

331 Somerville Drive
Perth, ON
K7H 3C6

November 2, 2020

Roman Barber, Chair
Thushitha Kobikrishna, Clerk
Procedural Services Branch
99 Wellesley Street West
Room 1405, Whitney Block
Toronto, Ontario
M7A 1A2

<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 apparent purpose is to offer protection from liability from actions taken during the current Coronavirus (COVID-19) situation. 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".

As the Province of Ontario has the right to both sue and be sued, which are some of the rights available to a "person", I consider that for the purpose of this Bill, the term "person" includes the Province of Ontario and its representatives.

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.

"public health guidance" is defined as "means 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 dismissal of 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 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.

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 health care system. At that point, we did not know what we were dealing with and the original 14 day lockdown and restrictions imposed on 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 incorrect and that this coronavirus was not as deadly as initially projected. Further data revealed that the curve was flattened in mid-June and 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.

The Federal and Provincial governments have been the largest source of misinformation and conflicting advice during this so called pandemic. They have inappropriately, and possibly unconstitutionally, maintained a state of emergency even as data shows that coronavirus is a respiratory illness not all that dissimilar to influenza and that this virus is a treatable condition. The government's single minded focus on the number of infections, 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. By persistently and publicly focusing only on the number of supposed infections, this government's actions amount to deliberate and purposeful misdirection. As a result, the current Coronavirus situation is more properly classified as being a casedemic.

It is well known and understood 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.

Nonetheless, the Province of Ontario has persisted in maintaining that, based on the rising number of so called infections or cases, the majority of which are false positives; the government is justified in maintaining its restrictions on our freedom of association, movement and continuing to intermittently locking down our businesses.

The Province of Ontario has completely ignored the implications 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. The Province of Ontario has spent millions of taxpayers' money on inaccurate testing and advertising false 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 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.

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.

This is unacceptable. Our government has to be held accountable for its actions to ensure that their actions were warranted, reasonable in the circumstances and supported by the best available information 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, the government cannot be held accountable for its own actions if it is acting in accordance with its own guidance.

This is clearly a conflict of interest and it is NOT in the best interests of the citizens of Ontario.

Effectively, Bill 218 ensures that the Government of Ontario is both the judge and jury of its own actions.

Therefore, Bill 218 should not be enacted.

Yours truly,



Kathy Wickens