

NOTICE OF MOTION

Information Number on Trial Notice: <OFFENCE NUMBER FROM YOUR TICKET>

**ONTARIO COURT OF JUSTICE,
PROVINCIAL OFFENCES OFFICE
(<WHERE YOU WERE CHARGED> REGION)**

BETWEEN:

<YOUR FIRST LAST NAME>

Moving Party

-and-

**CROWN PROSECUTOR Representing
His Majesty the King**

Respondent

NOTICE OF MOTION

TAKE NOTICE that the Moving Party will bring a Motion for Particulars under section 35 of the *Provincial Offences Act*, RSO 1990, c P.33 at <TIME>, on the <DATE> day of <MONTH>, <YEAR> at <COURT ADDRESS>, COURTROOM #<NUMBER> or as soon after that time as the motion may be heard.

PROPOSED METHOD OF HEARING:

The motion is to be heard by <VIDEOCONFERENCE OR IN PERSON>, at the following <VIDEO LINK OR ADDRESS>.

THE MOTION IS FOR:

1. An Order to require the Crown to provide particulars as required pursuant to section 35 of the *Provincial Offences Act*, RSO 1990, c P.33. If the prosecutor cannot confirm these particulars, the Moving Party requests that the trial be transferred to the Ontario Superior Court of Justice, or that the Crown's claim(s) against the Moving Party be dismissed with prejudice.

The particulars sought:

- i. Confirmation with substantiation that the Ontario Court of Justice has inherent judicial authority and jurisdiction to determine the rights as per sections 1(a), 1(e), 2(e), 5(1) and 5(2) of the *Canadian Bill of Rights* S.C 1960 c.40.
- ii. Confirmation that the court is required to recognize and analyze common law arguments brought forward as part of my defence and has the inherent judicial authority to adjudicate such matters.
- iii. Confirmation with substantiation that the "*pre arrival test*" referred to in the "*Event Note*" of "*PHAC Officer <NAME OF PHAC OFFICER> as copied directly from PHAC's*

proprietary database system Dynamics 365 Quarantine Management System (QCMS) Quarantine Officer Module” is NOT a “screening technology that involves entry into the traveller’s body of an instrument or other foreign body” as prohibited by section 14(1) of Quarantine Act S.C. 2005, c.20, the same Act under which the Crown is pursuing their claim against the Moving Party under section 58, and that if the Crown believes the aforementioned “pre arrival test” is something other than a screening technology, that the Crown provide confirmation with substantiation that such a request or requirement is not a violation of the Canadian Bill of Rights section 1(a), 1(b), and 1(e), and that the Ontario Court of Justice has inherent judicial authority and jurisdiction to determine this.

- iv. Confirmation with substantiation that section 61(1)(a) of the *Quarantine Act* S.C. 2005, c.20 which states “An order made under any of sections 58 to 60 (a) is exempt from the application of sections 3, 5, and 11 of the *Statutory Instruments Act*” and that this is consistent with section 3(1) and 3(2) of the *Canadian Bill of Rights*, and that the Ontario Court of Justice has inherent judicial authority and jurisdiction to determine this.
2. An Order restoring costs to the Moving Party that reasonably reflects the time and labour (which has been at least 80 hours) required by the Moving Party to deal with this matter.

THE GROUNDS FOR THE MOTION ARE:

1. The Order made pursuant to section <SECTION NUMBER ON YOUR TICKET> of the *Quarantine Act*, SC 2005, c 20 breaches the Moving Party’s rights to privacy, informed consent, liberty, security of person, and freedom of association enshrined in section 1(a) of the *Canadian Bill of Rights*.
2. The Order breaches the Moving Party’s right to equality before the law and the protection of the law enshrined in section 1(b) of the *Canadian Bill of Rights*, where in the Order in Council PC Number: <OIC FROM YOUR TICKET/DISCLOSURE>, which was the OIC at the time of the charge, there are at least 41 categories of people exempted from the Order the Moving Party was charged under.
3. The *Quarantine Act*, SC 2005, c 20 appears to attempt to circumvent the *Canadian Bill of Rights*, and the *Statutory Instruments Act* making it unclear as to what an “Order” under the *Quarantine Act* is precisely defined as, and whether such an order is owed a Bill of Payment invoiced for performance of such orders.
4. The Order made pursuant to section 58 of the *Quarantine Act*, SC 2005, c 20 appears to contradict the *Quarantine Act* itself with respect to permissible screening technologies.

THE FOLLOWING DOCUMENTARY EVIDENCE:

1. Affidavit of <YOUR FULL NAME> summarizing the grounds of the motion will be used at the hearing of the motion.
2. Exhibit A, download from OntarioCourts.ca, *OntarioCourts.ca, History of the Courts*.
3. Exhibit B, download from OntarioCourts.ca, *Judges and Justices of the Peace – Ontario Court of Justice*.

THE FOLLOWING LAW IS RELIED UPON:

1. *Provincial Offences Act*, RSO 1990, c P.33

Particulars

35 The court may, before or during trial, if it is satisfied that it is necessary for a fair trial, order that a particular, further describing any matter relevant to the proceeding, be furnished to the defendant. R.S.O. 1990, c. P.33, s. 35.

2. *Canadian Bill of Rights S.C 1960 c.40*

Recognition and declaration of rights and freedoms

1 It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

(a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;

(b) the right of the individual to equality before the law and the protection of the law;

(e) freedom of assembly and association

Construction of law

2 Every law of Canada shall, unless it is expressly declared by an Act of the Parliament of Canada that it shall operate notwithstanding the [Canadian Bill of Rights](#), be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared, and in particular, no law of Canada shall be construed or applied so as to

(a) authorize or effect the arbitrary detention, imprisonment or exile of any person;

(e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;

Duties of Minister of Justice

3 (1) Subject to subsection (2), the Minister of Justice shall, in accordance with such regulations as may be prescribed by the Governor in Council, examine every regulation transmitted to the Clerk of the Privy Council for registration pursuant to the [Statutory Instruments Act](#) and every Bill introduced in or presented to the House of Commons by a Minister of the Crown, in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of this Part and he shall report any such inconsistency to the House of Commons at the first convenient opportunity.

(2) A regulation need not be examined in accordance with subsection (1) if prior to being made it was examined as a proposed regulation in accordance with section 3 of the [Statutory Instruments Act](#) to ensure that it was not inconsistent with the purposes and provisions of this Part.

3. *Statutory Instruments Act, R.S.C., 1985, c. S-22*

Exemption from [Statutory Instruments Act](#)

61 (1) An order made under any of sections 58 to 60

(a) is exempt from the application of sections 3, 5 and 11 of the [Statutory Instruments Act](#); and

4. *Courts of Justice Act, R.S.O. 1990, c. C.43*

***Jurisdiction of Ontario Court of Justice
Provincial offences and family matters***

38(2) The Ontario Court of Justice shall perform any function assigned to it by or under the Provincial Offences Act, the Family Law Act, the Children's Law Reform Act, the Child, Youth and Family Services Act, or any other act.

5. *Quarantine Act, SC 2005, c 20*

Screening technology

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

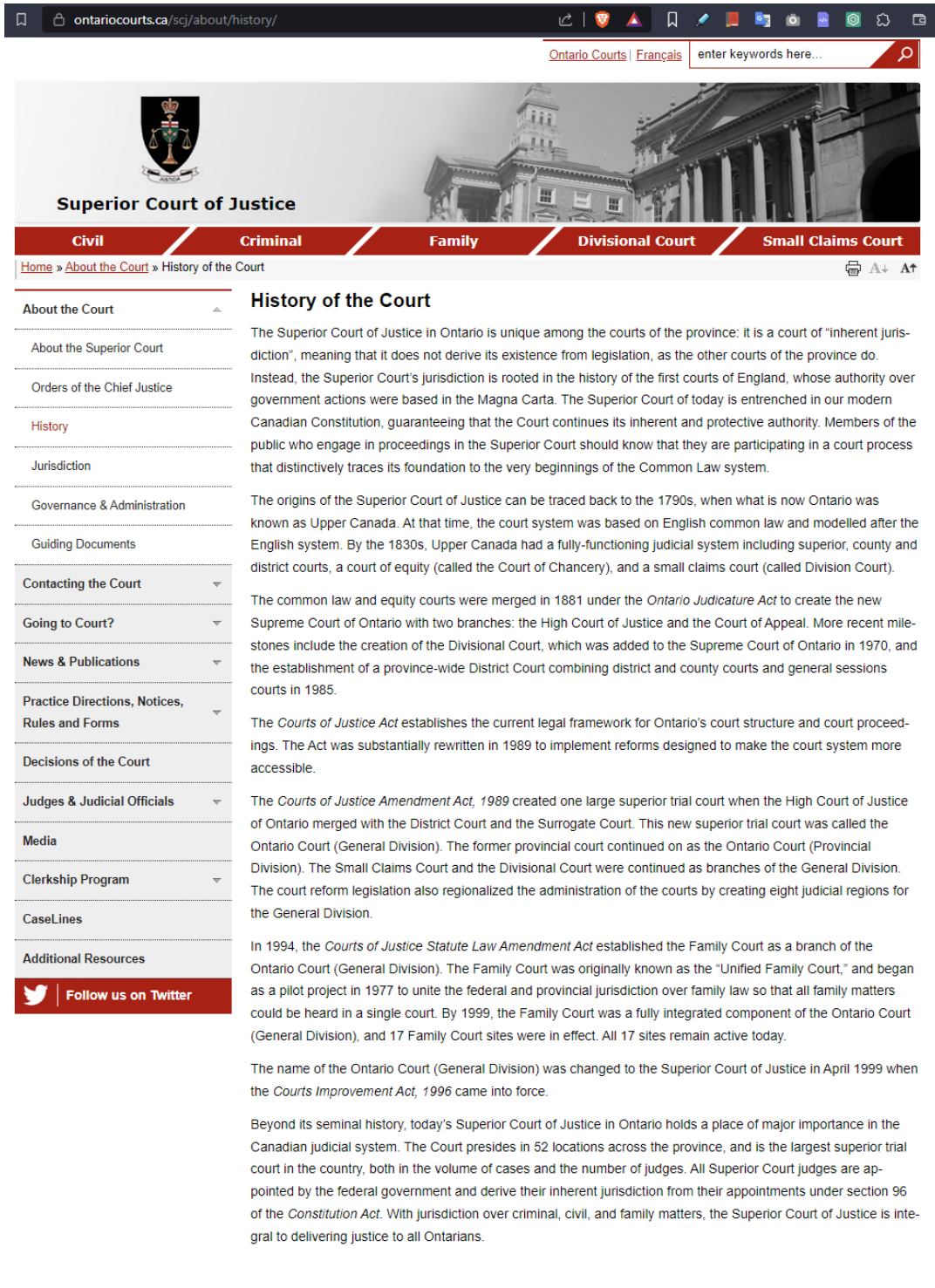
ALL OF WHICH IS RESPECTFULLY SUBMITTED remotely on this the <DATE> day of <MONTH>, <YEAR>.

The Moving Party, <YOUR FULL NAME>
Without prejudice

<YOUR MAILING ADDRESS>
Email. <YOUR EMAIL>
Phone. <YOUR PHONE>

TO: <PROSECUTION OFFICE NAME>
<NAME OF PROSECUTOR – IF KNOWN>
<MAILING ADDRESS>
Email. <PROSECUTOR EMAIL>
Phone. <PROSECUTOR PHONE>

<NAME OF PROVINCIAL COURT OFFICE>
<MAILING ADDRESS>
Email. <EMAIL>
Phone. <PHONE>



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Superior Court of Justice

Civil | Criminal | Family | Divisional Court | Small Claims Court

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History of the Court

The Superior Court of Justice in Ontario is unique among the courts of the province: it is a court of “inherent jurisdiction”, meaning that it does not derive its existence from legislation, as the other courts of the province do. Instead, the Superior Court’s jurisdiction is rooted in the history of the first courts of England, whose authority over government actions were based in the Magna Carta. The Superior Court of today is entrenched in our modern Canadian Constitution, guaranteeing that the Court continues its inherent and protective authority. Members of the public who engage in proceedings in the Superior Court should know that they are participating in a court process that distinctively traces its foundation to the very beginnings of the Common Law system.

The origins of the Superior Court of Justice can be traced back to the 1790s, when what is now Ontario was known as Upper Canada. At that time, the court system was based on English common law and modelled after the English system. By the 1830s, Upper Canada had a fully-functioning judicial system including superior, county and district courts, a court of equity (called the Court of Chancery), and a small claims court (called Division Court).

The common law and equity courts were merged in 1881 under the *Ontario Judicature Act* to create the new Supreme Court of Ontario with two branches: the High Court of Justice and the Court of Appeal. More recent milestones include the creation of the Divisional Court, which was added to the Supreme Court of Ontario in 1970, and the establishment of a province-wide District Court combining district and county courts and general sessions courts in 1985.

The *Courts of Justice Act* establishes the current legal framework for Ontario’s court structure and court proceedings. The Act was substantially rewritten in 1989 to implement reforms designed to make the court system more accessible.

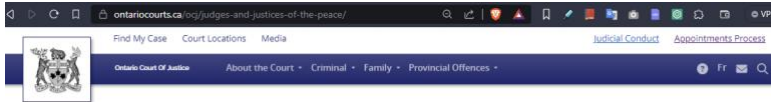
The *Courts of Justice Amendment Act, 1989* created one large superior trial court when the High Court of Justice of Ontario merged with the District Court and the Surrogate Court. This new superior trial court was called the Ontario Court (General Division). The former provincial court continued on as the Ontario Court (Provincial Division). The Small Claims Court and the Divisional Court were continued as branches of the General Division. The court reform legislation also regionalized the administration of the courts by creating eight judicial regions for the General Division.

In 1994, the *Courts of Justice Statute Law Amendment Act* established the Family Court as a branch of the Ontario Court (General Division). The Family Court was originally known as the “Unified Family Court,” and began as a pilot project in 1977 to unite the federal and provincial jurisdiction over family law so that all family matters could be heard in a single court. By 1999, the Family Court was a fully integrated component of the Ontario Court (General Division), and 17 Family Court sites were in effect. All 17 sites remain active today.

The name of the Ontario Court (General Division) was changed to the Superior Court of Justice in April 1999 when the *Courts Improvement Act, 1996* came into force.

Beyond its seminal history, today’s Superior Court of Justice in Ontario holds a place of major importance in the Canadian judicial system. The Court presides in 52 locations across the province, and is the largest superior trial court in the country, both in the volume of cases and the number of judges. All Superior Court judges are appointed by the federal government and derive their inherent jurisdiction from their appointments under section 96 of the *Constitution Act*. With jurisdiction over criminal, civil, and family matters, the Superior Court of Justice is integral to delivering justice to all Ontarians.

EXHIBIT B – <https://www.ontariocourts.ca/ocj/judges-and-justices-of-the-peace/>



Judges and Justices of the Peace

Find out who the Judges and Justices of the Peace are, their roles and responsibilities, and what do they do.

JUDGES | JUSTICES OF THE PEACE

Justices of the Peace work broadly in two main areas of jurisdiction:

1. criminal law and
2. provincial offences.

Justices of the peace of the Court have jurisdiction with respect to provincial offences, bail hearings and search warrants. Their responsibilities also include, but are not limited to, presiding in criminal set-date court and hearings s. 810 Criminal Code applications.

Office of the Chief Justice:

The Honourable Sharon M. Nicklas
Chief Justice — Co-ordinator of Justices of the Peace

Her Worship Lauren M. Scully
Senior Advisory Justice of the Peace

Her Worship Jane Moffatt
Senior Justice of the Peace

Her Worship Wendy Agnew
Senior Indigenous Justice of the Peace

Regions:

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- [CENTRAL WEST REGION](#)
- [EAST REGION](#)
- [NORTHEAST REGION](#)
- [NORTHWEST REGION](#)
- [TORONTO REGION](#)
- [WEST REGION](#)
- [PER DIEM JUSTICES OF THE PEACE](#)

What do Justices of the Peace do?

Criminal Law Jurisdiction

Justices of the peace preside:

- over virtually all bail hearings in the province, and
- in first appearance and remand courts (appearances that occur prior to a trial).

They also:

- receive informations (the documents that commence criminal proceedings)
- issue process in the form of summonses or warrants
- deal with applications for the issuance of search warrants and production orders under the *Criminal Code*
- deal with applications for peace bonds
- consider applications for warrants to seize weapons, and
- conduct weapons disposition and prohibition hearings.

Provincial Offences Jurisdiction

Justices of the peace exercise jurisdiction over the whole range of provincial offences and offences against municipal bylaws.

In this regard, their duties include:

- issuing process
- receiving applications for warrants, and
- presiding over provincial offence trials under statutes including the *Highway Traffic Act*, the *Occupational Health and Safety Act*, the *Trespass to Property Act*, the *Soft Streets Act*, the *Environmental Protection Act*, the *Liquor Licence Act*, and the *Consumer Protection Act*, and the *Dog Owners' Liability Act*, and the *Workplace Safety and Insurance Act*.

A provincial offences trial court presided over by a Justice of the peace is a court of competent jurisdiction under the *Charter of Rights and Freedoms*. This means that the justice of the peace has authority to grant the range of remedies provided under section 24 of the *Charter*. During a trial, the justice of the peace will hear and weigh evidence, then deliver a final decision and, if a defendant is convicted, impose a sentence.

Other Duties

In addition to the duties listed above, Justices of the peace have a collection of other responsibilities, including:

- conducting hearings and making orders under the *Mental Health Act* for examination of a person by a physician
- conducting hearings and issuing warrants to apprehend a child pursuant to the *Child, Youth and Family Services Act* for children in need of protection
- presiding at trials of municipal by-law infractions, and
- presiding at trials prosecuted under certain federal legislation, including the *Canada Shipping Act* and the *Motor Vehicle Transport Act*.

Appointment of Justices of the Peace

For information concerning the appointment process, including qualifications of Justices of the Peace, see the *Justices of the Peace Act*.

Ontario Court of Justice

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