

**Quarantine Ticket Charges – Section 15(3) of the Quarantine Act Cross examination questions and final submission at trial.**

The defendant crossed into Canada via land on April 14, 2022, at approx. 1:10 AM. The defendant was not wearing a mask but did produce her mask exemption issued by her family doctor to CBSA. She was questioned by the border agent to ask if she had completed ArriveCan, asked her vaxx status, and what her quarantine plans were. The defendant refused to answer any questions pertaining to her private medical information and her destination. She stated these were rights violation and quoted the Bill of Rights section 1(a), the right to life, liberty, security of person and enjoyment of property and not to be deprived thereof, except by due process of law and section 1(b) the right to equal treatment and protection of the law.

The border agent notified PHAC who advised they would be contacting the police to dispatch an officer to the scene. OPP arrived shortly after to further question the defendant. A discussion ensued and finally a summons was issued for failure to comply under section 15(3) of the Quarantine Act.

The following questions is what was prepared for cross-examination as well as the closing submission. Please make note of the key notes at the end of this document.

## QUESTIONS FOR CROSS-EXAMINATION AND FINAL SUBMISSION

### Questions for CBSA border officer Mr. English:

1. How would you describe my demeanor on April 14th? Was my voice raised? Did I yell at you?
2. In your notes you stated that I refused to wear a mask, however, that I did show you my mask exemption, is that correct? Did you see the mask exemption issued by my family doctor on my phone?
3. What orders to you provide to me with regards to the Quarantine Act?
4. When you asked me to speak with public health, was it a demand or was it a question? What was my response?
5. Did you ever call the police before for a similar situation or was it the first time the police were called?
6. When I asked if I was required to speak with the police, and asked if I was going to be arrested if I left, what was your response?
7. Did you call public health? Who did you talk to and what was said on the call?

### Questions OPP Officer Heuff:

1. Are you familiar with the Regulations Prescribing Public Officers federal legislation?
2. **1 (1)** A member of any of the following classes of persons, if employed in the public service of Canada or by the government of a province or municipality, is a public officer for the purposes of paragraph 117.07(2)(g) of the [Criminal Code](#):
  3. **(b)** employees of police forces or other public service agencies who are responsible for the acquisition, examination, inventory, storage, maintenance, issuance or transportation of firearms, prohibited weapons, restricted weapons, prohibited devices, prohibited ammunition or explosive substances;
4. In addition, section 25(1) of the criminal code, defines a peace officer who is anyone who enforces law through use of force, and a charge is use of force.
5. And therefore, both of these acts verify peace officers are federally regulated.
6. Regarding the window (not being rolled down all the way), were you able to hear me and see me? Did it hinder your ability to do your job?
7. In your notes you state there was a call from a complainant, who was the complainant?
8. Did you speak directly to the complainant? If so, what exactly did they say?
9. In your notes you state that I refused to comply with a demand, what was the demand?
  - a. The demand originated from English, however, he had asked a serious of questions which I politely declined, these were not demands as we established
  - b. Did you ask me the same demands as Mr. English?
  - c. Who's demand was it that led to the charge? Was it Mr. English's, or was it yours?
  - d. In your notes you sate that I failed to "comply with a reasonable demand made by a **peace officer**" and subsequently charged me under section 15(3) of the Quarantine Act, who's decision was it to charge me under that section of the Act?
10. Do you have a designation under the quarantine act as required by section 5(1)? Were you designated at the time the summons was issued? I want you to produce that now, as is required under section 5(4) of the act.

## Final Submission/Closing Argument:

It's worth noting that Mr. English testified that I was polite and cooperative and that I cooperated by waiting for the police, which is contradiction of Heuff's statement that I was aggressive and belligerent. Also, there is no evidence that she couldn't see anything in my car with the window only partially open that she couldn't see with the window all the way down.

There is insufficient evidence that Heuff gave me a reasonable order, as the orders were a violation of my right to informed consent, privacy, and equal and protection the law as per 1(a) the right to life, liberty, security of enjoyment of property and 1(b) the right to equally treatment and protection of the law under the Canadian and as we have established Officer Heuff is federally regulated and she is enforcing a federal act and therefore the bill applies.

We have established that Officer Heuff's role in attending the border was to enforce the [Quarantine Act](#), and that she made the order, and she chose the section of the Quarantine Act to charge me with. Under section 15(3) of the Quarantine act it states, "refusing a demand of a screening officer or quarantine officer". Under the act peace officers are not listed as screening officers and Heuff has offered no evidence that she possesses the required designation to give a "reasonable demand", nor issue the summons. Officer Heuff stated her only designation stems from her role as a peace officer and that she has no designation as a screening offer as is required as per section 5(1) of the Act.

### Section 15(3) Compliance with measures

**(3)** Every traveller shall comply with any reasonable measure ordered by a screening officer or quarantine officer for the purpose of preventing the introduction and spread of a communicable disease.

Also, the provinces of Alberta and Saskatchewan and as well as the territories did NOT sign on to the [Contraventions Act](#), that ties federal matters to provincial jurisdiction. This means that the Quarantine Act is NOT being applied equally to all Canadians. This again is a violation of section 1(b) Canadian Bill of Rights, the right to equal treatment and protection of the law. We are not all being treated equally, nor protected by law if some of us are exempt from charges while others are not.

And finally, as there has been no act of Parliament to limit our rights under the Canadian Bill of Rights there has been no authority granted through Parliamentary procedure to limit my rights.

Therefore, forced testing, quarantine, ArriveCan and declaring my vaccination status is a violation of my rights of informed consent, privacy, security of person and enjoyment of property and anyone enforcing this act is in direct violation of the Bill of Rights and the precedence law noted. As quarantine is a federal matter there is no chance of conviction as the Bill directly applies.

### KEY NOTES:

1. Arguments that were missed was the Charter superseding the bill:

Charter supersedes the Bill, section 26 of the Charter reads:

*26. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.*

<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-cddl/check/art26.html>

Therefore, the Bill is not superseded by the Charter in any capacity and my rights are fully protected under the Bill. And this is further demonstrated with the inclusion of the Bill of Rights in the Statutory Instruments Act and the Federal Emergencies Act both acts came into effect after the Charter in 1985.

Furthermore, there is case law to support the Bill was not superseded by the Charter, which has been solidified in the following cases:

#### **Singh v. Minister of Employment and Immigration, 1985**

*It has not been declared by any Act of the Parliament of Canada that the Immigration Act, 1976 shall operate notwithstanding the Canadian Bill of Rights. In view of s. 5(2) of An Act for the Recognition and Protection of Human Rights and Fundamental Freedoms, 1960 (Can.), c. 44, in Part II which follows the Canadian Bill of Rights, I do not see any reason not to apply the principle in the Drybones case to a provision enacted after the*

*Canadian Bill of Rights.*

<https://www.canlii.org/en/ca/scc/doc/1985/1985canlii65/1985canlii65.html?searchUrlHash=AAAAQA1U2luZ2ggdi4gTWluaXN0ZXIgb2YgRW1wbG95bWVudCBhbmQgSW1taWdyYXRpb24sIDE5ODUAAAAAQ&resultIndex=1>

**R. v. Andrew, 1986 CanLII 966 (BC SC)**

*The fact that I have held that the principle of equality before the law does not fail within s. 7 does not mean however that it is not a principle of fundamental justice. It simply means that the principle is not yet entrenched by the Charter. The Charter did not repeal the Canadian Bill of Rights nor did it do away with principles of fundamental justice existing independently of the Bill of Rights.*

<https://www.canlii.org/en/bc/bcsc/doc/1986/1986canlii966/1986canlii966.html?searchUrlHash=AAAAQAUI4gdi4gQW5kcmV3LCAxOTg2IENhbKxJSSA5NjYgKEJDFNDKQAAAAAB&resultIndex=1>

**The Queen v. Beauregard, 1986 CanLII 24 (SCC), Para [1986] 2 SCR 56**

*I have reached the conclusion that s. 29.1(2) of the Judges Act is inconsistent with s. 1(b) of the Canadian Bill of Rights and that the respondent is entitled to a declaration that this subsection is inoperative in so far as the respondent is concerned.*

<https://www.canlii.org/en/ca/scc/doc/1986/1986canlii24/1986canlii24.html?searchUrlHash=AAAAQA-VGhIIFF1ZWVuIHVyeUEJYXVyZWdhcmQsIDE5ODYgQ2FuTEIJDID0lChTQ0MpLCBbMTk4NI0gMiBTQ1lgNTYAAAAAAQ&resultIndex=1>

2. Contraventions Act not being applied equally:

As is identified on the “COVID-19: Summary data about travellers, testing and compliance” information page from the Government of Canada these provinces and territories did not sign on to the contraventions act and are not enforcing the Quarantine Act, creating a discriminatory law.

Section 2 of the “CONTRAVENTIONS ACT EVALUATION Final Report, 2010” states:

2. Performance, 2.1. Implementation across Canada

The implementation of the Contraventions Act has proven to be an incremental process. First passed in 1992, the Act was essentially not implemented until Parliament amended it in 1996 to allow (among other things) the federal government to sign agreements with provincial governments to use their respective prosecution schemes to process federal contraventions. On that basis, the Department initiated discussions with provincial authorities, which led to the signing of agreements in seven provinces. The ruling that the Federal Court rendered in 2001 on language rights forced the renegotiation of existing agreements and delayed the negotiation of new agreements.

Technically speaking, the Act is operational in all provinces except Newfoundland and Labrador, Saskatchewan and Alberta. This means that just over 80% of the Canadian population now resides in a province where contraventions tickets may be used. Justice Canada has been in negotiation with the remaining provinces.

ii. Contraventions Act Evaluation

The fact that the Act is not yet operational in three provinces is a concern. It creates a situation whereby the exact same unlawful behaviour that would contravene a federal statutory offence designated as a contravention is treated differently, based on the geographical location of the offender. This could trigger legal risks, particularly in provinces where the Act is not operational, in light of the fact that offenders are exposed to greater penalties.

Number / N° 220867NT

Form 104 Courts of Justice Act R.R.O. 1990 Reg. 200  
Formule 104 Loi sur les tribunaux judiciaires L.R.O. 1990, Règl. 200

**SUMMONS TO DEFENDANT  
SOMMATION ADRESSÉE AU DÉFENDEUR**

Under Section 22 of the Provincial Offences Act  
Aux termes de l'article 22 de la Loi sur les infractions provinciales

Ontario Court of Justice  
Province of Ontario  
Cour de Justice de l'Ontario  
Province de l'Ontario

1960

220867NT

You are charged with the following offence  
Vous êtes accusé(e) de l'infraction suivant

On the Le 14 day of April yr an 2022 at à 02:04 AM

Name Nom [Redacted] Last/Nom de famille First/Prénom Middle/Initiale

Address Adresse [Redacted] Number and Street/N° et rue

TORONTO ON [Redacted] Municipality/Municipalité P.O./C.P. Province Postal Code/Code postal

At À HIGHWAY 16 AND COUNTY ROAD 2 JUNCTION EDWARDSBURGH TWP Municipality/Municipalité

Did commit the offence of Vous avez commis l'infraction suivante  
FAILURE TO COMPLY WITH A REASONABLE MEASURE ORDERED BY A SCREENING OFFICER OR QUARANTINE OFFICER - ADULT

Contrary to Par dérogation à Contraventions Regulations (Quarantine Act); SOR/2020-86

15 (3) Section Article

Therefore you are commanded in Her Majesty's name to appear before the Ontario Court of Justice  
À ces causes, au nom de Sa Majesté, vous êtes sommé(e) de comparaître devant la Cour de Justice de l'Ontario

At À 32 Wall Street - Suite 100, Brockville, Ontario  
32 rue Wall - Suite 100, Brockville (Ontario)

On the Le 04 day of May yr an 2022 at à 09:00 AM Courtroom/Salle d'audience TBD

and to appear thereafter as required by the court in order to be dealt with according to law.  
et de comparaître par la suite chaque fois que le tribunal l'exigera de façon à ce que vous soyez jugé(e) selon la Loi.

Issued this day - Délivré ce jour  
14 April yr an 2022 HEUFF, C

Signature of Provincial Offences Officer  
Signature de l'agent d'infractions provinciales

Summons confirmed / Sommation confirmée [ ]  
Summons cancelled / Sommation annulée [ ]  
this / le day of yr an by par A Judge or Justice of the Peace / Juge ou juge de paix

Driver's licence No. / N° du permis de conduire [Redacted] Juris / Juri ON Class / Catégorie Cond / Restriction

Sex / Sexe Birthdate / Date de naissance [Redacted] Plate No. / N° de plaque d'immatriculation [Redacted] Juris / Juri Commercial

CVOR / CECVU NSC / CNS CVOR No. - NSC No. / N° du CECVU - N° du CNS

Officer No. / Matricule de l'agent de police 14123 Unit / Groupe 3P00 Code Witnesses / Témoins Yes P.I. P.D. [ ] [ ] [ ]

Note This summons is issued under Part III of the Provincial Offences Act.  
Cette sommation est émise aux termes de la partie III de la Loi sur les infractions provinciales.

**Affidavit of Service of Summons Under Section 26(6) of the Provincial Offences Act**  
R.R.O. 1990, Reg. 200

Ontario Court of Justice

I, Chelsea Heuff, of Province of Ontario

a provincial offences officer make oath and say as follows, that on the 14<sup>th</sup> day of April, yr 2022, I did serve

the summons in the manner indicated below:

(Check one)

- (a)  by delivering it personally on the defendant
- (b)  I could not conveniently find the defendant and left the summons for him/her at his/her last known or usual place of abode with \_\_\_\_\_, an inmate thereof who appeared to be at least sixteen years of age.

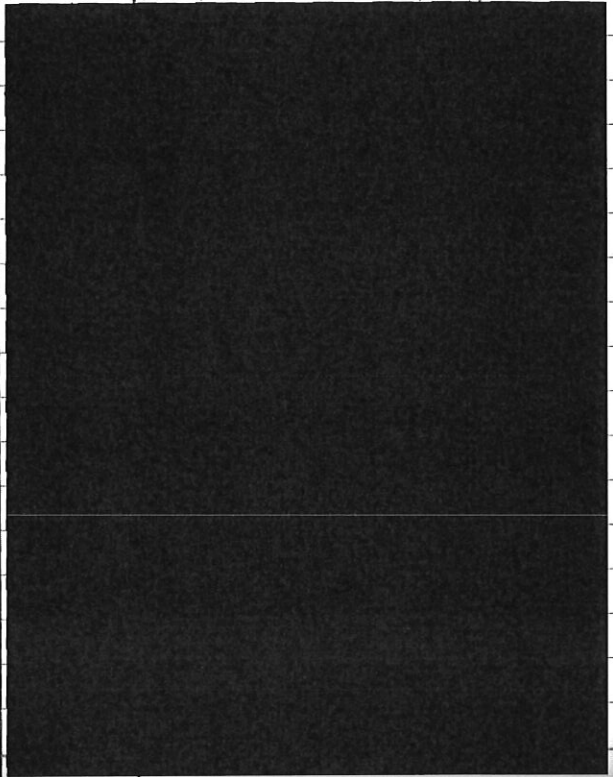
Sworn before me at TOWN of PRESCOTT this 19 day of April, yr 2022

[Signature]  
Signature  
No. 1423 Div. 3P00

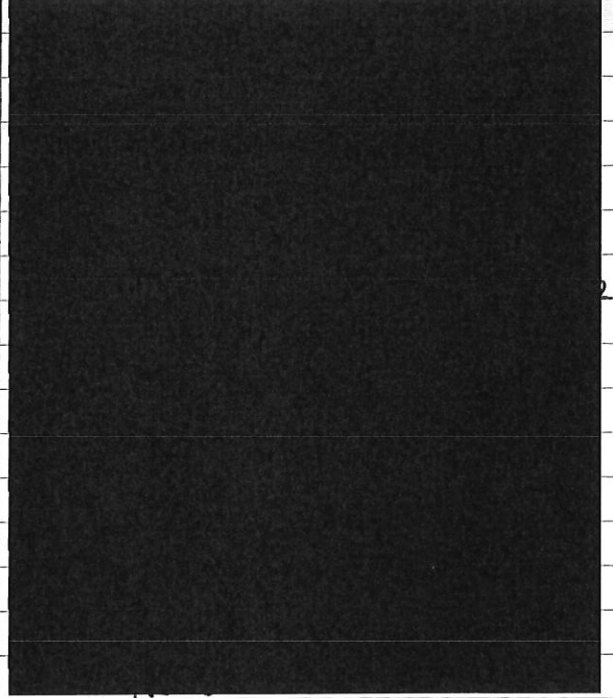
A Justice of the Peace / Commissioner for Taking Affidavits

**Tina Marie Wert, a Commissioner, etc.,**  
Province of Ontario, for the Government of Ontario, Ministry of the Solicitor General.  
Expires September 30, 2022

13 APR 22



13 Apr 22



0135 RIC ASSIST

**CHELSEA HEUFF**  
Provincial Constable  
Grenville County (Prescott) Detachment  
**ONTARIO PROVINCIAL POLICE**



200 Development Road  
Prescott, ON, ON K0E 1T0

T: 613-925-4221

[chelsea.heuff@opp.ca](mailto:chelsea.heuff@opp.ca)

OPP 24 Hour Police Service 1-888-310-1122 • [www.opp.ca](http://www.opp.ca)

13 APR 22

BRIDGE RAMP: CBSA

EMILY RONDEAU

343-575-6948

E220376877

PUBLIC HEALTH, WOULD LIKE  
AN OFFICER TO ATTEND  
PRESCOTT CBSA

REFUSING TO WEAR A MASK  
AND WON'T GIVE ANY INFO  
REGARDING HER VACCINES  
OR HER QUARANTINE  
ADDRESS

CBSA OFFICER ENGLISH  
#21056

ALSO ATTS, SPOKE TO CBSA OFFICER

13 APR 22

ON/CSHM 009

ADV THAT FEMALE IS  
REFUSING TO PROVIDE INFO  
RE: HER VACCINATION STATUS  
OR WHERE SHE WILL BE  
STAYING. SAID HIS DIRECTION  
IS TO CALL POLICE + PUBLIC  
HEALTH.

SHE DROVE OVER TO MY  
LOCATION

PUT WINDOW DOWN 1  
INCH, STARTED TO CALL  
SOMEONE SHE CLAIMED TO  
BE HER LAWYER. (ASKE)  
WHY SHE WASN'T COMPLYING,  
SHE WENT OFF THAT SHE  
WAS A CANADIAN CITIZEN

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13 APR 22

AND SHOULD HAVE THE  
ABILITY TO COME AND  
GO AS SHE PLEASED FROM  
THE COUNTRY.

ADV THAT WASN'T THE  
CASE ATM B/C OF THE  
QUARANTINE ACT.

REFUSED TO PROVIDE  
VACCINE STATUS OR  
WHERE SHE WOULD BE  
HEADING.

SAID I WAS A FEDERAL  
OFFICER, I CORRECTED  
HER.

ADV IT WAS AN ARRESTABLE  
OFFENCE. SHE LAUGHED,  
SAID TO WRITE HER A

13 APR 22

TICKET.

ASKED FOR DL, POI, POR,  
FTC w POR, 10 w DL  
PHOTO.

RETURNED TO CRUISER.

LOOKED UP QUARANTINE  
ACT 58.

ISSUED PART III 4 22089NT

CAT DATE 04 MAY 2022  
w VIRTUAL INFO SHEET.

SERVED IT TO FEMALE.

SHE TRIED PUSHING IT  
BACK THRU WINDOW AT  
ME - I PUSHED IT IN,

TOLD HER TO DRIVE  
SAFE AREA EXPLAINING  
IT TO HER.

27



**CHELSEA HEUFF**  
Provincial Constable  
Greenville County (Prescott) Detachment  
**ONTARIO PROVINCIAL POLICE**

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Prescott, ON, ON K0E 1T0

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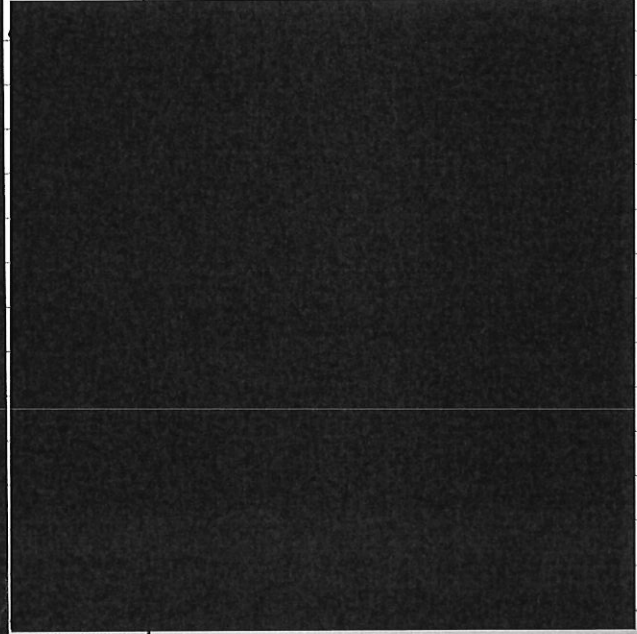


13 APR 22

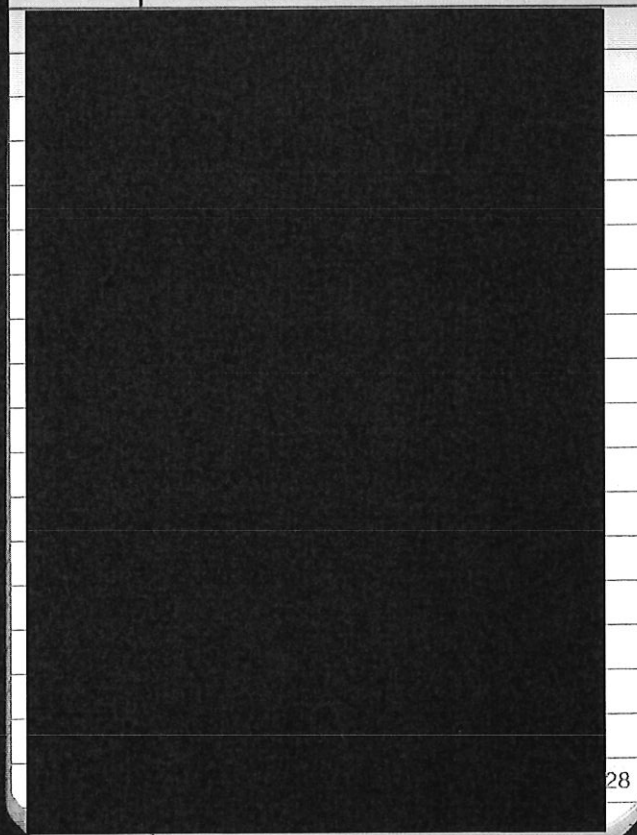
0212 REQ NOTES FROM CBSA

ENGLISH

0217 10-8



7



28



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T: 613-925-4221

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**COPY**  
Certified true copy of  
original  
*Al. Moste*  
SEP 09 2022  
CANADA BORDER  
SERVICES AGENCY  
AGENCE des Services  
frontaliers du CANADA

Canada

*Al. Moste*

Canada Border Services Agency / Agence des services frontaliers du Canada

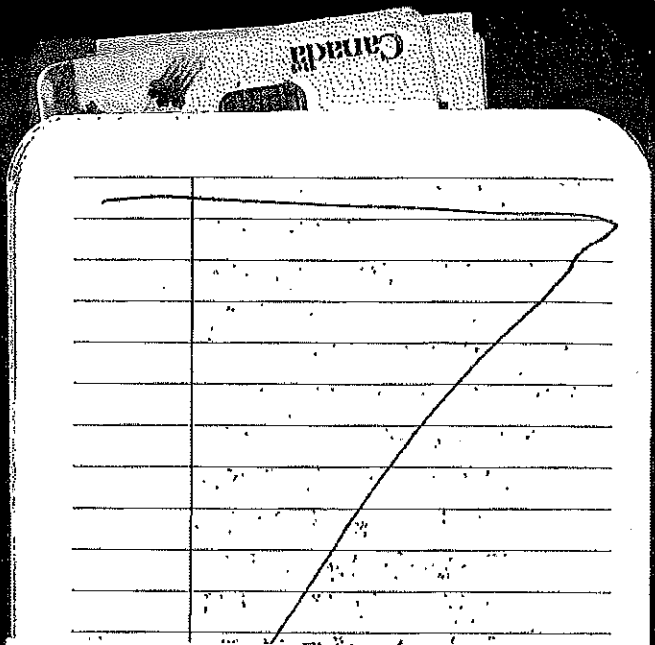
1032 Hwy 16, Box 400,  
Prescott, Ontario K0E 1T0  
Tel: 613-925-4225 Télec: 613-925-2000  
www.cbsa.gc.ca



Canada

0120 S [REDACTED]  
DOB [REDACTED]  
Passport # N K 972869  
ON Plate # [REDACTED]  
refused to wear a  
mask, stated she  
had a medical reception  
/ showed emailed letter  
refused to wear visor.  
Answered All Customs  
questions would not  
complete. Arrive curb

**C O P Y**  
Certified true copy of  
Original  
*Alvise*  
SEP 09 2022  
CANADA BORDER  
SERVICES AGENCY  
AGENCE des Services  
frontaliers du CANADA



 Canada Border Services Agency    Agence des services frontaliers du Canada

1032 Hwy 16, Box 400,  
Prescott, Ontario K0E 1T0  
Tel.: 613-925-4225 Fax: 613-925-2099  
www.cbgsa.gc.ca



Canada

or show proof of vac,  
or Answer question about  
vac status.  
PHAC contacted by  
Phone Emily Direct #  
343-575-6918  
stated she would be  
contacting opp to  
Attend. Advised By  
PHAC opp would be  
Attending.  
0142 Advised [redacted] of  
need to quarantine and  
Attempted to give [redacted]  
handout and two test  
kits which were refused  
subject was given her  
Passport Backs was advised  
the opp were going to  
come speak to her 4

**C O P Y**  
Certified true copy of  
Original  
*Al Noste*  
SEP 09 2072  
CANADA BORDER  
SERVICES AGENCY  
AGENCE des Services  
frontaliers du CANADA

[Large handwritten scribble covering most of the page]

if she would stay to  
speak to them. She  
said/asked if she had  
to I said "no" she  
stated she would.  
0150 opp on site speaking  
with subject in secondary  
0204 Lansdowne Supt BREATH  
Philippe. Advised of  
events.  
0215 Subject off site.  
OPP officer HEUFF Chelsea  
Summons # 220867NT  
OCC # E220376077  
0300

Canada Border Services Agency / Agence des services frontaliers du Canada

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Prescott, Ontario K0E 1T0  
Tel.: 613-926-4225 Téléc.: 613-926-2899  
www.cbsa.gc.ca



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