

Pilon, Janet

Subject: "mandatory" mask bylaw

From: Ed Baumgartner

Sent: July 12, 2020 9:34 AM

To: Office of the Mayor <mayor@hamilton.ca>

Cc: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>

Subject: "mandatory" mask bylaw

Dear Sir,

I am writing this letter not just to express my complete dissatisfaction with you and the majority of city council but also as an act of civic duty to call out elected officials whenever they overreach on authority granted to them by the electorate. My issue is specifically with a "mandatory" mask bylaw which seems well in process of being foolishly hoisted upon tax paying law-abiding citizens of Hamilton.

Without wondering deep into the weeds of arguing whether or not the medical benefits of such an unenforceable policy actually justify an infringement on a citizen's personal liberties, as demonstrated through multiple conflicting theories throughout the ongoing pandemic, most reasonable people would agree, the science is not settled. This brings me to a simple question. Why would council consider imposing a bylaw on citizens, most notably business owners, which I'm sure your legal department explained has no serious enforce-ability? As I'm sure you are aware, a shop owner for example, CANNOT refuse service to a "non-compliant" customer once they declare an exemption due to a medical condition without the onus of a possible human rights complaint and having to prove a potential risk to staff and other customers to justify the refusal of service. To muddy the waters further, as I'm sure you are also aware, a shop keeper or bylaw officer CANNOT legally ask for proof of said medical condition. Simply put, any citizen at any time can declare a medical condition and have exemption from this "bylaw".

What you and council are considering is quite nonsensical, draft an unenforceable bylaw, then insist that already suffering business enforce it while absolving yourselves of the responsibility of actually policing it? This is folly at best, at worst you have just paved the way for independent businesses to be potentially bogged down in possible human rights complaints, legal actions etc.

I strongly suggest you reconsider this bylaw. For months, most citizens and business voluntarily complied with all orders, regulations, and suggestions passed down from various levels of government and through those actions clearly have had a direct effect on controlling the spread of this virus. To suggest now, after four months of "flattening the curve" and bringing down the number of infections, that the hard work of suffering citizens and businesses wasn't enough and further impositions on their personal liberties are required seems to be more an act of virtue signaling than anything resembling solid public policy based on science.

If council decides to proceed with enacting this bylaw, I would hope that yourself and council will at least have the decency to properly educate business owners as to what their rights and legal obligations actually are and explain the potential risks, they face by trying to "enforce" this bylaw.

Thank you for your time and consideration.

Respectfully

Edward Baumgartner (Hamilton)