



Supreme Court file no. KEL-S-S-136195  
Kelowna Registry  
Affidavit #1 of Tanya Gaw  
Affirmed the 27<sup>th</sup> day of June, 2023  
*Tanya Gaw*

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 Tanya Gaw  
Affirmed this 27<sup>th</sup> day of June, 2023  
*Tanya Gaw*

I, Tanya Gaw, of the City of Surrey in the Province of British Columbia,

affirm and say that:

1. My name is Tanya Gaw and I am the founder of Action4Canada, a grassroots organization that is focused on educating citizens on the destructive policies that our tearing at our nation. Action4Canada addresses matters of a political nature and lobbies government for change. Action4Canada has also commenced legal action against the BC and Federal Government.
2. I believe that pursuant to, but not limited to, section 2 and 7 of the Charter of Rights and Freedom, I have fundamental freedoms and unalienable rights.
3. My friend, David Lindsay, has made me aware that the City of Kelowna has filed and served him with a Petition to ban his rallies and protests at Stuart Park and the Kelowna downtown core, which I have read. I am deeply concerned as this is in violation of my right to-freedom of expression, thought and belief and my right to freedom of speech.
4. I have been a featured speaker at several of the rallies or protests that take place at Stuart Park, where there have been many hundreds of people in attendance. These rallies and protests have provided me and my team with an avenue to convey our message to other citizens who are like-minded in our concerns regarding the COVID-19 measures, SMART Cities, Digital ID, SOGI 123, protecting children and parental rights, and so on.
5. Many of our expressive activities and opposition to various government actions are in relation to decisions and actions taken by the Kelowna School Board and we have participated in many activities in relation to their educational learning resources. Kelowna is

a very important location for me to be able to advise people about our activities and to get their support. These rallies and protests have provided me with significant visibility to bring awareness to the public of our beliefs and concerns and what we are doing.

6. I believe that this location is an extremely effective location in the City for these rallies and protests. David informs me and I do verily believe to be true, that he chose this location for a variety of reasons and that he has the support of thousands of people who have attended these rallies and protests at this location. I have supported David's choice of this location from the beginning. From my perspective, this location for the rallies and protests is so close to the lake and the wonderful esthetics of this area, and there is so much room for large groups of people to attend.
7. The stage area where I have repeatedly spoken to the crowd faces City Hall and has been an extremely effective method of conveying my messages and information to them. After each time I have spoken, many, many people have approached me with kind words of support and joined our group and activities we are involved in. This would not have been possible if these rallies and protests were at a different location as I believe that the area downtown and at this location simply draws a lot of people that would not otherwise come out if they were held at a different location.
8. My organization has Chapters including one located in Kelowna and my Chapter Leader, Laurie Baird, is able to set up the Action4Canada tent and distribute resources and materials on my behalf and to speak with people in the community to answer questions. Nothing on our table, which I authorized to Laurie to set up, is for sale. Laurie informs me and I do verily believe to be true, that she too has been a featured speaker at these rallies and protests on behalf of Action4Canada, to let people know of our activities in that area.
9. Having the opportunity to come to Kelowna to speak at these rallies and protests has been critical in providing updates and raising funds for the legal actions as well as providing updates on other important initiatives within the community and nationally.
10. It is my belief and a foundational belief of my organization, Action4Canada, that there are no provisions in any orders or bylaws, that can, nor pretend that any measures can, override my Charter or other pre-Charter constitutional rights and freedoms. I further believe that all Statutes, Orders, By-laws, and Acts must be consistent with the Constitution...or they are of no force or effect. I have not and will not give up these rights and freedoms.
11. I continually promote during my presentations at these rallies and protests, that section 52(1) of the Constitution Act, 1982: The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.
12. The City's attempt to restrict or deny my right to attend and speak at these rallies and protests at Stuart Park is denying me my freedom to participate at the location that I support and believe is the best place to express myself and beliefs to people.
13. The Kelowna protests are a vital part of my right, living in a democracy, to express my deeply held beliefs and concerns. I am very concerned for what will happen to our democracy

should the City be successful in banning these rallies and protests. I am further concerned that other cities follow suit, especially as I have been a regularly featured speaker in Vancouver and at many rallies and protests throughout British Columbia. If the City is somehow successful, my greatest concern is for the future of my children and grandchildren and whether they will be able to enjoy the freedoms my generation benefited from, or will they be living in a dictatorship where the governments tell us where, when, how we can speak, or what we can speak about.

14. I have strongly held beliefs and convictions that our country is founded on Judeo-Christian biblical principles, which are inherited from our British Commonwealth, and are embedded in our Magna Carta, forming our laws and our values. I also cherish the sacrifice of our soldiers who fought and died for my freedom and in honour of them I am willing to fight to ensure my children, and grandchildren, are blessed with the same inheritance.
15. I make this Affidavit true and correct, in support of the Respondents' response and opposition to the Petition, and for no improper purpose.

Affirmed before me this <sup>27</sup> day of June,  
2023, at the City of Surrey, in the Province  
of British Columbia

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A Commissioner of oaths in and for the Province of British Columbia  
**S. McLEOD**  
A Commissioner for taking Affidavits  
for British Columbia

The City of Kelowna

v

Unknown Persons Operating as “Common Law Education and Rights”, David Lindsay *et al*  
Respondents

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Kelowna, B.C. Registry

Proceedings commenced at Kelowna, B.C.

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David Kevin Lindsay