



June 30, 2021

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The City of Calgary-City Council
800 Macleod Trail SE
Calgary, Alberta

Attention: All City of Calgary Councillors, Mayor Nenshi and City Clerk

RE: END THE MASK BYLAW

Lawyers 4 Truth advocates for the constitutional and statutory human rights of individuals to show their face. We write to you to demand that the City of Calgary Council (“Council”) immediately terminate masking of any sort for Calgarians. The Province of Alberta will enter Stage 3 of their reopening plan, effective July 1, 2021, which will, *inter alia*, remove the indoor mask wearing requirement in Alberta. Other major Cities in Alberta, including the City of Edmonton, will also be eliminating their mask bylaw effective July 1. The Province of British Columbia will enter Stage 3 of reopening and will not require masks to be worn.

We understand the unsupported opinion of Dr. Raj Bhardwaj is the sole source of evidence being relied upon by Council in making the decision about whether to continue with the mask bylaw. Dr. Bhardwaj is not a virologist, epidemiologist or respirologist, which may explain why he appears to be ignorant of the scientific reality that MASKS DO NOT PREVENT THE TRANSMISSION OF A VIRUS AND CAUSE HARM. If Council has been provided with any other evidence in support of mandated masks, we demand that you immediately provide us with such evidence.

We request that you consider other, more qualified experts who are better positioned to advise Council. We attach for your reference and consideration, the opinion of Dr. Dang, a Calgary respirologist, who corroborates that mask wearing is nonsense. This opinion only scratches the surface of the scientific evidence refuting the efficacy and safety of masks.

We have also been advised that Council will not allow for public consultations and is not likely to rely on other evidence in making this decision. In a purportedly free and democratic society, the fact that Council would intentionally restrict Calgarians from having their voices heard on this subject, including restricting evidence from qualified doctors and experts, is deplorable.

Your masking Bylaw is unconstitutional and a violation of the human rights and freedoms of Calgarians. This unreasonable restriction is a violation of sections 2(a), 2(b), and 7 of the *Canadian Charter of Rights and Freedoms* (the “Charter”).

Pursuant to section 52(1) of the *Constitution Act, 1982*, and as confirmed by the Supreme Court of Canada, “the Constitution of Canada is the supreme law of Canada”. All legislation, regulations,

orders, government decisions, and government action, including municipal bylaws, are subject to the Constitution.

The Constitution of Canada includes the *Charter*. The *Charter* constitutionalizes and thereby guarantees particular rights and freedoms, such as the four fundamental freedoms of conscience and religion, thought, belief, opinion and expression, peaceful assembly, and association. Section 52(1) of the Constitution provides that “any law that is inconsistent” with the *Charter* “is, to the extent of the inconsistency, of no force or effect.” The Impugned Bylaw is subject to *Charter* scrutiny and to s. 52(1) of the Constitution if it is not *Charter*-compliant.

Section 1 of the *Charter* permits government to limit or infringe *Charter*-protected rights in narrow circumstances. *Charter* rights can only be limited by laws that are “demonstrably justified in a free and democratic society”. The burden of proof regarding the limitation of *Charter* rights lies with the government that enacted the impugned law.

To date, no government in Alberta has been brave enough to present any cogent evidence to support their unscientific and unjustified public health mandates. At this juncture, it appears such evidence does not exist.

We were born with certain inalienable rights. The right to breathe freely. The right to express oneself freely. The right to associate and communicate. The right to bodily autonomy. The right to informed consent regarding medical interventions. Face coverings inhibit most, if not all, of the rights and freedoms that safeguard our human dignity, rights and inalienable freedoms. It follows that no man or woman can force or coerce another man or woman to wear any type of face covering.

Council’s current Bylaw recognizes that exceptions are permitted if a person cannot wear a mask and that no proof is required to demonstrate this exception. We note that you expressly state the following on your website:

“Proof is not required if someone has an exception. Businesses are not expected to enforce the bylaw or deny services as not everyone is required to wear a face covering.”¹

You have misled Calgarians to believe this is a mandatory Bylaw, when in fact, exceptions are permitted. To date, the failure on the part of Council to highlight this exception for Calgarians in press conferences and on government mandated propaganda posters has caused strife, conflict and division. As “leaders” and ELECTED representatives who are entrusted to represent our Community, you receive a *failing grade* for continuing to perpetuate fear rather than leading our Community to a positive resolution.

Not all disabilities are visible, and no person should be empowered to coerce or impose an obligation on another person for which they are exempt. We believe you know this, which is why you contradicted yourself on your website. This conduct proves that the province and municipalities share awareness of the legal exemptions and human rights the Orders and Bylaws are subject to by the provisions of the *Charter* and the *Human Rights Act*. Your abject failure to refuse to honor the inherent rights and freedoms of the citizens who elected you is unacceptable.

1 <https://www.calgary.ca/csps/cema/covid19/safety/covid-19-city-of-calgary-mask-bylaw.html>

Masking Requires Informed Consent

The alleged need for the use of masks is to limit the spread of a deadly virus. Any requirement imposed on a person to wear a face covering is a medical intervention for which informed consent by the individual is required.

Clearly, the City of Calgary, businesses and their staff have not conducted adequate due diligence and are not qualified to inform a person of the risks of mask usage and obtain informed consent. Anyone being asked to wear a mask should first be assessed, with the individual risks explained to them, and then, only if they consent, could they be asked to wear a mask. An individual has domain over one's body to determine whether a mask is appropriate. If an individual believes he or she is exempt from wearing a mask, the individual is exempt. It is not within the scope of authority for any level of government to interfere with autonomy over one's own body.

Summary

The supreme laws of Canada are the *Constitution* and the *Charter* that codify our fundamental rights and freedoms - not the discretionary whims of government officials or politicians. The City of Calgary mandatory mask Bylaw is a contravention of these Constitutional rights. This letter constitutes formal notice that if you do not forthwith end the mandatory masking Bylaw in Calgary, we will file an action against the City of Calgary in the Court of Queen's Bench of Alberta to terminate this Bylaw. Effective July 1, 2021, Council will no longer be able to use the Province of Alberta's draconian Orders to justify the use of this Bylaw.

We trust you will govern yourselves accordingly.

Yours truly,
Lawyers 4 Truth



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Enclosures