

**SUPERIOR COURT OF JUSTICE  
(Toronto Region)**

**B E T W E E N:**

**TORONTO INTERNATIONAL CELEBRATION CHURCH (1424924 Ontario Inc.)**  
**Applicant**

- and -

**HER MAJESTY THE QUEEN AS REPRESENTED  
BY THE ATTORNEY GENERAL OF ONTARIO**  
**Respondent**

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**AFFIDAVIT OF PETER YOUNGREN  
SWORN DECEMBER 7, 2020**

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**I, PETER YOUNGREN, OF THE CITY OF STOUFFVILLE IN THE PROVINCE  
OF ONTARIO HEREBY MAKE OATH AND SAY AS FOLLOWS:**

1. I am the founding pastor of the Toronto International Celebration Church (hereinafter “TICC”), the Applicant. I currently serve on the Board of Directors and I am the instructing party for this application and, as such, have knowledge of the matters herein deposed.

**PERSONAL BACKGROUND**

2. I was born in Nassjo, Sweden in 1954 and after spending one year in the United States of America immigrated to Canada in 1974 becoming a citizen in 1980.

3. When I first came to Canada in 1974, I was engaged in full-time ministry in the Christian faith. Part of my religious Christian belief includes promulgating the word of God and introducing other cultures and communities to Christianity. To that end I have been involved in

ministry engagement in various countries over the years. In 1975 I received my Christian ministry credentials with the Pentecostal Assemblies of Canada, and full ordination in 1980. In 1986 I co-founded and was a board member of the Canadian Fellowship of Churches and Ministers. In 1988 I founded the World Impact Bible Institute in Niagara Falls, Ontario. In 1990 I founded the Word of Life Church (later named the Niagara Celebration Church) in St. Catharine's, Ontario. Weekly attendance at services grew to approximately 2000 attendees. In 1994 I founded the Open Bible Faith Fellowship which grew over a ten-year period to include a membership of approximately 430 churches and ministers from across Canada. In 1999, I was recognized by *Ministry Today* as one of the five most influential international evangelical ministers of the 20<sup>th</sup> century. I obtained a Doctor of Philosophy in Biblical studies in 2001 followed by an Honorary Degree of Christian Doctor of Philosophy in Business Administration in 2002. Further information about me can be found at [www.peteryoungren.org](http://www.peteryoungren.org).

#### **TICC IS ESTBLISHED**

4. In 2000, I founded TICC, even as I continued as senior pastor at the St. Catharine's church. After some time of being the senior pastor for both churches, I dedicated my pastoral leadership entirely to the church in Toronto, Ontario. For me, it was a call from God to offer services and engage in worship in the largest city in Canada where I could outreach to a multi-cultural community and spread the word of God.

5. The Church was incorporated by Letters Patent on September 8, 2000 with the following objects of the corporation:

- a) To preach and advance the teachings of the Christian faith and the religious tenets, doctrines, observances and culture associated with that faith; and
- b) To establish, maintain and support a house of worship with services conducted in accordance with the tenets and doctrines of the Christian faith.

Shown to me now and attached to this affidavit as Exhibit “A” is a true copy of the articles of incorporation.

6. The most recent version of our Constitution & By-Laws was revised on May 10, 2005. I have what is described as a unique role as the Founding Pastor of the Church described in By-Law No. 5.03 as follows:

**5.03      Founding Pastor**

The Founding Pastor of the Church, Pastor Peter Youngren has a unique role in the Church as its founding apostle. His relationship with the Church will be ongoing. The Founding Pastor shall serve as Senior Pastor for an indefinite period. If the time arises when he is no longer the Senior Pastor he will continue to serve as an Elder of the Church and as a voting member of the Board of Directors. In the event of a serious crisis or replacement of a Senior Pastor, the Founding Pastor shall act as the Senior Pastor and overseer of the Church. At a time when he is no longer the Senior Pastor, the Founding Pastor shall continue to count the Church as a spiritual home. The Church will from time to time host conferences and seminars initiated by the Founding Pastor as suitable in the overall Church program.

Shown to me now and attached to this affidavit as Exhibit “B” is a true copy of the TICC Constitution & By-Laws.

**TICC WORSHIP IN PRACTICE**

7. At its core, our Christian worship is about the spreading God’s word through the teachings and life of Jesus Christ. The story of our church is about God’s love drawing people

from different cultures, backgrounds and even other religions to live their best lives and to serve the community and the world in God's name.

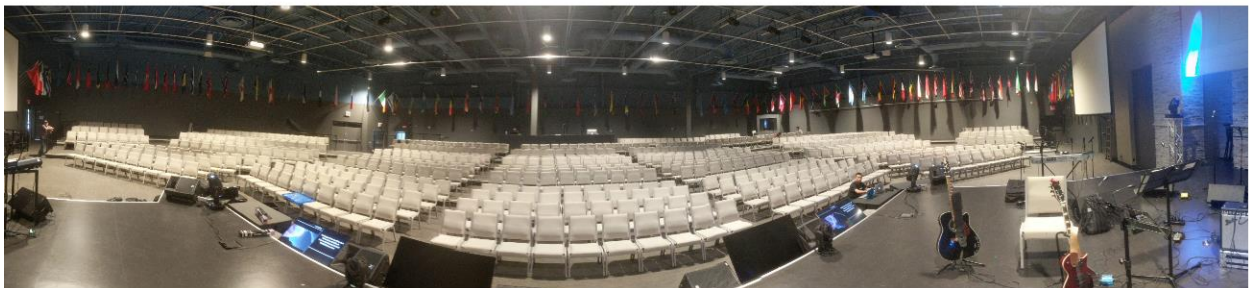
8. Our faith community is involved in charitable activities in Toronto, across Canada and internationally. These activities are part of our religious worship. We provide diverse religious and other supports throughout the community including offering counselling services, youth ministry and charity to those in the community in need.

9. TICC has always been physically located in Toronto and we draw our attendance at weekly services from people in the Greater Toronto Area from all demographics. We currently have a faith community of more than 1500 worshipers representing approximately 50 different nationalities. Many of our members are first generation Canadians where they gather and form a sense of community helping to facilitate a smooth integration into Canadian society. We also offer various supports for transitioning and integrating into Canadian life. At various times we have offered English as a Second Language courses. Approximately 35 per cent of our congregants are over the age of 65. TICC offers a place for seniors to form, build and maintain healthy relationships. Many of them live alone and the church offers a lifeline and sense of community where we foster. We also have youth and young adults who are part of our congregation and use the church as a place to gather not only at weekly services but otherwise for the purpose of coming together. In many instances, youth in high school do volunteer work at the Church.

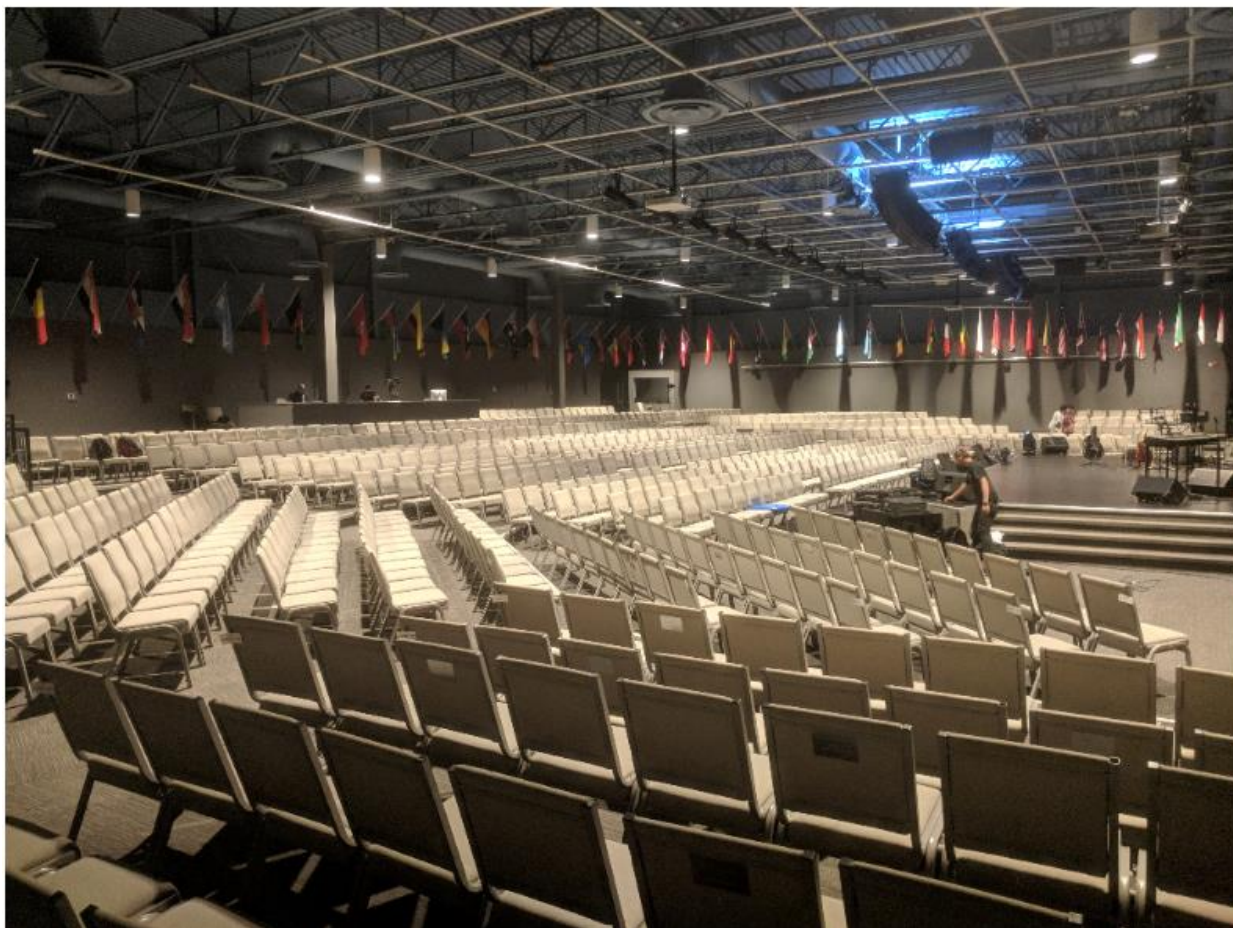
10. Since 2003, the church has held services at our 1000 seat auditorium located at 190 Railside Road, Toronto, Ontario M3A 1A3. The facility is approximately 31,000 square feet and is called the Toronto Pavilion as depicted in this photograph:



11. The following photograph shows a panoramic view of the inside of the Pavilion in the auditorium (taken on August 4, 2018) where services are held:



Another photograph of the auditorium facing the stage:



12. Services are normally held every Sunday at 10:30 a.m., and 1:00 p.m. Prior to March of 2020 we would have large Sunday attendances in person at our services ranging from approximately 600 to 1100, and on special weekends such as Christmas and Easter, attendances may reach 3-4000 of accumulated attendance over a series of services. In addition to the Sunday services, our church also conducts numerous other smaller events each week such as: youth service, Bible studies, prayer meetings, etc. These smaller events, Monday – Friday, can be anywhere from 10-50 people.



13. As an Evangelical church, our weekly services involve various elements. We incorporate live music and Pastors preach the word of God to the congregation. Preaching involves spreading a message with reference to God's scripture in the Holy Bible and, unless it is not possible, engaging with those who can attend our services. Weekly services also involve the administering of the body and blood of Christ through the representations of bread and wine.

14. In our effort to spread the word of God, TICC has always tried to use media platforms (both traditional and social media) to engage with potential worshipers. We have, in the past, broadcast our weekly services on television, including CTV – Toronto. We also work at arm's length with a sister organization, The World Impact Ministries Inc. (hereinafter "TWIMI"), and from time to time sermon segments from our church services may be featured on TWIMI's daily telecast, which is broadcast on commercial TV channels across of Canada. TICC releases some of its services on our YouTube channel "Celebration Church Toronto" which can be found here: <https://www.youtube.com/channel/UCnyeM5p8W0s4oxsqSQJv9-g>.

15. The YouTube channel, which is one of several social media platforms, currently only has 397 subscribers. Sometimes, segments of services may also be featured on my public Facebook page, which currently has 346,000+ followers. However, it should be noted that this following is almost entirely people who live outside of Canada. Therefore, these releases have little bearing on the local congregants of TICC.

16. A typical pre-March of 2020 partial church service can be found here: <https://www.youtube.com/watch?v=yE-aRMtSlbo>. This video depicts a sermon I gave on

January 8, 2020 and demonstrates the interactive nature of our worship. A shorter excerpt of the same video (approximately 4 minutes) is embedded here and can be viewed by double clicking on it to open it in a video player application:



ScreenCapture\_2020-  
12-3 19.25.04.mp4

According to YouTube, the video was viewed 592 times as of the preparation of this affidavit.

17. Our use of social and other media to spread the word of God has always been complimentary to our in-person worship on Sunday and is merely a means to reach people outside of the greater Toronto area, many of them outside of Canada. In person worship is important to our Church and to our congregation. Our congregation views the Bible as a guidebook for living. The Biblical mandate to regularly meet together in person is clear. It is seen in the example set in the Scriptures, particularly in the Book of Acts of the New Testament, but also in the admonition; “Do not neglect the gathering of yourself together,” Hebrews 10:25. Many in our church express that TICC is their “family.” There could be several reasons for this. Some are separated from their families because of immigration, while others are living alone. Either way, being separated from your family brings tremendous pressure. For some, who came to Canada as refugees, our Church was the first place that they visited, and holds great significance for them. Additionally, social needs are often only discovered in the context of an in-person Sunday service. Congregants, or even visitors from the community at large, will approach one of the pastors, expressing a need, which could range from food and shelter to abuse, struggle with suicidal thoughts, or a wide range of other difficult situations. Once the need is known, our church can step in and be of assistance.



18. “Fellowship” between believers is mandated in the Bible, as ranking in importance with prayer, scriptural teaching and Holy Communion. My experience as a pastor is that to some congregants fellowship may be the most important function of the Church. For obvious reasons, fellowship is not possible without in person Sunday services. Even with the 2 m of social distancing, which we have strictly maintained over these past few months, the congregants were very happy for the opportunity to practice fellowship at all. Sunday services are where initiatives are taken for social outreaches to meet needs in the community. For example, during one of the last services before the latest lockdown, more than 200 pairs of brand-new shoes and winter boots were donated for a First Nations community, and a total of 839 pairs of shoes have been donated this past year. Also, the church has donated 24,150 pounds of food for people in need in Toronto. These endeavors do not happen outside of Sunday services. The Bible puts much emphasis on congregational prayer, the whole church coming together in prayer, and this is important to our congregants. Again, clearly impossible without Sunday services.

### **MARCH OF 2020 – COVID-19 BECOMES A PANDEMIC AND ONTARIO RESPONDS**

19. Like many, the way in which COVID-19 became a world-wide pandemic came as a surprise to us. Although I am not medically trained and do not have a scientific background, as lay people, I understand and appreciate that COVID-19 created a situation that was unprecedented in our lifetime. It required immediate government action to respond to the health crisis with a view to mitigating the spread of the disease and the potential impact on the health and safety of members of the community.

20. I have reviewed publicly available information and understand that the World Health Organization declared COVID-19 a pandemic on March 11, 2020. Below I am providing a chronology of what I believe to be the relevant timeline events of Ontario's response to the pandemic based on information compiled by our counsel, which I verily believe to be true. I will also summarize how TICC responded to the interruptions in our ability to offer in person services.

21. On March 17, 2020, the Ontario Government enacted a Declaration of Emergency to Protect the Public pursuant to s.7.0.1(1) of the *Emergency Management and Civil Protection Act* (Order in Council 518/20, <https://www.ontario.ca/orders-in-council/oc-5182020>) On March 18, 2020 the corresponding regulation came into force ([Ontario Regulation 50/20](#)). This resulted in various closures and restrictions as summarized in a News Release from the Officer of the Premier (<https://news.ontario.ca/en/release/56356/ontario-enacts-declaration-of-emergency-to-protect-the-public>):

As a result of this declaration and its associated orders, the following establishments are legally required to close immediately:

- All facilities providing indoor recreational programs;
- All public libraries;
- All private schools as defined in the *Education Act*;
- All licensed child care centres;
- All bars and restaurants, except to the extent that such facilities provide takeout food and delivery;
- All theatres including those offering live performances of music, dance, and other art forms, as well as cinemas that show movies; and
- Concert venues.

Further, all organized public events of over fifty people are also prohibited, including parades and events and communal services within places of worship. These orders were approved by the Lieutenant Governor in Council and will remain in place until March 31, 2020, at which point they will be reassessed and considered for extension, unless this order is terminated earlier.

22. As we typically had over 50 people attend the Pavilion for worship, this immediately impacted our ability to continue our weekly services to our congregants. We understood the extraordinary and uncertain health crisis and began to try to cope with the reality that in person services were not permitted by moving to an online only platform. From our perspective, this was an imperfect but temporary situation as we were doing our part to respond to the threat of the spreading infection.

23. We faced a number of significant challenges in terms of providing religious services this way. We came to realize that a number of our congregants do not have online access. In some instances, our congregants cannot afford internet services that would allow for online viewing. In other instances, they do not have or are not familiar with how to access the technology. Online worship also did not lend itself to two-way communication. Effective religious worship for our congregants is not simply about passive listening, it is about interaction and community. Communal prayer, a significant part of our Evangelical services, is also not possible through an online platform.

24. Our faith community considers the religious sacraments, particularly the Holy Communion, to be very important and to be celebrated in a community of believers. We believe that meeting together in person is of utmost importance if we are to exercise our faith to the Scripture, Hebrews 11:25, *“And let us not neglect our meeting together, as some people do, but encourage one another, especially now that the day of his return is drawing near.”*

25. On March 24<sup>th</sup>, the government of Ontario ordered the Mandatory Closure of All Non-Essential Workplaces to Fight Spread of COVID-19 effective March 24, 2020 at 11:59 p.m. ([Regulation 82/20](#)). The City of Toronto also declared a state of emergency. Churches and other faith settings were not declared essential workplaces. Notably, law offices, beer stores, liquor stores, alcohol producers, cannabis stores, cannabis producers, motor vehicle repair services, business supply stores, and construction sites were allowed to be open.

26. On March 28, 2020, the Ontario government ordered further restrictions on public events and social gatherings limiting the maximum number of people who could gather to 5 people unless they lived in the same household ([Regulation 99/20](#)). Funerals were also exempted and were permitted to hold funerals with up to 10 people. Religious and faith-based gatherings were not exempted.

27. On March 30, 2020, the initial Order in Council was extended for a further period of 14 days ([Regulation 105/20](#)). Additionally, all communal or shared public, or private outdoor recreational facilities were ordered closed and school closures were confirmed at least until May of 2020. The original list of “essential services” from the March 23, 2020 Order was refined through an amending order ([Ontario Regulation 119/20](#)) on April 3, 2020, which came into effect on April 4, 2020 at 11:59 p.m. The Regulation specifically continued to exempt “discount and big box retailers selling groceries” and “beer and wine and liquor stores” as businesses that could remain open. There was no amendment to the prohibition on places of worship opening.

28. On May 1, 2020, the Ontario Government ordered that certain business were going to be allowed to re-open in accordance with strict public health measures to operate safely as of May 4, 2020 at 12:01 a.m. including lawn care and landscaping companies, garden centres, golf courses (to prepare for the upcoming golf season) and marinas to prepare for an anticipated re-opening ([Regulation 196/20](#)). On May 7, 2020 the Ontario government declared that training facilities for professional athletes could re-open under the appropriate health and safety protocols as of May 8, 2020 at 12:01 a.m. ([Regulation 200/20](#)).

29. On May 14, 2020 the Ontario government announced Stage 1 of the re-opening plan for Ontario. Accordingly, on May 18, 2020, it was ordered that further business would be permitted to reopen to the public including those that sell motor vehicles, retail businesses with a public street entrance, pet grooming services, and certain health and medical services of May 19, 2020 at 12:01 a.m. provided that various social distancing and health measures were put in place ([Regulation 223/20](#)). However, places of worship were still not permitted to re-open.

30. It was not until June 8, 2020 that the Ontario government indicated that effective 12:01 a.m. on June 12, 2020 that as some regions in Ontario moved into Stage 2 (notably NOT Toronto) that limits on social gatherings would be increased from 5 to 10 people across Ontario regardless of where one lived and that all places of worship would be permitted to re-open provided they could do so safely and attendance was limited to no more than 30 per cent of capacity of their facility ([Regulation 276/20](#)).

### **TICC FINALLY ALLOWED TO RE-OEPEN ON JUNE 12, 2020**

31. As noted above, after the initial lockdown in March of 2020, TICC moved to try to provide religious services to our congregants through virtual platforms. It was not ideal but in light of the pressing health risk and the fact that most businesses and services were closed, we understood that this appeared to be a necessary but short-term measure to assess the public health issue and to attempt to mitigate risk of transmission of the virus. As time passed and we observed various other industries and business opening, we were dismayed but hopeful that we would be able to return to offering in-person services by also abiding by various health and safety measures and protocols.

32. The ability to re-open at 30 per cent capacity allowed our Church to have in-person services with as many as 300 people in attendance.

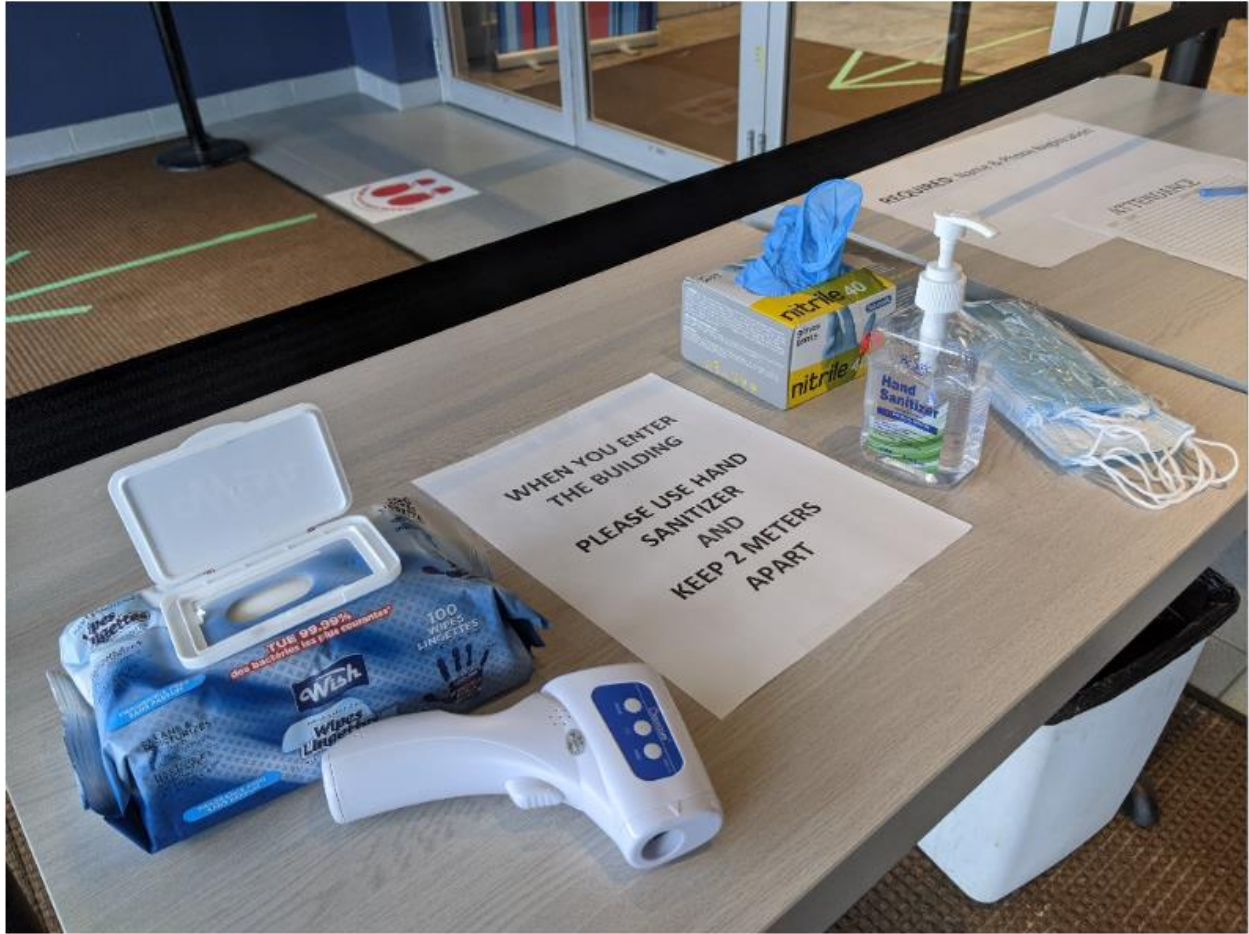
33. In advance of June 12, 2020, we readied the church to open in accordance with public health and employment safety requirements in a way that would allow congregants to attend but maintain social distancing while not exceeding the 30 per cent capacity mandated by regulation. We did this in a number of ways as detailed below.

34. First, we prepared signage for anyone entering the building to remind them of the importance of social distancing, the requirement to wear a mask and the requirement to use sanitizer as reflected in the following photograph:





35. Upon entry into the building, we provided sanitizing wipes, sanitizer, free gloves and also facemasks as needed. We also have a person present to take the temperature of anyone entering the building:

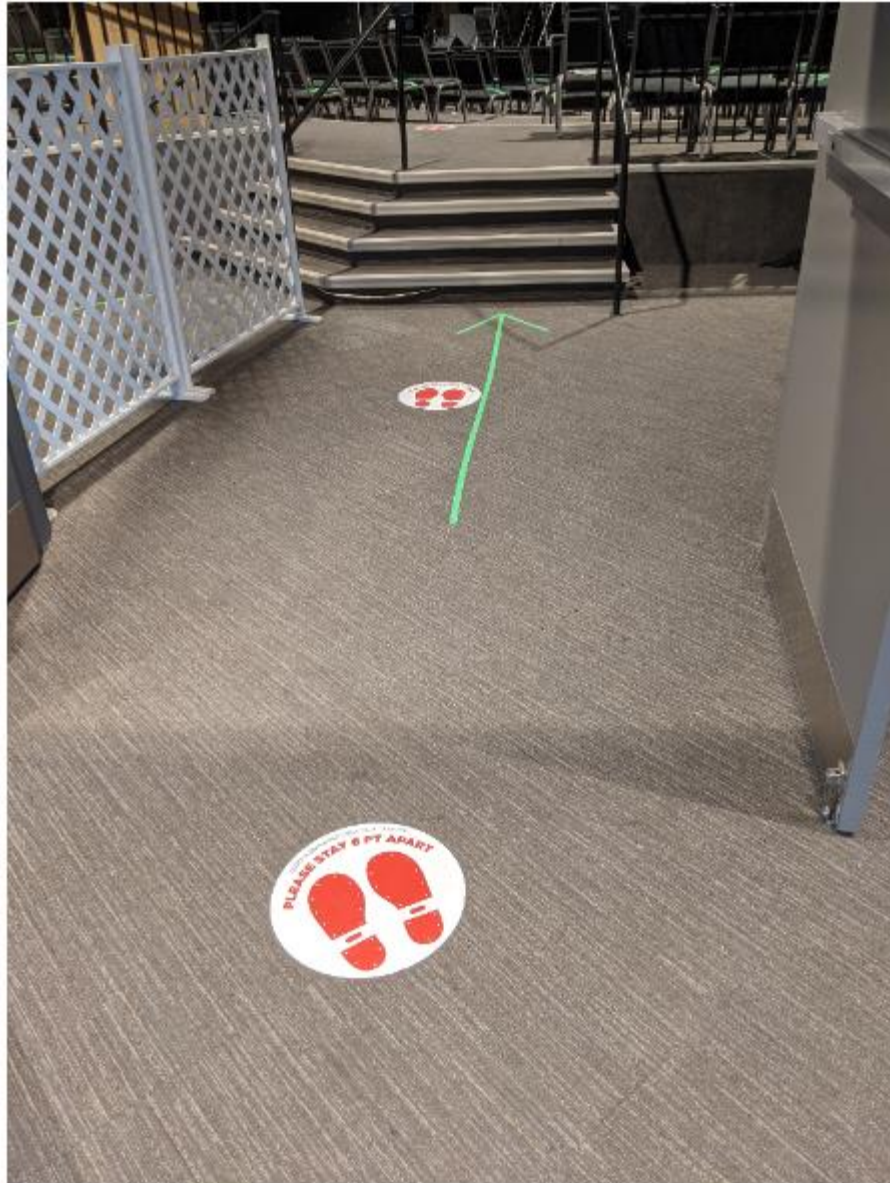


36. We also designated permissible and impermissible seating within the auditorium by using green to close off entire rows (leaving a row in between where anyone would sit) and also using large “Xs” to designate seats that could be not used. The following photograph is representative of those precautions:



37. In addition to blocking off seating, we also put down arrows and signage on the floor to ensure that when congregants were coming into the building or leaving the building, they maintained social distancing. Those efforts are documented in the following photograph:









38. Part of our Church service includes the delivery of Holy Communion in the form of red wine to symbolize the blood of Christ and bread to symbolize the body of Christ. This created a potential social distancing challenge. However, we adopted a system of single capsule holy communions (sealed) that are provided to congregants receiving communion. The communion distribution station is pictured below as is a close-up of the wine communion capsule provided to congregants:







39. Other precautions and safety measures we have implemented include the following:
- All words used in the worship service are displayed on large video screens;
  - As much as reasonably possible, Church staff is allowed to work at home to limit contact and protect staff;
  - All congregants are required to wear protective face coverings into and out of the building and auditorium;
  - All doors, including bathrooms, are propped open to negate contact with handles;
  - All non-essential rooms are locked to negate any unnecessary contact or exposure;
  - All food distribution before, during or after worship services cancelled, including use of kitchen equipment in building;

- Pre-registration online ticketing system is in place for each Sunday service up to the maximum 30 per cent capacity; and
- All persons leading the worship service are amplified through microphones, facilitating distance between them and the congregation.

40. A Toronto Public Health Inspector reviewed the safety measures we put in place and gave a full approval of the precautions we had taken.

41. Returning to providing in-person services was critically important to us as a Church and also to the congregants, particularly those who either did not have access to virtual platforms or who were not able to find religious fulfilment in that way. One of the things the Pastoral team noticed when we returned to 30 per cent capacity, was that women, often single caregivers, were returning in larger than expected numbers for in-person services. We believe that this is reflective of the added burden the original lockdown had on women, particularly mothers, who were caring for children at home, worrying about educational demands, and working from home. Having a weekly in-person outlet to connect with religious community eased feelings of isolation and despair.

42. Many of our congregants who returned for in-person services when we moved to the 30% capacity expressed how important to the Pastoral team how important this was to their religious fulfillment and mental health. The common themes expressed by the congregants were as follows:

- That virtual worship was isolating and desolate;
- That they did not have the same sense of community when watching services online;

- That being in person and coming together as a community was important to the way in which the absorbed and heard the word of God.
- Many congregants found themselves struggling with depression. As mentioned, a significant number look to TICC as their family. Some have been estranged from family members because of immigration, while others are living alone. All the pastors are deeply concerned about what we hear of depression among congregants.

43. Together with my affidavit, we are also providing affidavits from 3 members of our congregation to speak to the personal impact of not being able to come together for in-person services. These affidavits are meant to be representative and to support the assertions above.

44. After being permitted to open at 30 per cent capacity we continued our weekly in-person services complying with all municipal, provincial and federal health guidelines concerning social distancing, the need to wear a mask, disinfecting etc. After each service where we had people in attendance, we would have the auditorium professionally cleaned. Additionally, pursuant to Public Health Ontario guidance regarding Heating, Ventilation and Air Conditioning (HVAC) systems in buildings issued August 31, 2020 (<https://www.publichealthontario.ca/-/media/documents/ncov/ipac/2020/09/covid-19-hvac-systems-in-buildings.pdf?la=en>), we have maintained our state-of-the-art HVAC system through Gibson-Air Mechanical. The most recent site visit was on December 2, 2020 to ensure that the following HVAC units were running properly, and filters were changed:

- 6 x York Dm180N3285AAA1A
- 1 x York D7CG060N09958EBA
- 1 x York ZE036N08N1AAA4A
- 1 x York D2CG072N0958EBA
- 1 x York D3CG102N16558TH
- 1 x York ZF150N24D5A1BAA1A1
- 1 x York D2C6120N2005ABA
- 1 x York 2J060D10N
- 1 x York D6CG06N09958C
- 1 x Carrier 48HCED11A

45. Since re-opening in June of 2020, we are not aware of a single instance of transmission or contamination of the Pavilion by someone who had, or later learned they had been exposed to, COVID-19 arising from in-person services. We operated our services below the 30% capacity limit (for us that would be 300 people) in a manner that allowed for all health and safety measures to be complied with. Resuming in-person services and maintaining a virtual platform allowed us to continue our Ministry and worship in a less than perfect but sustainable way. Those that needed in-person services were able to come in person and those that could participate virtually did so. We were prepared to accept that this modified way of exercising religious freedoms was a reasonable intrusion of our rights and the rights of our congregants.

46. We recently became aware that one of our staff members was notified of COVID-19 exposure through contact tracing. The exposure was not at our Church or offices. It was at another location. The employee received a screening test which found to be inconclusive although they were verbally notified that they were positive and required to self-isolate. To my knowledge, no other employee or member of our Church was affected and there was no outbreak of transmission.

47. Through June of 2020, the province moved to lesser restrictions as re-opening graduated from Stage 1 to other Stages at different points of time in different regions. On June 23 2020 the Province allowed the Toronto region to move to Stage 2 beginning at 12:01 on June 24, 2020. This included allowing outdoor dining in Toronto and indoor dining in other regions within the Province. The 30 per cent capacity limits for religious observance stayed in place ([Regulation 299/20](#)).

48. In July of 2002, the Ontario government announced that the Toronto was allowed to enter into Stage 3 of the re-opening as of July 31<sup>st</sup>. Among other things, this allowed for indoor dining with capacity limits ([Regulation 426/20](#)). The 30 per cent capacity limit on religious worship remained unchanged.

49. Like others, we were aware through media reports and daily government briefings that positive cases of COVID-19 throughout Ontario rose through the fall of this year with particular regions (Peel and Toronto in particular) having what was described as a concerning escalation in positive test results and hospitalizations. When it was reported that there may be government action to revert back to more social restrictions, we were hopeful and confident that in light of the percentage capacity limits placed on religious worship and the efforts we had made to ensure a safe and healthy environment for congregants to manage the risk of transmission that we would be able to continue offering religious services.

50. Initially, Toronto moved to a Red-Level, in accordance with a new colour-coded level system for public health units within the Province, on November 7, 2020. Churches and other places of worship were allowed to continue providing services in accordance with the 30 per cent capacity limits ([Regulation 363/20](#)). However, on November 22<sup>th</sup>, the Province ordered that effective November 23, 2020 the Peel and Toronto regions would be placed on a Lockdown ([Regulation 657/20](#)). Accordingly, both regions came under the regulations for health units in Stage 1, lockdown ([Regulation 654/20](#)). The relevant portion of the regulation that directly affects religious services reads as follows:



(1) Subject to sections 2 to 4, no person shall attend,

(a) an organized public event that is held indoors;

(b) a social gathering that is held indoors, including a social gathering associated with a gathering described in clause (d);

(c) an organized public event or social gathering of more than 10 people that is held outdoors, including a social gathering associated with a gathering described in clause (d); or

**(d) a gathering of more than 10 people for the purposes of a wedding, a funeral or a religious service, rite or ceremony.**

(2) A person attending an organized public event, social gathering or a gathering for the purposes of a wedding, a funeral or a religious service, rite or ceremony shall comply with public health guidance on physical distancing.

(3) For greater certainty, subsections (1) and (2) apply with respect to an organized public event, social gathering or a gathering for the purposes of a wedding, a funeral or a religious service, rite or ceremony, even if it is held at a private dwelling.

#### **Exception, members of single household**

2. Section 1 does not apply with respect to a gathering of members of a single household, or a gathering that includes members of a household and one other person from outside that household who lives alone.

#### **Exception, attendance at business**

3. The prohibitions on attendance at an organized public event in subsection 1 (1) do not apply with respect to attendance at a business for a purpose related to providing or receiving the goods or services provided by the business if the business is not required to close under this Order.

#### **Gathering in motor vehicles for religious service, rite or ceremony**

4. (1) This section applies with respect to gatherings for the purposes of a wedding, funeral, religious service, rite or ceremony if the persons attending the gathering, other than those conducting the service, rite or ceremony, do so in a motor vehicle.

(2) Clause 1 (1) (d) does not apply to a person who attends a gathering to which this section applies if the person follows all of the following precautions that apply to the person:

1. Each person attending the gathering, other than the persons conducting the service, rite or ceremony, must remain within a motor vehicle that is designed to be closed to the elements, except,

- i. where necessary to use a washroom, or
  - ii. as may otherwise be necessary for the purposes of health and safety.
2. The driver of a motor vehicle must ensure that it is positioned at least two metres away from other motor vehicles.
  3. A person who ordinarily uses a non-motorized vehicle because of their religious belief and who attends the gathering must remain within their non-motorized vehicle except where necessary to use a washroom or as may otherwise be required for health and safety, and paragraph 2 applies with necessary modifications.

The effect of this regulation was that we had to cease in-person services within the Pavilion as of November 23, 2020.

### **ARBITRARINESS OF THE NEW LOCKDOWN RULES**

51. It is noteworthy that the new lockdown, currently in place, expressly limits the number of people who can gather for a religious service to 10 people. This is without regard to the size or capacity of the proposed indoor facility. The effect of this is that our facility, which can accommodate up to 1080 congregants in our 13,000 square feet auditorium is limited to 10 people as are every other church in Toronto or Peel regardless of the size of the facility. Although located in Niagara Region, this would mean that if the Living Water Wayside Chapel (pictured below) and which advertises itself as the smallest Chapel in the World at 78 square feet (13 feet by 6 feet) - <https://www.toniagara.com/blog/smallest-chapel-world/> were located in Toronto or Peel it would be subject to the same 10 person capacity rule as our church.



52. The current “Lockdown” regulation permits professional and performance athletes to train at indoor facilities, permits liquor and beer stores to remain open indoors, permits courts to remain open, and permits “discount and big box retailers selling groceries” to remain open to the public among other businesses. The current regulation also permits to Courts to remain open subject to capacity limits as opposed to fixed numbers of people in the court house or court room. As it relates to business or facilities that are allowed to be open, the regulation prescribes that the “number of persons occupying any room that is open to the public in the business does not exceed 50 per cent of capacity of the particular room” (section 3(1)).

53. It is our view that the new lockdown rules currently in place in Toronto and Peel, which are set to expire on December 21, 2020 but may be renewed by the government are arbitrary and do not adequately take into consideration the ability of churches or other places of worship (like

our Pavilion) to be open in a manner that allows for social distancing and other safety precautions. Given the physical size of the Pavilion, we believe that there is no justifiable reason to prohibit us from continuing to offer in-person services to our congregants at the previously established 30 per cent capacity. We were able to do so in a manner that did not create a significant health risk. In fact, we believe we were able to do so more safely than allowing big box stores or other businesses to open at 50% capacity.

54. The current restrictions on gathering for religious worship are particularly troubling for us with Christmas less than 3 weeks away. Christmas is a special time for those of the Christian faith. It is the symbolic birth date of Jesus Christ whom we believe is the son of God. Christmas services are designed to foster a sense of community. In our Church, we use the weeks leading up to and on Christmas day to build bridges between people of various religions. Historically our Christmas services attract people from many different religious and cultures. But for the newest lockdown regulation, we would continue our Christmas program by having multiple services. If we were allowed 30% capacity, we could conduct four or five services on Christmas Sunday, allowing for sufficient time between each service to sanitize the entire building. We have hired a professional cleaning service that is on site before and after each service in order that we maintain the highest standard according to public health regulations.

55. In addition to the current lock down restrictions ending our in-person services, it also affects our ability to continue to offer outreach programs including in-person pastoral counselling. We have had to limit the number of people that come into our physical building. Consequently, we have had to end in-person counselling services that cannot be provided in the

same way through virtual platforms. Similarly, we have had to put on hold other training, leadership and educational programs that we routinely offered before the March 2020 shutdown and had started up again in June 2020 when we were allowed to re-open at 30 per cent capacity. This impacts our ability to exercise our religious freedoms and limits the ability of others who participated in these programs to do so.

56. The most recent lockdown, which makes allowances for other essential services and non-essential businesses but does not, in our view, provide adequate allowances for the exercise of religious freedoms, has also affected us financially. This in turn affects our ability to deliver religious services and threatens the long-term feasibility of our Church, our charitable efforts and the religious programming we offer. Income on November 29, 2020 (the first Sunday of this lockdown) was down approximately 75% from the previous year.

### **CONCLUSION & REQUEST FOR INTERLOCUTORY RELIEF**

57. We do not dispute the existence of a health crisis nor the need to manage and restrict activities in a way that is necessary to reduce the risk of transmission of the disease particularly given how the disease can affect vulnerable people and can also impact otherwise healthy people. We are not COVID deniers. At the same time, we want to be able to exercise our religious freedoms and provide a forum for others to do so in a safe and meaningful way. We believe we were able to do so with the 30 per cent capacity limit. As the government has determined that a full lockdown comparable to what happened in March of 2020 is not necessary and many other businesses and places deemed “essential” services can be opened with safety and health precautions in place, we simply cannot understand why we cannot offer in-person services

at a reduced capacity. We believe that we are an essential service. But quite apart from that, in light of other businesses and services being open with capacity limits, we believe we can similarly open. In fact, it is our view, we can do so in a way that is safer. Accepting that there has to be some limits on our ability to offer services and we cannot return to the pre-March of 2020 way this time, we do not believe the current limits and restrictions are reasonable.

58. Although the government may choose not to extend the current lockdown beyond December 21, 2020, there is no guarantee that they will not do so. Additionally, and in any event, they could impose a similar lockdown in the future. Because of that, we believe it is important to bring this challenge to the Court because of the current effects on our Church and our congregation and the future effects.

59. We are seeking interlocutory relief and requesting that Schedule 4, Section 1 (1)(d) of Ontario Regulation 654/20 not apply to TICC until such time as our full application can be heard. We would agree that a term of the interlocutory relief, if granted, include a requirement that we not operate at more than 30% of our capacity thereby putting us in the same position as other regions that are currently in the Red Zone (for example, places of worship in Durham, York, Hamilton-Wentworth and elsewhere in Ontario). We believe that without interim relief, the current lockdown will have a devastating irreparable effect on the Church and also on those in our congregation who rely and need in-person worship. The inability to offer in-person services leading up to Christmas will have a significant impact on the ongoing work of the Church but also on the congregation.



60. There is no question that the current lockdown restrictions impair TICC's freedom of religion and the freedom of our congregants. We also believe that the impairment is not justified given less restrictive and reasonable alternatives are available. If interim relief is not granted, our freedom of religion will continue to be unconstitutionally impaired until such time as this application can be disposed of. Additionally, our application might be rendered moot should the government not extend the order on December 21, 2020 potentially denying us the opportunity to have this matter determined even though Ontario could reinstate such a lockdown at some future date. **We are requesting that the application for the interlocutory injunction be heard and determined on the merits on an urgent basis in advance of Sunday December 13, 2020 so that we can resume in-person services if we are successful.**

61. We are bringing this application in a manner consistent with our faith and understanding of the Bible. We are compelled by God's word to promote Christianity and the Bible's teachings. The current lockdown unnecessarily interferes with our ability to do so. We also respect the right of other religions to practice in a manner that is consistent with their beliefs even if they are different from our own whether rooted in Islam, Judaism, Christianity, Hinduism, Buddhism or some other form of religion. Our international ministry endeavors have been characterized as a bridge-builder of communication and dialogue between people of various religions, and our desire is that whatever rights are granted to the Christian church, should also be granted to all religious groups. In the face of the new lockdown restrictions, the leaders of the Church contemplated engaging in civil disobedience by remaining opening. I am aware of similar action being taken by churches in other Provinces. Although doing so may be justifiable,

we have decided instead to come to Court and seek the relief we have sought, and we do so in good faith and with pure intentions.

**SWORN BEFORE ME THIS**

**7<sup>th</sup> DAY OF DECEMBER, 2020**

**AT THE CITY OF TORONTO**

**IN THE TORONTO REGION.**

\_\_\_\_\_  
**A Commissioner etc.**

  
\_\_\_\_\_  
**PETER YOUNGREN**