

**NOTICE OF APPEAL UNDER SECTION 135 OF THE
PROVINCIAL OFFENCES ACT**

Case #: 3161-999-00-3261751F-00

1. Ontario Court (Provincial Division) at 950 Burnhamthorpe Road West, Mississauga

2. Appellant is: Defendant Prosecutor Attorney General

3. Name of appellant: Meththa Melani Fernando

Address for service: 5464 Elgar Court, Mississauga, ON L5M 5C9
melani_fernando@hotmail.com

4. Counsel for appellant:

5. Name of respondent (if known): City of Mississauga

Address for service: 950 Burnhamthorpe Road West, Mississauga, ON L3C 3B4

6. Counsel for respondent (if known):

7. Decision of Ontario Court of Justice: Convicted of FAIL TO COMPLY WITH ORDER contrary to the QUARANTINE ACT, section 58, refusal to submit to molecular test, \$5000 fine with 12 months to pay, by Her Worship Justice of the Peace G. Lin

8. Date of Decision: August 15, 2023

9. The appellant appeals against: Conviction Dismissal Sentence

10. If appellant is in custody, place where held:

11. Description of offence: FAIL TO COMPLY WITH ORDER contrary to the QUARANTINE ACT, section 58

Certificate Number (if known): 3161-999-00-3261751F-00

12. Statute: *Quarantine Act*, SC 2005, c 20

13. Date of offence: April 11, 2022

14. Plea at trial:

The plea entered was: Guilty Not Guilty Unknown

15. The appellant wants the appeal court to:

Find the defendant not guilty

Find the defendant guilty

Order a new trial

Change the sentence

Other: (please specify)

16. The grounds of appeal are:

A. That the presiding Justice of the Peace convicted the Appellant, contrary to the law.

B. That the presiding Justice of the Peace did not allow the Appellant to make oral submissions asserting her rights under the *Canadian Bill of Rights*, SC 1960, c 44.

C. That the presiding Justice of the Peace erred in law by ruling that the *Canadian Bill of Rights* has been superseded by the *Canadian Charter of Rights and Freedoms* and, thus, could not be pleaded.

D. That the presiding Justice of the Peace irreparably prejudiced the proceeding by not permitting the Appellant to plead the *Canadian Bill of Rights*.

E. That the *Canadian Bill of Rights* is a federal, quasi-constitutional statute that applies to federal law and remains in force to this very day.

F. That there are no statutory or common law requirements regarding notice or service with respect to pleading the *Canadian Bill of Rights*.

G. That the presiding Justice of the Peace erred in law by not applying section 14 of the *Quarantine Act* in her reasons for decision.

H. That the presiding Justice of the Peace erred in law by misinterpreting the express, statutory language of Parliament in the *Canadian Bill of Rights* and the *Quarantine Act*.

I. That the presiding Justice of the Peace erred in law by not addressing the indelible and irreconcilable conflicts of law between the Order made under section 58 of the Quarantine Act, the *Canadian Bill of Rights* and the *Quarantine Act*, itself, under section 14.

J. That the impugned Order is long-expired, moot and cannot be challenged in Federal Court by way of a judicial review, leaving this the only legal forum to legally and feasibly challenge its validity.

K. Such further and other grounds as the Appellant may advise, and this Honourable Court may permit.

Complete no. 17 for Provincial Offences Act, Part II, Parking Offences where the municipality is collecting its own parking fines.

17. The fine has been paid in full at (municipality) on (date)

18. Date: September 14, 2023

19. Signature of appellant or counsel or agent:

X 