

Mayor Fred Eisenberger
Hamilton City Hall
2nd floor - 71 Main Street West
Hamilton ON L8P 4Y5

September 21, AD 2020

Dear Mayor Eisenberger,

Thank you for your continued leadership throughout the COVID-19 crisis and Council's efforts to minimize the spread of COVID-19 in Hamilton. We regularly pray for God to bless you and your council in the many decisions you must make.

We would like to appeal to you regarding the inclusion of places of worship on the recent By-law No. 20-155 which requires the use of face coverings within enclosed public spaces. We recognize this by-law's objective of reducing the risk of the virus spreading as businesses and public spaces re-open per Stage 3 of the framework for reopening our province. Our concern is in the inclusion of places of worship as a comparable to places of business and entertainment venues which challenges the current and historical status held by places of worship in Canada.

In Canada's Charter of Rights and Freedoms, section 2(a) states that everyone has fundamental freedoms including freedom of conscience and religion with the purpose of preventing interference with profoundly held personal beliefs.

Freedom of religion comprises both an individual aspect and a collective aspect (*Loyola High School v. Quebec (Attorney General)*, [2015] 1 S.C.R. 613; *Ktunaxa*, *supra* at paragraph 74; *Hutterian Brethren*, *supra* at paragraph 182, *per LeBel J.*). The Supreme Court has noted that religion is about both religious beliefs and "religious relationships" (*Law Society of British Columbia v. Trinity Western University*, *supra* at para. 64). Recognizing the linkages between religious belief and its manifestation through "communal institutions and traditions", the Court has found that "measures that undermine the character of lawful religious institutions and disrupt the vitality of religious communities represent a profound interference with religious freedom" (*Loyola High School*, *supra* at paragraph 67; *See also Law Society of British Columbia v. Trinity Western University*, *supra* at paragraphs 64 and 99).

As such, we ask the Hamilton City Council to recognize the revered status of religious freedom in Canada and allow places of worship to be considered separately in government by-laws. This has been properly recognized by our Provincial government in their document "A Framework for Reopening our Province, Stage 2" where the following parameters are put in place for places of worship: "*Faith is a source of comfort and an important aspect of the lives of many people across Ontario. To support places of worship to reopen across the province and help to ensure the safety of worshippers, the government will make available guidance, including limiting attendance to 30 per cent of building capacity and practicing physical distancing*".



We respectfully ask Hamilton City Council to remove places of worship from By-law No. 20-155 and allow them, as a separate and protected entity, to remain under the direction of the separate guidelines provided by our Provincial government.

Respectfully,

On behalf of the Council of Cornerstone Canadian Reformed Church of Hamilton, Ontario

A handwritten signature in black ink, appearing to be "James Lof", written over a horizontal line.

James Lof, Chairman

A handwritten signature in black ink, appearing to be "Bernie Harsevoort", written over a horizontal line.

Bernie Harsevoort, Clerk