

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
REGIONAL SENIOR JUSTICE B. G.)
THOMAS)

WEDNESDAY, THIS 15TH
DAY OF SEPTEMBER 2021

B E T W E E N:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Applicant (Responding Party)

- and -

**THE CHURCH OF GOD (RESTORATION) AYLMEER, HENRY HILDEBRANDT,
ABRAM BERGEN, JACOB HIEBERT, PETER HILDEBRANDT, SUSAN MUTCH,
ELVIRA TOVSTIGA and TRUDY WIEBE**

Respondents (Moving Parties)

ORDER

THIS MOTION made by the Respondents/Moving Parties, the Church of God (Restoration) Aylmer et al., to vary the Order of this Honourable Court dated 14 May 2021 directing the Sheriff of Elgin County to cause locks to be placed on the exterior doors of the building at 751 John Street North in Aylmer, Ontario (the “Church Property”) was heard this day by videoconference in St. Thomas, Ontario.

UPON READING the motion record of the Moving Parties, filed, and upon hearing the submissions of counsel for the parties, and upon being advised that the matter be on consent:

1. **THIS COURT ORDERS** that the Sheriff of Elgin County be and is directed to take such steps as may be necessary to return the Respondents' access to the building upon the Applicant confirming to the Sheriff that the Respondents have met the following conditions:
 - a. The Respondents shall implement and adhere to the COVID Safety Plan attached hereto as Schedule "1" (the "Safety Plan");
 - b. The Respondents shall provide proof to the Applicant that the Safety Plan has been posted on the exterior entrances of the building on the Church Property; and
 - c. The Respondents shall take all necessary steps to retain a locksmith and arrange a date and time for the removal of the locks that is mutually acceptable to the Sheriff of Elgin County.

2. **THIS COURT ORDERS** that the Respondents bear any and all costs associated with the replacement of locks on the Church Property.

3. **THIS COURT ORDERS** that the Applicant shall reasonably cooperate with the Respondents in facilitating the requirements of this order.

4. **THIS COURT ORDERS** that the Respondents, their servants, employees, agents, assigns, officers, directors and anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this order, shall comply with Ontario Regulation 364/20 in respect of gatherings for the purpose of a religious service, rite or ceremony at, inside or in conjunction with the operations of the Church of God (Restoration) Aylmer, as well as any other COVID-19 public health measures or guidelines applicable thereto.

5. **THIS COURT ORDERS** that the Respondents, their servants, employees, agents, assigns, officers, directors and anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this order, shall comply with any other continued section 7.0.2 order as defined in the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, S.O. 2020, c 17 that may apply to the Church from time to time in respect of gatherings for the purpose of a religious service, rite or ceremony at, inside or in conjunction with the operations of the Church of God (Restoration) Aylmer, as well as any other COVID-19 public health measures or guidelines applicable thereto.

 6. **THIS COURT ORDERS** that the parties bear their own costs of this motion.

 7. **THIS COURT ORDERS** that notwithstanding Rule 59.05 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, this Order is effective from the date that it is made and is enforceable without any need for entry and filing. In accordance with Rules 77.07(6) and 1.04, no formal Order need be entered and filed unless an appeal is brought to an appellate court. Any party may nonetheless submit a formal Order for original signing, entry and filing when the Court returns to regular operations.
-

Church of God – Aylmer COVID-19 Safety Plan

September 15, 2021

This Safety Plan is available on our website. A hard copy of this document is also posted on the doors of our building and will be posted on the bulletin boards as people enter and exit the premises. The Safety Plan will be reviewed and updated regularly, as required by any changes in applicable law.

The Safety Plan is shared with all staff and volunteers at the church. Contractors and suppliers who may need to access our building are referred to our website for a copy of the Safety Plan.

At the time of this Safety Plan, regular in-person worship has been moved outdoors for the foreseeable future.

Masks/Face Coverings

Requirements

Please be advised that, in accordance with the requirements of the Government of Ontario, under the Rules for Step 3 (O. Reg 364/20), masking requirements are as follows:

- Every person shall wear a mask or face covering in a manner that covers their mouth, nose and chin during any period in which they are in attendance at an indoor organized public event;
- The face covering requirement does not apply to those who have one of the exemptions listed under Schedule 1, Section 2, Subsection 4 of "O. Reg. 364/20: Rules For Areas At Step 3"; and
- For greater certainty, it is not necessary for a person to present evidence to the person responsible for a business or place that they are entitled to any of the exceptions set out in Schedule 1, Section 2, Subsection 4, according to Schedule 1, Section 2, Subsection 6 of "O. Reg. 364/20: Rules For Areas At Step 3".

Measures

- A box of masks is available at each entrance of the facility.
- Attendees do not have to wear a mask or face covering if they are:
 - (a) a child who is younger than two years of age;
 - (b) attending a school or private school within the meaning of the *Education Act* that is operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health;

- (c) attending a child care program at a place that is in compliance with the child care re-opening guidance issued by the Ministry of Education;
 - (d) attending a day camp or overnight camp for children that is in compliance with section 19 of Schedule 2;
 - (e) performing or rehearsing in a film or television production or in a concert, artistic event, theatrical performance or other performance;
 - (f) someone with a medical condition that inhibits their ability to wear a mask or face covering;
 - (g) unable to put on or remove their mask or face covering without the assistance of another person;
 - (h) needing to temporarily remove their mask or face covering while in the indoor area,
 - (i) to receive services that require the removal of their mask or face covering,
 - (ii) to engage in an athletic or fitness activity,
 - (iii) to consume food or drink, or
 - (iv) as may be necessary for the purposes of health and safety;
 - (i) being accommodated in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*;
 - (j) being reasonably accommodated in accordance with the *Human Rights Code*; or
 - (k) performing work for the business or organization, is in an area that is not accessible to members of the public and is able to maintain a physical distance of at least two metres from every other person while in the indoor area.
- In keeping with Schedule 1, Section 2(6) of O. Reg. 364/20, proof of an exemption will not be required for those who are not wearing a face covering.
 - The goal of our safety plan with respect to masking is to comply with O. Reg. 364/20 and all applicable local by-laws and directions from the Southwestern Public Health Unit and to educate and remind congregants and guests on what the government requirements are as well as make masks available to those who require one.

Physical Distancing

Requirements

Please be advised that, in accordance with the requirements of the Government of Ontario, under the Rules for Step 3 (O. Reg 364/20), physical distancing requirements are as follows:

- The number of persons occupying any room in the building must be limited to the number that can maintain a physical distance of at least two metres.

- Every member of the public in an indoor facility that is open to the public shall maintain a physical distance of at least two metres from every other person, except from their caregiver or from members of the person's household.

Measures

- Additional seating shall be setup for Sunday services, as well as for Wednesday evening services and Saturday prayer services as required to accommodate physical distancing requirements.

Capacity Restrictions

Requirements

Please be advised that, in accordance with the requirements of the Government of Ontario, under the Rules for Step 3 (O. Reg 364/20), capacity restrictions are as follows:

- The numbers of persons occupying any room in the building while attending the gathering must be limited to the number that can maintain a physical distance of at least two metres from every other person in the room.

Measures

- If services are held indoors, there will be (at least) two worship services on Sundays, as well as additional services for Wednesday evenings and Saturday prayer services as required to ensure for physical distancing and to accommodate current capacity limits based on the physical distancing calculations mentioned above.
- All other church and community related functions will also follow physical distancing requirements and capacity restrictions.

Screening

Requirements

Please be advised that, in accordance with the requirements of the Government of Ontario, under the Rules for Step 3 (O. Reg 364/20), it is requested that you self-screen and stay home if you expect that you have COVID-19 or are experiencing any of the following symptoms of COVID-19:

- Fever or chills
- Dry Cough or barking cough*
- Difficulty breathing or shortness of breath* (not related to other known causes such as asthma)
- Digestive issues like vomiting or diarrhea*

- Runny nose or nasal congestion* (not related to other known causes)
- Recent loss of taste or smell
- Sore throat*
- Pink eye*
- Headache that's unusual or long lasting*

* If these symptoms are due to seasonal allergies or some other known condition (e.g. asthma, neurological disorder, insomnia, IBS, IBD, thyroid dysfunction, etc.) then you are not required to self-isolate.

Please also be advised that, in accordance with the order made by the then associate Medical Officer of Health on October 6, 2020, persons who (i) are a confirmed case or probable case of COVID-19; (ii) have the signs and symptoms of COVID-19, have been tested for COVID-19 and are awaiting the results of their test; or (iii) are a close contact of a person identified in (i) even if they do not themselves have any symptoms of COVID-19 must isolate themselves without delay and remain in isolation from all persons.

Measures

- These screening requirements are posted at each entrance in order to notify congregants, employees, and essential workers of how to actively self-screen themselves before they enter the building in accordance with Section 2(3).

Cleaning and Disinfecting

Requirements

Please be advised that, in accordance with the requirements of the Government of Ontario, under the Rules for Step 3 (O. Reg 364/20), cleaning and disinfecting requirements are as follows:

- The person responsible for a place that is open shall ensure that,
 - Any washrooms made available to the public are cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.
 - Any equipment that is provided for the use of members of the public must be cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.

Measures

- The facility, including all washrooms and common areas, is thoroughly cleaned each week using approved disinfectant products prior to religious services and community gatherings.

Hand Hygiene

- Hand sanitizer is available right inside the doors at both the front and back of the building to those entering and exiting. It is also available in the washrooms.
- It is recommended that you wash your hands and use hand sanitizer regularly in keeping with good hygiene practices.
- It is recommended that you avoid touching your face (specifically your eyes, nose, and mouth) as much as possible.
- It is recommended that you cover your mouth when coughing, sneezing, and yawning by doing so into the bend of your arm, not your hand.

General Compliance

The Elders of Aylmer Church of God will continue to monitor the applicable laws and advice, recommendations and instructions issued by public health officials and will implement necessary changes.

Enforcement

The Elders of Aylmer Church of God will address any potential violations of this Safety Plan in light of public health laws, regulations, orders and directions.

**HER MAJESTY THE QUEEN IN RIGHT
OF ONTARIO**

**and
THE CHURCH OF GOD
(RESTORATION) AYLMER, et al.**

Court File No. CV-21- 000008-00

Applicant (Moving Party)

Respondents (Responding Parties)

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
ST. THOMAS

ORDER

MINISTRY OF THE ATTORNEY GENERAL

Crown Law Office – Civil
720 Bay Street, 8th Floor
Toronto, Ontario M7A 2S9
Tel: 416-326-4008

Connie Vernon, LSO #43385J
416-605-8234; Connie.vernon@ontario.ca

Lisa Brost, LSO # 49279G
416-529-3031; Lisa.brost@ontario.ca

Domenico Polla, LSO # 63820G
647-242-8176; Domenico.polla@ontario.ca

Counsel for the Applicant (Moving Party), the
Attorney General of Ontario