



Supreme Court file no. KEL-S-S-136195
Kelowna Registry
Affidavit #1 of David Lindsay
Affirmed the 1st day of August, 2023

In the name of Yahveh (God)

In the Supreme Court of British Columbia

Between:

City of Kelowna,

Petitioner,

-v-

Unknown Persons Operating as "Common Law Education and Rights", David Lindsay,
John Doe, Jane Doe, and Persons Unknown,

Respondents.

Affidavit of David Lindsay Affirmed this 1st day of August, 2023

I, David Lindsay, of the City of Penticton in the Province of British Columbia,

affirm and say that:

1. I am one of the Respondents in this case and as such have personal knowledge of the facts herein deposed to by me, except where same is stated to be based on information and belief, in which case I do verily believe same to be true.
2. The Petitioner is the Corporation of the City of Kelowna (City), a statutorily created legal fiction/abstract. It is the owner, in trust for the people, of all public parks within the corporate boundaries of the City including Stuart Park, and the public streets.
3. My evidence herein is in response to the Petition and Affidavits included therewith, as well as in support of my position that the Petition should be converted into an Action, and my Constitutional Challenge contained in the Legal Section of my Response. In support of my position, I will be relying upon significant video evidence as well. All my page references to my Exhibits, are to the Exhibit page numbers, not any page numbers that may be on the documents themselves. Though I have

inserted some heading names, I have done so for convenience only and all my evidence herein will be used for any and all purposes.

4. Frequently throughout my evidence here, I will use the term “we”. By this I mean myself, CLEAR and our volunteers, and everyone who has supported us at our Stuart Park assemblies and shared their same beliefs with me. It is difficult to differentiate between myself, CLEAR and others, especially when many others are involved and share our same beliefs and reasons for our actions. Many of these protestors simply could not afford a lawyer and do not have the legal ability to represent themselves in this Petition, which I believe that the Petitioner was hoping for.
5. I am co-founder of the group CLEAR, Common Law Education and Rights (CLEAR *circa* 2000.) CLEAR is a non-registered, non-profit group, with the purpose and intention of educating Canadians on various forms of unconstitutional, unlawful and/or illegal government actions and comments at all levels of Government, with particular focus on the unconstitutional usury-based monetary system, our common law rights, freedoms and system of law, our accurate Constitutional history including the Coronation Oath of the Monarch (and the supremacy of God therein) and its implications for statutes and Bylaws, s. 2, 7 Charter freedoms and rights, and other Government activities that are a threat to our rights and freedoms, and to inspire people to take some form of action.
6. CLEAR and myself are not limited to concerns about past Constitutional violations but are also gravely concerned with, and intend to warn people on an ongoing basis about present and upcoming threats such as, *inter alia*, (now passed) Bill 36 and Bill C-11, our health care and other legislation, digital ID and currencies which will completely eliminate our privacy rights, what are known as “15-minute (prison) cities” where various cities including Kelowna are preventing or planning on preventing people from traveling more than 15 minutes from their home under punitive sanctions, and geoengineering especially by chemtrails from various aircraft.
7. One of my primary recent concerns arose in 2020 with the alleged COVID-19 situation. This situation and the Government and Health Minister lockdown and restriction responses and Constitutional violations, as well as their criminal and civil unaccountability for their actions and later for the effects from the experimental injection vaccinations, were the driving motivation for my ongoing protests. These remain due to the ongoing said unaccountability for their actions and because Governments have continued to threaten to reinstate these lockdowns restrictions again.

8. I intend to inspire people to publicly and privately oppose and not to support these threats I have mentioned, by sharing information with them. I knew in 2020, and today have more information to support my knowledge and belief, that COVID-19 was indeed a scam or minimally Government recklessness, consisting of a PCR test with a 97% false positive rate, falsified statistics, misleading models based on the 'crap in, crap out' principle, masks that are physically impossible to stop viral transmission, and vaccinations that Governments knew would subject people to health issues and even death. This has provided further motivation to educate people and let them know that rights and freedoms deprivations in relation to COVID-19 were not required.
9. It was agreed to publicly call our assemblies at Stuart Park "*rallies*" to avoid the possible negative connotation associated in the public, with the word "*protest*", which I accurately refer to herein as the Lawful Protests, from our reliance upon our common law and s. 2 Charter freedoms to so do. Others even in the media, repeatedly interchange the use of these words. At all times, myself and those in attendance to the Lawful Protests, were protesting Government actions and decisions in relation to COVID-19 and related issues, as well as threats to other rights and freedoms.
10. I am greatly concerned that hearing the Petition prior to my defences and Constitutional Challenges, permanent harm would be done to not only my own, but the Constitutional freedoms of others. We still have Lawful Protests every month downtown and at other locations as required and are still a visible presence. These Lawful Protests may become more frequent in the future. Hearing this Petition first and/or granting the City's relief first, would immediately invoke the 'out of sight, out of mind' belief amongst the public who would then think we have simply given up due to our lack of presence, or that the Court has somehow made a determination that we have no chance of winning and was therefore wrong to be there to begin with. Or more importantly, the public would think that we had done something wrong to invoke the Court's anger upon us, or we had incorrectly interpreted our Constitutional freedoms, which the media would falsely publish. The public would further no longer have access to our information.
11. If, as is its want, Castanet or other media publish defamatory or incorrect statements about myself or our group, or any Government actions or positions, we have no way of holding them accountable as we would be prohibited from protesting outside their media outlets to gain public attention. Same would be the result if Interior Health or Bonnie Henry issues another mask or distancing order. We would be rendered completely ineffective and our common law and s. 2 Charter freedoms would be

meaningless.

12. This concern of mine is heightened by the fact that the Petitioner's relief would be based on an interpretation of the Bylaws that would not be fully judicially decided based upon all my evidence and supporting legal authorities, and that in my belief based on my research, is unconstitutional. Considering that the Petitioner has not claimed any urgency nor harm done to it, which supports my further evidence below that all our actions have been peaceful, I do not believe that there is any basis, urgency or rush for this Petition to be heard first.
13. I am seeking as part of my relief and Legal Position, that the Petition be stayed pending the outcome of my Constitutional Challenges and other defences put forth herein. I believe not just the risk, but the actual denial of my Constitutional and common law freedoms, is just too serious and destructive to permit to have happen under the circumstances sought by the Petitioner.

Use of Stuart Park, Lawful Activities

14. Stuart Park is located directly across from City Hall on Water St., in downtown Kelowna, and adjacent to Okanagan Lake. It includes a large concrete area used for roller skating and similar activities in the non-winter months and skating during the winter months, with a boardwalk along the lakefront directly behind and adjacent to the Park. I am attaching hereto at Exhibit "A" a copy of pictures of the Park from Google Maps Satellite and street photos, a copy of pictures I personally have taken at Exhibit "B", and at Exhibit "C" a copy of dedication Bylaw No. 9809 which I was personally given by the Kelowna City Clerk which I do verily believe to be true copies, and from my experiences being in this Park. I have added red lines for illustrative purposes only.

See attached Exhibit "A"	Copy of Google Maps pictures of Stuart Park p. 1-6
See attached Exhibit "B"	Copy of pictures of Stuart Park taken by David Lindsay July 18, 2023 p. 7-18
See attached Exhibit "C"	Copy of City of Kelowna Dedication Bylaw No. 9809 Jim Stuart Park Dedication Bylaw, June 11, 2007 Council Policy on City Ownership of Stuart Park, May 28, 2007 p. 19-22

15. The City has a huge budget and financial resources for legal actions, and Bylaw enforcement. The City lists on its budget webpage, as I have attached at Exhibit "D" below including its unique URL,

for example, over \$532 000 000 just in revenues/expenses. It has significantly more funds and leverage than myself, as well as all other protesters, and I believe is using that to its advantage in this Petition.

See attached Exhibit “D”

Copy of page from City Website, p. 75

https://issuu.com/cityofkelowna/docs/2023_financial_plan?fr=sMTNjMDU2MzI3MzM

16. In 2008, the Petitioner took the Simpson family to court, which I found reported at: *Save the Heritage Simpson Covenant Society v. City of Kelowna* 2008 BCSC 1084 CanLII, to declare that this and other conditions of sale were illegal and not valid. The Petitioner successfully argued most of its points before the Hon. Justice Bruce, however the BCSC held that the contract set up a trust in perpetuity against the Petitioner.
17. In my research I discovered that Stuart Park was sold to the City in 1946, as part of a package by the Simpson Family, for a combined price of \$55 000.00. A primary condition upon the sale was that all property was restricted to use for municipal purposes only, which included for park use, as the Court found was admitted by Mr. Simpson, at para. 23, 24 of this Judgment by Bruce J.
18. The Petitioner applied to the Province for a grant of \$500 000.00 as part of the Province’s Spirit Bear program, to celebrate B.C.’s 150th year as a colony of England. Kelowna was granted this money on Oct. 19, 2007. I received an email with attachments of two Reports from Ms. Lesya Williams, Lesya.Williams@gov.bc.ca of the B.C. Government in relation to this program. Ms. Williams informed me that she was actually part of promoting and operating this program at and during the time it was implemented. I am attaching hereto a copy of these Reports at Exhibit “E”.

See attached Exhibit “E”

Copy of Email from Ms. Williams, and attached B.C. Spirit Squares, Funding Program Progress Report July 2011 p. 37

Attached B.C. Spirit Squares Program Guide 2006 p. 40, 42

19. This Spirit Bear program required, as a condition precedent of such a grant, that the Petitioner was to create a “Town Square” or “open space”, which thus resulted in Stuart Park and its unique design. I did some research on this said program and am attaching my findings below at Exhibit “F”, including a NEWS RELEASE from the Government of B.C., all of which I do believe to be truthful

and accurate. At the top of this document, I include the unique URL where I located it. All URLs referenced herein, are unique to the person who created the site and where the information is located.

**See attached Exhibit “F” Copy of Documents in relation to Spirit Bear Program
Corporate Report, Surrey Dec. 17, 2007 p. 55, 62, 63
Press Release – Gov’t of B.C. Dec. 18, 2006**

20. One of the requirements for obtaining this grant, that the Petitioner agreed to, was that the City must agree that the project, ie: Stuart Park, must be freely accessible to the public as of right, and cannot be restricted to a single activity or use, or any specific group. Myself and all protestors who have used Stuart Park for our Lawful Protests are members of the public and we have a common law and s. 2 Charter freedom of access to Stuart Park for same. I rely on Exhibit “E”.

**See attached Exhibit “E” Copy of B.C. Spirit Squares Program Guide, Dec. 2006
p. 29**

21. Insofar as any legal or other form of trust was created by the City’s promises to use this area as a town or public square, I am a beneficiary of that trust, as are all other people who attend these Lawful Protests and it is my intention to hold, and am holding the City to its promises and duties. I rely upon Exhibit “E”.

**See attached Exhibit “E” Copy of B.C. Spirit Squares – Funding Program
Progress Report July 2011 p. 29, 34, 35**

B.C. Spirit Squares Program Guide 2006 p.40-42

22. There is constructed roughly in the centre of the Park, a large platform area, with a large, artistic blue bear on top (the Bear.) This landing further consists of two large public stages, one facing the rink area, and the other facing City Hall, and a smaller stage facing toward Bernard Ave. The stage facing toward City Hall is surrounded by many benches for people to sit on and watch activities on the stage. I rely upon my Exhibits “A” and “B”.

See attached Exhibit “A” Copy of Google Maps pictures of Stuart Park p. 1-6

**See attached Exhibit “B” Copy of pictures of Stuart Park taken by David Lindsay
July 18, 2023 p. 9, 10, 12, 13, 17**

23. Stuart Park is open to the public at all times on Saturdays when we are present from about 11:00

a.m. to 2:00 p.m.

24. We began to assemble every Saturday at Stuart Park in March of 2020 with one small amp, in response and opposition to the B.C. and Federal Government lockdowns and restrictions, false representations and stats, masks and vaccine requirements in relation to COVID-19.
25. Turnout was small at first and gradually began to get larger as the number of people opposed to the COVID-19 lockdowns and restrictions began to grow, people learned of our presence, realized Bonnie Henry was lying on the “two weeks to flatten the curve” claim, and more and more people began to disbelieve the COVID-19 narrative from Government officials and Health Officers.
26. At all material times, myself, the Respondents and other protestors engaged in our Lawful Protest against the B.C., Federal Government’s and City’s actions and public statements in relation to COVID-19 and related issues, as well as other documented threats to our rights and freedoms.
27. The people speaking at our Lawful Protests, including myself, were so doing in the exercise of expressing ourselves in relation to all of the political issues and demands we had in relation to the COVID-19 situation and for each of us to provide information to others and the public to show that the information from our Governments was false and misleading, as well as to new and emerging threats to our rights and freedoms.
28. Many people were doing their own COVID-19 research on the internet, which they shared with others, including myself, and which included reviewing reports and articles by other medical professionals showing that the BC Government did not have a monopoly on science, and the statistics and information from them was grossly incorrect or false. They also shared information about the Lawful Protests to others which gave people the information they required to know where, when and what time to appear for our Lawful Protests.
29. I had no power or control over how people arrived to Saturday’s “*Lawful Protests*”. Some people walked, some were already downtown, members of the public would join us, some would drive or use transit, and some would arrive in a convoy including from Penticton, Vernon and elsewhere. Their support was incredibly important to the success of many of our Lawful Protests.

30. Our Lawful Protests were the only opportunity in the entire City for people to publicly assemble and express themselves in relation to their anger and disappointment over the Government's COVID-19 actions, and other issues that we opposed. Stuart Park provided us with an excellent home base for our Lawful Activities everywhere in downtown Kelowna and on Hwy 97, as I illustrate in my below attached Exhibit "G", July 27, 2020 email outlining our meeting at Stuart Park, to then travel to various media outlets in the City to protest.

See attached Exhibit "G" Excerpt copy of CLEAR email, July 27, 2020, using Stuart Park as home base to protest at media sites p. 65, 66

31. There have been media articles published in relation to the Lawful Protests. Some media I now refuse to be interviewed with at all, such as Castanet who, as its reporter Rob Gibson told me in September 2020, they were instructed not to give anyone a platform that disagrees with the Government's COVID-19 narrative, and where virtually all their news stories have been libelous, contain falsehoods, incomplete stories, pejorative comments, are one-sided, or where they have generally refused to contact me to obtain my reasons, explanations and beliefs for these Lawful Protests, or claims made against me. I have attached my position at Exhibit "H", and some of these articles below at Exhibits "I" – "N" which I do verily believe to be an accurate portrayal of these media reports, and where I will reference Video Exhibits "A" and "B", that I am relying upon.

See attached Exhibit "H" Excerpt copy of CLEAR email, August 5, 2020, report on media Lawful Protests of this day p. 70-75

See attached Exhibit "I" Kelowna Daily Courier Aug. 5, 2020 "Virus-doubting protesters picket Kelowna media outlets" p. 76-77 https://www.kelownadailycourier.ca/news/article_205bcf5e-d760-11ea-a069-5f52e48dadf0.html

See attached Exhibit "J" Castanet Aug. 5, 2020 "COVID conspiracy theory protesters set up outside Castanet" p. 78-79 <https://www.castanet.net/news/Kelowna/307091/COVID-conspiracy-theory-protesters-set-up-outside-Castanet>

See attached Exhibit "K" Castanet July 23, 2020 "Employee find COVID-19 hoax pamphlet let at store by customer" p. 80-81 <https://www.castanet.net/edition/news-story-305982-1-.htm>

- See attached Exhibit “L” **Castanet February 13, 2021**
“Around 150 people gathered to protest health orders in Stuart Park on Saturday, while others gather in support of health orders” p. 83-86
<https://www.castanet.net/news/Kelowna/325042/Group-of-protesters-gather-in-Stuart-Park-again#325042>
- See attached Exhibit “M” **CTV February 13, 2021**
“Mega rally’ in Kelowna against COVID-19 restrictions draws similar turnout to previous protests” p. 87-88
<https://bc.ctvnews.ca/mega-rally-in-kelowna-against-covid-19-restrictions-draws-similar-turnout-to-previous-protests-1.5308135>
- See attached Exhibit “N” **Castanet January 8, 2021 Wayne Moore** p. 89-92
“Kelowna’s mayor speaks out about another planned anti-mask, anti-lockdown protest in the city”
<https://www.castanet.net/news/Kelowna/321358/Kelownas-mayor-speaks-out-about-another-planned-anti-mask-anti-lockdown-protest-in-the-city>
- See Video Exhibit “A” **20200723 Castanet Sarita Patel**
<https://www.castanet.net/edition/news-story-305982-1-.htm>

32. On October 31, 2022, myself and members of our group attended to Castanet to bring to their attention the arrival of B.C. doctors and remind them of our opposition to the previous reporting practices which we opposed, while also awaiting the Justice for the Vaccinated tour by Dr. Hoffe and Dr. Malthouse, who wished to contact Castanet reporters to correct previous published misinformation. It was my hope that our presence would help change their reporting practices.
33. I attempted to contact Castanet by calling them and making the person answering, who I believe was Rob Gibson, aware of this. After about 15 minutes and no response, the doctors attempted to knock at the Castanet door and no one answered. I then called again and was told that no one would come out and talk to the doctors thus leaving this misinformation in the public. This type of attitude continues to have me believe that Castanet will publish anything about myself, our Lawful Protests and those supporting us or opposing the Government COVID-19 narrative, whether true or not, uncaring of the results. I rely upon Video Exhibit “B”, recorded by my friend and CLEAR cameraman Leo Beauregard, to show this, and to confirm our presence there as part of our Lawful Protest at that location.

Castanet

**Time: .54 – 1:06
2.:38 – 4:54
11:29 – 13:02
14:10-14:50**

34. I have also been interviewed on several occasions by Global TV and CBC, which have aired on their news shows, three of which videos below which I rely upon, Video Exhibit “C”, “D”, and “E”. I rely upon these videos to confirm our Lawful Protests did occur, I was exercising my common law and s. 2 Charter freedoms, and the nature of so doing, but also to verify that I was interviewed by the media on many occasions, implying that our Lawful Protests had significant public interest to warrant the media so doing.

See Video Exhibit “C”

**20230620 Global News
“Freedom rally protestors descend on Kelowna City Hall”
<https://globalnews.ca/news/9782063/demonstrators-protest-kelowna-bylaw-public-rallies/>
Time: .14-.15
.34-1:07
1:37-1:46**

See Video Exhibit “D”

**20230210 Global News
“Head organizer for Kelowna freedom rallies back in court”
<https://globalnews.ca/video/9479539/head-organizer-for-kelowna-freedom-rallies-back-in-court>
Time: .47 - .55**

See Video Exhibit “E”

**20221210 Global News 5:30 p.m.
“Okanagan residents join in cross country rally to protest Trudeau”
<https://globalnews.ca/video/9340711/page-view-timing/session-trace/aggregate>
Time: 5:19 – 6:28**

35. We were the only organized group or assembly of people protesting publicly in Kelowna, against the COVID-19 situation and Government, school and hospital responses. If not for us, no one would have been aware of the other side of the Government narrative except for private, social media. I believe that this is one of the major reasons we continue to be targeted by all levels of Government to try and shut us down.

36. I started the Penticton protests there in 2020 and contributed with starting protests in Kamloops and Vernon. I have spoken at protests at these locations as well as in Vancouver, the Kootenays, and Prince George. I have been an integral part of opposition to the BC, Federal and Municipal Governments' COVID-19 responses in large areas of B.C. This leads me to believe that the Petitioner and supporting Governments think that by eliminating me or by way of eliminating all effective areas of Kelowna for our Lawful Protests, that they will lower my credibility or remove a large source of opposition to what they are doing and plan to do in the near future.
37. The public knows now where we are located for our Lawful Protests in Kelowna. If anything happens in the future, they will know where to go for support and to voice their opposition. Changing the location, if possible, would cause serious problems as people would have to look for new places to park, residential issues become an up-front problem, distances are likely to be prohibitive for some, especially the elderly or handicapped, downtown homeless people would be unable to come to listen to us, there would be significantly less effectiveness, smaller areas with no stages, animal considerations, and other related and unforeseen problems.
38. To date, we have had about 150 peaceful protests, weekly on Saturdays. Presently, we are having our Lawful Protest the first Saturday of each month, which can and will change if similar restrictions or lockdowns are brought in at some future point.
39. City Bylaw Officials have been present and known of our Lawful Protests virtually from the beginning, and all City Council members and City employees know of our presence on Saturdays and our opposition to the City's activities, as they too imposed mandatory mask requirements for a period of time in their buildings, which I strongly opposed.
40. At no time, even after the first Bylaw tickets were first issued against me in August, 2021 to the present day, did the City post any "*No Protesting Signs*", nor any "*No Trespassing Signs*" in or around Stuart Park, without prejudice or admission that so doing could or would have a lawful effect of prohibiting me in the exercise of my common law and Constitutional freedoms.
41. In support of our Lawful Protests and in the exercise of our common law and s. 2 Charter freedoms, we invested a significant amount of time, energy, finances and research to acquire the knowledge and information for us to share, the large CLEAR Canopy and sound system, and dozens of large

signage, tables, literature and banners.

42. This CLEAR Canopy is not a tent as the Petitioner falsely evidences in its supporting affidavits. It is a canopy by design, with four open sides. As part of my common law and s. 2 Charter freedoms, I have permitted a temporary velcro and tie-down banner side to be attached facing Water St. for maximum visibility. This design permits the public to walk around the CLEAR Canopy and see our materials on all our tables, and for purposes and part of my common law and s. 2 Charter freedoms. This side wall is not a part of the original canopy and was required to be purchased separately.
43. A tent has four walls to it and permits people to sleep in it. Our CLEAR Canopy does not allow for sleeping, and was and is temporary in nature, being taken down after each Lawful Protest. I am attaching hereto as Exhibit "O" my research findings on these differences, which I do verily believe same to be true, as well as a screen capture shot of our Clear Canopy, at our Lawful Protest of October 2, 2021.

**See attached Exhibit "O" 20211002 Picture of the CLEAR Canopy
Canopy v Tent - Canopy Tent Advisor p. 93-98
<https://canopytentadvisor.com/whats-difference-canopy-tent/>**

44. During our Lawful Protests, we used the stage in Stuart Park facing City Hall on almost all occasions save for the first couple of months where we were using the cement roller blading/skating area, and on a couple of occasions where there was a tremendous number of protestors, where we used the rink stage. As I discovered in my research on Stuart Park, these stages are structured and intended to be used in a manner as we use it for our Lawful Protests.
45. I chose Stuart Park as being one of the best and most effective places in Kelowna to convey our messages to the public. It is centralized and available from all areas of the City and accessible to almost all strategic mainstream media (MSM) and Government locations and the Courthouse, within walking distance of the downtown bus loop, has a stage, benches, grass, scenery, people all year long with significant numbers of people from April – October along the boardwalk, excellent access to vehicular traffic, has public washrooms, strategic location across from City Hall for political emphasis, visibility and notice, excellent visibility for our signs, excellent parking areas, it is in a commercial, not residential area to avoid residential concerns or complaints, there are many local businesses in walking distance to permit people to support them after each Lawful Protest, is

in close proximity to the boardwalk and pedestrians, has lots of walk-throughs, we can have many protestors without using the entire Park, and it is functional and beautiful.

46. People from Kamloops, Vernon, Penticton, the Kootenays and even Vancouver, have all expressed to me how much they appreciate this Park for our Lawful Activities, after appearing here at our Lawful Protests. Having this Park at this location is truly an important and successful blessing.
47. No other location in the City that I am aware of, has these amenities for these Lawful Protests. There are no other areas in the City that provide the effectiveness, flexibility and openness that allows for myself and others to effectively express ourselves to the public as does Stuart Park, nor to get our messages across to City Hall. There is no other reasonable alternative to Stuart Park for the Lawful Protests and even if there was, the location and timing of our Lawful Protests was my choice to make and I do not have to justify to the City, the Province, respectfully the Court, nor anyone else where or why I chose to exercise my common law and s. 2 Charter freedoms including my use of Stuart Park, especially on the claim that we could go somewhere else.
48. Bernard Ave. is closed from May – Sept. and provides us with an excellent opportunity to meet people and talk to them and hand out brochures and information, that is unavailable anywhere else in the City. The sidewalks, for the most part, are blocked with outdoor seats and tables, permitting us to walk down the street as does everyone else.
49. As part of our Lawful Protests, we would frequently do street protests where people would line Hwy 97 and/or Water St. with our signs to obtain much more public support (Lawful Street Protests), as well as our street protest marches (Lawful Marches) in downtown Kelowna, including walking down Bernard Ave. From beginning at Stuart Park and back, depending on the number of protestors, this would take from 25-40 minutes or so.
50. Frequently we had a large number of people protesting in the parking lane on Water St. in front of Stuart Park across from City Hall, with our placards, signs and banners, expressing our beliefs and messages to ongoing traffic, with the intention of obtaining, and with receiving much support. These people, including myself, were not loitering, they were participating in our Lawful Protests and Lawful Street Protests, including everyone on the sidewalks, many of whom would support each other, regularly talked to pedestrians as they would walk by and even answer their questions and hand out informational brochures, and were constantly moving about with their signs. I will be

relying on these Video Exhibits “F” and “G” below, recorded by our CLEAR cameraman Leo, to show people involved in our Lawful Street Protests.

See Video Exhibit “F” **20220409 Lawful Protest**
Time: 42:47 – 43:13
43:39 – 43:44
44:18 -- 44:27

See Video Exhibit “G” **20220212 Lawful Protest**
Time: 48:40 – 56:00

51. There was a purpose for our attendance and position. Protestors were not obstructing or impeding traffic on the street, though cars would slow down to read our signs and honk in support. Any alleged interference with the use of the streets by vehicles was temporally and factually minimal, and/or a small inconvenience and is inherent to all protests on public streets that I have seen. Prohibiting me and our group from these Lawful Street Protests prohibits us in our common law and s. 2 Charter freedom of expression.
52. I refer to our Lawful Protests, Lawful Marches, Lawful Street Protests, as our Lawful Activities.
53. I repeatedly told people who attended our Lawful Protests that we were not there to be entertained – it was to protest and educate, to let all Governments know of our opposition to their unlawful and unconstitutional orders and statutes, ongoing threats to our rights and freedoms, and let the public know the reasons for same, and our supporting factual and legal basis. Most times, my speaking to the protestors took 15-20 minutes. I will be relying on these Video Exhibits “H” and “I” below, recorded by our CLEAR cameraman Leo, to confirm my statements to the Lawful Protestors of our purpose and reasons for our presence.

See Video Exhibit “H” **20220108 Lawful Protest**
Time: 40:36 – 41:14

See Video Exhibit “I” **20211009 Lawful Protest**
Time: .38 – 1:09

54. Many areas with lots of people are private such as malls or do not permit expression to large numbers of people, are small in size, or have other strategic and significant restrictions on use or effectiveness for our Lawful Activities. For example, the Orchard Park mall area is prohibitive for having people speaking and our Lawful Protests, due to the large traffic and accompanying noise,

as well as being private property so we cannot use the actual parking lot, only the sidewalk.

55. Sidewalks are not amenable to protests involving people expressing themselves to crowds of protesters, and seriously restrict what can be said, if at all, and for how long. Sidewalks, if we were to try and use them, would force us into long line ups of people to the point that no one would be able to hear or even see the people speaking, and who would be drowned out by vehicular traffic noise. This would deny many of us our common law and Constitutional freedoms.
56. Street corners do not allow for us to speak to others and obtain an effective expression due to large numbers of vehicles immediately adjacent thereto. They are too narrow requiring most people to be in a linear line too far back to effectively hear the people speaking; they would require us to completely block the sidewalks to pedestrians, and there are usually very few members of the public at such locations.
57. On dates where other groups have had permits to use Stuart Park, we have acceded to them and moved to Kerry Park. This happened only about three times. On one occasion, we were instructed from Bylaw Officers to move to Kerry Park due to another group having a permit, and no one ever showed up. We did not interfere with other groups who had a permit. None of these groups however, were in the Park for political purposes or protests, they were there for private gatherings, or events. I will be relying on this Video Exhibit "J", as recorded by our CLEAR cameraman Leo Beauregard, to show that no one appeared at Stuart Park despite being told it was booked with a permit.

See Exhibit Video "J"

20211030 Lawful Protest Kerry Park

Time: 0:00 – 1:48

58. For re-emphasis, I do not believe I have to justify to anyone why I chose Stuart Part in the exercise of my Constitutional freedoms. Without prejudicing my position on this issue, I did some Google Maps research and discovered that most if not all other parks in Kelowna are in residential or outlying areas where there would be a high number of residential complaints, or are sports areas, are simply too small, have limited parking, are too far out of the way for people to go to, or are largely wooded areas, or a combination of all of these and other problems.
59. Many of these outlying parks have very few members of the public at any given time. There are no residential areas in close proximity to Stuart Park as it is primarily a commercial area, with a good

number of walk-throughs. Street corners, side streets, and even other parks have very few people in/on them to effectively get our messages across to the public and obtain their attention, and to obtain visibility. It is even worse in the winter where people generally do not go to public parks other than to walk dogs, the lakeshore area behind Stuart Park being an exception where I have witnessed many people still using the boardwalk and for skating, walking and where people use Water St. and the Park as a walk-through.

60. I have noticed that there is a high percentage of adults in the Stuart Park area, in part I'm sure because of the boat mooring area and Information Booth on the boardwalk, as well as businesses in the area. I believe many residential park areas, which have swings etc., would have a much higher percentage of children, who are not receptive to political messages of any kind and with parents preoccupied with watching their children, this denies us the ability to express ourselves to them. This allows us to be more effective in the Stuart Park area.
61. During the heat of the lockdowns and restrictions, we had success in communicating our position to the public, in large part because we were able to use Stuart Park as a landing base or starting point. If we were not able to use this Park, I firmly believe that we would not have had anywhere near the success and visibility that we had, in part because of even the negative media publicity where the entire City knew of our Lawful Protests and location and when they wished to join, they knew exactly where to go. Going to any other location, if any was available which I deny, would destroy three years of our individual and collective time and investment in obtaining this awareness, visibility and credibility. Many people will think we have quit or given up.
62. I participated on several occasions in the protests in Kamloops, at Riverside Park. From there, we went up to Salhali Mall to protest on the street corners and sidewalks on Columbia Dr. Due to the simple fact of having to get in the cars and move, we lost many protestors who simply left the protests. This is a major and negative side effect as well if we are forced to leave downtown Kelowna. We will effectively lose our best area for the Lawful Activities and I do verily believe we will lose many protestors in so doing.
63. We usually arrived at Stuart Park around 11:00 a.m. on Saturdays to set up. Though we set start time for 12:00 noon, we usually started after that due to stragglers arriving. We would usually end around 1:15-1:30 and then pack up and were gone by 2:00 p.m. Prior to start time, until about 11:50

Protests, to ensure all was working and there were no electrical shorts in the system, which did happen on occasion. We would then adjust the volume as required to keep the sound to a level to permit all protesters to hear, taking into consideration factors such as traffic noise and wind.

68. Originally, we had only two speakers which were set up on the concrete ledges of the platform, as shown at Exhibit “I” p. 47 of Affidavit #1 of James Short. This was insufficient for people towards the street to be able to hear so we obtained two new speakers. Two new speakers were set up on the stage to point directly to City Hall, and the two original speakers were set up about 8’ high, between the first and second benches away from the stage and facing slightly off centre to the left and right also toward City Hall. They did not face backwards nor to the skating rink or other areas of the Park. This is shown at Exhibit “X”, p. 108 of Affidavit #1 of James Short.
69. These Lawful Protests would vary in time. Sometimes we only spoke for about 30 minutes or less and would march down the boardwalk to Hwy 97 to protest there with our signs. More recently, we would simply stay at Stuart Park, and/or do our Lawful Marches or Street Protests on Water St. Usually, the actual time using the speaker system, was an hour or less, sometimes up to 75 – 90 minutes, where we had multiple people speaking and expressing their views, especially if they were from out of town.
70. We would start each Lawful Protests with a prayer recognizing the supremacy of God in our Constitution even independently of the Charter, and the basis for my opposition to the Government COVID-19 position, followed in most cases, by the singing of O’Canada. This alone would usually take, combined, about five-seven minutes. Various people performed our prayer over the past three years, including Iona, Arlene, Brian, myself and Maria. I will be relying on these Video Exhibits “F”, “G”, “H”, “K”, “M” and “N” below to confirm these prayers.

See Video Exhibit “F”	20220409 Lawful Protests Time: 4:52-7:38	Maria
See Video Exhibit “G”	20220212 Lawful Protests Time: 20:28 – 22:23	Maria
See Video Exhibit “H”	20220108 Lawful Protests Time: 12:43 – 14:28	Maria
See Video Exhibit “K”	20220922 Lawful Protests Time: 5:00 – 7:07	Brian

See Video Exhibit “M”	20210925 Lawful Protests	
	Time: 4:32 – 7:47	Iлона
See Video Exhibit “N”	20230701 Lawful Protest	
	Time: 5:52 – 8:09	Maria

71. Most people speaking required at least 15-20 minutes to convey their messages to the public and protesters. Frequently, we had several speakers and I usually also required time to provide updates on legal issues and Government actions, and was the MC during the last two years. I spoke for example, on July 1, 2023, 20 minutes on Canada’s Constitutional history that remains unknown to most Canadians, the video of my speech which I will be relying upon at Exhibit ‘N’, to convey matters of truth, importance and self-fulfillment to our protestors.

See Video Exhibit “N”	20230701 Lawful Protest
	Time: 58:39 - 1:18:28

72. In many cases it is not possible to reorganize people speaking when they are from out of town. Limiting our combined speaking time to a total of only 15 minutes will completely prevent me from having any speakers at all other than myself, and this will deny freedom of expression to myself, other individuals who wish to express themselves and that I wish to have appear to so do, and our group the ability to receive information to support our goals of democratic discourse, obtaining the truth on a variety of political and related issues, and self-fulfillment.

73. Restricting our Lawful Protests to only 15 minutes would further require me to limit our opening Prayer and infringe upon my freedom of religion guarantee in the Charter and our common law, to the point of being ineffective and nothing more than simple greetings to the crowd. Every person speaking would be rushed to the point of not being able to convey their messages, which would be more problematic as people from out of town would, reasonably, not wish to come and speak simply for a few rushed minutes.

74. After almost two years, I began to notice that more and more people were letting me know that this felt like their new family, especially as the COVID-19 situation had broken apart so many families simply based on the beliefs of individuals in those families. They really required the presence of this support group of like-minded people. Those protestors at our Lawful Protests needed this time to fulfil their personal goals of letting our Governments know that they did not believe them, and self-fulfillment by networking and supporting each other in our shared beliefs. I will be relying on

this Video Exhibit “O”, “P” below to confirm the use of the word “*family*” for our group.

See Video Exhibit “O” **20220822 Lawful Protest**
Time: 30:47 – 30:50

See Video Exhibit “P” **20210814 Lawful Protest**
Time: 3:14 – 3:30; 4:00 - 4:10

75. Many people, including myself and friends have, after the Lawful Protests, contributed to the local economy by visiting various pubs, eateries and restaurants on Bernard Ave and elsewhere. I have, with our volunteers and friends, gone to places such as Mad Mango, Kelly O’Bryan’s Pub, Pita Pit, pizza restaurants, Boston Pizza, Earls’, made coffee purchases weekly from coffee shops on Water St., and more.
76. My confidential sources inform me and I do verily believe same to be true, that this Petition was recommended to Kelowna Council prior to the October 2022 municipal elections, Greg Gilcrest, Stephen Fleming, and Darren Caul.
77. Kevin Mead, Bylaw Services Manager, has gone public claiming that the City is attacking me because I do not have a permit for our Lawful Protests as the basis for its intentions to shut our Lawful Protests down. I will be relying on this Video Exhibit “Q” below to confirm the comments were made by Kevin Mead.

See Video Exhibit “Q” **20230126 Global News**
“‘Freedom Rally’ affidavits reveal extensive investigation”
Time: .25-.49
<https://globalnews.ca/video/9440377/freedom-rally-affidavits-reveal-extensive-investigation>

78. If I was required to get a permit, then factually Mr. Caul *et al*, and legally the City determine the exercise, form and method of my freedoms, not me, and denies to myself and others the benefits of strategy and effectiveness. It converts my Constitutional freedom into a privilege dependent upon the fiat of the City, which I refuse and deny.
79. I am greatly concerned that there appears to be an immediate conflict of interest of obtaining a permit from the very corporate entity myself and others are opposing. If the City must grant the

will be relying on this Video Exhibit “R” below to confirm the contradictory comments by Bonnie Henry in relation to the mask issue.

See Video Exhibit “R” Bonnie Henry media interviews on masks

87. The B.C. Government relied upon the PCR test, to allegedly determine if people were infected with COVID-19, to support their COVID-19 statistics and to support their lockdown and restrictions actions. I am attaching hereto an article I have as Exhibit “U”, and its corresponding unique URL, where Bonnie Henry publicly admits that the Province is utilizing the PCR test to check for the COVID-19 alleged virus.

See attached Exhibit “U” CTV News Dec. 29, 2021 4:37 p.m. Kendra Mangione “B.C. officials have known ‘all along’ COVID-19 cases could be up to 5 times higher than reported: PHO” p. 122 <https://bc.ctvnews.ca/b-c-officials-have-known-all-along-covid-19-cases-could-be-up-to-5-times-higher-than-reported-pho-1.5722807>

88. I repeatedly attempted to convey and did convey at our Lawful Protests, how the Corman Drostén Report promoting the PCR test came about to be relied upon by Governments to support their use of the PCR test, the sharp criticisms of this Report containing at least 10 fatal errors to its conclusions, the huge falsified figures that were being provided from this testing in relation to COVID-19, and a summary of the article “COVID-19 PCR Tests are Scientifically Meaningless” and its implications in relation to the falsified statistics provided by Bonnie Henry and the Ministry of Health. I am attaching a copy of one such damning report of the original Drostén Report below as Exhibit “V” that I relied upon to express my opposition at our Lawful Protests to all the claims by Bonnie Henry and which I do verily believe same to be true.

See attached Exhibit “V” External peer review of the RTPCR test to detect SARS-CoV-2 reveals 10 major scientific flaws at the molecular and methodological level: consequences for false positive results - 22 Scientific authors p. 123-124, 144

89. This test, as warned from the inventor Kary Mullis (who interestingly died 20190816 just six months prior to the COVID-19 alleged pandemic and thereby could not criticize the improper use of the PCR test), and criticized by thousands of doctors worldwide and others, is not a diagnostic test. My research has shown that the PCR test is based on cycles of exponential replication of DNA. At 35

cycles, as used by the B.C. Government, it has a documented 97.5% false positive rate, which is consistent with the expressions I put forth in our brochure on the PCR test. I will be relying on this Video Exhibit “S” and “T” below to confirm statements made by Mr. Mullis that I was conveying.

See Video Exhibit “S”
See Video Exhibit “T”

Kary Mullis #1
Kary Mullis #2

90. Bonnie Henry continues to rely upon this PCR test in support of her ongoing threats to bring the restrictions and/or lockdowns back if she deems it necessary to so do. This requires my ongoing vigilance in expressing myself to others of the dangers involved and the unfounded basis for so doing. Part of this involves my reliance on comments made by Mr. Mullis himself, and the “Grand Jury” trial held by Reiner Fuellmich.
91. Bonnie Henry reported weekly on the COVID-19 Case Fatality Rate (CFR), instead of the much more accurate Infection Fatality Rate (IFR), again misrepresenting to people the seriousness of COVID-19. I repeatedly expressed my views in relation to how these rates are calculated, what factors are considered and admitted by Bonnie Henry, and how the IFR for COVID-19 was virtually the same as for the regular flu, even based on statistics from the B.C. Government.
92. Eventually, the Government started to mandate experimental injections, or what they referred to as vaccines, to all health care workers, employees and everyone, despite the fact that these injections or vaccines had not been tested, and certainly not for the standard 7-8 years of normal vaccines.
93. The COVID-19 restrictions continued until about March 2022, but continued thereafter as well in restricted areas such as hospitals and care homes, which I strongly opposed, as did our protestors. Bonnie Henry further threatened to bring them back if she deemed it necessary to so do. I am attaching hereto as Exhibit “W” a copy of the Vancouver Sun quoting Bonnie Henry admitting that there remains a risk she may enforce mask orders again, and which I do verily believe same to be true.

See attached Exhibit “W”

Vancouver Sun Nov. 14, 2022 Susan Lazaruk
“COVID-19: Masking advisable in B.C. but not
required yet, says Dr. Bonnie Henry” p. 151
<https://vancouver.sun.com/news/local-news/covid-19-bc-masking-advisable-but-not-required-yet-bonnie-henry>

94. These Lawful Protests have remained ongoing further because I am attempting to convey and am conveying that there continues to be ongoing victims from the vaccines, the Government continues to impose restrictions even today in less areas, they refuse to hire back the terminated nurses and workers leaving our hospitals understaffed or to support injured vaccine recipients, the Government continues to threaten to reinstate these lockdowns and restrictions again in the future and are now slipping in harmful health and other legislation including further attempting to deny or denying to us our Constitutional freedom to protest. I will be relying on this Video Exhibit “U” below to confirm my attempts to convey and have conveyed the truth and expressions from vaccine injured individuals.

**See Video Exhibit “U” 20211002 Lawful Protest
Time: 23:12 – 30:58**

95. I have continued our Lawful Protests as a result of the unaccountability of those in power for their actions which I believe have resulted in murder and injuries to innocent people that they knew would happen, and their ongoing threats to bring these restrictions or lockdowns back in the future if they deem it necessary. I have been approached by many protestors and supporters who also wish me to continue these Lawful Protests for them to associate with “family” and to express themselves and listen to others so do as well.

96. Other threats to our privacy, rights and freedoms are emerging, with the Bank of Canada admitting it is studying the issuance of a central bank digital currency, digital ID issues, 15 minute prison cities, and SOGI 123 that I am opposing.

97. My Lawful Protests serve as a basis for myself and others to continue to convey our opposition, beliefs and messages on these issues and any other political or freedom issues or threats that may subsequently arise.

98. Our Lawful Protests are further continuing as we continually express our demands for accountability and criminal charges against those in power during this COVID-19 situation, from 2020 to the present. We are prepared to continue with the Lawful Protests until people like Bonnie Henry are criminally charged and held accountable.

99. My primary concern for these Lawful Activities, is the now present threat to the very exercise of

my common law and Constitutional freedom of expression and various Charter rights and freedoms, without requirement of the fiat of the City who has, in my belief, simply used arbitrary actions, interpretations and assumptions to circumvent my said rights and freedoms for political purposes.

Freedom of Expression

100. The importance and strength of my political expression which I rely upon at our Lawful Protests and Marches is critical to me, in part because the Government of British Columbia has issued instructions to the media to deny media coverage to anyone opposing the Government COVID-19 narrative. Without our group, there would have been no public visibility or outlet for information opposing the Government narrative and the Government's falsified information, to get out to the public in Kelowna and surrounding areas, on important issues, and would have left the Government with almost a virtual monopoly on the dissemination of false or erroneous information.
101. The existence of the Lawful Protests and my participation in them, as well as that of all our personal speakers, is essential to my ability to express and convey my own and our shared messages to all the public and all levels of Government, most of whom do not have our shared knowledge and sources of information, The Lawful Protests are further essential to help me show my solidarity in my beliefs with others in relation to the Government promulgated, COVID-19 falsehoods.
102. I further believe that I have a Constitutional, religious, moral, ethical and common law duty to step up and perform this democratic role, especially in lieu of a corrupted, criminal and/or compromised media, to properly inform the public about the lies, criminal activity, corruption, fake news and misinformation from all levels of Government in Canada and the media itself. The Lawful Activities, at all locations, are the primary way I can participate in doing this peacefully in public to express my views and beliefs and fulfill my said duties, and to have others do likewise.
103. Myself and other protestors at our Lawful Protests, have also been repeatedly attacked by the Government of British Columbia and Bonnie Henry, and former Kelowna Mayor Basran, falsely claiming that we are disseminating misinformation and disinformation, or are a fringe minority. We are not so doing and deny all such claims. I myself check all information that I/CLEAR hand out and distribute, and that I discuss at the Lawful Protests, to ensure to the best of my ability that it is correct. I will be relying on this Video Exhibit "V" and "W" and attached Exhibit "X" below to

confirm attempts by Bonnie Henry and Mr. Basran to discredit me and our group and stop our Lawful Protests.

See Video Exhibit “V”

Bonnie Henry interview in Kelowna by Global News
Time: .35 – 1:11

See Video Exhibit “W”

Joint Statement from former Mayor Basran and RCMP
Superintendent Triance
Time: 1:25 – 1:32

See attached Exhibit “X”

Yahoo! September 8, 2021 p. 159, 160
“Trudeau: Canadians who protested him are ‘racist,
‘misogynistic’, ‘anti-vaxxer mobs’ ”
[https://www.yahoo.com/video/trudeau-canadians-
protested-him-racist-210500788.html](https://www.yahoo.com/video/trudeau-canadians-
protested-him-racist-210500788.html)

104. In the absence of these Lawful Protests, it would be nearly impossible for us to connect with one another in a mutual, beneficial and supportive in-person setting, especially all at once. Most protesters have only connections with a few other protesters and meeting them at the Lawful Protests is critical to express themselves to others. Many protestors have limited knowledge of computer use for zoom and other such calls and rely on the Lawful Protests for updated information and mutual support they could not obtain from a zoom call in any event. Speaking for myself, and for others who have concurred with me, social media is not a substitute for the in-person Lawful Activities.
105. It is the strength of our beliefs, public communication of same, public endurance to Government’s ongoing disregard of our concerns and our public statements that we will continue to oppose all such future lockdowns and restrictions should they arise. I believe this is partially underscoring the real reasons for this Petition, and the Province’s pressure tactics upon the City to take this action. We are a public threat to false Government narratives that they cannot control in the MSM.
106. Because the COVID-19 political situation was ongoing, fluidic and changing weekly, this formed a strong basis for our weekly Lawful Activities. Our COVID-19 and vaccination concerns remain to the present, especially with Bonnie Henry commenting that they could bring the vaccine restrictions back at any time and thus more health risks, and additional and emerging threats to our privacy, rights and freedoms.
107. I attempted to convey and was conveying to the public and Bonnie Henry, that I wanted a public

debate anywhere on the COVID-19 issues and false statistics she was reporting and to answer our questions. I know from talking to reporters and others that the media questions are all scripted and damning questions were not allowed to be asked on live press conferences, or anywhere else. I attempted to convey and did convey at our Lawful Protests my disappointment on this point that our questions were not getting answered in response to our COVID-19 opposition issues, and we wanted public accountability by way of a debate to let the people decide if the COVID-19 situation was really as bad as the Government was making it out to be. I will be relying on this Video Exhibit “X” and “Y” below to confirm my conveyance of my demand for a public debate with Bonnie Henry.

See Video Exhibit “X” **20210710 Lawful Protest** **Part 1**
Time: 1:39 – 2:20

See Video Exhibit “Y” **20210821 Lawful Protest**
Time: 26:17 – 28:12

108. I attempted to convey and was conveying to the public and former Kelowna Mayor Basran my similar demand for such a public debate with Mr. Basran in response to my issues opposing his view of the COVID-19 related science, and he openly refused to do so, all the while demanding that I end our Lawful Protests. I am attaching a copy hereto as Exhibit “Y” of my initial demand upon then Mayor Basran.

See attached Exhibit “Y” **Letter from David Lindsay to former Kelowna Mayor**
Colin Basran demanding public debate on COVID-19
p. 162, 163

109. I was continually denied, including my attempts to have Dr. Sue Pollock respond to my concerns and that of others, and address our Lawful Protest outside of the Interior Health building in Kelowna, on August 4, 11, and 19, 2021, in response to our demands for answers to our questions in relation to opposing her mask order at that time. I will be relying on this Video Exhibit “Z” below to confirm my attempts to meet with and express my views with Ms. Pollock or her representative, as were others in our group, and to answer our questions that the media were not asking.

See Video Exhibit “Z” **20210804 Lawful Protest Interior Health**
Time: 0:00 – 1:53; 2:42-3:32

110. The B.C. Government announced on Nov. 15, 2021 that it would be passing legislation restricting

our freedom of protest to outside 20m of schools and hospitals, despite the fact that we never interfered with anyone entering or egressing from such facilities, were polite at all times, and never intimidated anyone. This was again, misrepresented in the local media, who falsely reported only the Government narrative on this issue, never sought my opinion nor response, and which necessitated myself and others to respond in the public at our Lawful Protests. My only action available to express my disapproval with this legislation was our Lawful Protests.

111. The physical act of our presence, including our signs and our CLEAR Canopy with our name and logo on it, conveys to the public who we are and what we stand for, including our motto: **Resistance is NOT Futile!**, implying peaceful resistance to unconstitutional orders and mandates from the Government and Bonnie Henry, and any further rights and freedoms restrictions. This is an important part of our message to promote our common law and English Constitutional history, as protected by s. 1 of the Coronation Oath in our Constitution, and to represent to the public that we are about education and peaceful activities, not violence.
112. Our CLEAR Canopy is placed on the grass area, a few feet away from the Zamboni storage building. It does not overlay on top of the sidewalk areas in the Park or the public sidewalk. The purpose of our CLEAR Canopy is for expression and communication so people could see out materials and information, to communicate who we are as a group, and for protection of our materials and people from the elements. Our CLEAR Canopy was intended to be and is temporary, was removed at the end of each Lawful Protest and was generally there for about two hours. Exhibit "A" attached hereto, p. 14, shows where our Canopy is located. This can also be seen at Exhibit "F" p. 27, 28 and Exhibit "K" p. 52 of Affidavit #1 of James Short.
113. No one generally uses this grassy part of the Park where our CLEAR Canopy is located, hence one of the reasons I chose this area. There has never been anyone present using this part of the Park upon our arrival. I chose this location for our CLEAR Canopy as well because it is at a crossroads between two sidewalks where the public walk, giving us much more visibility and credibility to our presence.
114. Recently we began to hang a banner in front of the front stairs to the stage as part of our expressions in relation to MSM. This does not prevent people from accessing the stage nor the Bear on the top landing. People do, can and did use the ramp to the side of the stairs to walk up and through our

stage area onto the top landing, and they had further access to the much larger stairs facing the skating rink area, as well as access on the south side of the Bear. People regularly did utilize all of these access points, and would even walk behind myself or other people speaking on the stage if they wished to access the Bear from that entrance. I am relying upon the attached Exhibit “Z” and my Video Exhibits “X”, “AA”, “BB”, “CC”, “O”, “K”, “DD”, below to confirm the use of the Bear area by people not associated with our Lawful Protests during our presence there, and that the banner did not stop the public from using the landing area.

See attached Exhibit “Z”	Picture of banner: 20220822 2:12 Snapshot p. 164
See Video Exhibit “X”	20210710 Lawful Protest Part 1 Time: 3:53-4:03
See Video Exhibit “AA”	20210911 Lawful Protest Time: 13:11-15:01; 15:11 – 15:40; 15:54 – 16:10 21:31 – 22:57; 23:50 – 24:10; 24:40 – 25:32
See Video Exhibit “BB”	20211016 Lawful Protest Time: 4:39 – 4:55; 5:10 – 5:16
See Video Exhibit “CC”	20220402 Lawful Protest Time: 38:26 – 38:37; 49:48 – 49:56; 59:09 – 50:20
See Video Exhibit “O”	20220822 Lawful Protest Time: 1:51 – 2:10; 14:59 – 15:41; 25:10 – 25:34 33:46 – 33:49; 33:57 – 34:15
See Video Exhibit “K”	20220922 Lawful Protest Time: 9:36 – 10:37
See Video Exhibit “DD”	20211120 Lawful Protest Part 1 Time: 17:17 – 19:51

115. Nor did we interfere with anyone using the skating rink in the winter or for roller blading in the summer. I rely upon the following Video Exhibit “DD” showing people skating in the winter, confirming that our Lawful Protests did not prevent the public from using the skating rink.

See Video Exhibit “EE”	20220115 Lawful Protest Time: .3 - .10; .49 – 1:19; 50:25 – 50:37
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116. These Lawful Protests and other protests were the Freedom Movement in British Columbia. I have worked and cooperated with organizers of protests in Vancouver, Victoria, Kamloops, Vernon,

Penticton, Prince George and the Kootenays. Vancouver has had protests gathering up to and over 10 000 people against the COVID-19 measures, the Kootenays had thousands, and hundreds of people in other cities such as Kamloops, Vernon, Penticton, and Prince George, which I know about as I have been to all of them at some time, and personally know the organizers. The VPD have provided traffic control for their street marches in the downtown area, which generally lasted about 45 minutes for the two that I participated in.

117. Neither myself nor almost all Kelowna protestors have the financial resources to go to the Victoria Legislature or Bonnie Henry's office, especially on the regular basis that is required for us to continue to express our ongoing opposition to their lockdowns and restrictions and to ensure people don't think we have given up, to protest as we can do here in Kelowna.
118. Individually, our voices are not normally heard, especially as MSM either refuses to interview me or publish anything against the Government, or continually libels or slanders us in their media, by labelling us with pejorative names, publishing incorrect and/or incomplete stories, and simply repeating Government narratives, mantras and press releases, without asking for our side of the issues.
119. I believe that by individually assembling as a collective we are and have been much more effective at getting information out to members of the public, and in so doing, further attain a level of respect and confidence from the public that would not be possible individually, or if the Lawful Activities were prohibited or banned, or restricted to the outskirts of the City. Our success to date is attributed almost exclusively to the Lawful Activities in downtown Kelowna, especially the Lawful Protests.
120. One very effective method I utilized to attempt to convey and conveyed my beliefs and information was to have people from all over Canada speaking at many of our Lawful Protests, to express their views and provide us with facts being withheld by MSM and our Governments, especially on COVID-19 masks and vaccinations, as well as victims of vaccine injuries, and victims of employment termination.
121. I have had occasion to have the following, but certainly not complete list of brilliant, caring and inspiring people from all over the world speak at my Lawful Protests during this time frame, many on more than one occasion, to exercise their Constitutional freedom to express themselves and

expose COVID-19 corruption and lies, to promote freedom, to update people on their own activities and issues, including legal, to share their knowledge and experiences, to inspire people, and for everyone to receive this information:

i.	Tanya Gaw	Action4Canada
ii.	Ted Kuntz	Vaccine Choice Canada
iii.	Dr. Malthouse	BC
iv.	Dr. Hoffe	BC
v.	Dr. Hodgkinson	Alta.
vi.	Dr. Judy Mikovitz	U.S.A.
vii.	Dr. Nagasse	Alta.
viii.	Dr. Mel Bruchet	BC
ix.	Dr. Reiner Fuellmich	Europe
x.	Dr. Robert Johnson	BC
xi.	Dr. Ross Anderson	BC
xii.	Nurse Sean Taylor	BC
xiii.	Nurse Kristen Nagle	Ont.
xiv.	Nurse Andrea Henders	BC
xv.	Nurse Sarah Choujounion	BC
xvi.	Laura Lynn Tyler Thompson	BC
xvii.	Pastor Artur Pawlowski	Alta.
xviii.	Pastor Tobias Tissen	Manitoba
xix.	Laurie Baird	Action4Canada
xx.	Ilona Zink	BC
xxi.	Lawyer Ed Kallio	BC
xxii.	School Teacher - Laurette Anderson	BC
xxiii.	Retired OPP officer Vincent Gircys	Ont.
xxiv.	Former US CDC Modeler Keith McIntyre	BC
xxv.	Former CBC Producer Anita Krishna	BC
xxvi.	Court mask expert Chris Schaefer	Alta.
xxvii.	World Wide Rally Bettina Engler	BC
xxviii.	Linda Jackson	BC
xxix.	Nadia Podmoroff	BC
xxx.	Jacquelyn Rose	BC
xxxi.	Danielle Pistilli	BC
xxxii.	Kari Simpson	BC
xxxiii.	Erica – Unity Group	BC
xxxiv.	Lloyd Manchester – Unity Group	BC
xxxv.	Lindsay Gabelhouse	BC
xxxvi.	Dave Shearer	BC
xxxvii.	Curtis Stone	BC
xxxviii.	Beatrice Weir	BC
xxxix.	Vaxx Injured Dave Menchinton	BC
xl.	Linda P.G. Bar owner	BC
xli.	Trucker's Convoy George Billings	BC
xlii.	Luciano Pagnotta	BC
xliii.	Many children	BC
xliv.	Peter Esau, singer	BC

122. The purpose for having various people speaking, including vaccine-injured, doctors, nurses, politicians, lawyers, terminated employees, religious leaders, other group leaders and others, was to facilitate seeking the truth on these COVID-19 related issues and other threats to our rights and freedoms on the horizon, to inspire the protestors and support them in their fulfillment of their personal opposition to all Government restrictions of our rights and freedoms. Each person speaking had a unique and different perspective and experience on these issues, and had different facts to share to assist and enable people to obtain the truth, especially because MSM were not doing so.
123. Neither Bonnie Henry nor the B.C. Government, agreed to a public debate on these issues, nor would publicly or otherwise talk to myself or our group directly. Their Medical Colleges have taken punitive actions against doctors such as Dr. Malthouse, Dr. Hodgkinson, Dr. Nagasse and Dr. Hoffe, Nurse Sean Taylor and Nurse Kristen Nagle, all of whom I have had the honour to meet and talk to personally to learn of these actions, and whom I have had speak at our Lawful Protests in support of their opposition to all Governments' COVID-19 actions. I rely for example, on the Video Exhibit "FF" from Oct. 29, 2022 showing Dr. Hoffe and Dr. Malthouse speaking at our Lawful Protest in order to facilitate people getting information to determine the truth about these vaccines and related issues.

See Video Exhibit "FF"

20221029 Lawful Protest

Time: 20:21 – 26:38	Kari Simpson:
31:42 – 35:27	Dr. Malthouse:
26:38 -- 31:37	Dr. Hoffe:

124. Our Lawful Protests allowed these medical professionals to speak to thousands of people directly to let the public know of what is happening, statistically and medically speaking, as a result of the Government's responses to COVID-19 and their use of vaccines; and indirectly by way of the videos taken by Leo and Bruce being put up on social media on the internet for people to watch.
125. I knew that many others also wanted to express their beliefs, views and opinions – as well as anger, opposition, distrust and resentment towards all levels of Governments – and we readily accommodated them by having many, many people, including children from all over the Okanagan, speak to the public and express their beliefs at these Lawful Protests. I am relying upon the attached Exhibit "AA" and my Video Exhibits "CC" and "DD" below to confirm the participation of children and students in our Lawful Protests due to their beliefs in our cause.

Constitutional issues and court cases throughout the country, as well as the positions taken by various Attorneys General, health officers and Governments. These were and remain matters of serious public concern, especially as many people have informed me that they are angry that there has been no accountability by those people in power, and they are not hearing the truth from MSM.

130. It was important to me to keep all protestors updated as to these legal happenings as the City's, Provincial and Federal Government's arbitrary actions could affect them. These protestors were extremely angry at what the City was doing in this regard.
131. Myself and many others attempted to convey and conveyed our opposition to the lockdowns and restrictions in relation to an alleged virus that to date, has never been isolated, and even if it exists, was grossly disproportionate to any harm it was causing, supporting my criticisms of the false statistics and information from Bonnie Henry and our Governments.
132. I further attempted to convey and conveyed my opposition to these lockdowns and restrictions on the basis of law, as they violate my belief in fundamental common law principles which I rely upon, including the supremacy of the individual not the collective, as well as my Charter rights and freedoms, my rights in the Coronation Oath, and that these lockdowns and restrictions were even contrary to various other statutes.
133. I further attempted to convey and conveyed that I will not permit our Governments at all levels, to deny me my common law and Constitutional rights and freedoms, nor will I accept their actions and misrepresentations in relation to COVID-19.
134. I further attempted to convey and conveyed that I opposed the COVID-19 lockdowns and restrictions further on the basis that the BC *Public Health Act* powers given to Bonnie Henry in her capacity as Public Health Officer, are far too broad and powerful, were being abused and exceeded by her contrary to natural justice and procedural fairness, in violation of her Hippocratic Oath, and in response to a situation that was not a pandemic and was not supported statistically.
135. I further attempted to convey and conveyed to the Government of B.C., Bonnie Henry, the Federal Government and supporting medical establishment and media, that their entire COVID-19 lockdowns and restrictions are without merit, unreasonable, unjustified, unconstitutional and

criminal. The Governmental decisions that have been made I know are wrong and I further know were accompanied by lies, Government misinformation and disinformation.

136. I am further attempting to convey and conveyed to those people terminated from their employment for refusing to be vaccinated or assaulted or wear masks, and to the vaccine-injured, that they are not alone and there are thousands of doctors who oppose the Government mantra and policies, and we are there to assist, support them, to let them also exercise their freedom of expression at our Lawful Protests, that there is hope, and let them know the truth of our position as set out in our supporting materials and the information provided by the individual speakers.
137. Myself and those in attendance at the Lawful Protests continue to express and convey to the public and our Governments, our strong objections to the culture change that is taking place in Canada as a result of Government actions in response to COVID-19, and following on the heels thereafter, including this erroneous belief that only the Government has a monopoly on medical science and that we must comply with their laws and orders, even if it results in criminal offences upon us, or violates our consciousness, morals, ethics, or religious beliefs.
138. It is my belief, and that of many protesters, that our Governments believe that the COVID-19 situation that they created, is now an open door to attack our Constitutional rights and freedoms in any way they choose, using COVID-19 as either a pretext for same, or slipping in measures while people were fixated on either the COVID-19 issue, just trying to survive, injured due to the vaccines, or unemployed. I attempted to convey and conveyed my anger and opposition to all levels of Government for their actions.
139. Myself especially, but many, many others in our group of protesters, publicly conveyed our demands and continue to so do, that Bonnie Henry, Adrian Dix, Mike Farnworth, Justin Trudeau, Teresa Tam and their underlings, be criminally charged for their actions. This especially in relation to Bonnie Henry's Orders starting in 2021 that employers must force employees to be assaulted under the guise of vaccination as a condition of employment. Some of our signs were illustrative of this, with the words: *Lock Her Up!* next to Bonnie Henry's and Mike Farnworth's picture, which invoke a significant expression of support for this, as I rely upon in my Video Exhibits "HH" and "II". I believe if sufficient numbers of people can be awoken to this, that they will pressure the police to lay the appropriate charges. But we require an effective public location to publicly express

ourselves to so do, and our opposition may be long term until these people are held accountable, as the police simply appear unwilling to do anything while they are in positions of power.

See Video Exhibit “HH” 20220205 Lawful Protest
Time: 47:40 – 48:13

See Video Exhibit “II” 202221008 O2O Lawful March Part 2
Pix: .31 - .34 Farnworth Lock Him Up

140. These Lawful Protests have been further effective simply for being outside, where the vast majority of days have been good to excellent weather, allowing for an excellent atmosphere for providing and receiving information, as opposed to attempting to meet in a stuffy room or where people freeze from air conditioning, and which is extremely and prohibitively expensive. I believe that my common law and Constitutional freedoms will not apply in this situation as I would be on private property to have such indoor meetings and would lose my Constitutional protections in full if the relief sought is granted and the public would be unaware of our information and position.
141. I am firmly of the belief that it is the strength of my language and demands, which were not couched in politically correct language, that was and remains one of the primary driving motivations for the Province and City to continue with its actions to try and stop our Lawful Protests since August, 2021.
142. I am further attempting to convey and conveyed to the public, our protestors, supporters and our Governments, the importance of our participation in the local, Provincial and Federal electoral processes, to try and effect the change we want to see happen. Our Lawful Protests have resulted in a large increase in the number of people now participating in the electoral process, in large part due to my promotion of same for the past two years, who met at our Lawful Protests and were inspired to run for office or school trustees.
143. These people, including Brian Rogers, Glendon Smedley, Sacheen Collecutt, Theresa Dockstader as school trustee and Wayne Lewellen, drew on the support of our protestors to help promote themselves during the past civic elections in 2022, and all of whom spoke at our Lawful Protests, including on Oct. 22, 2022. Many of them used our Lawful Protests to speak on stage to the crowd of protestors to express their beliefs that they stood upon to run for office. This would not have been possible without these Lawful Protests, nor been effective if relegated to some park in the boonies.

I rely upon the following Video Exhibit “JJ” showing people speaking at our Lawful Protest.

See Video Exhibit “JJ” 20220730 Lawful Protest
Time: 33:05 – 34:35

144. I am further attempting to convey and conveyed to the public and our Governments, especially in my July 1, 2023 discussion at that Lawful Protest, that the Coronation Oath has been judicially recognized as the foundational document in our Constitution, and that it recognizes that the Monarch, via the Governor General, cannot give Royal Assent to legislation contrary to the terms and conditions of this Constitutional document which itself, and in the *Coronation Oath Act 1688*, requires that the Monarch uphold to the utmost of his ability, the principles of the Protestant Christian religion, and thus any Royal Assent to legislation contrary to same, is of no force and effect.
145. I am further attempting to convey and conveyed to the public and our Governments, that part 1 of the Coronation Oath binds the Monarch to further protect and uphold our common law principles, rights and freedoms as well, and how this applies to the COVID-19 legislation and orders.
146. I am further attempting to convey and conveyed to the public and our Governments, that we will not be accepting nor agreeing to upcoming attempts by them to impose 15 minute prison cities, digital ID and digital currency upon us, inclusive of accompanying privacy violations, and the unaccountability of those people in charge for their actions during COVID-19. These are ongoing issues that are becoming more and more important in relation to City zoning actions, and our rights and freedoms including privacy rights.
147. I am further attempting to convey and conveyed information about the dangers of these new COVID-19 experimental injection vaccines, and to monitor during this time vaccination injuries and deaths as well as to disseminate to people that this was not an ordinary vaccine with dead viruses in it, it was a brand new, frightening RNA experimental injection that, as a result, alters a person’s own DNA by inserting different genes into the sequence.
148. I am further attempting to convey and conveyed ongoing statistics and information from VAERS in the U.S. of injuries and deaths from these new experimental injections.

149. I am further attempting to convey and conveyed that the U.N. and W.H.O. had to change the definition of a “*vaccine*” in its definitions, to meet this new type of experimental injection, the effects upon our sovereignty of being a part of these international and globalist organizations, and that we should immediately withdraw from them. There is a large amount of support for this.
150. I am further attempting to convey and conveyed the dangers and implications of various mask Orders from Bonnie Henry, as well as the Constitutional violations from these Orders. I drafted a brochure with factual information on this mask and PCR issues that I personally researched, which has now been updated. Myself and others at these Lawful Protests, would discuss businesses who did not enforce the masks Orders, express our feelings, beliefs and opinions in relation to them, and promote giving them our business or assistance.
151. As a result of the MSM lies and deception, I have attached hereto Exhibits “I”, “J” and “BB” confirming that myself and others have had protests at Castanet, CBC, CTV, Global News and other media outlets all of which I was present at, and all in the downtown area that is subject to the injunctive relief sought by the Petitioner, where I further attempted to convey and did convey our opposition to these media outlets’ reports.

See attached Exhibit “I” Kelowna Daily Courier Aug. 5, 2020 p. 76
“Virus-doubting protesters picket Kelowna media outlets”

See attached Exhibit “J” Castanet Aug. 5, 2020 p. 78
“COVID conspiracy theory protesters set up outside Castanet”

152. An example is the picture of me taken by Rob Gibson from Castanet which I have attached hereto as Exhibit “BB” and which is used in virtually all Castanet articles since this picture was taken, outside our protest at the CBC where at this time he told me that Castanet was ordered by the Province not to give us or anyone opposing the Government narrative, a platform in their media. I rely upon the following Video Exhibit “B” showing our Lawful Protest at Castanet in Kelowna, including Dr. Malthouse and Dr. Hoffe, with their entourage supporting them for the “*Justice for the Vaccinated Tour*”.

See attached Exhibit “BB” 20200923 Lawful Protest at CBC p. 166
Picture of David Lindsay protesting at CBC in Kelowna

See Video Exhibit “B”

**20221031 Justice for the Vaccinated Doctor’s Bus tour,
Castanet, Kelowna**

Time: .54 – 1:06

2.:38 – 4:54

11:29 – 13:02

14:10-14:50

153. Furthering our Lawful Protests and expressions of anger at the media, and my responses, Castanet has published many Letters to the Editor, some possibly inclusive of criminal actions. On August 5, 2020, a man named John Stevenson wrote a letter to Castanet and published on August 7, 2020 encouraging anyone infected with the COVID-19 virus to participate in our Lawful Protests and hug and shake hands with people, thereby hoping to commit an assault by intentionally infecting others. I have attached this Letter hereto as Exhibit “CC”, which I do verily believe to be truthful and accurate.

**See attached Exhibit “CC” 20200805 Castanet Letter to the Editor p. 167
Copy of Letter to Castanet Editor, John Stevenson**

154. I am further attempting to convey and conveyed to the public and our Governments, that after protests in Vancouver with over 10 000 people, our Lawful Protests with up to 2000 people, and thousands of more protesters in the Kootenays, Prince George, Vernon, Penticton and Kamloops, that there has not been one outbreak of COVID-19 as a result of our protests.
155. I remember that Castanet published another Letter to the Editor. In this article, written in 2020, the author strongly advocates that people come to our Lawful Protests and infiltrate us, and take as many people away from us as they can. In so doing, he warned these possible infiltrators, not to discuss facts and statistics with us, because we already had all the facts. Though I am unable to locate the Letter, I did announce it to several of our Lawful Protests, including on Nov. 13, 2021, which Video Exhibit I rely upon herein at Video Exhibit “KK”.

See Video Exhibit “KK

20211113 Lawful Protest

Time: 16:20 – 17:02

156. I am further attempting to convey and conveyed my anger toward Prime Minister Trudeau who was bragging publicly about the \$600 million in tax subsidies and other financial assistance his Government was providing to the media, as the basis for them to promote the same Federal and Provincial Government narratives.

See attached Exhibit “DD” CTV News Article September 10, 2019 p. 169
Canada’s \$600 million ‘media’ bailout’: A guide to
federal tax breaks for the news industry
<https://www.ctvnews.ca/politics/federal-election-2019/canada-s-600-million-media-bailout-a-guide-to-federal-tax-breaks-for-the-news-industry-1.4586082>

157. My message that I attempted to convey and did convey, to the public and all protesters, includes warnings and advising people of all existential threats to our rights and freedoms, directly, indirectly, and temporally, from all levels of Government.
158. I further attempted to convey and did convey my belief in the writings of Fredric Bastiat in his book The Law, as I have discussed and our singer and CLEAR co-founder Jacqui also discussed. I am relying upon the Video Exhibit “LL” showing Jacqui speaking on The Law for educational and truth seeking at our Lawful Protest.

See Video Exhibit “LL” 20210724 Lawful Protest
Time: 2:01 – 8:50

159. I have expressed and discussed the following during our Lawful Protests and Lawful Marches, directly on my own, and/or where many others have also expressed their viewpoints on some or all of these points which I have promoted, in the exercise of my common law and s. 2 Charter freedoms:
- i. my opposition to the Government and Bonnie Henry and publicly recommended that she be incarcerated for her actions. Same with Min. Farnworth and Min. Adrian Dix, Prime Minister Trudeau and Federal Health Minister Teresa Tam;
 - ii. that the COVID-19 statistics relied upon by these people are false;
 - iii. that Bonnie Henry lied to the people about mask efficacy;
 - iv. the dangers of wearing masks because they do not stop or prevent viral transmission, mask mouth and associated problems with their use;
 - v. that the PCR test the Government relied upon for COVID-19 statistics provides a massive 97.5% false positive rate, thereby further skewing the seriousness of COVID-19;
 - vi. how Bonnie Henry was skewing the severity of COVID-19 by using the case fatality rate (CFR) when she should have used the infection fatality rate (IFR), which showed that the actual seriousness of COVID-19 was on par with that of the flu;

- vii. that suddenly the Government was reporting that there were no reported cases of the flu in 2021-2022, which has never occurred, and confirmed that the Government was reporting flu cases as COVID-19 to inflate and falsify the numbers and seriousness of COVID-19;
- viii. that thousands of people subsequently were terminated from their employment and never re-hired for refusing to be injected with the experimental injection that no one knew the ingredients of;
- ix. that Governments' actions have created large division and discrimination against non-vaccinated and non-mask wearing people;
- x. that mandatory or forced vaccinations amount to criminal offences of extortion, intimidation and assault;
- xi. that families and friendships have been destroyed and divided because of Government false information, pejorative name calling against us, compulsion, coercion and threats;
- xii. having people on stage expressing their injuries from being vaccinated against COVID-19;
- xiii. having licenced medical professionals explain the nature of these RNA experimental injections and their strong opposition to all COVID-19 lockdowns and restrictions, and the fake Government models and science they relied upon;
- xiv. having a professional, former CDC employee and modeler explain how and why Bonnie Henry's models were completely false and unreliable;
- xv. having nurses, including local ones, exposing the lies about hospitals being full to capacity;
- xvi. opposing all Orders of Bonnie Henry as being unconstitutional and reasons for same;
- xvii. people from across Canada talking about what was happening where they lived;
- xviii. handing out brochures and information with critical information in relation to the above;
- xix. digital ID, currencies and 15 min. prison cities;
- xx. Tanya Gaw from Action4Canada on the dangers of SOGI;
- xxi. Dr. Judy Mikovitz on the dangers of mask usage;
- xxii. Paster Arthur Pawlowski on legal events in Alberta and the importance of God in our beliefs against the Government COVID-19 actions;
- xxiii. Bettina Engler who promoted the World Wide Rally and Ocean2Ocean protests, where we showed mutual support with people all over the world against COVID-19 lockdowns and restrictions;
- xxiv. Erica and Lloyd from the Kelowna Unity Group – who promoted the Doctor's Package drafted by over a dozen local Okanagan medical professionals on the dangerous and misinformation on COVID-19 from our Governments;

- xxv. Danielle Pistilli on the successes of the Vancouver protests against COVID-19, where over 10 000 people appeared and were ignored by all media;
 - xxvi. Former media Global TV producer Anita Krishna on the actions by MSM to cover up COVID-19 truths;
 - xxvii. Social media reporter Laura Lynn Tyler-Thompson on the supremacy of God in our Constitution and its basis to oppose COVID-19;
 - xxviii. Canada's Constitution and its history, including the Coronation Oath, its meaning and applicability;
 - xxix. having protest singers;
 - xxx. having our CLEAR Canopy and dozens of signs and banners;
 - xxxi. the Emergency Order issued by Min. Farnworth on March 18, 2020, was done without jurisdiction to so do as a virus is not encapsulated within the definition of an emergency or any other definition, in the *Emergency Program Act*.
 - xxxii. exposing that the Government ordered BC media not to publish anything from us or anyone else opposing the Government COVID-19 narrative...and much, much more.
160. Frequently I would have protest singers playing protest songs, including Jacquelyn-Rose, to convey their personal messages of opposition to the Government's lockdowns and restrictions, and to inspire protesters in upholding and standing up for our shared beliefs. I am relying upon Video Exhibit "DD", "MM" and "NN" from our Lawful Protests showing Jacqui singing two protest songs.
- See Exhibit Video "DD" 20211120 Lawful Protest
Time: 8:32 – 12:07**
- See Exhibit Video "MM" 20211218 Lawful Protest
Time: 21:50 – 25:40**
- See Exhibit Video "NN" 20220423 Lawful Protest
Time: .03 – 2:56**
161. There were several Lawful Protests where I was unable to appear. On such dates, other people would organize and MC these Lawful Protests, giving them the opportunity to express themselves further.
162. We promoted and freely distributed at our CLEAR Canopy materials published by the Kelowna Unity group which I am attaching hereto as Exhibit "EE", including an excerpt of the 26 page

Doctor's Package released by medical doctors here in the Okanagan opposing COVID-19 claims by the Government.

See attached Exhibit "EE" 202211 p. 174
Excerpt copy of Doctor's Package and Unity brochures

163. We further promoted and freely distributed about 7-10 Action4Canada Notices of Liability (NOL), some of which I assisted in producing including which I am attaching hereto at Exhibit "FF".

See attached Exhibit "FF" Copy of Action4Canada/CLEAR Masks p. 182
Notice of Liability

164. At several of these Lawful Protests, we would also have our Lawful Marches using the curb lane of the street. We would walk usually down Doyle to Richter, to Bernard and back to the Park. Our intentions were to convey our messages to the public and Governments about our opposition to COVID-19, the Government lies in relation to mask efficacy, vaccine dangers and lack of efficacy, false statistics from Bonnie Henry's reliance upon the PCR test, falsified numbers of vaccinated people, and hand our brochures to the public who were willing to receive them, and which enabled us to greatly obtain attention, visibility and credibility to our cause, which I announced to our protestors on November 20, 2021. Unless we had police traffic control presence, once we started to move, we continued to expeditiously move until we were done, usually taking about 20-25 minutes from beginning to the end, on the streets. I am relying upon Video Exhibits "II", "OO", "PP", "QQ", "RR" showing our Lawful Marches and stopping for traffic control devices.

See Video Exhibit "OO" 20210821 Lawful March
Time: All – 12:31
5:04 – 5:11
7:18 - 7:24 what do you guys want – Freedom

See Video Exhibit "PP" 20210918 Lawful March
Time: 0:00 – 12:16
4:37 cop on Water traffic
5:01 – 5:07 cop car blocking Ellis by IH building
12:06 – 12:12 cop car turns corner by us

See Video Exhibit "QQ" 20220226 Lawful March
Time: 0:00 – 8:25
0:00 – 00:25 - cop car leading the way off Water St.
3:18 – 3:20 cop car at the rear
4:04 cop car blocking traffic on Richter for us
- 4:27 cop car following us

[45]

5:00 cop car leading way down Bernard by sails
8:19 cop car following in rear on Bernard by sails

See Video Exhibit "IF"

20221008 Lawful March

Time: 0:00 – 27:05

4:32 – 5:20 stop for light at Ellis by IH

15:05 – 15:24 had green light by Safeway

18:26 – 18:40 had green light at St. Paul

20:17 - Ellis – green light to red – con't

21:07 – 21:40 freedom not negotiable

Gibson – Castanet liars

Green light to red – Pandosy

22:30 -23:10 Water St. – Green to red- I stop

See Video Exhibit "RR"

20220122 Lawful March

Time: 0:00 – 14:19 Lawful March

14:20 – 34:50 Lawful Street Protest Hwy 97

165. These Lawful Marches consisted of people walking randomly in the curb lane of certain streets and the sidewalks in downtown Kelowna, carrying signs, placards, large banners, and brochures to distribute to pedestrians and others, to express our views and beliefs on the COVID-19 situation and other rights and freedoms threats, and to educate the public of the lies emanating from various Governments and Health Officers. These Lawful Marches were not a procession nor a parade, but a political protest march and political statement and expression pursuant to our common law and s. 2 Charter freedoms. Here, the mode of expression, ie: the Lawful March, was also the expression.
166. The Lawful Protests and Marches began to increase significantly as a result of the positive response to the Trucker's convoy, starting in later winter and early spring and continuing into the summer of 2022, and brought to the public attention the thousands of people who supported our position against COVID-19 and Government measures, but prior to same were, for whatever reasons, scared to come to the Lawful Protests. It was an overwhelming show of support, as we received from pedestrians and traffic as well.
167. On many other Saturdays, these Lawful Marches consisted of protestors walking down the boardwalk by the Bernard Ave. sails, down to Hwy 97 by the bridge, talking to people, distributing brochures and information, answering people's questions, where we would join together with their signs and demonstrate there for about an hour. These too ranged from a usual number of about 100-500 protestors.

168. Police regularly provided traffic control at intersections for our Lawful Marches, with RCMP Sgt. Booth agreeing with me in our early discussions that we had a Constitutional freedom to so do. During these Lawful Marches, on dates that the police could not provide traffic control due to lack of manpower as I was told from Sgt. Booth, I instructed everyone to make sure that they complied with all street signs and traffic control devices at all times, which instructions we tried our best to comply with, and for the most part, we did. I rely upon Video Exhibit “SS” showing that I was instructing people to obey traffic control devices during our Lawful Protest on Nov. 20, 2021.

See Video Exhibit “SS” 20211120 Lawful Protest Part 2
Time: 1:22:07 – 1:22:44

Mainstream Media (MSM) and Interior Health

169. We have had spontaneous or surprise protests in the past where the idea of the protest was originated shortly before the protest occurred, especially at places such as local media outlets, the RCMP, City Hall and Interior Health. This would not be possible to do if any form of permit or notice was required or if we were compelled to move outside the downtown core area, and would deny to us and frustrate an important strategic part of our Lawful Activities. I rely on attached Exhibits “I”, “J” and “BB”.

See attached Exhibit “I” 20200805 Kelowna Daily Courier p. 76
“Virus-doubting protesters picket Kelowna media outlets”

See attached Exhibit “J” 20200805 Castanet p. 78
“COVID conspiracy theory protesters set up outside Castanet”

See attached Exhibit “BB” 20200923 p. 166
Picture of David Lindsay protesting at CBC in Kelowna

170. I know officials from Castanet have been in regular communications with officials from the City and the Province as reporter Rob Gibson confirmed to me on June 20, 2023 during a brief conversation we had as he walked past our Lawful Protest at City Hall, as well as in our initial meeting outside CBC News in 2020. I believe, due to the animosity between myself, our group and Castanet, Rob Gibson’s pejorative name calling to us outside City Hall and to me in particular, and our frequent protests outside their office in downtown Kelowna, that they have lobbied the City and/or Province to ban us from downtown to prevent us from protesting in front of their building

again.

171. Some of the reasons I have arranged protests outside of various local media outlets, including Castanet and the Kelowna Courier, were their lies to me that they would hear our position on the COVID-19 issues and publish same, which I have attached at Exhibit “I” and “J”. I outlined several of these in our weekly emails that I sent out, a sample of which I have attached hereto at Exhibit “H”.

See attached Exhibit “H”	20200805 Excerpt copy of CLEAR email	p. 72-75
See attached Exhibit “I”	20200805 Kelowna Daily Courier “Virus-doubting protesters picket Kelowna media outlets”	p. 76
See attached Exhibit “J”	20200805 Castanet “COVID conspiracy theory protesters set up outside Castanet”	p. 78

172. The Kelowna downtown core has a number of important political areas to me and our group that we have protested at, including on Hwy 97, City Hall, the RCMP, Interior Health, and various media outlets, including Castanet, CTV, CBC, Global News and the Kelowna Courier, some pictures of which I have attached below at Exhibits “GG”, “HH”, and “II”. Our freedom to protest at these important locations and on the dates and times we choose, including Stuart Park and Kerry Park, would be completely denied to us if the relief in the Petition was granted, and would have a significant impact on our effectiveness and public visibility and credibility. It is already difficult to do as Castanet for example has spies on our email lists, knowing in advance of our Sept. 15, 2021 protest date, and putting a sign on their window that they would be closed that day to the public.

See attached Exhibit “GG”	20210915 Lawful Protests at media Castanet and Global News	p. 184, 185
See attached Exhibit “HH”	20210805 Lawful Protests at media CBC, Castanet, Kelowna Courier, Interior Health and Global News	p. 187-191
See attached Exhibit “II”	20211103 Lawful Protests at RCMP	p. 192, 193

173. On October 31, 2022, we had the Doctor’s Tour Bus arrive and stopped by a surprise protest we had at Castanet. Dr. Malthouse and Dr. Hoffe arrived and attempted to talk with Castanet reporters,

who simply rolled up the blinds, locked the doors and refused to talk to them, or anyone else. But they knew of our presence and that we were protesting at Castanet precisely as a result of their refusal to give them proper and fair exposure in their media. I rely on my Video Exhibit “B” of the video and my calls to Castanet at this time with the doctors, and attached Exhibit “G” where I state in one of our CLEAR emails on July 27, 2020 how reporters refuse to contact me. If the Petitioner obtains this relief, we will be denied our freedom to have surprise protests like this at the media who, in our belief, require to be exposed for just being Government mouthpieces and propaganda outlets.

See Video Exhibit “B” **20221031 Justice for the Vaccinated Doctor’s Bus Tour, Castanet**
Time: .54 – 1:06
2.:38 – 4:54
11:29 – 13:02
14:10-14:50

See attached Exhibit “G” **Copy of CLEAR email, July 27, 2020, Castanet reporter refuses to contact me and publish our response to their interview, after saying that she would** **p. 65, 66**

174. Most, if not all Castanet reports on Dr. Malthouse and Dr. Hoffe labeled their claims as false and other pejorative, negative allegations. These articles absolutely required that we give these and other doctors who opposed the Government and media narrative, the opportunity to express themselves at our Lawful Protests. We were the most important and effective group at getting people to speak and express themselves to the public in Kelowna in opposition to the Government COVID-19 actions.

175. Linda Jackson, a long-time volunteer for CLEAR and freedom, expressed herself during our Lawful Protest on the very issue of MSM corruption. I rely upon Video Exhibit “TT” of her speech to the public and protestors on Jan. 22, 2022.

See Video Exhibit “TT” **20220115 Lawful Protest**
Time: 0:00 - 7:02

Peaceful

176. On January 29, 2022, we have a large Lawful Protest, with hundreds of protestors. It was a peaceful Lawful Protest, as have all of them been. On January 29, 2022, Kelowna Capital News published

on its website, an article about a large Lawful Protest we were having at Stuart Park, at which I was present. The author confirms that despite all these people present, the, "...*protest was under control and peaceful.*" I have included the URL for this site at the top of this document which I downloaded from this site and attached a copy of same below at Exhibit "KK" to my Affidavit. I believe that the picture and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit "KK" Jan. 29. 2-22 Kelowna Capital News p. 198
"Hundreds gather at Stuart Park on Kelowna for
protest against vaccine mandates" Jordy Cunningham
[https://www.kelownacapnews.com/news/hundreds-](https://www.kelownacapnews.com/news/hundreds-gather-at-stuart-park-in-kelowna-for-protest-against-vaccine-mandates/)
[gather-at-stuart-park-in-kelowna-for-protest-against-](https://www.kelownacapnews.com/news/hundreds-gather-at-stuart-park-in-kelowna-for-protest-against-vaccine-mandates/)
[vaccine-mandates/](https://www.kelownacapnews.com/news/hundreds-gather-at-stuart-park-in-kelowna-for-protest-against-vaccine-mandates/)

177. Inspector Adam MacIntosh of the Kelowna RCMP, in a publicly addressed press conference, admitted that the police were pleased that our Lawful Protests have been peaceful. I rely upon Video Exhibit "UU" and "VV" of Insp. MacIntosh's speech to the public in his press conferences.

See Video Exhibit "UU" 20211230 Global News
RCMP MacIntosh admits protests are peaceful
Time: 1:15-1:33 RCMP
[https://globalnews.ca/news/8481410/covid-19-protest-](https://globalnews.ca/news/8481410/covid-19-protest-organizer-charged-assault/)
[organizer-charged-assault/](https://globalnews.ca/news/8481410/covid-19-protest-organizer-charged-assault/)

See Video Exhibit "VV" 20220413 RCMP Press Release
RCMP MacIntosh admits protests are peaceful
Time: 9:54 – 12:27

178. I am attaching as Exhibit "LL" hereto, an email I sent to Bettina Engler in 2020, who desired to cooperate with us to oppose the Government COVID-19 narrative and actions, that our protests were all peaceful.

See attached Exhibit "LL" Copy of email from David Lindsay to Bettina Engler
Dated the 29th day of August, 2020

179. I have repeatedly inquired from Bylaw Officers, including O'Hanlon, if any complaints were filed with the City against us for our Lawful Protests, including any noise complaints. I was repeatedly told that no complaints had been filed, both before and after August, 2021 when Bylaw tickets began being issued. When the first tickets were being issued, this was one of my first questions to the Bylaw Officers as I demanded to know who my accuser was. I was told by Bylaw Officer Short,

after my inquiry that I believed the City needed complaints in order to act, that they did not need complaints and they could initiate charges on their own, and were so doing.

180. The City has a specific site on its website for people to file or register complaints with the City for alleged Bylaw infractions. No such complaints were filed with the City and no files were opened. Here is the URL for this site for complaints to the City of Kelowna:

<https://www.kelowna.ca/city-hall/bvlaw-enforcement/register-complaint#:~:text=Complaints%20are%20accepted%20at%20City,re%20making%20the%20complaint%20about>

181. I interpret and believe Bylaw Officer O'Hanlon's and Short's responses to mean that if anyone was interfered with in their use of the Park or streets by us, it was so minimal or trivial that it was not worth the time and effort to lodge a complaint with the City.
182. Although, especially in the beginning, a very small number of people did not approve of our position in relation to COVID-19 lockdowns and restrictions, no one from the skating rink area (summer or winter) or anywhere else, complained or represented to me and no one at our Lawful Protest informed me that someone had complained to them, that we did not have the freedom to be there and express our views and beliefs, nor that they were intimidated or scared in any way.
183. No one complained to me, and no one at our Lawful Protest informed me that someone had complained to them, that we were interfering with their use of the Park or that they could not use the Park, including the skating rink because of our presence, nor told me or anyone at our Lawful Protests, that they were leaving the Park because of our presence.
184. Anyone wishing to avoid us, could easily walk across the crosswalk at both intersections adjacent to us, and use the other side of the street to avoid us, or were able to continue to walk along the sidewalk and pass through us.
185. People using the skating rink, would frequently walk among us as they would enter and exit from the skating rink, even with children, without fear, to get to their cars. We would move out of the way to let pedestrians and skaters through and at no time did anyone intentionally interfere with their use of the Park, nor intimidate them.
186. If any inconvenience was caused by our Lawful Protests, which I deny, from my observations and

discussions with people, it was minimal, trifling, and for short duration of time, and during this time period, only once/week for less than two hours.

187. People would regularly use the top Bear area of the landing for pictures etc., even while we were doing our Lawful Protests. The entire back or south side of the Bear and north side were completely open for use and were used by the public during our Lawful Protests.
188. All of these Lawful Protests and Marches were peaceful and without violence, despite having between 1500 – 2000 people assembling for same, and some of our Lawful Marches. No fights broke out at any time.
189. This is much different from how we were treated by people opposing us. For months, there were counter-protestors on the other side of Water St., on City Hall property, during our Lawful Protests. These counter-protestors, never obtained any permit to be there. We were frequently yelled and screamed at, called pejorative names, subjected to false and unproven allegations, and even threatened. I am relying upon Video Exhibit “WW” taken of counter protestor Heather Friesen screaming and swearing at us while Bylaw Officers stood by and did nothing as of one example of what we were subjected to.

See Video Exhibit “WW”

20210120 Counter Protest
Counter Protestor screaming and swearing
Time: 0:00 - .27

Signs and Sound

190. Signs were a critically important part of our expressive Lawful Activities, especially during our Lawful Marches and Lawful Street Protests. They conveyed in seconds that which either we could not convey due to noise on Hwy 97 and streets from vehicles, or to people in buildings who could not hear us, or to people just walking by us. Many of the signs were produced by, and were the property of our group CLEAR.
191. In the exercise of my freedom of expression and assembly, myself and others used various methods to exercise these freedoms, including time, date, location, and form. We used various signs to get our message across, including that various Government officials should be in jail, that the media

were and remain liars and subsidized Government mouthpieces, and that the actions taken by these Governments were fundamentally and scientifically wrong and unsupported. I am attaching hereto at Exhibit "MM" a copy of pictures of many of the signs we had displayed in the Park for public visibility and communication of our beliefs and knowledge and which were an integral part of our expression. I am relying upon a screen capture of Video Exhibits "SS", "I" and "XX", "OO", "YY", "RR", and Exhibit Video "G" all which were taken by Leo of signs at one of our Lawful Protests, and which I have attached at Exhibit "MM". Our signs were displayed at every Lawful Protest.

See attached Exhibit "MM"	Exhibit Video "SS" 20211120 Lawful Protest	p. 201
	Screen capture picture of children and signs	
	Time: 10:01	
	Exhibit Video "I" 20211109 Lawful Protest	p. 202
	Screen capture signs on stage	
	Time: .04	
	Exhibit Video "XX" 20230603 Lawful Protest	p. 203
	Screen capture signs in Lawful March, Street Protest	
	Time: 8:27, 14:43	
	Exhibit Video "OO" 20210911 Lawful March	p. 204
	Time: 2:37	
	Screen capture signs in Lawful March on Bernard Ave.	
	Exhibit Video "YY" 20221111 Lawful Protest	p. 205-207
	Screen capture signs in Stuart Park	
	Time: 1:52	
	Exhibit Video "RR" 20220122 Lawful Protest	p. 208, 209
	Screen capture signs in Lawful March, Street Protest	
	Time: 15:51, 27:10	
See Exhibit Video "G"	20220212 Lawful Protest	
	Video of signs during Lawful Protest	
	Time: 1:17 – 1:33	

192. Signs were further important as they permitted individuals to make their own signs to express themselves and their individual viewpoints and beliefs on various issues, and to vent their anger and opposition towards Government officials and the actions that they were taking.
193. Bylaw Officers asked me at one point not to put sign wires into the grass. I complied, however we

continued to use our sandwich board on the sidewalk and on the grass, close to the curb so as to not materially interfere with the passage of pedestrians, and all our other signs were simply laid on top of the grass as they did not have wires or anything to insert in the grass anyway. This sandwich board was important for me to get messages across to the public as part of my common law and s. 2 Charter freedoms, including advising of upcoming Lawful Protest dates and various messages. Bylaw Officers Short and Hogan purport to show pictures of our sandwich board where we are expressing to people that our Lawful Protests are every Saturday, to permit them to come and hear what we have to say and know that they can obtain support if need be. People in the picture by Officer Hogan at this time, were waiting briefly for me to get people organized for our boardwalk march to Hwy 97.

Affidavit #1 of James Short Exhibit p. 7. 8 Copy of picture of our sandwich board

Affidavit #1 of Daniel Hogan Exhibit p. 7 Copy of picture of our sandwich board

194. We had various banners on the stage, on the grass and against the benches, and on our CLEAR table at the CLEAR Canopy, conveying our messages about both the media, and the fact that masks do not prevent viral transmission. I am attaching hereto at Exhibit "NN" a copy of our snapshot or screen capture pictures of these signs, taken from the videos of these dates: Video Exhibit "B"; Video Exhibit "K"; Video Exhibit "P"; Video Exhibit "NN"; Video Exhibit "QQ"; Video Exhibit "YY".

See attached Exhibit "NN" Screen capture pictures of various banners from videos p. 210-215

Video Exhibit "B"	20221031
Video Exhibit "K"	20220922
Video Exhibit "P"	20210814
Video Exhibit "NN"	20220423
Video Exhibit "QQ"	20220226
Video Exhibit "YY"	20221111

195. The use of sound equipment was necessary for us to be able to effectively express ourselves and convey our messages, especially for people like myself with low voices. Neither myself nor many other speakers, have significantly loud enough voices or stamina, to shout sufficiently to express themselves to hundreds of, or a thousand or more people, especially for any length of time. Absent this equipment, many of our speeches could not be made, and individuals could not attend to express themselves, on very important issues. Many people simply would be denied their right to listen to

these messages. I rely on Video Exhibit “ZZ”, “AAA”, “OO”, and “XX” taken by our CLEAR cameraman Leo, for his recordings of various people speaking. I was present to hear them.

See Exhibit Video “ZZ”	20221022 Lawful Protest Time: 45:00 – 49:08; 54:36 – 55:52
See Exhibit Video “AAA”	20210313 LawfuL Protest Time: 8:10 – 8:58
See Exhibit Video “O”	20220822 Lawful Protest Time: 30:47 – 30:51
See Exhibit Video “XX”	20230603 Lawful Protest Time: 30:13 – 30:32

196. Lack of sound equipment restricts and would prohibit and does prohibit my ability and that of most of our people speaking, to add emotion, excitement and encouragement messages to the protesters, as it does for other people speaking. It prohibits in most instances, my ability. And that of others, to communicate even more so on windy days which was a real problem. Having our Lawful Protests without a speaker system compels us to yell or scream from the stage and this would cause more problems than using the equipment including if people are not speaking close to the microphone, where we can talk in a normal voice without yelling or screaming. I rely upon Video Exhibits “BBB”, “CCC”, “CC”, “O”, “ZZ”, “L”, “P”, “XX” and “T” showing the problems associated with non-use of our sound equipment, and how difficult if not impossible it is to convey our messages and for people to receive them, without this equipment.

See Video Exhibit “BBB”	20210918 Lawful Protest Time: 28:49 – 29:00
See Video Exhibit “CCC”	20211127 Lawful Protest Time: .25 sec total
See Video Exhibit “CC”	20220402 Lawful Protest Time: 3:07 – 3:19
See Video Exhibit “O”	20220822 Lawful Protest Time: 18:07 – 18:11
See Video Exhibit “ZZ”	20221022 Lawful Protest Time: 1:45 – 1:52
See Video Exhibit “L”	20210807 Lawful Protest Time: 29:29 – 31:06

See Video Exhibit “P” **20210814 Lawful Protest**
Time: 3:14 – 3:30; 4:00 - 4:10

See Video Exhibit “XX” **20230603 Lawful Protest**
Time: 29:02 – 30:07; 30:18 – 31:10

See Video Exhibit “I” **20211009 Lawful Protest**
Time: .38 – 1:09

197. In the absence of sound equipment, I and every other individual speaking, would be compelled to be yelling or screaming to convey our messages, and be exhausted so doing in minutes, preventing us from conveying our full messages. Yelling or screaming would force us to breach Bylaw #11500, s. 9.5(1)(iii), or if we didn't yell or scream, we would not be able to convey our messages, and many listeners would not be able to receive our messages, thus again restricting or denying to us our common law and s. 2 Charter freedoms. This would be worse when we have hundreds of protestors.
198. I have received, directly and through third parties, regular complaints from protestors that they were unable to hear from the sidewalk and road areas, denying to them their freedom to receive messages being conveyed by the people speaking, and which also prevented pedestrians from hearing our messages, so we arranged for extra speakers to ensure that these people were able to coherently hear the messages being expressed and conveyed to them.
199. Without sound equipment we would be denied the benefit of many people speaking on important issues, and could not get our messages to the public. In the past, prior to obtaining the front two speakers, I personally witnessed protestors at the back leaving because they could not hear the people speaking on the stage. I could see them leave from the stage, and I had reports told to me from protestors as to why they were leaving, where some of them complained to our volunteers as well, they could not hear us.
200. Prior to obtaining these two front speakers, I would have to turn the volume up almost to the maximum to reach the back protestors, which resulted in the protestors at the front of the crowd having hearing problems from the loud sounds at that location. We needed these extra two speakers and this allowed for us to turn down the front speakers as well and keep the forward speakers loud enough for the back part of the crowd.
201. The Petitioner at no time, during our 150 or so Lawful Protests, asked me to turn the volume down,

nor informed me of any concerns that it may have had in relation to the volume, nor provided or informed me of any complaints from anyone in relation to the volume of sound. I have asked others in our group and at our Lawful Protests if the Petitioner had approached them with any same or similar concerns or requests, and the answer was negative from everyone I asked.

202. I have tried to use what is commonly known as a 'megaphone' on the stage. This is highly impractical because it requires me to continually hold the microphone open with one hand for the entire speech, which could be 15-30 minutes, rendering this impossible for myself to do, and likely most other people. This is further impractical for me when I am reading from scripted papers, more so on windy days. It also limits my ability to communicate with both hands and body language.
203. The sound that comes out of a megaphone is not good at all, and difficult to listen to for any extended period, as it is highly static. This would not work for our protest singers either who need both hands-on musical instruments. These instruments were never designed for this type of speaking.
204. To my knowledge, and after talking to our volunteers, protestors and Bylaw Officers, no one has ever complained that they could not, or did not use Stuart Park due to our sound equipment and presence there.

Permit Issue

205. Prior to the issuance of tickets against me in Aug. 2021, I had relied on representations made to me from Bylaw Officers and the RCMP, right from the beginning of our Lawful Protests, that they recognized I had the Constitutional freedom to so do, as did others.
206. I have now read Bylaw #10680, the Parks and Open Spaces Bylaw. There is no provision in this Bylaw setting out conditions for obtaining a permit. This leaves the City with complete and unfettered discretion to grant or refuse any such request I might have made.
207. I am greatly concerned that not only does Bylaw, in the Petitioner's interpretation, purport to convert my Constitutional freedoms into privileges from the City, but also an unfettered privilege that could be denied for any reason at all.
208. On February 6, 2023, I filed an Access to Information with the City of Kelowna, requesting a copy

there. They were just following orders from superiors to ticket me and would not consider our Constitutional freedoms to be there. Their mind was closed and made up at all times

212. At no time did we have an “*Outdoor Event*” as defined in the *Outdoor Events Bylaw* #8358. We were not doing or having any exhibition, parade, procession, carnival, athletic event, commercial performance or show at any time.
213. To date, the City of Kelowna Bylaw Officers have issued over 200 Bylaw tickets against me since August, 2021, some of which I have attached hereto at Exhibit “PP”, totaling over \$50 000.00 in fines. I know of no other protester or protest organizer who has even received even one Bylaw offence ticket, for holding a protest, using sound equipment, having street marches or having signs in the ground, without a permit. For almost all of these tickets, I have not had a hearing.

**See attached Exhibit “PP” Copy of some of the 200+ Bylaw Tickets p. 218-229
issued to David Lindsay**

214. In early 2022, I was required to appear to an adjudication hearing with respect to Bylaw tickets issued from Bylaw Officer Short and others. During this hearing, before Adjudicator Mellis, in response to my questions to Short as to how the City defined the word “*event*” in s. 3.8 of the *Parks Bylaw*, as there is no definition in the Bylaw, he replied that both himself and a superior officer that he refused to name, had a secret meeting in his office for them to come up with what factors that they would consider to be an “*event*” (which I will refer to as the Arbitrary Definition). I will rely upon the Video Exhibit of this hearing confirming Mr. Short’s representations to the Adjudicator, as soon as it is released to me, which I am still waiting for from the City.
215. Officer Short confirmed that this decision and factors they were going to consider, were never made public. Had I not inquired, I would never have known how the City was applying this Bylaw and upon what basis. I did not know any of this for all the Bylaw Tickets issued up until the time of this hearing. After this hearing, I realized that the City was simply “deeming” or “assuming” that our Lawful Protests were an “event”, or trying to falsely “pigeon hole” me into that definition, to then rely upon to issue me their Bylaw tickets.
216. In a News Release issued by the City of Kelowna, on September 8, 2021, which I have attached hereto at Exhibit “QQ”, the City and former Mayor Basran refer to my use of “*amplified*”

entertainment, event tents and product sales in City parks are not protests” as the basis for the tickets against me and the City’s basis for falsely referring to our Lawful Protests, as an event. As I have evidenced herein and in our videos that I am relying upon, I am not using sound equipment as entertainment, but as part of our Lawful Protests to permit people to convey their political messages and for people to receive them in an effective manner. Our CLEAR Canopy is not a tent, as the City intentionally mischaracterizes it and I am not involved in product sales nor is CLEAR, I have not authorized anyone else to sell products, and I am not responsible for the actions of any other person who may sell any products.

**See attached Exhibit “QQ” Copy of City of Kelowna Press Release p. 230
Enforcement at public gatherings and post-passport
rollout**

217. The factors the City is considering would, if accepted, virtually prevent all meaningful communications or conveyance of messages and information from us, and receipt of these messages and information from others. The City is trying to do an end run around the *Beaudoin* case and others, to stop me from being effective in the exercise of my common law and s. 2 Charter freedoms.
218. I deny any claims, allegations and evidence by the City that I had an “event” as noted in s. 3.8 of *Parks Bylaw #10680*. I have read the arbitrary factors considered by Bylaw Officer Short at para. 12 of his Affidavit. I am in the exercise of my common law and s. 2 Charter freedoms to assemble, express myself and protest, as were all other protestors and attendees to our Lawful Protests, and this was always my intention to do so, it was not at any time to participate in any event or a Bylaw defined term.
219. As I evidence further below herein, these same facts occurred at virtually every other protest in downtown Kelowna at Stuart or Kerry Park by every other organization, such as the Iranians. Yet I was the only person who was issued Bylaw Tickets.
220. If the Petitioner’s relief is granted, this would deny to myself and all of us, our freedom to spontaneously or even plan a protest, especially if new issues develop that requires our immediate attention. An excellent example was when Dr. Sue Pollock issued mask orders for the Interior region on August 3, 2021, which I have attached hereto at Exhibit “RR”. I mobilized and began to arrange for people to protest immediately on August 4, 2021, outside the IH building on Doyle Ave.

in Kelowna.

See attached Exhibit "RR" Copy of Aug. 3, 2021 Order of Dr. Sue Pollock p. 230

221. This would not have been possible if a permit system was required, or if the relief sought is granted. Our Lawful Protests at the IH building had success, and brought to their attention and that of the public, our opposition to these new mask orders. The relief sought by the Petitioner will not just affect us, but everyone opposing Government tyranny or decisions.
222. Any permit would cost hundreds of dollars on a weekly basis. I do not agree to have my Constitutional freedom to protest changed to a paid privilege, at any price.
223. Banning our Lawful Protests to the outskirts of the City, or at all, would cause many protestors to not show up and we would lose a significant base of support and attendance. It is the downtown location that I chose, that greatly assists to attract protestors for the reasons I have set out herein, and has contributed greatly to our success.

Estoppel

224. From our initial Lawful Protest in March 2020 till mid-August, 2021, or about 17 months or 70-75 Lawful Protests, I received no Bylaw tickets from the City. Bylaw Officers who did come around confirmed to me that we had a Constitutional freedom to be there, as long as we did not use City services. Their primary concern was safety. During this time we used sound equipment of some form at every Lawful Protest.
225. Occasionally I would chat just briefly with these Bylaw Officers as I was usually busy setting up. They were checking to make sure that we were not using any City electrical outlets and these said Officers represented and assured to me that they agreed we had the Constitutional freedom to have these Lawful Protests without a permit, but not if we were going to use City electrical or other services, as there was no Constitutional right to use someone else's power supply.
226. As long as we were not using City services as I was told by City Bylaw Officers, there was nothing they could do to stop us from having our Lawful protests. This further led me to believe and expect we would be using this Park for all subsequent Lawful Protests. This was also the reason we

purchased a very newer, super quiet model Honda grounded gas generator that we have used ever since. This generator does not affect in any way, anyone else using the Park, even on the landing, due to the fact that it produces virtually no noise when more than a few feet away, and virtually no emissions.

227. I will be relying upon a video that I have personally watched, that then Mayor Basran did shortly after the *Beaudoin* decision was released from the BCSC. In this short video, Mayor Basran, with the support of RCMP Sup't Triance, expressly admits that because of this decision, we had the Constitutional freedom to conduct our Lawful Protests, though he was hoping we would not. I was aware of this video when it first came out. I rely on this Video Exhibit "W" and attached Exhibit "SS" to show this video was produced and its contents. I believe that the pictures, video and representations therein from this said Video Exhibit and media outlet are truthful and accurate.

See Video Exhibit "W" **20210430 Press release video – Former Mayor Basran and RCMP Supt. Triance**
"RCMP, mayor issue statement on weekly protests in Stuart Park"

See attached Exhibit "SS" **20210430 Copy of Castanet Article** **p. 238**
"RCMP, mayor issue statement on weekly protests in Stuart Park"
<https://www.castanet.net/news/Kelowna/332556/RCMP-mayor-issue-statement-on-weekly-protests-in-Stuart-Park>

228. On April 30, 2021, CTV published on its website, an article about this same video by former Mayor Basran and Supt. Triance, as to why the police will not be breaking up our Saturday Lawful Protest. Both the police and former Mayor Basran, told the media that they will not be breaking up our Lawful Protest because the BCSC ruled we had a Constitutional right to freedom of expression which included our Lawful Protests. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit "TT" to my Affidavit, a true copy of same. I believe that the pictures and representations therein from this said media outlet are truthful and accurate and I recognize the people in the photograph that I have personally seen from our Lawful Protests and Lawful Marches.

See attached Exhibit "TT" **20210430 Copy of CTV News Article**
"Police don't plan to break up a weekend rally against B.C.'s COVID-19 restrictions. Here's why."

<https://bc.ctvnews.ca/police-don-t-plan-to-break-up-a-weekend-rally-against-b-c-s-covid-19-restrictions-here-s-why-1.5409368>

229. I rely here as well on my evidence above at para. 208, that was provided to me in writing from City official Mr. Chris Babcock, that the City does not and will not give out permits for political protests such as ours.
230. In late 2020, as part of our Lawful Protests, we began to include our Lawful Marches in downtown Kelowna. I had repeated discussions with Sgt. Booth in relation to our routes, RCMP traffic control, and safety issues. It was a cooperative relationship. I mentioned to Sgt. Booth that we were in the exercise of our Constitutional rights/freedoms in so doing these Lawful Marches to which he agreed with me and that was one of the reasons the RCMP were providing traffic control for us, in addition to safety concerns.
231. Sgt. Booth informed me and which I do verily believe same to be true, that he had also been in contact with City officials and who confirmed to them that they had no opposition to our Lawful Marches as the City agreed we had the Constitutional freedom to so do.
232. At no time did the Petitioner make any attempt to prevent or stop our Lawful Marches, or tell me I needed a permit, nor object in any manner, nor did any representative of the City approach me and convey their opposition to these said Marches, or advise me that I was breaking any Bylaw by so doing.
233. In mid-2022, Sgt Booth called and informed me that due to staffing shortages, he could not provide traffic control on Saturdays anymore. He said we were still entitled to have our Lawful Marches, however, he advised me to let everyone know that they would be required to obey all traffic control devices, which I so did.
234. I continued our Lawful Protests and fully expected to continue our Lawful Protests based upon the Bylaw Officer's insistence and their recognition that we had the freedom to be there without a permit, and that we could only use City services with a permit, Former Mayor Basran's admissions on public TV that we had the Constitutional freedom to be there, knowing that Bylaws must conform to our Constitution, and that this went on for over 70 Lawful Protests over 17 months with no Bylaw

tickets or harassment from the City, further led me to believe that my exercise of my Constitutional freedoms and interpretation of our Constitution in this area, was correct.

235. I do not believe it is legally, lawfully or Constitutionally correct, fair or just for the City to have issued me 200+ tickets and now served me with this Petition after the City has repeatedly and publicly agreed and recognized that I have this Constitutional freedom to so do.

Arbitrary, unreasonable and bad faith

236. I rely here upon my previous evidence about Bylaw Officer Short admitting that himself and his superiors came up with some secret definition of an “event” to charge me with, and did not tell me nor release this publicly. All the City’s tickets of me having my Lawful Protests without a permit, were all simply deemed to be.
237. I re-emphasize that the City Bylaw Officers simply did not even care if there was a BCSC decision allowing us to be there. They were just following orders to ticket me and would not consider our Constitutional freedoms to be there. Their mind was closed and made up at all times.
238. I have examined the pictures in the Affidavit of Bylaw Officer Short, where he claims to have pictures of people selling merchandise at our Lawful Protests. These were not at our CLEAR Canopy nor tables. I did not authorize anyone nor do I have the power to authorize anyone other than our CLEAR volunteers to put up or erect any tables, booths, or canopies, other than the tables and CLEAR Canopy, nor to sell merchandise. I did not authorize anyone nor do I have the power to authorize anyone to use chalk or any other form of writing on any stairs, sidewalks, streets or buildings. I am not responsible, nor do I have any duties to enforce City Bylaws, even if they applied which I deny. I have not been deputized to enforce these City Bylaws or any other Bylaw, law or statute nor was I getting paid or remunerated to so do.
239. On October 30, 2021, Bylaw Officer Short informed me that someone had already obtained a permit for Stuart Park and we could not use it, despite other people being present. Officer Short informed me that I could use Kerry Park, so I did. Subsequently I was issued tickets for having our Lawful Protest at Kerry Park on this day. Though I no longer have the ticket, I do have the Notice of Adjudication Hearing Date form listing the offence date at Kerry Park on Oct. 30, 2021, and setting this for hearing, which I have attached at Exhibit “UU”, and I rely upon Video Exhibit “J” recorded

by our CLEAR cameraman Leo on Oct. 30, 2021.. I asked Leo if he could go back to Stuart Park and see if anyone was there. He did and recorded it only to find that there was no one present, except ½ dozen members of the public. There was no event occurring.

See attached Exhibit “UU” Copy of Notice of Adjudication of p. 243
Ticket, Offence Date: Oct. 30, 2021

See Video Exhibit “J” 20211030 Video of Stuart Park
Time: 0:00 – 1:46

240. On or about September 23, 2021, I was approached by Rob Gibson, a reporter from Castanet at a protest outside of the Canadian Broadcasting Corporation offices, at 455 Lawrence Ave. in Kelowna, protesting against both their lack of coverage of our side of the COVID-19 issues, and their misrepresentations in relation to same. Mr. Gibson unexpectedly took my picture while I was talking to him and which Castanet has used ever since in its articles in relation to myself or our Lawful Activities, as I have attached earlier herein at Exhibit “BB”, p. 166.
241. Mr. Gibson had a discussion with me on our goals and objectives, and about me personally. I noticed him right at the beginning that I was concerned because we did not trust him nor Castanet, despite which we did enter into some personal discussions. Mr. Gibson related to me some personal details including a family member who is/was a judge in Ontario.
242. I began to express anger and frustration to him about their lack of fair journalistic reporting practices, and their complete bias towards Bonnie Henry and the B.C. Government. I explained to him our frustration that Castanet refused to publish anything accurate about us and the stats and information we were relying upon, especially in relation to masks and the PCR test relied upon by the Government and its 97.5% false positive rate, to contradict the Government narrative on COVID-19. It was at this time, Mr. Gibson informed me that Castanet was contacted by the B.C. Government in Victoria, and told that they were not to give us “*a platform*” in their media. He confirmed other media outlets received similar instructions.
243. He refused to provide me with a copy of their communications with the B.C. Government, or provide any further details of these instructions, or penalties if they refused to comply. But he repeated himself on this point several times during our discussions in response to my ongoing question on this point. As Mr. Gibson desired to talk in private and without being recorded, I was

alone with him and the conversation was not recorded. Mr. Gibson has refused to talk to me since this discussion, which I believe was a fishing expedition by him to gain my trust and get personal information to share.

244. I have since learned about the \$600 million in subsidies provided to the media industry in Canada from the Trudeau Government, which I do verily believe supports why the MSM has generally refused, especially for the first two years of the COVID-19 situation, to print or report on any of our statistics or opposition reasons to the Government lockdowns and restrictions.
245. In August, 2021, when City of Kelowna Bylaw Officers began issuing me tickets, I was discussing this with several of them outside the front doors of City Hall, when one of them unexpectedly asked me to come aside. We moved aside from the rest of the Bylaw Officers and other protesters who were there, and during our discussions, he informed me that the City administration was contacted by the B.C. Government in Victoria, and instructed to start handing out Bylaw tickets to me personally, in order to shut down our Lawful Protests. This was surprising to me as I expected merely a personal type of warning of some kind for future activities that he wanted to discuss.
246. I inquired as to who was contacted, and if I could obtain a copy. He refused to release the names of the people involved in these communications, other than to say it was management, and did not have a copy of any communications. Due to the impromptu nature of our discussions and his request for privacy, our conversation was not recorded, but I do verily believe his statements to me to be true, simply based on the lack of tickets for the first 17 months.
247. In the spring of 2023, I had occasion to meet a senior executive official with the City of Kelowna (the Source.) We subsequently arranged for a meeting that took place on March 14, 2023. During our one hour conversation, the Source advised me of witnessing our Lawful Protests and was concerned that the City was getting the "*short end of the stick*", when our concerns were with the Province and the Federal Government.
248. I explained to the Source that I had serious concerns also with the City due to their past mask policies which prohibited me from defending myself at a tribunal hearing on some Bylaw tickets, where the adjudicator entered convictions in my absence. But that most of our concerns were as the Source stated.

249. The Source then informed me that the City had a lot of projects on the go, and that some of these were at risk due to the Province and the Federal Government either refusing to fund certain projects or withhold approvals that were required, or threatening to so do if the City did not shut down our Lawful Protests.
250. Since this meeting, the representations by the Source were confirmed to me from another person in our group who also received information from confidential sources in the City of Kelowna.
251. Shortly after our Lawful Protests at Interior Health at 505 Doyle Ave. in Kelowna, we noticed that a sign had been posted on the IH door facing Doyle Ave., which I am attaching hereto at Exhibit "VV", that protesting was now prohibited. This was another indication to me, that the B.C. Government and Ministry of Health, were doing everything in their power to prevent us from exercising our common law and s. 2 Charter freedoms to peacefully protest and expose the unreasonableness of their COVID-19 activities in the downtown Kelowna area.

See attached Exhibit "VV" Copy of Interior Health sign prohibiting protesting

252. There is a documented history of acceptance by the Petitioner of all other protests in downtown Kelowna parks, except for myself and the Respondents, as I evidence below. If there is one commonality I have noticed is that these other protests involved issues outside of Canada or not in direct attack against any level of Government in Canada. We were the only organization structured on complete opposition to all levels of Government in Canada and especially in relation to opposition to COVID-19 actions they have taken.
253. The Petitioner has routinely and regularly permitted many, many other groups and persons to have their own protests to take place both at Stuart Park and Kerry Park, without obtaining a permit, and despite these groups and persons using sound amplification equipment and signs posted in the ground in these Parks, and having street marches.
254. I am tendering many newspaper articles herein not for evidence of events that took place. This is necessary for me to do so. Because I was not present at many of these protests below, this evidence is necessary in my defence primarily as to the fact that these protests did take place as noted in the media articles, on the dates and times noted therein, and without a permit to so do. They will fully support my position that myself and our group have been improperly and unconstitutionally targeted

by the City, Province and Federal Government in this Petition to deny us our Constitutional and common law freedoms; in part because of our success opposing their COVID-19 measures and representations, and for their other improper purposes.

255. Because there are several media articles in relation to each of the protests, I have included them to corroborate that they are reliable. In the absence of this evidence, I could not directly prove most of these protests occurred and on what dates, as I was not present for most of them, though I was aware of them via these media articles and friends who attended some of them.
256. It is my understanding and belief, that none of the persons or groups obtained a permit, especially as a result of the email response given to me from Mr. Babcock, and the Iranian women's response provided to Leo.

Black Lives Matter (BLM)

257. On Monday June 2, 2020, the Keremeos Review published an article representing that there would be a protest at Stuart Park on June 5, 2020, in support of BLM and opposing the George Floyd murder in the U.S.A. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit "WW" to my Affidavit. I believe that the representations therein from this said media outlet are truthful and accurate.

See attached Exhibit "WW" 20200601 Keremeos Review Article p. 246
"Morning Start: #BlackLivesMatter started with a love letter"
<https://www.keremeosreview.com/trending-now/morning-start-blacklivesmatter-started-with-a-love-letter/>

258. On Thursday June 4, 2020, Castanet published an article that I downloaded from its website, advertising that there would be a protest of over 600 people at Stuart Park on June 5, 2020, in support of BLM and opposing the George Floyd murder. The City of Kelowna has in the past sent information to Castanet about myself and I do verily believe that the City knew at least a day prior, that there would be a massive protest at Stuart Park on June 5, 2020. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit "XX" to my Affidavit. I believe that the pictures and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit "XX" 20200604 Castanet News Article from p. 250
"Rally to protest killing of George Floyd set for Stuart
Park Friday"
[https://www.castanet.net/news/Kelowna/301924/Rally-
to-protest-killing-of-George-Floyd-set-for-Stuart-Park-
Friday](https://www.castanet.net/news/Kelowna/301924/Rally-to-protest-killing-of-George-Floyd-set-for-Stuart-Park-Friday)

259. This BLM protest was also reported in a news article in the Kelowna Capital News on June 5, 2020, that I downloaded from its website. In the videos that accompanies this article, there are tents or canopies erected, (1:22) and a sound amplification system set up and being used. (.16-.22) These protestors have occupied the entire skating rink area and stage facing in that direction, as well as onto the boardwalk and obstructing people walking along it. (.49, 1.39 sec) The writer of the article uses the words "rally" and "protest" interchangeably therein. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit "YY" to my Affidavit. I believe that the pictures, videos and representations therein from this said media outlet are truthful and accurate. I rely upon the Video Exhibit "EEE" and "FFF" of this protest showing this protest, with individual people speaking using sound amplification equipment.

See attached Exhibit "VV" 20200605 Castanet News Article from p. 252
"Hundreds of people gather at Black Lives Matter
rally in Kelowna"
[https://www.kelowna_capnews.com/news/hundreds-of-
people-gather-at-black-lives-matter-rally-in-kelowna/](https://www.kelowna_capnews.com/news/hundreds-of-people-gather-at-black-lives-matter-rally-in-kelowna/)

See Video Exhibit "EEE" 20200605 Kelowna Capital News Videos "A" and "B"
from BLM protest, June 5, 2020 Stuart Park, Kelowna
"Hundreds of people gather at Black Lives Matter
rally in Kelowna"
[https://www.kelownacapnews.com/news/hundreds-of-
people-gather-at-black-lives-matter-rally-in-kelowna/](https://www.kelownacapnews.com/news/hundreds-of-people-gather-at-black-lives-matter-rally-in-kelowna/)
Video "A" Time: .16 -.22 .49 – 1.39 1:22

See Video Exhibit "FFF" Video "B" Time: 0:00 - .11

260. iNFOTEL from Kelowna, also released a news article on this June 5, 2020 BLM protest, that I downloaded from its website. Pictures were included showing sound amplification equipment on the stage. There was a video included in this article, showing a female speaking on the stage into sound amplification equipment for about a minute. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit "ZZ" to my Affidavit. I rely upon the Video Exhibit "GGG" to confirm the use of sound amplification

equipment at this protest. I believe that the video and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit "ZZ" 20200605 iNFOTEL News Article from p. 256
"Hundreds gather for Kelowna anti-racism protest"
<https://infotel.ca/newsitem/hundreds-gather-for-kelowna-anti-racism-protest/it73945>

See Video Exhibit "GGG" 20200605 iNFOTEL Video from BLM protest
Stuart Park, Kelowna
"Hundreds gather for Kelowna anti-racism protest"
<https://infotel.ca/newsitem/hundreds-gather-for-kelowna-anti-racism-protest/it73945>
Time: 0:00 - .41

261. On June 5, 2020, Global News released a news video of this same day BLM protest, that I downloaded from its website. This video displayed repeated instances of different people speaking on the stage into sound amplification equipment. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit "AAA" to my Affidavit. I believe that the video and representations therein from this said media outlet are truthful and accurate. I rely upon the Video Exhibit "HHH" to confirm the use of sound amplification equipment and noise involved, and a canopy similar to the CLEAR Canopy, at this protest.

See attached Exhibit "AAA" 20200605 Global News Article p. 260
News: "'Racism lives everywhere': Black Lives Matter rally set for Kelowna on Friday
<https://globalnews.ca/video/7033652/protesters-gather-at-kelownas-city-hall-for-black-lives-matter-rally>

See Video Exhibit "HHH" 20200605 Global Video from BLM protest
Stuart Park, Kelowna
"'Racism lives everywhere': Black Lives Matter rally set for Kelowna on Friday
<https://globalnews.ca/video/7033652/protesters-gather-at-kelownas-city-hall-for-black-lives-matter-rally>
Time: .07-.14; .27-.37, .45-.51, 1:15-1:18, 1:33-1:42

262. On June 8, 2020, AM 1150 Radio in Kelowna published some pictures from this June 5, 2020 BLM protest that I downloaded from its Facebook site. I have attached some of these pictures here showing protestors walking down the boardwalk and demonstrating on Water St. and by the Sails on Bernard Ave. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit "BBB" to my Affidavit. I believe that the

pictures and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “BBB” 20200605 AM 1150 Radio p. 267
Copy of pictures of Kelowna BLM protest at Stuart
Park, Kelowna from 1150 AM Radio
<https://www.facebook.com/AM1150/photos>
<https://www.facebook.com/photo/?fbid=3158586500829713&set=pb.100063890779496.-2207520000>

263. On September 29, 2020, an independent news source, the Discourse, published an article about a BLM protest that took place on June 5, 2020, where hundreds of people gathered at Stuart Park to protest the killing of George Floyd, that I downloaded from its website. The report claims that this protest was eight (8) hours long. Included are a significant number of pictures showing BLM protestors in the skating rink area of Stuart Park, with crowds of people marching on Water Street, holding signs on the edge of the street, and protesting further in front of the Sails on Bernard Ave. I have included the URLs for these sites at the top of each document which I downloaded from these two sites and attached below at Exhibit “CCC” to my Affidavit. I believe that the pictures and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “CCC” 20200920 The Discourse Article p. 270
“Peaceful Black Lives Matter rally and vigil in
Kelowna”
<https://thediscourse.ca/nanaimo>
<https://indiginews.com/wp-content/uploads/2020/06/DSC05417-scaled.jpg>

The Iranians

264. On September 30, 2022, iNFOTEL published an article about a large number of Iranian protestors gathering in Kelowna at Kerry Park on the next day, October 1, 2022, against the events transpiring in Iran over the death of a woman there on Sept. 23, 2022, that I downloaded from its website. The protest was admittedly at Kerry Park (Ogopogo statue) in downtown Kelowna. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “DDD” to my Affidavit. I believe that the pictures, videos and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “DDD” 20220930 iNFOTEL Article p. 278
“Kelowna rally part of worldwide protests after death
of Mahsa Amina”

<https://infotel.ca/newsitem/kelowna-rally-part-of-worldwide-protests-after-death-of-mahsa-amini/it94295>

265. On October 1, 2022, Global News published an article about a large number of Iranian protestors gathering in Kelowna at Kerry Park that same date, against the events transpiring in Iran, that I downloaded from its website. Though the specific protest site is not expressly mentioned in this article, the included video taken is from Kerry Park in downtown Kelowna, which I recognize as I have been there on many occasions. The beginning of the video included in this article and throughout, show the organizer using sound amplification equipment, and there is a singer playing guitar. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “EEE” to my Affidavit. I rely upon Video Exhibit “ZZ” to show the use of sound amplification equipment musical instruments, as well as protests on the boardwalk. I believe that the pictures, videos and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “EEE” 20221001 Global News Article p. 280
 “Hundreds join in solidarity for Iran’s Mahsa Amini in Kelowna”
<https://globalnews.ca/news/9170069/hundreds-join-in-solidarity-for-irans-mahsa-amini-in-kelowna/>

See Video Exhibit “III” 20201001 Global News Video
 “Hundreds join in solidarity for Iran’s Mahsa Amini in Kelowna”
<https://globalnews.ca/news/9170069/hundreds-join-in-solidarity-for-irans-mahsa-amini-in-kelowna/>
 Time: 0:00 – 1:36 2:19 – 2:26

266. On October 1, 2022, InfoNews published a news article in relation to a large number of Iranian protestors at Kerry Park on the previous Saturday October 1, 2022, that I downloaded from its website. The author, Carli Berry, states that the protest did take place in Kerry Park. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “FFF” to my Affidavit. I believe that the picture and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “FFF” 20221001 INFOTEL Article p. 282
 “‘It’s about the freedom of choice:’ Kelowna residents rally for Iranian human rights”
<https://infotel.ca/newsitem/its-about-the-freedom-of->

[choice-kelowna-residents-rally-for-iranian-human-rights/it94319](https://www.castanet.net/news/Kelowna/388224/Iranian-rally-brings-hundreds-together-downtown)

267. On October 2, 2022, Castanet published a news article in relation to a large number of Iranian protestors at Kerry Park on the previous Saturday October 1, 2022, that I downloaded from its website. Though the specific protest site is not mentioned, the picture taken is from Kerry Park in downtown Kelowna, which I recognize as I have been there on many occasions. The author uses the words “protest” and “rally” interchangeably. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “GGG” to my Affidavit. I believe that the pictures and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “GGG” 20221002 Castanet Article p. 284
“Iranian rally brings hundreds together downtown”
<https://www.castanet.net/news/Kelowna/388224/Iranian-rally-brings-hundreds-together-downtown>

268. On October 3, 2022, The Penticton Western News newspaper published an article about a large number of Iranian protestors gathering in Kelowna on October 1, 2022 against the events transpiring in Iran, that I downloaded from its website. The picture in this article shows these Iranian protestors marching along the downtown boardwalk by the Sails on Bernard Ave. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “HHH” to my Affidavit. I rely upon the video in this article as Video Exhibit “JJJ”, to show that sound amplification equipment was used, and that the protestors used the entire boardwalk area, and that they started at Stuart Park and moved to Kerry Park. I believe that the picture and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “HHH” 20221003 Penticton Western News Article p. 286
“ ‘Pain on the other side of the world is pain in Canada too’: Iranian freedom protest in Kelowna”
<https://www.pentictonwesternnews.com/news/pain-on-the-other-side-of-the-world-is-pain-in-canada-too-iranian-freedom-protest-in-kelowna/>

See Video Exhibit “JJJ” 20221002 Penticton Western News Article
“ ‘Pain on the other side of the world is pain in Canada too’: Iranian freedom protest in Kelowna”
<https://www.pentictonwesternnews.com/news/pain-on-the-other-side-of-the-world-is-pain-in-canada-too-iranian-freedom-protest-in-kelowna/>

269. On November 5, 2022, The Vernon Morning Star newspaper published an article about a large number of Iranian protestors gathering in Stuart Park, Kerry Park and on the boardwalk in Kelowna on this same day, against the events transpiring in Iran, that I downloaded from its website. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit "III" to my Affidavit. I believe that the picture and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit "III" 20221105 Vernon Morning Star Article p. 290
"'This will go to the end': Kelowna residents protest Iranian regime"
<https://www.vernonmorningstar.com/news/nothing-can-be-stopped-kelowna-residents-protest-iranian-regime/>

270. On November 25, 2022, iNFOTEL published an article about a large number of Iranian protestors gathering in Kelowna against the events transpiring in Iran, that I downloaded from its website. The author of this article, Carli Berry, states that these protests have occurred for the past two months. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit "JJJ" to my Affidavit. I believe that the picture and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit "JJJ" 20221125 iNFOTEL Article p. 297
"Kelowna protest against Iranian regime will release balloons with victims' names"
<https://infotel.ca/newsitem/kelowna-protest-against-iranian-regime-will-release-balloons-with-victims-names/it95387>

271. On December 4, 2022, Global News published an article about a large number of Iranian protestors gathering in Kelowna at Kerry Park on December 4, 2022, against the events transpiring in Iran, that I downloaded from its website. Though the specific site is not mentioned in this article, the video taken is from Kerry Park in downtown Kelowna which the reporter does acknowledge in his video. A protestor admits that they will be having these protests every Saturday with the next protest on December 5, 2022. The reporter acknowledges in this article and his video, that these Iranian protests have, as of the date of this article, been ongoing for eight (8) weeks and one supporter claims they will be having these protests every Saturday until success. I have included the URL for

this site at the top of this document which I downloaded from this site and attached below at Exhibit “KKK” to my Affidavit. I rely upon this Video Exhibit “KKK” to show the use of sound amplification equipment, street convoys the use of Kerry Park, and for an extended period of time, and in the foreseeable future. I believe that the video and representations from this said media outlet are truthful and accurate.

See attached Exhibit “KKK” 20221204 Global News article p. 299
“Kelowna, B.C. residents rally in support of Iran for eight consecutive week”
<https://globalnews.ca/news/9324021/kelowna-bc-iran-protest/>

See Video Exhibit “KKK” 20221204 Global News Video
“Kelowna, B.C. residents rally in support of Iran for eight consecutive week”
<https://globalnews.ca/news/9324021/kelowna-bc-iran-protest/>
Time: 1:00 – 1:19 1:47-1:57

272. On December 11, 2022, Global News published an article about a large number of Iranian protestors gathering in Kelowna against the events transpiring in Iran, that I downloaded from its website. The organizer was Ray Taheri whom I have briefly met. Although the specific location of the protest is not mentioned, I recognize it as being in Kerry Park as I have been there many times. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “LLL” to my Affidavit. I rely on the Video Exhibit “LLL” to show that sound amplification equipment was being used, and that the intentions of the protestors was to continue their 2:00 p.m. Saturday protests, until change was made. More representations were made that these protestors will continue until change is made. I believe that the pictures, video and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “LLL” 20221211 Global News Article p. 302
“Residents rally in Kelowna B.C. after execution of protestor in Iran”
<https://globalnews.ca/news/9341013/residents-rally-in-kelowna-b-c-after-execution-of-protestor-in-iran/>

See Video Exhibit “LLL” 20221211 Global News Video
“Residents rally in Kelowna B.C. after execution of protestor in Iran”
<https://globalnews.ca/news/9341013/residents-rally-in-kelowna-b-c-after-execution-of-protestor-in-iran/>
Time: 0:00-0:05 1:19-1:25 1:46-1:55

273. On January 21, 2023, Kelowna Capital News published an article about a large number of Iranian protestors gathering at the Kelowna Art Gallery against the events transpiring in Iran, that I downloaded from its website. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “MMM” to my Affidavit. I believe that the picture and representations therein from this said media outlet are truthful and accurate. The author of this article, Jordy Cunningham, in his video which I rely upon herein as my Video Exhibit “MMM” below, includes pictures showing people protesting on the sidewalk, and with a sandwich board also set up on the sidewalk, and videos showing these people, most of whom are yelling during this time.

See attached Exhibit “MMM” **2023012 Kelowna Capital News Article** **p. 305**
“‘Human-chain’ shows support for Iran Revolution
at Kelowna Art Gallery”
<https://www.kelownacapnews.com/news/human-chain-shows-support-for-iran-revolution-at-kelowna-art-gallery/>

See Video Exhibit “MMM” **20230123 Kelowna Capital News Video**
“‘Human-chain’ shows support for Iran Revolution
at Kelowna Art Gallery”
<https://www.kelownacapnews.com/news/human-chain-shows-support-for-iran-revolution-at-kelowna-art-gallery/>
Time: All

274. I have personally seen these Iranian protestors as late as March, 2023 at Kerry Park, and personally witnessed close to 100 signs inserted in the ground at one of their protests at Kerry Park. On every Saturday up to January 7, 2023 that the Iranians held a rally or protest in Kelowna parks, so did I. and they used sound amplification equipment and had signs into the grass as well. None of these protestors, that I am aware of, ever obtained a permit for their protests, nor for their sound amplification systems nor signs, nor were any charges ever laid.

Other group or individual protests

275. Other groups, organizations or persons have held protests at Stuart Park and Kerry Park on many occasions, frequently committing Bylaw offences without being ticketed for so doing, inclusive of sound amplification equipment, and without a permit.

276. Frequently from 1-20 counter-protesters across Water St. in front of City Hall, would also be on the

sidewalk and curb, with their signs and banners, yet they were never ticketed. They would be yelling and screaming at us far louder than ourselves.

See Video Exhibit “WW” Counter Protestor Heather screaming and swearing

277. On March 13, 2019, Kelowna Capital News published on its website, an article about a large student protest at Stuart Park in relation to climate change, from Kerry Park to Stuart Park. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “NNN” to my Affidavit. I believe that the picture and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “NNN” 20190319 Kelowna Capital News Article p. 308
“Kelowna students to walk out of class in protest of climate change in action”
<https://www.kelownacapnews.com/news/kelowna-students-to-walk-out-of-class-in-protest-of-climate-change-inaction-2/>

278. On May 3, 2019, AM 1150 Radio in Kelowna, published on its website, an article about a large student protest, wherein it further states that at least one previous such protest had already occurred as well. Though the specific site is not mentioned in this article, the picture taken is from Stuart Park in downtown Kelowna, which I recognize with City Hall in the background and the same tiled walkway. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “OOO” to my Affidavit. I believe that the pictures and representations therein from this said media outlet are truthful and accurate

See attached Exhibit “OOO” 20190503 AM 1150 Radio Article p. 311
“Kelowna Student activists strike again”
<https://www.iheartradio.ca/news/kelowna-student-activists-strike-again-1.9167509>

279. On May 3, 2019, Kelowna Now published on its website, an article about a large student protest at Stuart Park in relation to climate change. In the video included in this article, there is a woman using a microphone and sound amplification system. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “PPP” to my Affidavit. I rely upon my Video Exhibit “NNN” to show that there was a protest on this date, that sound amplification was used and I believe that the video and representations therein from this said

media outlet are truthful and accurate.

See attached Exhibit “PPP” 20190503 Kelowna Now Article p. 313
“School’s out for ‘climate inaction’ as students protest
in Kelowna”
[https://www.kelownanow.com/watercooler/news/news/
Kelowna/School_s_out_for_climate_inaction_as_stude
nts_protest_in_Kelowna#fs_124745](https://www.kelownanow.com/watercooler/news/news/Kelowna/School_s_out_for_climate_inaction_as_students_protest_in_Kelowna#fs_124745)

See Video Exhibit “NNN” 20190503 Kelowna Now Youtube Video
“VIDEO: School’s out for ‘climate inaction’ as students
protest in Kelowna”
https://www.youtube.com/watch?v=98SH_9UFZ9Y
Time: .59-1:02 1:12 – 1:14

280. On April 26, 2021, Kamloops Now published on its website, an article about a large student protest at Stuart Park, across and visible from City Hall in Kelowna, by Chris Saccoccia. The picture included shows hundreds of people on the cement/skating area, and sound amplification equipment. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “QQQ” to my Affidavit. I believe that the pictures and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “QQQ” 20210826 Kamloops Now Article p. 319
“Kelowna RCMP denies claims by anti-masker Chris
Sky about interaction with officers”
[https://www.kamloopsbcnow.com/watercooler/news/ne
ws/Kelowna/Kelowna RCMP denies claims by anti
masker Chris Sky about interaction with officers#fs
124343](https://www.kamloopsbcnow.com/watercooler/news/news/Kelowna/Kelowna RCMP denies claims by anti_masker_Chris_Sky_about_interaction_with_officers#fs_124343)

281. On July 10, 2020, a law firm called Bridge Law Corporation, published on its website, an article about a protest at Stuart Park, in support of Mona Wang. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “RRR” to my Affidavit, a copy of same. I believe that the picture and representations therein from this said law firm are truthful and accurate.

See attached Exhibit “RRR” 20200710 Bridgelaw Article p. 320
“Protests are planned across B.C. Saturday in support
of Mona Wang”
[https://bridgelaw.ca/protests-are-planned-across-b-c-
saturday-in-support-of-mona-wang/](https://bridgelaw.ca/protests-are-planned-across-b-c-saturday-in-support-of-mona-wang/)

282. On May 22, 2019, Aboriginal People Television Network (APTN), published on its website, an

article about a protest at the local RCMP station on Clement Ave. in Kelowna. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit "SSS" to my Affidavit a true copy of same. I believe that the picture and representations therein from this said media outlet are truthful and accurate

**See attached Exhibit "SSS" 20190522 Aboriginal People Television Network p. 323
"Kelowna protest targets RCMP over teen interrogation"
<https://www.aptnnews.ca/national-news/kelowna-protest-targets-rcmp-over-teen-interrogation/>**

283. On September 20, 2019, Kelowna Now published on its website an article about a protest in downtown Kelowna at City Hall by a group of climate strikers. Pictures included show people blocking the entrance to City Hall and the public sidewalk. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit "TTT" to my Affidavit a true copy of same. I believe that the picture and representations therein from this said media outlet are truthful and accurate.

**See attached Exhibit "TTT" 20220922 Kelowna Now Article p. 324
"There's no planet B': Climate change activists mark on downtown Kelowna"
[https://www.kelownanow.com/watercooler/news/news/Kelowna/Global Climate Strikers attract large crowd at City Hall/](https://www.kelownanow.com/watercooler/news/news/Kelowna/Global%20Climate%20Strikers%20attract%20large%20crowd%20at%20City%20Hall/)**

284. On February 28, 2022, Castanet published on its website an article and a video about a rally at City Hall and in Stuart Park in Kelowna on Feb. 27, 2022, by a group in support of Ukraine. I have included the URL for this site below at the top of the documents which I downloaded from this site and have attached hereto as Exhibit "UUU", to my Affidavit a true copy of same. I rely on the Video Exhibit "OOO" that included in this article, which shows these people at City Hall using sound amplification equipment, at .36 seconds and security guards watching at 1:26. I believe that the picture, video and representations therein from this said media outlet are truthful and accurate.

**See attached Exhibit "UUU" 20220227 Castanet Article p. 330
"Over 100 gathered outside City Hall for Ukraine support rally in Kelowna B.C." Madison Reeve
<https://www.castanet.net/news/Kelowna/361277/Over-100-gathered-outside-City-Hall-in-Kelowna-Sunday-for-Ukraine-support-rally>**

See Video Exhibit “OOO” 20220227 Castanet Video
“Over 100 gathered outside City Hall for Ukraine support rally in Kelowna B.C.” Madison Reeve
<https://www.castanet.net/news/Kelowna/361277/Over-100-gathered-outside-City-Hall-in-Kelowna-Sunday-for-Ukraine-support-rally>
Time: .34 - .37 1:26

285. On June 26, 2022, Kelowna Capital News, published on its website, an article about two competing protests at the Courthouse on Water St., and at City Hall in Kelowna, against the USSC decision on abortion. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “VVV” to my Affidavit a true copy of same. I rely upon the Video Exhibit “PPP” to show that there were protests, marches, and use of sound equipment in public parks and on public property. I believe that the picture, video and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “VVV” 20220626 Kelowna Capital News Article p. 333
“Dueling protests in downtown Kelowna Sunday following Roe v. Wade reversal” June 26, 2022
<https://www.kelownacapnews.com/news/dueling-protests-in-downtown-kelowna-sunday-following-roe-v-wade-reversal/>

See Video Exhibit “PPP” 20220626 Kelowna Capital News Video
“Dueling protests in downtown Kelowna Sunday following Roe v Wade reversal” Brittany Webster
<https://www.kelownacapnews.com/news/dueling-protests-in-downtown-kelowna-sunday-following-roe-v-wade-reversal/>
Time: .21-.26; .45-.49; 1:13 – 1:28; 1:43-1:54; 2:43-2:52

286. On Monday July 4, 2022, Global News, from local reporter Klaudia Van Emmerik, published on its website, an article about two competing protests at Stuart Park in Kelowna, against the USSC decision on abortion. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “WWW” to my Affidavit a true copy of same. I rely upon the Video Exhibit “QQQ” to show that there were protests in Stuart Park, there were signs against the benches, there are significant numbers of people including many on the curbside of the street, a drone being used over Stuart Park, and people were using sound amplification equipment on the same stage as we do. I believe that the picture, video and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “WWW” 20220704 Global News Article p. 336
 “U.S. Roe v Wade ruling behind Kelowna protest on abortion rights”
<https://globalnews.ca/news/8966455/abortion-rights-protest-kelowna-roe-v-wade/#:~:text=Stuart%20Park%20in%20downtown%20Kelowna,%2C%E2%80%9D%20said%20protestor%20Alea%20Panis.>

See Video Exhibit “QQQ” 20220704 Global News Video
 “U.S. Roe v Wade ruling behind Kelowna protest on abortion rights”
<https://globalnews.ca/news/8966455/abortion-rights-protest-kelowna-roe-v-wade/#:~:text=Stuart%20Park%20in%20downtown%20Kelowna,%2C%E2%80%9D%20said%20protestor%20Alea%20Panis>
 Time: 0:00 - .13 .13-.16 .46-.51 2:20 – 2:23

287. On Monday July 4, 2022, Lake Country Calendar, published on its website, an article about protests at Stuart Park in Kelowna against the USSC decision on abortion. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “XXX” to my Affidavit a true copy of same. I rely on this Video Exhibit “RRR” where the reporter states that over 100 people attended at Stuart Park, you can see that people were using sound amplification equipment, on the same stage as we use, lots of people were on the boardwalk, and there was even a security presence. I believe that the picture, video and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “XXX” 20220704 Lake Country Calendar p. 340
 “Protestors gather again at Kelowna City Hall over Roe v Wade reversal”
<https://www.lakecountrycalendar.com/news/protestors-gather-again-at-kelowna-city-hall-over-roe-v-wade-reversal/>

See Video Exhibit “RRR” 20220704 Lake Country Calendar Video
 “Protestors gather again at Kelowna City Hall over Roe v Wade reversal”
<https://www.lakecountrycalendar.com/news/protestors-gather-again-at-kelowna-city-hall-over-roe-v-wade-reversal/>
 Time: .9 - .12 .31 - .40

288. On September 22, 2022, the Kelowna Courier published on its website, an article about a protest in

downtown Kelowna, including on the streets, by a group of climate strikers. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “YYY” to my Affidavit a true copy of same. I believe that the picture and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “YYY” 20220922 The Daily Courier Article p. 342
“Climate rally Friday in downtown Kelowna”
https://www.kelownadailycourier.ca/news/article_eb9da5ba-3abf-11ed-b179-5f063bbdd9ac.htm

289. On October 15, 2022, Global News published an article on its website about a rally at Kerry Park in Kelowna, by a group in support of people living in Ukraine. I have included the URL for this site at the top of the document which I downloaded from this site and have attached hereto as Exhibit “ZZZ” to my Affidavit a true copy of same. There is a video included in this article. I rely on this Video Exhibit “SSS” where at Kerry Park, people were using sound amplification equipment, they had a canopy and it appears that items were for sale. I believe that the pictures, video and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “SSS” 20221015 Global News Article p. 344
“Rally in support of Ukraine held in downtown Kelowna, B.C. Jayden Wasney
<https://globalnews.ca/news/9201988/ukraine-kelowna-rally/>

See Video Exhibit “SSS” 20221015 Global News Video
“Rally in support of Ukraine held in downtown Kelowna, B.C. Jayden Wasney
<https://globalnews.ca/news/9201988/ukraine-kelowna-rally/>
Time: 0:00 - .04 .22 - .25 .36 - .38 1:45 – 2:00

290. On January 28, 2023, Global News published on its website, an article about two competing protests at the downtown Kelowna library by opponents and supporters of drag queens reading to children. Pictures included show hundreds of people screaming and chanting and blocking the public sidewalk, with the police watching and not stopping them. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “AAAA” to my Affidavit a copy of same. I rely on this Video Exhibit “TTT” to show protestors outside Kelowna Library and on the streets protesting. I believe that the picture, video and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “AAAA” 20230128 Global News Article p. 347
“Drag Queen Story Time sparks protest outside Kelowna, B.C. Library”
<https://globalnews.ca/news/9444184/drag-queen-story-time-protest-kelowna-library/>

See Video Exhibit “TTT” 20230128 Global News Video
“Drag Queen Story Time sparks protest outside Kelowna, B.C. Library”
<https://globalnews.ca/news/9444184/drag-queen-story-time-protest-kelowna-library/>
Time: 0:00 - .12 2:00 – 2:03

291. On March 3, 2023, The Kelowna Capital News published on its website, an article about a protest at Kelowna City Hall by a group called Future for Kelowna. The reporter Jacqueline Gelineau acknowledges that despite rush hour traffic their screams could be heard all the way to Bernard Ave. I have included the URL for this site at the top of this document which I downloaded from this site and attached below at Exhibit “BBBB” to my Affidavit a true copy of same. Castanet did a similar article I am including in this Exhibit as well, and have included its own URL at the top of this article. I believe that the picture, representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “BBBB” 20230303 Kelowna Capital News Article p. 350
“Echoes of ‘save our trees’ from youth-led protest heard across downtown Kelowna”
<https://www.kelownacapnews.com/news/fridays-for-future-kelowna-holds-protest-for-old-growth-forests/>
<https://www.castanet.net/news/Kelowna/414368/Protest-against-old-growth-logging-held-at-Kelowna-City-Hall>

292. On May 19, 2023, Kelowna Capital News published an article on its website about a protest at City Hall in Kelowna, by a group opposed to an upcoming Jordan Peterson event at Prospera Place. Included are two videos. I rely upon Video Exhibits “UUU” and “VVV” of which shows a small group of protestors listening to sound from voice amplification equipment at City Hall. I have included the URL for this site at the top of the documents which I downloaded from this site and have attached hereto as Exhibit “CCCC” to my Affidavit. I believe that the pictures, videos and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “CCCC” 20230519 Kelowna Capital News Article p. 354

“Protest at Kelowna city hall against Jordan Peterson visit” Jake Courtepatte / Gary Barnes
<https://www.kelownacapnews.com/news/protest-at-kelowna-city-hall-against-jordan-peterson-visit/>

See Video Exhibit “UUU”

20230519 Kelowna Capital News Article #1
“Protest at Kelowna city hall against Jordan Peterson visit” Jake Courtepatte / Gary Barnes
<https://www.kelownacapnews.com/news/protest-at-kelowna-city-hall-against-jordan-peterson-visit/>
Time: All

See Video Exhibit “VVV”

20230519 Kelowna Capital News Article #2
“Protest at Kelowna city hall against Jordan Peterson visit” Jake Courtepatte / Gary Barnes
<https://www.kelownacapnews.com/news/protest-at-kelowna-city-hall-against-jordan-peterson-visit/>
Time: All

293. On June 14, 2023, Castanet published on its website, an article about a rally at Stuart Park in Kelowna on June 11, 2023, by a group in support of Ukraine. I have included the URL for this site at the top of the document which I downloaded from this site and have attached hereto as Exhibit “DDDD” to my Affidavit a true copy of same. There is a picture included in this article, which shows these people at Stuart Park and using sound amplification equipment. I believe that the picture, video and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “DDDD”

202230614 Castanet Article p. 359
“Volunteer organizations in Kelowna sending LifeStraw water filtration systems to Ukraine”
<https://www.castanet.net/news/Kelowna/431692/Volunteer-organizations-in-Kelowna-sending-LifeStraw-water-filtration-systems-to-Ukraine>

294. On June 24, 2023, Castanet published on its website, an article about a new park in Kelowna. I have included the URL for this site at the top of the document which I downloaded from this site and have attached hereto as Exhibit “EEEE” to my Affidavit a copy of same. In this article, the Mayor of Kelowna admits to receiving Federal and Provincial funding/grants and having to comply with certain requirements in order to obtain the funding/grants. I believe that the picture and representations therein from this said media outlet are truthful and accurate. I rely upon this Video Exhibit “WWW” in support that the Mayor did say what he said.

[84]

See attached Exhibit “EEEE” 20230624 Castanet Article p. 360
“Kelowna opens new waterfront park” Brayden
Ursel June 24, 2023 3:56 p.m.
<https://www.castanet.net/news/Kelowna/433594/Kelowna-opens-new-waterfront-park>

See Video Exhibit “WWW” 20230624 Castanet Video
“Kelowna opens new waterfront park” Brayden
Ursel June 24, 2023 3:56 p.m.
<https://www.castanet.net/news/Kelowna/433594/Kelowna-opens-new-waterfront-park>
Time: .55 – 1:40

295. On October 24, 2022, Castanet published on its website an article about a dance event in Stuart Park in Kelowna on October 29, 2022. I have included the URL for this site at the top of the document which I downloaded from this site and have attached hereto as Exhibit “FFFF” to my Affidavit a copy of same. I believe that the picture and representations therein from this said media outlet are truthful and accurate.

See attached Exhibit “FFFF” 20221024 Castanet Article p. 362
“Thrill The World is back this weekend for a fully
open dance party at Stuart Park”
<https://www.castanet.net/news/Kelowna/392360/Thrill-The-World-is-back-this-weekend-for-a-fully-open-dance-party-at-Stuart-Park>

296. My research has confirmed that there has only been one actual concert at Stuart Park, Aug. 26, 2016, by Andrew Allen. I have attached at Exhibit “GGGG” hereto a print out of the history of concerts at Stuart Park, which I do believe is truthful and accurate.

See attached Exhibit “GGGG” Stuart Park Concert History p. 364
<https://www.concertarchives.org/venues/stuart-park--3>

297. I believe that all of these news reports and articles, including their pictures and videos which I have read or watched, are true with respect to the pictures and videos because:

- a. I personally have seen the Iranians in both Stuart Park and Kerry Park on several occasions for their protests;
- b. I personally have seen the Iranians with sound amplification and dozens of signs in the ground;

- c. My friend Leo Beauregard has shown me his video which also shows the Iranians in Kerry Park;
- d. My friend Bruce Orydzuk has shown me his video that shows the Iranians in Kerry Park;
- e. Leo informs me that he talked to an organizer who confirmed to him that they have received no Bylaw offence tickets;
- f. The sheer volume of these media reports which generally all verify the same information;
- g. The videos are clearly shown in public parks or spaces such as City Hall, in Kerry Park, in Stuart Park and/or on the boardwalk;
- h. I have personally seen protestors with BLM using sound amplification equipment (megaphone) and protesting on Water St. with signs;
- i. I do not believe that the media photoshopped or altered any pictures or videos;
- j. There is no labeling or attacking the people being interviewed or organizing or participating in these protests or events as there has been with myself and others who support or participate in our Lawful Protests;
- k. These pictures and videos are supported by actual location sites and my own observations at these sites;
- l. It is my understanding and belief that none of these protestors obtained a permit for their protests, nor for their sound amplification systems, nor for signs they placed into the ground.

Further evidence of Improper purposes

298. Our group has previously protested outside of Interior Health (IH) at 505 Doyle Ave. On our first day there, August 4, 2021, in response to my queries to have Sue Pollock or someone else come out to answer our questions in relation to her recent mask order in the Interior, I was told five (5) times that someone would come out and speak to us. No one did.
299. Our objective was to obtain answers from an IH official to our questions in relation to the recently issued mask order, that we were vehemently opposing. As with our Lawful Protests at Stuart Park, this is exactly the reason our said Lawful Protests have gone on for so long, because no one in the Government will talk to myself and our group about their Constitutional violations against us, except through the media that they have a large degree of control over, and through their scripted narrative, which deny us answers to the concerns, objections and questions myself and others have.
300. On August 11, 2022, I went inside again to talk with the receptionist during our Lawful Protest there. All our conversations were polite and respectful. At this time, an IH Security Official

assaulted my friend Leo Beauregard who was filming these events for me, and physically assaulted him by pushing him out of the building. Leo had not said nor done anything to justify Mr. Smith so doing and had only been in the building for a couple of seconds.

301. As I finished talking to the receptionist, Mr. Smith and a bodyguard further demanded I leave the building, which I did as I had already completed my communications with the receptionist.
302. Mr. Smith subsequently approached me later and, without factual or legal basis for same or provocation by me, told me I was banned from the IH building for one month. No reasons were provided to me, other than the falsified allegation that I was causing a disturbance that morning. I am relying upon the Video Exhibit “XXX” taken by Leo Beauregard on August 11, 2021 showing that I did not cause any disturbance and Mr. Smith had no factual basis and refused to provide me with any factual basis to ban me from exercising my right of access to Interior Health.

See Video Exhibit “XXX”

20210811 Leo Beauregard Video

Time: 0:00 - 2:23; 7:00 – 8:41; 10:54 -13:54; 18:42 – 26:15; 27:45 - 30:28

303. On August 19, 2022, Mr. Smith and two security officers then physically assaulted me and blocked me from my right of access to the front clerk in order to obtain information in relation to a mask order that was issued from local IH official, Sue Pollock at that location. The actions by IH officials on this day provides examples of what we are protesting: Government unaccountability and falsified allegations, stories and information.
304. I am most concerned that s. 3.8, 6.1, 6.2 of the Parks Bylaw, prohibits me from exercising my Constitutional freedoms, under penalty of fines and/or incarceration. Another topic that has been raised in our Lawful Protests is the arbitrary enforcement of these Bylaws against me, and that without the City’s paid permission, we cannot exercise our Charter freedoms at all. This is something that has really angered a lot of protesters, as now we are not only protesting against the Provincial and Federal Governments, but we have to fight to exercise our protest freedoms in the first place, which I believe becomes somewhat of a circular problem. In my belief this is no different than bribery of a City official – only it is bribery of the City itself.

Affidavit #1 James Short

305. Most of Mr. Short’s evidence is pretty generic and duplicitous from Lawful Protest to Lawful

Protest and I do not see much variance in his evidence that I have read or pictures that I see attached to his Affidavit.

306. In response to para. 5, 16, 22, 30, 35, 44, 55, 64, 77, 87, 95, 99, 109 of Mr. Short's Affidavit #1, as confirmed to me from Bylaw officers during the first 17 months of our Lawful Protests and in writing from Mr. Babcock on behalf of the City of Kelowna, and in my knowledge and belief from various authorities, I was and am not required to have a permit in the exercise of my common law and s. 2 Constitutional freedoms for these short, Lawful Protests and Activities, nor would the City issue me a permit in any event.
307. It was always my intention on every Saturday from March 2020 to the end of the COVID-19 restrictions and once/month now to the present, and same for that of other protestors, that we were and would be having a Lawful Protest against and opposing Government activities in relation to COVID-19, vaccinations, other threats to our rights and freedoms, and to advocate for political changes in these areas.
308. In response to para. 7, 31, 38, 96, 104, and Mr. Short's pictures at Exhibit "CC" and "DD", neither myself nor CLEAR were selling any merchandise at these Lawful Protests. I have no control over persons who are alleged to have been so doing, as to what to do or not to do. I do not recognize the people in the Exhibit pictures. I have not been deputized to enforce City Bylaws.
309. I disagree with Mr. Short at para. 103 of his Affidavit that items were sold by donation, as this is to my belief and understanding, a non sequitur, as items can either be for sale or by donation, but cannot be both simultaneously. During all our Lawful Protests, people were free to take food, coffee, water, literature, small books etc., without paying or without being sold anything, but could still leave a donation.
310. In further response to para. 7 of Mr. Short's Affidavit, we did not set up a tent, it was actually a canopy. My understanding from my research is that a tent differs from a canopy in that a tent has four sides to it to permit sleeping or living accommodations, whereby a canopy does not. We did put up one side to the CLEAR Canopy in the exercise of our common law and s. 2 Charter freedoms, but our CLEAR Canopy by its design and structure, does not permit anyone to sleep or lodge themselves in it. Our Canopy does not allow for sleeping or accommodation and was always

intended by myself and our group to be temporary and was removed after each Lawful Protest, and so it was. It was never my intention to obtain a tent for use at our Lawful Protests.

311. On August 21, 2021, and many times thereafter, I informed Officer Short that the use of sound equipment was part of our freedom of expression and further, was necessary to so do. Mr. Short's position was that he was enforcing the Bylaws over my Constitutional freedoms.
312. At para. 37 Mr. Short evidences that he witnessed a school bus appear with protestors being dropped off. We never had a school bus drop off protestors, and if this bus did appear, for which he provides no pictures of same, then the people being dropped off were for some other reason other than our Lawful Protest.
313. Though frequently convoys of vehicles did appear to our Lawful Protests, I had no control over them nor did I have any input into their attendance, nor was I a part of organizing them, directly or indirectly. I had no control over their honking of horns.
314. These convoys, when they occurred, generally would appear around 11:30-11:45 and travel up and down Water St. until shortly before I began talking. Many of these vehicles had signs for expressive purposes against all COVID-19 restrictions and Governments. They would then park and attend the Lawful Protest to hear what was being said. Car honking was minimal to non-existent during the talking part of our Lawful Protests, save for the odd supporter in the public who would drive by and honk, and during the Trucker's Convoy time frame. After the Lawful Protest, people would honk their horns as they were leaving.
315. In response to para. 98 of Mr. Short's Affidavit, I was unaware of this posting on Facebook by Mr. Orydzuk, nor did myself or CLEAR authorize or approve of it or the terminology employed. Mr. Orydzuk was not authorized to speak on my behalf or that of CLEAR on his postings and was not involved in the organization of the Lawful Protests.
316. I disagree with Mr. Short's evidence at para. 101 of his Affidavit. I did not set up the microphone in the middle of the stage nor block access by the public. Our microphone was set up at the very edge of the stairs, leaving the entire area open for the public to use. I am attaching hereto at Exhibit "HHHH" a snapshot from the Exhibit Video "NN" of April 23, 2022 taken by our cameraman Leo,

showing precisely where the microphone stand was located. Every Lawful Protest, the microphone stand is located at this location or closer to the front stairs and does not block the walkway part of the stage.

See attached Exhibit "HHHH" 20230423 Lawful Protest p. 364
Snapshot picture from Lawful Protest of
Microphone location
Time: 1:35

317. As I evidence elsewhere herein, people were free to use the ramp to the side of our presence, to walk behind us and go up to the Bear area, as they could from the other two stages.
318. On April 23, 2022, I had Ted Kuntz from Vaccine Choice Canada, and a court-appointed expert Chris Schaefer, exercise their freedom of expression, which I supported, by providing us with information on mask use, in support of our ongoing Lawful Protests and opposition against all mask requirements from Bonnie Henry and all levels of Government. Jacquelyn-Rose was singing her protests songs, including, *inter alia* "I will not comply" with respect to our mask opposition.

Shawn O'Hanlon Affidavit #1

319. My evidence on the issue of selling merchandise at para. 216, 238 above, applies as well to para. 7 and his pictures at Exhibit "C", of affidavit #1 of Bylaw Officer O'Hanlon. My view of Exhibit "C" of Mr. O'Hanlon's affidavit on his Exhibit page 5, is that it appears that someone is either doing a fist-pump with someone else, or two people looking at something on the woman's arm with the white shirt, but there are two people involved that do not include the person standing behind the table. I disagree with Mr. O'Hanlon's evidence.

Daniel Hogan Affidavit #1

320. My evidence on the issue of selling merchandise at para. 216, 238 above, applies as well to para. 4, 6 and his pictures at Exhibit "B", of affidavit #1 of Bylaw Officer Hunter. The only picture at Exhibit "B" on page 4 of Mr. Hogan's affidavit that has anything to do with money is shown is the last picture with a man with his wallet open. Everyone at the Lawful Protests accepted kind donations. I do not see anything in this picture of the person behind the table actually handing this

man a shirt or anything else. From my perspective, it appears as if a donation is being made.

321. In response to para. 16 and Exhibit “F” and “G” to Mr. Hunter’s Affidavit, I do not know this person who appears to be bending over before chalked words on the sidewalk. I did not authorize nor sanction this person nor anyone else to put graffiti by any means, anywhere including this location and the stage area. I was completely unaware at the time that this was even happening as I was on the opposite stage during this time. I have no control over this person to tell him/her what to do or not to do.

Hold Petition in Abeyance; Convert Petition into an Action, with discoveries

322. I rely on the importance of my right to freedom of expression as recognized in our common law long before the Charter, and s. 2 of the Charter, as well as various court judgments from the Supreme Court of Canada and every other court in the province and country.
323. Having this case rushed through summarily without hearing my Constitutional Challenges and/or other defences, including my SLAPP defence, could result in a decision banning our Lawful Protests at all strategic downtown locations, in the absence of being fully heard.
324. This is even more concerning to me as the Petitioner is not relying on anything we or myself have done wrong, such as leaving garbage remains etc., only that I have not obtained a permit, which however, the City has conceded to me it doesn’t issue and will not issue to me for our Lawful Protests in any event, as they are political protests.
325. I had arranged these Lawful Protests in response to the COVID-19 actions taken by Bonnie Henry and the B.C. Government. These Lawful Protests were critically important to obtain public visibility to our position that what the Government was doing was wrong. I know of no other group or person doing this during this time in Kelowna.
326. I know the leaders in Vernon, Kamloops, Penticton, Vancouver and the Kootenays and they have all expressed their serious concerns to me about the effects this would have on their local counsels trying to ban their protests in those locations. They share our views as well and we are all greatly worried this is being used to shut us down because of our messages and beliefs only.

327. Due to media publicity and social media, our Lawful Protests are known and recognized throughout the City, and Province. Banning us now, especially without a full hearing, will have disastrous effects upon us. There is no other effective place to go in the City for our Lawful Protests that permit us to be as effective as we have been at Stuart Park. If we are banned and a hearing does not take place for another half year to a year, people will forget about us and what we stand for and we will lose immediate benefits of our Constitutional freedoms.
328. As many protestors have told me, these Lawful Protests are very important to them to enable us to ongoingly show our Governments and the public our beliefs and information and to support each other, and they consider meeting people there as their family. Our objections to Government activities did not end when mask mandates were removed. Taking away this support would be demoralizing to many of them, including myself. I successfully, over three years, built our Lawful Protests against Government corruption and activities, and this would immediately destroy all my efforts, which in reality is what the Petitioner is trying to do.
329. I am familiar with the legal principle of *stare decisis* and its application. I believe that many other cities and municipalities in B.C. would immediately jump on the bandwagon and start to prohibit park and street protests in other areas that they do not approve of, citing this case as precedent. Moreover, I believe based on the actions and comments by City Bylaw Officers and officials to me, admitting to me that it is being pressured into filing this Petition by the Province, and ignoring BCSC decisions such as *Beaudoin*, that the City, has an improper and adverse agenda and will be highly incentivized if its injunction is granted, to delay all proceedings as long as possible, to indirectly prevent or prohibit our Lawful Activities.
330. This is emphasized to me even more by the Petitioner's interpretation and application of its Bylaws against me, and to support its Petition. I need to cross examine the Affiants of the Petitioner on their interpretations and assumptions in their evidence, their motives and intentions and that of the Petitioner, and interpretation of its Bylaws.
331. Because of the difficulties in demonstrating my position herein, for example none of the potential witnesses and Affiants of the Petitioner will obviously or readily admit to wrongdoing or fraud or other improper activities, examinations and cross examinations are a must to permit me to put my full defences to the Court.

332. I have a significant number of questions in relation to decisions made by the City on all issues and my positions raised in my response to the Petition, including my Constitutional Challenges. The only persons that can provide evidence in relation to my Constitutional Challenges will be officials from the Petitioner, the B.C. Government, the RCMP and Federal Government.
333. I will need to call other security and managerial City officials as well for their evidence and involvement in relation to the issues raised in this case, as the Petitioner has only provided limited information from Bylaw Officers to support its own claims which I believe are, minimally, based upon misinterpretation of the City's Bylaws, deeming, assumptions and other forms of fictions, or improper motives.
334. As I evidence elsewhere herein, I have been informed by several City officials that the Province is the driving force behind this Petition, not that we have actually violated any Bylaws. I need discoveries to support this and provide the documentation and communications in relation to same, and the names of involved individuals with the City and Province whom I do not know as they were making decisions behind the scenes, including in relation to the Spirit Bear program.
335. I deny the Petitioner's claims about having received many complaints. I was told repeatedly from Bylaw Officers including Short and O'Hanlon, that there were no complaints and we had a Constitutional freedom for us to have our Lawful Protests. Now they are backtracking.
336. The Petitioner has suddenly issued 200+ tickets to me and to date, I still do not know why. I estimate that about 65 or so were issued expressly for allegations of not having a permit for the Lawful Protests, that the City admits I cannot obtain anyway. Evidence in relation to same is relevant to my SLAPP position, as well the actions by the City as being arbitrary and improper, and in support of my Constitutional Challenge to the Bylaws.
337. I further will require to cross examine the witnesses of the Petitioner for credibility purposes in relation to their evidence, especially in relation to the Arbitrary Decision made by Bylaw Officer Short *et al*, upon which their enforcement action against me is based, including this Petition. Because of the vagueness of the Bylaws, it is so much more important for me to get the facts of what the City has done. I don't believe it to be wise to make legal decisions in a summary manner here simply on the basis of the Petitioner's factual and legal interpretation of its own Bylaws without

my ability to cross examine them and obtain discoveries to support my position, including in support of my Constitutional Challenges

338. Darren Caul, for example, is the Director of Community Safety for Kelowna. He regularly advises City Council on community safety and RCMP activities. He has a publication entitled: "*Municipal Police Governance in Canada: An Examination of the relationship between Board Structure and Police Independence.*", which I have attached hereto at Exhibit "IIII", and Mr. Caul's reference on his LinkedIn page that he has posted, and which I have attached at Exhibit "JJJJ". Mr. Caul will provide evidence into the nature of the relationship between the City and the RCMP, RCMP duties for the City, and as to what powers each of them have. I may call Mr. Caul as an expert witness in relation to my RCMP Constitutional Challenge as well.

See attached Exhibit "IIII"

Municipal Police Governance in Canada: An Examination of the relationship between Board Structure and Police Independence 2009 Darren Caul

See attached Exhibit "JJJJ"

**Excerpt from LinkedIn page of Darren Caul
<https://www.linkedin.com/in/darren-caul-1b548766/?originalSubdomain=ca>**

339. Mr. Caul will also likely have evidence in relation to the issue of the nature of policing with the RCMP and Provincial police forces, their duties, powers and structural organizations and the City's involvement with the RCMP and the RCMP's involvement with the City on these issues raised by me, as his writings and connections confirm.
340. Mr. Caul is also aware of the City's position and recognition that I have the Constitutional freedom to have our Lawful Protests. The Video Exhibit "W" that I am relying upon from former Mayor Basran and Supt. Triance of the RCMP, is on his LinkedIn page, that he put up there, and which I have attached hereto at Exhibit "KKKK".

See attached Exhibit "KKKK" LinkedIn of Mr. Darren Caul

341. Being the Director of Community Safety, he will have evidence in support of the SLAPP issue, that the actions of the City are unreasonable and arbitrary, the Province's involvement in this Petition and threats to the City, as well as communications with the Province in relation to our Lawful Protests and/or myself in support of my position and response and the Arbitrary Decision. His

evidence will be relevant to my concerns about the interpretation of the impugned Bylaws in this case, how the City has interpreted and enforced them, and reasons for same.

342. Parks Department official(s) will need to be examined in relation to City policies and priorities in relation to park usage, decision making and enforcement of Bylaws, as well as the City's duties, powers, nature and involvement with respect to obtaining \$500 000.00 from the Province's Spirit Bear program.
343. Stephen Fleming is the City Clerk and Corporate Administrator. As part of the Clerk's duties, in addition to those set out in s. 148 of the *Community Charter* and the *Officer Position Establishment Bylaw* No. 9764, which I rely upon at Video Exhibit "YYYY", he is required to advise Council as to what Bylaws they can or cannot pass, as Mr. Fleming conceded on a recent Podcast, Civics 101, Episode 17 – Stephen Fleming, at this site on the net that I researched and listened to: <https://www.youtube.com/watch?v=f-kQkrE7JAc> Time: 9:27 – 11:16.

**See Video Exhibit "YYY" 20220826 City of Kelowna
Civics 101, with Stephen Fleming, Episode 17
Time: 9:27 – 11:16**

344. His evidence will be relevant to my concerns about the interpretation of the impugned Bylaws in this case, how the City has interpreted and enforced them, the Arbitrary Decision, his involvement in the decision to recommend this Petition and reasons for same, his communications with the Province in relation to the Petition and issues raised in my defence.
345. Doug Gilchrist is the City Manager. My sources inform me that he is the person most responsible for this Petition and is the person who has been in contact the most with various officials of the B.C. Government in that regard. He will have relevant evidence in support of my position that this Petition is not legally based, but politically motivated for improper purposes, the reasons for same, the Arbitrary Decision and those in the Provincial and Federal Government responsible for this.
346. Mr. Gilchrest who is responsible for the City budget, Mr. Caul and/or Mr. Fleming will provide evidence in relation to the new RCMP building on Clement Ave., who actually owns this building and who paid for it. The City claims on its website, located at: https://www.kelowna.ca/city-hall/budget/city-budget#inside_budget that it may have a \$48 million investment in the RCMP

building, and hired 53 new RCMP officers.

347. I will need to examine the Chief Bylaw officer of the City, Kevin Mead as to his powers in relation to the Arbitrary Decision and all aspects and policies of their Bylaw enforcement upon me, in support of my position on vagueness, unreasonableness, gross disproportionality and bad faith.
348. Kevin Mead, who has an extensive military involvement and participation and whom I believe is incorporating military principles and attitudes to his non-military position, and who I believe was the supervisor that Bylaw Officer Short was working with for his Arbitrary Decision, was interviewed by Global News on or about May 24, 2023. During this interview, which I rely upon in Video Exhibit “ZZZ”, Mr. Mead admits that they were issuing 200+ tickets to me with the stated objective and intention of stopping our Lawful Protests, and that the Petitioner’s objective with its Petition, is to do the same thing. His evidence, as with Mr. Caul, Mr. Fleming and Mr. Gilchrist, will be relevant to my defences, including my Constitutional Challenge to the impugned Bylaws, how Bylaw services interprets its own Bylaws and their policies for so doing, especially that were relied upon against me.

See Video Exhibit “ZZZ”

20230524 Global News

“COVID-mandate protest leader’s assault trial expected to end Friday”

Video: “‘Freedom Rally’ affidavits reveal extensive investigation”

<https://globalnews.ca/news/9720742/covid-mandate-protest-leader-assault-trial/>

Time: .36-.49

349. RCMP Supt. Triance will be a required witness for me as to the intentions and motives of the RCMP as to why no attempt was made to stop, prohibit or prevent our Lawful Activities, their assistance with traffic control for our Lawful Marches, and the nature of their relationship with the City and myself and our Lawful Activities. Supt. Triance admits on Feb. 10, 2021, in a video she released publicly and which I have watched, that the police were sharing information about stopping our Lawful Protests with the Provincial Health Authority.
350. Former Mayor Basran, in conjunction with Supt. Triance, who has also repeatedly attempted to stop our Lawful Protests, publicly denounce and pejoratively label me, and who consented to taking this legal action against me, will have relevant evidence in support of my Constitutional Challenge, and

will have evidence in relation to actions taken by himself and the City to try and shut down our Lawful Protests, including videos that he has released publicly.

351. My *RCMP Act* Constitutional Challenge will also, of necessity, require me to enter into discoveries, examinations and cross examinations of various witnesses, including the signatories to the Agreement between B.C. and Canada to utilize the RCMP in B.C. as a provincial police force. These people will be required to provide evidence as to the intention and meaning of this agreement, specific sections therein, associated financial issues related to same, decision-making responsibilities between each level of Government, and other important, relevant and/or material evidence.
352. I will be attempting to show that actions and decisions made by the City failed to comply with my/our Constitutional rights and freedoms and were unreasonable and done in bad faith, where the City was threatened by the Province to have funding and/or approvals cut off if they did not commence this Petition. I need as much detailed facts as possible on the record to satisfy this duty upon me from the SCC. All City officials I have listed here will have relevant evidence to provide.
353. City officials will also provide evidence that no other protest groups applied for and/or received permits for their protests and/or rallies and the City's position in relation to same.
354. The City is in a massive power imbalance against myself. It has financial and other resources and connections that are statutorily denied to myself.
355. The City and the Province have provoked hostility against me and our group and protestors in the past, by refusing in the media to talk to us and answer our scientific basis for opposing their actions, labeling us in the media as a "fringe minority" leading the public to believe that we are putting other people's lives in danger or health at risk, which is not true. There has never been an outbreak of COVID-19 at any of our Lawful Protests, nor any other that I am aware of.

SLAPP

356. All my expressions in these Lawful Protests to the crowds of protestors, the public and the various levels of Governments, which were political, truth finding and self-fulfilling in nature, include those

speakers whom I chose to appear to give their expressions as well, volunteers and protestors, for the reason that I agreed in principle with their expressions and beliefs. Much of the information I expressed to everyone was as a result of personal research done by me, especially in the first 18 months or so.

357. Most of these speakers I arranged for and introduced.
358. As I have evidenced elsewhere herein, these Lawful Protests obtained a high level of public visibility, Government and media attention across the Okanagan, B.C. and Canada.
359. The COVID-19 issue, which for the most part of our Lawful Protests we were protesting against, including related issues such as vaccines, masks, criminal issues, employment obligations and termination etc., I found to be of huge public interest. We obtained a significant amount of public support during our Lawful Street Protests from traffic, and much support from pedestrians who talked to members of the crowd, and accepted our brochures. There was a lot of opposition to the Government's actions in this area, that went completely unreported and misrepresented by the media.
360. The City of Kelowna, Bonnie Henry, the Provincial Government, and the local RCMP, all made reference to our Lawful Protests in the media and/or press releases. This was interpreted by me as an admission that there was a lot of public concern against the Governments on these issues.
361. At our largest protests, there were about 2000 people where the protestors were really angry about the mandatory COVID-19 policies and mandates. All areas of life were affected by these Government decisions, and because of the media, the public knew of our opposition and location, including nurses, doctors, professionals, and the public in general, but primarily in a negative and pejorative context. Almost every opportunity to discuss us by the Government or in the media, was done in a manner so as to label us, deride us, falsely accuse us of a variety of untruths. But at no time were we ever given the professionalism and courtesy of discussing with us, the science that we relied upon to justify our opposition to the Government, nor our accusations of falsified statistics. Every action was about ignoring us or defaming us, in the hopes that we would go away. We have not.

362. The exercise of my common law and s. 2 Charter freedom of expression and assembly freedoms, are absolutely critically important to me, including my choice of locus, time and date that will most effectively allow me to get my information out to the public and Governments, and to permit that of others to do same. It is the only peaceful way that I can express myself, and same for our group members and supporters. Granting the relief sought will deny to me my freedom for effective communications, and that of others, especially at the most strategically important locations in the City for us. I have done nothing to support or justify this relief being sought.
363. The relief sought would deny to me my freedom to protest and exercise my common law and s. 2 Charter freedoms at virtually every important and strategic location in the City. This is all unacceptable to me, and I believe more so as there was minimal, if no effect upon the City during our Lawful Activities, compared to what would happen to our denial of said freedoms.
364. Another important fact is that people getting vaccines and/or complying with other Government or Bonnie Henry mandates and orders, needed to make informed choices. They were not able to do that with a Government monopoly on the COVID-19 narrative. This remains an ongoing issue for me and our group as the Governments continue to try and get people to obtain ongoing vaccinations, and will be further important to us and the public, in relation to upcoming concerns I mention here, such as digital ID and currencies, 15 min prison cities, and ongoing health effects and injuries from the COVID-19 vaccinations, etc.
365. Myself and our group believe it is critically important that people get information on both sides of the issue to permit them to make informed choices on whether or not, in the exercise of their political, Constitutional and democratic rights, they choose to agree or disagree with the Government narrative. We believe the Governments simply cannot have a monopoly on the narrative of any issue, as they have so done.

What is really going on?

366. When I consider the hundreds of tickets the City has issued against me, and their secretive Arbitrary Definitions, allowing every other person and group to protest exactly as we have done, the financial and other pressures, threats and tactics by the Province and Federal Governments, the comments and attitude of Bylaw Officers, and demanding its relief on the basis that I have not obtained a permit that the City admits they will not give to me anyway, its attempts to “pigeon hole” me into

their Bylaws by deceptive and false interpretations of undefined words, I believe that the City is using the permit requirements, which were never designed for this, to do indirectly what it cannot lawfully do directly to deny me my Constitutional freedom to protest, and that of others, because all levels of Government do not approve of the nature and contents and strength of my and our expressions. The Provincial Government is using the City as its proxy. This is what I believe is truly going on.

367. My concern with permits is that I should not require "*permission*" or a "*licence*" as a permit truly is, to exercise my fundamental and Constitutional rights and freedoms, especially originating from one of the very persons I am protesting against. Nor should the City simply be able to classify my Lawful Protests as "events" to do indirectly what it cannot do directly, nor deny to me the tools I need to exercise my said common law and Constitutional freedoms, such as sound equipment and signs.
368. I believe there is a massive conflict of interest and certainly bias, and I am of the belief that the City then becomes a judge in its own cause. This will become a way of the City to indirectly deny to me my Constitutional freedoms in this case. I do not believe that the City has, nor should have, the power to tell me when, where and how I can protest, especially against their policies, decisions and actions.
369. I am further concerned that there is no appeal process from any adverse, arbitrary, punitive, vengeful or negative City decision on its injunction relief if heard prior to my Constitutional Challenges and SLAPP defences, and a judicial review would take weeks if not months to be heard, and longer to obtain a decision. By then the very reasons for our Lawful Protest might not exist, or might be forgotten about or even accepted by the public.
370. If and upon the relief sought by the Petitioner is granted, especially prior to hearing my Constitutional Challenges, myself and our group would immediately and thereafter encounter permanent lost opportunities to express ourselves, interact and educate people. People would soon forget our existence at Stuart Park and we would lose visibility and credibility, as people believe we were removed for some improper activity on our part, which would not be true.
371. This would further prevent me from having Lawful Protests at City Hall and Street Protests on Hwy

97 and at various media locations. It would deny to myself and our group, our freedom to have surprise Lawful Protests if and when something new arises, leading people to believe that we are either not opposed to it or are in support of it, both of which then would be misleading to the public. These lost opportunities can never be regained and would be lost forever to us.

372. Information we provided on the dangers and ineffectiveness of mask usage and vaccinations, and on the legal and Constitutional implications, would be denied to me and our group if the Petitioner's relief were to be accepted.
373. Information on other threats to my rights and freedom such as digital ID, currencies, and 15 min. prison cities, would be prevented from distribution as well, both from myself and others.
374. One of the reasons for having our Lawful Protests at Interior Health was to bring awareness to Government health officials and visitors, of our position and the lies that they were being told in relation to vaccines and other COVID-19 representations by the Government. We would be denied the ability to express our views to these persons if this relief were to be granted, seriously infringing or denying my freedom of expression.
375. Having to give any form of notice would also be problematic for me. I believe that this is part of the destruction of the presumption of honesty and regularity in our law and society, which greatly upsets and troubles me. Our Lawful Protests have been peaceful for three years and 150 appearances. I do not believe that there is any reason to justify demanding notice from me for our Lawful Protests or Lawful Marches, nor that there was any to begin with.
376. This would further result in a big strategic disadvantage to the use of our s. 2 Charter freedoms, to the benefit of the City and Province, who would then know where we plan to go and possibly ensure Government or City officials would not be present that we wish to express our views to.
377. Recently, we had a Lawful Protest outside City Hall on June 20, 2023 when Council was sitting. We were able to peacefully approach over half of the Councilors showing up for the City's Council hearing, show them our signs and advise them why we were here and that we wanted them to discontinue their Petition because of our Constitutional freedom to have our Lawful Protests. This could not happen if the Petitioner obtains its relief, or if we are required to give notice. In the latter

situation, I am worried that security would bring the Councilors in through the back door and would never see us or get our message, despite us being no threat to anyone's safety.

378. This concerns me further because I cannot make my concerns known to City Council during its hearing without obtains its permission well in advance to appear. Thus, the Council can and will deny me the ability to advance my positions to them in this manner.

379. Because other protests have been and continue to be permitted by the City to the queers, Iranians, students, climate change activists, now the Ukrainians, and others, I am worried that the public will soon only visibly see that which the City and the Province approve of, and our opposing viewpoints and information would be permanently suppressed, especially in the most strategic area of the City.

Royal Canadian Mounted Police Act (RCMP Act)

380. On various occasions, the RCMP attended to our Lawful Protests, purportedly to keep the peace, though no peace has ever been broken by our group. I believe, as Sgt. Booth confirmed to me, that they were also contacted by the City to attend some of our Lawful Protests, as well as by Paladin or other security guards, simply for intimidation purpose or to satisfy their baseless fears.

381. Had I committed an offence, the RCMP would have arrested me or charged me.

382. I was originally issued three \$2 300.00 offence tickets for our Lawful Protests by the RCMP, all of which were stayed by the Crown.

383. On many of the Lawful Marches, the RCMP provided traffic control with their cruiser car and lights on. RCMP officers directed traffic.

384. The RCMP is a Federally constituted and legislated police force. They are operating in the Province of British Columbia.

385. My research into the RCMP constitutional and legal history, has confirmed that Parliament did not have the legislative power to pass the *RCMP Act*. Though much of this is legal and Constitutional submissions, I need a full panoply of facts showing the exact nature and structure of the RCMP, including their duties and powers, their disciplinary procedures and accountability, and the financial

aspects of who pays for their services, to evidence that in fact, they are policing in the Province, contrary to s. 91(14) of the *Constitution Act* 1867.

386. I will be submitting that the *RCMP Act* is in relation to a “*matter*” that comes within the classes of subjects in s. 92 and is therefore, *ultra vires* Parliament.

387. The officials of the British Columbia Government and Federal Government who drafted and prepared the 2012 Agreement between them for the utilization of the RCMP as a Provincial Police Force, will have personal evidence to provide as to their knowledge and intentions in so doing, that will be relevant to my Challenge, including their knowledge of the Constitutional division of powers in this area and as they recognize in their Agreement itself.

See Attached Exhibit “LLLL” Copy of Agreement RCMP and BC, 2012 p. 493

388. This 2012 Agreement I have attached, provides for and requires the creation of a Companion Document to explain the salient features of the Agreement. At p. 806 (p. 235 of the attached document), it is expressly recognized by Provincial and Federal Governments, that policing is exclusively a Provincial jurisdiction.

**See Attached Exhibit “MMMM” 2012 RCMP Provincial and Territorial p. 574
Police Service Agreements – Companion Document
2014**

389. I make this Affidavit in support of my Response to the Petition, for no improper purpose and in support of my request for my relief therein my Response. I concede, I may have further evidence at some point in the future, which due to time constraints, other ongoing legal and personal commitments and obligations, and the number of defences and issues I am raising, I simply could not obtain or review in this time frame, including other videos that are in our possession.

Affirmed before me this 1st day of August,
2023 at the City of Kelowna, in the Province
of British Columbia

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}
} 

L. JAQUE
Justice of the Peace in and for
The Province of British Columbia

NO Expiry date

A Commissioner of oaths in and for the Province of British Columbia

The City of Kelowna

v

David Lindsay, *et al*
Respondents

Supreme Court file no. KEL-S-S-136195

Kelowna, B.C. Registry

Proceedings commenced at Kelowna, B.C.

Affidavit #1 of
David Lindsay

David Lindsay