

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. She was questioned by the border agent to ask if she had done 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 the rights violation and quoted the Bill of Rights.

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 she prepared for cross-examination as well as the closing submission.

The disclosure from the OPP officer and the CBSA officer are also included.

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?
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](#):

(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;

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.

And therefore, both of these acts verify peace officers are federally regulated.

2. 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?
3. In your notes you state there was a call from a complainant, who was the complainant?
4. Did you speak directly to the complainant? If so, what exactly did they say?
5. In your notes you state that I refused to comply with a demand, what was the demand?
 - The demand originated from English, however, he had asked a serious of questions which I politely declined, these were not demands as we established
 - Did you ask me the same demands as Mr. English?
 - Who's demand was it that led to the charge? Was it Mr. English's, or was it yours?
 - 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?
6. 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:

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 open that she couldn't see with the window 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. 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 not evidence that she possesses the required designation to give a "reasonable demand", nor issue the summons.

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, which 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, with regards to the Canadian Bill of Rights there has been no act of Parliament to reduce or limit our rights as is required in the Act, and the regulations under the Quarantine Act were created by a single minister not Governor in Council as is required by section 58 of the Quarantine Act.

Crown Brief Synopsis

Ontario Provincial Police

Valid as of 2022/04/16 07:55:42
Printed by #14123 HEUFF, C.

Case file synopsis

Case file: C22022354: E220376877; [REDACTED]

Author:	#14123 HEUFF, C.	Report time:	2022/04/15 09:03
Entered by:	#434775 STIMAC, M.	Entered time:	2022/04/15 14:08
Remarks:			

Narrative:

Synopsis:

On April 14th, 2022, at 01:35 hrs, Prescott OPP received a call for service from the Canadian Border Services Agency (CBSA) at the Johnstown port of entry. The complainant advised that they were from Public Health, and that they'd like an officer to attend the Prescott CBSA to speak with a [REDACTED] who is refusing to wear a mask at the location, and would not provide any information regarding her vaccine status or her quarantine address as she returned from the United States into Canada through the Johnstown port of entry. The CBSA officer at the scene was Cst. ENGLISH #21056.

At 01:50 hrs, PC HEUFF arrived at scene and spoke to Cst. English, who advised that the female, Rebecca Sheppard, was at scene and was refusing to provide information regarding her vaccine status or where she would be staying for quarantine as she entered into the country.

PC Heuff spoke to Sheppard, who refused to provide her with any information as directed regarding her vaccine status and / or her quarantine address as she returned into Canada from the United States. After a discussion with Sheppard, PC Heuff understood that Sheppard would continue to refuse to comply with the demand. As such, PC Heuff issued Part III Summons #220867NT for Quarantine Act, Section 15(3) - refusing to comply with a demand made by a peace officer under the Quarantine Act.

She was issued the Part III with a court date of May 4th, 2022, and provided the virtual information sheet to attend court. PC Heuff served the Part III to the female through her vehicle window, which had only been rolled down half an inch. The female was irate with police and continued to yell at her as police walked away.

An update was provided to CBSA, who would update the health unit.

Witness List:

- PC Heuff #14123 - investigating and charging officer.
- Cst. English #21056 - CBSA officer who intercepted vehicle at port of entry.

Number / N° 220867NT

Form 104 R.R.O. 1990 Reg. 200 Formulae 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 14 day of April yr 2022 at 02:04 AM Le 14 jour de Avril an 2022 à 02:04 AM		
Name Last/Nom de famille First/Prénom Middle/Initiale [Redacted]		
Address [Redacted] Number and Street/N° et rue		
TORONTO ON [Redacted] Municipality/Municipalité P.O./C.P. Province Postal Code/Code postal		
At HIGHWAY 16 AND COUNTY ROAD 2 JUNCTION À 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 32 Wall Street - Suite 100, Brockville, Ontario À 32 rue Wall - Suite 100, Brockville (Ontario)		
On the 04 day of May Le 04 jour de Mai		
yr 2022 at 09:00 AM an 2022 à 09:00 AM		
Courtroom/Salle d'audience TBD 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 2022 HEUFF, C		
Signature of Provincial Offences Officer Signature de l'agent d'infractions provinciales		
Summons confirmed Sommation confirmée <input type="checkbox"/>		
Summons cancelled Sommation annulée <input type="checkbox"/>		
this day of yr by le jour de an par A Judge or Justice of the Peace Juge ou juge de paix		
Driver's licence No. N° du permis de conduire [Redacted] ON		
Sex Birthdate Plate No. Juris Commercial Sexe Date de naissance N° de plaque d'immatriculation Juris		
CVOR NSC CNS CVOR No. - NSC No. / N° du CECVU - N° du CNS		
Officer No. Unit Code Witnesses P.I. P.D. Matricule de l'agent de police Groupe Témoins		
14123 3P00 Yes		
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 14th 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

Town

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

25

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

OPP 24 Hour Police Service 1-888-310-1122 • www.opp.ca

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13 APR 22

BRIDGE RAMP: CBSA

EMILY RONDEAU

343-575-6918

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

0150 ATS, 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 52.

ISSUED PART 11 & 220591NT

CAT DATE 04 MAY 2022
w VIRTUAL INFO SHEET.

SERVED IT TO FEMALE.

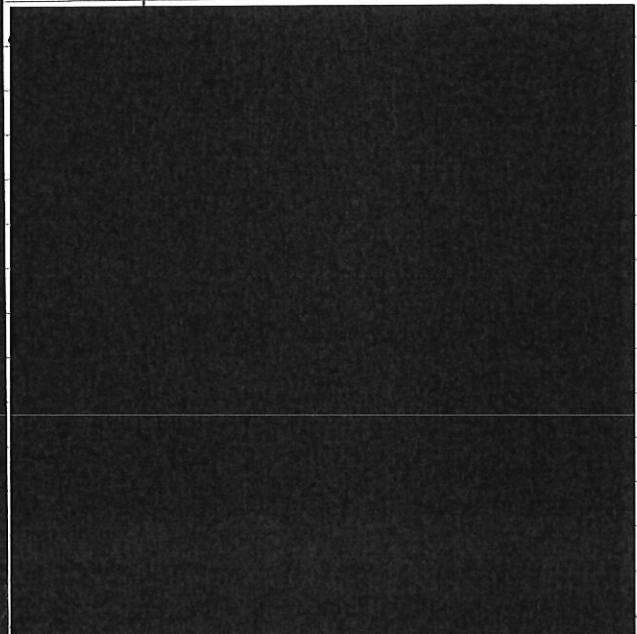
SHE TRIED PUSHING IT
BACK THRU WINDOW AT
ME - I PUSHED IT IN,

TOLD HER TO DRIVE
SAFE AFTER EXPLAINING
IT TO HER.

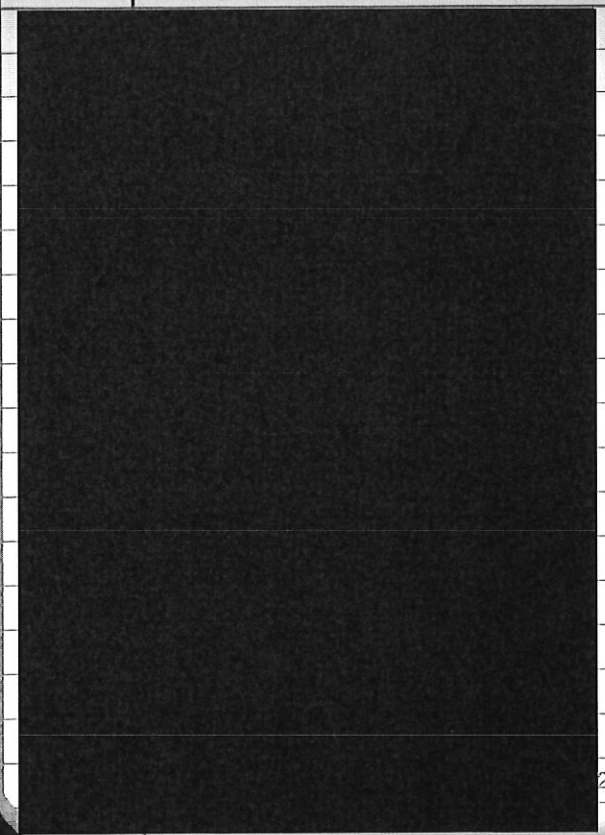
13 APR 22

0212 REQ NOTES FROM CBSA
ENGLISH

0217 10-8



27



28



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Grenville County (Prescott) Detachment
ONTARIO PROVINCIAL POLICE

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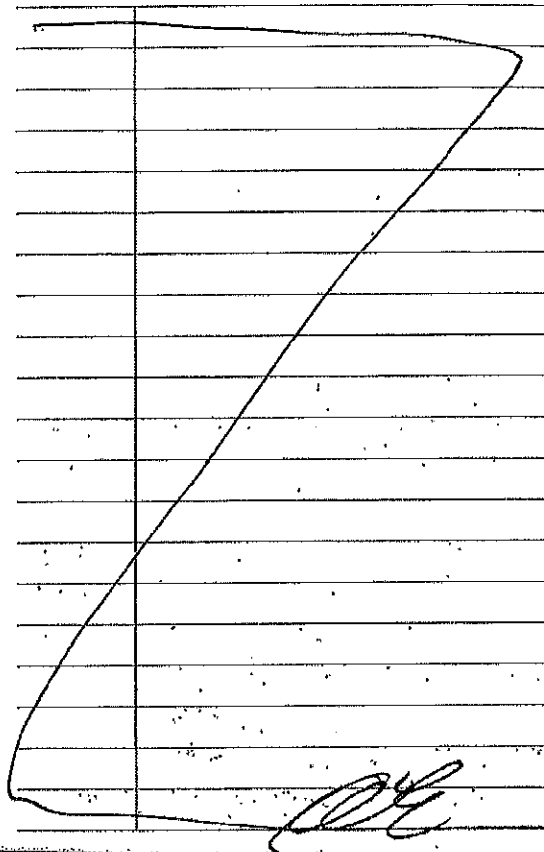
COPY

Certified true copy of
Original

Al. Moste

SEP 09 2022

CANADA BORDER
SERVICES AGENCY
AGENCE des Services
frontaliers du CANADA



Canada Border
Services Agency

Agence des services
frontaliers du Canada

1032 Hwy 16, Box 400,
Prescott, Ontario K0E 1T0

Tel : 613-925-4225 Toll-free : 613-925-2899
www.cbsa.gc.ca



Canada

0120

S. [REDACTED]

DOB [REDACTED]

Passport # NK972869

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 Fed Gov
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 2002

CANADA BORDER
SERVICES AGENCY
AGENCE des Services
frontaliers du CANADA

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 BREAH,
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

1032 Hwy 10, Box 400,
Prescott, Ontario K0E 1T0

Tel.: 613-926-4225 Téléc.: 613-926-2899
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Canada