

To: County of Simcoe &
Simcoe Muskoka Health Unit

I am opposed to the mandatory masking that came into effect on July 13th, 2020. It is a direct violation of the Canadian Charter of Rights and Freedoms, the right to breathe and the liberty to choose how to breathe. Mandatory masking directly infringes upon section 7 of [The Canadian Charter of Rights and Freedoms](#) which addresses a Canadians right to Life, liberty and security of the person.

Section 7 - protects a sphere of personal autonomy involving "inherently private choices" that go to the "core of what it means to enjoy individual dignity and independence.

<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccd/ccheck/art7.html>

Studies and evidence-based research that are specific to SARS-COV-2 (Covid-19) and masking in healthy people are lacking and controversial at best. Certain analysis and articles written regarding this are subject to biases and many variables when it comes to masking in the general public. The articles you have cited from the Wellington-Dufferin Public Health website that have been deemed "evidence based" are largely opinion based and not backed by real world studies or research.

I find it insulting that you cite random articles from another Public Health Unit in Wellington-Dufferin which are not relevant to the residents of Simcoe County and reference them as "evidence based." or "expert." Why are you not citing your own references and articles that are relevant to residents of Simcoe County?

One of the articles listed on the Wellington-Dufferin County website isn't even a study but rather an experiment done using a Syrian hamster (completely irrelevant to the use of masks in Simcoe County). How is this relevant to healthy people wearing masks in public places? Why do you choose to ignore the science that has refuted the use of masks for healthy people?

Further, several of the articles cited on the Wellington-Dufferin page state the masking of healthy people has NOT BEEN adequately studied to state with certainty that it is effective in preventing the transmission of SARS-COV-2 or any Coronavirus. These cited articles further suggest that proper random controlled studies are recommended.

You make mention of other studies you've reviewed on your [FAQ page located here](#):

"What is the evidence that supports the use of masks? There is a growing body of scientific evidence that indicates the widespread use of face coverings by all persons decreases the spread of respiratory droplets. Public health experts also support the widespread use of face coverings to decrease transmission of COVID-19. At this link you will find a collection of expert opinions and studies on face coverings. This list is for informational purposes only and is not representative of all articles and studies available on the subject, nor does this list cover all articles and studies that are reviewed by our staff and our Medical Officer of Health."

But you didn't provide links to the articles and studies you've relied on for your decision. **So, in the spirit of transparency, what articles and studies did you use to make your decision?**

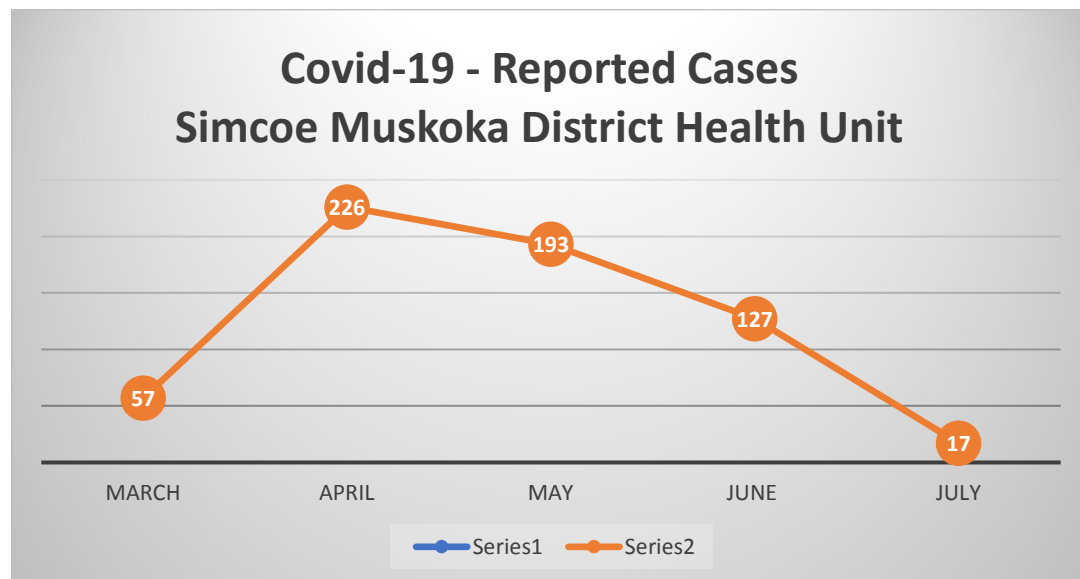
When trying to impose unlawful mandatory masking on the residents of Simcoe County, you are accountable to articulate your reasons behind this decision, especially when you are going against our own province's recommendations.

As I said above you give out a link to Wellington-Dufferin Public Health Unit whom cite very few actual studies, but rather the majority are links to opinion-based editorials. It should also be noted that Wellington-Dufferin Public Health Unit is one of the county's currently being sued for their actions. [Here is the link](#) to the current lawsuit.

Probably not a great idea for Simcoe County to be citing anything from that County given the current circumstances. Especially since your supposed to be making an independent decision based on the current circumstances in Simcoe County.

I have looked at both sides of the argument and it just doesn't make sense to impose this masking rule, especially since case numbers have already decreased without mandatory masking. It appears that you assume that the public is stupid and will not investigate this further or look deeper into your actions. I find your behaviour deceitful and underhanded in your approach to mislead the public.

To illustrate my point here are the actual Covid-19 reported cases for Simcoe Muskoka District Health Unit. Just like you, I pulled these numbers from [Public Health Ontario – Covid-19 Data Tool](#). See the chart below:



As of July 14th, 2020, there is a total of 620 reported cases of Covid-19. As I've illustrated above the reported cases have continued to go down since the obvious peak in April 2020 of 226 cases.

What is important to note is the reduction in cases despite no mandatory masks and Ontario's Phase 2 expansion re-opening in June. **So again, I ask where is your evidence to impose unlawful and clearly arbitrary wearing of masks on the residents and children of Simcoe County?**

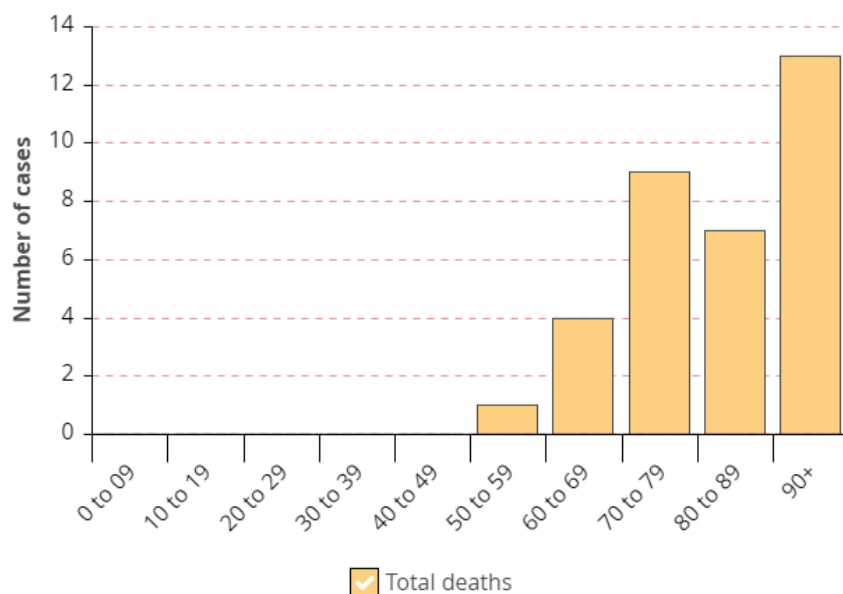
What is also important is the cases continue to decline despite the exponential increase in testing that has been done. **It would be a very interesting to see the percentage of confirmed Covid-19 cases in comparison to the amount of testing being done in this County. Funny how I couldn't find these numbers on your website.**

Now, regarding the July reported case numbers, obviously the month of July isn't quite half over, and the reported cases tend to lag behind as they get reported in. But even if the numbers magically doubled from their current amount, it would still be a reduction of 45% to 50% from the June reported cases. **AGAIN, steady decline despite no mandatory masking etc.**

That is just the reported cases, what about hospitalizations and actual deaths caused by Covid-19 in Simcoe County?

It is well known that just because you test positive for Covid-19 it is unlikely to cause most of the population any health concerns beyond a mild cold or flu like symptoms. This is clearly indicated in the next chart, again from [Public Health Ontario – Covid-19 Data Tool](#).

Counts of COVID-19 deaths by age group in Simcoe Muskoka District Health Unit



There has been a total of 34 deaths in Simcoe Muskoka District Health Unit with the **last death being on May 16th, 2020** (again as of July 14th, 2020).

There have not been any Covid-19 attributed deaths in the County of Simcoe for almost 2 months. Further, 97% of the deaths were for persons 60+ in age. Here are the actual numbers:

Age	# Deaths	Percentage
50 to 59	1	2.94%
60 to 69	4	11.76%
70 to 79	9	26.47%
80 to 89	7	20.59%
90+	13	38.24%

Further, most of these deaths occurred due to the two large outbreaks in Long-Term Care facilities in the County. Since all Long-Term Care facilities are under quarantine this explains why there hasn't been any further deaths since May. Therefore, quarantining the vulnerable and sick is what was historically done, because that actually works and has been studied and proven to be effective.

Although the elderly population are more vulnerable you still do not have the authority to obligate an elderly person (or any person), whom isn't diagnosed with Covid-19, to wear a face mask or be quarantined. If that person chooses not to wear a mask, despite their age, that is their informed right to do so. **It is no different than the "right to refuse care" in any health facility. This is the reason we have the Canadian Charter of Rights and Freedoms in this country.**

In summary, there has been no increase in Covid-19 cases despite increased testing, in fact a dramatic decrease, and there has been no deaths since May 16th, 2020. Again, this happened with no mandatory masking and the increased re-opening of the province which is currently in Phase 2. **Where is the justification for unlawful mandatory masking? I'm presenting you with actual evidence and numbers from Simcoe County! You are answerable to the constituents, and businesses of Simcoe County and you will be held accountable for your actions.**

Especially given the clear violation of not only the Canadian Charter of Rights and Freedoms but also the Emergency Management and Civil Protection Act (EMCPA) that you are trying to hide behind for your decisions.

You are clearly not making evidence-based decisions and there appears to be some other underlying motive or political reason. But under section 7.0.2 (3) of the Emergency Management and Civil Protection Act (EMCPA) states:

Limitations on emergency order

(3) Orders made under this section are subject to the following limitations:

1. The actions authorized by an order shall be exercised in a manner which, consistent with the objectives of the order, **limits their intrusiveness.**
2. An order shall **only apply to the areas of the Province where it is necessary.**

It states in the EMCPA that you are to be limited in your intrusiveness and the order is only applied in the areas of the Province where it's necessary. Instead you have done the exact opposite, in direct violation of the EMCPA.

You have dramatically increased the intrusiveness against the residents of Simcoe County despite the dramatic decrease of Covid-19 in this county. Again, you are in direct violation of EMCPA and the spirit behind this provincial statute.

It should be noted, as residents of Ontario you can just as easily be investigated and prosecuted for committing an offence under the EMCPA and any other applicable statutes. Especially since under several Federal, Provincial, and Municipal statutes/by-laws you are defined as being in a “position of authority”, and the Canadian Courts don’t take lightly to persons abusing such classifications. This is something to consider as you imply enforcement action against the residents and the businesses of Simcoe County under the EMCPA.

Also, as I’ve stated on numerous occasions you are in direct violation of the Canadian Charter of Rights and Freedoms. This is also referred to in the EMCPA under section 7.0.2 (1):

Emergency Powers and Orders

Purpose

7.0.2 (1) The purpose of making orders under this section is to promote the public good by protecting the health, safety and welfare of the people of Ontario in times of declared emergencies in a manner that is subject to the Canadian Charter of Rights and Freedoms. 2006, c. 13, s. 1 (4).

So not only are you violating section 7 of the Canadian Charter, but since you’re not taking the Canadian Charter into account for your decisions, you are also in contravention of section 7.0.2 (1) of the EMCPA.

You also state the following in your [FAQ page located here](#):

“What is the health unit doing to make this happen? The health unit has provided instructions to all businesses, organizations and public transit services to ensure the use of face coverings in public indoors spaces of their premises. These **instructions** are being issued by the Medical Officer of Health of Simcoe Muskoka District Health Unit (SMDHU) under the authority of the provincial Emergency Management and Civil Protection Act (EMCPA) and will continue while the provincial Emergency Orders remain in force.”

Under what section in the EMCPA does the designated medical officer of health in the county of Simcoe have the authority to solely issue this mandatory mask directive? Is that what we are supposed to believe, that one person has the authority to order this? I would like, and I’m sure the residents of Simcoe County would like, a proper explanation of why and whom decided to impose these unlawful “instructions”.

Where is the actual legal document issuing these directives? You are obligated to provide the public with a copy of this legal document showing the date of inception, under what authority it has been signed, and who signed it. So, where is this document and why isn’t it provided on the County’s website?

Since what you are doing is unlawful and impossible to enforce, hence the reason the Province isn’t doing this, you are misleading and outright lying to the residents and business owners of Simcoe County. You are putting the business of Simcoe County in a horrible and liable position. You are setting them up for future lawsuits and human rights complaints.

These businesses have already suffered enough due to these closures and now you are placing them in such a divisive and liable position. But they are placed in this position under the threat of enforcement

action under the EMCPA from Simcoe County. These poor business owners have the potential of trying to defend themselves against multiple lawsuits or human rights complaints.

What happens when all of this is over, and Simcoe County has been found in violation of the Canadian Charter and the EMCPA? That your mandatory masking order is deemed as unlawful, and therefore the business's actions are also deemed unlawful. Well, these businesses will have no choice but to in turn sue Simcoe County for imposing an unlawful order to recover their defence costs.

What a mess, again the reason why the province is not trying to impose this.

Simcoe County does not have the funds to defend and/or settle the number of lawsuits and human rights complaints that are going to be filed against the County, and possibly yourselves, once this is all said and done. Good luck defending the county against any large corporation with a large budget for lawyers.

This county is already bleeding money due to Covid-19, now you're opening this County up to be bankrupted into the future. This is such an overreach of power that will cause such a disgusting waste of taxpayer's money.

It will be very interesting, once this Covid-19 situation is over, to examine the Master Event Log (legally obligated to be maintained during the declaration of Emergency) to see how these decisions were made. Also, to examine the log and see who the members of the Emergency Operating Center (EOC), the Community Control Group (CCG), and any other advisory groups are.

Further, to see everyone involved in this decision-making process and how it was articulated especially given the evidence I've illustrated above. Any decisions made while holding a position of authority and/or power will be closely examined at the end of this situation. Especially since it is such a blatant violation of Simcoe County's residents' rights under the Canadian Charter of Rights and Freedoms.

Fundamentally, this comes down to the right to informed choice when it comes to wearing a mask and ultimately, it is my body, my choice, period. I respectfully ask you to scrap this unlawful mandatory mask rule. To allow the residents of Simcoe County to use their own judgement and respect their lawful right to choose when it comes to masking.

Respectfully,

Jennifer Barr
Resident of Simcoe County