





*Not all are fooled so easily*



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From: Dana-lee Melfi <dana\_lee\_ca@hotmail.com>  
Sent: September 20, 2024 11:39 PM  
To: Stephen Konkle <Stephen.Konkle@oic-ci.gc.ca>; \_Grefe-Registry <Grefe-Registry@oic-ci.gc.ca>; arif.virani@parl.gc.ca <arif.virani@parl.gc.ca>; mcu <mcu@justice.gc.ca>; Michael.Duheme <Michael.Duheme@rcmp-grc.gc.ca>; Vanessa.Lloyd@tpsgc-pwgsc.gc.ca <Vanessa.Lloyd@tpsgc-pwgsc.gc.ca>  
Subject: 5822-03179 Notice of Liability Minister of Justice

Hello, Office of the Information Commissioner,  
Minister of Justice, Attorney General, CSIS  
Director and RCMP Director

We are now beyond the 36 days the Justice  
Minister had to file for Federal Review on case:  
PART IV - Office of the Information Commissioner  
(OIC) Findings on breaches of the Access to  
Information ACT & Procedural Failures. From the  
Department of Justice no less, your own office.

The date of the final OIC report is 2024/08/06..

Access to Information & Privacy Act # A-2021-  
00580 Filed on 2021/09/23  
[https://peace-man.ca/atip#5b772a2f-47bc-4560-  
895d-61c315e45f9b](https://peace-man.ca/atip#5b772a2f-47bc-4560-895d-61c315e45f9b)

OIC file # 5822-03179 (Publicly Unlisted from  
OIC)  
[https://peace-man.ca/atip#42341db0-0fb2-4bfc-  
a459-c2c031c74d70](https://peace-man.ca/atip#42341db0-0fb2-4bfc-a459-c2c031c74d70)

Over two years in breach of the Access to  
Information and Privacy ACT from the DOJ.  
No communication after the last one that the DOJ  
was putting my request on hold for "Further  
clarification" indefinitely, then no  
clarification requested. Many attempts made on  
my part.

My complaints marked "invalid" many times before  
the validation and Final Report and accepted  
Orders. A clear indication of document  
manipulation since the same Director of ATIP at

the DOJ had signed a found illegally placed extension that subsequently was removed. Same Director told Dana-lee Melfi that an extension has never been removed and there was no process. Eleven days later the extension removed due to pressure I placed within registered complaints. Does that now mean there is precedent on the reversal, removal, retracted extension? Serious stuff here.

The Minister of Justice has not followed the duties set herein.

The Office of the Information Commissioner will soon get a Notice of Liability for an incomplete "Final report", Failure to report crimes to authorities. Any citizen in the course of their duties is expected to report crimes of major suspicious activity and especially if in a role as a Commissioner. I have been told the case is closed because I did not file for Federal Review. Quite frankly it is not my job and is in the job description of the Minister of Justice.

I however am not interested in suing the Canadian people. I am interested in using the tools we have to hold accountability. I am willing to help do that with the confidence that our systems work for Canadians. I do not want to see our houses in disrepute furthering the destabilization of our country.

I would like to discuss these matters with all parties and find solutions.

I would request the ability to provide evidence on these matters from well documented personal

experiences. The evidence given to the OIC investigation was not represented and some important factors not included.

Section 397(1) of the Criminal Code of Canada deals with fraud and the manipulation of written documents with the intent to deceive or defraud. This section applies to situations where a person alters or destroys documents in order to misrepresent the truth or hide important information.

I cannot afford nor have the means to send registered mail atm and wish to have a conformation of receipt. I did not want to attach files like the pdf I have made available on link provided.

I live in a remote area and am willing to come to Ottawa for interview and/or a deposition. A few supporting documentation links can be found at the bottom of the page.

Trust me when I say, The MAJESTY THE KING VS DANA-LEE MELFI is still quite valid.

Seven years in court with DANA-LEE VS GOVERNMENT OF SASKATCHEWAN & CANADA LIFE. Instead of helping me, have shortened and ruined my quality of life.

As a Government employee impeding my liberty and happiness.

I have had joint meetings with OPS & RCMP when they contacted me. I gave evidence that was withheld from the Crown, therefore the judge. I contacted the various Law Societies with documentation and valid complaints.

## **Notice of Liability Submitted 09,21, 2024**

From: Dana-lee Melfi

To: Minister of Justice Arif Virani

Office of the Minister of Justice and Attorney  
General of Canada  
284 Wellington Street  
Ottawa, Ontario K1A 0H8

Subject:

Breach of duty to protect the parliament from  
contempt and treason.

Breach of duty for failure to scrutinize the  
actions of the government of Canada and  
provinces for violations of human rights and  
fundamental freedoms regarding COVID measures  
and truckers convoy protest.

Dear Minister of Justice Arif Virani,

I am a citizen of Canada, and I hereby serve  
this Notice of Liability upon you in your  
capacity as the Minister of Justice and Attorney  
General of Canada. This notice pertains to your  
failure to fulfill the duties imposed by your  
office regarding the following critical matters  
of public and legal importance:

**PART I** - No Scrutiny of the Federal Vaccine  
Mandates for Travel and Federal Government  
Employment

**PART II** - No Scrutiny of the provinces for civil  
liberties violations with covid measures. This



included violations of liberty (regulations between borders, businesses shut down), security of person which includes the right to informed consent (forced mask wareing) and vaccine passports

**PART III** - No Scrutiny of the criminal activity of the Liberals illegally invoking the Emergencies Act against peaceful protesters at the Truckers Convoy in 2022. There were unlawful arrests and prosecutions, beatings, imprisonment and confiscation and damage of property

**PART IV** - Office of the Information Commissioner Findings on Breaches of the Access to Information ACT & Procedural Failures.

**PART V** - Failure to Act on Contempt of Parliament

**PART VI** - Contempt of Parliament and Indigenous Right

**PART VII** - Failure to Act on Breach of National Security: Transfer of Scientific Secrets to the Chinese Communist Party

**PART VIII** - Failure to Act on Breach of National Security: Electoral Interference by the Chinese Communist Party

**PART IX** - Failure to act on the Federal gun grab law C21



**PART X** - Failure to act on the provincial/municipal land grabs and planned mobility and consumption restrictions with plans to implement 15 minute cities.

**PART XI** - Result of the Minister's failure to exercise his duty according to Common Law and statutes.

**PART I** - The Scrutiny of the Federal Vaccine Mandates for Travel and Government Employment in Light of the Canadian Bill of Rights.

As Minister of Justice, it is your statutory duty under Section 3 (1) of the Canadian Bill of Rights, R.S.C. 1960, c. 44 to ensure that all proposed government programs, laws and regulations are examined for compliance with the rights guaranteed therein. The federal vaccine mandates for travel and employment, which restricts the mobility of Canadians, raises serious concerns regarding its consistency with the rights to life, liberty which includes freedom of movement, and security of the person which includes informed consent, under the Canadian Bill of Rights.

Despite the obligation to scrutinize and address any infringement on these rights, your office has failed to provide any substantive action or review regarding this mandate's compliance with the Canadian Bill of Rights. Canadians have been subjected to limitations on travel and employment without proper legal examination to

determine whether such restrictions violate their fundamental rights. These rights are also protected under common law see *Campbell Motors versus Gordon* 1946 which confirms that the right to life, liberty and property are inalienable and the government's primary responsibility under our rule of law is to protect these inalienable rights.

### **Legal Basis:**

Under Section 3(1) of the Canadian Bill of Rights, you are required to examine every law or regulation to ensure it does not conflict with the rights enshrined in the Bill, including:

- The right to life, liberty which includes freedom of movement and security of the person which includes informed consent (Section 1. (a)).
- The right to travel and move freely within Canada, which is paramount in assessing the legality of travel restrictions imposed by the federal vaccine mandate.

The Minister of Justice has several obligations under the Statutory Instruments Act (SIA) of Canada. Some key responsibilities include:

#### **1. Review of Statutory Instruments:**

○ Section 3(1) of the Act requires that the Minister of Justice review every statutory instrument to ensure that it complies with the Canadian Bill of Rights and other legislative norms. This includes ensuring that it:

- Is not ultra vires (beyond the powers of the authority making it).

- Does not infringe on rights or freedoms guaranteed under the Bill of Rights.
- Does not contravene other legislation.

## 2. Recommendation for Changes or Revocation:

o The Minister has the authority to recommend the amendment or revocation of statutory instruments that do not conform with the legal or constitutional framework. The Minister plays an advisory role in the regulation of laws to prevent illegal, oppressive, or unauthorized regulations from remaining on the books.

## 3. Reporting Obligations:

o Under section 4, the Minister of Justice must ensure that any statutory instruments deemed non-compliant are reported to the Clerk of the Privy Council for further action.

Case Law Application: In cases such as Attorney General of Canada v. Inuit Tapirisat of Canada (1980), the scope of review under the Statutory Instruments Act was discussed in terms of the Minister's responsibility to evaluate instruments in light of constitutional principles, including administrative fairness and adherence to statutory limits.

These obligations ensure that the Minister of Justice acts as a safeguard for constitutional and legal compliance of statutory instruments, preserving legislative integrity within the scope of the Bill of Rights and common law. For further details on the full legislative responsibilities and references, you can look

into sections 3, 4, and 5 of the Statutory Instruments Act.

Under the Statutory Instruments Act (SIA), the Minister of Justice holds significant common law obligations that ensure statutory instruments comply with constitutional principles, legal norms, and respect for individual rights. These obligations are shaped by the principles of natural justice, judicial review, and the rule of law.

#### 1. Duty of Fairness (Audi Alteram Partem):

At common law, the Minister of Justice must ensure that statutory instruments respect procedural fairness. This duty extends to ensuring that individuals affected by these regulations have the opportunity to be heard. Statutory instruments should not infringe on rights without due process. This is part of the broader legal principle that public decision-making bodies, including those involved in drafting regulations, must act fairly.

- Example: In *Baker v. Canada (Minister of Citizenship and Immigration)* [1999] 2 S.C.R. 817, the Supreme Court of Canada emphasized the importance of procedural fairness in administrative decisions. While not directly about statutory instruments, it underscores the Minister's responsibility to ensure that all regulations comply with procedural fairness under common law.

#### 2. Ultra Vires Doctrine:

The Minister has a common law obligation to ensure that statutory instruments do not exceed the legal authority of the entity that creates them. The common law principle of ultra vires ensures that statutory instruments stay within the bounds of the enabling statute. If a statutory instrument exceeds these limits, the Minister must act to correct it.

- Case Reference: In *Shell Canada Products Ltd. v. Vancouver (City)* [1994] 1 S.C.R. 231, the Supreme Court discussed ultra vires acts, where an entity acts beyond its statutory powers. The same principle applies to the Minister of Justice's review under the Statutory Instruments Act, ensuring that regulations are not made outside the scope of authority granted by Parliament.

### 3. Consistency with the Rule of Law:

The Minister must ensure that statutory instruments are consistent with the rule of law, a foundational principle in Canadian common law. This requires that regulations are clear, predictable, and do not confer arbitrary power. The Minister's duty is to avoid instruments that might create vague or overly broad laws, which could lead to arbitrary enforcement or unequal treatment.

- Case Reference: In *Reference re Secession of Quebec* [1998] 2 S.C.R. 217, the Supreme Court emphasized the importance of the rule of law in ensuring that government actions are grounded in legal authority. The Minister's review process

under the SIA must reflect this principle by ensuring statutory instruments comply with the overarching framework of Canadian law.

#### 4. Obligation to Protect Rights under the Canadian Bill of Rights (1960):

The Canadian Bill of Rights(1960), is part of Canada's common law framework, and it still applies. The Minister of Justice must ensure that statutory instruments do not infringe on rights guaranteed under this Bill. The Bill protects freedoms such as freedom of speech, religion, and equality before the law, which are still relevant in reviewing statutory instruments.

- Example: In R. v. Drybones [1970] S.C.R. 282, the Supreme Court used the Canadian Bill of Rights to strike down a discriminatory law. The Minister must ensure no statutory instrument contravenes rights protected under this Bill, reflecting a common law duty to safeguard individual liberties.

#### 5. Judicial Review:

Under common law, the Minister is subject to judicial review when statutory instruments are challenged in court. The principle of reasonableness and correctness applies, where courts will assess whether the Minister has appropriately exercised their statutory and common law obligations.

- Case Reference: In Dunsmuir v. New Brunswick [2008] 1 S.C.R. 190, the Supreme Court

established that decisions by administrative bodies, including those relating to the creation and oversight of regulations, must be reasonable. The Minister's role in reviewing statutory instruments must meet this standard of reasonableness under judicial review.

## **Conclusion**

The Minister of Justice's common law obligations under the Statutory Instruments Act include ensuring compliance with procedural fairness, protecting against ultra vires actions, safeguarding rights under the Canadian Bill of Rights, and ensuring that statutory instruments adhere to the rule of law. These obligations are subject to judicial review, where courts ensure the Minister acts within legal boundaries and respects common law principles.

Here are more common law cases relevant to the Minister of Justice's obligations under the Statutory Instruments Act (SIA), focusing on key principles like fairness, ultra vires, reasonableness, and the rule of law:

1. Roncarelli v. Duplessis (1959) S.C.R. 121

- Key Principle: Rule of Law and Abuse of Discretion

In this foundational case, the Supreme Court of Canada ruled that discretion must be exercised in accordance with the rule of law, not arbitrary decisions. The Minister of Justice, in reviewing statutory instruments, must ensure that regulations are applied lawfully and reasonably, without abuse of discretion.



- Application to SIA: The Minister must not permit or recommend the continuation of regulations that enable arbitrary or oppressive use of power.

## 2. Crevier v. A.G. (Québec) (1981) S.C.R. 220

- Key Principle: Judicial Review and Ultra Vires Doctrine

The case reinforced that judicial bodies, including those responsible for statutory interpretation, cannot oust judicial review and must remain within their granted powers. The ultra vires doctrine—an essential common law principle—limits authorities from exceeding their statutory powers.

- Application to SIA: The Minister of Justice must ensure that any statutory instruments under review do not exceed the powers conferred by their enabling statutes, in line with the ultra vires doctrine.

## 3. Re Manitoba Language Rights (1985) 1 S.C.R. 721

- Key Principle: Rule of Law and Legal Continuity

The Supreme Court recognized that legislation violating constitutional language requirements could not be automatically invalidated, as it would disrupt the rule of law. This case established the importance of maintaining legal continuity, even when regulations are flawed.

- Application to SIA: The Minister must carefully balance compliance with constitutional principles while ensuring that statutory instruments maintain legal continuity and do not

cause undue disruption in the governance framework.

4. Canada (Attorney General) v. Inuit Tapirisat of Canada (1980) 2 S.C.R. 735

- Key Principle: Duty of Fairness and Procedural Rights

This case set out the procedural fairness owed to parties when administrative bodies (including the government) make decisions that affect their rights. The decision emphasized the need for adequate consultation and transparency.

- Application to SIA: When reviewing statutory instruments, the Minister must ensure that the regulatory process involves adequate procedural safeguards, especially where individual rights or interests are affected.

5. R. v. Big M Drug Mart Ltd. (1985) 1 S.C.R. 295

- Key Principle: Infringement of Rights Under the Bill of Rights This case involved the interpretation of the Canadian Bill of Rights, where the Supreme Court ruled that laws infringing on religious freedoms were invalid. The Minister of Justice has a duty under the Statutory Instruments Act to ensure statutory instruments respect fundamental freedoms, including those outlined in the Bill of Rights.

- Application to SIA: The Minister must scrutinize statutory instruments to ensure they do not infringe on the rights protected under the Bill of Rights and common law freedoms.

6. Pushpanathan v. Canada (Minister of Citizenship and Immigration) (1998) 1 S.C.R. 982

- Key Principle: Reasonableness and Judicial Review

This case developed the framework for judicial review, especially regarding the standard of reasonableness. The Court held that the decision-maker's actions must fall within a range of acceptable outcomes that are defensible in light of the law and facts.

- Application to SIA: The Minister must exercise discretion in reviewing statutory instruments in a manner that would withstand a reasonableness review by the courts. The statutory instruments must be coherent, clear, and justifiable under the law.

7. Metropolitan Life Insurance Co. v. International Union of Operating Engineers, Local 796 (1970) S.C.R. 425

- Key Principle: Delegated Legislation and Ultra Vires Doctrine The Court struck down certain regulations made under delegated authority because they went beyond what the enabling statute allowed. This case reinforces the importance of adhering to the enabling statute's limits when drafting or reviewing delegated legislation.

- Application to SIA: The Minister's role in reviewing statutory instruments includes ensuring that they fall within the scope of the enabling legislation and do not overreach, as this would make them ultra vires.

8. *Suresh v. Canada* (Minister of Citizenship and Immigration) (2002) 1 S.C.R. 3

- Key Principle: Procedural Fairness and Duty to Justify Decisions

This case is important for its articulation of the procedural fairness owed by government officials when rights are at stake. The Court held that the government must provide justifications when fundamental rights are limited, even in the context of national security.

- Application to SIA: The Minister of Justice, in reviewing statutory instruments, must ensure that any potential limitations on rights (including under the Canadian Bill of Rights) are justified and that affected parties have had a chance to be heard where necessary.

9. *British Columbia v. Imperial Tobacco Canada Ltd.* (2005) 2 S.C.R. 473

- Key Principle: Validity of Regulations and Statutory Interpretation

This case established that courts will defer to the government's policy choices in enacting legislation, as long as the regulations fall within the scope of the enabling statute.

However, the regulations must not be arbitrary or unreasonable.

- Application to SIA: The Minister must ensure that statutory instruments are both legally and rationally connected to the purposes of the enabling legislation. They must not be arbitrary or overreaching.

Conclusion

The Minister of Justice's common law obligations under the Statutory Instruments Act are governed by principles rooted in procedural fairness, the rule of law, ultra vires, judicial review, and the protection of rights under the Canadian Bill of Rights. These principles have been consistently upheld by Canadian courts in the aforementioned cases, establishing a legal framework that the Minister must follow in overseeing statutory instruments. These obligations ensure that regulations are fair, reasonable, lawful, and within the limits of the authority granted by Parliament.

**PART II** - No Scrutiny of the provinces for civil liberties violations with covid measures. This included violations of liberty (regulations between borders, businesses shut down), security of persons which includes the right to informed consent (forced mask wareing) and vaccine passports.

To support the exclusive jurisdiction of the federal government over civil liberties in Canada, with provincial limitations, the landmark case Reference Re Alberta Statutes (1938) confirms the precedent. The judgment established that provinces cannot override civil liberties based on federal supremacy under the division of powers set by the Canadian Constitution, which includes a strong reliance on common law and fundamental rights. Additional cases and principles that reinforce this include:

1. *Saumur v. City of Quebec* (1953): This Supreme Court of Canada decision affirms that freedom of religion, like other fundamental civil liberties, falls under federal jurisdiction due to its role in maintaining national unity and upholding the rule of law.

2. *Roncarelli v. Duplessis* (1959): Another critical Supreme Court ruling, which held that the provincial government could not arbitrarily revoke a liquor license as a punishment for religious activities, upholding federal oversight in protecting civil liberties.

3. *Switzman v. Elbling* (1957): This case further supports that provinces cannot infringe upon civil liberties such as free expression, reinforcing the idea that such rights are matters of federal concern, consistent with democratic principles and the legal supremacy of the federal government.

4. *Switzman v. Elbling and the Attorney General of Quebec* (1957)

Citation: [1957] SCR 285

Key Takeaway: Civil liberties like freedom of expression fall under federal jurisdiction, and provincial governments cannot infringe upon them.

- **Facts:** Quebec's "Padlock Law" allowed the government to shut down premises used for "communist propaganda." This was challenged as an unconstitutional violation of free expression.

- **Decision:** The Supreme Court struck down the law, ruling that freedom of expression is a matter of federal jurisdiction. The province could not use its legislative power to infringe upon this civil liberty, even if it did so under the guise of protecting public order.

**Impact:** This case is critical in establishing that civil liberties, including freedom of speech, are federally protected and cannot be infringed upon by provincial laws. Even in the absence of the Charter, this ruling applies because freedom of expression is a core civil liberty in Canadian common law and is federally recognized.

These cases, alongside the 1938 Reference Re Alberta Statutes ruling, solidify the understanding that civil liberties are protected at the federal level and cannot be undermined by provincial statutes .

Here are additional case law examples that support the exclusive jurisdiction of the federal government over civil liberties in Canada, based on principles of common law and constitutional interpretation:

1. **Boucher v. The King (1951):** This Supreme Court of Canada decision dealt with freedom of expression. The case involved a pamphleteer charged with sedition, and the court ruled that critical speech about the government did not constitute sedition unless it incited violence or illegal actions. This case affirmed that civil liberties, such as freedom of speech, are safeguarded under federal law.



2. *R. v. Big M Drug Mart Ltd.* (1985): In this landmark decision, the Supreme Court struck down a law that requires businesses to close on Sundays for religious observance. The ruling emphasized that the Canadian Bill of Rights, protects individual religious freedoms and prevents laws from infringing on those rights, which falls within federal jurisdiction.

3. *Ontario (Attorney General) v. OPSEU* (1987): This case examined the balance between provincial powers and the protection of civil liberties under federal law. The Supreme Court reaffirmed the federal government's overarching responsibility for ensuring that civil liberties are not infringed by provincial statutes.

4. *R. v. Morgentaler* (1988): This case dealt with the federal government's jurisdiction over criminal law, which includes matters related to individual rights and civil liberties, such as a woman's right to make decisions about her body. The court struck down restrictive provincial abortion laws, reinforcing the principle that the federal government has ultimate authority over such fundamental civil rights issues.

5. *Reference Re Public Service Employee Relations Act (Alberta)* (1987): The court ruled that while provinces have jurisdiction over labor relations, the federal government retains the power to protect fundamental freedoms, such as the right to collective bargaining, ensuring civil liberties remain within its jurisdiction.

6. *Dolphin Delivery Ltd. v. R.W.D.S.U., Local 580* (1986): This decision clarified the application of the Canadian Bill of Rights confirms that while provinces may regulate certain activities, the protection of fundamental freedoms, such as the right to peaceful assembly, remains a federal matter.

These cases collectively emphasize that civil liberties—such as freedom of expression, religion, and protection from arbitrary provincial law—are fundamentally under the purview of federal jurisdiction in Canada. Here are additional case law examples that reinforce the federal government's exclusive jurisdiction over civil liberties in Canada, particularly based on the principles of common law:

1. *Reference re Secession of Quebec* (1998): This important reference case reaffirmed that any changes to Canada's constitutional structure, including matters involving the fundamental rights of citizens, require the federal government's involvement. The court ruled that the principles of democracy, the rule of law, and federalism are central to the Constitution, highlighting the federal role in protecting civil liberties, particularly in the context of national unity.

2. *Singh v. Minister of Employment and Immigration* (1985): In this case, the Supreme Court of Canada ruled that refugees have the right to a fair hearing before being deported,

emphasizing that the federal government is responsible for ensuring civil liberties related to due process under the law. This case illustrates federal jurisdiction over rights like access to justice and fair procedure.

3. Reference re Remuneration of Judges of the Provincial Court of Prince Edward Island (1997): This case reinforced judicial independence, an essential component of civil liberties. The court held that the federal government has the ultimate responsibility to protect civil liberties through an independent judiciary, ensuring that provincial governments cannot undermine judicial independence through salary controls.

4. R. v. Edwards Books and Art Ltd. (1986): The Supreme Court ruled on Sunday-closing laws, examining whether these laws infringed on religious freedoms. The court ruled that while provincial laws can regulate commerce, they cannot do so in a way that violates federally protected civil liberties such as freedom of religion.

5. Ford v. Quebec (Attorney General) (1988): In this case, the Supreme Court struck down Quebec's law requiring French-only commercial signs, holding that it violated freedom of expression, a civil liberty under federal protection. This decision reaffirmed that civil liberties such as freedom of expression cannot be overridden by provincial legislation.

6. R. v. Drybones (1970): This case was one of the earliest under the Canadian Bill of Rights and struck down a law that discriminated against Indigenous people in terms of alcohol consumption. The court ruled that the law violated civil liberties and was in conflict with federal human rights protections, emphasizing that provinces cannot pass discriminatory laws that infringe on civil liberties.

7. Reference re Same-Sex Marriage (2004): The Supreme Court ruled that the federal government has jurisdiction over marriage laws and that civil liberties, including equality rights, must be upheld. This decision clarified that issues of fundamental rights, such as marriage equality, fall within federal jurisdiction to protect civil liberties from provincial encroachment.

These cases highlight the consistent trend in Canadian jurisprudence that civil liberties, such as freedom of expression, religious rights, equality rights, legal rights and judicial independence, are predominantly within federal jurisdiction. The federal government is responsible for protecting these rights from potential infringement by provincial laws or actions.

The Minister of Justice must scrutinize provincial COVID measures due to their potential violations of civil liberties and breaches of the constitutional division of powers. Under the Canadian legal system, including the principles laid out in the Magna Carta and common law,

civil liberties must be protected, and any infringement requires rigorous justification.

#### Violation of Civil Liberties:

Civil liberties, as guaranteed under common law and the Canadian Bill of Rights, include the right to life, liberty, and security of the person. COVID measures, such as lockdowns, restrictions on movement, and mandatory health regulations, may interfere with these rights by imposing limitations without sufficient legal justification or due process. Any such interference must be proportionate, necessary, and established by law.

Provincial governments cannot arbitrarily impose measures that encroach on personal freedoms without a solid legal basis, transparency, and fair treatment of all individuals under the law. This principle is rooted in the idea that the government must operate under the rule of law, ensuring no individual or institution is above it.

#### Breach of Division of Powers:

In Canada's federal system, the division of powers between the federal and provincial governments is fundamental. The provinces have jurisdiction over matters such as healthcare and local governance under Section 92 of the Constitution Act, 1867, while the federal government holds powers related to public health in cases of national concern.

COVID measures instituted by provincial governments could infringe on areas of federal jurisdiction, particularly if they affect interprovincial travel or the regulation of trade and commerce. Furthermore, if provincial

measures undermine fundamental freedoms protected federally, such as freedom of expression or assembly, they may overstep constitutional boundaries.

The Constitution Act provides a clear division of powers, which must be respected to avoid encroachment by one level of government into the jurisdiction of another. Judicial review can assess whether provincial COVID measures, such as restrictions on movement or business operations, unlawfully encroach on federal authority.

Application of Legal Standards:

The scrutiny should apply key principles of judicial review:

- **Necessity and Proportionality:** Are the measures necessary to achieve the public health goals? Are there less intrusive ways to achieve the same result?
- **Rule of Law:** Are the measures applied uniformly and transparently, with accountability to the public?
- **Federalism and Division of Powers:** Do the measures respect the respective jurisdictions of federal and provincial governments?

For example, in cases where measures imposed by provincial governments may impact national interests, such as restricting the freedom of movement between provinces, the federal government may have cause to intervene, as public health emergencies typically involve national coordination.

## Conclusion:

The Minister of Justice has a duty to scrutinize provincial COVID measures to ensure they do not violate civil liberties or exceed provincial powers. Any measures must be consistent with common law principles, the Canadian Bill of Rights, and the constitutional framework that governs the division of powers between federal and provincial governments.

By ensuring that COVID measures respect both individual freedoms and the limits of provincial authority, the justice system can maintain the rule of law and protect against overreach.

## Scrutiny of Provincial COVID Measures: Legal Framework

The Minister of Justice has an obligation to scrutinize provincial COVID-19 measures because they may violate civil liberties and breach the division of powers under Canadian law. This scrutiny is grounded in the Magna Carta, common law principles, and the Canadian Bill of Rights, which protect fundamental freedoms. Provincial governments, while empowered to manage public health within their jurisdiction, must ensure that any restrictions do not overreach their authority or infringe on individual rights without sufficient justification.

## Civil Liberties Under Common Law and the Canadian Bill of Rights

The Canadian Bill of Rights (1960) safeguards civil liberties, such as the right to life, liberty, security, and the enjoyment of property. These rights must be balanced against government actions, especially during emergencies like the COVID-19 pandemic. Measures



such as lockdowns, mandatory mask mandates, and vaccine passports potentially infringe on these freedoms.

- Section 1(a) of the Bill of Rights guarantees the right to life, liberty, and security of the person. Restrictions like quarantine or confinement orders may violate this right unless they are demonstrably necessary and proportionate to the public health objective.

- Section 1(b) protects the right to a fair hearing. The unilateral imposition of restrictions without providing adequate opportunity for affected individuals to challenge the measures may contravene this principle.

Courts have traditionally emphasized the need for due process when the state curtails individual rights, as seen in *Roncarelli v. Duplessis* (1959), where the Supreme Court of Canada reinforced that government actions must respect the rule of law. Any arbitrary or disproportionate use of power, even during emergencies, can be struck down by the courts.

Division of Powers:

Constitutional Framework

Under the Constitution Act, 1867, provincial governments have jurisdiction over matters like health care and municipal affairs (Section 92), but this authority is not absolute. The federal government has responsibility over peace, order, and good government (POGG) and interprovincial

matters (Section 91). COVID-19 measures affecting interprovincial travel, trade, or national security could infringe on federal powers.

- In *R v. Morgentaler* (1993), the Supreme Court of Canada ruled that provinces cannot regulate matters that encroach upon criminal law, a federal jurisdiction. This case underscores the importance of respecting the constitutional division of powers. Provincial health orders cannot stray into areas reserved for federal authority, such as quarantine or national emergencies.

Further, the federal government holds exclusive power over criminal law (Section 91(27)) and issues of national concern under the POGG clause. The courts have held that during national crises, including pandemics, the federal government may invoke its powers to regulate the situation. In *Reference re Anti-Inflation Act* (1976), the Supreme Court of Canada recognized that national emergencies may justify temporary encroachments on provincial jurisdiction.

**Case Law and Legal Precedent Supporting Scrutiny**  
Several key cases support the scrutiny of provincial COVID measures to ensure they do not violate civil liberties or the division of powers:

1. *Roncarelli v. Duplessis* (1959):

- This landmark case established that government actions must adhere to rule of law and cannot be arbitrary. Roncarelli's liquor license was

revoked without cause, leading to the court ruling that even high-ranking officials cannot act beyond their legal authority.

- Application: If provincial COVID measures are imposed arbitrarily or without sufficient legal justification, they could be challenged as an abuse of power.

## 2. R v. Morgentaler (1993):

- This case examined the limits of provincial authority in relation to federal criminal law. The Supreme Court struck down Nova Scotia's attempt to criminalize abortion services, ruling that the province's regulation conflicted with federal jurisdiction over criminal matters.

- Application: Provincial COVID restrictions cannot intrude into areas of federal jurisdiction, such as criminal law or issues of national concern like interprovincial travel.

## 3. Chaudhary v. Canada (Minister of Public Safety and Emergency Preparedness) (2015):

- This Federal Court of Appeal case emphasized the importance of habeas corpus (protection against arbitrary detention) during immigration proceedings. It underscored that even during emergencies, individuals have the right to challenge government-imposed restrictions.

- Application: Individuals subjected to harsh quarantine or travel restrictions under provincial COVID measures may rely on the habeas corpus principle to challenge the legality of their confinement.

## 4. Reference re Anti-Inflation Act (1976):

- The Supreme Court of Canada held that federal intervention was justified under the POGG clause in matters of national concern. The federal government's emergency powers were upheld to control inflation, which was considered a national crisis.

- Application: The federal government could use its POGG power to challenge provincial overreach in areas like interprovincial travel or national economic measures related to the pandemic.

#### 5. Ontario (Attorney General) v. Fraser (2011):

- The Supreme Court ruled on the issue of collective bargaining and the limits of provincial legislative power. The case reinforced that any infringement on civil liberties must be demonstrably justified and that the government must provide a rational basis for its actions.

- Application: Provincial governments must demonstrate that COVID measures are justified and proportionate to the public health risks involved. If not, the measures could be deemed unconstitutional.

#### Necessity and Proportionality of COVID Measures

The principle of proportionality requires that any limitation on rights and freedoms must be justified by a pressing and substantial objective (i.e., public health), and the measures taken must be the least intrusive means to achieve that objective.

#### Conclusion

The Minister of Justice must ensure that provincial COVID-19 measures respect civil liberties and do not breach the division of

powers. Legal precedents like Roncarelli, Morgentaler, and Reference re Anti-Inflation Act show that government powers are not limitless, even in emergencies. COVID restrictions must be justified, proportionate, and fall within the proper scope of provincial authority. If measures exceed these limits, they can and should be challenged in court to uphold the rule of law and protect individual freedoms.

**PART III** - No Scrutiny of the criminal activity of the Liberals illegally invoking the Emergencies Act against peaceful protesters at the Truckers Convoy in 2022. There were unlawful arrests and prosecutions, of beatings, imprisonment and confiscation and damage of property.

The invocation of the Emergencies Act during the 2022 Truckers Convoy raised significant legal and constitutional issues, especially when assessed considering Justice Mosley's decision finding aspects of the protest illegal. Your request focuses on the government's potential violations of rights under common law, the Canadian Bill of Rights, and Magna Carta principles. Here, I will analyze the actions of the government with reference to criminal charges, assault, property confiscation, damage, and restrictions on liberty, supported by case law and principles of Canadian law.

### 1. Criminal Charges and the Right to Protest

The right to peaceful assembly and protest is recognized as part of common law traditions and

protected by the Canadian Bill of Rights. However, Justice Mosley's Federal Court decision found that certain activities of the convoy were illegal, including blockading key infrastructure. While the government can act to prevent such disruptions, it must ensure that any action against the protestors respects due process and avoids unnecessary criminalization.

The criminal charges laid against participants often related to mischief, which has precedent in Canadian law. In *R. v. Papaschase*, the courts emphasized the importance of differentiating between legitimate protest and actions that go beyond peaceful assembly. The overuse of criminal charges in the convoy's case could be seen as punitive and excessive if protestors were merely exercising their right to peaceful protest and not directly involved in blockading. The invocation of The Bill of Rights section 1(a) could have supported the protestors, asserting their right to assemble peacefully without undue interference.

## 2. Assault and Excessive Use of Force

The use of force by law enforcement officers during the clearing of the protest raised concerns about potential violations of common law protections against unlawful assault. Under Canadian law, police may only use force that is proportional and necessary to the situation. The principle of reasonable force was outlined in the case of *R. v. Nasogaluak*, where the Supreme Court held that excessive use of force

constitutes an assault, violating the common law rights of individuals.

If it is found that law enforcement used force disproportionately—such as using physical force against non-violent demonstrators—those actions would be in breach of the common law principle against assault and could give rise to civil or criminal liability against the officers involved. Justice Mosley's finding that the protest was illegal did not necessarily justify such force against all participants, particularly if they were not personally involved in illegal activities such as blockading.

### 3. Confiscation and Damage to Property

The confiscation of vehicles, especially trucks, under emergency measures must be examined under the principle of proportionality. The Canadian Bill of Rights section 1(b) protects individuals from the unlawful deprivation of their property. The Magna Carta's influence also supports the right to property without arbitrary seizure by the state, a principle recognized in common law.

Cases like *R. v. Dyment* have held that the government must respect property rights and cannot confiscate property without clear legal authority. The Emergencies Act provided broad powers, but these powers must still be exercised within the limits of necessity and proportionality. The seizure of vehicles that were not directly involved in illegal activities (such as blockades) could be challenged as

unlawful, and those affected could seek damages under Canadian tort law.

#### 4. Loss of Liberty to Protest and Walk Freely

The loss of liberty experienced by the protestors through arrests, detentions, and the limitation of movement also raises issues under the Canadian Bill of Rights, section 1(c), which protects individual liberty. Canadian common law places a high value on the right to liberty, and any limitations must be justified by clear legal authority and must be proportionate to the threat posed.

In *R. v. Grant*, the Supreme Court of Canada clarified that arbitrary detentions violate the common law right to freedom of movement. If protestors were detained without sufficient cause, or if the detentions were conducted as a blanket measure rather than based on individual conduct, this could constitute unlawful detention under both the Bill of Rights and common law principles.

#### 5. Use of Foreign Police and UN Involvement

There is significant controversy surrounding reports of foreign law enforcement involvement in the operation to clear the convoy. If foreign forces were utilized under the guise of counter-terrorism or similar international cooperation, this raises legal questions under Canadian sovereignty principles and criminal law. In *Canada (Attorney General) v. Khadr*, the courts have previously emphasized the importance of



Canadian sovereignty and control over legal matters within its borders.

The involvement of foreign forces without clear legal authorization or a domestic justification—particularly when a federal court found no occupation or blockades justifying such extreme measures—could be seen as an overreach, violating the principles of rule of law.

Additionally, the Emergencies Act requires a situation of national emergency that cannot be dealt with under existing law, and Justice Mosley's findings suggest that such a threshold may not have been met.

#### Conclusion

In summary, the government's actions during the invocation of the Emergencies Act in response to the Truckers Convoy raise several legal concerns:

- **Criminal Charges:** Criminalizing protestors may have been excessive, particularly given their right to peaceful assembly under the Canadian Bill of Rights.
- **Use of Force:** Potential violations of common law protections against assault may have occurred if excessive force was used by police.
- **Confiscation of Property:** The seizure of vehicles could have breached common law property rights if not justified by necessity.
- **Liberty Restrictions:** Arbitrary detentions and limits on movement might have violated common law protections of liberty.
- **Foreign Police Involvement:** The use of foreign law enforcement raises serious concerns about sovereignty and the rule of law.

- **Bank Account Seizures:** Truckers could not pay their bills or feed their families first merely conducting non-violent peaceful protests in a symbolic location outside the Ottawa Parliament where laws are made.

Each of these issues merits further investigation, particularly considering Canadian common law, the Bill of Rights, and established case law.

### **1. Illegal Invocation of the Emergencies Act**

Justice Mosley found that the government's use of the Emergencies Act was unjustified and thus illegal. This decision indicates that the threshold for invoking the Act—namely, a national emergency that could not be managed through existing laws—was not met. The federal court found that while the protests caused significant disruption, they did not constitute the type of national emergency the Act is intended to address. Specifically, there was no blockade or occupation to justify the extreme measures taken by the federal government.

The illegal invocation of the Emergencies Act resulted in several rights violations, particularly concerning the peaceful protestors who were not engaged in any illegal activity, yet faced serious restrictions on their freedoms. This misuse of the Act could lead to the following rights violations:

### **2. Criminal Charges and the Right to Protest**

Peaceful assembly is a cornerstone of Canadian common law, rooted in Magna Carta principles and recognized by the Canadian Bill of Rights, which

guarantees the right to freedom of speech, assembly, and association under section 1(d). Criminal charges laid against convoy participants, including mischief and obstruction, must be scrutinized. Misapplication of such charges against individuals who were merely exercising their right to protest without engaging in violence or blockading critical infrastructure would be a violation of their fundamental liberties.

In cases like *R. v. Behrens*, Canadian courts have held that the peaceful exercise of protest rights should not be criminalized unless it crosses a clear line into criminal conduct. The sweeping criminalization of convoy participants, many of whom were not involved in illegal blockades, reflects a misuse of police powers under the guise of an emergency that did not legally exist.

### 3. Assault and Excessive Use of Force

The use of excessive force by law enforcement during the clearing of the protest can be seen as an unlawful assault under Canadian law. The common law principle of proportionality requires that force used by police must be appropriate to the threat posed. In *R. v. Nasogaluak*, the Supreme Court of Canada emphasized that excessive use of force violates individuals' rights and can lead to civil or criminal liability for the officers involved.

Given that the protests were largely peaceful in many areas, the deployment of riot police, the use of physical force to remove protestors, and

the use of weapons such as pepper spray or batons could be classified as excessive, especially in cases where protestors posed no immediate threat. This constitutes a violation of the common law rights of individuals not to be subjected to unnecessary or disproportionate force.

#### 4. Confiscation and Damage to Property

The Emergencies Act granted the government sweeping powers to confiscate property, including the seizure of trucks and vehicles belonging to protestors. However, the Canadian Bill of Rights, section 1(a), protects individuals from the unlawful deprivation of their property, and Magna Carta principles enshrine the right to property without arbitrary seizure by the state.

In cases like *R. v. Dyment*, the courts affirmed that property rights are fundamental in Canadian law, and any state action that infringes upon these rights must be justified by a clear and pressing necessity. Given that the court found the invocation of the Emergencies Act illegal, the seizure of vehicles—especially those that were not involved in illegal blockades or other criminal actions—can be considered unlawful. Affected individuals could seek compensation for property damage or loss, raising serious concerns about the government's overreach in this case.

#### 5. Loss of Liberty to Protest and Walk Freely

The government's actions also resulted in the unlawful detention of protestors and limitations

on their freedom of movement. The Canadian Bill of Rights, section 1(b), protects the right to liberty, and common law principles have long established that arbitrary detention is a serious violation of individual rights. In *R. v. Grant*, the Supreme Court of Canada ruled that detaining individuals without sufficient cause is a violation of their right to liberty. Given that the protests were primarily peaceful in certain areas, the widespread use of detention and arrests—based on the unlawful invocation of emergency powers—could be seen as an infringement on protestors' liberty. Any restrictions on the movement of individuals, including the establishment of "no-go" zones or curfews, would similarly violate common law protections, particularly where such measures were not justified by an actual emergency.

## 6. Foreign Police and UN Involvement

Reports of foreign law enforcement or international anti-terrorism support being involved in clearing the convoy are highly problematic. The use of foreign forces within Canada raises significant sovereignty concerns and could be in violation of Canadian law. Historically, Canada has maintained strict control over its law enforcement and military operations, as exemplified in *Canada (Attorney General) v. Khadr*, where the Supreme Court emphasized the importance of Canadian sovereignty in legal and security matters.

The involvement of foreign forces—especially given that the court found no blockade or occupation justifying such extreme measures—would be a clear overreach of executive power. These actions could be in direct violation of common law protections against arbitrary government actions, further invalidating the measures taken under the Emergencies Act.

#### 7.) Seizure of Bank Accounts (Private Property) Conclusion

The illegal invocation of the Emergencies Act by the government during the Truckers' Convoy protests resulted in multiple potential violations of Canadian common law, Magna Carta principles, and rights protected under the Canadian Bill of Rights. Specific issues include:

- **Criminalization of Protest:** Unlawfully charging protestors who were peacefully exercising their right to assembly violates their common law rights and protections under the Bill of Rights.
- **Use of Force:** The excessive force used by law enforcement constitutes a violation of the common law principle of proportionality, potentially amounting to assault.
- **Seizure of Property:** The confiscation of vehicles and property, when not justified by a lawful emergency, infringes on property rights enshrined in common law and the Bill of Rights.

- **Detention and Liberty Restrictions:** Arbitrary detentions and restrictions on movement violate the right to liberty, as affirmed in both common law and the Bill of Rights.
- **Foreign Involvement:** The use of foreign law enforcement or anti-terrorism support raises significant concerns about sovereignty and legal overreach.
- **Seizure Bank Accounts.**

Each of these actions raises serious legal questions about the government's conduct, especially given the court's finding that there was no valid justification for invoking the Emergencies Act. Protestors who were affected by these measures may have strong legal grounds for challenging the government's actions and seeking redress.

The Canadian government did employ anti-terrorism measures during the enforcement of the Emergencies Act in response to the Truckers' Convoy. Specifically, the government extended the reach of its Anti-Terrorism Financing Act to monitor and freeze financial support for the convoy, citing concerns over money laundering and the potential use of funds for activities deemed threatening to national security. The broad powers allowed financial institutions to freeze accounts and target cryptocurrency donations used to support the protests. Over \$8 million in funds were frozen under this expanded regulatory framework, and these measures also targeted cryptocurrency transactions, which were harder to trace.

The Trudeau government used these anti-terrorism measures to crack down on what it labeled as potential threats to public safety and national security. Although there were no formal accusations of terrorism, the extension of anti-terrorism financing laws signaled the government's intention to treat the situation with the utmost severity.

Reports also indicated that the protests garnered international attention, inspiring similar movements globally. The application of these measures came as part of a broader effort to suppress financial and logistical support for the convoy, which the government linked to wider concerns of potential extremism and disruptions to critical infrastructure.

There were indeed reports of law enforcement personnel who appeared in non-Canadian uniforms during the enforcement of the Emergencies Act against the Truckers' Convoy in 2022. This raised concerns about potential involvement of foreign police or anti-terrorism support from other countries. However, there is no conclusive government report stating that foreign police directly enforced Canadian laws. What did occur was the coordination of law enforcement agencies from various Canadian jurisdictions, alongside significant involvement from federal agencies such as the RCMP, who were given expanded powers to enforce municipal and provincial laws.

Furthermore, the Emergencies Act allowed for extensive collaboration with international partners, particularly in financial matters. The expanded use of Anti-Terrorism Financing laws enabled Canadian authorities to block or freeze



transactions linked to the protests, invoking international agreements for cross-border financial surveillance and enforcement.

(Reason.com) (Canada.ca)

The presence of law enforcement from different regions with varying uniforms could also have been due to the heavy reliance on external police forces from other provinces. Despite this, concerns persist about whether non-Canadian forces were involved in a supportive capacity, particularly in intelligence and logistics(Public Safety Canada)

Who is responsible to scrutinize the rights violations from the illegal invocation of the Emergencies Act

The responsibility for scrutinizing potential rights violations, such as the illegal invocation of the Emergencies Act, does indeed fall within the purview of the Minister of Justice and Attorney General of Canada, who are responsible for ensuring the legality of government actions and defending the rule of law in Canada. This dual role is important in the context of any alleged abuse of state power, especially when it involves civil liberties. Role of the Minister of Justice and Attorney General of Canada

The Minister of Justice has a duty to:

1. Ensure the Government's Actions Comply with the Law: The Minister of Justice serves as the chief legal advisor to the federal government. This role includes scrutinizing any government decisions or actions that may involve legal

issues, including the invocation of emergency powers.

2. Uphold the Rule of Law: As Attorney General, the officeholder is tasked with ensuring that government actions, including those that impact citizens' rights, adhere to Canadian law, statutes like the Canadian Bill of Rights, and principles of common law.

3. If the Emergencies Act is invoked illegally, it is within the responsibility of the Minister of Justice to:

- Investigate the legal grounds for the invocation.
- Address any rights violations that occurred as a result of this action.

#### Duty to Scrutinize Rights Violations

The Minister of Justice and Attorney General is required to oversee the constitutional legality of decisions made by the government, including decisions that involve emergency powers. This responsibility is enshrined in the Department of Justice Act, which mandates the Minister of Justice to review government decisions for their adherence to the law.

In the context of the Emergencies Act, section 4(2) of the Emergencies Act itself requires that any declaration of emergency powers be subjected to strict parliamentary scrutiny and judicial review. This ensures that any extraordinary powers used must meet strict legal standards. In this regard, the Attorney General would be responsible for defending or challenging the

legality of the government's decision if it is challenged in the courts.

### Case Law: The Role of the Attorney General in Legal Accountability

Several Canadian cases highlight the critical role the Attorney General plays in upholding legal accountability within the government:

1. *Roncarelli v. Duplessis* (1959): This landmark case addressed abuse of government power. It established the principle that government officials cannot act outside the law or abuse their power. Although this case predated the *Emergencies Act*, the principles still apply today: government actions, particularly in the case of limiting civil liberties, must be scrutinized to ensure they are lawful and not arbitrary.

2. *Canada (Attorney General) v. Lavell* (1974): In this case, the Attorney General of Canada was responsible for defending the government's laws against challenges under the Canadian Bill of Rights. This shows the role of the Attorney General in both defending and, where necessary, scrutinizing the legality of government action, particularly when citizens' rights are involved.

3. *Operation Dismantle v. The Queen* (1985): This case confirmed that decisions taken by the federal government, including those involving national security, are subject to judicial review to ensure compliance with the law. This reinforces the concept that the government, even

in invoking emergency powers, remains subject to legal scrutiny.

4. Schmidt v. Canada (Attorney General) (2018): In this case, a government lawyer challenged the Minister of Justice's failure to disclose legal concerns about government legislation. The case revealed the Minister of Justice's obligation to raise red flags if government action might infringe on constitutional or statutory rights. The court ruled that there is an expectation that the Minister of Justice must inform Parliament of any legal concerns, underlining the minister's duty to ensure government actions respect the law.

#### The Emergencies Act Itself and Ministerial Scrutiny

The Emergencies Act mandates a high threshold for its invocation, which must be justified as a national emergency that "seriously endangers the lives, health, or safety of Canadians" or threatens the sovereignty, security, or territorial integrity of Canada. If the government fails to meet these criteria, the invocation would be unlawful.

- Section 4(1) of the Emergencies Act explicitly requires that the declaration of an emergency must be subject to judicial and parliamentary review. This provision ensures that the Attorney General has a duty to scrutinize any invocation and defend it if necessary.

- The Attorney General, therefore, must ensure that the legal basis for invoking the Act is sound and is legally defensible under existing laws and common law.

## Conclusion

The responsibility of scrutinizing the legality of the government's invocation of the Emergencies Act, especially when rights violations are alleged, falls squarely on the Minister of Justice and Attorney General of Canada. This is due to their duty to uphold the rule of law and ensure government actions comply with legal and statutory protections, including those found in the Canadian Bill of Rights and common law.

The Emergencies Act itself outlines mechanisms for review, and case law supports the principle that the Attorney General must hold the government accountable for unlawful or arbitrary actions. If the invocation is deemed illegal, the Attorney General has the obligation to take action, whether by advising the government or responding to legal challenges in the courts.

## **PART IV** - Office of the Information Commissioner (OIC) Findings on Procedural Failures and Breaches of Access to Information ACT.

The date of the final OIC report is 2024/08/06..  
Access to Information & Privacy Act # A-2021-00580

Filed on 2021/09/23

<https://peace-man.ca/atip#5b772a2f-47bc-4560-895d-61c315e45f9b>

OIC file # 5822-03179 (Unlisted from OIC)

<https://peace-man.ca/atip#42341db0-0fb2-4bfc-a459-c2c031c74d70>

According to findings by the Office of the Information Commissioner (OIC), your office failed to comply with several key procedural requirements related to information requests on the vaccine mandates. The OIC identified the following breaches under the Access to Information & Privacy Act:

- Invalid Time Extensions and Withdrawal: Your office took an invalid extension of time in response to an access request, which was eventually withdrawn. This contravenes paragraph 30(1)(a) of the Act.
- Improper Hold on Access Requests: Requests for information were improperly placed on hold, violating paragraph 30(1)(f) of the Act.
- Failure to Communicate as Requested: Despite specific requests for written communication, your office communicated via phone, further violating paragraph 30(1)(f) of the Act.
- Failure to Assist the Requester: Under subsection 4(2.1), your office failed to make every reasonable effort to assist the requester, as required by law.

These procedural violations reflect a broader failure in your office's transparency and accountability, particularly concerning the public's right to access critical information about the vaccine mandates, for travel and for government employment. The mishandling of these access requests demonstrates a lack of diligence in upholding legal obligations under the Access to Information & Privacy Act, which further

undermines public confidence in your office's commitment to accountability and openness.

#### OIC Findings: A Threat to Democratic Accountability

The Office of the Information Commissioner (OIC) found your office in violation of multiple provisions of the Access to Information & Privacy Act. These findings reveal systemic failures that undermine the principles of transparency, accountability, and public oversight, all of which are cornerstones of a functioning democracy. Here's why these breaches are so significant:

#### 1. Invalid Extensions of Time

Why this is a problem:

When government offices extend response times to access to information requests beyond the legally allowed time frame without proper justification, it severely undermines the public's right to know. In a democracy, citizens must be able to access government-held information in a timely manner to hold elected officials and institutions accountable for their actions. By using invalid time extensions, your office effectively delayed public scrutiny of policies related to the federal vaccine mandate—policies that had significant implications for the rights and freedoms of Canadians. Delayed information means delayed accountability, which erodes public trust in the government's ability to act transparently.

Impact on Democracy: This delay disrupts the checks and balances that ensure the government

does not overreach its powers. Without timely information, the public and media are unable to effectively question or challenge the rationale behind government decisions, which is crucial for maintaining a healthy democracy.

## 2. Improper Holds on Information Requests

Why this is a problem:

Placing information requests on hold without legal justification obstructs public access to government records, which is a fundamental democratic right. When access requests are improperly delayed or withheld, it creates a culture of secrecy within the government, where officials may feel empowered to operate with less accountability.

In the case of the federal vaccine mandates, the public's ability to understand the legal, scientific, and policy rationale behind these mandates is essential for democratic debate.

By placing requests on hold, your office effectively blocked the release of crucial information, limiting the public's capacity to critically evaluate and challenge the government's decisions. Impact on Democracy:

Unjustified delays in releasing information create barriers to transparency, which can be perceived as attempts to conceal government misconduct or incompetence. A democracy relies on open governance where citizens can freely access information to make informed decisions and informed consent and hold their leaders accountable. Missing information does not allow for the citizens to be informed.



### 3. Failure to Communicate in the Requested Format

Why this is a problem:

The failure to communicate with requesters in their preferred format (in writing) might seem like a minor procedural issue, but it reflects a broader disregard for the rights of citizens to engage with their government on clear, accountable terms. By failing to honor a simple request for written communication, your office hindered the ability of citizens to have a documented, transparent trail of communications, which is crucial for follow-ups or legal recourse.

This failure to communicate effectively limits the public's ability to challenge government actions based on clear and consistent documentation. Impact on Democracy: A transparent, written record of government communication is a safeguard against arbitrary or opaque decision-making. Denying requesters this record undermines their ability to pursue legitimate grievances, eroding the legal transparency that is essential for an accountable government.

### 4. Failure to Assist the Requester

Why this is a problem:

Under the Access to Information Act, there is an explicit obligation for government bodies to make every reasonable effort to assist individuals seeking information. By failing to assist requesters, your office actively

obstructed access to information—a direct violation of the principles of open governance. Citizens and journalists rely on this assistance to understand how to navigate complex bureaucratic systems and obtain important data from the government. The failure to provide assistance, as required under subsection 4(2.1), creates unnecessary hurdles for the public, further obstructing the flow of critical information.

Impact on Democracy: A government that fails to assist citizens in accessing information is a government that actively limits public participation in the democratic process. The withholding of assistance stifles civic engagement and creates an environment where only those with substantial resources or expertise can exercise their democratic right to access public information.

## PART V

### Failure to Act on Contempt of Parliament

Why this is a problem:

It is the responsibility of Parliament, with your office serving as a key legal advisor, to uphold the rule of law and its own procedures. Contempt of Parliament undermines the sovereignty and authority of our legislative institutions, yet your office has failed to act on such contempt.

Parliament holds the inherent power, under common law which includes parliamentary privilege, to cite individuals for contempt and

enforce its own orders, including the authority to summon individuals and arrest them for contempt. Despite this, no actions have been taken to address ongoing contempt of parliamentary orders, and no advice from your office has been issued to enforce arrest through parliamentary privilege. This inaction constitutes a failure to defend the integrity of our parliamentary system and the rule of law.

#### Legal Basis:

- Parliament of Canada Act (R.S.C., 1985, c. P-1): This Act affirms Parliament's inherent power to enforce its privileges, including the power to arrest individuals for contempt.
- Historical Precedent: Precedents support Parliament's authority to arrest individuals for contempt to ensure compliance with its orders and to uphold its integrity. This power is critical to maintaining the function and sovereignty of Parliament as the supreme law-making body of Canada.
- Historical Precedent to Arrest in 1913: In 1913, R.C. Miller, a witness before the Public Accounts Committee, refused to give the required information. This case is a significant instance of this power being exercised when the Canadian Parliament ordered the arrest of Miller who had refused to testify before a parliamentary committee. This act, supported by parliamentary privilege, reaffirmed that the House of Commons and the Senate possess powers akin to those of courts, including the ability to summon individuals and, if necessary, arrest them for defiance of its authority.

## Legal Basis for Arrest Powers: Common Law and Statutory Provisions

- **Parliament of Canada Act:** This Act codifies the inherent privileges of Parliament, including the power to discipline or arrest individuals for disobedience or contempt of its authority. This ensures that Parliament retains the ability to enforce its directives and maintain the proper function of its legislative processes.
- **Common Law Precedent:** Parliamentary privilege in Canada, inherited from British legal tradition, grants the Canadian Parliament the right to take actions necessary to safeguard its integrity, including arresting those who commit contempt.
- **Ersine May's Parliamentary Practice:** The leading authority on parliamentary procedure states that one of the primary privileges of Parliament is to ensure the obedience of its orders through direct enforcement measures, including fines and imprisonment.

Why Parliament's Failure to Arrest Those in Contempt is a Problem.

### 1. Undermining Parliamentary Authority:

- **Parliament's Inherent Power:** Parliament possesses the inherent power to enforce its privileges, including the authority to arrest individuals who are in contempt. This power ensures that Parliament can uphold its own rules and orders without external interference.
- **Erosion of Authority:** When Parliament fails to exercise this power, it weakens its authority and credibility. This failure suggests that parliamentary orders and rules are not taken

seriously, undermining the institution's ability to enforce compliance and maintain its integrity. If the current parliament refuses to arrest those in contempt and those committed treason they are rejecting common law.

## 2. Impairing the Rule of Law:

- Rule of Law Principle: The rule of law requires that everyone, including those in positions of power, is subject to the law and its enforcement. Parliamentary contempt is a serious matter because it involves a breach of the institution's rules and orders. If Parliament does not act on such breaches, it implies that enforcement of legal and procedural standards can be ignored with impunity.
- Legal Precedent: Historically, Parliament has used its power to arrest individuals in contempt as a means of upholding legal and procedural norms. Not exercising this power sets a dangerous precedent that might embolden others to disregard parliamentary rules, leading to a breakdown in the legal order under common law..

## 3. Compromising Parliamentary Effectiveness:

- Parliamentary Function: For Parliament to function effectively, its orders and decisions must be respected and enforced. If individuals who are found in contempt are not held accountable, it hampers the ability of Parliament to carry out its legislative and oversight functions effectively.

- **Disruption of Legislative Process:** Contempt of Parliament can disrupt the legislative process and prevent the efficient functioning of parliamentary committees and sessions. This impedes the overall productivity of Parliament and affects its ability to address critical issues and pass laws.

#### 4. Weakening Public Trust:

- **Public Perception:** When Parliament fails to act on contempt, it can erode public trust in the legislative process. Citizens may perceive Parliament as ineffective or incapable of enforcing its own rules, leading to a loss of confidence in the institution's ability to govern and uphold democratic standards.

- **Accountability and Transparency:** Parliamentary accountability and transparency are vital for maintaining democratic governance. Failure to address contempt undermines the public's belief that their elected representatives are working to uphold the principles of justice and accountability.

The Role of the Minister of Justice in Initiating Police Arrests.

#### 1. Legal Framework and Responsibility:

- **Minister of Justice's Role:** The Minister of Justice is the chief legal advisor to the government and is responsible for overseeing the enforcement of laws and upholding legal standards. This role includes advising on and

facilitating the enforcement of parliamentary decisions, including those related to contempt.

- **Coordination with Law Enforcement:** Initiating arrests in cases of parliamentary contempt often requires coordination with law enforcement agencies. The Minister of Justice plays a crucial role in ensuring that such coordination happens effectively and that the necessary legal processes are followed.

Legal Basis:

1. **The Constitution Act, 1867:** While it doesn't explicitly outline the Minister of Justice's role, the Constitution section 91 establishes the federal government's exclusive jurisdiction and responsibility for "the Peace, Order, and good Government of Canada." This implies a need for a legal advisor to ensure that government actions comply with the law.

2. **The Department of Justice Act:** This legislation establishes the Department of Justice and outlines its mandate, which includes providing legal advice to the government and ensuring the proper administration of justice. The Department of Justice Act in Canada establishes the Department of Justice and outlines its responsibilities. Some key sections include:

**Establishment of the Department:** Section 2 of the Act officially creates the Department of Justice and places it under the leadership of the Minister of Justice, who is also ex officio the Attorney General of Canada. The Minister manages the Department and its duties.

Mandate: Under Section 4, the Minister's responsibilities include:

- o Ensuring that the administration of public affairs follows legal standards.
- o Supervising the administration of justice in Canada, except for provincial jurisdictions.
- o Advising on legislative matters, providing legal counsel on provincial Acts, and advising the Crown on all legal matters.

Legal Advice and Litigation: Section 5 outlines the Attorney General's role, including providing legal advice to government departments and managing all litigation involving the Crown. These sections emphasize the Department's role in ensuring legal consistency, providing legal advice, and supervising justice across Canada. For full details, you can access the full Department of Justice Act Justice Laws and The Canadian Encyclopedia

3. Parliamentary Conventions: While not legally binding, parliamentary conventions dictate how the government operates. The Minister of Justice's role in advising on and facilitating the enforcement of parliamentary decisions is a longstanding convention.

Relevant Case Law: While there might not be a specific case directly addressing the Minister of Justice's role in enforcing contempt of Parliament, the broader principles of ministerial responsibility and the rule of law are well-established in Canadian jurisprudence.



For example:

Roncarelli v. Duplessis: This case affirmed the principle that ministers must act within the law and cannot use their powers arbitrarily.

Prud'homme v. Canada: This case emphasized the importance of the rule of law and the accountability of government officials.

Campbell Motors Ltd versus Gordon 1946: This case is significant as it touches on the principle that personal rights, including life, liberty and property rights, are inalienable and must be protected under law. In Campbell Motors, the dispute revolved around contractual obligations and the interference in one's ability to manage their business or property, highlighting that such interference could not be legally justified unless done in accordance with established law. The case indirectly reaffirms that individuals have certain inalienable rights, particularly those concerning ownership and the liberty to conduct business without undue interference.

In relation to Canadian law, this ties into the Magna Carta and principles of Common Law, which assert the protection of personal rights and liberties as fundamental. The government's primary role is to safeguard these rights against infringement, aligning with principles found in the Canadian Bill of Rights. The Bill emphasizes that Canadians are entitled to fundamental freedoms such as security of the person, property, and fairness in legal processes, ensuring that no arbitrary action by government or others can violate these essential rights without legal justification.

The Campbell Motors decision mirrors these core concepts, as it protects individuals' inherent right to freely manage their legal and business affairs. It reflects the broader legal expectation that governments should act to prevent any undue interference with citizens' rights, emphasizing the state's role in upholding law and order to maintain individual freedoms. This case can be seen as part of the larger legal framework that stresses the protection of personal liberties as inalienable, underlining the importance of these rights being shielded from arbitrary action.

The relevance of this case is also pertinent to the understanding that the government's primary role, under traditional legal theories like those stemming from the Magna Carta, is to act as a protector of inalienable rights. This is central to the Canadian legal philosophy that the state exists not to dominate but to safeguard the fundamental liberties that are intrinsic to the human condition.

#### Parliamentary Practices

- **Contempt of Parliament:** When a person or entity disobeys the rules or orders of Parliament, they can be found in contempt. The Minister of Justice, as the government's chief legal advisor, would typically be involved in advising on the appropriate course of action, including potentially recommending the issuance of a warrant for the arrest of the individual or entity found in contempt.

In conclusion, the Minister of Justice's role in advising on and facilitating the enforcement of

parliamentary decisions, including those related to contempt, is deeply rooted in Canadian law and parliamentary practice. While there might not be a single, definitive legal document outlining this role in explicit terms, the broader principles of ministerial responsibility, the rule of law, and the government's obligation to uphold parliamentary authority provide a strong legal basis for this function.

## 2. Ensuring Proper Legal Process:

- **Legal Authority:** For arrests related to parliamentary contempt to be carried out, there must be a clear legal basis and adherence to proper legal procedures. The Minister of Justice ensures that the arrests are conducted lawfully and that all legal requirements are met.
- **Due Process:** The Minister of Justice's involvement helps ensure that the individuals arrested are treated fairly and that their rights are protected throughout the legal process. This involvement helps maintain the integrity of the legal system and prevents potential abuses of power.

## 3. Upholding the Rule of Law:

- **Enforcement of Parliamentary Orders:** By initiating police action in cases of parliamentary contempt, the Minister of Justice helps uphold the rule of law and reinforces the importance of respecting and enforcing parliamentary decisions.
- **Maintaining Legal and Institutional Integrity:** The Minister's role in facilitating arrests

ensures that legal and institutional norms are upheld, reinforcing the authority of Parliament and the broader legal system.

#### 4. Public Confidence and Trust:

- **Demonstrating Accountability:** When the Minister of Justice takes action to address contempt, it demonstrates a commitment to accountability and the rule of law. This helps restore public confidence in parliamentary institutions and the legal system.
- **Preventing Erosion of Trust:** Effective action against contempt helps prevent the erosion of trust in Parliament and the legal system. It shows that institutions are capable of enforcing their rules and maintaining high standards of governance and preserves parliamentary authority.

### The Role of the Minister of Justice

The Minister of Justice is a crucial figure within the Canadian legal system, tasked with overseeing the administration of justice and ensuring the rule of law. Their responsibilities include providing legal advice to the government on a broad range of issues, including those related to Indigenous rights. The Minister's role is central in ensuring that legal frameworks and policies, including those affecting Indigenous peoples, are appropriately implemented and upheld.

## **PART VI**

### Contempt of Parliament and Indigenous Rights

When considering contempt of Parliament, it is important to recognize that if the Minister of Justice does not advise Parliament to address instances of contempt, it could have significant implications for Indigenous rights. Here's why:

1. Rule of Law and Accountability:

- Contempt of Parliament refers to actions that obstruct or undermine the functioning of Parliament. The ability to hold individuals accountable for such contempt is fundamental to maintaining the rule of law and ensuring democratic processes. A failure to address contempt can erode Parliament's authority and its ability to enact and enforce laws effectively.

2. Indigenous Rights Legislation:

- Many laws and policies related to Indigenous rights are enacted through Parliament. If Parliament's authority is compromised, it could affect the passage, implementation, and enforcement of these critical laws. For example, legislative measures such as the Indigenous Languages Act or the United Nations Declaration on the Rights of Indigenous Peoples Act are essential for protecting and advancing Indigenous rights.

3. Indigenous Self-Determination:

- Indigenous communities often seek greater self-determination and governance autonomy. A robust and functional Parliament is necessary to support the framework within which Indigenous governments operate and advocate for their

rights. Any weakening of Parliament's authority could undermine the support and respect for Indigenous governance structures.

#### Specific Impact on Indigenous Rights

To assess the specific impact of the Minister of Justice's actions on Indigenous rights, consider the following factors:

#### 1. Nature of the Contempt of Parliament:

- o Is the contempt related to issues directly affecting Indigenous rights or interests? For instance, if Parliament fails to address contempt related to Indigenous consultation processes, this could undermine efforts to respect Indigenous rights.

#### 2. Specific Indigenous Rights Laws or Policies:

- o Are there particular laws or policies connected to the situation at hand? For example, if a specific piece of legislation concerning Indigenous land rights is being challenged or ignored, this could have direct consequences for Indigenous communities.

#### 3. Broader Context of Indigenous Rights in Canada:

- o How does this situation fit into the larger context of Indigenous-Crown relations and reconciliation efforts? Understanding the broader implications of the Minister's actions within this context is crucial for evaluating their impact on Indigenous rights.

#### Conclusion

The relationship between the Minister of Justice and Indigenous rights is intricate and

significant. A well-functioning and authoritative Parliament is essential to ensure that Indigenous rights are protected and respected. Actions that undermine Parliamentary authority could potentially have far-reaching implications for Indigenous peoples and their rights.

**PART VII - Failed to Act on Breach of National Security: Transfer of Scientific Secrets to the Chinese Communist Party**

It has come to light that several critical scientific secrets and technologies, developed in Canada through taxpayer-funded research, have been illegally transferred to the Chinese Communist Party (CCP). This breach of national security involves highly sensitive information related to biotechnology, quantum computing, artificial intelligence, and military innovations.

Your office, as the chief legal advisor to the Canadian government, bears a fiduciary and statutory duty to investigate and prosecute such breaches of national security. The ongoing transfer of these scientific and technological secrets to the CCP poses a severe threat to Canadian sovereignty, national security, and global stability. Despite these alarming breaches, no substantive legal actions have been taken by your office to hold those responsible accountable.

Iain Stewart June 21, 2021.

Here is the official Hansard link for the June 21, 2021, sitting of the House of Commons, where

Iain Stewart, the president of Public Health Agency of Canada (PHAC) , was admonished for refusing to provide unredacted documents related to the dismissal of two Chinese scientists involved in a security breach. You can verify the proceedings through this public record. No discipline towards Iain Stewart , has been executed to date. The Minister of Justice should have advised Parliament that under common law duty and "parliamentary privilege" Iain Stewart should be arrested for contempt of parliament until he released the documents.

Kristian Firth (2024)

Reprimand: On April 17, 2024, Firth was formally admonished by Speaker Greg Fergus after he refused to answer questions during a House committee hearing regarding the ArriveCan app contract. Firth was forced to appear before the bar of the House, a rare event for a private citizen, where he was publicly reprimanded and told to answer all questions posed to him.

Outcome: The formal admonishment did not lead to any legal consequences for Firth, Firth apologized in writing to the House but maintained that he had not intentionally evaded questions but still has not given the information required. Kristian Firth, who was admonished by Parliament on April 17, 2024 for being in contempt, faced a formal reprimand as the specific penalty for his actions. The Parliament has a duty to protect the Parliament and they have the power to arrest Firth and jail him until he complies as they did in 1913 with



Miller. He took \$59,000,000 for an \$80,000 ap development but would not tell Parliament when he was ordered to do so the details of his interactions with the government officials that authorized this contract payment to GC Strategies the company he represented. Police also found that Firth had altered resumes before presenting them to the government as part of his contract paperwork. The Hill Times Reach FM The specific Hansard record for the April 17, 2024, admonishment of Kristian Firth can be found here House of Commons Journals for April 17, 2024. This entry details the occasion where Firth, a contractor involved in the controversial ArriveCan app, was summoned to the bar of the House of Commons and formally rebuked by Speaker Greg Fergus. During the session, Firth faced intense questioning over his company's handling of the ArriveCan contract, following scrutiny from the Auditor General's report.

For additional context, you can view a video recording of the proceedings on the CPAC website here and Journals entry here House of Commons A Recent Parliamentary Committee Report on Foreign Interference in Canada

The National Security and Intelligence Committee of Parliamentarians (NSICOP) recently released a comprehensive report on the names of those who committed treason and the evidence they have to support treason charges. The treason included foreign interference in Canada's affecting democratic processes and breach of national security. This report is a significant contribution to understanding the threats posed

to Canadian democracy and outlines recommendations for strengthening national security measures.

You can find the report here:

- Special Report on Foreign Interference in Canada's Democratic Processes and Institutions:  
<https://www.nsicop-cpsnr.ca/reports/rp-2024-06-03/special-report-foreign-interference.pdf>

This report provides detailed information on the nature of foreign interference, and the impact on Canadians.

### **Legal Basis:**

- Canadian Security Intelligence Service Act (R.S.C., 1985, c. C-23): This Act empowers the Canadian Security Intelligence Service (CSIS) to protect Canada from security threats, including espionage. Your office is required to take legal action against breaches of this nature. CSIS advised you in 2021 that treason had been committed including scientific secrets given illegally to the Chinese Communist Party (CCP) and electoral interference by the CCP.

- Security of Information Act (R.S.C., 1985, c. O-5): Under this Act, the unauthorized sharing of sensitive information with foreign entities, particularly those that pose a threat to national security like the CCP, is a criminal offense called treason..

Failure to act on these serious breaches of national security constitutes a gross dereliction of duty and warrants an immediate investigation and prosecution of all individuals and organizations involved. The transfer of

sensitive technologies to the CCP endangers Canada's defense capabilities and compromises its geopolitical position.

**PART VIII - Failed to Act on Breach of National Security: Electoral Interference by the Chinese Communist Party (CCP)**

Evidence has emerged that electoral interference by the CCP has undermined the integrity of recent Canadian elections. The CCP's influenced operations, carried out through financial backing, disinformation campaigns, and coercion tactics, aimed to manipulate the outcomes of both federal and provincial elections to install favorable political candidates and policies that benefit China's interests.

Despite widespread evidence of this interference, your office has taken no substantive action to investigate or mitigate the impact of such foreign influence. This failure not only undermines Canadian democracy but also breaches national security by allowing foreign actors to interfere with Canada's political sovereignty.

**Legal Basis:**

- Canada Elections Act (R.S.C., 2000, c. 9): This Act makes it a criminal offense for foreign entities to influence or interfere in Canadian elections. The Commissioner of Canada Elections has the authority to investigate electoral violations, but your office holds a broader responsibility for ensuring legal prosecution of foreign infiltrators..

- Foreign Influence Transparency Scheme Act: The Act requires the disclosure of any foreign influence over political actors or election candidates. Failure to enforce this law has left Canadian elections vulnerable to manipulation. Your office's failure to prosecute those responsible for foreign electoral interference which not only violates Canadian law but also compromises public trust in democratic institutions and processes.

### Additional Breach of Duty

Your failure to take action on the above-mentioned matters, including Parliament's refusal to exercise its parliamentary privilege by arresting individuals for contempt, further erodes public trust in our democratic institutions. This ongoing inaction weakens Parliament's authority and undermines the rule of law. It is your duty, as the Minister of Justice, to advise Parliament on its powers and enforce compliance with its orders.

Your lack of corrective measures to ensure the enforcement of parliamentary authority amounts to a dereliction of fiduciary responsibility to protect and uphold the rule of law. In addition, your statutory duty to ensure the compliance of all federal practices, policies, regulations, and legislation with the Canadian Bill of Rights has been neglected, as evidenced by both the vaccine mandates issue and the OIC's findings.

### Your Legal and Fiduciary Duties

As the Minister of Justice, you are bound by your oath of office and fiduciary duties to:

- Uphold the rule of law and ensure compliance with the Canadian Bill of Rights,
- Advise Parliament on its powers to enforce contempt orders and ensure the integrity of parliamentary proceedings,
- Protect national security by taking legal action against breaches of national security laws, including the illegal transfer of scientific secrets and electoral interference by foreign states,
- Protect fundamental rights guaranteed under the Canadian Bill of Rights, including the rights to life, liberty, security of the person, and freedom of movement.

#### Legal References Supporting Democratic Accountability

- Access to Information Act (R.S.C., 1985, c. A-1):
  - Paragraph 30(1)(a): Prohibits unnecessary or unjustified extensions to response times, ensuring timely access to government-held information.
  - Paragraph 30(1)(f): Prevents arbitrary holds on access requests and mandates compliance with the requester's preferred format of communication.
  - Subsection 4(2.1): Imposes a duty on government institutions to provide reasonable assistance to those seeking information, ensuring that the public can effectively exercise their right to access.
- Canadian Bill of Rights (R.S.C. 1960, c. 44):

o Affirms the right of individuals to freedom of information and access to government-held data as a cornerstone of democratic rights in Canada

The OIC's findings do more than highlight procedural errors—they signal fundamental threats to the democratic fabric of Canada by obstructing the transparency, accountability, and public oversight that protect the nation from unchecked power.

#### Step-by-Step Actions Required

To rectify these breaches of duty, we expect that you take the following immediate actions:

1. Conduct a Full Legal Review of the Federal Vaccine Mandates for Travel and Federal Government Employment to ensure its compliance with the Canadian Bill of Rights and make the findings public within 30 days.
2. Launch Criminal Investigations into the unauthorized transfer of scientific secrets to the CCP, as required by the Canadian Security Intelligence Service Act and the Security of Information Act. Prosecute all individuals and organizations involved.
3. Initiate an Official Inquiry into Chinese Communist Party electoral interference, taking immediate steps to prosecute foreign actors and Canadian collaborators under the Canada Elections Act.
4. Ensure Full Compliance with the Access to Information and Privacy Act, addressing all identified violations by the OIC. This includes responding to all pending requests within legal timeframes and providing clear communication.
5. Advise Parliament on its authority to enforce contempt orders and exercise its power to arrest

individuals who defy parliamentary orders. Issue legal guidance within 14 days on how these powers can be effectively utilized, including revisiting the historical 1913 arrest precedent.

**PART IX** - Failure to act on the Federal gun grab law C21

Analysis of Federal Gun Grab (e.g., Bill C-21):

1. Canadian Bill of Rights (CBR)

The CBR protects several key rights, including:

- o Right to life, liberty, security of person, and enjoyment of property (section 1(a)).
- o Right to a fair hearing and due process (section 2(e)).

2. The important distinction here is that under the CBR, a federal law cannot violate these rights unless it explicitly states its intent to do so. In the case of a federal "gun grab" law (such as Bill C-21), if the law does not explicitly say it is overriding property rights or security of the person, it must not infringe on these rights.

Bill C-21 does not clearly state an intent to violate the right to property or security, and under the CBR, such a violation would require a clear, explicit statement in the text of the law. If it does not make such a statement, then the law may be invalid if it is found to breach rights under the CBR without sufficient legislative justification.

3. Ministerial Duty and Breach of Duty

The Minister of Justice is responsible for ensuring that all federal laws comply with the CBR. Given that the CBR requires explicit language to override rights like property and liberty, any federal law (including Bill C-21) cannot infringe on these rights implicitly. If the law does not explicitly state that it is overriding the CBR rights and is still infringing on those rights, the Minister is in breach of their duty to review the law and ensure compliance with the Bill.

4. Saskatchewan and Alberta Bills of Rights  
Both Saskatchewan and Alberta also have their own Bills of Rights that protect property and due process. The federal gun grab (if enforced without explicit federal authorization to violate property rights) would likely conflict with these provincial laws as well, particularly in their protection of property rights.

- o Saskatchewan Bill of Rights: Protects the right to security of property and person. If the federal law conflicts with these rights and is not explicitly justified, it would likely violate Saskatchewan law.

- o Alberta Bill of Rights: Similar protections apply here, where the right to property cannot be infringed without explicit legal justification.

5. Impact of Enforcement Refusal (Police and Military)

The refusal of the military or police to enforce such a law highlights a legitimacy issue. Their refusal suggests a recognition that the law may



not be enforceable without explicit provisions that justify infringing on rights. This further underscores the Minister's breach of duty in allowing the law to proceed without a proper review under the CBR.

## **Conclusion:**

- The Canadian Bill of Rights requires explicit language to violate protected rights such as property and liberty and security of person. If a federal law like Bill C-21 does not explicitly state an intention to override these rights, it is in violation of the CBR, and the Minister of Justice is in breach of their duty to ensure compliance.
- Similarly, the Saskatchewan and Alberta Bills of Rights protect property and security, and the federal gun grab would violate these provincial protections unless clearly justified at the federal level.

**PART X** - Failure to act on the provincial/municipal land grabs and planned mobility and consumption restrictions with plans to implement 15 minute cities.

The actions you've described, such as municipal by-laws related to "land grabs" or the development of "15-minute cities," may raise legal concerns regarding property rights, freedom of movement, and individual liberty. Here's an overview of potential legal violations and why the Minister of Justice could be seen as responsible for addressing these concerns:

## 1. Potential Legal Violations by Municipalities

### a. Property Rights and Expropriation Laws

- **Violation of Property Rights:** Property rights in Canada are not as robustly protected under the Constitution as in some other countries. However, under the common law, individuals have the right to ownership and use of their property, and any expropriation or land grabs by municipalities must comply with expropriation laws.

- **Expropriation Acts:** In each province, there is an expropriation act (e.g., Ontario's Expropriations Act) that sets out the conditions under which government bodies, including municipalities, can take private property for public purposes. These acts generally require fair compensation for the property owner, and failure to comply with these provisions could be a violation of legal property rights.

## 2. Responsibility of the Minister of Justice Ensuring Municipal and Provincial Compliance with Common Law, the Canadian Bill of Rights (CBR), and Provincial Bills of Rights

The Minister of Justice and Attorney General of Canada plays an essential role in ensuring that municipalities and provinces comply with Common Law, the Canadian Bill of Rights (CBR), and applicable provincial rights legislation.

Municipal and provincial actions, particularly concerning property rights and civil liberties, must be consistent with these legal frameworks.

Below are the key areas where compliance is necessary:

a. Compliance with the Canadian Bill of Rights (CBR)

The Canadian Bill of Rights (CBR) guarantees fundamental rights such as property rights, the right to security, and due process.

Municipalities and provinces must ensure their laws and bylaws do not infringe on these protected rights.

- The Minister of Justice has the authority to intervene if municipal or provincial laws violate the CBR, ensuring that individuals' rights, such as property rights, mobility, and personal freedoms, are not unlawfully restricted.

- The CBR applies to all levels of government, meaning that municipalities and provinces must be in full compliance when enacting laws or policies, particularly in areas like land use and mobility regulations.

b. Municipal Compliance with Common Law

Municipalities, though created and governed by provincial statutes, must still act within the bounds of Common Law principles, which protect fundamental rights such as property rights and personal liberty.

- Municipal bylaws that overreach—such as those involving land grabs (unjust land expropriation) or severe restrictions on movement as part of 15-minute city initiatives—must adhere to long-standing Common Law protections.

- The Minister of Justice has an interest in ensuring that municipal actions respect the principles of Common Law and do not infringe on

property or personal rights in an unjustified manner.

#### c. Provincial Compliance with Provincial Bills of Rights

Several provinces, such as Alberta and Saskatchewan, have enacted their own Bills of Rights, which provide additional protections to citizens. These statutes protect civil liberties, including property rights and freedom from government overreach.

- Alberta Bill of Rights and Saskatchewan Bill of Rights serve as additional checks on municipalities and provincial governments, ensuring that citizens' rights are protected against unjust actions, such as unlawful land expropriation or mobility restrictions.

- Provincial governments are responsible for ensuring that both their own actions and those of the municipalities they oversee comply with these bills of rights. The Minister of Justice can intervene when provincial or municipal laws conflict with these fundamental provincial protections.

#### d. Access to Justice and Remedies for Rights Violations

The Minister of Justice is responsible for ensuring that individuals have access to legal remedies if their rights are infringed by municipal or provincial actions. This includes the right to challenge municipal bylaws or provincial laws that violate rights guaranteed under Common Law, the CBR, or provincial Bills of Rights.

- Citizens may seek legal recourse when they believe their rights, such as property rights,

have been violated through measures like land expropriation or consumption/mobility restrictions tied to 15-minute city policies.

- The Minister of Justice can facilitate access to courts and ensure that individuals have the ability to contest the legality of these actions.

e. Sections 91 and 92 of the Constitution Act, 1867

While municipalities derive their powers from provincial legislatures under Section 92 of the Constitution Act, 1867, the federal government retains certain powers under Section 91. These include overseeing the administration of justice and ensuring compliance with federal laws, such as the Canadian Bill of Rights.

- Although municipalities fall primarily under provincial jurisdiction, their actions must still align with federal law. If municipal actions violate federal laws, including the CBR, the federal government can take legal action to correct the violation.

- The Minister of Justice can intervene if municipalities or provinces act in ways that conflict with constitutional principles, federal law, or Common Law protections.

Role of Provincial Governments in Ensuring Compliance

Provincial governments are responsible for ensuring that municipalities operate within the legal boundaries established by provincial statutes and bills of rights. Provincial Ministers of Justice or Attorneys General have the power to review and stop municipal actions that violate individual rights, especially if

they conflict with provincial bills of rights or Common Law principles.

- For example, provincial authorities can intervene when municipalities undertake actions like land grabs or pass bylaws that infringe on property or mobility rights without sufficient legal justification.
- Provincial laws, such as the Alberta Bill of Rights and Saskatchewan Bill of Rights, act as additional protections, ensuring that municipal bylaws and policies are not enacted in violation of basic legal and civil rights.

#### Conclusion

Municipal and provincial actions, such as land grabs and the establishment of 15-minute cities, must adhere to Common Law principles, the Canadian Bill of Rights (CBR), and provincial bills of rights. These actions raise significant concerns regarding property rights, mobility rights, and personal liberties. The Minister of Justice is responsible for ensuring that these legal frameworks are upheld and that municipalities and provinces do not exceed their legal authority. If municipal or provincial governments overstep, the Minister of Justice, alongside provincial authorities, can take steps to safeguard citizens' rights.

This version focuses on municipalities and provinces ensuring compliance with Common Law, the Canadian Bill of Rights, and provincial bills of rights, while emphasizing the oversight role of both the Minister of Justice and provincial authorities.

The Minister of Justice plays a crucial role in ensuring that federal and provincial actions,

including municipal land grabs, comply with established laws and legal protections, such as Common Law, the Canadian Bill of Rights (CBR), and property rights enshrined under provincial laws and legal precedents. The Minister's responsibility stems from several legal sources and principles:

## 1. Common Law Protections of Property Rights

- Common Law in Canada provides robust protections for property rights, including the right to not have one's property expropriated without due process and fair compensation. This tradition of property rights goes back centuries and forms the bedrock of the Canadian legal system. In cases where municipalities or provinces engage in land expropriation, the Minister of Justice has a responsibility to ensure compliance with Common Law principles and ensure citizens' property rights are respected.

- Legal Precedent:

- In *Manitoba Fisheries Ltd. v. The Queen* (1979), the Supreme Court of Canada held that the expropriation of property by the government requires adequate and just compensation. This principle applies to all levels of government, including municipalities, and the Minister of Justice has a duty to ensure that this standard is upheld.

## 2. The Canadian Bill of Rights (CBR)

- The Canadian Bill of Rights (1960) explicitly protects the right to enjoyment of property. While the CBR only applies to federal laws and actions, its principles can serve as a guiding

framework for how the Minister of Justice ensures that property rights are respected when federal or provincial actions are in question.

- CBR, Section 1(a): This section guarantees the right 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." The Minister of Justice has a mandate to ensure that land expropriations comply with this protection, even when they occur at the provincial or municipal level if federal interests are involved.

### 3. Provincial Bills of Rights

- Some provinces have enacted their own Bills of Rights, such as the Alberta Bill of Rights (1946) and the Saskatchewan Bill of Rights (1947), which guarantee the protection of property rights. The Minister of Justice has a role in ensuring that federal laws or actions by provinces and municipalities do not infringe upon rights guaranteed under provincial laws, especially where such actions conflict with broader legal principles.

- Alberta Bill of Rights (Section 1): Guarantees the "right of the individual to the enjoyment of property and the right not to be deprived thereof except by due process of law." This reflects the federal mandate to respect these property rights within provincial jurisdictions as well.

### 4. Expropriation Laws

- Each province has Expropriation Acts that regulate how land can be taken by the government



for public purposes. These laws typically require:

- o Public purpose justification for taking the land,
- o Due process ensuring notice and the right to a hearing, and
- o Fair and prompt compensation.

The Minister of Justice ensures compliance with these provincial statutes and ensures that no federal law enables or supports actions that violate these expropriation protections.

- Legal Precedent:

- o In *Toronto Area Transit Operating Authority v. Dell Holdings Ltd.* (1997), the Supreme Court held that fair compensation must be paid to individuals whose property is expropriated. The Court recognized the need for adequate compensation, including losses caused by delays in expropriation. The Minister of Justice is responsible for upholding these principles at a federal level when municipalities or provinces expropriate land for public use.

## 5. Minister of Justice's Responsibility under the Constitution

- Section 91 and 92 of the Constitution Act, 1867 delineate the powers between federal and provincial governments. While municipalities are governed by provincial statutes under Section 92, the Minister of Justice is responsible for ensuring that federal laws and actions comply with constitutional principles, which include protections for property rights and the administration of justice.

- The Minister of Justice can intervene if a municipality or province engages in land expropriation that contravenes federal laws, Common Law principles, or violates fundamental rights that fall under federal jurisdiction.

## 6. Administrative Justice and Access to Remedies

- The Minister of Justice is responsible for ensuring that there is access to justice for individuals whose property rights have been infringed. This includes providing avenues for challenging unjust land expropriations through the courts or through administrative remedies, ensuring that citizens are not deprived of their property without proper recourse.

- Legal Precedent:

- In *Authorson v. Canada (Attorney General)* (2003), the Supreme Court of Canada reinforced the importance of access to judicial remedies when rights are infringed, particularly in cases where property rights are at issue.

## Conclusion:

The Minister of Justice is responsible for ensuring compliance with the Common Law, the Canadian Bill of Rights (CBR), and provincial property rights legislation, and has a duty to intervene when municipalities or provinces engage in land grabs that violate these principles. Legal precedents such as *Manitoba Fisheries Ltd. v. The Queen* and *Dell Holdings Ltd.* support the right to due process, fair compensation, and property rights in cases of

expropriation, which the Minister must safeguard. Moreover, the Minister of Justice ensures that these protections are consistently upheld across Canada, even at the municipal level.

## Examples of Land Grabs in Canada

### 1. Doug Ford's Greenbelt Land Swap - Ontario (2023)

- What Happened: Ontario Premier Doug Ford's government removed 7,400 acres (approximately 3,000 hectares) of land from the protected Greenbelt area in southern Ontario, with the stated intention of building 50,000 new homes. This decision was met with heavy criticism due to the lack of transparency around the reasons for removing the land from the Greenbelt, and there was no clear public benefit provided as justification.

- Criticism: There was significant public outcry because the Ford government did not provide a clear explanation or public consultation on why these specific parcels were chosen for removal, leading to allegations of impropriety and favoritism towards developers. There were also concerns that the land could be used for purposes other than housing.

- Result: After months of intense political pressure and media scrutiny, Doug Ford admitted the move was a mistake and reversed the decision to allow development on the Greenbelt land in September 2023. However, the lack of initial transparency regarding the land use fueled fears of further unchecked land grabs by the government.

## 2. Highway 413 and the Bradford Bypass - Ontario

- What Happened: Premier Doug Ford's government has also been criticized for pushing ahead with controversial highway projects like Highway 413 and the Bradford Bypass, which would require large amounts of land expropriation, including protected areas in the Greenbelt.

- Criticism: Environmental advocates have argued that these projects represent land grabs disguised as infrastructure development, threatening farmland, wetlands, and wildlife corridors. There has been little public disclosure about the full environmental and social impact of the projects, further fueling concerns.

## 3. Wetland Land Swap - Pickering, Ontario

- What Happened: In another controversial case, the Ford government approved a land swap in Pickering, Ontario, where protected wetland was removed from the Greenbelt for development purposes, although the exact nature of the development was not disclosed clearly to the public.

- Criticism: Critics accused the government of failing to provide a transparent justification for the land swap and raised concerns that it would harm the local environment without delivering promised benefits like affordable housing.

## Cities Accused of Land Grabs

1. Pickering, Ontario: The land swap involving protected wetlands for unspecified future

development projects has drawn widespread accusations of a government-backed land grab.

2. Hamilton, Ontario: There have been significant public protests against urban boundary expansions that would result in farmland being converted into residential areas. Critics argue that these plans amount to land grabs by developers, with support from municipal governments.

3. Ottawa, Ontario: Similar debates have arisen over urban boundary expansions. In 2021, the city council voted to expand Ottawa's urban boundary, paving the way for the development of 1,281 hectares of farmland. Environmental groups and concerned citizens opposed the move, viewing it as a land grab.

What is the Minister of Justice required to do in the following cases where he finds rights are violated or due process is not followed.

The Minister of Justice plays a key role in ensuring that municipal and provincial actions, such as land swaps, urban boundary expansions, and other types of land expropriations, are consistent with Canadian law, including Common Law, the Canadian Bill of Rights (CBR), provincial expropriation statutes, and relevant case law. In the case of the cities accused of "land grabs," the Minister should take specific legal actions based on the circumstances of each case. Here's a detailed breakdown of what the Minister should be doing for Pickering, Hamilton, and Ottawa:

## 1. Pickering, Ontario: Land Swap Involving Protected Wetlands

- Legal Context: The land swap involving protected wetlands in Pickering for unspecified future development is controversial because it raises concerns under environmental protection laws, expropriation laws, and property rights. Wetlands are typically protected under both federal and provincial environmental statutes, such as Ontario's Environmental Protection Act and the Planning Act.
- Minister's Responsibilities:
  - Enforce Environmental and Expropriation Laws: The Minister of Justice should ensure that any land swap or expropriation of protected wetlands complies with both Common Law protections of property rights and environmental laws. Municipalities must show that they are acting within the bounds of the Environmental Protection Act and that the land swap serves a legitimate public purpose, which is in the public interest.
  - Case Law: The Supreme Court's decision in *Friends of the Oldman River Society v. Canada (Minister of Transport)* (1992) established that environmental considerations must be taken seriously by government bodies in making decisions that could affect protected lands. The Minister should intervene if environmental due process is being bypassed.
  - Judicial Review: The Minister can initiate or support a judicial review to challenge the legality of the land swap, ensuring that the

decision was made with full public consultation and that the wetlands' protection under provincial law was not unlawfully circumvented.

## 2. Hamilton, Ontario: Urban Boundary Expansion

- **Legal Context:** The expansion of Hamilton's urban boundary involves turning farmland into residential areas. These actions are often seen as benefiting developers at the expense of long-term environmental sustainability and food security, raising potential violations of provincial land-use planning laws, such as Ontario's Greenbelt Act and Planning Act. This could also be seen as an expropriation of land that is inconsistent with Common Law principles requiring public justification and fair compensation for property owners.

- **Minister's Responsibilities:**

- **Monitor for Compliance with Expropriation Law:** The Minister of Justice should ensure that these urban boundary expansions comply with Ontario's Expropriation Act. The Supreme Court in *Dell Holdings Ltd. v. Toronto Area Transit Operating Authority* (1997) emphasized that expropriation of land for public purposes requires adequate and fair compensation, especially when farmland is involved. The Minister should ensure that developers and municipalities respect this principle, even if the expansion is justified by municipal growth plans.

- **Assess Public Interest vs. Private Gain:** The Minister should assess whether the expansion truly serves the public interest or whether it is primarily driven by private developers. If the latter, the Minister can challenge the

municipality's legal basis for the land use change under Common Law and provincial statutes, potentially leading to legal action to stop the expansion.

- Review Provincial and Municipal Land-Use Plans: The Minister can argue that municipalities are exceeding their authority if the expansion violates the spirit or letter of provincial legislation like the Greenbelt Act or the Planning Act. Judicial challenges or public interest litigation could halt or reverse the boundary expansions.

### 3. Ottawa, Ontario: Urban Boundary Expansion Involving Farmland

- Legal Context: In 2021, Ottawa's city council voted to expand its urban boundary to include 1,281 hectares of farmland, despite significant opposition from environmental groups. This raises concerns about whether farmland is being expropriated in a manner inconsistent with land-use planning laws and expropriation principles, particularly given the importance of preserving farmland for food security.

- Minister's Responsibilities:

- Ensure Compliance with Expropriation Laws: The Minister of Justice should ensure that Ottawa's city council complies with provincial expropriation laws when expanding the urban boundary. Fair compensation must be provided to any landowners affected by the expansion, and the public interest must be demonstrated. The precedent set by *Dell Holdings Ltd. v. Toronto Area Transit Operating Authority* (1997) is critical here, as it requires municipalities to



provide adequate justification and compensation when converting agricultural land for development.

- Review Public Interest Justifications: The Minister of Justice should review whether the urban boundary expansion serves a legitimate public purpose, or if it disproportionately benefits developers at the expense of environmental and agricultural concerns.

Municipal governments must prove that the conversion of farmland is necessary and justified under Ontario's Planning Act and other relevant statutes.

- Environmental Considerations: The expansion of urban areas into farmland often has significant environmental impacts. The Minister should ensure compliance with environmental protection laws, such as Ontario's Places to Grow Act and the Environmental Protection Act, which seek to limit urban sprawl and protect valuable agricultural and natural lands. The Minister should scrutinize whether Ottawa's expansion plans meet these legal requirements and challenge any unlawful decision-making.

Case Law and Legal Precedents Supporting Ministerial Action:

- Manitoba Fisheries Ltd. v. The Queen (1979): The Supreme Court of Canada ruled that expropriation of property must be accompanied by adequate and fair compensation, a principle that should apply to all municipal expansions or land swaps.

- Dell Holdings Ltd. v. Toronto Area Transit Operating Authority (1997): This decision

reaffirmed that expropriation of land must involve compensation for all losses incurred, and not just the market value of the property. The Minister of Justice should ensure that municipalities respect these compensation rights.

- *Friends of the Oldman River Society v. Canada (Minister of Transport)* (1992): This case established that environmental assessments and protections must be adhered to by government bodies when making decisions that impact sensitive lands. The Minister has a responsibility to ensure that urban expansions and land swaps follow these precedents.

Conclusion:

In each of these cases—Pickering, Hamilton, and Ottawa—the Minister of Justice should be actively ensuring that municipal decisions involving land swaps, urban expansions, or boundary changes are legally sound, follow expropriation laws, respect Common Law protections, and comply with environmental laws. The Minister should also review whether these actions genuinely serve the public interest and ensure that affected landowners are fairly compensated in line with *Dell Holdings Ltd.* and *Manitoba Fisheries Ltd.*. By challenging potentially unlawful municipal actions in court or supporting public interest litigation, the Minister can help prevent unjust "land grabs" that violate property rights and environmental protections.

Urban Freedom

Critics argue that 15-minute cities may limit personal mobility by reducing the need for cars,

which some fear could lead to de facto restrictions on movement.

#### Action:

The Minister of Justice should ensure that any city regulations respect mobility rights under Canada's Bill of Rights (1960), specifically Section 1(a), which guarantees the right to personal security and individual liberty. This provision safeguards the individual's right to move freely without unjust restrictions, ensuring that urban plans do not infringe on personal liberties, even when promoting sustainability goals.

At the provincial level, cities in Alberta, Ontario, and British Columbia must also comply with their respective Human Rights Acts, which protect individuals from unreasonable interference in daily life by government regulations. Overly restrictive mobility regulations could trigger claims that the government is imposing unreasonable limits on individual liberty, violating the Alberta Bill of Rights (1946), which contains similar provisions.

#### Common Law:

Under common law, the right to mobility and freedom of movement is closely related to the principle of personal autonomy. The common law has long upheld the importance of freedom of movement unless restricted by lawful authority. Any urban planning scheme that limits residents' ability to travel freely could be challenged under this doctrine, and the courts would likely scrutinize whether such limitations are

reasonably justified in light of public interest goals.

## 2. Zoning Law Changes and Overregulation

Implementing 15-minute cities involves major changes to zoning laws, which may lead to challenges from developers or citizens arguing that such changes represent overregulation.

### Action:

The Minister of Justice must ensure that all municipal zoning changes comply with the Canadian Bill of Rights and provincial laws, ensuring they do not impose unnecessary regulatory burdens on property owners. Section 1(b) of the Canadian Bill of Rights affirms the right to enjoy property, subject only to justifiable laws. Zoning by-laws that excessively restrict property use or development could face legal challenges if seen as infringing on this right.

In Ontario, zoning laws must comply with the Ontario Bill of Rights, and cities like Toronto must adhere to planning statutes like the Ontario Planning Act. The Act grants municipalities the authority to pass zoning by-laws but also requires public notice and hearings to ensure fair process.

### Common Law:

In common law, property rights are deeply protected, and there is an expectation that property use restrictions should be reasonable and not unduly restrictive. Courts have traditionally supported the right to enjoy property without excessive government interference, and zoning by-laws can be

overturned if they are deemed to be arbitrary, overly restrictive, or unjustifiably infringing on property rights. The principle of judicial review can be invoked to challenge unreasonable zoning laws.

### 3. Gentrification and Affordability

Critics argue that 15-minute city plans, while promoting walkable neighborhoods, could lead to gentrification and rising housing costs, potentially displacing lower-income residents.

#### Action:

The Minister should advocate for affordable housing policies in line with the Canadian Bill of Rights, particularly under Section 1(b), which emphasizes the right to enjoyment of property without discrimination. Affordable housing is essential to ensure that 15-minute cities remain accessible to all income levels, preventing displacement due to rising property values. Ensuring that municipal regulations support mixed-income housing developments can mitigate the effects of gentrification.

Provincial laws, such as British Columbia's Human Rights Code or Ontario's Human Rights Code, may also be applicable in preventing socio-economic discrimination through housing policies. The Minister should ensure that urban planning initiatives consider these laws to address inequality in housing.

#### Common Law:

The principle of equitable access to housing is a long-standing concern in common law, which

emphasizes fairness and equality in the distribution of resources. If a planning policy results in de facto discrimination against low-income residents, common law remedies could be sought to challenge the government's actions, asserting that public authorities have a duty of fairness.

#### 4. Environmental Concerns and Sustainability

The 15-minute city model emphasizes environmental sustainability, but there are concerns about whether environmental regulations are balanced with urban growth and development.

##### Action:

The Minister of Justice must ensure that municipal projects comply with federal environmental laws such as the Canadian Environmental Protection Act (CEPA). This ensures that urban planning initiatives like the 15-minute city align with national sustainability standards, protecting the environment while promoting walkable, dense communities.

At the provincial level, cities must comply with environmental laws such as British Columbia's Environmental Management Act or Ontario's Environmental Protection Act. These laws require assessments of potential environmental impacts and enforce pollution controls, making sure that the benefits of urban planning do not come at the expense of environmental sustainability.

##### Common Law:

The common law principle of nuisance can be invoked by citizens or advocacy groups if urban development projects infringe on environmental

rights, such as air quality, noise pollution, or green space preservation. The doctrine of public nuisance allows individuals to challenge government decisions that adversely affect environmental health or community well-being.

## 5. Public Consultation and Democratic Participation

Urban planning projects that dramatically alter neighborhoods must include meaningful public consultation to ensure democratic participation and compliance with laws requiring transparency and citizen engagement.

### Action:

The Minister of Justice should ensure that planning projects follow proper procedures for public consultation, as mandated by laws such as the Statutory Instruments Act (federal) or the \*\*Ontario

Planning Act (provincial), which require municipalities to provide adequate notice and opportunities for public input. Public consultation is key to ensuring that urban planning processes, including the adoption of 15-minute cities, respect democratic principles and do not result in unforeseen harms to residents. Failing to properly consult could result in challenges based on procedural fairness.

### Common Law:

Under common law, the principle of procedural fairness requires that individuals affected by government decisions have a right to be heard. Public consultation is a vital aspect of this right, especially in decisions affecting land

use, transportation, and neighborhood development. If municipal authorities fail to engage the public adequately, citizens can challenge the legitimacy of planning decisions based on this principle.

By focusing on Canada's Bill of Rights, provincial Bill of Rights, and common law, the Minister of Justice can address concerns about the 15-minute city plans without invoking the Charter, ensuring that any urban planning initiatives respect fundamental rights such as mobility, property enjoyment, public consultation, and equitable access to housing.

You said:

What steps must the minister take if he determines that rights are violated or due process is being followed.

If the Minister of Justice determines that rights are being violated or that due process is not being followed in the implementation of 15-minute city plans or any other urban planning initiatives, several steps must be taken to address the issues. These steps involve both corrective actions and preventive measures to ensure compliance with the law. Here's a detailed outline:

#### 1. Legal Review and Investigation

The Minister's first step would be to initiate a legal review to assess the nature and scope of the rights violations. This review should involve:



- Evaluating existing municipal by-laws and zoning regulations in the context of the Canadian Bill of Rights, provincial Bill of Rights, and common law principles.
- Conducting investigations to determine whether due process has been followed in public consultation, environmental assessments, and urban planning decisions.
- Seeking legal opinions from government legal advisors, constitutional experts, and administrative law specialists to identify specific areas of non-compliance.

The goal of this investigation would be to determine whether actions taken by municipal authorities or other actors have resulted in unjustified infringements on mobility, property rights, or procedural fairness.

## 2. Issuing Directives to Municipal Authorities

If rights violations are identified, the Minister has the authority to issue directives to municipal or provincial governments to rectify the situation. These directives may include:

- Ceasing or amending certain regulations that violate the Canadian Bill of Rights or provincial statutes.
- Modifying zoning by-laws that excessively restrict property use or unduly infringe on mobility rights.
- Repealing or revising any municipal laws found to be over-regulating personal freedoms or violating procedural requirements.

Federal oversight can be applied where municipal actions fall under the scope of federal legislation or involve federal programs.

### 3. Mediation and Negotiation

The Minister can facilitate mediation or negotiation between citizens, advocacy groups, and municipal authorities to resolve disputes. This might be necessary if the issue involves complex urban planning challenges, such as gentrification or housing affordability, which require stakeholder engagement to find workable solutions.

- Mediation would involve all relevant parties working towards a solution that aligns with the legal requirements and addresses concerns of citizens, especially those disproportionately affected by the urban planning policies.

### 4. Challenging Unlawful Actions in Court

If municipal authorities refuse to comply with the Minister's directives or fail to take corrective action, the Minister can:

- Launch legal challenges in provincial or federal courts to overturn unlawful municipal by-laws or urban planning decisions. This could involve invoking both the Canadian Bill of Rights and provincial Bill of Rights, as well as applicable common law principles.

- Seek injunctive relief to halt the enforcement of regulations or policies that infringe on rights while the matter is under judicial review.

In cases where violations impact large segments of the population, a class-action lawsuit or

public interest litigation could be initiated or supported by the Minister to protect the rights of affected residents.

## 5. Amending Legislation

If systemic issues are identified in municipal governance or zoning regulations that violate rights, the Minister may propose amendments to relevant laws, such as:

- Introducing or modifying federal legislation (e.g., urban planning laws, environmental regulations) to ensure that municipalities respect fundamental rights.
- Working with provincial legislatures to amend provincial planning acts or municipal government acts to clarify the limits of local government authority, ensuring that their actions do not infringe on property rights or individual freedoms.

Legislative amendments might also focus on improving transparency, public consultation processes, and fair access to housing and services.

## 6. Monitoring and Compliance

Once corrective actions are taken, the Minister should implement measures to monitor compliance with the directives issued. This might include:

- Establishing an oversight committee or appointing an ombudsman to regularly review urban planning initiatives for compliance with the law and fundamental rights.
- Requiring regular reporting from municipal governments to ensure they are respecting citizens' rights in future planning decisions.

- Auditing municipal by-laws and planning processes to ensure they align with federal and provincial rights laws.

The aim is to prevent future violations and ensure that all municipal authorities understand their obligations under the Canadian Bill of Rights, provincial laws, and common law principles.

## 7. Public Communication

The Minister should ensure that the public is informed of their rights and the measures being taken to protect those rights. This can involve:

- Issuing public statements explaining the rights violations that were found and the steps being taken to address them.
- Creating awareness campaigns to educate residents about their legal rights in relation to urban planning and mobility.
- Providing resources and legal assistance to residents who have been negatively impacted by unlawful planning decisions.

## 8. Supporting Compensation or Restitution

If the rights violations have resulted in harm to individuals (e.g., property loss, unlawful restrictions on mobility), the Minister can support efforts for compensation or restitution. This might include:

- Encouraging municipalities to create compensation funds for those adversely affected by unlawful urban planning measures.
- Supporting legal claims for damages if residents have suffered economic or personal harm due to municipal overreach.

Summary of Key Steps:

1. Legal review and investigation of rights violations.
2. Issuing directives to municipal authorities to correct unlawful actions.
3. Mediation and negotiation to resolve conflicts.
4. Court challenges to strike down unlawful by-laws or regulations.
5. Legislative amendments to prevent future violations.
6. Monitoring and compliance oversight to ensure continued adherence to laws.
7. Public communication to inform residents of their rights.
8. Supporting compensation for affected individuals if harm has occurred.

By following these steps, the Minister of Justice ensures that any violations of the Bill of Rights, provincial rights laws, or common law principles are swiftly addressed, protecting citizens' rights and upholding the rule of law in the context of urban planning initiatives like 15-minute cities.

#### 15-Minute City Plans in Canada

A 15-minute city is an urban planning concept where all essential services (work, shopping, healthcare, education, and leisure) are within a 15-minute walk or bike ride from home. This model aims to reduce dependency on cars and improve quality of life, but it has also drawn criticism from those concerned about restrictions on mobility and urban freedom.

#### Cities in Canada Pursuing 15-Minute City Plans:

1. Edmonton, Alberta

- What's Happening: Edmonton is one of the first cities in Canada to adopt the 15-minute city concept as part of its City Plan. The goal is to create neighborhoods where residents can access most of their daily needs within a 15-minute walk. The plan has focused on redesigning neighborhoods to become more pedestrian- and bike-friendly.

- Criticism: Some opponents argue that the 15-minute city could result in overregulation and potential restrictions on movement, although the city insists it is about providing more choices rather than limiting freedom.

## 2. Ottawa, Ontario

- What's Happening: Ottawa is integrating the 15-minute city model into its Official Plan, which aims to build dense, walkable neighborhoods. This involves significant changes to zoning laws and public transit systems.

- Criticism: Concerns have been raised about possible restrictions on mobility if the city enforces limitations on car usage to achieve the goals of the 15-minute city. However, the city has emphasized that the plan focuses on enhancing local access rather than imposing restrictions.

## 3. Vancouver, British Columbia

- What's Happening: Vancouver has long embraced principles of urban sustainability and is actively promoting 15-minute city elements within its Greenest City Action Plan. The city aims to create more complete communities by focusing on walkable neighborhoods, green spaces, and local amenities.

- Criticism: While the idea has broad support in Vancouver, there are still concerns about rising housing costs and how they might affect the affordability of living in these well-planned neighborhoods.

#### 4. Toronto, Ontario

- What's Happening: Toronto has started to integrate the 15-minute city model into certain parts of the city as part of its broader Toronto Green Standard. New developments are being planned with walkability and local services in mind.

- Criticism: Some concerns have been raised about potential gentrification, which could make these 15-minute communities less affordable and accessible for lower-income residents.

#### Conclusion

- Land Grabs: Cases such as Doug Ford's Greenbelt land swap and highway projects in Ontario have raised alarms about potential government-backed land grabs. The lack of transparency and public consultation in these decisions has heightened concerns about abuse of power and improper land use.

- 15-Minute Cities: While the 15-minute city concept is being embraced in several Canadian cities, including Edmonton, Ottawa, Vancouver, and Toronto, concerns about restrictions on mobility and the potential for gentrification persist. Although these plans aim to improve urban living, they are not without controversy, particularly when it comes to balancing freedom and sustainability

PART XI - Result of the Minister's failure to exercise his duty according to Common Law and statutes.

The actions you've described, such as municipal by-laws related to "land grabs" or the development of "15-minute cities," may raise legal concerns regarding property rights, freedom of movement, and individual liberty. Here's an overview of potential legal violations and why the Minister of Justice could be seen as responsible for addressing these concerns:

## 1. Potential Legal Violations by Municipalities

### a. Property Rights and Expropriation Laws

- **Violation of Property Rights:** Property rights in Canada are not as robustly protected under the Constitution as in some other countries. However, under the common law, individuals have the right to ownership and use of their property, and any expropriation or land grabs by municipalities must comply with expropriation laws.

- **Expropriation Acts:** In each province, there is an expropriation act (e.g., Ontario's Expropriations Act) that sets out the conditions under which government bodies, including municipalities, can take private property for public purposes. These acts generally require fair compensation for the property owner, and failure to comply with these provisions could be a violation of legal property rights.

- **Due Process:** Any municipal bylaw that severely limits property rights or freedom of movement must also provide due process, meaning fair



legal procedures (e.g., public consultations, avenues for appeals). If municipalities bypass these processes, they could face legal challenges.

b. Oversight of Municipal Powers

- While municipalities are creatures of provincial legislation, the Minister of Justice has an interest in ensuring that municipal actions do not violate federal laws, including the Constitution Act, 1982 which protects Common Law principles and Canadian Bill of Rights. If a municipality violates federal law or constitutional principles, the federal government can take legal action.

c. Access to Justice and Safeguarding Rights

- As part of their role, the Minister of Justice is responsible for ensuring that citizens have access to the courts to challenge any infringement of their rights. The Minister may be involved in providing support for individuals or groups who wish to challenge the legality of municipal bylaws in court.

d. Section 92 and 91 of the Constitution Act, 1867

- Municipalities derive their powers from provincial legislatures under Section 92 of the Constitution Act, 1867. However, the federal government retains certain jurisdictional powers under Section 91, including matters related to the administration of justice and potentially intervening in disputes involving federal law or constitutional principles.

### 3. Role of the Provincial Governments

It's important to note that municipalities fall under provincial jurisdiction, and provinces have the primary authority to create or amend the laws governing municipalities (e.g., the Municipal Act in Ontario). Therefore, the provincial Attorney General or Minister of Municipal Affairs may also play a significant role in reviewing and stopping any municipal actions that infringe on individual rights.

### Conclusion

Municipal actions like "land grabs" and the establishment of 15-minute cities could raise concerns about the violation of property rights, mobility rights, and personal liberty, depending on how the bylaws are implemented. The Minister of Justice has a responsibility to ensure that these actions comply with the Canadian Bill of Rights and broader constitutional principles that rest on Common Law. If municipalities or provinces overstep their legal authority, the Minister, can intervene to protect individual rights and prevent violations.

### Examples of Land Grabs in Canada

#### 1. Doug Ford's Greenbelt Land Swap - Ontario (2023)

- o What Happened: Ontario Premier Doug Ford's government removed 7,400 acres (approximately 3,000 hectares) of land from the protected Greenbelt area in southern Ontario, with the stated intention of building 50,000 new homes. This decision was met with heavy criticism due to the lack of transparency around the reasons for removing the land from the Greenbelt, and

there was no clear public benefit provided as justification.

- o Criticism: There was significant public outcry because the Ford government did not provide a clear explanation or public consultation on why these specific parcels were chosen for removal, leading to allegations of impropriety and favoritism towards developers. There were also concerns that the land could be used for purposes other than housing.

- o Result: After months of intense political pressure and media scrutiny, Doug Ford admitted the move was a mistake and reversed the decision to allow development on the Greenbelt land in September 2023. However, the lack of initial transparency regarding the land use fueled fears of further unchecked land grabs by the government.

## 2. Highway 413 and the Bradford Bypass - Ontario

- o What Happened: Premier Doug Ford's government has also been criticized for pushing ahead with controversial highway projects like Highway 413 and the Bradford Bypass, which would require large amounts of land expropriation, including protected areas in the Greenbelt.

- o Criticism: Environmental advocates have argued that these projects represent land grabs disguised as infrastructure development, threatening farmland, wetlands, and wildlife corridors. There has been little public disclosure about the full environmental and social impact of the projects, further fueling concerns.

### 3. Wetland Land Swap - Pickering, Ontario

- o What Happened: In another controversial case, the Ford government approved a land swap in Pickering, Ontario, where protected wetland was removed from the Greenbelt for development purposes, although the exact nature of the development was not disclosed clearly to the public.

- o Criticism: Critics accused the government of failing to provide a transparent justification for the land swap and raised concerns that it would harm the local environment without delivering promised benefits like affordable housing.

### Cities Accused of Land Grabs

1. Pickering, Ontario: The land swap involving protected wetlands for unspecified future development projects has drawn widespread accusations of a government-backed land grab.

2. Hamilton, Ontario: There have been significant public protests against urban boundary expansions that would result in farmland being converted into residential areas. Critics argue that these plans amount to land grabs by developers, with support from municipal governments.

3. Ottawa, Ontario: Similar debates have arisen over urban boundary expansions. In 2021, the city council voted to expand Ottawa's urban boundary, paving the way for the development of 1,281 hectares of farmland. Environmental groups and concerned citizens opposed the move, viewing it as a land grab.

### 15-Minute City Plans in Canada

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has emphasized that the plan focuses on enhancing local access rather than imposing restrictions.

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- Criticism: Some concerns have been raised about potential gentrification, which could make these 15-minute communities less affordable and accessible for lower-income residents.

### Conclusion:

- Land Grabs: Cases such as Doug Ford's Greenbelt land swap and highway projects in Ontario have raised alarms about potential

government-backed land grabs. The lack of transparency and public consultation in these decisions has heightened concerns about abuse of power and improper land use.

- 15-Minute Cities: While the 15-minute city concept is being embraced in several Canadian cities, including Edmonton, Ottawa, Vancouver, and Toronto, concerns about restrictions on mobility and the potential for gentrification persist. Although these plans aim to improve urban living, they are not without controversy, particularly when it comes to balancing freedom and sustainability

PART XI - Result of the Minister's failure to exercise his duty according to Common Law and statutes.

The role and duty of the Minister of Justice is to uphold the law, safeguard civil liberties, and ensure accountability within the government. However, across the topics mentioned, there is a recurring theme of inaction, disregard for fundamental rights, and failure to exercise appropriate scrutiny.

PART I & PART II reveal a lack of oversight regarding significant encroachments on personal liberties during the COVID-19 pandemic. Both federal and provincial measures imposed under the guise of public health seem to have escaped critical examination, particularly in areas where fundamental freedoms—such as freedom of movement, informed consent, and bodily autonomy—were compromised. It is not public knowledge that this scrutiny was not forthcoming by the Minister and neither is the Ministry respecting

freedom of information and privacy laws regarding what steps he did take to monitor these laws and mandates for their legality especially with regard to the Canadian Bill of Rights and Common Law.

PART III, concerning the Truckers' Convoy, highlights serious allegations of government overreach through the illegal invocation of the Emergencies Act. The resulting unlawful arrests, property damage, and rights violations represent a grave concern about the justice system's role in protecting citizens against governmental abuse.

PART IV to PART VIII further underline failures in the realm of accountability and transparency. The Office of the Information Commissioner's findings on procedural lapses, as well as the government's failure to act on various breaches of national security, contempt of Parliament, and Indigenous rights, demonstrate systemic neglect. The Minister of Justice's silence on issues such as electoral interference, the transfer of scientific secrets, and contemptuous behavior in Parliament raises profound questions about the impartiality of justice and the respect for democratic processes.

In sum, these incidents collectively suggest a troubling pattern: a Justice Ministry failing in its duty to scrutinize the government, uphold individual rights, and protect national interests. This undermines the rule of law and erodes public trust in democratic institutions. The Minister's role, as the guardian of justice,



appears compromised, showing a reluctance or inability to challenge executive overreach, defend civil liberties, or ensure that breaches of law are met with accountability.

The Minister of Justice has a fundamental responsibility to uphold the rule of law, ensure the government acts within its legal bounds, and protect the rights of citizens. Across the various topics outlined, a clear pattern emerges of systemic failure on multiple fronts, demonstrating a serious dereliction of these duties. Let's examine in more detail how the Minister failed in each of these critical areas:

#### PART I - No Scrutiny of the Federal Vaccine Mandates for Travel and Federal Government Employment

The implementation of federal vaccine mandates, which restricted travel and employment for unvaccinated individuals, raised serious concerns about the balance between public health measures and individual liberties. The Minister of Justice failed to provide any meaningful scrutiny or legal challenge to these mandates, neglecting the duty to ensure they were proportionate and justified under constitutional rights such as mobility and bodily autonomy. The absence of judicial review or independent inquiry suggests that the Ministry abdicated its responsibility to guard against government overreach.

#### PART II - No Scrutiny of Provincial Civil Liberties Violations During COVID-19

At the provincial level, severe COVID-19 measures—such as business closures, border restrictions, forced mask-wearing, and the imposition of vaccine passports—were enacted with little regard for civil liberties. These actions interfered with rights to movement, informed consent, and security of the person. The Minister of Justice failed to hold provinces accountable or ensure that these measures were subjected to proper legal scrutiny, further deepening the erosion of personal freedoms during the pandemic. The right to informed consent, a cornerstone of personal autonomy, was particularly neglected as no meaningful challenge was raised against mandates like forced mask-wearing and vaccine passports.

PART III - No Scrutiny of the Invocation of the Emergencies Act in the Truckers' Convoy  
Perhaps the most glaring failure was the Minister's lack of scrutiny over the federal government's invocation of the Emergencies Act during the 2022 Truckers' Convoy. This Act was designed to be used only in extraordinary circumstances when no other laws can address the situation. However, the peaceful nature of the protests and the government's disproportionate response—unlawful arrests, property damage, and suppression of rights—did not meet the threshold for such extreme measures. The Minister failed in his legal duty to ensure the government's actions complied with the law, allowing unconstitutional suppression of peaceful protest and due process violations. The absence of oversight facilitated abuses of power and

created a dangerous precedent for future protests and government responses.

#### PART IV - Office of the Information

##### Commissioner's Findings on Procedural Failures

The Information Commissioner found procedural failures related to transparency and access to information. This points to a broader failure of accountability within the government, a failure the Minister of Justice did not address. As a legal steward, the Minister had a duty to ensure that public institutions remained transparent and that citizens had access to the information they are entitled to under the law. By failing to act on these findings, the Minister allowed procedural lapses to persist, eroding trust in governmental transparency and accountability.

#### PART V & VI - Failure to Act on Contempt of Parliament and Indigenous Rights

The Minister also failed to act decisively when members of the government were accused of contempt of Parliament, specifically by disregarding parliamentary decisions and obstructing inquiries. This undermines democratic processes and disrespects parliamentary authority. In matters relating to Indigenous rights, the Minister did not take meaningful steps to uphold legal obligations or ensure justice, demonstrating a failure to prioritize reconciliation and respect for Indigenous sovereignty. These failures represent a breach of the Minister's duty to uphold the law impartially, regardless of political pressures.

## PART VII & VIII - Failure to Act on Breaches of National Security: Transfer of Scientific Secrets and Electoral Interference by China

Two significant national security concerns—one involving the alleged transfer of scientific secrets to the Chinese Communist Party and the other involving Chinese interference in Canadian elections—were not adequately addressed by the Minister of Justice. These breaches posed serious risks to Canada's sovereignty and democratic integrity. The Minister had a duty to ensure that these breaches were investigated thoroughly and that any legal infractions were prosecuted. However, the failure to pursue these cases with the necessary vigor reflects a lack of commitment to safeguarding national security and enforcing accountability at the highest levels of government.

### In Conclusion:

#### A Broader Failure of Justice

Throughout all of these areas, the Minister of Justice's primary failing has been a consistent reluctance to scrutinize, challenge, or hold the government accountable for its actions. Whether in matters of civil liberties, parliamentary authority, Indigenous rights, or national security, the Minister has demonstrated an unwillingness to perform the role of an independent guardian of justice. This pattern of inaction has created an environment where governmental overreach, abuses of power, and legal violations go unchecked, which not only compromises the rule of law but also erodes

public trust in the justice system and democratic institutions.

By failing to act on these significant breaches, the Minister has abdicated the very duties entrusted to the office: to protect citizens from injustice, ensure that government actions are lawful and constitutional, and uphold democratic principles. This systemic failure highlights a deep-seated issue within the role of the Minister of Justice, whose silence and inaction have contributed to a growing erosion of accountability in Canada.

If the Minister of Justice does not correct the systemic failures in addressing these issues, the consequences for Canadian democracy could be profound and far-reaching. Here's an outline of the potential impacts:

#### 1. Erosion of Rule of Law

The rule of law is foundational to any democracy, ensuring that all citizens and government bodies are equally subject to the law. The Minister of Justice, as the chief legal officer, is responsible for upholding this principle. However, the failure to scrutinize government actions, particularly in relation to COVID-19 mandates, the Truckers' Convoy, and national security breaches, sends a message that certain actions by the government may go unchecked.

- **Consequence:** If unchecked governmental overreach continues without accountability, it undermines the legal framework of the country. Citizens may begin to perceive the law as malleable or selectively applied, which weakens

the social contract that holds democratic institutions together.

## 2. Weakening of Civil Liberties

Civil liberties, such as freedom of movement, informed consent, and the right to peaceful protest, are fundamental to a functioning democracy. The lack of scrutiny on vaccine mandates, COVID-19 restrictions, and the government's invocation of the Emergencies Act against the Truckers' Convoy has already raised concerns about the encroachment on these rights. Without corrective action, these measures may set dangerous precedents for future infringements.

- **Consequence:** The continued erosion of civil liberties could lead to a normalization of state interference in personal freedoms. Citizens may become increasingly skeptical of government intentions and feel disempowered to challenge oppressive policies. In the long run, this undermines the sense of individual agency that is critical to a vibrant democracy.

## 3. Undermining of Democratic Institutions

The failure to act on contempt of Parliament, procedural failures, and Indigenous rights represents a weakening of the very institutions that uphold democracy. Parliament's authority is essential for maintaining a system of checks and balances on the executive branch. When contempt of Parliament goes unaddressed, it weakens Parliament's ability to hold the government accountable. Similarly, the failure to prioritize Indigenous rights undermines efforts

toward reconciliation and inclusiveness, two pillars of Canadian democracy.

- Consequence: Over time, unchecked disregard for parliamentary processes could erode confidence in democratic institutions. If the legislative branch is consistently undermined, it creates an imbalance of power where the executive operates with little restraint, shifting towards a more authoritarian style of governance. This could lead to widespread political disillusionment and decreased civic engagement.

#### 4. Compromise of National Security and Sovereignty

The Minister's failure to act on serious breaches of national security—such as the transfer of scientific secrets to foreign powers and electoral interference—poses a direct threat to Canada's sovereignty. Without a firm response to these issues, Canada risks becoming vulnerable to external influence and internal instability. The lack of decisive action on electoral interference, in particular, can compromise the integrity of the democratic process itself.

- Consequence: If these breaches are not addressed, foreign interference and influence could become normalized in Canada's political landscape. This would weaken public trust in elections, potentially destabilize future governments, and erode Canada's ability to govern independently. It could also invite further interference from external actors, as

Canada may be perceived as a "soft target" for manipulation.

#### 5. Loss of Public Trust in the Justice System

A justice system perceived as being politically compromised, or one that fails to hold those in power accountable, is detrimental to the public's faith in democracy. The Minister's inaction on various fronts, from civil liberties violations to national security breaches, to freezing bank accounts of peaceful protesters, risks creating the perception that the justice system serves political interests rather than justice itself.

- Consequence: When citizens lose trust in the justice system, they may become disillusioned with democracy as a whole. This could lead to increased political apathy, a rise in anti-government sentiment, or even radicalization as individuals or groups may feel that democratic channels for change and justice are no longer available to them. In extreme cases, this could foster social unrest and destabilize the political landscape.

#### 6. Dangerous Precedents for Executive Overreach

By not addressing issues like the illegal use of the Emergencies Act during the Truckers' Convoy, the Minister of Justice sets a precedent for future governments to overreach their authority in times of crisis. Executive overreach, when unchecked, can slowly erode the democratic framework and create an environment where governments feel empowered to bypass



constitutional rights and freedoms under the guise of crisis management.

- **Consequence:** The normalization of executive overreach could lead to a slow slide towards authoritarianism, where future governments may use emergency powers or similar legal loopholes to suppress dissent, limit free speech, and infringe on basic rights. In this scenario, democracy would exist in name only, while the actual governance would become more centralized and undemocratic.

## 7. International Reputational Damage

Canada has long been seen as a global leader in upholding democracy, human rights, and the rule of law. However, the failure of the Minister of Justice to address significant breaches of these principles may harm Canada's international standing. The failure to act on national security matters, particularly in relation to foreign interference, could also affect Canada's relationships with allies.

- **Consequence:** Canada risks losing its status as a respected defender of democratic values on the global stage. This could impact its influence in international organizations, weaken its diplomatic relationships, and make it harder for Canada to advocate for human rights and democracy globally. Moreover, international partners may lose confidence in Canada's ability to secure its own national interests, making the country more vulnerable diplomatically.

**Conclusion: Democracy at a Crossroads**

If the Minister of Justice fails to correct these matters, Canadian democracy faces a multi-

pronged threat. The erosion of civil liberties, weakening of democratic institutions, loss of public trust, and compromise of national security will not only damage the fabric of Canadian society but could also set a dangerous precedent for future governance.

The cumulative effect of these failures would not only hollow out democratic practices but could shift the country toward a governance system where executive power is unchecked, citizens' rights are diminished, and accountability is absent. To prevent this, immediate corrective actions are needed to restore the rule of law, protect civil liberties, ensure government accountability, and rebuild public trust in democratic institutions.

## Summary

### 1. Parliamentary Authority and Common Law

The summary emphasizes that Parliament, under Common Law, has held supreme authority since the Magna Carta of 1215. The Magna Carta established that the people, through Parliament, are the ultimate sovereign authority, not the monarch. This principle is vital because it ensures that laws are created by the people's representatives, safeguarding democracy and individual freedoms.

When Parliament fails to hold individuals in contempt of Parliament accountable—by arresting those who challenge its authority—it weakens its own power. This failure threatens the rule of law, which is foundational to democratic governance under Common Law. Essentially, Parliament's inaction signals that it is no

longer enforcing its authority, which in turn compromises its ability to govern effectively.

## 2. The Hierarchical Structure of Governance

This summary outlines the proper hierarchy in Canadian governance under Common Law:

- People/Parliament: At the top, representing the will of the people, and making the laws.
- Executive (Government): Below Parliament, responsible for executing the laws (includes the Department of Justice)
- Bureaucrats: Further down, responsible for implementing and administering government policies.

The courts are deliberately not placed within this hierarchy. Instead, they serve as independent referees, ensuring that legal processes are followed correctly, but they do not hold legislative power, nor can they override Parliament's authority under Common Law. Their role is critical to maintaining balance, but it is Parliament that must ultimately protect its authority.

## 3. Minister of Justice's Role

The Minister of Justice is identified as a crucial figure in upholding the integrity of the legal and parliamentary system. This summary stresses that the Minister must ensure those in contempt of Parliament face legal consequences, such as arrests. This enforcement is not only about preserving the authority of Parliament but also about maintaining public trust in democratic institutions. If the Minister fails to act, the authority of Parliament erodes, and

the balance of power shifts dangerously towards centralized government control, undermining democracy.

#### 4. Danger of Centralized Power

This summary warns that if immediate action is not taken to protect parliamentary authority, centralized power will ensue, threatening democracy. The idea is that without an accountable Parliament representing the people, power will concentrate in the executive branch, leading to dictatorship-like control. This shift undermines the centuries-old principle that the people, through Parliament, are the ultimate sovereign authority.

#### 5. Threats from Pierre Poilievre's Proposal

The mention of Pierre Poilievre and his promise to invoke Section 33 of the Charter of Rights and Freedoms (the notwithstanding clause) adds another layer of concern. Section 33 allows provincial or federal governments to override certain Charter rights temporarily. Poilievre's intent to use this clause to suspend long-standing rights, particularly those against cruel and unusual punishment and the right to reasonable bail (which are codified in the Canadian Bill of Rights), is seen as a direct threat to Common Law protections.

This use of Section 33 would override fundamental rights, representing a potential step toward authoritarianism by allowing the government to bypass established legal safeguards. The summary argues that such actions would not only violate individual rights but

also shift the balance of power away from Parliament (and, by extension, the people) toward a more centralized and unchecked government.

## 6. Cognitive Warfare and Psychological Operations Context

The concerns raised in this summary resonate with broader discussions around cognitive warfare and psychological operations (PsyOps). These are methods used to manipulate public perception and weaken the foundations of democratic governance by targeting cognitive vulnerabilities. By distracting the public from their historical rights under Common Law, cognitive warfare techniques can contribute to the erosion of parliamentary authority. This is significant because cognitive warfare often aims to create confusion, diminish trust in institutions, and pave the way for centralization of power or authoritarian control.

By shifting focus to issues such as getting tough on crime by the use of Section 33 to override rights like protection for cruel and unusual treatment as defined by the Supreme Court is a form of cognitive manipulation that is meant to lead people to accept or overlook actions that erode their sovereign authority under Common Law. This erosion of public awareness plays into the hands of those seeking greater centralized dictatorships and control, which the summary warns against.

## Conclusion

In essence, this summary argues that inaction on contempt of Parliament, along with proposed uses of the notwithstanding clause, threatens to dismantle the centuries-old system of parliamentary supremacy under Common Law. This would lead to a concentration of power, undermining individual rights and democratic governance, while weakening the role of Parliament as the ultimate representative of the people. The need for the Minister of Justice to act decisively is framed as essential to preserving democracy and preventing the rise of a centralized, authoritarian government.

#### Notice of Liability

By this notice, you are personally and professionally liable for any and all damages caused by your inaction, including the infringement of fundamental rights, the failure to provide timely and accurate information, the breach of national security, and the erosion of parliamentary authority and rule of law.

Should no corrective action be taken within 14 days of this notice, we reserve the right to pursue all available legal remedies, including but not limited to formal complaints, judicial review, legal action for breach of duty, and criminal prosecution for your breaches of national security.

Sincerely,

Dana-lee Melfi

5477 Matawatchan Rd Griffith Ont.

Dana\_lee\_ca@Hotmail.com

613-570-8990

Supporting documents can be found  
www.peace-man.ca/nol<<http://www.peace-man.ca/nol>> and www.peace-man.ca/atip<<http://www.peace-man.ca/atip>>  
[[https://img1.wsimg.com/isteam/ip/ab4b6493-1c16-484d-8c1b-e36a5d0e4123/project\\_20240911\\_0736595-01.jpg](https://img1.wsimg.com/isteam/ip/ab4b6493-1c16-484d-8c1b-e36a5d0e4123/project_20240911_0736595-01.jpg)]<<http://www.peace-man.ca/atip>>  
Peace-Man.ca<<http://www.peace-man.ca/atip>>  
You can find the interactive documented path at  
... ACCEPTABLE?  
www.peace-man.ca

#### Legal References:

- Canadian Bill of Rights (R.S.C. 1960, c. 44):
  - Section 1: Affirms the rights of individuals to life, liberty, and security of the person, as well as the right to travel and move freely within Canada.
  - Section 3(1): Imposes a duty on the Minister of Justice to examine every proposed law and regulation to ensure its consistency with the Canadian Bill of Rights.
- Parliament of Canada Act (R.S.C., 1985, c. P-1): Affirms Parliament's inherent authority to hold individuals in contempt and enforce its own orders, including through the power to arrest.
- Office of the Information Commissioner

Findings: The OIC identified procedural failures in handling access requests regarding the federal vaccine mandates, violating paragraphs 30(1)(a) and 30(1)(f) of the Access to Information Act.

- Canadian Security Intelligence Service Act (R.S.C., 1985, c. C-23): Grants powers to protect Canada from espionage and security threats.
- Security of Information Act (R.S.C., 1985, c. O-5): Governs unauthorized sharing of sensitive information, making it a criminal offense.
- Canada Elections Act (R.S.C., 2000, c. 9): Prohibits foreign interference in Canadian elections and ensures prosecution of such offenses.