

# *MJS LEGAL SERVICES*

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*Reply to: Jane Scharf*  
[mjslegalservices@outlook.com](mailto:mjslegalservices@outlook.com)

Jane Scharf  
249 Presland Rd  
Ottawa, ON, K1K 2B6

Opened Request of all Police Departments in Ontario

## **To Whom It May Concern: Investigation of Criminal Malfeasance**

My name is Jane Scharf. I am a paralegal licensed by the Law Society of Ontario. I wrote to all police stations twice earlier this year about the violations of the Canadian Bill of Rights involved in the enforcement of the Covid-19 bylaws.

I am very proud and pleased that the regional police services in Ontario have refused to enforce the COVID bylaws that violate our rights.

I am writing at this time to request an investigation into criminal tampering with our parliamentary law system.

The issue is that in 1970 the Ontario government passed a law called the Emergency Measures Act (EMA). The purpose of this act was to set the process and conditions for declaring an emergency. The EMA was repealed in 1976, which only removed the process of an emergency measures organization. Subsequent to this 1976 repeal this Act was not repealed or revoked.

This EMA is still on the books but it is not being used for the current Covid-19 declarations of emergency because it is being obscured. The EMA cannot be found in the Ontario Hansard's, E-Law or CANLII nor can it be found in a search by Google, Yahoo or Duck Duck Go. (Please find a copy of Emergency Measures Act 1970 repealed 1976 attached and associated documents appendix 1 to 7)

In 1983 there was an act passed called the Emergency Plans Act (EPA). The purpose of this act was to establish plans to respond to emergencies. We cannot find this act in Hansards, Elaw, CANLII, Google, Yahoo, or Duck Duck Go.

The only record of the EPA being passed in 1983 is discussion in the Hansard's when the name is changed to Emergency Management Act in 2002, but there is no record of it being repealed in 1990 when this year was added to the title.

<https://www.ola.org/en/legislative-business/bills/parliament-37/session-3/bill-148>

The second record is 2006 when they changed the name of the EMA to Emergency Management and Civil Protection Act and added a section to allow the declaration of emergency, which is not consistent with the purpose of the act. This act was designated for planning in emergencies.

For this to be proper they would have to revoke the EMA and restate the purpose of the EMCPA to be for declaration of emergency and emergency planning. This change they made to the EMA to allow the Premier to declare a state of emergency is significant doing under the EMA reduces the safeguards from government abuse of power and should have been announced clearly to the public.

There are 7 versions listed on E-law and CANLII that show this EMA but they do not show the 1990 repeal and 2004 repeal. The first version shows the name changing from EMA to EMCPA in 2006 and the addition of the power to declare an emergency.

The EPA, which is the statute for emergency plans, has morphed into two roles

1. Declaring emergencies without the safeguards provided in the EMA and
2. Planning for emergencies included major violations of the rights recognized and protected in the Canadian Bill of Rights.

Bylaws being developed under the EPA now called the EMCPA presume to be able to expand police power, which is not within the Provinces' jurisdiction.

I am requesting a full investigation into this matter as well as charges laid against the persons or persons who tampered with our official record of law and supported a false declaration of emergency process which violated our right to life, liberty and security of person and enjoyment of property without due process of law. The government also violated freedoms of speech, assembly and association as well as freedom of religion; which are all recognized and protected in the Canadian Bill of Rights.

These actions are contrary to democracy and violate basic human rights and freedoms as people have been ticketed and charged for running their business, conducting peaceful protests and church services as well as having been forced to submit to mandatory mask requirements which is forced medical procedure.

Yours Sincerely,



Jane Scharf

## APPENDICES

## ✓ APPENDIX I: THE EMERGENCY MEASURES ACT (R. S. O. 1970, REPEALED 1976)

## CHAPTER 145

## THE EMERGENCY MEASURES ACT

- Interpretation 1. In this Act,  
(a) "Director" means the Director of the Emergency Measures Branch of the Department of Justice;  
(b) "emergency" means  
R. S. C. 1952, c. 288 (i) a real or apprehended war, invasion or insurrection proclaimed to exist under the War Measures Act (Canada), or  
(ii) a natural emergency declared to exist under section 3;  
(c) "Minister" means the Minister of Justice and Attorney General. 1962-63, c. 41, s. 1; 1965, c. 36, s. 1, *amended*.
- Emergency Measures Branch 2. There shall be a branch of the Department of Justice to be known as the Emergency Measures Branch which shall consist of the Director and such other officers and employees as are deemed necessary. 1965, c. 36, s. 2, *amended*.
- Declaration of natural emergency 3. The Minister may declare a natural emergency to exist during the time, not exceeding ninety days, and in the part of Ontario that he designates. 1962-63, c. 41, s. 3, *amended*.
- Plans of provincial governmental bodies 4. (1) It is the responsibility of,  
(a) each Minister of the Crown presiding over a department of government; and  
(b) each board, commission or other branch of government designated by the Lieutenant Governor in Council,  
to formulate a plan to provide for the continued functioning of the necessary services of the department or branch of government in the event of an emergency.  
(2) Each county together with the local municipalities within the county that do not form part of the county for municipal purposes shall formulate a plan to provide for the continued functioning of municipal government and the necessary services of the municipalities in the event of an emergency. 1962-63, c. 41, s. 4 (1, 2).  
(3) Notwithstanding subsection 2, The Regional Municipality of York and The Municipality of Metropolitan Toronto shall formulate separate plans. 1962-63, c. 41, s. 4 (3), *amended*.  
(4) Every municipality in a territorial district shall formulate a plan to provide for the continued functioning of municipal government and the necessary services of the municipality or municipalities in the event of an emergency. 1962-63, c. 41, s. 4 (4).
- Municipal Plans
- Exception
- Plans of municipalities
- Duties of Director Approval by Minister 5. (1) Every plan shall be prepared under the supervision and guidance of the Director. 1962-63, c. 41, s. 5 (1); 1965, c. 36, s. 3.  
(2) Every plan and every amendment to a plan is subject to the approval of the Minister, and, before approving a plan or amendment, the Minister may make such alterations as he considers necessary for the purpose of uniformity or of co-ordinating the plan with other authorities or plans. 1962-63, c. 41, s. 5 (2), *amended*.
- Regulations 6. The Minister may make such regulations as he considers necessary for the purposes of this Act. 1962-63, c. 41, s. 6, *amended*.
- Interpretation 7. (1) In this section,  
(a) "emergency area" means the area in which an emergency exists;  
(b) "minister" means a member of the Executive Council;  
(c) "Prime Minister" means the President of the Executive Council.  
(2) The powers and duties under any Act of any official, board, commission or other branch of the Government of Ontario may be delegated by an approved plan to any official, board, commission or branch of the government of a municipality for the purposes of the operation of the plan.  
(3) Where an emergency exists in an emergency area that includes all or part of two or more municipalities that have separate plans, the exercise by a municipality in the emergency area of its powers and duties under this or any other Act for the purposes of the operation of a plan is subject to the direction and control of the Prime Minister or a minister designated by him, where he considers it necessary, and, without restricting the generality of
- Delegation of powers and duties
- Emergency powers

the foregoing, the Prime Minister or minister designated by him may direct and control the administration, facilities and equipment of each municipality in the emergency area for the purposes of,

- (a) maintaining, clearing and controlling the use of roads, streets and other public ways;
- (b) generating, transmitting and distributing electric power and controlling the use and allocation of equipment for the purpose;
- (c) obtaining and distributing accommodation, food and clothing and providing other welfare services;
- (d) notwithstanding section 9 of *The Energy Act*, generating, transmitting and distributing gas and controlling the use and allocation of equipment for the purpose;
- (e) providing or maintaining water supplies and sewage disposal;
- (f) the enforcement of law;
- (g) the fighting or prevention of fire; and
- (h) the health, safety and welfare of the inhabitants of the emergency area,

and the powers and duties of the municipality, upon the direction of the Prime Minister or minister designated by him, may be exercised for the benefit of any part of the emergency area notwithstanding that it is outside the boundary of the municipality.

Assistance

(4) Where an emergency exists in Ontario or any part thereof, the Prime Minister or a minister designated by him may require any municipality in Ontario to provide such assistance as is considered necessary to the emergency area or any part thereof, and may authorize the payment of the cost of such assistance out of the Consolidated Revenue Fund.

Plans to govern

(5) Where an emergency exists, the approved plans applying to the emergency area shall operate according to their provisions, notwithstanding the provisions of any other Act. 1965, c. 36, s. 4.

Agreements for contribution toward cost

8. (1) The Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada in respect of the payment by Canada to Ontario of any part of the cost to Ontario and to municipalities in Ontario of planning or preparing for an emergency or of executing emergency plans.

Agreements for services, equipment and material

(2) The Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of any other province for the provision of any service, equipment or material in an emergency. 1962-63, c. 41, s. 7.

## APPENDIX II

O.C. 1484/75

Copy of an Order-in-Council approved by Her Honour the Lieutenant Governor, dated the 28th day of May, A.D. 1975.

Upon the recommendation of the Honourable the Premier, the Committee of Council advise that an Emergency Planning Committee of Cabinet be established to monitor the state of emergency preparedness in Ontario and to review at regular intervals the state of emergency planning in the ministries and agencies of government.

The Committee further advise that the members of the said Committee be the Minister of the Environment, Minister of Health, Minister of Natural Resources, the Attorney General, the Chairman of the Management Board and the Solicitor General and that the Solicitor General be designated as Chairman.

Certified, Clerk Executive Council.

## APPENDIX III

Copy of an Order-in-Council approved by Her Honour the Lieutenant Governor, dated the 28th day of May, A.D. 1975.

Upon the recommendation of the Honourable the Premier, the Committee of Council advise that the following Ministries be designated to take responsibility for coordinating the response of the Government of Ontario to the types of emergency situations described opposite thereto, with the assistance of other ministries and agencies of government as may be required:

<u>Designated Ministry</u>	<u>Responsibility</u>
Environment	Spills of chemicals, oil, or other contaminants or toxic agents; gas or oil pipeline breaks.
Health	Epidemic Nuclear Reactor accident with off-site effects. Heavy Water Plant accident with off-site effects.
Natural Resources	Flood Forest Fire
Solicitor General	Major Air Crash. Other Peacetime Emergencies. War Emergency.
Treasury, Economics and Intergovernmental Affairs	Funding and coordination of extraordinary Provincial expenditures on emergencies

Certified, Executive Council.

## APPENDIX IV

O.C. 178/79

Copy of an Order-in-Council approved by Her Honour the Lieutenant Governor, dated the 17th day of January, A.D. 1979.

Upon the recommendation of the Honourable the Premier and President of the Council, the Committee of Council advise that the Emergency Planning Committee of Cabinet, established to monitor the state of emergency preparedness in Ontario and to review at regular intervals the state of emergency planning in the ministries and agencies of government, be continued.

The Committee further advise that effective the 1st day of January, 1979, the said committee be comprised of the following members who shall take responsibility for coordinating the response of the Government of Ontario to, but not be limited by, the types of emergency situations described opposite thereto;

Minister

Energy	Energy supply matters
Environment	Spills of chemicals, oil, or other contaminants or toxic agents; gas or oil pipeline breaks.
Health	Epidemic
Intergovernmental Affairs	Funding and coordination of extraordinary Provincial expenditures on emergencies.
Labour	Nuclear reactor accident with off-site effects. Heavy water plant accident with off-site effects.
Natural Resources	Flood Forest Fire
Solicitor General	Major air crash. Snow emergency. Other peacetime emergencies. War emergency.

and that the Attorney General and Chairman of Management Board of Cabinet also be members.

And the Committee further advise that the Solicitor General be designated as Chairman.

And the Committee further advise that any Order-in-Council inconsistent with these recommendations be rescinded.

Certified, Deputy Clerk, Executive Council.

## APPENDIX V

## RESEARCH COMMITTEES OF THE ASSOCIATION OF EMERGENCY PLANNERS OF ONTARIO

<u>Committee</u>	<u>Chairman*</u>
Transportation of Hazardous Material	D. McCracken London/Middlesex (1)
Radiological Transportation Hazards	H. C. W. Camp R. M. of Waterloo (2)
Communications	F. S. Wotton R. M. of Durham (3)
Rescue and First Aid	F. F. Holcombe R. M. of Ottawa/Carleton (4)
Floods and Forest Fire	G. A. Brillinger Cochrane District (5)
Land, Air and Water Accidents	E. A. Fallen Thunder Bay (6)

\*Each Chairman is an emergency planning officer in the municipal area that follows his name, as well as the zone co-ordinator for the zone shown in brackets within which the municipal area is located.

(Source: DuQuesnay, 1978)



## APPENDIX VII

## HISTORIC TIME-LINE

Prime Minister	Event-Time Line		Federal Policy		Ontario Policy	
King	WW-II	1939-	ARP -			
		1945-	ARP - dismantled		-Ministry of Planning and Development	
St. Laurent		1948-	Cabinet Defence Committee			
	N.A.T.O.	1949-	Civil Defence (CD)Coordinator -			
	Korea	1950-	Ministerial Conference: new CD programme; by 1955, Fed/ Prov. cost-share 75% - 1955 90% - 1960 Municipal Rebates	-Aug. 50	Oct. 50 -O-I-C: CD programme adopted.	
	Hurricane Hazel	1954- 1955-			-O-I-C: CD Coordinator; Chmn. and Sc' Planning Cttee, CD Cttee.	
Diefenbaker	Soviet I.C.B.M. launched Aug. 1957	1957-				
		1959- 1960-	Ottawa Conferences: upgrade CD - EMO		Jan. 60 - O-I-C:EMO	
Pearson	Cuban Crisis	1962- 1963-			Apr. 63 -Emergency Measures Act: EMB. Dept. of Justice	
Trudeau	Montreal Police Strike	1968-	"Phoenix"	-		
		1969-				
	October Crisis	1970-	CEMO unveils new policy	-Sept. 70		
		1972-	Dare Report suggests cell and EPC-type organization	-Oct. 72	Jun. 72 -review of EMO suggests Task Force	
	Great Lakes Flooding	1973-			Mar. 73 -Flooding prompts inquiries into EMO	
		1974-	National Emergency Planning establishment formed	-Mar. 74		
	1975-			Apr. 75 -Ontario budget:replace EMO		
		EPC meets with Mun.		Dec. 75 -EMO replaced by lead ministries in O-I-C		
		1977-	AEPO formed	-Jul. 77		
		1978-			Jan. 78 -additional Lead Ministries named.	