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November 3, 2020

Roman Barber, Chair
Thushitha Kobikrishna, Clerk
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Submitted electronically:

<https://www.ola.org/en/apply-committees>

Dear Sir/Madam:

I am strongly opposed to the Government of Ontario's proposed Bill 218, an Act to enact Ontario's Recovery Act, 2020 respecting certain proceedings relating to the coronavirus (covid-19), to amend the Municipal Elections Act, 1996 and to revoke a regulation.

Bill 218 is an Act whose alleged purpose is to offer businesses protection from liability from any actions taken during the current Coronavirus (COVID-19) situation as long as they have acted in accordance with public health guidance. This Bill will ensure that a "person" cannot be sued as a result of another person's direct or indirect infection with or exposure to coronavirus (COVID-19) on or after March 17, 2020 if that "person" makes a "good faith effort" to act in accordance with any "public health guidance".

I believe that for the purpose of this Bill, the term "person" includes the government of the Province of Ontario its elected and appointed officials, officers, agencies, and employees.

A "good faith effort" is defined as "including an honest effort, whether or not that effort is reasonable". As I understand it, this is the lowest possible standard for a defence against any legal action and I believe that our government should be held to a higher standard.

"public health guidance" is defined as "... advice, recommendations, directives, guidance, or instructions given or made in respect of public health, regardless of the form or manner of their communication" as issued by various listed public health officials, ministries or agencies of Ontario, Canada or a municipality or regulatory body.

Bill 218 applies retroactively from the date it receives Royal Assent to March 17, 2020 and it requires the courts to dismiss any action that was commenced before, on or after the date this Act comes into force without costs.

In my opinion, Bill 218 is a blatant attempt by Premier Doug Ford, the Ontario government, its Ministries, agencies, officers and employees to avoid any and all liability and accountability for their actions taken during the so called coronavirus (COVID-19) pandemic. This legislation, if passed, will prevent the citizens of Ontario from suing the Province of Ontario, its Ministries, Agencies, officers and employees in an attempt to hold these persons accountable for their actions.

The Province of Ontario's stated purpose for declaring a state of emergency in March 2020 and for imposing lockdowns and restrictions on an individual's freedom of movement and association was to "flatten the curve" so as not to overwhelm our public health care system. At that point, we did not know what we were dealing with and the original 14 day lockdown and the restrictions imposed on both businesses and individuals were generally perceived as being justified.

However, by mid-April 2020, data from both other governments and our own government clearly indicated that the Province of Ontario projections were grossly inaccurate and that coronavirus was not as deadly to the general population as was initially projected. The curve peaked in late April and had effectively flattened by the middle / end of May. At no time were our health care institutions overwhelmed. In spite of these facts, the Province of Ontario's restrictions on our freedom of movement and association continued and the introduction of further lockdowns has persisted.

In my opinion, the Federal and Provincial governments have been the largest source of misinformation and conflicting advice during this so called pandemic. They have behaved inappropriately, possibly unconstitutionally, and have maintained a state of emergency even as data shows that coronavirus is a respiratory illness, not all that dissimilar to influenza, and medical understanding has increased to the point where, in many cases, this virus is a treatable condition.

It is well known that the PCR test was never intended to be used to determine whether or not an individual is actively infected with COVID-19. It is also acknowledged that the PCR test results in an excessive number of false positives, generally considered to be in excess of 50% but some estimates have placed it as high as 87 – 94% false positives. Many of these false positives are asymptomatic and do not contribute to the spread of COVID.

It has also been established that the government has misrepresented the actual number of positive cases by including presumptive cases in the total number of positive cases as if they were, in fact, positive cases. They have never distinguished those who have died with COVID from those who have died from COVID. That is a significant fact that should be public knowledge as the Province of Ontario is basing its policy on these numbers.

The government's single minded focus has been on the number of positive tests, most of which are false positives, rather than the ability of our health care system to care for those who need medical intervention is no longer justified. The fact that the Province of Ontario's continuing focus is only on the number of positive tests instead of the number of people who need medical

intervention, in my opinion, this Province of Ontario's publicizing only the number of positive cases, most of which are false positives, amounts to, at best, deliberate and purposeful misdirection and at worst, fearmongering.

The rise in the number of positives tests in the fall relates primarily to those between 29 and 50 years of age whereas the vast majority of cases in the spring involved those over the age of 80 and who were particularly vulnerable to COVID due to pre-existing medical conditions. The 29 – 50 year old age group has a less than 3% chance of dying from COVID, most will have no significant symptoms, nor will they need medical intervention. They are not over whelming our health care system. Nonetheless, the Province of Ontario uses the rise in numbers amongst those who are not at serious risk to justify maintaining the restrictions on our charter rights to freedom of association and movement as well as continuing to intermittently locking down our businesses without justification.

The Province of Ontario has completely ignored the effect of these draconian and unjustified measures on our businesses, the mental health of its citizens, the rise in drug and alcohol abuse, the increase in domestic violence and suicides, the long-term ramifications of restricting and delaying access to needed medical procedures and the restrictions on our inability to interact with each other socially. They have failed to measure the benefits of maintaining these restrictions with the costs of doing so on the citizens of Ontario. The Province of Ontario has spent millions of taxpayers' money on inaccurate testing and advertising misleading information in order to instill a culture of fear amongst its citizens in an effort to restrict and control the freedoms of its own citizens.

By inappropriately and improperly maintaining a state of emergency, they have essentially curtailed not only our rights and freedoms, but they have circumvented the proper procedures of our Legislative Assembly and oversight of our laws.

They have also indebted the citizens of Ontario for generations to come as a direct result of continuing its irresponsible and unjustified actions.

Our legal system is designed to allow one party, who feels their rights have been breached, to hold the other party accountable for their actions. That is a fundamental right in our Democratic society.

Bill 218 will strip the citizens of Ontario of their right to hold the Province of Ontario accountable for its actions by prohibiting the citizens of Ontario from using the judicial system to question their actions.

I feel that my rights have been unconstitutionally curtailed and it is my belief that the government should be held accountable.

Bill 218 retroactively prohibits our judicial system from exercising any judgement on the merits of the government's actions and thus renders Premier Ford, the Province of Ontario its officials,

officers, agencies, and employees to be no longer accountable to the citizens of Ontario for their actions. They have essentially given themselves a "Get out of Jail Free" card.

This is both repugnant and unacceptable.

Our government, its Ministries, agencies, officers and employees, and our elected officials have to be held accountable for their actions to ensure that their actions were warranted, reasonable in the circumstances and supported by the best available information available at that time. Otherwise, Premier Ford and the Province of Ontario will be able to issue any public health guidance it wants, at any time, whether it is in the best interest of its own citizens or not, and pursuant to Bill 218, they cannot be held accountable for their own actions if it is acting in accordance with its own guidance.

There are currently a number of cases before the courts involving various groups who are suing Premier Ford and the Province of Ontario. If, as I believe, the government's actions are excessive and based on flawed information, they should be held accountable to the citizens of Ontario for not taking appropriate action. This Bill will permanently and prematurely terminate these lawsuits and will forever prevent the truth about whether or not the government's actions are reasonable and warranted by the facts from becoming public knowledge.

Premier Ford and the Province of Ontario are clearly in a conflict of interest with regards to the Bill and, in my opinion, it is NOT in the best interests of the citizens of Ontario that this proposed legislation become law.

Effectively, Bill 218 ensures that the Government of Ontario is both the judge and jury of its own actions and prevents the truth from becoming public knowledge.

Therefore, Bill 218 should not be enacted.

Yours truly



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