



This is the 1st Affidavit
of DANIEL HOGAN in this case
and was made on ~~4/Dec/2022~~
No. Jan/2023
KELOWNA REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CITY OF KELOWNA

PETITIONER

AND:

**UNKNOWN PERSONS OPERATING AS "COMMON LAW
EDUCATION AND RIGHTS", DAVID LINDSAY, JOHN DOE, JANE
DOE, AND PERSONS UNKNOWN**

RESPONDENTS

AFFIDAVIT

I, DANIEL HOGAN of 1435 Water Street, Kelowna, BC, civil servant, AFFIRM THAT:

1. I am a Bylaw Enforcement Officer for the City of Kelowna in this matter. I have personal knowledge of the matters hereinafter deposed to save and except where those matters are stated to be based on information and belief, and to such latter matters I verily believe the same to be true.
2. On September 11, 2021, together with acting Senior Bylaw Officer Whapshare, I attended Stuart Park at 1430 Water Street, Kelowna BC, in the course of my duties as a Bylaw Officer employed by the City to observe the Freedom Rally, which is an event that had been occurring every Saturday for the last several weeks in Stuart Park and surrounding streets, without a permit.
3. I was aware through an advertisement posted on the website "Facebook" that the "Freedom Rally" would take place on September 11, 2021 from 12:00 to 2:00 p.m. at Stuart Park. Attached as Exhibit "A" to this Affidavit is a true copy of a screenshot I took of the Facebook event posting.


4. Prior to attending Stuart Park around 11:15 a.m., I viewed this area through City park camera and saw David Lindsay bringing electronic equipment up to the lower stage or plaza at Stuart Park, below the bear statue and across from City Hall. He brought up two large amplified speakers along with a microphone and a generator to run the equipment. I recognized Mr. Lindsay from previous inspections of the same event, as it has been occurring for several consecutive weeks at Stuart Park. I also observed several tables set up near the stage, where one male was selling merchandise such as T-shirts and hats with logos that appeared to be associated with the Freedom Rally. Attached as Exhibit "B" to this Affidavit are true copies of 4 screenshots captured through City park cameras, showing this merchandise sale.
5. At around 12:30 p.m., I observed Mr. Lindsay and other speakers using a microphone that used the electronic amplified equipment to broadcast their voices through Stuart Park. I counted roughly 100 attendees at the event. Mr. Lindsay spoke about "running another group out to the Highway" to protest. Attached as Exhibit "C" is a true copy of 4 photographs that I took of the Freedom Rally Event that day, some of which depict a sign set up that stated "Freedom Rally @ 12 – Across City Hall" (the "Event Sign").
6. I also observed the booth where merchandise and t-shirts were being sold, as I had seen on the City park cameras.
7. I checked the City's Service Request System to determine whether a permit was granted for the Freedom Rally event to occupy Stuart Park that day, but no such permit was listed as being issued.
8. I determined that Mr. Lindsay was in violation of sections 3.3 and 3.8 of the City of Kelowna Parks and Public Spaces Bylaw, No. 10680, 2017, as well as section 7.3 of the City of Kelowna Good Neighbor Bylaw, No. 11500, 2018. I issued bylaw offence notices to Mr. Lindsay for these violations on September 11, 2021.

9. In a previous encounter with Mr. Lindsay on September 4, 2021, I advised him to apply to the City for an event permit, and, if the permit is granted, he may be allowed to use Stuart Park without breaching the above bylaws.
10. Mr. Lindsay continues to organize and conduct the Freedom Rally Events every Saturday at Stuart Park and surrounding highways in the City, without a permit, in contravention of the City's bylaws.
11. On October 22, 2022, I attended at City Hall, across the street from Stuart Park, at approximately 11:15 am. I observed that David Lindsay was in attendance at the Stuart Park plaza stage area in front of the Bear statue, setting up audio equipment for a PA system and connecting extension cables to power this equipment. Multiple other individuals were setting up signs and two tents nearby, which appeared to be associated with the Freedom Rally event. One of the tents was the C.L.E.A.R tent, and the other was a red tent with a Canadian Maple leaf. Attached as Exhibit "D" to this Affidavit are true copies of 6 photographs I took of the event being set up that day.
12. At approximately 12:15 pm, David Lindsay began to speak through the microphone he had set up at Stuart Park. I could clearly hear this amplified sound across the street at City Hall across the road and from other areas in the park. David Lindsay spoke throughout most of the event, which was attended by approximately 50 – 80 people that day. Attached as Exhibit "E" to this Affidavit is a true copy of a photograph I took of the event that day.
13. I checked the City's internal file system to see if there were any permits issued for an event in Stuart Park that day, and confirmed that there were not.
14. While I was in attendance at Stuart Park that day, several people not associated with the C.L.E.A.R event stopped to talk to me and questioned why this was allowed or still allowed to be happening in the City Park.

- 15. Several people who appeared to be associated with the C.L.E.A.R event periodically attempted to park on the yellow curb and in front of the fire hydrant along the road between Stuart Park and City Hall. I directed them to leave.
- 16. I also observed a female person dressed in a "Freedom Rising" hooded sweatshirt putting graffiti associated with the event on the sidewalk of Stuart Park. I approached this person and attempted to advise her that she was graffiti-ing City property and that this was a bylaw offence. Several other people attending the event began to argue and become confrontational with me regarding this issue, refusing to accept that this activity was not permitted. Attached as Exhibit "F" to this Affidavit is a true copy of a photograph taken by a BC Commissionaire who was accompanying me at that time, which shows this person applying the graffiti to the sidewalk.
- 17. I was advised by the City's Community Safety Advisor Scott Isfan that this person also applied graffiti to other locations in the Park that day. Attached as Exhibit "G" to this Affidavit is a true copy of three screenshots from City park security camera footage, which show the same person I saw, appearing to apply graffiti in the area of the Stuart Park plaza stage during the setup for the Freedom Rally event that day.
- 18. The event attendees and organizers began to disperse around 1:30 p.m. that day.

AFFIRMED BEFORE ME at Kelowna,
 British Columbia, on ~~4/Dec/2022~~
 Jan/2023

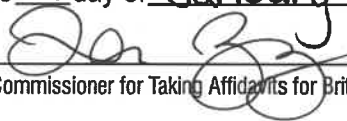

 A Commissioner for taking Affidavits for British Columbia


 DANIEL HOGAN

Laura Bentley, DEPUTY CITY CLERK

LAURA BENTLEY
 A COMMISSIONER FOR TAKING
 AFFIDAVITS FOR BRITISH COLUMBIA
 1435 Water Street, Kelowna, B.C.

This is Exhibit " A " referred to in the
Affidavit of Daniel Hogan
sworn (or affirmed) before me at
Kelowna, BC
this 4 day of January 2023.


A Commissioner for Taking Affidavits for British Columbia





 C.I.E.A.R. Rally *Resistance Is Not Futile!*

RISE UP TO END THE MANDATES
KELOWNA
FREEDOM RALLY

STUART PART 12:00 - 2:00 PM SATURDAY SEP • 11 • 2021 MARCH TO HWY BRING SIGNS!



 Visit the COVID-19 Information Center for vaccine resources.
[Get Vaccine Info](#) 

 21

3 Shares



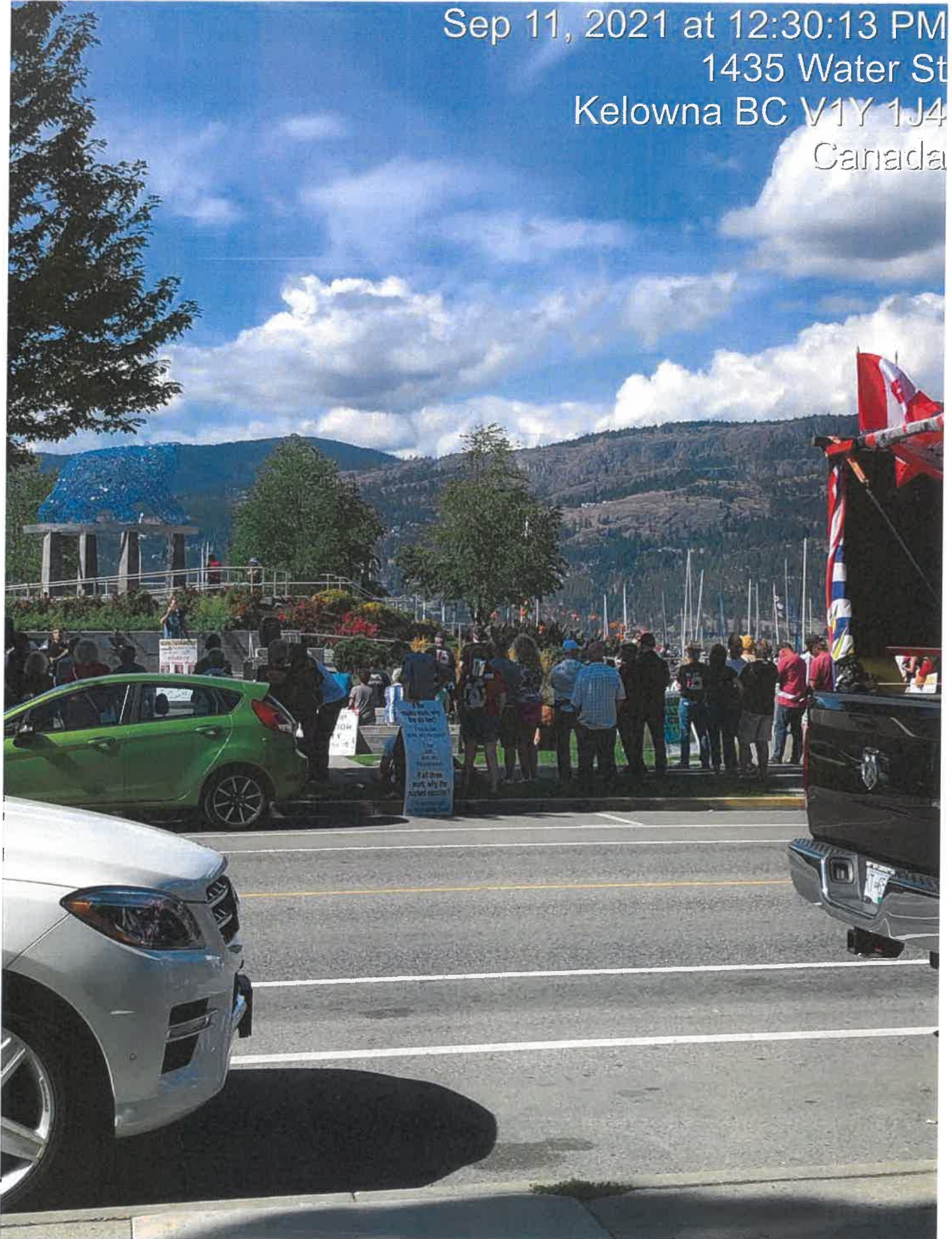
oni South West

-Zamboni South West

This is Exhibit " C " referred to in the
Affidavit of Daniel Hogan
sworn (or affirmed) before me at
Kelowna, BC
this 4 day of January 2023
Des 33
A Commissioner for Taking Affidavits for British Columbia



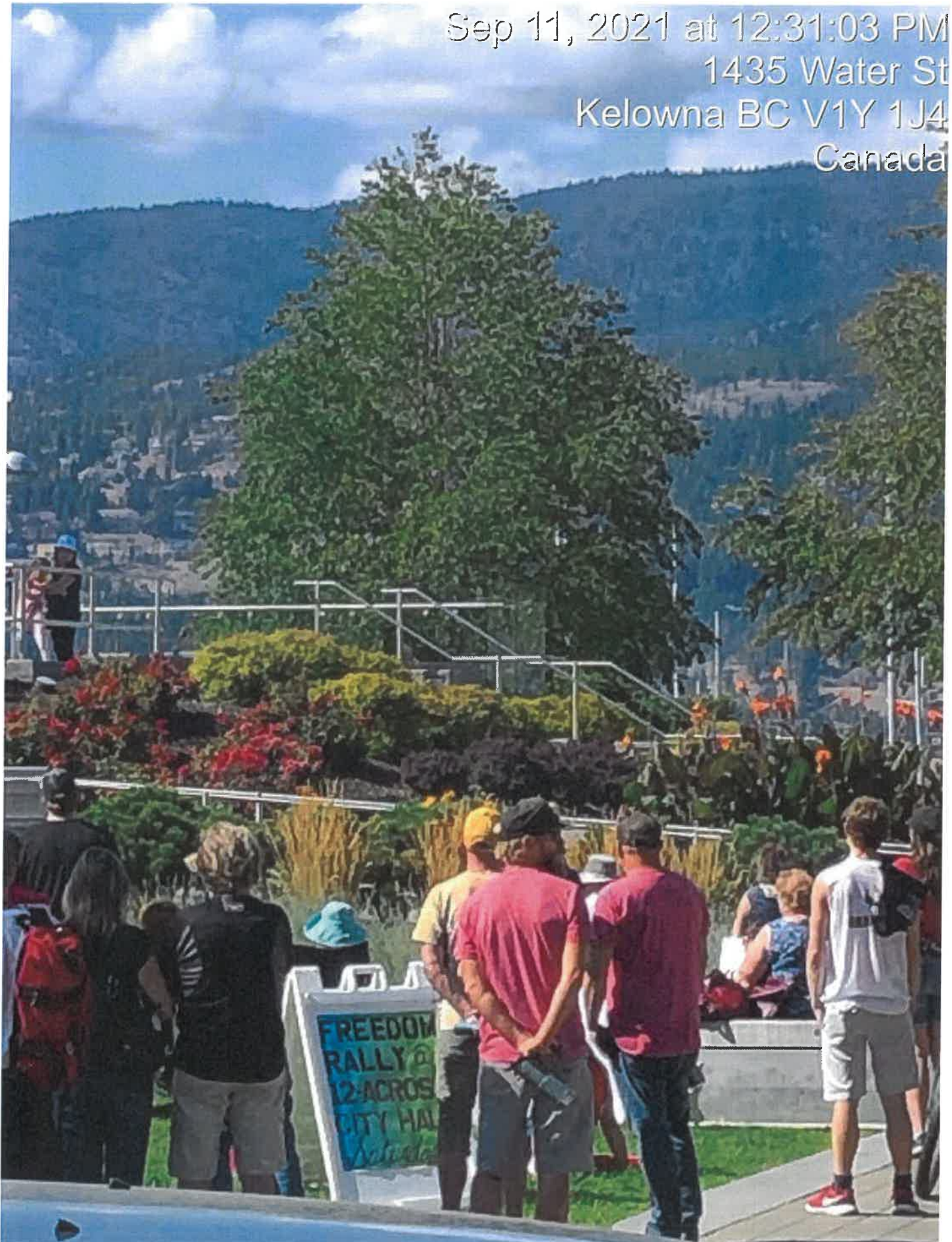
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1435 Water St
Kelowna BC V1Y 1J4
Canada



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1435 Water St
Kelowna BC V1Y 1J4
Canada



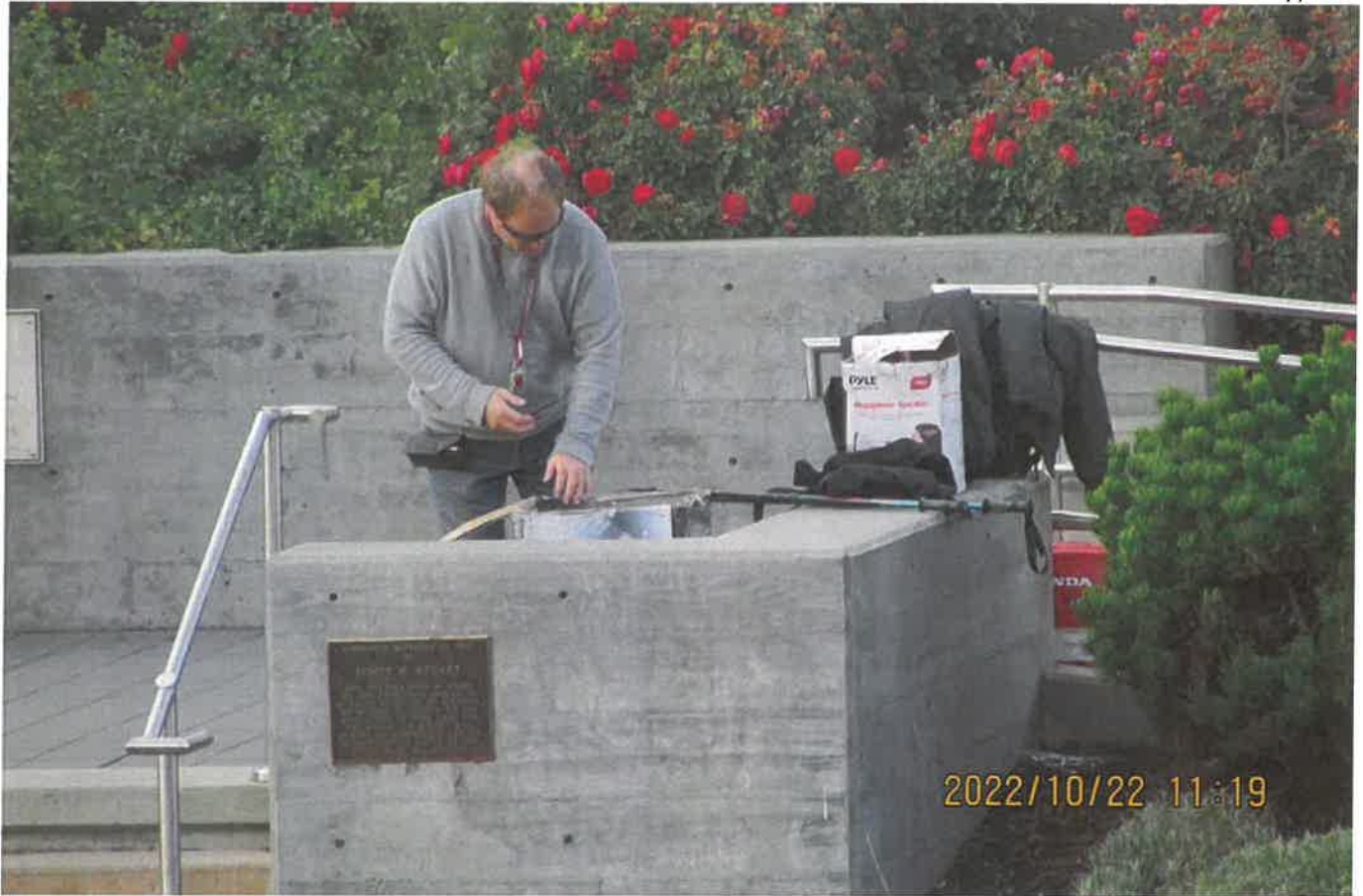
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Kelowna BC V1Y 1J4
Canada

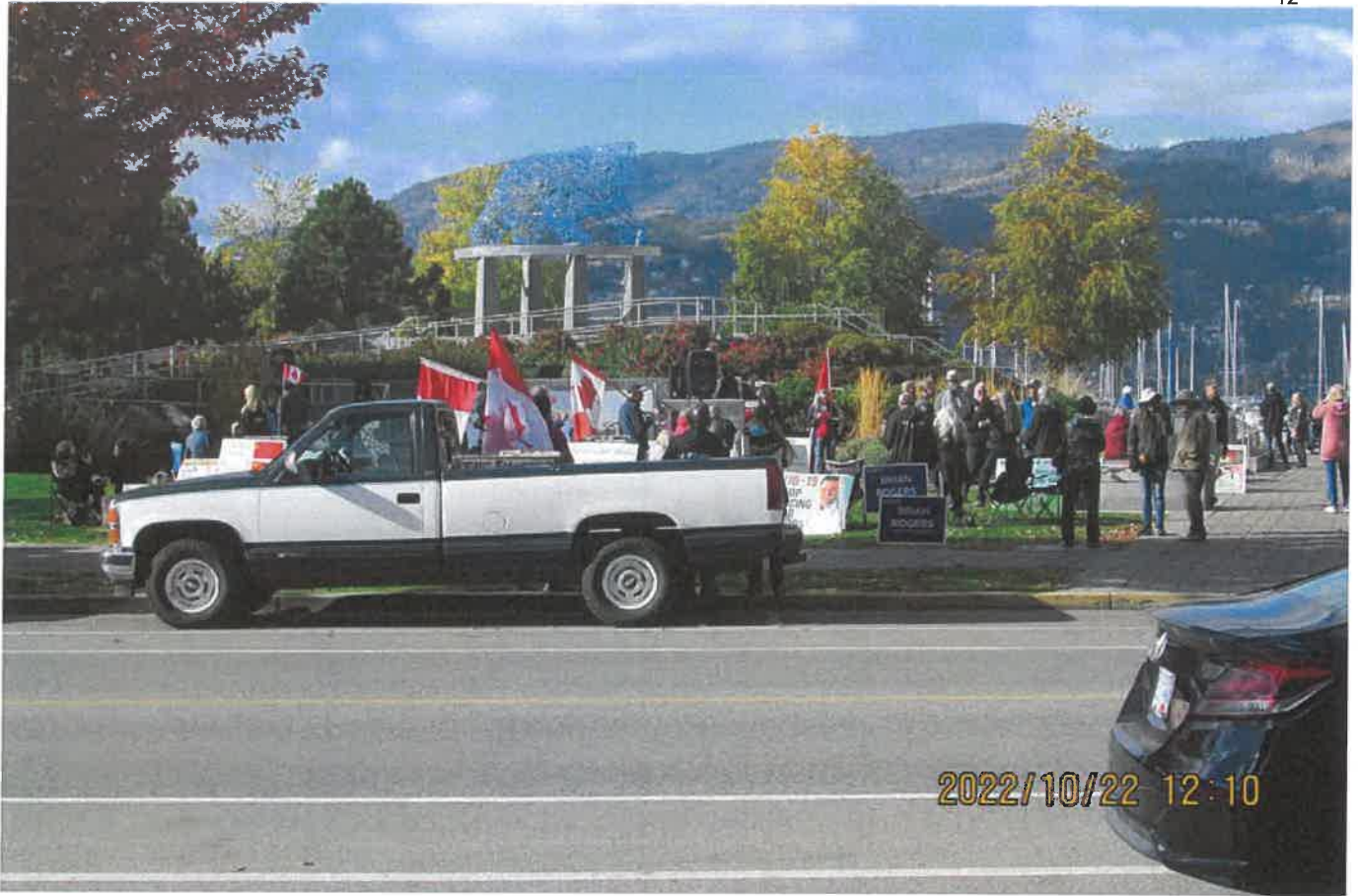




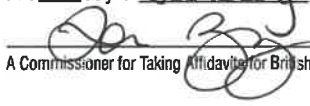
This is Exhibit "D" referred to in the Affidavit of Daniel Hogan sworn (or affirmed) before me at Kelowna, BC this 4 day of January, 2023.
[Signature]
 A Commissioner for Taking Affidavits for British Columbia







This is Exhibit " E " referred to in the
Affidavit of Daniel Hogan
sworn (or affirmed) before me at
kelowna, BC
this 4 day of January 2023.
[Signature]
A Commissioner for Taking Affidavits for British Columbia

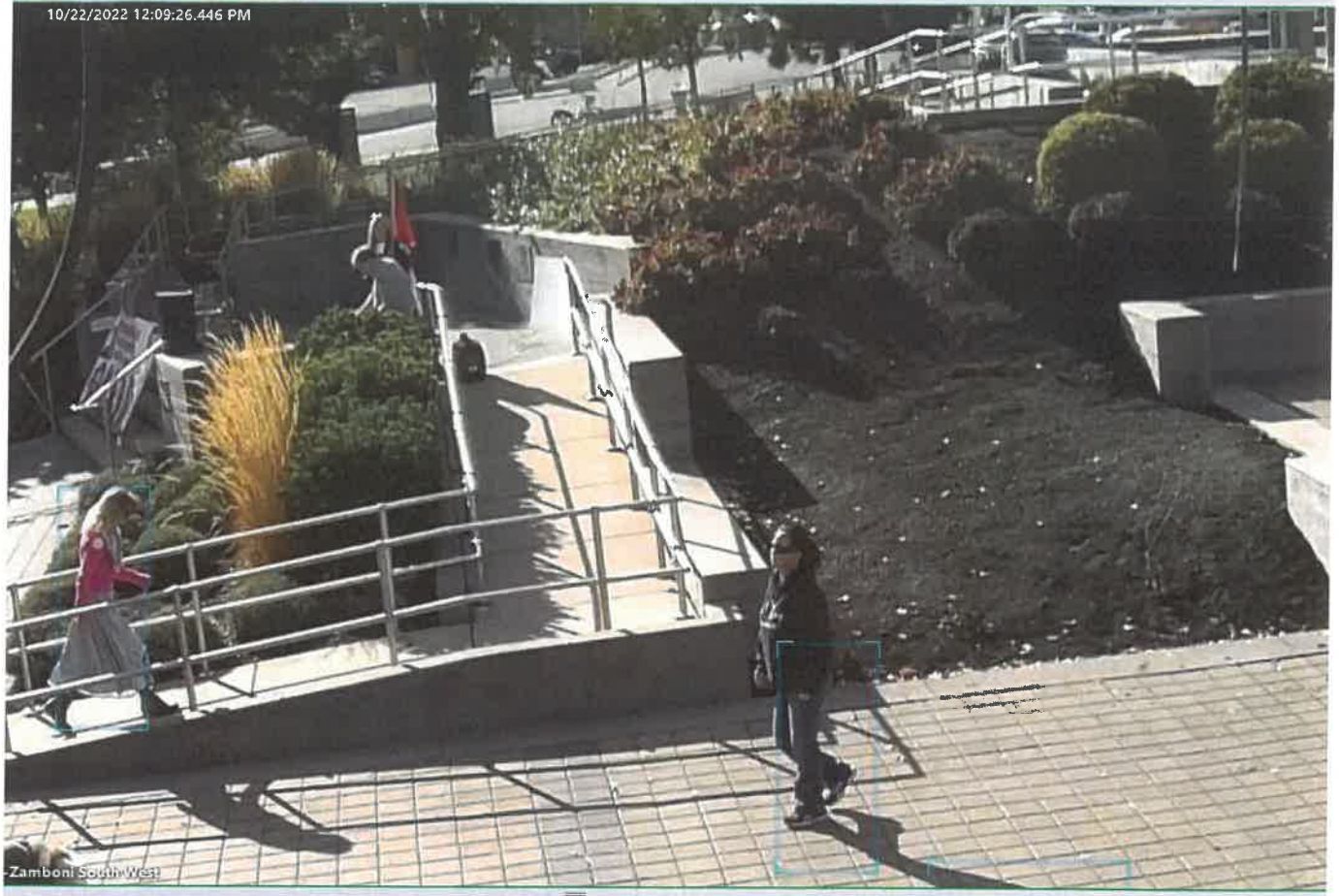
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Affidavit of Daniel Hogan
sworn (or affirmed) before me at
Kelowna, BC
this 4 day of January 2023

A Commissioner for Taking Affidavits for British Columbia





This is Exhibit " G " referred to in the
Affidavit of Daniel Hogan
sworn (or affirmed) before me at
Kelowna, BC
this 9 day of January 2023
[Signature]
A Commissioner for Taking Affidavits for British Columbia

10/22/2022 12:09:26.446 PM



Zamboni South West

SATURDAY, OCTOBER 22, 2022

10/22/2022 12:49:41.725 PM



Zamboni South West