amended.

18. For the purpose of sections 18.2 -18.6, a “mask” means a commercial medical or non-medical mask or a home-made mask made as per the PHAC instructions located at: <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/prevention-risks/sew-no-sew-instructions-non-medical-masks-face-coverings.html>, that covers the nose and mouth.

18.1 For the purpose of section 18.2, a “public place” means the part of the following places accessible to the public,

insofar as it is enclosed:

- (a) a retail business, a shopping centre, or a building or room of a business where personal care services are provided;
- (b) a restaurant or a liquor licensed establishment, including the kitchen and preparatory space of a restaurant or a liquor licensed establishment;
- (c) a place of worship or faith gathering;
- (d) a place where activities or services of a cultural or entertainment nature are offered;
- (e) a place where sports are played, fitness, recreational or leisure activities are carried on;
- (f) a rental hall or other place used to hold events, including conventions and conferences, or to hold receptions;
- (g) a place where municipal or provincial government services are available to the public;
- (h) a common area, including an elevator, of a tourist accommodation establishment;
- (i) a lobby, reception area or elevator in an office building;
- (j) a common area or public space on a university or college campus;
- (k) a train or bus station, a ferry terminal, or an airport;
- (m) common areas of a multi-residential building;
- (n) all common areas of private indoor workplaces;

(o) private indoor workplaces where there are:

(i) interactions with the public;

(ii) areas with poor ventilation; or

(iii) areas where physical distance as set out in section 13 cannot be maintained,

and insofar as it is outdoors:

(p) all serviced areas of a restaurant or a liquor licensed establishment, including their patios but excluding holes on the golf course that are licensed; and

(q) organized outdoors gatherings such as special or temporary events where 2 metres (6 feet) physical distancing cannot be consistently maintained.

(r) outdoors where physical distancing cannot be maintained such as playgrounds and parks.

18.2 All persons must wear a mask that covers their nose and mouth while present in a public place.

18.3 Notwithstanding section 18.3, a person is exempt from the requirement to wear a mask in a public place if the person:

(a) is less than 2 years of age or age 2 to 4 years and their caregiver cannot persuade them to wear a mask;

(b) for whom the wearing of a mask is not possible because of the person's medical condition;

(c) is reasonably accommodated by not wearing a mask in accordance with the *Nova Scotia Human Rights Act*;

(d) is in the public place receiving care or being provided a service or while participating in a physical or other activity requiring the mask be removed, in which case the person may remove the mask for the duration of the care, service or activity;

(e) removes the mask momentarily for identification or ceremonial purposes;

(f) is in a courtroom, jury room or secured area in a courthouse, or room where a proceeding or meeting of an administrative tribunal established by legislation is being held; or

(g) is a performer at a virtual event or officiant in the course of performing activities requiring vocalization such as talking or singing at an event or activity as described in sections 15 or 15.1.

18.4 All persons must wear a mask that covers their nose and mouth as defined in section 18 while travelling on vehicles providing transportation to the public, including:

- (a) any municipally operated public transit, including municipally operated buses and ferries;
- (b) any public passenger vehicle licensed under the *Motor Carrier Act*, including community transit vehicles, commercial vehicles (shuttle vans), and vehicles providing charters and/or tours;
- (c) any school buses licensed under the *Motor Carrier Act* and any vehicles of any capacity operated by private schools recognized by the Minister of Education and Early Childhood Development;
- (d) commuter vehicles and courtesy vehicles as defined under the *Motor Carrier Act*, vans, mini-buses, or buses of any passenger capacity providing services to the public;
- (e) any vehicles serving residents and staff of facilities listed in section 20.1; and
- (f) taxicabs regulated by municipalities under the authority of the *Motor Vehicle Act*.

18.5 Notwithstanding section 18.4, the following persons are exempt from the requirement to wear a mask while travelling on vehicles providing transportation to the public:

- (a) a person is less than 2 years of age or age 2 to 4 years and their caregiver cannot persuade them to wear a mask;
- (b) a person for whom the wearing of a mask is not possible because of the person's medical condition; and
- (c) a person who is reasonably accommodated by not wearing a mask in accordance with the *Nova Scotia Human Rights Act*.

18.6 A person may remove the mask momentarily for identification purposes when boarding any public transit set out in section 18.4.

18.7 For greater certainty, the requirement to wear a mask, as set in section 18 and 18.4, is the minimum standard that persons and businesses must adhere to, and where

the business's plan approved in accordance with section 26.1 of this Order imposes a greater standard, then that standard applies.

19. Effective 8:00a.m. May 10, 2021:

(a) all public schools under the jurisdiction of a regional centre for education or the Conseil Scolaire Provincial are closed to students and pre-primary children and may remain open for staff to carry out work duties at the direction of the employer; and

(b) private schools are closed to students and may remain open for staff to carry out work duties at the direction of the employer.

19.1 For greater certainty, section 19(b) does not include post-secondary institutions, private career colleges or registered language schools.

19.2 Childcare facilities and family childcare homes regulated under the *Early Learning and Child Care Act*:

(a) may remain open; and

(b) directors, caregivers, staff, visitors and children over two years old must wear a mask as defined in section 18, unless subject to one of the exemptions as set out in section 18.3.

**PART III
LONG TERM CARE FACILITIES
AND
OTHER VULNERABLE POPULATIONS**

20. Effective 8:00a.m. May 10, 2021, except where otherwise stated in this Order, the restrictions on long term care facilities and other vulnerable populations apply to all persons present and residing in Nova Scotia.

20.1 Notwithstanding section 16(b) and (c) and subject to section 20.2, all for-profit or not-for-profit Department of Health and Wellness funded long-term care facilities licensed under the *Homes for Special Care Act* and all Adult Residential Centers and Regional Rehabilitation Centers funded and licensed by the Department of Community Services under the *Homes for Special Care Act* must comply with Schedule "A", "COVID-19 Management Long term Care Facilities Directive Under the Authority of the Chief Medical Officer of Health", dated December 21, 2020, as amended from time to time and located at:

<https://novascotia.ca/dhw/ccs/documents/COVID-19-Management-in-Long-Term-Care-Facilities-Directive.pdf>;

20.2 All long term care facilities licenced by the Department of Health and Wellness and all Adult Residential Centers and Regional Rehabilitation Centers licensed by the Department of Community Services under the *Homes for Special Care Act*, and all residents of such facilities must comply with the process for isolating COVID-19 positive long term care residents set out in Schedule "A", "COVID-19 Management Long Term Care Facilities Directive Under the Authority of the Chief Medical Officer of Health", dated December 21, 2020, as amended from time to time and located at:

<https://novascotia.ca/dhw/ccs/documents/COVID-19-Management-in-Long-Term-Care-Facilities-Directive.pdf>.

20.3 All long term care facilities licensed by the Department of Health and Wellness and all Adult Residential Centers and Regional Rehabilitation Centers licensed by the Department of Community Services under the *Homes for Special Care Act* are closed to visitors and volunteers, except 2 designated caregivers, in accordance with the terms and conditions set out in Schedule "A", "COVID-19 Management Long term Care Facilities Directive Under the Authority of the Chief Medical Officer of Health", dated December 21, 2020, as amended from time to time and located at:

<https://novascotia.ca/dhw/ccs/documents/COVID-19-Management-in-Long-Term-Care-Facilities-Directive.pdf>.

20.4 All homes licensed by the Minister of Community Services for persons with disabilities under the *Homes for Special Care Act* not referred to in section 20.3 are closed to visitors.

20.5 Subject to 20.6, all residents in homes licensed by the Minister of Health and Wellness and all residents in homes licensed by the Minister of Community Services under the *Homes for Special Care Act* are not permitted to have community access.

20.6 Notwithstanding section 20.5, all residents in homes licensed by the Minister of Health and Wellness and the Minister of Community Services under the *Homes for Special Care Act* may participate in drives by a designated caregiver or staff, but such outings must not include:

- (a) other passengers in the case of drives by a designated caregiver; or
- (b) stops or drive throughs.

20.7 All residents of all Adult Residential Centres and Regional Rehabilitation Centers licensed by the Department of Community Services under the *Homes for Special Care Act* are not permitted to have community access.

20.8 For the purpose of section 20.9, "Adult Day Program" means a planned program of activities in a professional care setting designed for older adults who require supervised care during the day, or those who are isolated and lonely. Adult day care centers enable seniors to socialize and enjoy planned activities in a group setting, while still receiving needed health services. At the same time, they offer family caregivers respite from caregiving duties while knowing that their loved one is in a safe place.

20.9 All senior's Adult Day Programs are closed, except for provision of respite care.

20.10 All Day Programs for persons with disabilities funded by the Department of Community Services are closed, except for scheduled vaccine clinics at these locations.

20.11 For greater clarity, nothing in this Order prevents the:

(a) discharge of a COVID-19 patient from a hospital to a long-term care or residential care facility;

(b) transfer of a COVID-19 patient from community to a long-term care or residential care facility; or

(c) return of a COVID-19 patient who has left a long-term care or residential care facility for healthcare services back to that facility after receiving treatment at a hospital.

PART IV BUSINESSES, ORGANIZATIONS AND PROFESSIONS

21A Effective 8:00a.m. May 10, 2021, except where otherwise stated in this Order, the restrictions on businesses, organizations and professions apply to all established businesses, organizations and professions carrying on business and operating in Nova Scotia.

21.1 The *Occupational Health and Safety Act*, 1996, c.7, s.1, is hereby incorporated by reference and must be followed by all employers, contractors, constructors, suppliers, owners and employees and each shall take every precaution that is reasonable in the circumstances to ensure the health and safety of all persons at or near a workplace.

22. All not-for-profit and for-profit businesses and organizations operating or carrying on business in Nova Scotia may not carry out COVID-19 Point of Care Screening Tests (PCTs) unless the business or organization:

(a) has obtained prior approval from the Office of the Chief Medical Officer of Health; and

(b) complies with any direction issued by me, as Chief Medical Officer of Health.

23. Subject only to specific closures or limitations directed elsewhere in this Order, all not-for-profit and for-profit businesses and organizations operating or carrying on business in Nova Scotia may continue to operate but must implement physical distancing of 2 metres (6 feet) within all workplaces and meeting spaces, except where otherwise provided in this Order.

23.1 Any not-for-profit or for-profit business or organization carrying on business in Nova Scotia that cannot maintain the physical distancing requirements set out in section 13 of this Order must limit the number of customers or clients on its premises to no more than 5 persons at a time.

24. Restaurants and liquor licensed establishments are:

(a) restricted to providing food and alcohol take-out and delivery service only; and

(b) prohibited from offering in-person dining, except to serve guests of the hotel within which a restaurant or licensed establishment is located.

24.1 Restaurants offering in-person dining service under section 24(b) must:

(a) collect and maintain records of each patron contact information that includes the following minimum data:

(i) name(s);

(ii) contact telephone number;

(iii) date; and

(iv) time,

that the patron was at the restaurant or liquor licensed establishment;

(b) retain information collected under section 24.1 for a period of 30 calendar days and destroy it on the following day immediately thereafter;

(c) provide the information collected under section 24.1 to the Chief Medical Officer of Health or his delegate in electronic form; and

(d) only use the information collected under section 24.1 for the purpose of provision to the Chief Medical Officer of Health in compliance with this Order and may not use it for any other purpose.

24.2 Liquor licensed establishments and non-liquor licensed establishments, including community centres, charities or organized clubs, are prohibited from hosting patrons for activities such as darts, pool, bingo or bowling.

25. Regulated and unregulated health professions practicing may continue to practice and provide services within their scope of practice if they have a Workplace COVID-19 Prevention Plan that has been approved by the Chief Medical Officer of Health.

26. All not for-profit, for-profit businesses, organizations and professions named in Part IV of this Order shall, as a requirement of their ongoing operations, develop and comply with a Workplace COVID-19 Prevention Plan, as amended from time to time.

26.1 In addition to the physical distancing requirements and person limit rule set out in sections 13 and 23.1, the Workplace COVID-19 Prevention Plan required by section 26 shall address the following:

- (a) how to work and interact with customers or clients;
- (b) physical distancing in the workplace;
- (c) cleaning;
- (d) equipment;
- (e) preparing employees to return to work;
- (f) preparing for customers or clients; and
- (g) monitoring and communicating of plan,

and may be substantially similar to those proposals listed in Schedule "B", located at: <https://novascotia.ca/coronavirus/docs/Schedule-B-HPA-Order.pdf> for similar businesses or health professionals and must be made available for review by the Chief Medical Officer of Health.

26.2 All businesses or regulated health professionals that are a member of an association listed in Schedule "B" must adopt as their Workplace COVID-19 Prevention Plan the proposal submitted by their association and must be made available for review by the Chief Medical Officer of Health.

26.3 For greater certainty, in the case of conflict between a Workplace COVID-19 Prevention Plan and this Order, the more stringent provision applies.

27. Casino Nova Scotia (Halifax and Sydney locations) and Video Lottery Terminals are closed.

28. Subject to 28.2, all not-for-profit and for-profit fitness facilities such as gyms and yoga studios, sport and recreational facilities such as pools, arenas, tennis courts, and large multipurpose recreation facilities:

- (a) are closed to patrons,
but may open
- (b) to offer virtual classes; and

(c) to perform administrative and operational functions.

28.1 Businesses and organizations that offer indoor recreation and leisure activities such as indoor play areas, arcades, climbing facilities, dance classes and music lessons are closed.

28.2 All not-for-profit and for-profit fitness facilities, recreation and leisure businesses, and organized clubs may offer outdoor fitness classes and other recreational activities up to a maximum capacity of 5 persons, or multiple groups of 5 each on their premises, while ensuring 2 metres (6 feet) physical distance between participants.

29. All personal service establishments such as hair salons, barber shops, spas, nail salons and body art establishments are closed for provision of personal services but may sell retail products in accordance with section 31.3.

30. The Art Gallery of Nova Scotia and all museums and public libraries are closed, but libraries may offer curb-side pickup and drop-off of books and other materials.

31. For the purpose of sections 31.1 and 31.2, "retail business" means a business operating on an ongoing basis at a fixed location primarily selling goods or products for use or consumption by individual purchasers.

31.1 Retail business primarily or substantially providing consumer products essential to the life, health or personal safety of individuals and animals, including:

- (a) food;
- (b) pharmaceutical products, medicine and medical devices;
- (c) personal hygiene products;
- (d) cleaning products;
- (e) baby and childcare products;
- (f) gas stations and garages;
- (g) computer and cell phone service and repair;
- (h) electronic and office supplies;
- (i) hardware supplies and home appliances;
- (j) pet and animal supplies;
- (k) gardening supplies;
- (l) workplace safety supplies; and
- (m) automobile purchases (by appointment only); and
- (n) laundromats,

may remain open but must, at all times, limit the number of customers in the store to a maximum of 25% of store capacity.

31.1.2 Effective at 8 a.m. May 8, 2021:

(a) all persons present or residing in Nova Scotian must designate one person per household to carry out purchase of products essential to the life, health or personal safety of individuals and animals; and

(b) retail businesses operating under section 31.1 to 31.2.1 must limit one person per household to enter to their business to complete purchase of products essential to the life, health or personal safety of individuals and animals,

but

(c) exceptions to (a) and (b) may be made for children and caregivers.

31.2 NSLC and their Agency Stores may remain open but must, at all times, limit the number of customers in the NSLC retail stores and their Agency Stores to a maximum of 25% of store capacity.

31.2.1 Liquor boutiques, distilleries, breweries and wineries:

(a) may remain open but must, at all times, limit the number of customers to a maximum of 25% of store capacity,

but

(b) are prohibited from offering in-person tastings, samplings or in-person dining.

31.3 All other retail businesses must restrict customer service to online, delivery, or door side or curbside pick-up and should restrict in store presence only to staff and no customers shall be permitted in such retail stores.

31.4 For greater clarity:

(a) shopping malls may remain open to facilitate the shopping as outlined in sections 31.1 to 31.3; and

(b) customers may

(i) may enter the mall to complete their shopping transaction while using contactless payment, whether for in-person shopping under section 31.1 and 31.2, or for curb-side pickup;

(ii) must go directly to the retail business to complete their shopping transaction;

(iii) may line up outside the entrance of the retail business while maintaining a physical distance of at least 2 metres (6 feet) from other

persons inside the shopping mall; and

(iv) must wear a mask as defined in section 18 while in the shopping mall to complete their purchase, unless they are entitled to any of the exceptions set out in section 18.3,

(c) no line up outside any one retail business located inside the shopping mall shall exceed 5 persons;

(d) the person responsible for the shopping mall must ensure that:

(i) music is not played at the place of business at a decibel level that exceeds the level at which normal conversation is possible, and in any event no greater than 50 db;

(ii) customers are not permitted to loiter in any area of the shopping mall; and

(iii) directional markings are provided to manage the flow of persons within the mall,

(e) the non-retail public areas in the mall shall be closed, other than for traffic flow/store access and washroom access; and

(f) notwithstanding clause 31.4(e), food courts are closed to the public but:

(i) food court vendors may provide services to persons who work in the mall;

(ii) tables in food courts may only be used by persons who work in the mall;

(iii) a minimum of 2 metres (6 feet) is maintained between patrons seated at food court tables and between other patrons in the food court;

(iv) patrons must wear a mask as defined in section 18 except when consuming food or beverages; and

(iv) each food court vendor may offer takeout food service.

31.5 For greater certainty, shopping malls are closed to the public for in-person shopping as set out in section 31.4 and persons are prohibited from going to a mall except to complete a purchase transaction as set out in section 31.4 or to enter their workplace located in the mall.

PART V EXCEPTIONS

32. Under exceptional circumstances and under the authority granted to me as the Chief Medical Officer of Health under Part I of the *Health Protection Act*, I may exercise discretion to grant an exception to any term and condition of this Order.

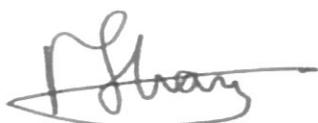
PART VI PENALTIES

33. Any direction provided by a medical officer of health to a person, business, organization or other entity pertaining to COVID-19 and the terms and conditions of this Order must be followed.

34. Failure to comply with this health protection order may be considered a breach of this Order issued under the *Health Protection Act* and may result in penalties under the *Act*.

This Order remains in effect until notice is provided by myself, as Chief Medical Officer of Health, under the authority granted under Part I of the *Health Protection Act* and will be updated from time to time.

Signed:

A handwritten signature in black ink, appearing to read 'R Strang', is written over a horizontal line. A vertical line is drawn to the right of the signature.

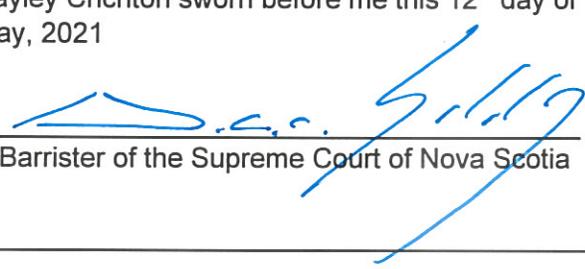
Dr. Robert Strang
Chief Medical Officer of Health
Nova Scotia Department of Health and Wellness

cc The Honourable Iain Rankin, Premier of Nova Scotia
The Honourable Zach Churchill, Minister of Health and Wellness
Laura Lee Langley, Deputy to the Premier and Clerk of Executive Council
Dr. Kevin Orrell, Deputy Minister of Health and Wellness
Dr. Shelley Deeks, Acting Deputy Chief Medical Officer of Health
Tina M. Hall, Legal Counsel, Nova Scotia Dept. of Justice

2021

Hfx No.

This is Exhibit "B" referred to in the Affidavit of
Hayley Crichton sworn before me this 12th day of
May, 2021



A Barrister of the Supreme Court of Nova Scotia

DUANE A. C. EDDY
A Barrister of the Supreme
Court of Nova Scotia



2021

Hfx No.

This is Exhibit "C" referred to in the Affidavit of
Hayley Crichton sworn before me this 12th day of
May, 2021



A Barrister of the Supreme Court of Nova Scotia

DUANE A. C. EDDY
A Barrister of the Supreme
Court of Nova Scotia



BACKGROUND

Date: May 11, 2021

Prepared for: Department of Justice Legal Services, Government of Nova Scotia

Prepared by: Office of the Chief of Police, Halifax Regional Police

Subject: Rallies/public gatherings in the province – Sample correspondence & Service call totals

Contents:

1. Samples of related email correspondence received by HRP
2. Samples of related social media comments in which HRP was tagged
3. Graph delineating calls for service for COVID-19 (March 2020 to end of April 2021)

HALIFAX

Halifax Regional Police
1975 Gottingen Street
Halifax, Nova Scotia B3J 2H1

t: 902.490.5016
halifax.ca/police

1.

Email correspondence on COVID-19 gathering violations:

- The following images are samples of emails that were sent to Halifax Regional Police's general contact mailbox (contactHRP@halifax.ca) and to police, municipal and provincial government representatives. The emails reference mass gatherings and events that are in contravention of the Public Health Order.

From: [REDACTED]
Sent: Sunday, May 9, 2021 11:12 PM
To: HRP, Contact <contactHRP@halifax.ca>
Subject: [External Email] General email inquiry

[This email has been received from an external person or system]

Hello,

Can I just say I'm outraged by the previous Freedom Rally and upcoming one in Halifax on May 15th. I'm a frontline Healthcare worker, fully vaccinated, but very well could have to be redeployed to a COVID-19 unit with the way it's going here and a large gathering of people are gathering from all over. Wow. Just wow. I'm not seeing anybody, live alone, walking in my neighborhood yet these people are gathering for their freedom during a global pandemic. I spoke with a coworker today who is completely baffled as to why this is allowed too. They should all be fined. Vaccines are not 100%. So I could end up getting it and getting very ill, or a loved one who hasn't been vaccinated yet could get it indirectly from this rally due to variants being more transmissible. I hope this rally is stopped. There's also misinformation being spread on the Facebook website. Should be shut down too.

[REDACTED]

From: [REDACTED]
Sent: Saturday, May 1, 2021 7:45 PM
To: HRP, Contact <contactHRP@halifax.ca>
Subject: [External Email] General email inquiry

[This email has been received from an external person or system]

Good evening..
As I'm sure you're already aware; [REDACTED]
[REDACTED] has hosted another rally today.

She tells approximately how many people are at the gathering and none of them are wearing masks.. she refers to this event as a gathering and not a protest in this video.

[REDACTED]

Hoping you're getting lots of complaints about this so you will fine her to discourage her from having more during the time when we've had the highest cases.

From: [REDACTED]
Sent: Tuesday, April 27, 2021 3:12 PM
To: HRP, Contact <contactHRP@halifax.ca>
Subject: [External Email] Covid risk & community spread

[This email has been received from an external person or system]

Hi,
My name is [REDACTED] and I am a paramedic working in New Brunswick. I am from Nova Scotia, and all of my family and friends are there right now. There was an anti-mask rally held in Bridgewater these past few days and I find it absolutely disgusting. The leader of these rally's is bragging on social media, today, that she is holding and hosting another one in Halifax on May 1st - even after new restrictions and guidelines were put in place due to the spike in active cases. I find it appalling that the Bridgewater police did nothing about the horrendous events while this was taking place. I would surely hope that the Halifax Police do better and have higher standards. These anti-maskers should be held accountable for their childish and uneducated actions, they should be treated the same way as the DAL students are being treated, and if they aren't, I assure you the public will see and be aware of that - these people should have consequences from their actions, "peaceful" protest or not, it is a huge risk and completely ignorant, selfish and irresponsible.

From: [REDACTED]
Date: Tue, May 4, 2021 at 1:42 PM
Subject: Violation of Health Protection
To: boond@halifax.ca <boond@halifax.ca>

Good day Inspector Boon,

First, I want to thank HRP for doing their very best with all the difficult situations they encountered in the past year. Certainly, COVID has affected us all and our police department.

On May 3, 2021, the RCMP published a new release that two men were charge violating the Health Protection Act for non-essential travel outside their community. Dr. Strang has been very clear that we should stay in our community, stay where we live/grocery shop etc., except for essential travel (medical, dental, work) - That makes sense.

What does not make sense is that the protesters that socially gathered on Citadel Hill came from all parts of Nova Scotia, and not one protester was charged with non-essential travel outside their community/municipality.

The recent HRP statement indicated that the officers worked with the organizers for days leading up to the event. The organizers, including [REDACTED] are aware that their followers are from everywhere in this province. They had protests here in HRM, Bridgewater, Annapolis Royal for the past few months. The organizers knew that the followers were doing non-essential travel to Halifax, and to date, we have not seen any fines.

In their proactive work, did HRP request to see the protesters' driver's licence or is it that because that they can protest under the Charter, they can also go wherever they want, regardless of Health Protection Act for non-essential travel. We, the citizens of Nova Scotia also have a right to be protected by groups that may endanger our health and livelihood.

As we know, the Canadian constitution allows for restrictions on some liberties where our health and safety are at stake, and it would be for the greater public good that some individual rights might be breached. As such, the right to freedom of movement is not absolute and can be restricted when needed for the public's health. Section 7 of the Charter guarantees the life, liberty and security of the person. These rights are at risk when Nova Scotians cannot go to work and earn a living and are told to isolate or avoid going out whenever they wish.

As a citizen and a veteran, I do my part every day. I cannot see my son nor my grandchild as we do not live in the same community (Cole Harbour/Wellington). As such, why were protesters allowed to travel to Halifax and get away with it? This is deeply concerning because they now know that they cannot be fined, and they are planning to go to Cape Breton on May 15, 2021 (the next worldwide protest).

Thank you for taking the time to read my email and I hope that more can be done to protect our lives and livelihood.

Attached are screen shots (4) that friends sent me of individuals who posted where they live and/or posted that they attended the rally.

[REDACTED]

From: [REDACTED]
Date: 2021-05-06 8:58 PM (GMT-04:00)
To: "Boon, David" <boond@halifax.ca>, Premier@novascotia.ca, covid19info@novascotia.ca, info@iainrankin.ca, Mayor <mayor@halifax.ca>
Subject: [External Email] Re: [External Email] RE: [External Email] Fwd: Violation of Health Protection

[This email has been received from an external person or system]

Thank you Inspector Boon for confirming my email.

I must say that, with all the spike in cases we are having, the Freedom NS is aiming to get 10,000 ppl and are working with HRP, again!

Our rights to be protected as citizens under the Charter has to trump their selfish need to protest.

We are all exhausted with covid and no one understand why they are allowed to protest and drive from everywhere in the province and avoid fines.

At this point, it is clear that nothing will be done and these people will again get they way.

2.

Sample social media comments and messages for COVID-19 gathering violations:

The following images are sample social media comments, event listings and direct messages that reference mass gatherings and events that are in contravention of the Public Health Order.



Jack Hamilton Smythe 🇺🇪🇨🇦
@Bokehmagic

...

@HalifaxToday @HfxRegPolice @IainTRankin this has been posted on Facebook a couple of hours ago. This need to be stopped, as per Dr strang and the premier new restrictions, it's a gathering and non essential. Covid has over taken our healthcare, people are dying. STOP THIS NOW!



Jennifer K Hanrahan



SATURDAY, MAY 15, 2021 AT 1 PM UTC...

World Wide Rally for Freedom - Halifax

Citadel Hill • Halifax



janie anderssen
@freckledred761



Replying to [@HfxRegPolice](#) and [@nshealth](#)

I'm noticing there is another "Freedom Rally" scheduled for May 15th (the time and location keep changing but as per your last response on this issue you seem to have the inside scoop)...I trust you will make your presence known and there will be consequences this time around?

9:48 AM · May 11, 2021 · Twitter for iPhone



Amanda
@MysticIntuitive



Replying to [@HfxRegPolice](#) and [@nshealth](#)

As an essential worker, please don't allow this to happen. These people who protest masks and lockdowns is a slap in the face to us front line workers who have no choice but to serve these people while risking our safety each and everyday because of their selfish behaviour 🙄

12:18 PM · May 11, 2021 · Twitter for iPhone

1 Retweet 26 Likes



Karen Janigan
@KarenJanigan



Replying to [@HfxRegPolice](#) and [@nshealth](#)

Hoping that means an active police presence to keep 'Freedom Nova Scotia' from bullying our communities.

12:04 PM · May 11, 2021 · Twitter for Android

1 Retweet 16 Likes



Heather 🇨🇦 🐾 🍌 🍷
@BengalGurl



Replying to @girrf_friday and @HfxRegPolice

Needs to be shut down, or let them protest, with masks, socially distant and not gathering in groups, or fine them all.

4:57 PM · May 10, 2021 · Twitter Web App

1 Retweet · 8 Likes



Proud Bluenoser 🇨🇦 @long17_de · May 3



That's great. Now please have this same conversation with the @HfxRegPolice. The protesters on Citadel Hill should have been ticketed and dispersed. No exceptions to breaking restrictions!



2



2



65



Karen Congdon
@mommakjay



Replying to @long17_de @IainTRankin and @HfxRegPolice

There likely would have been a riot. Those people are looking to break rules so they can complain about how their right were taken away from them. Cops would have been out numbered.

9:32 PM · May 3, 2021 · Twitter for Android



notyourlittlegirl
@karenforcarin



Replying to @HfxRegPolice

As a health worker I am very disappointed by this call. I know there are things I do not understand about policing. But I know that this event and organizers are one of our biggest threats to public safety and your lack of action has emboldened these troubling antifact warriors.

7:20 PM · May 3, 2021 · Twitter for iPhone

1 Like



NS Plover
@NSPlover



Replying to @HfxRegPolice and @nshealth

Can you explain why Freedom Nova Scotia is being permitted to have a large rally on Citadel Hill on May 15th while everyone else has gathering limits?? Why are there two sets of rules??

7:07 AM · May 9, 2021 · Twitter Web App



7:34

Freedom Nova Scotia

Home Groups Events Reviews Videos Photos

Freedom Nova Scotia 2h

Hello all! Here is our "Going" update from last night. We really hope to see you on the 15th but whether you can make it or not, we appreciate you supporting... See More

15

SATURDAY, MAY 15, 2021 AT 1 PM UTC-03 - 3 PM UTC

World Wide Rally for Freedom

Interested **73**

Going **62**

7:37

FREEDOMNOVASCOTIA Posts Follow

freedomnovascotia

FREEDOM

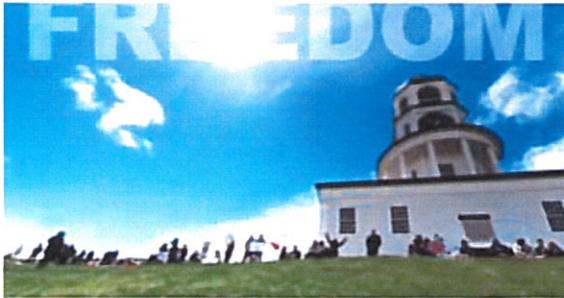
TAKE THE HILL FOR TRUTH & CHOICE

MAY 15 1 PM

CITADEL HILL, HALIFAX

@freedomnovascotia

CHOOSING YOUR COVID-19 VACCINE



SATURDAY AT 1 PM UTC-03 - 3 PM UTC-03
World Wide Rally for Freedom - Halifax
Citadel Hill Halifax

Interested Going Share More

- Event by Freedom Nova Scotia
- Citadel Hill
5425 Sackville St Halifax NS Canada
- Saturday at 1 PM UTC-03 - 3 PM UTC-03
5 days from now 5-14°C Partly Cloudy
- Price: Free - Duration: 2 hr
- Public - Anyone on or off Facebook

About Discussion

Details

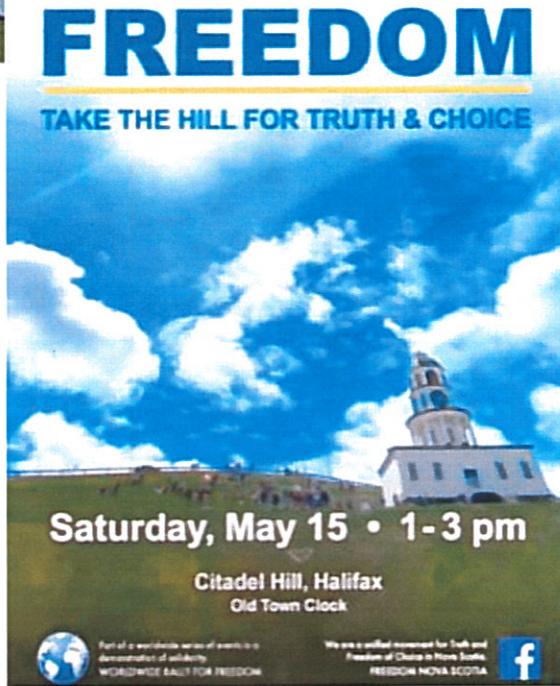


Posts

Photos

Dena Churchill 7h

For those with ears to hear, eyes to see and hearts to make a change..... we'll see you on the hill.

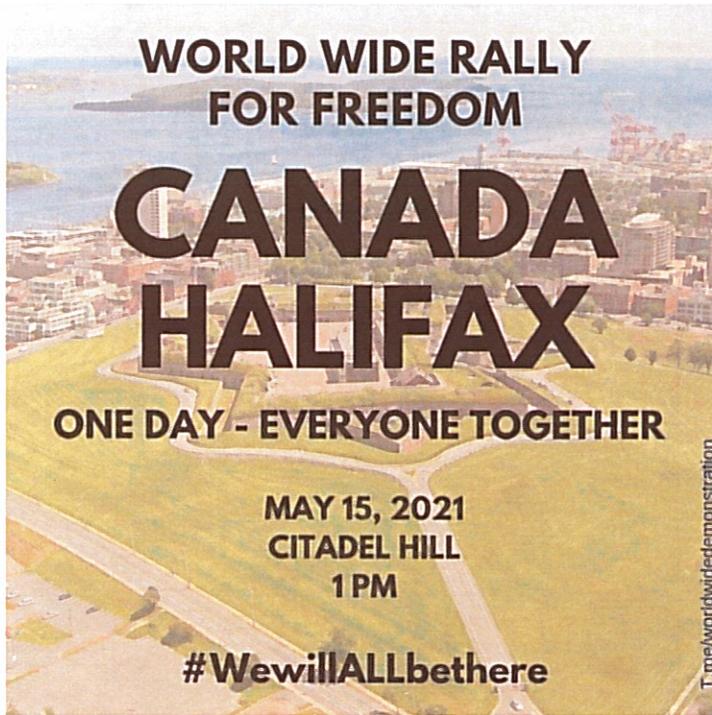


61 2 Comments 23 Shares





freedomnovascotia

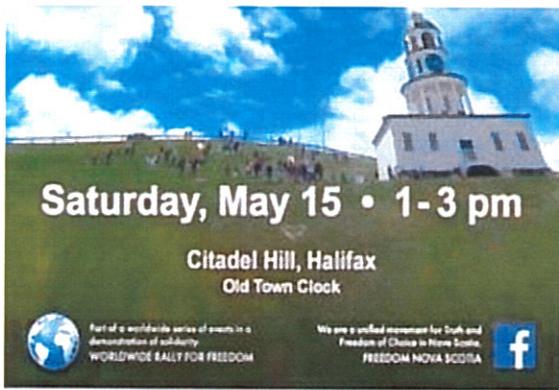


Liked by samuriiexe and others

freedomnovascotia #wewillallbethere
#worldwidefreedomrally #wedonotconsent

[View all 3 comments](#)

1 day ago

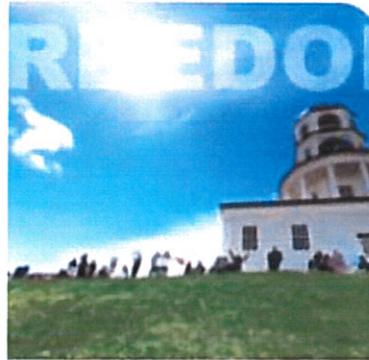


👍👎🗨️ 9

4 Comments

Will this be stopped before it begins? It is really frustrating even with one's right to free speech. Health and safety first! Law Enforcement should not be fining the general public but not a rally group. Thank you.

<https://www.facebook.com/events/167136455218068/?ref=newsfeed>



World Wide Rally for Freedom - Halifax

Saturday May 15, 2021

at 1:00 PM

Citadel Hill

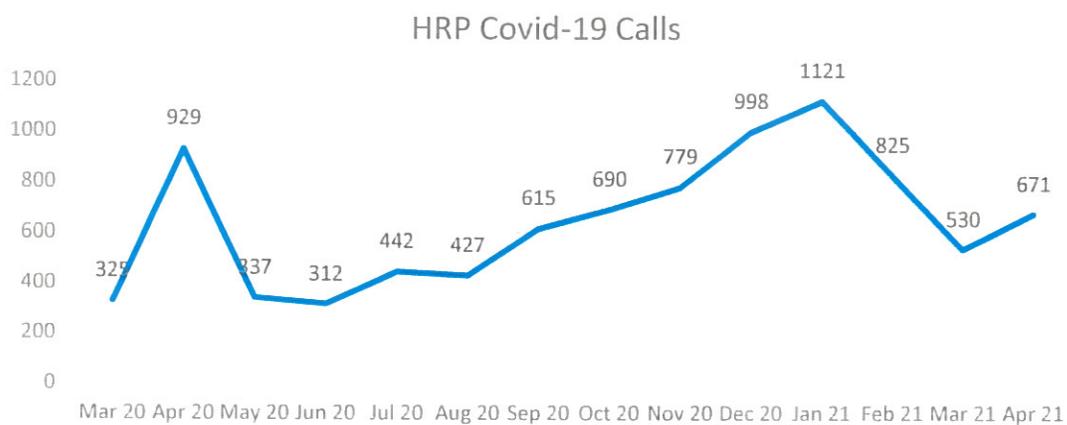
Wellness 160 people

is this rally still being held during current lockdown restrictions?

3.

Calls for service - Covid-19 data March 2020 – April 2021*

Note that these calls for service aren't simply for gathering complaints, but for all COVID-19 related calls.

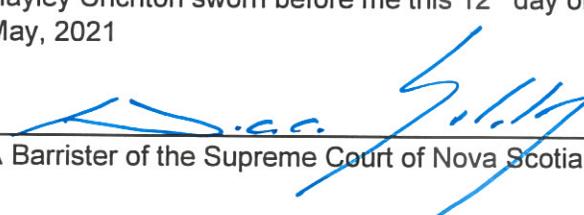


*These stats are being provided for the purposes of informing this backgrounder to help inform the review and potential enhancement of current COVID-19 restrictions, and, are not to be shared publicly without the prior consent of HRP.

2021

Hfx No.

This is Exhibit "D" referred to in the Affidavit of
Hayley Crichton sworn before me this 12th day of
May, 2021



A Barrister of the Supreme Court of Nova Scotia

DUANE A. C. EDDY
A Barrister of the Supreme
Court of Nova Scotia

Freedom Nova Scotia

Here is our daily event update! Thank you for all the amazing support and shares people! We have already beat the highest amount of shares previous rallies had! We were at 77 last night - let's make it to 100 today! And don't forget to let your fellow freedom fighters know that they can route their people from the event page and the shared list is crucial! Four more sleeps and we take the climb up the hill!



World Wide Rally for Freedom

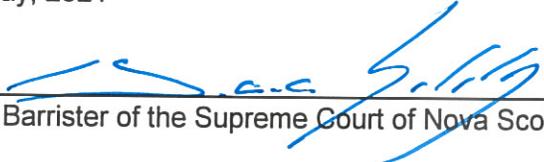
Interested 80

Message

2021

Hfx No.

This is Exhibit "E" referred to in the Affidavit of
Hayley Crichton sworn before me this 12th day of
May, 2021



A Barrister of the Supreme Court of Nova Scotia

DUANE A. C. EDDY
A Barrister of the Supreme
Court of Nova Scotia

**WORLD WIDE RALLY
FOR FREEDOM**

**BARRINGTON
NOVA SCOTIA**

ONE DAY - EVERYONE TOGETHER

**MAY 15, 2021
BARRINGTON
BALL FIELD
6PM**

#weWillALLbeThere

2021

Hfx No.

This is Exhibit "F" referred to in the Affidavit of
Hayley Crichton sworn before me this 12th day of
May, 2021


A Barrister of the Supreme Court of Nova Scotia

DUANE A. C. EDDY
A Barrister of the Supreme
Court of Nova Scotia

**WORLD WIDE RALLY
FOR FREEDOM**

CANADA DARTMOUTH

ONE DAY - EVERYONE TOGETHER

**MAY 15, 2021
ALDERNEY LANDING
1 PM**

#WewillALLbether

T.me/worldwidemonstration

2021

Hfx No.

This is Exhibit "G" referred to in the Affidavit of
Hayley Crichton sworn before me this 12th day of
May, 2021


A Barrister of the Supreme Court of Nova Scotia

DUANE A. C. EDDY
A Barrister of the Supreme
Court of Nova Scotia

Tasha Everett is with Tommy Everett

12PM tomorrow! Be there! It's time we have more notice than ever before! Tractors have our backs, and are planning to block the highway with us. Let's stand together, divided we fall!

WE SHALL NOT FLAG NOR FAIL. WE SHALL GO ON TO THE END.

[Like] [Share]

Tasha Everett

It's amazing how how that these new restrictions are affecting so many people, people now want to stand up for their rights. Where was all your outrage for the past many months. You don't actually think the government was going to stop at gathering limits and masks do you?

[Like] [Share]



This is **Exhibit “B”** to the Affidavit of Cara
Zwibel affirmed before me on May 27, 2021

Benjamin Perryman

A barrister of the Supreme Court of Nova Scotia
and Ontario Superior Court of Justice

2021

MAY 14 2021

HALIFAX, N.S.

Hfx. No.

506040

Supreme Court of Nova Scotia

Between:

The Attorney General of Nova Scotia representing Her Majesty the Queen in Right of the Province of Nova Scotia, the Department of Health and Wellness, and the Chief Medical Officer of Health

Applicant

and

Freedom Nova Scotia, John Doe(s), Jane Doe (s), Amy Brown, Tasha Everett, and Dena Churchill

Respondents

INJUNCTION ORDER

BEFORE THE HONOURABLE JUSTICE SCOTT NORTON IN CHAMBERS:

WHEREAS a Notice of Application in Chambers (*ex parte*) for a *quia timet* injunction was filed by the Attorney General of Nova Scotia on May 12, 2021, pursuant to the *Health Protection Act* 2004, c. 4, s. 1;

AND WHEREAS a hearing was held in respect of that application on May 14, 2021, with Duane Eddy representing the Attorney General of Nova Scotia;

AND UPON reviewing the materials filed herein;

AND UPON reviewing the affidavit of Dr. Robert Strang, Chief Medical Officer of Health, and the affidavit of Hayley Crichton;

AND UPON hearing submissions of counsel for the Attorney General of Nova Scotia;

IT IS ORDERED THAT:

1. The application is granted without costs to any party.
2. For the purpose of this Order an "Illegal Public Gathering" has the same meaning and definition as set out in the Public Health Order titled "Restated Order #2 of the Chief Medical Officer of Health Under Section 32 of the *Health Protection Act*, 2004, c.4, s.1" dated May 13, 2021, issued by Dr. Robert Strang.
3. The Respondent and any other person acting under their instruction or in concert with the Respondent or independently to like effect and with Notice of this Order, shall be restrained anywhere in the Province of Nova Scotia from :



- a. organizing an in person gathering, including requesting, inciting, or inviting others to attend an "Illegal Public Gathering";
- b. promoting an Illegal Public Gathering via social media or otherwise;
- c. attending an Illegal Public Gathering of any nature whether indoors or outdoors as set out in the Public Health Orders, as amended, and issued by Dr. Robert Strang, Chief Medical Officer of Health, under section 32 of the *Health Protection Act*.

4. Any member of any Police Service, as defined in the *Police Act* 2004, c. 31, s. 1, or any peace officer as defined in the *Criminal Code*, RSC 1985, c C-46 (collectively, "Law Enforcement"), is authorized to use reasonable force in arresting and removing any person who has notice of this Order and whom Law Enforcement has reasonable and probable grounds to believe is contravening this Order. Upon arresting any person pursuant to this Order, Law Enforcement may detain such person until they may be dealt with in accordance with this Order.

5. Any member of Law Enforcement who arrests, detains, or removes any person pursuant to this Order (hereinafter, the "Offending Party"), is authorized to:

- a. bring the Offending Party, as soon as possible, before a Justice of the Supreme Court of Nova Scotia, and the Offending Party will be required to show any reason why there should be no finding of Civil Contempt at a hearing before a Justice of the Supreme Court of Nova Scotia;
- b. issue a summons that requires the Offending Party to appear before a Justice of the Supreme Court of Nova Scotia, as soon as possible, and the Offending Party will be required to show any reason why there should be no finding of Civil Contempt at a hearing before a Justice of the Supreme Court of Nova Scotia; or
- c. release the Offending Party from arrest upon that person agreeing in writing to undertake to both:
 - i. appear in person before a Justice of the Supreme Court of Nova Scotia at such time and place as may be fixed for the purpose of being proceeded against for contempt of court, or for fixing a date for such a proceeding; and
 - ii. obey the Public Health Order issued by the Chief Medical Officer of Health, dated May 13, 2021, as amended.
- d. detain such person in custody until such time as it is possible to bring that person before this Court.

6. Service of the Order shall be made upon the individual named Respondents via posting copies of the Order to their respective email addresses and on-line social media accounts. In addition, a copy of this Order shall be posted as is possible on all social media platforms associated with the Respondent Freedom Nova Scotia and Worldwide Rally for Freedom and Democracy. A person shall be deemed to have Notice of this Order upon the Order being published on the Government of Nova Scotia's COVID-19 internet website: <https://novascotia.ca/coronavirus/>, the Order is published in a public forum by the Government of Nova Scotia, or if it is read to them.

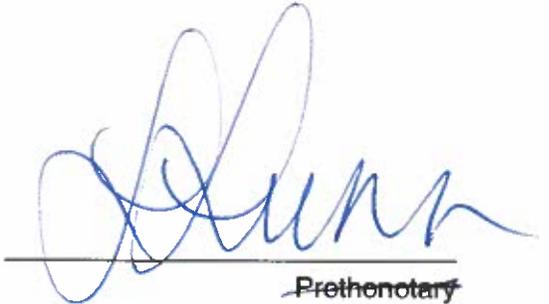
7. The provisions of this Order are additional to and do not limit, exclude, or derogate from:

- a. any powers of Law Enforcement, including but not limited to their powers under the *Criminal Code* and/or applicable provincial legislation; and
- b. any powers under the *Health Protection Act* and Public Health Orders issued under the *Health Protection Act*.

8. This Order shall remain in force until varied or discharged by a further Order of the Court.

9. The Respondents and anyone with notice of this Order may apply to the Court at any time to vary or discharge this Order or so much of it as affects such person, in accordance with the process provided in the *Civil Procedure Rules* but no such motion shall in any way excuse that person from compliance with the terms of this Order.

Issued at Halifax, Nova Scotia on May 14, 2021.



Prothonotary

LORRAINE LUNN
Deputy Prothonotary

IN THE SUPREME COURT
COUNTY OF HALIFAX, N.S.
I hereby certify that the foregoing document,
identified by the seal of the court, is a true
copy of the original document on the file herein.

MAY 14 2021



Deputy Prothonotary

LORRAINE LUNN
Deputy Prothonotary

This is **Exhibit “C”** to the Affidavit of Cara
Zwibel affirmed before me on May 27, 2021

Benjamin Perryman

A barrister of the Supreme Court of Nova Scotia
and Ontario Superior Court of Justice

**RESTATED ORDER #2 OF THE CHIEF MEDICAL OFFICER OF HEALTH UNDER
SECTION 32 of the *HEALTH PROTECTION ACT* 2004, c. 4, s. 1.**

May 21, 2021

Update Log:

May 21, 2021: Sections 2-2.3, 10-10.1, 12.1, 12.3, 13A, 18.3, 18.7, 19, 20, 21A and 31-31.2.1 (amended) and Sections 15.3.1., 26.4-26.5 and 28.3 (new)

May 13, 2021: Sections 2-2.3, 3.2, 7-7.1, 13A, 13.2, 20 and 21A (amended) and Sections 13.5-13.6 (new)

May 8, 2021: Sections 2-2.3, 3.1-3.2, 4-4.2, 10, 11, 12.1, 12.3-12.4, 13A, 19-19.2, 20, 21A, 22 and 31.1 (amened), and Sections 13.4 and 31.1.2 (new)

May 4, 3021: Sections 2.2, 28.2 and 31.1 (amended) and Section 13.3 (new)

April 29, 2021: Sections 24.3 and 31.2 (amended) and Section 31.2.1 (new)

- TO: 1.) All persons residing in or present in the Province of Nova Scotia;**
- 2.) All not-for-profit and for-profit businesses and organizations operating or carrying on business in Nova Scotia;**
- 3.) Such other persons or entities as may be identified by the Chief Medical Officer of Health or otherwise as set out in this Order.**

ORDER made pursuant to Section 32 of the *Health Protection Act* (Nova Scotia)

WHEREAS Section 32 of the *Health Protection Act* states:

32 (1) Where a medical officer is of the opinion, upon reasonable and probable grounds, that:

(a) a communicable disease exists or may exist or that there is an immediate risk of an outbreak of a communicable disease;

(b) the communicable disease presents a risk to the public health; and

(c) the requirements specified in the order are necessary in order to decrease or eliminate the risk to the public health presented by the communicable disease,

the medical officer may by written order require a person to take or to refrain from taking any action that is specified in the order in respect of a communicable disease.

WHEREAS COVID-19 has been identified as a communicable disease that presents a risk to public health as defined under s.4(b) of the *Health Protection Act*, and;

WHEREAS I am the Chief Medical Officer of Health for the Province of Nova Scotia and am of the opinion, upon reasonable and probable grounds, that

(a) a communicable disease (COVID-19) exists; and that there is an immediate risk of an outbreak of the communicable disease;

(b) the communicable disease presents a risk to the public health; and

(c) the requirements specified in the order are necessary to decrease or eliminate the risk to the public health presented by the communicable disease, and;

WHEREAS as the Chief Medical Officer of Health, I have determined it necessary to issue this Order to the Class of Persons to decrease the risk to public health presented by COVID-19.

Please be advised that:

I, Dr. Robert Strang, Chief Medical Officer of Health, **order** the following:

PART I ENTRY, ISOLATION AND QUARANTINE REQUIREMENTS

1. In this Order,

(a) “self-isolate” means the requirement of any person who has COVID-19 to remain separate from others in such places and under such conditions to prevent or limit the direct or indirect transmission of COVID-19; and

(b) “self-quarantine” means the requirement of any person who has been exposed or may have been exposed to COVID-19 during its period of communicability to restrict that person’s activities in order to prevent disease transmission during the incubation period for this disease.

2. Effective 8:00a.m. May 21, 2021, all persons are prohibited from entering Nova Scotia, except as stated herein or set out elsewhere in this Order:

(a) permanent residents of Nova Scotia and their spouses, partners and dependant children when travelling together;

(b) persons who have engaged in essential travel outside Nova Scotia; or

(c) spouses, partners and dependant children of the following persons engaged in essential travel, when travelling together with that person:

- (i) students coming to study in Nova Scotia;
- (ii) essential health care workers;
- (iii) Canadian Military and Defence Team personnel, Coast Guard, RCMP, Canadian Border Services Agency, and Canadian Security Intelligence Service; and
- (iv) a person who has been granted an exception in accordance with section 32.

2.1 Where any person travels into Nova Scotia in contravention of this Order, a peace officer is hereby authorized and directed to return that person to an interprovincial border and require the person to leave the Province immediately or at such a time as may be directed, and in doing so, may exercise authority under section 46 of the *Health Protection Act*.

2.2 For the purpose of section 2(b), persons engaged in essential travel means:

- (a) a resident of Nova Scotia whose primary employment is in another province;
- (b) a person required to participate in-person in a legal proceeding in another province;
- (c) students who are:
 - (i) international students registered for online or in-person study at a Nova Scotia designated learning institution;
 - (ii) domestic (Canadian) students who are registered for in-person study in the Spring/Summer 2021 semester at a Nova Scotia designated learning institution; or
 - (iii) returning to their primary or family residence in Nova Scotia after studying outside Nova Scotia;
- (d) a party to a child sharing arrangement that requires entry into or exit from Nova Scotia;
- (e) a temporary foreign worker as set out in sections 7 to 7.1, a rotational worker as set out in sections 9 to 9.1, a specialized worker as set out in sections 10 and 10.1, and a fish harvester as set out in section 11;

- (f) essential health care workers;
- (g) a person exempt from self-quarantine following the exempt traveler protocol;
- (h) a person traveling between Nova Scotia and New Brunswick for work, school and child care only, while following the Nova Scotia-New Brunswick protocol;
- (i) a person required to travel to Nova Scotia for essential health services, with accompanying support persons;
- (j) a person and their immediate family members living in the same household who are moving to Nova Scotia and have:
 - (i) an unconditional Agreement of Purchase and Sale to purchase a home in Nova Scotia that was executed on or before May 1, 2021; or
 - (ii) a 1-year Lease Agreement for residential premises in Nova Scotia that was executed on or before May 1, 2021; or
 - (iii) ownership of property in Nova Scotia and either an Agreement of Purchase and Sale of their home or notice of termination of their Lease Agreement in another province or territory; or
 - (iv) an accepted Letter of Offer of Employment that is dated on or before May 7, 2021,

and a self-quarantine plan on entry into Nova Scotia that is subject to approval of the Chief Medical Officer of Health or his delegate; or

- (k) a person who has been granted an exception in accordance with section 32.

2.3 Effective 8:00a.m. May 21, 2021, all persons seeking entry into Nova Scotia must apply through the Nova Scotia Safe Check-in form and complete daily digital check-ins, located at: <https://travel-declaration.novascotia.ca/en>, except:

- (a) persons following the Nova Scotia-New Brunswick protocol;
- (b) professional truck drivers; and
- (c) persons who have received compassionate exceptions.
- (d) essential healthcare workers who travel to and from Nova Scotia and another province or territory to carry out their work duties on an ongoing regular basis or on a locum basis.

3.1 The requirements of section 3.2 apply to all persons residing in or present in the Province of Nova Scotia who:

- (a) have travelled outside Nova Scotia or reside in the same household of a person who has travelled outside Nova Scotia; or
- (b) are identified as a close contact of a person who has or has been diagnosed with COVID-19; or
- (c) are identified as a person diagnosed with COVID-19; or
- (d) have been tested for COVID-19 due to the presence of symptoms or as directed by public health and are awaiting the results of their test.

3.2 Effective 8:00a.m. May 21, 2021, those persons listed in section 3.1 must:

- (a) self-quarantine or self-isolate, for:
 - (i) the period commencing on the day of entry into Nova Scotia, and continuing thereafter for 14 consecutive days or as directed by a Medical Officer of Health, or
 - (ii) the first day of close contact, or first day of symptoms, testing, diagnosis, and continuing thereafter for 14 consecutive days or as directed by a Medical Officer of Health.
- (b) During the 14-day period, conduct themselves in such a manner as not to in any way expose any other person to infection or potential infection from COVID-19, and follow all infection control instructions given to them on the Government of Nova Scotia's website, at: <https://novascotia.ca/coronavirus/>, or given to them by Telehealth 811 staff, public health staff or any other staff of a healthcare facility to which they may seek or receive treatment.
- (c) After the 14-day period in section 3.2(a.) has lapsed, they may cease self-isolation or self-quarantine if they do not exhibit symptoms of COVID-19.

3.3 All persons are encouraged to complete the online assessment tool should they exhibit symptoms of COVID-19.

3.4 For greater certainty, persons required to self-isolate or self-quarantine in accordance with section 3.2 must remain in their residence or residence grounds and otherwise remove themselves from the presence of others in public while they may be infectious during the 14-day period, so that all precautions necessary to protect others are in place. Specifically, such persons must not enter any buildings, public transportation, or other enclosed spaces (other than their residence) where other people are present.

3.5 Notwithstanding section 3.2(a):

(a) persons who receive a negative COVID-19 test result after being referred for testing by the online assessment tool due to the presence of COVID-like symptoms may cease self-quarantine on the date of receipt of the negative test result.

(b) persons who are required to self-isolate or self-quarantine may leave their residence:

(i) to undergo COVID-19 testing as directed by a Medical Officer of Health;
or

(ii) for 1 outing per day for outdoor exercise within walking/running distance of their home or isolation site for a maximum of 1 hour.

4. Notwithstanding section 3.1(a), persons who reside in the same household as a person who has travelled into Nova Scotia or is returning to Nova Scotia from any geographic location outside Nova Scotia for essential travel, are not required to self-quarantine if the traveller, during their 14-day period of self-quarantine, meets all of the following criteria:

4.1 For essential travel set out in subsections 2.2, the traveller:

(a) stays at their place of residence;

(b) has their own separate room in the home (e.g. separate bedroom, basement or attic);

(c) sanitizes their hands before leaving the separate room;

(d) wears a non-medical mask when outside of their separate room;

(e) avoids being in the same space as other household members;

(f) has their own bathroom or if sharing a bathroom then cleans high touch surfaces (e.g. doorknob, tap, toilet handle, sink, etc.) after each use;

(g) has food and beverages prepared by others and accesses them in a non-contact manner;

(h) does not share dishes, drinking glasses, cups, eating utensils, towels, bedding or other items with others in the home;

(i) keeps their personal items (e.g. toothbrush, cups, cell phones, tablets, laptops, etc.) separate from those belonging to others; and

(j) does not share food, drinks or cigarettes or any other items that are put in the mouth.

4.2 For greater clarity, a person who travels to Nova Scotia from any geographic location outside Nova Scotia for non-essential travel must self-quarantine in accordance with section 3.2.

5. Notwithstanding sections 2 and 3.1, persons who are well and showing no symptoms of COVID-19 may enter Nova Scotia for the purposes of facilitating child sharing between parents under an order or agreement providing for joint custody, and in such instances, both the persons facilitating custody and children showing no symptoms of COVID-19 are exempt from the requirement to self-quarantine.

5.1 Further to section 5, parents and children entering or leaving Nova Scotia for the purposes of facilitating child sharing arrangements must adhere to the self-quarantine requirements established by the Chief Medical Officer of Health, located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-child-custody.pdf>.

6. Notwithstanding sections 2 and 3.1, individuals who are well and showing no symptoms of COVID-19 and are engaged in a legal proceeding in Nova Scotia, whether the accused, victim, witness, party or lawyer in such proceeding, may enter Nova Scotia for participation in the legal proceeding and are exempt from self-quarantine if the person adheres to the COVID-19 Protocol for Exempt Travelers established by the Chief Medical Officer of Health, located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-exempt-travellers-en.pdf>.

7. An employer or contractor of any Temporary Foreign Worker entitled to enter Nova Scotia pursuant to the Federal Order in Council 2021-0077, as amended, must first, before the Temporary Foreign Worker enters Nova Scotia, satisfy me, as Chief Medical Officer of Health, that the employer or contractor has made adequate provision for compliance with:

- (a) the federal quarantine rules applicable to the Temporary Foreign Workers in the Agriculture and Seafood Sector; and
- (b) the self-quarantine requirements set out in section 3.2 of this Order.

7.1 In addition, the employer or contractor and the Temporary Foreign Worker must, for the duration of the entire work period in Nova Scotia:

- (a) adhere to all applicable terms and conditions of this Order; and
- (b) adhere to the COVID-19 Protocol for Temporary Foreign Workers employed in Agriculture and Seafood Sectors established by the Chief Medical Officer of Health, located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-temporary-foreign-workers-agriculture-and-seafood-sectors-en.pdf>.

- (c) comply with any direction issued by me, as Chief Medical Officer of Health, or a Medical Officer of Health with respect to the Temporary Foreign Worker and their

employment in Nova Scotia.

8. Notwithstanding sections 2 and 3.1, persons who are required to travel to Nova Scotia or outside Nova Scotia for essential health services, with accompanying support persons as permitted by health authority policy, are exempt from the requirement to self-quarantine but must adhere to the COVID-19 Protocol for Exempt Travelers established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-exempt-travellers-en.pdf>.

9. For the purpose of section 9.1, “rotational worker” means a person who lives in Nova Scotia and travels to work in another province or territory in Canada on a regular schedule or travels outside Canada on a regular schedule and is exempt from self-quarantine under the federal *Quarantine Act*.

9.1 Notwithstanding sections 2 and 3.1, rotational workers must adhere to the self-quarantine and COVID-19 testing requirements established by the Chief Medical Officer of Health, located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Directive-on-Exceptions-for-Rotational-Workers.pdf>.

10. Notwithstanding sections 2 and 3.1, specialized workers who are:

(a) needed for urgent work on critical infrastructure that cannot be done by individuals from within the Province and such work is crucial to the functioning of the Province; or

(b) needed for urgent work that cannot be done by individuals from within the Province and are necessary to preserve the viability of one or more Nova Scotia businesses,

are permitted to enter Nova Scotia from any geographic location outside Nova Scotia. A list of critical infrastructure included in this definition is available at:

<https://www.publicsafety.gc.ca/cnt/ntnl-scrtr/crtcl-nfrstrctr/esf-sfe-en.aspx>.

10.1 Specialized workers permitted to enter Nova Scotia in accordance with section 10 must adhere to self-quarantine and COVID-19 testing requirements established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Directive-on-Exceptions-for-Specialized-Workers.pdf>.

11. Notwithstanding sections 2 and 3.1, fish harvesters required to enter Nova Scotia from any geographic location outside Nova Scotia to perform the commercial or licensed activity of catching fish and other seafood for market or other approved activities, excluding recreational fishing, must adhere to self-quarantine requirements established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-fish-harvesters-en.pdf>.

12.1 Notwithstanding section 3.1, workers who are essential to the movement of people and goods, and who must enter Nova Scotia as part of their duty requirements, are exempt from the requirement to self-quarantine, particularly:

- (a) healthy workers in the trade and transportation sector who are employed in the movement of goods and people across the Nova Scotia border by land, air, or water, including truck drivers, crew, maintenance and operational workers on any plane, train or ship;
- (b) Canadian Military and Defence Team personnel, Coast Guard, RCMP, Canadian Border Services Agency, and Canadian Security Intelligence Service;
- (c) first responders, including police, fire, EHS paramedic workers; and
- (d) essential healthcare workers who travel to and from Nova Scotia and another province or territory to carry out their work duties on an ongoing regular basis or on a locum basis.

but must adhere to the COVID-19 Protocol for Exempt Travelers established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-exempt-travellers-en.pdf>.

12.2 For greater clarity, airline crew employed in the movement of people and goods and who are required to travel to Nova Scotia or from Nova Scotia to carry out their work duties are exempt from the self-quarantine requirements set out in section 3.2.

12.3 Notwithstanding section 3.1, persons who reside in Nova Scotia, New Brunswick or Prince Edward Island and are required to travel between Nova Scotia and New Brunswick or between Nova Scotia and Prince Edward Island on a regular ongoing basis to work, attend a school or post-secondary institution, access child care, or access or provide essential veterinary services located in one of these three provinces are exempt from the requirement to self-quarantine if that person follows the travel protocol at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-NS-NB-PEI-travel.pdf>.

12.4 Persons exempt under sections 12.1 to 12.3 must practice physical distancing of 2 metres (6 feet) to the best of their ability, follow all public health recommendations, closely self-monitor and must self-isolate or self-quarantine should they exhibit any COVID-19 symptoms as set out in the online assessment tool.

**PART II
PHYSICAL DISTANCING,
GATHERING LIMITS,
MASKS AND FACE COVERINGS**

13A Effective 8:00a.m. May 21, 2021, except where otherwise stated in this Order the requirements for physical distancing, gathering limits, masks and face coverings apply to all persons present and residing in Nova Scotia.

13. All persons present and residing in Nova Scotia must maintain physical distancing of 2 metres (6 feet).

13.1 All persons present and residing in Nova Scotia must not participate in any gatherings, whether indoors or outdoors, unless subject to a specific exception set out in this Order.

13.2 Notwithstanding sections 13 and section 13.1:

(a) persons living in the same household may gather together, whether indoors or outdoors, up to the maximum of the number of immediate family members residing same the household, and are not required to practice physical distancing and masking; and

(b) where the number of persons living in the same household is 2 persons or less, they may gather together with up to a maximum of 2 additional persons, who shall be 2 consistent persons, and they are not required to practice physical distancing and masking.

13.3 Notwithstanding section 13.1, persons from one household may gather outdoors with persons from another household to engage in an outdoor activity such as a walk or play but must adhere to the physical distancing requirements of section 13.

13.4 Notwithstanding sections 13.1 and 13.2 and for greater certainty, parties to a child sharing arrangement, or an order or agreement providing for joint custody:

(a) may facilitate and participate in such child sharing or custody arrangement between households,

but

(b) must adhere to the self-quarantine requirements established by the Chief Medical Officer of Health, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-child-custody.pdf>
if a parent or child develops symptoms or tests positive for COVID-19.

13.5 For the purpose of section 13.6, an “illegal public gathering” is defined as a gathering that does not comply with the requirements of this Order, including:

- (a) the attendance limits applicable to gatherings, whether indoors or outdoors;
- (b) physical distancing requirements; and
- (c) masking requirements.

13.6 For greater certainty, persons are prohibited from:

- (a) organizing an in-person gathering, including requesting, inciting, or inviting others to attend an illegal public gathering;
- (b) promoting an illegal public gathering via social media or otherwise; or
- (c) attending an illegal public gathering of any nature, whether indoors or outdoors.

14. Notwithstanding section 13.1, persons may engage in outdoor physical activity while adhering to the gathering limitations set out in section 13.2 or the gathering limitations while participating in an outdoor fitness class and other recreational or leisure activities as set out in section 28.2, and in doing so, must adhere to physical distancing requirements of 2 metres (6 feet) as set out in section 13.

15. Persons may engage in, and business and organizations may host the following events and activities in-person, whether indoors or outdoors:

- (a) weddings; or
- (b) funerals,

while adhering to the following:

- (a) a maximum of 5 persons, plus the officiant; and
- (b) all persons in attendance must practice physical distancing, except persons residing in the same household as set out in section 13.2(a) or additional persons as set out in section 13.2(b).

15.1 Persons may not engage in, and persons, business and organizations may not host the following events and activities in-person:

- (a) social events;
- (b) arts and culture events;

- (c) sports, recreation and physical activity events;
- (d) special events;
- (e) festivals;
- (f) faith gatherings;
- (g) wedding receptions; or
- (h) funeral visitation or receptions,

but may host these events virtually while adhering to a maximum of 5 persons in one location to support the delivery of the event and complying with the physical distancing requirements set out in section 13.

15.2 Any person, business or organization that hosts an event authorized by sections 15 or 15.1 is responsible for maintaining oversight of the gathering and for ensuring that all persons in attendance comply with the requirements of this Order.

15.3 No person may engage in and no person, business or organization may host:

- (a) organized sport practice, training, games, competitions, or tournaments (recreational, amateur, and professional), or
- (b) organized arts and culture rehearsals or in-person performances.

15.3.1 Notwithstanding section 15.3, persons may participate in, and businesses and organizations may host lessons pertaining to organized sports, arts and culture, provided that such lessons:

- (a) are outdoors;
- (b) are held on a one to one person ratio for instructor and participant; and
- (c) maintain physical distancing requirements of 2 meters (6 feet) during the lesson.

15.4 No person, business or organization may host a formal in-person meeting or training.

15.4.1 Notwithstanding section 15.4, a business or organization may host a mental health and addictions support group meeting while adhering to the following:

- (a) a maximum of 10 persons in attendance; and

(b) all persons in attendance must adhere to masking and physical distancing requirements of 2 metres (6 feet) set out in this Order.

15.4.2 Notwithstanding section 15.4, a business or organization may carry out meetings and training that are required for safety and essential operation.

16. For greater clarity, physical distancing and the person limit rule set out in sections 13 and 13.1 do not apply to the following organizations, activities, persons, or places:

(a) hospitals as defined in the *Hospitals Act* and a health authority as defined in the *Health Authorities Act*;

(b) profit, not-for-profit or government operated Department of Community Services funded organizations or representatives that are covered under the *Homes for Special Care Act* and the *Children and Family Services Act* including places of safety for children and youth, and customized placements for persons with disabilities;

(c) profit or not-for-profit Department of Health and Wellness funded long-term care facilities licensed under the *Homes for Special Care Act* or home care agencies funded under the *Homemaker Services Act*;

(d) persons providing care under the self-managed care program, supportive care program, caregiver benefit program funded by the province of Nova Scotia;

(e) persons providing support under the Independent Living Support, Supported Apartment and Supervised Apartment Programs funded by the Department of Community Services;

(f) homeless shelters receiving operational grants from the Department of Municipal Affairs and Housing, and those operated by religious and other voluntary organizations;

(g) unlicensed child-care facilities;

(h) a place designated or established under the authority of the *Correctional Services Act* or the *Youth Criminal Justice Act* (Canada) for the supervision or custody of offenders and includes community-based correctional services;

(i) any administrative tribunal, arbitration proceeding or court operating essential services in the Province under the authority of any provincial or federal enactment, including but not limited to, a justice centre or courthouse under the authority of the *Judicature Act* or a provincial court under the authority of the *Provincial Court Act* or the *Family Court Act*;

(ia) notwithstanding clause (i), the Labour Board must still comply with section 13 when conducting a vote under the *Trade Union Act*.

(j) Emergency Medical Care Incorporated;

(k) persons providing, servicing or repairing medical equipment, such as wheelchairs, red cross beds/equipment, home oxygen equipment;

(l) private not-for-profit community transportation providers;

(m) food production plants; and

(n) fishing vessels.

16.1 Physical distancing requirements and the person limit set out in sections 13 and 13.1 do not apply to the following municipal entities and their contractors when carrying out their work duties:

(a) Police and Fire Services;

(b) Municipal Utilities such as water, wastewater and stormwater;

(c) Maintenance of utilities and municipal facilities;

(d) Transportation;

(e) Road maintenance/repair;

(f) Municipal ICT systems and services;

(g) Public Transit;

(h) Solid Waste, garbage and litter collection and disposal;

(i) Urban Forestry; and

(j) Municipal logistic, distribution, storage, inventory and repair services.

16.2 Physical distancing requirements and the person limit rule set out in sections 13 and 13.1 do not apply to the following provincial entities and their contractors when carrying out their work duties:

(a) Transportation and Active Transit;

(b) Infrastructure and Housing;

- (c) Road maintenance/repair;
- (d) Government building construction and/or repair; and
- (e) Enforcement or compliance officers authorized by their statutory appointments or delegated authority to inspect, investigate and/or enforce provincial legislation while carrying out their powers pursuant to the relevant statutory authority.

17. Gatherings for sleep over camps held by a recognized business or organization are cancelled for 2021 unless otherwise amended.

18. For the purpose of sections 18.2 -18.6, a “mask” means a commercial medical or non-medical mask or a home-made mask made as per the PHAC instructions located at: <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/prevention-risks/sew-no-sew-instructions-non-medical-masks-face-coverings.html>, that covers the nose and mouth.

18.1 For the purpose of section 18.2, a “public place” means the part of the following places accessible to the public,

insofar as it is enclosed:

- (a) a retail business, a shopping centre, or a building or room of a business where personal care services are provided;
- (b) a restaurant or a liquor licensed establishment, including the kitchen and preparatory space of a restaurant or a liquor licensed establishment;
- (c) a place of worship or faith gathering;
- (d) a place where activities or services of a cultural or entertainment nature are offered;
- (e) a place where sports are played, fitness, recreational or leisure activities are carried on;
- (f) a rental hall or other place used to hold events, including conventions and conferences, or to hold receptions;
- (g) a place where municipal or provincial government services are available to the public;
- (h) a common area, including an elevator, of a tourist accommodation establishment;
- (i) a lobby, reception area or elevator in an office building;

- (j) a common area or public space on a university or college campus;
- (k) a train or bus station, a ferry terminal, or an airport;
- (m) common areas of a multi-residential building;
- (n) all common areas of private indoor workplaces;
- (o) private indoor workplaces where there are:
 - (i) interactions with the public;
 - (ii) areas with poor ventilation; or
 - (iii) areas where physical distance as set out in section 13 cannot be maintained,

and insofar as it is outdoors:

- (p) all serviced areas of a restaurant or a liquor licensed establishment, including their patios but excluding holes on the golf course that are licensed; and
- (q) organized outdoors gatherings such as special or temporary events where 2 metres (6 feet) physical distancing cannot be consistently maintained.
- (r) outdoors where physical distancing cannot be maintained such as playgrounds and parks.

18.2 All persons must wear a mask that covers their nose and mouth while present in a public place.

18.3 Notwithstanding section 18.2, a person is exempt from the requirement to wear a mask in a public place if the person:

- (a) is less than 2 years of age or age 2 to 4 years and their caregiver cannot persuade them to wear a mask;
- (b) for whom the wearing of a mask is not possible because of the person's medical condition;
- (c) is reasonably accommodated by not wearing a mask in accordance with the *Nova Scotia Human Rights Act*;
- (d) is in the public place receiving care or being provided a service or while participating in a physical or other activity requiring the mask be removed, in

which case the person may remove the mask for the duration of the care, service or activity;

(e) removes the mask momentarily for identification or ceremonial purposes;

(f) is in a courtroom, jury room or secured area in a courthouse, or room where a proceeding or meeting of an administrative tribunal established by legislation is being held; or

(g) is a performer at a virtual event or officiant in the course of performing activities requiring vocalization such as talking or singing at an event or activity as described in sections 15 or 15.1.

18.4 All persons must wear a mask that covers their nose and mouth as defined in section 18 while travelling on vehicles providing transportation to the public, including:

(a) any municipally operated public transit, including municipally operated buses and ferries;

(b) any public passenger vehicle licensed under the *Motor Carrier Act*, including community transit vehicles, commercial vehicles (shuttle vans), and vehicles providing charters and/or tours;

(c) any school buses licensed under the *Motor Carrier Act* and any vehicles of any capacity operated by private schools recognized by the Minister of Education and Early Childhood Development;

(d) commuter vehicles and courtesy vehicles as defined under the *Motor Carrier Act*, vans, mini-buses, or buses of any passenger capacity providing services to the public;

(e) any vehicles serving residents and staff of facilities listed in section 20.1; and

(f) taxicabs regulated by municipalities under the authority of the *Motor Vehicle Act*.

18.5 Notwithstanding section 18.4, the following persons are exempt from the requirement to wear a mask while travelling on vehicles providing transportation to the public:

(a) a person is less than 2 years of age or age 2 to 4 years and their caregiver cannot persuade them to wear a mask;

(b) a person for whom the wearing of a mask is not possible because of the person's medical condition; and

(c) a person who is reasonably accommodated by not wearing a mask in accordance with the *Nova Scotia Human Rights Act*.

18.6 A person may remove the mask momentarily for identification purposes when boarding any public transit set out in section 18.4.

18.7 For greater certainty, the requirement to wear a mask, as set in sections 18.2 and 18.4, is the minimum standard that persons and businesses must adhere to, and where the business's plan approved in accordance with section 26.1 of this Order imposes a greater standard, then that standard applies.

19. Effective 8:00a.m. May 19, 2021:

(a) all public schools under the jurisdiction of a regional centre for education or the Conseil Scolaire Provincial remain closed to students and pre-primary children for the 2020-21 school year and may remain open for staff to carry out work duties at the direction of the employer; and

(b) private schools remain closed to students for the 2020-21 school year and may remain open for staff to carry out work duties at the direction of the employer.

19.1 For greater certainty, section 19(b) does not include post-secondary institutions, private career colleges or registered language schools.

19.2 Childcare facilities and family childcare homes regulated under the *Early Learning and Child Care Act*.

(a) may remain open; and

(b) directors, caregivers, staff, visitors and children over two years old must wear a mask as defined in section 18, unless subject to one of the exemptions as set out in section 18.3.

**PART III
LONG TERM CARE FACILITIES
AND
OTHER VULNERABLE POPULATIONS**

20. Effective 8:00a.m. May 21, 2021, except where otherwise stated in this Order, the restrictions on long term care facilities and other vulnerable populations apply to all persons present and residing in Nova Scotia.

20.1 Notwithstanding section 16(b) and (c) and subject to section 20.2, all for-profit or not-for-profit Department of Health and Wellness funded long-term care facilities

licensed under the *Homes for Special Care Act* and all Adult Residential Centers and Regional Rehabilitation Centers funded and licensed by the Department of Community Services under the *Homes for Special Care Act* must comply with Schedule “A”, “COVID-19 Management Long term Care Facilities Directive Under the Authority of the Chief Medical Officer of Health”, dated December 21, 2020, as amended from time to time and located at:

<https://novascotia.ca/dhw/ccs/documents/COVID-19-Management-in-Long-Term-Care-Facilities-Directive.pdf>;

20.2 All long term care facilities licenced by the Department of Health and Wellness and all Adult Residential Centers and Regional Rehabilitation Centers licensed by the Department of Community Services under the *Homes for Special Care Act*, and all residents of such facilities must comply with the process for isolating COVID-19 positive long term care residents set out in Schedule “A”, “COVID-19 Management Long Term Care Facilities Directive Under the Authority of the Chief Medical Officer of Health”, dated December 21, 2020, as amended from time to time and located at:

<https://novascotia.ca/dhw/ccs/documents/COVID-19-Management-in-Long-Term-Care-Facilities-Directive.pdf>.

20.3 All long term care facilities licensed by the Department of Health and Wellness and all Adult Residential Centers and Regional Rehabilitation Centers licensed by the Department of Community Services under the *Homes for Special Care Act* are closed to visitors and volunteers, except 2 designated caregivers, in accordance with the terms and conditions set out in Schedule “A”, “COVID-19 Management Long term Care Facilities Directive Under the Authority of the Chief Medical Officer of Health”, dated December 21, 2020, as amended from time to time and located at:

<https://novascotia.ca/dhw/ccs/documents/COVID-19-Management-in-Long-Term-Care-Facilities-Directive.pdf>.

20.4 All homes licensed by the Minister of Community Services for persons with disabilities under the *Homes for Special Care Act* not referred to in section 20.3 are closed to visitors.

20.5 Subject to 20.6, all residents in homes licensed by the Minister of Health and Wellness and all residents in homes licensed by the Minister of Community Services under the *Homes for Special Care Act* are not permitted to have community access.

20.6 Notwithstanding section 20.5, all residents in homes licensed by the Minister of Health and Wellness and the Minister of Community Services under the *Homes for Special Care Act* may participate in drives by a designated caregiver or staff, but such outings must not include:

- (a) other passengers in the case of drives by a designated caregiver; or
- (b) stops or drive throughs.

20.7 All residents of all Adult Residential Centres and Regional Rehabilitation Centers licensed by the Department of Community Services under the *Homes for Special Care Act* are not permitted to have community access.

20.8 For the purpose of section 20.9, “Adult Day Program” means a planned program of activities in a professional care setting designed for older adults who require supervised care during the day, or those who are isolated and lonely. Adult day care centers enable seniors to socialize and enjoy planned activities in a group setting, while still receiving needed health services. At the same time, they offer family caregivers respite from caregiving duties while knowing that their loved one is in a safe place.

20.9 All senior’s Adult Day Programs are closed, except for provision of respite care.

20.10 All Day Programs for persons with disabilities funded by the Department of Community Services are closed, except for scheduled vaccine clinics at these locations.

20.11 For greater clarity, nothing in this Order prevents the:

(a) discharge of a COVID-19 patient from a hospital to a long-term care or residential care facility;

(b) transfer of a COVID-19 patient from community to a long-term care or residential care facility; or

(c) return of a COVID-19 patient who has left a long-term care or residential care facility for healthcare services back to that facility after receiving treatment at a hospital.

PART IV BUSINESSES, ORGANIZATIONS AND PROFESSIONS

21A Effective 8:00a.m. May 21, 2021, except where otherwise stated in this Order, the restrictions on businesses, organizations and professions apply to all established businesses, organizations and professions carrying on business and operating in Nova Scotia.

21.1 The *Occupational Health and Safety Act*, 1996, c.7, s.1, is hereby incorporated by reference and must be followed by all employers, contractors, constructors, suppliers, owners and employees and each shall take every precaution that is reasonable in the circumstances to ensure the health and safety of all persons at or near a workplace.

22. All not-for-profit and for-profit businesses and organizations operating or carrying on business in Nova Scotia may not carry out COVID-19 Point of Care Screening Tests (PCTs) unless the business or organization:

(a) has obtained prior approval from the Office of the Chief Medical Officer of Health; and

(b) complies with any direction issued by me, as Chief Medical Officer of Health.

23. Subject only to specific closures or limitations directed elsewhere in this Order, all not-for-profit and for-profit businesses and organizations operating or carrying on business in Nova Scotia may continue to operate but must implement physical distancing of 2 metres (6 feet) within all workplaces and meeting spaces, except where otherwise provided in this Order.

23.1 Any not-for-profit or for-profit business or organization carrying on business in Nova Scotia that cannot maintain the physical distancing requirements set out in section 13 of this Order must limit the number of customers or clients on its premises to no more than 5 persons at a time.

24. Restaurants and liquor licensed establishments are:

(a) restricted to providing food and alcohol take-out and delivery service only; and

(b) prohibited from offering in-person dining, except to serve guests of the hotel within which a restaurant or licensed establishment is located.

24.1 Restaurants offering in-person dining service under section 24(b) must:

(a) collect and maintain records of each patron contact information that includes the following minimum data:

(i) name(s);

(ii) contact telephone number;

(iii) date; and

(iv) time,

that the patron was at the restaurant or liquor licensed establishment;

(b) retain information collected under section 24.1 for a period of 30 calendar days and destroy it on the following day immediately thereafter;

(c) provide the information collected under section 24.1 to the Chief Medical Officer of Health or his delegate in electronic form; and

(d) only use the information collected under section 24.1 for the purpose of provision to the Chief Medical Officer of Health in compliance with this Order and may not use it for any other purpose.

24.2 Liquor licensed establishments and non-liquor licensed establishments, including community centres, charities or organized clubs, are prohibited from hosting patrons for activities such as darts, pool, bingo or bowling.

25. Regulated and unregulated health professions practicing may continue to practice and provide services within their scope of practice if they have a Workplace COVID-19 Prevention Plan that has been approved by the Chief Medical Officer of Health.

26. All not for-profit, for-profit businesses, organizations and professions named in Part IV of this Order shall, as a requirement of their ongoing operations, develop and comply with a Workplace COVID-19 Prevention Plan, as amended from time to time.

26.1 In addition to the physical distancing requirements and person limit rule set out in sections 13 and 23.1, the Workplace COVID-19 Prevention Plan required by section 26 shall address the following:

- (a) how to work and interact with customers or clients;
- (b) physical distancing in the workplace;
- (c) cleaning;
- (d) equipment;
- (e) preparing employees to return to work;
- (f) preparing for customers or clients; and
- (g) monitoring and communicating of plan,

and may be substantially similar to those proposals listed in Schedule “B”, located at: <https://novascotia.ca/coronavirus/docs/Schedule-B-HPA-Order.pdf> for similar businesses or health professionals and must be made available for review by the Chief Medical Officer of Health.

26.2 All businesses or regulated health professionals that are a member of an association listed in Schedule “B” must adopt as their Workplace COVID-19 Prevention Plan the proposal submitted by their association and must be made available for review by the Chief Medical Officer of Health.

26.3 For greater certainty, in the case of conflict between a Workplace COVID-19 Prevention Plan and this Order, the more stringent provision applies.

26.4 For the purpose of section 26.5, “seasonal lot renters” means:

- (a) residents of the community in which the campground is located; or
- (b) residents relocating from their primary residence to their campground for the 2021 camping season.

26.5 All privately operated campgrounds:

(a) may open for seasonal lot renters (renters with fixed RVs) that do not require use of onsite amenities such as washroom facilities, store, restaurant, activity center, playground or picnic tables); and

(b) must operate in accordance with their terms and conditions as approved by the Chief Medical Officer of Health referenced in Schedule “B” located at:

<https://novascotia.ca/coronavirus/docs/Schedule-B-HPA-Order.pdf>,

but

(c) remain closed to non-seasonal, short-term (weekend) lot renters.

27. Casino Nova Scotia (Halifax and Sydney locations) and Video Lottery Terminals are closed.

28. Subject to 28.2, all not-for-profit and for-profit fitness facilities such as gyms and yoga studios, sport and recreational facilities such as pools, arenas, tennis courts, and large multipurpose recreation facilities:

(a) are closed to patrons,

but may open

(b) to offer virtual classes; and

(c) to perform administrative and operational functions.

28.1 Businesses and organizations that offer indoor recreation and leisure activities such as indoor play areas, arcades, climbing facilities, dance classes and music lessons are closed.

28.2 All not-for-profit and for-profit fitness facilities, recreation and leisure businesses, and organized clubs may offer outdoor fitness classes and other recreational activities up to a maximum capacity of 5 persons, or multiple groups of 5 each on their premises, while ensuring 2 metres (6 feet) physical distance between participants.

28.3 Notwithstanding section 28.1, all not-for-profit and for-profit fitness facilities, recreation and leisure businesses, and organized clubs may host lessons for recreational activities, provided that such lessons:

- (a) are outdoors;
- (b) are held on a one to one person ratio for instructor and participant; and
- (c) maintain physical distancing requirements of 2 meters (6 feet) during the lesson.

29. All personal service establishments such as hair salons, barber shops, spas, nail salons and body art establishments are closed for provision of personal services but may sell retail products in accordance with section 31.3.

30. The Art Gallery of Nova Scotia and all museums and public libraries are closed, but libraries may offer curb-side pickup and drop-off of books and other materials.

31. For the purpose of sections 31.1 to 31.5, “retail business” means a business operating on an ongoing basis at a fixed location primarily selling goods or products for use or consumption by individual purchasers.

31.1 Retail business primarily or substantially providing consumer products essential to the life, health or personal safety of individuals and animals, including:

- (a) food;
- (b) pharmaceutical products, medicine and medical devices;
- (c) personal hygiene products;
- (d) cleaning products;
- (e) baby and childcare products;
- (f) gas stations and garages;
- (g) computer and cell phone service and repair;
- (h) electronic and office supplies;
- (i) hardware supplies and home appliances;
- (j) pet and animal supplies;
- (k) gardening supplies;
- (l) workplace safety supplies; and
- (m) automobile purchases (by appointment only); and
- (n) laundromats,

may remain open but must, at all times, limit the number of customers in the retail space, whether indoors or outdoors, to a maximum of 25% of allowable occupancy or 120 square feet per person.

31.1.2 Effective at 8 a.m. May 8, 2021:

(a) all persons present or residing in Nova Scotian must designate one person per household to carry out purchase of products essential to the life, health or personal safety of individuals and animals; and

(b) retail businesses operating under section 31.1 to 31.2.1 must limit one person per household to enter to their business to complete purchase of products essential to the life, health or personal safety of individuals and animals,

but

(c) exceptions to (a) and (b) may be made for children and caregivers.

31.2 NSLC and their Agency Stores may remain open but must, at all times, limit the number of customers in the NSLC retail stores and their Agency Stores to a maximum of 25% of allowable occupancy or 120 square feet per person.

31.2.1 Liquor boutiques, distilleries, breweries and wineries:

(a) may remain open but must, at all times, limit the number of customers to a maximum of 25% of allowable occupancy or 120 square feet per person,

but

(b) are prohibited from offering in-person tastings, samplings or in-person dining.

31.3 All other retail businesses must restrict customer service to online, delivery, or door side or curbside pick-up and should restrict in store presence only to staff and no customers shall be permitted in such retail stores.

31.4 For greater clarity:

(a) shopping malls may remain open to facilitate the shopping as outlined in sections 31.1 to 31.3; and

(b) customers may

(i) may enter the mall to complete their shopping transaction while using contactless payment, whether for in-person shopping under section 31.1 and 31.2, or for curb-side pickup;

(ii) must go directly to the retail business to complete their shopping transaction;

(iii) may line up outside the entrance of the retail business while maintaining a physical distance of at least 2 metres (6 feet) from other persons inside the shopping mall; and

(iv) must wear a mask as defined in section 18 while in the shopping mall to complete their purchase, unless they are entitled to any of the exceptions set out in section 18.3,

(c) no line up outside any one retail business located inside the shopping mall shall exceed 5 persons;

(d) the person responsible for the shopping mall must ensure that:

(i) music is not played at the place of business at a decibel level that exceeds the level at which normal conversation is possible, and in any event no greater than 50 db;

(ii) customers are not permitted to loiter in any area of the shopping mall; and

(iii) directional markings are provided to manage the flow of persons within the mall,

(e) the non-retail public areas in the mall shall be closed, other than for traffic flow/store access and washroom access; and

(f) notwithstanding clause 31.4(e), food courts are closed to the public but:

(i) food court vendors may provide services to persons who work in the mall;

(ii) tables in food courts may only be used by persons who work in the mall;

(iii) a minimum of 2 metres (6 feet) is maintained between patrons seated at food court tables and between other patrons in the food court;

(iv) patrons must wear a mask as defined in section 18 except when consuming food or beverages; and

(iv) each food court vendor may offer takeout food service.

31.5 For greater certainty, shopping malls are closed to the public for in-person shopping as set out in section 31.4 and persons are prohibited from going to a mall except to complete a purchase transaction as set out in section 31.4 or to enter their workplace located in the mall.

PART V EXCEPTIONS

32. Under exceptional circumstances and under the authority granted to me as the Chief Medical Officer of Health under Part I of the *Health Protection Act*, I may exercise discretion to grant an exception to any term and condition of this Order.

PART VI PENALTIES

33. Any direction provided by a medical officer of health to a person, business, organization or other entity pertaining to COVID-19 and the terms and conditions of this Order must be followed.

34. Failure to comply with this health protection order may be considered a breach of this Order issued under the *Health Protection Act* and may result in penalties under the *Act*.

This Order remains in effect until notice is provided by myself, as Chief Medical Officer of Health, under the authority granted under Part I of the *Health Protection Act* and will be updated from time to time.

Signed:

Dr. Robert Strang
Chief Medical Officer of Health
Nova Scotia Department of Health and Wellness

cc The Honourable Iain Rankin, Premier of Nova Scotia
The Honourable Zach Churchill, Minister of Health and Wellness
Laura Lee Langley, Deputy to the Premier and Clerk of Executive Council
Dr. Kevin Orrell, Deputy Minister of Health and Wellness
Dr. Shelley Deeks, Acting Deputy Chief Medical Officer of Health
Tina M. Hall, Legal Counsel, Nova Scotia Dept. of Justice

This is **Exhibit “D”** to the Affidavit of Cara
Zwibel affirmed before me on May 27, 2021

Benjamin Perryman

A barrister of the Supreme Court of Nova Scotia
and Ontario Superior Court of Justice

CCLA Interventions

Cases in which the CCLA has been granted intervener status include those listed chronologically below:

1. *R. v. Morgentaler*, [1976] 1 S.C.R. 616, where the general issue was whether the necessity defence was applicable to a charge of procuring an unlawful abortion under the *Criminal Code* (the CCLA intervened in the Supreme Court of Canada);
2. *Nova Scotia (Board of Censors) v. McNeil*, [1976] 2 S.C.R. 265, in which the issue was whether a taxpayer has standing to challenge legislation concerning censorship of films (the CCLA intervened in the Supreme Court of Canada);
3. *R. v. Miller*, [1977] 2 S.C.R. 680, in which one of the issues was whether the death penalty under the *Criminal Code* constituted cruel and unusual punishment under the *Canadian Bill of Rights* (the CCLA intervened in the Supreme Court of Canada);
4. *Nova Scotia (Board of Censors) v. McNeil*, [1978] 2 S.C.R. 662, in which the issues were whether statutory provisions and regulations authorizing the Board of Censors to regulate and control the film industry in the province were *intra vires* the provincial legislature and whether they violated fundamental freedoms, including freedom of speech (the CCLA intervened in the Supreme Court of Canada);
5. *Reference re Legislative Privilege* (1978), 18 O.R. (2d) 529 (C.A.), in which the issue was whether a member of the legislature has a privilege allowing him or her to refuse to disclose the source or content of confidential communications by informants when testifying at a criminal trial (the CCLA intervened in the Ontario Court of Appeal);
6. *R. v. Saxell* (1980), 33 O.R. (2d) 78 (C.A.), in which one of the issues was whether the provision in the *Criminal Code* for the detention of an accused acquitted by reason of insanity violated guarantees in the *Canadian Bill of Rights*, including the guarantee of due process and the protection against arbitrary detention and imprisonment (the CCLA intervened in the Ontario Court of Appeal);
7. *Nova Scotia (Attorney General) v. MacIntyre*, [1982] 1 S.C.R. 175, in which the issue was whether a journalist is entitled to inspect search warrants and the information used to obtain them (the CCLA intervened in the Supreme Court of Canada);
8. *Re Fraser and Treasury Board (Department of National Revenue)* (1982), 5 L.A.C. (3d) 193 (P.S.S.R.B.), in which the issue was whether termination of a civil servant for publicly criticizing government policy violated freedom of expression (the CCLA intervened before the Public Service Staff Relations Board);
9. *R. v. Dowson*, [1983] 2 S.C.R. 144, and *R. v. Buchbinder*, [1983] 2 S.C.R. 159, in which the issue was whether the Attorney General could order a stay of proceedings under s. 508 of the *Criminal Code* after a private information has been received but before the Justice of the Peace has completed an inquiry (the CCLA intervened in *R. v. Dowson* before the Ontario Court of Appeal and the Supreme Court of Canada, and in *R. v. Buchbinder* before the Supreme Court of Canada);

10. *R. v. Oakes* (1983), 40 O.R. (2d) 660, in which the issue was whether the reverse onus clause in s. 8 of the *Narcotic Control Act* violated an accused's right to be presumed innocent under the *Charter* (the CCLA intervened in the Court of Appeal);
11. *Re Ontario Film & Video Appreciation Society and Ontario Board of Censors* (1984), 45 O.R. (2d) 80 (C.A.), in which the issue was whether a provincial law permitting a board to censor films violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Divisional Court and the Ontario Court of Appeal);
12. *R. v. Rao* (1984), 46 O.R. (2d) 80 (C.A.), in which the issue was whether a provision under the *Narcotic Control Act* permitting warrantless searches violated the *Charter's* guarantee of protection against unreasonable search and seizure (the CCLA intervened in the Ontario Court of Appeal);
13. *Re Klein and Law Society of Upper Canada; Re Dvorak and Law Society of Upper Canada* (1985), 16 D.L.R. (4th) 489 (Div. Ct.), in which the issue was whether the Law Society's prohibitions respecting fees advertising and communications with the media violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Divisional Court);
14. *Canadian Newspapers Co. Ltd. v. Attorney-General of Canada* (1986), 55 O.R. (2d) 737 (H.C.), in which the issue was whether the provision in the *Criminal Code* limiting newspapers' rights to publish certain information respecting search warrants violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario High Court of Justice);
15. *R. v. J.M.G.* (1986), 56 O.R. (2d) 705 (C.A.), in which the issue was whether a school principal's seizure of drugs from a student's sock violated the *Charter's* protection from unreasonable search and seizure (the CCLA intervened in the Ontario Court of Appeal);
16. *Re Ontario Film & Video Appreciation Society and Ontario Film Review Board* (1986), 57 O.R. (2d) 339 (Div. Ct.), in which the issue was whether actions taken by a film censorship board violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Divisional Court);
17. *R. v. Swain* (1986), 53 O.R. (2d) 609 (C.A.), in which some of the issues were whether the provision in the *Criminal Code* for the detention of an accused acquitted by reason of insanity violated ss. 7, 9, 12 or 15(1) of the *Charter* (the CCLA intervened in the Court of Appeal);
18. *Reference Re Bill 30, an Act to amend the Education Act (Ont.)*, [1987] 1 S.C.R. 1148, in which the issues were whether Bill 30, which provided for full funding for Roman Catholic separate high schools, violated the *Charter's* guarantees of freedom of conscience and religion and equality rights (the CCLA intervened in the Ontario Court of Appeal and the Supreme Court of Canada);
19. *Zylberberg v. Sudbury Board of Education (Director)* (1988), 65 O.R. (2d) 641 (C.A.), in which the issue was whether an Ontario regulation which provided for religious exercises in public schools violated the *Charter's* guarantee of freedom of conscience and religion (the CCLA intervened in the Ontario Divisional Court and the Ontario Court of Appeal);
20. *Tremblay v. Daigle*, [1989] 2 S.C.R. 530, in which the issue was whether a man who impregnated a woman could obtain an injunction prohibiting the woman from having an abortion (the CCLA intervened in the Supreme Court of Canada);

21. *Canada (Human Rights Commission) v. Taylor*, [1990] 3 S.C.R. 892, in which one of the issues was whether a provision in the *Canada Human Rights Act* that prohibited telephone communication of hate messages offended the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
22. *R. v. Keegstra*, [1990] 3 S.C.R. 697, in which the issue was whether the *Criminal Code* provision which made it an offence to willfully promote hatred against an identifiable group constitutes a violation of the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
23. *Lavigne v. Ontario Public Service Employees Union*, [1991] 2 S.C.R. 211, in which the issues were whether the use for certain political purposes of union dues paid by nonmembers pursuant to an agency shop or Rand formula violated the *Charter* guarantees of freedom of expression and association (the CCLA intervened in the Supreme Court of Canada);
24. *R. v. Seaboyer*, [1991] 2 S.C.R. 577, in which one of the issues was whether the rape shield provisions of the *Criminal Code* violated the *Charter* guarantee of a fair trial (the CCLA intervened in the Ontario Court of Appeal and the Supreme Court of Canada of Canada);
25. *R. v. Butler*, [1992] 1 S.C.R. 452, in which the issue was whether the obscenity provisions in s. 163 of the *Criminal Code* violate the *Charter* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
26. *J.H. v. Hastings (County)*, [1992] O.J. No. 1695 (Ont. Gen. Div.), in which the issue was whether disclosure to municipal councilors of a list of social assistance recipients violated the protection of privacy under the *Municipal Freedom of Information and Protection of Privacy Act* (the CCLA intervened in the Ontario Court – General Division);
27. *R. v. Zundel*, [1992] 2 S.C.R. 731, in which the issue was whether s. 177 of the *Criminal Code* prohibiting spreading false news violated the *Charter* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
28. *Ontario Human Rights Commission v. Four Star Variety* (October 22, 1993) (Ont. Bd. of Inquiry), in which the issues were whether convenience stores displaying and selling certain magazines discriminated against women on the basis of their sex contrary to the *Ontario Human Rights Code* and if the Board of Inquiry's dealing with the obscenity issue intruded on the *Charter* guarantee of freedom of expression (the CCLA intervened before the Board of Inquiry);
29. *Ramsden v. Peterborough (City)*, [1993] 2 S.C.R. 1084, in which the issue was whether a municipal by-law banning posters on public property violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Court of Appeal and the Supreme Court of Canada);
30. *Hill v. Church of Scientology of Toronto*, [1995] 2 S.C.R. 1130, in which the issues were: (1) whether the common law of defamation should be developed in a manner consistent with freedom of expression; (2) whether the common law test for determining liability for defamation disproportionately restricts freedom of expression; and (3) whether the current law respecting non-pecuniary and punitive damages disproportionately restricts freedom of expression and whether limits on jury discretion and damages should be imposed (the CCLA intervened in the Supreme Court of Canada);

31. *Ontario (Attorney General) v. Langer* (1995), 123 D.L.R. (4th) 289 (Ont. Gen. Div.), in which the issue was the constitutionality of ss. 163.1 and 164 of the *Criminal Code* relating to child pornography (the CCLA intervened in the Ontario General Division);
32. *Adler v. Ontario*, [1996] 3 S.C.R. 609, in which the issues were whether Ontario not funding of Jewish and certain Christian day schools violated the *Charter's* guarantees of freedom of conscience and religion and of equality without discrimination based on religion (the CCLA intervened in the Ontario General Division, the Ontario Court of Appeal, and the Supreme Court of Canada);
33. *Al Yamani v. Canada (Solicitor General) (TD.)*, [1996] 1 F.C. 174 (T.D.), in which some of the issues were whether the provision in the *Immigration Act* regarding the deportation of permanent residents on the basis of membership in a class of organizations violated principles of fundamental justice contrary to s. 7 of the *Charter* or the *Charter* guarantees of freedom of association and expression (the CCLA intervened in the Federal Court Trial Division);
34. *R. v. Gill* (1996), 29 O.R. (3d) 250 (Ont. Gen. Div.), in which the issue was whether s. 301 of the *Criminal Code*, which creates an offence of publishing a defamatory libel, constitutes a violation of the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario Court – General Division);
35. *Ross v. New Brunswick School District No. 15*, [1996] 1 S.C.R. 825, in which some of the issues were whether a teacher, who had been subject to discipline for making discriminatory anti-Semitic statements while off duty, could defend his conduct, at least in part, on freedom of religion (the CCLA intervened in the Supreme Court of Canada);
36. *R. v. Stillman*, [1997] 1 S.C.R. 607, in which the issue was the explication of the circumstances, including police conduct, that would bring the administration of justice into disrepute within the meaning of s. 24(2) of the *Charter* if unconstitutionally obtained evidence were to be admitted into a proceeding (the CCLA intervened in the Supreme Court of Canada);
37. *Winnipeg Child and Family Services (Northwest Area) v. D.F.G.*, [1997] 3 S.C.R. 925, in which the issue was whether the law should permit the state to interfere with the privacy, dignity, and liberty of a pregnant woman where her actions may expose the fetus to serious injury (the CCLA intervened in the Supreme Court of Canada);
38. *R. v. Lucas*, [1998] 1 S.C.R. 439, in which the issue was whether s. 300 of the *Criminal Code*, which creates the offence of publishing a defamatory libel, constitutes a violation of the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
39. *Thomson Newspapers Co. (c.o.b. Globe and Mail) v. Canada (Attorney General)*, [1998] 1 S.C.R. 877, in which the issue was whether s. 322.1 of the *Canada Elections Act*, which prohibits the publication of public opinion polls during the last 72 hours of a federal election campaign, constitutes a violation of the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);
40. *Daly v. Ontario (Attorney General)* (1999), 44 O.R. (3d) 349 (C.A.), in which the issue was the extent to which Ontario's constitutionally protected Catholic separate school boards must adhere to the restrictions on employment discrimination contained in the *Ontario Human Rights Code* (the CCLA intervened in the Ontario General Division and the Ontario Court of Appeal);

41. *R. v. Mills*, [1999] 3 S.C.R. 668, in which the central issue was the appropriate balance to be struck between the rights of the accused and the rights of complainants and witnesses with respect to the production of medical and therapeutic records (the CCLA intervened in the Supreme Court of Canada);
42. *Moumdjian v. Canada (Security Intelligence Review Committee)*, [1999] 4 F.C. 624, in which one of the issues was the constitutionality of *Immigration Act* provisions which impacted on the freedom of association (the CCLA intervened in the Federal Court of Appeal);
43. *United Food and Commercial Workers, Local 1518 (U.F.C.W.) v. KMart Canada Ltd.*, [1999] 2 S.C.R. 1083, and *Allsco Building Products Ltd. v. United Food and Commercial Workers International Union, Local 1288 P*, [1999] 2 S.C.R. 1136, in which the issue was whether leafleting by striking employees at non-struck workplaces is constitutionally protected expression (the CCLA intervened in the Supreme Court of Canada);
44. *R. v. Budreo* (2000), 46 O.R. (3d) 481 (C.A.), in which the issue was whether the provision in s. 810.1 of the *Criminal Code*, which permits a court to impose recognizance on a person likely to commit sexual offences against a child, violates s. 7 of the *Charter* (the CCLA intervened in the Ontario Court of Appeal);
45. *Martin Entrop and Imperial Oil Ltd* (2000), 50 O.R. (3d) 18 (C.A.), in which one of the issues was the legality of an employer testing employees' urine for drug use (the CCLA intervened in the Ontario General Division and the Ontario Court of Appeal);
46. *Little Sisters Book and Art Emporium v. Canada (Attorney General)*, [2000] 2 S.C.R. 1120, in which one of the issues was whether certain provisions of Canada's customs legislation which permit customs officers to seize and detain allegedly obscene material at the border unreasonably infringe on the right to freedom of expression (the CCLA intervened in the Supreme Court of Canada);
47. *Toronto Police Association v. Toronto Police Services Board and David J. Boothby* (Ont. Div. Ct. Court, File No. 58/2000), in which the issue was the propriety of police fundraising and political activities, and the validity of a by-law and order issued by the Toronto Police Services Board and the Chief of Police, respectively, regarding police conduct (the matter settled prior to the hearing);
48. *R. v. Latimer*, [2001] 1 S.C.R. 3, in which one of the issues was whether the *Criminal Code* provision for a mandatory minimum sentence of life imprisonment for second degree murder constitutes cruel and unusual punishment under s. 12 of the *Charter* (the CCLA intervened in the Supreme Court of Canada);
49. *R. v. Banks* (2001), 55 O.R. (3d) 374 (O.C.J.) and 2007 ONCA 19 (docket no. C43259) in which one of the issues was whether provisions of the Ontario *Safe Streets Act* prohibiting certain forms of soliciting violate s. 2(b) of the *Charter* (the CCLA intervened before the Ontario Court of Justice, the Ontario Superior Court of Justice and the Ontario Court of Appeal);
50. *R. v. Golden*, [2001] 3 S.C.R. 679, in which one of the issues was whether a strip search of the accused conducted as an incident to arrest violated s. 8 of the *Charter* (the CCLA intervened in the Supreme Court of Canada);

51. *R. v. Sharpe*, [2001] 1 S.C.R. 45, in which the issue was whether the *Criminal Code* prohibition of the possession of child pornography is an unreasonable infringement on the right to freedom of expression under the *Charter* (the CCLA intervened in the Supreme Court of Canada);
52. *Trinity Western University v. British Columbia College of Teachers*, [2001] 1 S. C. R. 772, in which the CCLA supported a private university's claim to be accredited for certification of its graduates as teachers eligible to teach in the public school system, despite the fact that the university's religiously-based code of conduct likely excluded gays and lesbians (the CCLA intervened in the Supreme Court of Canada);
53. *Ross v. New Brunswick Teachers' Association* (2001), 201 D.L.R. (4th) 75 (N.B.C.A.), in which one of the issues was the extent to which the values underlying the common law tort of defamation must give way to the *Charter* values underlying freedom of expression, especially where a claimant who asserts the former at the expense of the latter freely enters the public arena (the CCLA intervened in the New Brunswick Court of Appeal);
54. *Ontario (Human Rights Commission) v. Brillinger*, [2002] O.J. No. 2375 (Div. Ct.), in which the issue concerned the balance to be struck between freedom of religion and the right to equality (the CCLA intervened in the Ontario Superior Court of Justice);
55. *Chamberlain v. The Board of Trustees of School District #36 (Surrey)*, [2002] 4 S.C.R. 710, which involved the balancing of freedom of religion and equality rights in the context of a public school board's approval of books for a school curriculum (the CCLA intervened in the Supreme Court of Canada);
56. *Falkiner v. Ontario (Ministry of Community and Social Services)* (2002), 59 O.R. (3d) 481 (C.A.), in which the issues were the extent to which regulations made under the *Family Benefits Act* and the *General Welfare Assistance Act* amending the definition of "spouse" in relation to benefit entitlement (1) constituted discrimination under s. 15(1) of the *Charter*, and (2) set the stage for unwarranted government intrusion into the personal and private circumstances of affected recipients (the CCLA intervened before SARB, the Ontario Divisional Court, the Ontario Superior Court of Justice, and the Ontario Court of Appeal);
57. *Retail, Wholesale and Department Store Union, Local 558 v. Pepsi-Cola Canada Beverages (West) Ltd.*, [2002] 1 S.C.R. 156, in which the issue concerned the extent to which the common law regarding secondary picketing should be modified in light of *Charter* values (the CCLA intervened in the Supreme Court of Canada);
58. *Lafferty v. Parizeau* (SCC File No. 30103), [2003] S.C.C.A. No. 555 (leave granted but settled before hearing), which examined the application of *Charter* freedom of expression values to defamation and the defense of fair comment (the CCLA intervened in the Supreme Court of Canada, but the matter settled prior to hearing);
59. *R. v. Malmo-Levine, R. v. Clay, R. v. Caine*, [2003] S.C.J. No. 79, in which one of the issues was whether the criminal prohibition against the possession of marijuana violates s. 7 of the *Charter* (the CCLA intervened in the Supreme Court of Canada);
60. *Odhayji Estate v. Woodhouse*, [2003] 3 S.C.R. 263, which examined the appropriate scope of both the tort of abuse of public office and the tort of negligent supervision of the police, and the appropriate legal principles to be applied when addressing the issues of costs orders against

private individuals of modest means who are engaged in public interest litigation (the CCLA intervened in the Supreme Court of Canada);

61. *La Congrégation des témoins de Jéhovah de St-Jérôme Lafontaine, et al. v. Municipalité du village de Lafontaine, et al.*, [2004] 2 S.C.R. 650, which examined the constitutionality of a municipal zoning decision that limited the location of building places of religious worship (the CCLA intervened in the Supreme Court of Canada);
62. *R. v. Glad Day Bookshop Inc.*, [2004] O.J No. 1766 (Ont. Sup. Ct. Jus.), in which one of the issues was the constitutionality of the statutory regime requiring prior approval and allowing the prior restraint of films (the CCLA intervened in the Ontario Superior Court of Justice);
63. *In the matter of an application under § 83.28 of the Criminal Code*, [2004] 2 S.C.R. 248, which questioned *inter alia* the constitutionality of investigative hearings and the over breadth of certain provisions of the Anti-Terrorism Act (the CCLA intervened in the Supreme Court of Canada);
64. *In the Matter of a Reference by the Government in Council Concerning the Proposal for an Act Respecting Certain Aspects of Legal Capacity for Marriage for Civil Purposes*, [2004] 3 S.C.R. 698, which examined the equality and religious freedom aspects of proposed changes to the marriage legislation (the CCLA intervened in the Supreme Court of Canada);
65. *R v. Mann*, [2004] 3 S.C.R. 59, which examined whether the police have the authority at common law to detain and search a person in the absence of either a warrant or reasonable and probable grounds to believe an offence has been committed (the CCLA intervened in the Supreme Court of Canada);
66. *R v. Tessling*, [2004] 3 S.C.R. 432, which examined the constitutionality of the police conducting warrantless searches of private dwelling houses using infrared technology during the course of criminal investigations (the CCLA intervened in the Supreme Court of Canada);
67. *Genex Communications Inc. v. Attorney General of Canada*, [2005] F.C.J. No. 1440 (F.C.A.), which examined the application of the *Charter's* guarantee of freedom of expression to a decision by the CRTC to refuse to renew a radio station license (the CCLA intervened in the Federal Court of Appeal);
68. *R. v. Hamilton*, [2005] S.C.J. No. 48, which examined the scope of the offence of counseling the commission of a crime (the CCLA intervened in the Supreme Court of Canada);
69. *R. v. Déry*, [2006] 2 S.C.R. 669, which examined whether the *Criminal Code* contains the offence of "attempted conspiracy" (the CCLA intervened in the Supreme Court of Canada);
70. *Montague v. Page* (2006), 79 O.R. (3d) 515 (Ont. S.C.J.), which concerned the application of the *Charter's* guarantee of freedom of expression to the question of whether municipalities are allowed to file defamation suits against residents (CCLA intervened in the Ontario Superior Court of Justice);
71. *Multani v. Commission Scolaire Marguerite-Bourgeoys*, [2006] 1 S.C.R. 256, which concerned whether the *Charter's* guarantee of freedom of religion allows a student to wear a kirpan in school (the CCLA intervened in the Supreme Court of Canada);

72. *O'Neill v. Attorney General of Canada*, [2006] O.J. No. 4189 (Ont. S.C.J.), which concerned the interaction of national security and *Charter* rights (the CCLA intervened in the Ontario Superior Court of Justice);
73. *Owens v. Saskatchewan Human Rights Commission* (2006), 267 D.L.R. (4th) 733 (Sask.C.A.), which concerned the application of the *Charter's* guarantees of freedom of religion and expression to a provincial statute banning hateful speech (the CCLA intervened in the Saskatchewan Court of Appeal);
74. *Charkaoui et al. v. Canada (Citizenship and Immigration)*, [2007] 1 S.C.R. 350, which examined, *inter alia*, the constitutionality of certain "security certificate" provisions of the *Immigration and Refugee Protection Act* (the CCLA intervened in the Supreme Court of Canada);
75. *R. v. Bryan*, [2007] 1 S.C.R. 527, which examined the constitutionality of provisions of the *Elections Act* which penalize dissemination of election results from eastern Canada before polls are closed in the West (the CCLA intervened in the Supreme Court of Canada);
76. *R. v. Clayton*, 2007 SCC 32, concerning the scope of the police power to establish a roadblock and to stop and search vehicles and passengers (the CCLA intervened in the Supreme Court of Canada);
77. *Hill v. Hamilton-Wentworth Regional Police Services Board*, 2007 SCC 41, concerning the issue of whether police officers can be held liable in tort for a negligently conducted investigation (the CCLA intervened in the Supreme Court of Canada);
78. *Bruker v. Marcovitz*, 2007 SCC 54, which examined the extent to which civil courts can enforce a civil obligation to perform a religious divorce (the CCLA intervened in the Supreme Court of Canada);
79. *Lund v. Boissoin AND The Concerned Christian Coalition Inc.* (2006), CarswellAlta 2060 (AHRCC), which examined the extent to which Alberta human rights law can limit a homophobic letter to the editor (the CCLA intervened before the Alberta Human Rights and Citizen Commission);
80. *Whatcott v. Assn. Of Licensed Practical Nurses (Saskatchewan)*, 2008 SKCA 6, concerning the freedom of expression of an off-duty nurse who picketed a Planned Parenthood facility - whether he should be subject to disciplinary action by the professional association of nurses for this activity (the CCLA intervened in the Saskatchewan Court of Appeal);
81. *R. v. Kang-Brown*, 2008 SCC 18, and *R. v. A.M.*, 2008 SCC 19, concerning the constitutionality of using dogs to conduct random warrantless inspections of high school students (the CCLA intervened in the Supreme Court of Canada);
82. *Michael Esty Ferguson v. Her Majesty the Queen*, 2008 SCC 6, which concerned the constitutional challenge of a law requiring mandatory minimum sentences (the CCLA intervened in the Supreme Court of Canada);
83. *Elmasry and Habib v. Roger's Publishing and MacQueen* (No. 4), 2008 BCHRT 378, concerning the extent to which a British Columbia human rights law can limit the freedom of expression of a news magazine that had published offensive material about Muslims (the CCLA intervened before the British Columbia Human Rights Tribunal);

84. *Amnesty International Canada v. Canada (Minister of National Defence)*, 2008 FCA 401, concerning the extraterritorial application of the *Charter*, and specifically its application to Canadian Forces in Afghanistan and the transfer of detainees under Canadian control to Afghan authorities (the CCLA intervened in the Federal Court of Appeal);
85. *WIC Radio Ltd., et al. v. Kari Simpson*, 2008 SCC 40, concerning the appropriate balance to be struck in the law of defamation when one person's expression of opinion may have harmed the reputation of another (the CCLA intervened in the Supreme Court of Canada);
86. *Toronto Police Services Board v. (Ontario) Information and Privacy Commissioner*, 2009 ONCA 20 regarding freedom of information and the extent to which the public's right to access electronic data requires that the institution render such data in retrievable form (the CCLA intervened in the Ontario Court of Appeal);
87. *R. v. Patrick*, 2009 SCC 17, concerning the constitutionality of police conducting warrantless searches of household garbage located on private property (the CCLA intervened in the Supreme Court of Canada);
88. *Robin Chatterjee v. Attorney General of Ontario*, 2009 SCC 19, concerning the constitutionality of the civil forfeiture powers contained in Ontario's *Civil Remedies Act, 2001* (the CCLA intervened in the Supreme Court of Canada);
89. *R. v. Suberu*, 2009 SCC 33, concerning the constitutional right to counsel in the context of investigative detentions (the CCLA intervened in the Supreme Court of Canada);
90. *R. v. Grant*, 2009 SCC 32, concerning the appropriate legal test for the exclusion of evidence under s. 24(2) of the *Charter* (the CCLA intervened in the Supreme Court of Canada);
91. *R. v. Harrison*, 2009 SCC 34, concerning the appropriate application of s. 24(2) of the *Charter* in cases where police have engaged in "blatant" and "flagrant" *Charter* violations (the CCLA intervened in the Supreme Court of Canada);
92. *Alberta v. Hutterian Brethren of Wilson Colony*, 2009 SCC 37, concerning whether a provincial law requiring that all driver's licenses include a photograph of the license holder violates the freedom of religion of persons seeking an exemption from being photographed for religious reasons (the CCLA intervened in the Supreme Court of Canada);
93. *R. v. Breeden*, 2009 BCCA 463, concerning whether the constitutional right to freedom of expression applies in certain public and publicly accessible spaces (the CCLA intervened before the British Columbia Court of Appeal);
94. *R. v. Chehil* [2009] N.S.J. No. 515, concerning the permissibility of warrantless searches of airline passenger information by police (the CCLA intervened at the Nova Scotia Court of Appeal);
95. *Matthew Miazga v. The Estate of Dennis Kvello, et al.*, 2009 SCC 51, concerning the appropriate legal test for the tort of malicious prosecution (the CCLA intervened at the Supreme Court of Canada);
96. *Johanne Desbiens, et al. v. Wal-Mart Canada Corporation*, 2009 SCC 55, and *Gaétan Plourde v. Wal-Mart Canada Corporation*, 2009 SCC 54, concerning the interpretation of the Quebec

- Labour Code* and the impact of the freedom of association guarantees contained in the *Canadian Charter* and the *Quebec Charter* (the CCLA intervened in the Supreme Court of Canada);
97. *Stephen Boissoin and the Concerned Christian Coalition Inc. v. Darren Lund*, 2009 ABQB 592, which will examine the extent to which Alberta human rights law can limit a homophobic letter to the editor (the CCLA intervened before the Queen’s Bench of Alberta);
 98. *Quan v. Cusson*, 2009 SCC 62, raising the novel question of a public interest responsible journalism defence, as well as the traditional defence of qualified privilege, in the setting of defamation law and its relationship to freedom of the press (the CCLA intervened in the Supreme Court of Canada);
 99. *Peter Grant v. Torstar Corp.*, 2009 SCC 61 concerning the creation and operation of a public interest responsible journalism defence (the CCLA intervened in the Supreme Court of Canada);
 100. *Whitcombe and Wilson v. Manderson*, December 18 2009, Ontario Superior Court of Justice File No. 31/09, concerning a Rule 21 motion to dismiss a defamation lawsuit being funded by a municipality (the CCLA intervened in the Ontario Superior Court of Justice);
 101. *Karas v. Canada (Minister of Justice)*, (SCC File No. 32500) concerning the appropriateness of extraditing a fugitive to face the possibility of a death penalty without assurances that the death penalty will not be applied (the CCLA was granted leave to intervene at the Supreme Court of Canada but the case was dismissed as moot prior to the hearing);
 102. *Prime Minister of Canada, et al. v. Omar Ahmed Khadr*, 2010 SCC 3, concerning *Charter* obligations to Canadian citizens detained abroad and the appropriateness of *Charter* remedies in respect to matters affecting the conduct of foreign relations (the CCLA intervened in the Supreme Court of Canada);
 103. *R. v. Nasogaluak*, 2010 SCC 6, concerning the availability of sentence reductions as a remedy for violations of constitutional rights (the CCLA intervened in the Supreme Court of Canada);
 104. *Whatcott v. Saskatchewan (Human Rights Tribunal)*, 2010 SKCA 26, concerning the extent to which a Saskatchewan human rights law can limit the expression of a man distributing anti-homosexual flyers (the CCLA intervened in the Saskatchewan Court of Appeal);
 105. *Leblanc et al. c. Rawdon (Municipalite de)* (*Quebec Court of Appeal File No. 500-09-019915-099*) concerning the ability of a municipality to sue for defamation, the proper test for an interlocutory injunction in a defamation case, and the impact of “anti-SLAPP” legislation (the CCLA intervened at the Quebec Court of Appeal);
 106. *Warman v. Fournier et al.*, 2010 ONSC 2126, concerning the appropriate legal test when a litigant in a defamation action is attempting to identify previously-anonymous internet commentators (the CCLA intervened at the Ontario Superior Court of Justice);
 107. *R. v. National Post*, 2010 SCC 16, concerning the relationship between journalist-source privilege, freedom of the press under s. 2b, and search warrant and assistance orders targeting the media (the CCLA intervened in the Supreme Court of Canada);

108. *Toronto Star Newspapers Ltd. v. Canada*, 2010 SCC 21, concerning the constitutionality of mandatory publication bans regarding bail hearing proceedings when requested by the accused (the CCLA intervened in the Supreme Court of Canada);
109. *Smith v. Mahoney* (U.S. Circuit Court of Appeals for the Ninth Circuit, Court File No. 94-99003) concerning the constitutionality of carrying out a death sentence on an inmate who has spent 27 years living under strict conditions of confinement on death row (the CCLA intervened in the U.S. Circuit Court of Appeals for the Ninth Circuit);
110. *R. v. Cornell*, 2010 SCC 31, concerning whether the manner in which police conduct a search, in particular an unannounced ‘hard entry’, constitutes a violation of s. 8 (the CCLA intervened in the Supreme Court of Canada);
111. *City of Vancouver, et al v. Alan Cameron Ward, et al.*, 2010 SCC 27, concerning whether an award of damages for the breach of a *Charter* right can be made in the absence of bad faith, an abuse of power or tortious conduct (the CCLA intervened in the Supreme Court of Canada);
112. *R. v. Sinclair*, 2010 SCC 35, *R. v. McCrimmon*, 2010 SCC 36, and *R. v. Willier*, 2010 SCC 37, concerning the scope of the constitutional right to counsel in the context of a custodial interrogation (the CCLA intervened in the Supreme Court of Canada);
113. *R. v. N.S. et al.*, 2010 ONCA 670, concerning the balancing of freedom of religion and conscience and fair trial rights, where a sexual assault complainant is a religious Muslim woman and the accused has requested that she be required to remove the veil before testifying (the CCLA intervened at the Ontario Court of Appeal);
114. *The Toronto Coalition to Stop the War et al. v. The Minister of Public Safety and Emergency Preparedness and the Minister of Citizenship and Immigration Canada*, 2010 FC 957, concerning the freedom of association and freedom of expression implications of a preliminary assessment by the government that a British Member of Parliament who was invited to speak in Canada was inadmissible because the government claimed he had engaged in terrorism and was a member of a terrorist organization (the CCLA intervened in the Federal Court);
115. *Globe and Mail, a division of CTVglobemedia Publishing Inc. v. Attorney General of Canada, et al.*, 2010 SCC 41, concerning the disclosure of confidential journalistic sources in the civil litigation context, and the constitutionality of a publication ban (the CCLA intervened in the Supreme Court of Canada);
116. *R. v. Gomboc*, 2010 SCC 55, concerning the constitutionality of police conducting warrantless searches of private dwelling houses using real-time electricity meters (the CCLA intervened in the Supreme Court of Canada);
117. *Tiberiu Gavrilă v. Minister of Justice*, 2010 SCC 57, concerning the interaction between the Immigration and Refugee Protection Act and the Extradition Act and whether a refugee can be surrendered for extradition to a home country (the CCLA intervened in the Supreme Court of Canada);
118. *Reference re Marriage Commissioners Appointed Under the Marriage Act, 1995 S.S. 1995, c. M-4.1*, 2011 SKCA 3, concerning the constitutionality of proposed amendments to the *Marriage Act* that would allow marriage commissioners to refuse to perform civil marriages where doing so

would conflict with commissioners' religious beliefs (the CCLA intervened at the Court of Appeal for Saskatchewan);

119. *Canadian Broadcasting Corporation et al. v. The Attorney General of Quebec et al.*, 2011 SCC 2, and *Canadian Broadcasting Corporation v. Her Majesty the Queen and Stéphan Dufour*, 2011 SCC 3 concerning the constitutional protection of freedom of the press in courthouses and the constitutionality of certain rules and directives restricting the activities of the press and the broadcasting of court proceedings (the CCLA intervened in the Supreme Court of Canada);
120. *R. v. Caron*, 2011 SCC 5, concerning the availability of advance cost orders in criminal and quasi-criminal litigation that raises broad reaching public interest issues (the CCLA intervened in the Supreme Court of Canada);
121. *R. v. Ahmad*, 2011 SCC 6, concerning the constitutionality of ss. 38 to 38.16 of the Canada Evidence Act, R.S.C. 1985 (the CCLA intervened in the Supreme Court of Canada);
122. *Farès Bou Malhab v. Diffusion Métromédia CMR inc., et al.*, 2011 SCC 9, concerning statements made by a radio host, and examining the scope and nature of defamation under Quebec civil law in the context of the freedom of expression guarantees found in the Quebec and Canadian Charters (the CCLA intervened in the Supreme Court of Canada);
123. *Ontario (Attorney General) v. Fraser*, 2011 SCC 20, concerning the exclusion of agricultural workers from Ontario's *Labour Relations Act* and whether the labour scheme put in place for these workers violated freedom of association under the *Canadian Charter* (the CCLA intervened in the Supreme Court of Canada);
124. *R. v. K.M.* 2011 ONCA 252, concerning the constitutionality of taking DNA samples from young offenders on a mandatory or reverse onus basis (the CCLA intervened in the Ontario Court of Appeal);
125. *Issassi v. Rosenzweig*, 2011 ONCA 302, concerning a 13 year old girl from Mexico who had been granted refugee status in Canada because of allegations that her mother had sexually abused her, and the subsequent return of that youth to her mother in Mexico, by a judge who did not conduct a risk assessment (the CCLA intervened at the Ontario Court of Appeal);
126. *Attorney General of Canada et al. v. Mavi et al.*, 2011 SCC 30, considering whether there is a need for procedural fairness in the federal immigration sponsorship regime (the CCLA intervened in the Supreme Court of Canada);
127. *Canada (Information Commissioner) v. Canada (Minister of National Defence)*, 2011 SCC 25, cases concerning whether Minister's offices, including the Prime Minister's Office, are considered "government institutions" for the purposes of the federal *Access to Information Act* (the CCLA intervened in the Supreme Court of Canada);
128. *Toussaint v. Attorney General of Canada*, 2011 FCA 213, concerning whether a person living in Canada with precarious immigration status has the right to life-saving healthcare (the CCLA intervened in the Federal Court of Appeal);
129. *Phyllis Morris v. Richard Johnson, et al.*, 2011 ONSC 3996, concerning a motion for production and disclosure brought by a public official and plaintiff in a defamation action **in order to get**

- identifying information about anonymous bloggers (the CCLA intervened on the motion at the Ontario Superior Court of Justice);
130. *Canada (Attorney General) v. PHS Community Services Society*, 2011 SCC 44, concerning a safe (drug) injection site, and the constitutionality of certain criminal provisions in relation to users and staff of the site (the CCLA intervened in the Supreme Court of Canada);
 131. *Crookes v. Newton*, 2011 SCC 47, concerning whether a hyperlink constitutes “publication” for the purposes of the law of defamation (the CCLA intervened in the Supreme Court of Canada);
 132. *R. v. Katigbak*, 2011 SCC 48, considering the scope of the statutory defences to possession of child pornography (the CCLA intervened in the Supreme Court of Canada);
 133. *R. v. Barros*, 2011 SCC 51, considering the scope of the informer privilege and whether it extends to prohibit independent investigation by the defence which may unearth the identity of a police informer (the CCLA intervened in the Supreme Court of Canada);
 134. *Batty v. City of Toronto*, 2011 ONSC 6862, concerning the constitutionality of municipal bylaws prohibiting the erection of structures and overnight presence in public parks as applied to a protest (the CCLA intervened at the Ontario Superior Court of Justice);
 135. *S.L. v. Commission scolaire des Chênes*, 2012 SCC 7, concerning parents seeking to have their children exempt from participating in Quebec’s Ethics and Religious Culture curriculum on the basis of their freedom of religion concerns (the CCLA intervened before the Supreme Court of Canada);
 136. *Doré v. Barreau du Québec*, 2012 SCC 12, concerning the jurisdiction of a provincial law society to discipline members for comments critical of the judiciary (the CCLA intervened before the Supreme Court of Canada);
 137. *R. v. Ipeelee*, 2012 SCC 13, concerning the application of s. 718.2(e) of the *Criminal Code* and *Gladue* principles when sentencing an Aboriginal offender of a breach of long-term supervision orders (the CCLA intervened before the Supreme Court of Canada);
 138. *Canada (Attorney General) v. Bedford*, 2012 ONCA 186, concerning the constitutionality of certain prostitution-related offences (the CCLA intervened at the Ontario Court of Appeal);
 139. *R. v. Tse*, 2012 SCC 16, concerning the constitutionality of the Criminal Code’s “warrantless wiretap” provisions (the CCLA intervened before the Supreme Court of Canada);
 140. *Éditions Écosociété Inc. v. Banro Corp.*, 2012 SCC 18, concerning the appropriate test for jurisdiction and *forum non conveniens* in a multi-jurisdictional defamation lawsuit and the implications of these jurisdictional issues on freedom of expression (the CCLA intervened before the Supreme Court of Canada);
 141. *Peel (Police) v. Ontario (Special Investigations Unit)*, 2012 ONCA 292, concerning the jurisdiction of Ontario’s Special Investigations Unit to investigate potentially criminal conduct committed by a police officer who has retired since the time of the incident (the CCLA intervened before the Ontario Superior Court of Justice and the Ontario Court of Appeal);

142. *Pridgen v. University of Calgary*, 2012 ABCA 139, which considers whether a university can discipline students for online speech and whether the *Canadian Charter of Rights and Freedoms* applies to disciplinary proceedings at a university (the CCLA intervened before the Alberta Court of Appeal);
143. *J.N. v. Durham Regional Police Service*, 2012 ONCA 428, concerning the retention of non-conviction disposition records by police services (the CCLA intervened in the Ontario Court of Appeal; CCLA also intervened before the Ontario Superior Court of Justice, *J.N. v. Durham Regional Police Service*, 2011 ONSC 2892);
144. *Opitz v. Wrzesnewskyj*, 2012 SCC 55, concerning the proper interpretation of the *Canada Elections Act* in the context of elections contested based on “irregularities,” and in light of s. 3 of the Charter (CCLA intervened before the Supreme Court of Canada);
145. *Canada (Human Rights Commission) v. Warman*, 2012 FC 1162, concerning the constitutionality of the hate speech prohibitions in the *Canadian Human Rights Act* (the CCLA intervened in the Federal Court of Canada);
146. *R. v. Cuttell*, 2012 ONCA 661 and *R. v. Ward*, 2012 ONCA 660, concerning the permissibility of warrantless searches of internet users’ identifying customer information (the CCLA intervened at the Ontario Court of Appeal);
147. *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45, concerning the issue of the appropriate test for granting standing in a public interest case (CCLA intervened before the Supreme Court of Canada);
148. *R. v. Cole*, 2012 SCC 53, examining an employee’s reasonable expectation of privacy in employer-issued computers and the application of s. 8 to police investigations at an individual’s workplace (CCLA intervened before the Supreme Court of Canada);
149. *R. v. Prokofiew*, 2012 SCC 49, concerning the inferences that could be made from accused person’s decision not to testify (CCLA intervened before the Supreme Court of Canada);
150. *A.B. v. Bragg Communications Inc.*, 2012 SCC 46, concerning the proper balance between the transparency of court proceedings and the privacy of complainants (CCLA intervened before the Supreme Court of Canada);
151. *Lund v. Boisson*, 2012 ABCA 300, which considers the extent to which Alberta human rights law can limit a homophobic letter to the editor (the CCLA intervened before the Alberta Court of Appeal);
152. *R. v. Khawaja*, 2012 SCC 69 and *Sriskandarajah v. United States of America*, 2012 SCC 70 which together considered whether the definition of “terrorist activity” introduced by the Anti-Terrorism Act 2001, amending the Criminal Code, infringe the Charter (CCLA intervened before the Supreme Court of Canada);
153. *R. v. NS*, 2012 SCC 72, concerning the balancing of freedom of religion and conscience and fair trial rights, where a sexual assault complainant is a religious Muslim woman and the accused has requested that she be required to remove the veil before testifying (the CCLA intervened before the Supreme Court of Canada);

154. *R. v. Davey*, 2012 SCC 75, *R. v. Emms*, 2012 SCC 74 and *R. v. Yumnu*, 2012 SCC 73, concerning the Crown's vetting of prospective jurors prior to jury selection and the failure to disclose information to defence counsel (CCLA intervened before the Supreme Court of Canada);
155. *R. v. Manning*, 2013 SCC 1, concerning the proper interpretation of a criminal forfeiture provision, and whether courts may consider the impact of such forfeiture on offenders, their dependents, and affected others (CCLA intervened before the Supreme Court of Canada);
156. *Saskatchewan Human Rights Commission v. William Whatcott*, 2013 SCC 11, concerning the constitutionality and interpretation of the hate speech provisions of the Saskatchewan Human Rights Code and the extent to which that law can limit the expression of a man distributing anti-homosexual flyers (CCLA intervened before the Supreme Court of Canada);
157. *R. v. Mernagh*, 2013 ONCA 67, concerning the constitutionality of medical marijuana regulations (CCLA intervened before the Ontario Court of Appeal);
158. *Tigchelaar Berry Farms v. Espinoza*, 2013 ONSC 1506, concerning temporary migrant workers who, following their termination, were immediately removed from Canada by their employers pursuant to a government-mandated employment contract (CCLA intervened before the Ontario Superior Court);
159. *R. v. TELUS Communications Co.*, 2013 SCC 16, concerning the interpretation of the interception provisions of the *Criminal Code* and whether the authorizations in a General Warrant and Assistance Order are sufficient to require a cell phone company to forward copies of all incoming and outgoing text messages to the police;
160. *R. v. Pham*, 2013 SCC 15, concerning whether the demands of proportionality in sentencing require that the individual accused's circumstances be taken into account to include a collateral consequence, such as deportation;
161. *Canadian Human Rights Commission v. Canada (Attorney General)*, 2013 FCA 75, in which the court considered whether an allegation that the Government of Canada has engaged in prohibited discrimination by under-funding child welfare services for on-reserve First Nations children, in order to succeed, requires a comparison to a similarly situated group;
162. *Penner v. Niagara (Regional Police Service Board)*, 2013 SCC 19, concerning the use of issue estoppel in the context of civil claims against the police;
163. *R. v. Saskatchewan Federation of Labour*, 2013 SKCA 43, concerning essential services legislation and the freedom to strike;
164. *R. v. Welsh*, 2013 ONCA 190, concerning the constitutionality of an undercover police officer posing as a religious or spiritual figure in order to elicit information from a suspect;
165. *Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper, Ltd.*, 2013 SCC 34, concerning employee privacy and the reasonableness of randomized alcohol testing in the workplace;
166. *RC v. District School Board of Niagara*, 2013 HRTO 1382, concerning the policy and practice of distribution of non-instructional religious material within the school board system and whether it is discriminatory on the basis of creed;

167. *Divito v. Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 47, concerning the government’s refusal to permit Canadians detained abroad to serve the remainder of their sentence in Canada and the application of s. 6 of the Charter (the CCLA also intervened at the Federal Court of Appeal, 2011 FCA 39);
168. *R. v. Chehil*, 2013 SCC 49, and *R. v. Mackenzie*, 2013 SCC 50, concerning the “reasonable suspicion” standard and the right to be free from unreasonable search and seizure;
169. *Ezokola v. Minister of Immigration and Citizenship*, 2013 SCC 40, concerning application of the exclusion clause 1(F)(a) of the 1951 UN Refugee Convention, as incorporated in the IRPA, and the proper test for complicity in war crimes and crimes against humanity. The case considers an individual who has been denied refugee status because he was employed by the government of the Democratic Republic of Congo at a time that international crimes were committed by the State;
170. *Reva Landau v. Ontario (Attorney General)*, 2013 ONSC 6152, concerning the constitutionality of the current funding of Ontario’s Catholic schools;
171. *R. v. Vu*, 2013 SCC 60, concerning the scope of police authority to search computers and other personal electronic devices found within a place for which a warrant to search has been issued;
172. *Alberta (Information and Privacy Commissioner) v. United Food and Commercial Workers, Local 401*, 2013 SCC 62, concerning the constitutionality of Alberta’s *Personal Information Protection Act* in light of its impact on a union’s freedom of expression in respect of activities on a picket line;
173. *Faysal v. General Dynamics Land Systems Canada* (Ontario Human Rights Tribunal File No. 2009-03006-I), concerning the application by a Canadian employer of the US *International Traffic in Arms Regulations*, and whether such application constitutes discrimination, contrary to the Ontario *Human Rights Code*, the *Charter of Rights and Freedoms*, and Canadian legal obligations pursuant to international human rights law (matter settled before a hearing);
174. *Wood v. Schaeffer*, 2013 SCC 71, concerning the scope of public interest standing and the interpretation of certain Regulations governing investigations conducted by Ontario’s Special Investigations Unit (the CCLA also intervened at the Ontario Court of Appeal, 2011 ONCA 716);
175. *Bernard v. Canada (Attorney General)*, 2014 SCC 13, concerning an employer sharing the contact information of a Rand employee with a union and whether this violates rights to privacy and the freedom not to associate;
176. *John Doe v. Ontario (Finance)*, 2014 SCC 36, concerning an exception in Ontario’s *Freedom of Information and Protection of Privacy Act* for advice and recommendations to a Minister;
177. *Mission Institution v. Khela*, 2014 SCC 24, concerning the scope of habeas corpus, the disclosure obligations on a correctional institution when they conduct an involuntary transfer, and the remedies that are available pursuant to a habeas application;
178. *R. v. Summers*, 2014 SCC 26, concerning the presumption of innocence and the interpretation of “circumstance[s]” that may justify granting enhanced credit for pre-trial custody under s. 719(3.1) of the *Criminal Code*;

179. *Canada (Citizenship and Immigration) v. Harkat*, 2014 SCC 37, concerning the constitutionality of Canada’s “security certificate” regime, particularly the restrictions on communications between a Named Person and the Special Advocate;
180. *France v. Diab*, 2014 ONCA 374, regarding whether an extradition judge must engage in a limited weighing of evidence to assess the sufficiency of evidence for committal to extradition and whether a failure to do so would violate s. 7 of the *Charter*;
181. *R. v. Spencer*, 2014 SCC 43, concerning the permissibility of warrantless searches of internet users’ identifying customer information;
182. *R. v. Taylor*, 2014 SCC 50, concerning the right to counsel and whether intentional police reliance on medical procedures to gather evidence without implementing the right to counsel violates s. 8 of the *Charter*;
183. *R. v. Hart*, 2014 SCC 52, concerning the constitutionality and admissibility of a confession obtained through a “Mr. Big” police operation;
184. *Febles v. Canada (Citizenship and Immigration)*, 2014 SCC 68, concerning whether a court must consider an individual’s rehabilitation when seeking to exclude a refugee from Canada for “serious prior criminality”;
185. *Kazemi Estate v. Islamic Republic of Iran*, 2014 SCC 62, concerning the application of the *Charter* to the *State Immunity Act* and whether it denies state immunity for acts committed by foreign governments when such acts result in violations of international law prohibitions against torture (the CCLA also intervened at the Quebec Court of Appeal, 2012 QCCA 1449);
186. *Wakeling v. United States of America*, 2014 SCC 72, regarding the constitutionality of sections of the *Criminal Code* and the *Privacy Act* that allow for the substance of wiretaps to be disclosed to foreign law enforcement actors;
187. *R. v. Fearon*, 2014 SCC 77, concerning the scope of the police power to search incident to arrest and whether it extends to a warrantless search of personal electronic devices (the CCLA also intervened at the Ontario Court of Appeal, 2013 ONCA 106);
188. *PS v. Ontario*, 2014 ONCA 900, concerning detention under mental health law and the scope of *Charter* protection afforded to a person with a hearing impairment and linguistic needs, in a situation of compound rights violations;
189. *Mounted Police Association of Ontario v. Canada (Attorney General)*, 2015 SCC 1, concerning the constitutionality of the labour relations regime for members of the Royal Canadian Mounted Police;
190. *Carter v. Canada (Attorney General)*, 2015 SCC 5, concerning the constitutionality of the *Criminal Code* prohibition on assisted suicide in light of the rights protected under ss. 7 and 15 of the *Charter*;
191. *Canada (Attorney General) v. Federation of Law Societies of Canada*, 2015 SCC 7, concerning the impact of provisions of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, and associated regulations, on solicitor-client privilege and whether these provisions unjustifiably violate s. 7 of the *Charter*;

192. *Baglow v. Smith*, 2015 ONSC 1175, concerning the fair comment defence and the approach to defamation cases where the allegedly defamatory publication takes place within the “blogosphere”;
193. *Loyola High School v. Quebec (Attorney General)*, 2015 SCC 12, concerning whether a private religious high school should be exempted from the requirement to teach Quebec’s Ethics and Religious Culture curriculum and whether the failure to grant an exemption violates the institution’s freedom of religion;
194. *Figueiras v. Toronto (Police Services Board)*, 2015 ONCA 208, regarding whether a roving police “stop and search” checkpoint targeting apparent protesters during the G20 Summit violated ss. 2 and 7 of the *Charter*;
195. *R. v. Nur*, 2015 SCC 15, concerning the constitutionality of various provisions of the *Criminal Code* which impose mandatory minimum sentences for the possession of a prohibited firearm (the CCLA also intervened at the Ontario Court of Appeal, 2013 ONCA 677, and at the Ontario Superior Court of Justice, 2011 ONSC 4874);
196. *Mouvement laïque québécois v. Saguenay (City)*, 2015 SCC 16, concerning whether the rights to equality or to freedom of religion as protected under the Quebec *Charter of human rights and freedoms* are violated when a prayer is recited at the outset of a municipal council meeting;
197. *Henry v. British Columbia (Attorney General)*, 2015 SCC 24, regarding the availability of *Charter* remedies for non-disclosure of evidence at trial and whether claimants should be required to prove prosecutorial malice in the *Charter* claim;
198. *Bowden Institution v. Khadr*, 2015 SCC 26, regarding the proper interpretation of the *International Transfer of Offenders Act* as applied to the sentence received by a Canadian citizen sentenced in the United States and whether the sentence should be served in a provincial correctional facility;
199. *R. v. St-Cloud*, 2015 SCC 27, regarding the interpretation of the power to deny bail because detention is necessary to maintain confidence in the administration of justice;
200. *R. v. Barabash*, 2015 SCC 29, considering the scope of the private use exception to making and possessing child pornography;
201. *R. v. Smith*, 2015 SCC 34, concerning the constitutionality of the *Marijuana Medical Access Regulations* and whether the limitation in the *Regulations* restricting legal possession to only dried marijuana unreasonably infringes s. 7 *Charter* rights;
202. *Equustek Solutions Inc. v. Google Inc.*, 2015 BCCA 265, concerning the validity of an order of the BC Supreme Court that requires a global internet search service to delete certain websites from its search results worldwide;
203. *Taylor-Baptiste v. Ontario Public Service Employees Union*, 2015 ONCA 495, concerning the role of the *Charter of Rights and Freedoms* in the interpretation of the Ontario *Human Rights Code* by the Human Rights Tribunal of Ontario, and in particular how the *Charter* protection of freedom of expression impacts on the Code’s protections (the CCLA also intervened before the Ontario Superior Court of Justice, 2014 ONSC 2169);

204. *Frank v. Canada (Attorney General)*, 2015 ONCA 536, concerning the constitutionality of provisions of the *Canada Elections Act* that preclude Canadian citizens who have resided outside of the country for more than five years from voting in federal elections;
205. *Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Bombardier Inc. (Bombardier Aerospace Training Center)*, 2015 SCC 39, concerning the application of the *Quebec Charter* to a Canadian company's refusal to train a Pakistan-born Canadian pilot because he was refused clearance under a US program requiring security checks for foreigners;
206. *Disciplinary Hearings of Superintendent David Mark Fenton*, Toronto Police Service Disciplinary Tribunal decision dated 25 August 2015, regarding whether the mass arrest of hundreds of individuals at two locations during the G20 Summit constituted a violation of ss. 2 and 9 of the *Charter* and whether the officer's conduct amounted to misconduct under the *Police Services Act*;
207. *R. v. Appulonappa*, 2015 SCC 59, and *B010 v. Canada (Citizenship and Immigration)*, 2015 SCC 58, concerning the constitutionality of criminal and immigration sanctions imposed on those who provide assistance to refugee claimants as "human smugglers" (CCLA also intervened in *R. v. Appulonappa* before the BC Court of Appeal, 2014 BCCA 163);
208. *Schmidt v. Attorney General of Canada*, 2016 FC 269, concerning the proper interpretation of statutory provisions requiring the Minister of Justice to report to Parliament on the constitutionality of proposed legislation;
209. *Good v. Toronto (Police Services Board)*, 2016 ONCA 250, regarding the certification of a class action arising from alleged police misconduct during the 2010 G20 Summit;
210. *Villeneuve c. Montréal (Ville de)*, 2016 QCCS 2888, concerning the constitutionality of a City of Montreal by-law that prohibits the holding of gatherings and marches without informing the police of the itinerary and location and prohibiting individuals participating in such gatherings from covering their faces without valid justification;
211. *Trinity Western University v. Law Society of Upper Canada*, 2016 ONCA 518, considering the Law Society of Upper Canada's decision not to accredit the proposed law school at Trinity Western University, and whether the decision strikes an appropriate balance between freedom of religion and equality;
212. *Thompson v. Ontario (AG)*, 2016 ONCA 676, concerning a constitutional challenge to schemes in Ontario's *Mental Health Act* that permit involuntary detention and coerced medical treatment for individuals who are not a danger to themselves or others;
213. *R. v. Donnelly* and *R. v. Gowdy*, 2016 ONCA 988 and 2016 ONCA 989, concerning the availability of a sentence reduction remedy under s. 24(1) of the *Charter* and whether such a remedy allows courts to reduce an offender's sentence below the statutory mandatory minimum;
214. *Jean-François Morasse v. Gabriel Nadeau-Dubois*, 2016 SCC 44, concerning an appeal of a contempt conviction in respect of an individual who made public statements about the legitimacy of certain protest activities (CCLA also intervened before the Quebec Court of Appeal, 2015 QCCA 78);

215. *Ernst v. Energy Resources Conservation Board*, 2017 SCC 1, concerning the availability of a Charter remedy where a statute has a general immunity clause;
216. *BC Freedom of Information and Privacy Association v. Attorney General of British Columbia*, 2017 SCC 6, concerning the constitutionality of provisions of the *British Columbia Election Act* requiring registration of third party advertisers without a threshold spending limit;
217. *R. v. Saikaley*, 2017 ONCA 374, concerning the proper interpretation of the *Customs Act* in relation to the warrantless search of cell phones (or other electronic devices) of anyone entering Canada;
218. *Bingley v. Her Majesty the Queen*, 2017 SCC 12, regarding whether a *Mohan voir dire* is required to determine the admissibility of testimony from a Drug Recognition Expert;
219. *R. v. Peers*, 2017 SCC 13, concerning whether the word punishment in s. 11(f) of the *Charter* is restricted to imprisonment or other punishments that engaged the accused's liberty interests;
220. *R. v. Tinker*, 2017 ONCA 552, concerning whether a mandatory victim surcharge violates ss. 7 and 12 of the *Charter*;
221. *Quebec (Director of Criminal and Penal Prosecutions) v. Jodoin*, 2017 SCC 26, concerning the imposition of personal costs against a criminal lawyer on the basis of his conduct in the representation of his clients;
222. *R. v. Antic*, 2017 SCC 27, concerning the *Criminal Code* restriction on cash bails and the right of an accused to the least restrictive form of bail;
223. *Deborah Louise Douez v. Facebook, Inc.*, 2017 SCC 33, regarding the need to modify the "strong cause" test in forum selection cases where constitutional or *quasi*-constitutional rights are engaged in contracts of adhesion;
224. *Google Inc. v. Equustek Solutions Inc., et al.*, 2017 SCC 33, concerning the validity of an order of the BC Supreme Court that requires a global internet search service to delete certain websites from its search results worldwide (the CCLA also intervened before the British Columbia Court of Appeal, 2015 BCCA 265);
225. *Nour Marakah v. Her Majesty the Queen*, 2017 SCC 59, regarding whether the sender of a text message has a reasonable expectation of privacy in the message once it is accessible on a recipient's cell phone;
226. *Tristin Jones v. Her Majesty*, 2017 SCC 60, companion case to *Marakah*, regarding whether the standing test in an informational privacy case should be clarified in the context of evolving technologies;
227. *Cooperstock v. United Airlines* (Federal Court of Appeal File No. A-262-17), concerning whether an attempted parody website critical of a corporation constitutes a copyright or trademark violation (CCLA was granted leave to intervene but the matter settled prior to a hearing);

228. *Schmidt v. Attorney General of Canada*, 2018 FCA 55, concerning the proper interpretation of statutory provisions requiring the Minister of Justice to report to Parliament on the constitutionality of proposed legislation (the CCLA also intervened before the Federal Court, 2016 FC 269);
229. *R v. Wong*, 2018 SCC 25, concerning an accused's request to withdraw a guilty plea after finding the applicant was uninformed of significant collateral consequences of the plea;
230. *Groia v. Law Society of Upper Canada*, 2018 SCC 27, concerning a finding of professional misconduct made against a lawyer on the basis of incivility and the question of when such a finding impacts freedom of expression (the CCLA also intervened before the Law Society Appeal Panel, 2013 ONLSAP 41, the Divisional Court, 2015 ONSC 686, and the Court of Appeal, 2016 ONCA 471);
231. *Trinity Western University v. Law Society of Upper Canada*, 2018 SCC 33, considering the Law Society of Upper Canada's decision not to accredit the proposed law school at Trinity Western University, and whether the decision strikes an appropriate balance between freedom of religion and equality (the CCLA also intervened before the Ontario Court of Appeal, 2016 ONCA 518);
232. *Stewart v. Toronto Police Services Board*, 2018 ONSC 2785, concerning the constitutionality of establishing a police perimeter around a public park and requiring a search of bags and belongings as a condition of entry.
233. *Re: Interim Prohibitory Orders issued against Leroy St. Germaine, Lawrence Victor St. Germaine and James Sears dated May 26, 2016*, Board of Review proceedings under the *Canada Post Corporation Act*, considering the constitutionality of a Ministerial decision to prohibit access to Canada Post for individuals alleged to be committing an offence;
234. *Abdi v Canada*, 2018 FC 733 concerning whether *Charter* rights and values may be considered in admissibility proceedings against a non-citizen who had been a Crown ward;
235. *R v Boudreault*, 2018 SCC 58, concerning whether a mandatory victim surcharge violates s. 12 of the Charter;
236. *R v Vice Media Canada Inc*, 2018 SCC 53, considering when a journalist can be compelled to reveal communications with a source for the purpose of assisting a police investigation and whether the police record underlying the production order should be subject to a sealing order or a publication ban (The CCLA also intervened before the Ontario Court of Appeal, 2017 ONCA 231);
237. *Frank v. Canada (Attorney General)*, 2019 SCC 1 concerning the constitutionality of provisions of the *Canada Elections Act* that preclude Canadian citizens who have resided outside of the country for more than five years from voting in federal elections;
238. *Spencer Dean Bird v. Her Majesty the Queen*, 2019 SCC 7, concerning the role of *Charter* considerations when applying the doctrine of collateral attack;
239. *R v. Jarvis*, 2019 SCC 10, concerning whether surreptitious visual recordings of students were made in circumstances that give rise to a reasonable expectation of privacy;

240. *R v. Corey Lee James Myers*, 2019 SCC 18, concerning the proper approach to be taken in respect of a 90 day bail review;
241. *Mills v. Her Majesty the Queen*, 2019 SCC 22, concerning whether an accused had a reasonable expectation of privacy in electronic communications to an undercover police officer;
242. *Minister of Public Safety and Emergency Preparedness, et al. v. Tusif Ur Rehman Chhina*, 2019 SCC 29, concerning whether a *habeas corpus* proceeding should be available to individuals held in immigration detention;
243. *Gregory Allen v. Her Majesty the Queen in right of Ontario as represented by the Minister of Community Safety and Correctional Services* (Ontario Human Rights Tribunal File No 2016-25116-I) concerning the use of solitary confinement on persons with physical disabilities (this matter settled prior to hearing);
244. *Mitchell v. Jackman* (Supreme Court of Newfoundland and Labrador, Court of Appeal File No. 2017 01H 0089), concerning the constitutionality of provisions of the Newfoundland *Elections Act* which allow for special ballot voting prior to an election writ being dropped (CCLA also intervened in the Newfoundland and Labrador Trial Division (General) 2017 NLTD(G) 150; the Court of Appeal dismissed the appeal as moot);
245. *R. v. Culotta*, 2018 SCC 57, concerning whether the right to counsel requires immediate access to a phone and the internet, and whether blood samples should be excluded under s. 24(2) of the *Charter* when the samples are taken for strictly medical purposes rather than police purposes;
246. *R. v. Le*, 2019 SCC 34, concerning whether a detention and search in a private backyard of a racialized individual violated an accused's ss. 8 and 9 rights;
247. *R. v. Penunsi*, 2019 SCC 39, concerning whether the judicial interim release provisions contained in s. 515 of the *Criminal Code* apply to s. 810 peace bond proceedings, and whether s. 810.2(2) of the *Criminal Code* empowers a judge to issue an arrest warrant in order to cause a defendant to a s. 810.2 information to appear.
248. *Christian Medical and Dental Society et al. v. College of Physicians and Surgeons of Ontario*, 2019 ONCA 393, concerning the constitutionality of policies requiring physicians who conscientiously object to a medical practice to nevertheless provide an effective referral and urgent care to patients seeking care (CCLA also intervened in the Superior Court, 2018 ONSC 579);
249. *R v. Passera*, 2019 ONCA 527, considering whether it is cruel and unusual punishment to compel an offender who is detained prior to trial to spend more time in custody than other similarly situated offenders prior to becoming eligible for parole or early release;
250. *Marie-Maude Denis v. Marc-Yvan Coté*, 2019 SCC 44, concerning the interpretation and application of the *Journalistic Sources Protection Act* and the changes it made to the *Canada Evidence Act* concerning the treatment of journalistic sources in court proceedings;
251. *Fleming v. Ontario*, 2019 SCC 45, concerning the ancillary common law powers of police officers in the context of an arrest for an apprehended breach of the peace, and the impact of the exercise of that power on the right to freedom of expression and peaceful protest;

252. *R. v. Rafilovich*, 2019 SCC 51, concerning whether a fine in lieu of forfeiture should be imposed in respect of proceeds of crime seized by the police but returned by order of the court to the accused to pay for defence counsel;
253. *Kosoian v. Société de transport de Montréal, et al.*, 2019 SCC 59, concerning whether a pictogram can create an infraction and the circumstances in which an individual must identify themselves to police;
254. *Ontario (Attorney General) v. Bogaerts*, 2019 ONCA 876, concerning private organizations with delegated law enforcement powers that engage s. 8 of the *Charter*, and the importance of transparency and accountability as fundamental legal principles under s. 7;
255. *C.M. v York Regional Police*, 2019 ONSC 7220, concerning the procedural fairness of the police vulnerable sector check process;
256. *Stewart v. Toronto Police Services Board*, 2020 ONCA 255, concerning the constitutionality of establishing a police perimeter around a public park and requiring a search of bags and belongings as a condition of entry;
257. *R. v. Sullivan*, 2020 ONCA 333, concerning the constitutionality of s. 33.1 of the Criminal Code which ousts the common law defence of automatism for certain offences when induced by voluntary intoxication;
258. *Leroux v. Ontario*, 2020 ONSC 1994, concerning the impact of the *Crown Liability and Proceedings Act* on a certification motion previously granted by the Court;
259. *R. v. Zora*, 2020 SCC 14, concerning the mens rea for the offence of failing to comply with a condition of undertaking or recognizance;
260. *British Columbia v. Provincial Court Judges' Association of B.C.*, 2020 SCC 20 and *Nova Scotia v. Nova Scotia Provincial Court Judges' Association*, 2020 SCC 21, considering whether Cabinet documents should be protected from disclosure in the judicial review of judicial compensation or whether they should be exempted on the basis of public interest immunity;
261. *1704604 Ontario Limited v. Pointes Protection Association, et al.*, 2020 SCC 22 and *Maia Bent, et al. v. Howard Platnick, et al.*, 2020 SCC 23, concerning the appropriate approach to applying the criteria for dismissal set out in ss. 137.1 to 137.5 in Ontario's Courts of Justice Act (i.e. the proper interpretation of Ontario's anti-SLAPP provisions);
262. *Attorney General of Quebec, et al. v. 9147-0732 Québec inc.*, 2020 SCC 32, considering whether corporations should (or should not) have a right to be free from cruel and unusual treatment under s. 12 of the *Charter*;
263. *Ontario (Attorney General) v. G*, 2020 SCC 38, concerning whether inclusion on a sex offender registry is contrary to ss. 7 and 15 of the *Charter* for persons found not criminally responsible by reason of mental disorder and absolutely discharged by a Review Board (CCLA also intervened before the Ontario Court of Appeal);
264. *Children's Aid Society of Toronto v. O.O & J.A.G.-L.* (Ontario SCJ File No. FS-20-16365), concerning the suspension of parental access to a child in care as a result of the COVID-19

pandemic and the proper evidentiary threshold that must be met before eliminating parental access;

265. *AC and JF v Alberta*, 2021 ABCA 24, concerning the test for an injunction against government action or legislation, in the context of a constitutional challenge against the government's retroactive change to Alberta's Support Financial Assistance Program for young people who had been raised in government care. The change lowered the age eligibility for this program;
266. *Leroux v. Ontario*, 2021 ONSC 2269, considering whether the *Crown Liability and Proceedings Act* alters the common law of Crown immunity, whether the legislation improperly usurps the core jurisdiction of the superior courts, and the impact of the legislation on a previously certified class proceeding; and
267. *Francis v. Ontario*, 2021 ONCA 197, concerning a class action regarding the placement of inmates with serious mental illness in solitary confinement, and the scope of the Crown's liability in tort under the *Crown Liability and Proceedings Act*.

CCLA Interventions – Hearing or Decision Pending

268. *R. v. Morris* (ONCA File No. C65766), concerning how systemic discrimination and background factors ought to inform the sentencing of Black offenders;
269. *Estate of Bernard Sherman and the Trustees of the Estate et al., v. Kevin Donovan et al.* (Supreme Court of Canada File No. 38695), considering the relationship between privacy interests in an estate administration matter and the open courts principle;
270. *Ethiopian Orthodox Tewahedo Church of Canada St. Mary Cathedral, et al. v. Teshome Aga, et al.* (Supreme Court of Canada File No. 39094), concerning when a civil court can intervene in a dispute about membership within a voluntary religious association; and
271. *Mounsey and Taban v Metrolinx and Toronto Police Services Board* (Human Rights Tribunal of Ontario File Numbers 2020-41448-I and 2020-41449-I) addressing whether the applicants were discriminated against when they were terminated from their positions after a police background check;
272. *Mike Ward v. Commission des droits de la personne et des droits de la jeunesse* (SCC File No.: 39041) addressing a claim of discrimination brought against a comedian for statements made and disseminated during a comedy routine, and the impact of the protection of freedom of expression on that claim; and
273. *Lorne Wayne Grabher v. Her Majesty the Queen of the Province of Nova Scotia as represented by the Registrar of Motor Vehicles* (NS CA File No.: 497266) concerning the discretion granted to the Registrar of Motor Vehicles to refuse and rescind certain personalized license plates and whether the statutory grant of that discretion is consistent with freedom of expression;
274. *Parranto et al. v. Her Majesty the Queen, et al.* (Supreme Court of Canada File No. 39227) which will consider the use of starting points in the criminal sentencing process; and
275. *Working Families Ontario v. Ontario* (ONSC File: CV-18-590584) which will consider the constitutionality of restrictions on third party advertising in relation to Ontario's provincial election for a year before the election writ is dropped.

The CCLA has also litigated significant civil liberties issues as a party in the following cases and inquests:

276. *Canadian Civil Liberties Association v. Ontario (Minister of Education)* (1990), 71 OR (2d) 341 (CA), reversing (1988), 64 OR (2d) 577 (Div Ct), concerning whether a program of mandatory religious education in public schools violated the *Charter*'s guarantee of freedom of religion;
277. *Canada (Canadian Human Rights Commission) v. Toronto-Dominion Bank (re Canadian Civil Liberties Association)*, [1996] 112 FTR 127, affirmed [1998] 4 FC 205 (CA), concerning whether an employer's policy requiring employees to submit to a urine drug test was discriminatory under the *Canadian Human Rights Act*;
278. *Corporation of the Canadian Civil Liberties Association v. Ontario (Civilian Commission on Police Services)* (2002), 61 OR (3d) 649 (CA), concerning the proper evidentiary standard to be applied under the *Ontario Police Services Act* when the Civilian Commission on Police Services considers the issue of hearings into civilian complaints of police misconduct;
279. *Canadian Civil Liberties Association v. Toronto Police Service*, 2010 ONSC 3525 and 2010 ONSC 3698, concerning whether the use of Long Range Acoustic Devices (LRADs) by the Toronto Police Service and the Ontario Provincial Police during the G20 Summit in June 2010 violated Regulation 926 of the *Police Services Act* and ss. 2 and 7 of the *Charter*;
280. *Inquest into the Death of Ashley Smith* (Office of the Chief Coroner) (Ontario), concerning the death of a young woman with mental health issues, who died by her own hand while in prison, under the watch of correctional officers;
281. *Corporation of the Canadian Civil Liberties Association and Christopher Parsons v. Attorney General (Canada)* (Ontario Superior Court File No. CV-14-504139), an application regarding the proper interpretation of certain provisions of the federal *Personal Information Protection and Electronic Documents Act* which have been used to facilitate warrantless access to internet subscriber information (application ongoing);
282. *Corporation of the Canadian Civil Liberties Association v. Attorney General (Canada)*, 2019 ONCA 243; and *Corporation of the Canadian Civil Liberties Association v. Her Majesty the Queen*, 2017 ONSC 7491, an application and appeal regarding the constitutionality of provisions of the *Corrections and Conditional Release Act* which authorize "administrative segregation" in Canadian correctional institutions (currently on cross-appeal at the Supreme Court of Canada, File No. 38574,);
283. *Corporation of the Canadian Civil Liberties Association, et al. v. Attorney General (Canada)* (Ontario Superior Court File No. CV-15-532810), an application concerning the constitutionality of provisions of various pieces of legislation as a result of the *Anti-Terrorism Act, 2015* (application ongoing);
284. *National Council of Canadian Muslims (NCCM), Marie-Michelle Lacoste and Corporation of the Canadian Civil Liberties Association c Attorney General of Quebec* (Quebec Superior Court File No. 500-17-100935-173); *National Council of Canadian Muslims (NCCM) c. Attorney General of Québec*, 2018 QCCS 2766, and *National Council of Canadian Muslims (NCCM) c. Attorney General of Quebec*, 2017 QCCS 5459, an application to challenge the validity of a provision banning face coverings in giving or receiving public services and applications for an order staying the operation of this provision;

285. *Becky McFarlane, in her personal capacity and as litigation guardian for LM, and The Corporation of the Canadian Civil Liberties Association v. Minister of Education (Ontario)*, 2019 ONSC 1308, concerning whether the removal of sections of Ontario's health and physical education curriculum violates the equality rights of LGBTQ+ students and parents;
286. *Ichrak Nourel Hak, National Council of Canadian Muslims (NCCM) and Corporation of the Canadian Civil Liberties Association v Attorney General of Quebec*, 2021 QCCS 1466; *Hak c. Procureure générale du Québec*, 2019 QCCA 2145 and 2021 QCCS 1466, an application to challenge the validity of provisions banning religious symbols in certain professions in the public sector, and an application for an order staying the operation of these provisions.
287. *Corporation of the Canadian Civil Liberties Association and Lester Brown v Toronto Waterfront Revitalization Corporation, et. al*, (Ontario Superior Court of Justice File No. 211/19), concerning whether Sidewalk Labs' smart city project is *ultra vires* and whether it violates ss. 2(c), 2(d), 7, and 8 of the *Charter of Rights and Freedoms* (without costs abandonment filed when Sidewalk Labs ended the project);
288. *CCLA v. Attorney General of Ontario*, 2020 ONSC 4838, concerning the constitutionality of Ontario's *Federal Carbon Tax Transparency Act* which compels gas retailers to post an anti-carbon tax notice on all gas pumps or face fines;
289. *Sanctuary Ministries of Toronto, et. al v. City of Toronto, et. al* (Ontario Superior Court of Justice), concerning the constitutionality of the Toronto Shelter Standards and 24-Hour Respite Site Standards, and of the conduct of the City in the operation of its shelters and failure to develop and implement a COVID-19 mitigation plan, on the basis that these do not comply with public health dictates regarding physical distancing during the COVID-19 pandemic;
290. *Canadian Civil Liberties Association et al. v. Attorney General of Canada* (Federal Court File No. T-539-20), claiming that the Correctional Service of Canada's failure to take reasonable steps to protect the lives and health of inmates in the face of the COVID-19 pandemic violates the statutory duties in ss. 70, 86 and 87 of the CCRA and violates prisoners' ss. 7, 12 and 15 *Charter* rights; and
291. *Taylor v. Newfoundland and Labrador*, 2020 NLSC 125, claiming that the Special Measures Order put in place by the province's Chief Medical Officer of Health that prohibits some Canadian citizens and permanent residents to visit the province is *ultra vires* provincial jurisdiction and that it violates ss. 6 and 7 of the *Charter* and cannot be saved by s. 1, and arguing that new enforcement provisions under the *Public Health Protection and Promotion Act* unjustifiably infringe ss. 7 8 and 9 of the *Charter* (decision is being appealed).