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Notice of Application to Ontario Superior Court Could Halt All Covid Measures Forc Upon Children

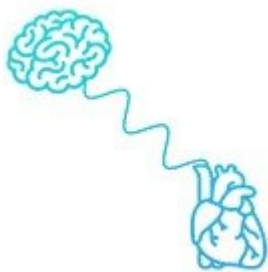


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By **Richard Enos**  ⌚ 9 minute read



Before you begin...



Take a moment and breathe. Place your hand over your chest area, near your heart. Breathe slowly into the area for about one minute, focusing on a sense of ease entering your mind and body. [Click here](#) to learn why we suggest this.

All the way back at the end of October 2020 I applied to join a lawsuit that was to challenge the Covid measures that were instituted in ten school boards in Ontario.

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To make a long story short, the retainer fee I had submitted was eventually returned to me, as the legal counsel wanted to focus on only a few of the most egregious cases. In my particular case, I [had obtained a mask exemption based on COVID-19](#) for my 6-year old son, and after the complete runaround I experienced from the school board, where no individual from the principal to the director of education was actually willing to take responsibility in the event of any infringements of the exemption, I decided that I had lost all trust in the system and pulled my son out of school altogether.

From what I've heard from parents who reached out to me for help with their children's exemptions, as well as the heart-wrenching stories from other parents whose children have been traumatized by these measures, I have been waiting for an announcement that this action had been filed in court, which finally happened on May 4th in the form of [a press release on the website of Constitutional Rights Centre](#).
[Rocco Galati](#):

On April 20th, 2021 Children's Health Defense (Canada), Educators for Human Rights (an Association of Teachers), as well as a group of several (17) children (through their litigation guardian parents), along with

individual teachers, filed [Notice of Application](#) against the government of Ontario and various School Boards and Public Health Officers with respect to school lock-downs, lock-outs, and treatment of children under the Covid measures.

Notice of Application

This was the first time I had heard of 'Notice of Application,' but I have taken an excerpt from the [Ontario Rules of Civil Procedure](#) which I believe contains the particular notice:

A proceeding may be brought by application where these rules authorize the commencement of a proceeding by application or where the relief claimed is,

(g) an injunction, mandatory order or declaration or the appointment of a receiver or other consequential relief when ancillary to relief claimed in a proceeding properly commenced by a notice of application;

(g.1) for a remedy under the Canadian Charter of Rights and Freedoms;

[R.R.O. 1990, Reg. 194: RULES OF CIVIL PROCEDURE](#)

My aim here will be to summarize in layman's terms the declarations and the grounds for this action, to the best of my ability, because I feel it is important for more people to know and understand the significance of this action being taken. Of course I recommend reading [the entire 22-page Notice of Application](#) itself to get a more detailed and accurate understanding.

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Respondents

The notice of application has listed the following people and entities as respondents, meaning these are the people/entities whose past and present actions are being challenged:

*Eileen **De Villa**, (Chief Medical Officer, City of Toronto Public Health), **City of Toronto**, Dr. Lawrence **Loh**, (Chief Medical Officer for Peel Public Health), Dr. **Hamidah Meghani**, (Chief Medical Officer for Peel Public Health), Dr. **Ryan Kyle**, (Chief Medical Officer for Durham Public Health), Dr. Nicola **McCaig**, (Chief Medical Officer for Wellington-Dufferin-Guelph Public Health), **David Williams**, (Ontario Chief Medical Officer of Health), **The Attorney General for Ontario, The Minister of Education, The Minister of Health and Long-Term Care, The Toronto District School Board, The Halton District School Board, The Durham District School Board, Robert Hoch** (Principal at Runnymede Public School, Superintendent **Debbie Donsky** (Toronto District School Board, **Johns and Janes Does** (Officials or Defendants Minister of Education, Health and Long-Term Care and School Boards)*

Declarations

The notice begins with an application for the court to make a set of declarations, the first one being (a) a declaration that s.22 of the *Crown Liability and Protection Act* is unconstitutional and of no force and effect [in this or any other application].

This is followed by an application for the following to be declared by the court:

- (b) the state of emergency was invoked illegally, and even if it was legal, it is unconstitutional, with regards to quarantine, lockdown, stay-at-home orders and curfews; measures were invoked without people's right to consult, a breach of the Charter.
- (c) the municipal Covid measures ordered and taken by the medical officers is beyond their powers, and even if it is within their powers, reasonable and probable grounds for their actions have not been met.
- (d) the Covid measures taken were not scientifically based, and were justified only by a fraudulent PCR test; further, the quarantining and isolation of asymptomatic children in bedrooms is particularly abusive and against the Charter, and even more egregious is the isolation of children with special needs.
- (e) the consensus opinion of the world's scientific community is that masking and all other measures are ineffective, and in some cases irreparably harmful to children.
- (f) mandatory masks, isolation and PCR testing violates applicants' and childrens' constitutional rights.
- (g) the notion of transmission of this virus from asymptomatic children to adults is without medical or scientific basis or merit.
- (h) masking, social distancing and testing in schools is unscientific, non-medical, unconstitutional and should be halted immediately.
- (i) children do not pose a threat to their teachers with regards to Covid-19.
- (j) teachers who do not wish to mask have the statutory and constitutional right not to wear masks.
- (k) the masking of children is unscientific, non-medical, and harmful, and children should be prohibited from wearing them even if their parents want them to.
- (l) none of the above Charter violations can be dismissed by s.1 of the Charter.

Orders

Following these applications for declarations are applications for the following orders to be proclaimed by the court:

- (m) the respondents are prohibited from registering a PCR test above a cycle threshold screening test, and must administer specific additional diagnostic methods (as recommended to determine the presence of a live virus; the respondents are prohibited from locking down requiring children to wear masks, or requiring that children isolate themselves; the respondents are prohibited from declaring an 'outbreak' based on two positive PCR results, conducting school and classes by remote online distance learning over a computer.
- (n) the respondent Ministers are required to reveal the source and substantive evidence received, and the specific scientific and medical evidence used to justify the measure; they are required to reveal the cycle threshold rates for ALL PCR tests administered, and specific demographic data on all case mortalities, with distinctions provided between those who died 'of' as opposed to 'with' Covid-19; children are able to attend in-person school without PCR test requirements.

Remainder of the Application

These declarations and orders were followed by: a request that costs of the application and other relief be paid by the respondents; the **grounds** of the application based on the various pertinent laws, legal decisions and arguments; a list of the **documentary evidence** and expert testimony that will be presented at the hearing.

For those wondering why this action does not appear to be an irreparable harm injunction or a lawsuit in which defendants are being sued for damages, Galati said the following in a [May 6th press conference](#) announcing the filing of the application:

This is by way of application, we're not going to waste our time trying to get interim injunctions, we're going to argue this on the merits, as a merits application, and I hope that scheduling for urgent matters, which the court will consider [this is], we will have a scheduling and a hearing date by fall...

We will be following this application by an action for monetary damages which is a separate proceeding. We did not want to bog down and delay the merits proceeding in terms of declaratory and prerogative relief, injunctive relief, or wait for the long, drawn-out statement of claim. We will, in time, we're going to give the 60-day notice to the Crown's office that we will be coming after them, these same people will be coming at them for damages, on behalf of the public.

the damage that they've caused these children and the grief they've caused to their parents and their families because they did not respect the law.

The Takeaway

It was a little disconcerting to learn that the hearing would at best be scheduled for the fall, and even that is not guaranteed as delay tactics from the government are expected. However, it gave me satisfaction to read a thorough and well-researched document that cuts through the Covid narrative promoted by mainstream media (who, as expected, chose not to attend this important press conference). The document highlights what many of us have long known to be obvious: that these measures have been ineffective in preventing the spread of the virus, and have caused significant mental, emotional, and physical damage to our children, the extent and permanence of which will be impossible to determine.

Perhaps the silver lining here is that parents like myself have awoken to the reality that our educational system is a bureaucratic mess, and its agenda is to serve the state rather than the children and their families. This 'Pandemic' agenda has exposed the people and institutions who don't care about the rights of individuals, and in particular the well-being of our children, and this application is a big step in the direction of holding these people and institutions accountable. If this application is scheduled and heard, and the application is successful, the orders will immediately take effect throughout the province and perhaps the whole country. This application could actually be the fatal blow to this entire 'Pandemic' agenda.

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By **Arjun Walia**  ⌚ 4 minute read