

Court File No. CV-22-00683592-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

WILLIAM ADAMSON SKELLY and ADAMSON BARBECUE LIMITED
Applicants

- and -

HIS MAJESTY THE KING IN RIGHT OF ONTARIO, CITY OF
TORONTO, BOARD OF HEALTH FOR THE CITY OF TORONTO,
and EILEEN DE VILLA

Respondents

CROSS-EXAMINATION OF WILLIAM ADAMSON SKELLY
on his affidavit sworn September 20, 2024
held via Arbitration Place Virtual
on Thursday, November 27, 2025, at 10:00 a.m.

APPEARANCES:

Ian Perry for the Applicants
Julian Shephard

Padraic Ryan for His Majesty
the King in Right of Ontario

Penelope Ma for the City of Toronto

ALSO PRESENT:

Margarita Simon Articling student

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900-333 Bay Street Toronto, Ontario M5H 2R2

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AND UNDER ADVISEMENTS

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4 AFFIRMED: WILLIAM ADAMSON SKELLY

5 CROSS-EXAMINATION BY P. RYAN:

6 1 Q. Mr. Skelly, you were sworn
7 in by the commissioner this morning before we
8 started?

9 A. Yes.

10 2 Q. Where are you joining us
11 from today?

12 A. Alberta, near Water Valley.

13 3 Q. Is that where you live?

14 A. Yeah, that's where I live.

15 4 Q. And when was the last time
16 you were in Ontario?

19 5 0. And why was that?

20 A. It was for my
21 brother-in-law's wedding.

22 6 Q. When did you move to
23 Allentown.

1 7 Q. Did you move anywhere else
2 in Alberta before then?

3 A. No. I was here for a few
4 months before that looking around at houses.

5 8 Q. Why did you move to Alberta?

6 A. Political climate was a
7 little different. It was more aligned with my
8 beliefs. Also, the real estate out here was much
9 cheaper, like significantly less expensive, almost
10 less than half, compared to Ontario.

11 9 Q. Did you sell your home in
12 Ontario to buy a home in Alberta?

13 A. Yeah, I did.

14 10 Q. And what do you mean by the
15 political climate?

16 A. It's more conservative
17 leading.

18 11 Q. Do you own or operate a
19 restaurant in Alberta?

20 A. No, I don't.

21 12 Q. What do you do for work?

22 A. I'm not working.

23 13 Q. How do you pay the mortgage
24 on your home?

25 U/A I. PERRY: Mr. Ryan, we're going

1 to take any further questions about his financial
2 circumstances under advisement. I'll take that
3 question under advisement as well.

4 BY P. RYAN:

5 14 Q. Mr. Skelly, you say Ontario
6 laws has ruined your business; is that right?

7 A. It contributed to the
8 destruction of my business, yes.

9 15 Q. What else contributed to it?

10 A. I would say Eileen de
11 Villa's actions in seizing my building. Taking
12 occupancy of that building in Etobicoke was a major
13 contributing factor.

14 16 Q. The City of Toronto and the
15 Government of Ontario collectively ruined your
16 business; is that right?

17 A. Yeah. Yeah. That's
18 correct. Well, it's not determined yet, but I can,
19 I can say that with more accuracy once we have the
20 declarations that we're seeking at the hearing in
21 February. That's my allegation.

22 17 Q. As of today your business is
23 ruined because of the collective actions of the
24 Government of Ontario and City of Toronto?

25 A. That's my allegation.

1 18 Q. And what was the financial
2 impact on you personally of your business being
3 ruined?

4 A. Well, it's loss of income.

5 Loss of the, you know, the goodwill that I had with
6 my customers, my financial investment, which was
7 continual. I've been running a barbecue related
8 business since 2013. It started with a food truck,
9 and then we opened up the restaurants in 2016.

10 Every dollar that I earned, pretty much, was
11 reinvested back into that business. Like, it went
12 from a catering company, to a food struck, to one
13 restaurant. By 2020, we had three restaurants.

14 I wasn't taking much money out of
15 that. It was going back into the business, so it
16 was that, like, compounding investment into the
17 business. That's what I lost.

18 19 Q. And are you on social
19 assistance in Alberta because the government ruin
20 your business, so you have no other way to make
21 money?

22 U/A I. PERRY: I'll take that under
23 advisement.

24 THE WITNESS: No, I'm not.

25 I. PERRY: He's answered it now.

1 The answer is no.

2 BY P. RYAN:

3 20 Q. Do you own any property in
4 Ontario today?

5 U/A I. PERRY: I'll take that under
6 advisement.

7 BY P. RYAN:

8 21 Q. Does your corporation own
9 any property in Ontario today?

10 A. There may be some lingering
11 assets in the corporation, but that corporation,
12 Adamson Barbecue Limited, has been ordered bankrupt.

13 22 Q. Do you have a plan to bring
14 it back from bankruptcy, or do you plan to wind it
15 up?

16 A. If there was a way that I
17 could, I would love to. I'm not currently aware of
18 that. And my financial circumstances right now are
19 just -- they're so dire. I really need to see this
20 Charter challenge through, and have that tied up, so
21 that I know if there's even going to be any remedy
22 available for me, for the harm that I allege was
23 done by the government.

24 At that point, maybe I would be
25 more capable of doing that. It's definitely --

1 like, it's on my radar, but it's not something that
2 I can deal with at the moment. Like trying to bring
3 it back from bankruptcy, I wouldn't even know where
4 to start.

5 23 Q. What do you mean by your
6 financial situation being dire?

7 A. Well, look, I told you I
8 wasn't working now. I used to make a lot of money
9 at the restaurant. Like, it was a really successful
10 operation. They call it a going concern. It was
11 growing and growing. We had a lot of money. We
12 were doing well financially. We were able -- just
13 doing well financially. I'm not anymore. We're
14 relying on what's remaining of our savings, what's
15 remaining from the sale of my house, a lot of
16 support from my family, like my parents help out.
17 My common law wife, her parents help out.

18 24 Q. Did any of them help you pay
19 the cost orders from previous proceedings that you
20 paid to the government?

21 A. No. No, I wouldn't ask them
22 for that. That's all, like, to do with the public
23 interest. That's one of the primary reasons why I
24 continue this case has been it's increasingly
25 expensive, and we rely on the crowd funding for a

1 lot of that. There's a group called the Concerned
2 Constituents of Canada, and they're, sort of,
3 representing the public interest in this case, and
4 they're helping out with the fundraising. I
5 wouldn't -- yeah, that's it.

6 25 Q. Could you repeat the name of
7 that group? There was a bit of garble in the audio.
8 A. Yeah, Concerned Constituents
9 of Canada.

10 26 Q. And did you ask them to fund
11 raise to pay the outstanding cost orders ordered
12 against you in this case?

16 27 Q. Did you tell them that
17 there's a cost order against you in this case?

20 28 Q. Right. Are you aware of any
21 outstanding cost orders against you, Mr. Skelly?

22 A. No.

23 29 Q. Okay. Let's take a look at
24 your affidavit. I'm going to share that on the
25 screen?

1 A. Okay.

2 30 Q. You can see that this is
3 your affidavit, Mr. Skelly?

4 A. Yeah. Yeah. That's my
5 affidavit. It looks like it.

6 31 Q. I put paragraph 72 up on the
7 screen.

8 Do you see that?

9 A. Yeah, I see that.

10 32 Q. And that refers to a
11 decision by the Honourable Associate Justice McAfee.

12 Do you remember her?

13 A. Not specifically her, but I
14 recall that to continue this application, we were
15 required to pay \$30,000 as security for costs.

16 33 Q. Did anyone ever tell you
17 that Justice McAfee ordered \$2,000 in costs, payable
18 within 60 days, in that motion decision?

19 A. Oh, I, I don't recall.

20 34 Q. This is the first time
21 you've ever heard that Justice McAfee ordered costs
22 against you on the motion?

23 A. That I recall. To be
24 honest, man, there's, like -- I'm obviously not a
25 lawyer. There's a lot that's been going on with

1 this case. I've been told a lot of things, and I
2 have a lot going back on. So whether someone may
3 have told me that, I don't recall at this time. Not
4 to say nobody ever told me. I wouldn't want to
5 throw anybody under the bus. I may have forgot. So
6 you're saying that with the \$30,000 -- my
7 understanding is that was paid. There's an
8 additional \$2,000. Is that what you're saying is
9 unpaid?

10 35 Q. What do you mean by you have
11 a lot going on?

12 A. Well, I mean, just this
13 lawsuit in itself. There's currently -- I'm in,
14 like, a large amount of debt. I'm trying to keep my
15 bills paid around here. I've got four children.

16 36 Q. If someone told you that you
17 owed the government \$2,000 due to a court order in
18 2024 that had to be paid within 60 days, how would
19 you react?

20 A. Like, like, how you're
21 telling me that right now?

22 37 Q. If someone who you trusted
23 told you you owed the government the \$2,000, what
24 steps would you take in response?

25 A. And you're talking about

1 this \$2,000 related to this lawsuit, or just
2 generally?

3 38 Q. That's right. Justice
4 McAfee in her decision you referred to in your
5 affidavit, the text of the affidavit says that you
6 owe the government \$2,000. Let's assume you're
7 learning of that for the first time today, what
8 steps would you take in response?

15 I mean, to me \$2,000 seems kind
16 of negligible compared to the 30.

17 I. PERRY: Mr. Ryan, if that cost
18 award is outstanding, you have my undertaking that
19 we'll take care of that promptly. It's the first
20 time I'd be learning of it being still outstanding,
21 and simply an oversight on office, frankly. We'll
22 get that taken care of promptly. We'll look into it
23 as soon as this examination is done.

24 BY P. RYAN:

25 39 Q. Mr. Skelly, I put paragraph

1 7 of your affidavit on the screen.

2 Do you see that?

3 A. Yeah, I see that.

4 40 Q. What do you mean in this
5 paragraph when you say you invested every dollar you
6 had into a concession trailer?

7 A. Like, those words exactly.

8 It was all the money that I had was invested into
9 that. It was, like, if I recall correctly, there
10 was a \$2,500 deposit that was required to purchase
11 that trailer. And at the time I was employed,
12 saving all my money, you know, collecting it in a
13 shoe box. And once I had it all, we sent off the
14 deposit.

15 And then I was working for months
16 after that while that trailer was being built to pay
17 for the rest of it. It was \$11,000 US, I believe,
18 for that trailer. And it was all the extra money I
19 had. Every extra dollar I had was going towards
20 that so I could start my own business.

21 41 Q. And when did the business
22 start earning revenue?

23 A. When did the business start
24 earning revenue. I was doing some of it as a sole
25 proprietor. And I sort of did a couple of catering

1 jobs for family early on. So I apologize if there
2 was, you know, some money earned before this, but it
3 was really 2016 that Stoke Stack Barbecue, the sole
4 proprietorship, I believe, was started. And I was
5 working part-time, and then catering out of that
6 food truck the rest of that time.

7 42 Q. And so how did you have
8 enough money to live in the interim between when you
9 sent off that deposit with your last dollar and the
10 three years before your business started making
11 money?

12 A. Oh, I was, I was working --
13 sorry, did you just say three years before my
14 business made money?

15 43 Q. When did it start making
16 revenue, let me ask you?

17 A. It was, like, 2016.

18 44 Q. Is 2013 to 2016 three years?

19 A. Yeah. Okay. That's the
20 three years you're talking about. See. I was

21 talking about Stoke Stack Barbecue, the sole
22 proprietorship I believe that was started in 2016

23 No, I'm sorry. I got a little confused there, man.

24 Let me say this again sorry

25 2016 was when we opened Adamson

1 Barbecue. 2013 was Stoke Stack barbecue. Apologies
2 for that. So 2013 is when we started with the food
3 truck. That's when we were making money with the
4 concession trailer. That's when we started earning
5 revenue for Stoke Stack Barbecue.

6 45 Q. When did Adamson Barbecue
7 incorporate?

8 A. I would have to look for the
9 articles and see. It was, it was after we started
10 on (inaudible) --
11 --- Reporter appeals.

12 A. I don't recall the year that
13 it was incorporated. I remember that we were
14 running as a sole proprietorship for a period of
15 time, while the restaurant was operating, and then
16 we incorporated.

17 Kind of funny story, it was one
18 of my customers was a lawyer, and he said, "Hey, is
19 this incorporated?" I said, "No." And he said,
20 "Come to my office." Anyway, we did the
21 incorporation afterwards. Would you like me to get
22 the article of incorporation so you have the date?

23 46 Q. In paragraph 9 you refer to
24 a million dollars in revenue for Adamson Barbecue;
25 was that revenue to the corporation?

1 A. Yeah.

2 47 Q. And did you file taxes for
3 the corporation in that year?

6 48 0. I will ask for an

7 undertaking to provide those tax returns for tax
8 year 2017.

11 BY P. RYAN:

12 49 Q. Has the corporation had any
13 revenue since 2020?

14 A. Yeah. Yeah, there was
15 revenue.

Q. What's that from?

²⁶ See, for example, the discussion of the 'right to be forgotten' in the European Union's General Data Protection Regulation (GDPR), Article 17(1).

21 that happened afterwards until it was eventually
22 closed, and there was revenue continuing during that
23 time; decreasing, decreasing, decreasing,
24 decreasing, as the effects of my arrest and
25 everything that happened after that.

1 You know, I wasn't allowed to go
2 to my restaurant. After I was arrested, to get out
3 of jail after nearly two days I spent in there
4 without sleeping. They gave me an offer, there was
5 bail conditions, I signed it. I wasn't allowed to
6 go within 300 metre of my restaurant. I wasn't
7 allowed to do any posting or communicating on social
8 media, which is how we did all of our advertising.

16 There was a lot of factors that
17 contributed into the failure of the business, but
18 that all happened after November of 2020 and into
19 2021.

20 51 Q. Mr. Skelly, what revenue did
21 the corporation raise in 2021?

22 A. Can I undertake for the 2021
23 taxes, because I don't have that on top of my...

24 52 Q. What activities was the
25 corporation carrying on in 2021?

1 A. Restaurant activities.

2 53 Q. How many locations?

3 A. There was three. Now,

4 there's three separate corporations. So just as

5 you -- maybe if you ask that question again. They

6 weren't all for Adamson Barbecue Limited, the

7 applicant. There was Adamson BBQ Limited, which was

8 our Aurora location, and Adamson Bar-b-q Limited,

9 which was the Etobicoke location. So there was, you

0 know, different revenue amounts for each of those.

11 I believe we got the Etobicoke
12 location -- did it ever open again after the
13 protest? I think, I think it did for takeout
14 briefly, yeah.

15 So each of those corporations
16 would have had some revenue into 2021.

17 54 Q. I will ask for an
18 undertaking for corporate tax returns for all three
19 corporations that the witness has referred to for
20 2021.

21 U/A I. PERRY: I'll take that under
22 advisement.

23 BY P. RYAN:

24 55 Q. So the corporation that's
25 the applicant in this proceeding. Mr. Skelly, it

1 only held -- which location did it held [sic]?

2 A. That was the Leaside
3 location, 176 Wicksteed Avenue.

4 56 Q. And did any of these
5 corporations have revenue in 2022?

6 A. No.

7 57 Q. And since then?

8 A. No.

9 58 Q. Do you file annual tax
10 returns for the three corporations that you referred
11 to?

12 A. I don't believe they're up
13 to date.

14 59 Q. When do you think was the
15 last time you file a corporate tax return for these
16 three corporations?

17 A. I think 2020 was the last
18 year.

19 60 Q. So when I was asking you
20 about revenue in 2021, you haven't told Revenue
21 Canada about that revenue?

22 A. I don't believe so, no. I
23 don't believe that's been filed.

24 61 Q. Any plans to?

25 A. The corporation is also

1 ordered bankrupt. Well, I'm not sure it's my, it's
2 my duty to do so. I believe it's -- there's a
3 bankruptcy trustee involved in this, because it was
4 ordered bankrupt. We defaulted. After the business
5 operation ceased, we defaulted on a loan to RBC, a
6 small business loan, and they sold off the assets
7 and ordered -- the court was ordered bankrupt --
8 sorry, the corporation was ordered bankrupt.

9 62 Q. All three corporations?

10 A. It's an obligation -- no,
11 just the barbecue, the Leaside location.

12 63 Q. Who is the bankruptcy
13 trustee?

16 64 Q. I will ask for an
17 undertaking for any correspondence from the
18 bankruptcy trustee to Mr. Skelly.

19 U/T I. PERRY: Yes.

20 BY P. RYAN:

21 65 Q. Did you tell the trustee
22 about this litigation?

23 A. Yeah. Actually, just
24 recently I did, in the last week. I sent them an
25 email on Friday night, after I realized that, that

1 was the nature of Adamson Barbecue Limited. So I
2 sent them an email on Friday night asking, actually,
3 if they wanted to be involved with this litigation,
4 or what their interest in this application was, and
5 I haven't heard back from them yet. I intend on
6 contacting them again this week.

7 66 Q. When did the bankruptcy
8 trustee take over control of the corporation?

9 A. I don't know with certainty.
10 I believe the corporation was ordered bankrupt in
11 2021, to the best of my knowledge, although I'm not
12 certain. I just got this bankruptcy look-up check
13 done online just last week.

14 67 Q. And that email was the first
15 time you told the trustee about this litigation?

16 A. Yeah.

17 68 Q. Do you own any other
18 corporations, apart from the three you've mentioned?

19 A. Yeah, there's one
20 corporation called To the Moon. And my
21 understanding is that was, like, the holding
22 corporation which held the other three. We called
23 it To the Moon; that's where this business was
24 going. We always joke about that, me and my wife.
25 It was just so wildly successful.

1 It's unbelievable that, like, we
2 had no real experience in the industry, and we were
3 able to grow this thing into three locations. There
4 was a pizzeria. There was another cafe. We had 60
5 employees. We were just crushing it. This thing
6 was going to the moon, so we said let's name it
7 that, because it was just on this trajectory that
8 was just so positive.

9 69 Q. Mr. Skelly, you're being
10 prosecuted in the Ontario Court of Justice in
11 relation to the events that gave rise to this
12 proceeding?

19 70 Q. And that court scheduled
20 five days of hearing in July 2021 to hear your
21 constitutional challenge?

22 A. No. You're talking about
23 Ontario Court of Justice with the criminal matters?

24 71 Q. That's right.

25 A. I don't believe that there

1 was ever a five day hearing scheduled in that court
2 for a constitutional challenge. I don't believe we
3 ever brought a constitutional challenge into the
4 Ontario Court of Justice.

5 72 Q. Who represented you in the
6 Ontario Court of Justice matter in 2022?

7 A. Myself -- oh, in 2022.
8 Wait. Are you talking about when the -- I
9 represented myself the last time I was there, but
10 that wasn't 2022, that was -- is that 2024,
11 September, I believe. Who -- what are you talking
12 about in 2022, which part of the prosecution?

13 73 Q. Did anybody appear on your
14 behalf in the Ontario Court of Justice in 2022?

15 A. Please accept my apologies.
16 There's been so many -- like, you know I'm charged
17 municipally, provincially, criminally. I've been
18 sued in the civil court. I have this application in
19 the civil court. We have a third party, like,
20 counterclaim. There's, like, a lot for me to try to
21 wrap my head around as a layman.

22 So what I can tell you with
23 certainty is that I've been represented by different
24 parties in the, in the criminal action in Ontario
25 Court of Justice. Pradeep Chand, with Ian Perry's

1 office, appeared briefly last year; I believe it was
2 September 2024. And who else has been on that
3 criminal one? I think that's it.

4 But, man, we've gone through so
5 many lawyers on this, it's really hard for me to
6 keep track of. I didn't have notes of all the dates
7 and times.

8 74 Q. I'll ask for an undertaking
9 for any emails from the Court, the Ontario Court of
10 Justice, or from a representative of Mr. Skelly from
11 the Ontario Court of Justice concerning the
12 scheduling of the constitutional challenge in July
13 2022.

14 I. PERRY: Do you have a name,
15 counsel, of who you're looking for?

16 P. RYAN: Your client just told
17 me he doesn't know the name.

18 U/A I. PERRY: I'll take it under
19 advisement. July 2022, the proceeding before the
20 Ontario Court of Justice. Sorry, did you say 2022
21 or 2021, counsel?

22 P. RYAN: July 2021. Excuse me.

23 I. PERRY: July 2021, you're
24 looking for emails exchanged between any counsel
25 that would have represented Mr. Skelly in the

1 Ontario Court of Justice concerning a constitutional
2 challenge?

3 BY P. RYAN:

4 75 Q. It's correspondence from the
5 counsel to Mr. Skelly, or from his representative,
6 or from the Court to Mr. Skelly. He says he doesn't
7 remember this event, and so I would like an
8 undertaking for correspondence that would confirm
9 that that happened.

10 REF I. PERRY: Well, I would refuse
11 any correspondence passing between him and his
12 counsel concerning anything, on the basis of
13 privilege.

14 U/T To the extent that we can locate
15 a counsel that would have appeared on his behalf in
16 July of 2021, I will undertake to make that request.

17 U/A And I will take under advisement
18 the production. If I'm not producing it, I will let
19 you know why.

20 BY P. RYAN:

21 76 Q. Thank you. Just to be
22 clear, I'm also asking for correspondence directly
23 from the Court to Mr. Skelly personally if he was
24 acting for himself.

25 U/A I. PERRY: Yeah. Same answer.

1 P. RYAN: Thank you.

2 THE WITNESS: Are you saying that
3 there was a five day constitutional challenge
4 scheduled in the Ontario Court of Justice in July of
5 2022?

6 BY P. RYAN:

7 77 Q. You're suing your former
8 lawyer, Mr. Swinwood, Mr. Skelly?

9 A. That's resolved.

10 78 Q. When was that?

11 A. Sorry, did you say when or
12 why?

13 79 Q. When was it resolved?

14 A. I've got to get back to you
15 on the dates. I don't recall.

16 80 Q. How was it resolved?

17 REF I. PERRY: That's refused. The
18 terms are confidential. That's refused.

19 BY P. RYAN:

20 81 Q. It was discontinued by you,
21 Mr. Skelly, in terms of the court process alone?

22 A. I'm good there? I don't
23 know the mechanism by which it was concluded, but it
24 was resolved.

25 82 Q. Have you ever been convicted

1 of an offence?

2 A. Yeah.

3 83 Q. When?

4 A. Well, I was convicted of all
5 the criminal charges that were laid against me,
6 right, the -- everything related to the barbecue
7 protest. I didn't contest it. We're just awaiting
8 sentencing. So I was convicted of all those things.

9 I've been convicted of traffic
10 offences, like, many over the years. Speeding.
11 I've got some cell phone tickets. Yeah, over the
12 years, many dates. I'm sure you've got my record
13 there.

14 84 Q. Ever been convicted of an
15 offence contrary to the City of Toronto by-laws?

16 A. Yeah.

17 85 Q. When?

18 A. (Inaudible).

19 --- Reporter appeals.

20 86 Q. Can you repeat that?

21 A. I don't remember the dates
22 of them, but, yeah. I don't remember the dates of
23 the offences, but pretty -- like, it was almost one
24 year since the restaurant started. It may have been
25 ten months or a year after our opening date that we

1 got the first one. But I was convicted of operating
2 without a business licence pretty much every year.
3 It was probably 2017, 2018, 2019, something like
4 that.

5 87 Q. Any convictions entered for
6 that offence against you since you moved to Alberta?

7 A. Since I moved -- yeah, we
8 dealt with the municipal -- there was an increase in
9 the municipal prosecutions after the barbecue
10 protest. It went from before the protest we were
11 getting one of those ticks every year. Maybe we can
12 get into, you know, the why around that. And then
13 after the barbecue protest in Etobicoke, the by-law
14 officer basically moved into Adamson Barbecue. They
15 parked their cars across the street. They were
16 there every day. They issued, I don't know,
17 probably a hundred of those charges or violation
18 tickets, whatever you call them. They were there
19 every day, so there's a whole whack of them.

20 So when I was in municipal
21 court -- and that was since I moved to Alberta, I
22 was doing that remotely. I was sentenced on a whole
23 bunch of those -- convicted/sentenced, I suppose.

24 88 Q. What do you mean by doing
25 that remotely?

1 A. I was on Zoom,
2 self-represented for those charges. That was at the
3 conclusion. There was -- Pradeep Chand was on it,
4 at one point. But at the final hearing, I
5 attended -- well, yeah, I watched it on Zoom.

6 89 Q. Did you speak?

7 A. No.

8 90 Q. Did you authorize anyone to
9 speak on your behalf in that proceeding?

10 A. This line of questioning
11 needs just a bit of context, so I will do my best to
12 give a proper explanation here.

13 So as you know, I was
14 self-represented for those municipal charges, right?
15 I didn't have a lawyer. I was allocating the
16 resource from all of the crowd-funded money. I
17 don't have anymore money to pay for lawyers. It's
18 all, it's all crowd funded. CCOC, they work on
19 behalf of the public interest as it relates to the
20 COVID mandates. A lot of people -- there's funds
21 coming in.

22 But I'm not trying to redirect
23 those funds into my personal things that predate the
24 barbecue protest, like the municipal licencing or
25 things of that nature, or financial matters with the

1 bank, stuff like that. I'm trying to make sure that
2 money is spent properly on what the public interest
3 wants, which is some kind of remedy about the COVID
4 mandates.

5 So I've been studying law as best
6 as I can on my own. And something I came across is
7 the laws of agency. And, you know, you hear guys
8 talking about this. They usually get called an
9 OPCA, or something like that. I wasn't that day in
10 court; I wasn't called an OPCA litigant. But I knew
11 that William Adamson Skelly was a person, and
12 persons can have agents.

13 So I thought there's, there's
14 certain types of agents who have limited liability,
15 and I was just trying to limit my liability for
16 those municipal charges. It's a strange approach.

17 The lawyers didn't agree with
18 what I was doing. I just said I'm going to try it.
19 So I appeared in there as an agent for William
20 Adamson Skelly, that person, that name. I didn't
21 speak until sentencing. I gave a brief submission
22 as the agent for William Adamson Skelly. And the
23 submission was just saying I'm trying to find a
24 liable party for this, so I need some time.

25 It was an experiment. I know

1 what you're referring to, right, in the decision
2 there it says an individual appearing -- no, it said
3 the defendant or the accused or whatever didn't
4 appear. An individual came with authorization to
5 speak on behalf of William Adamson Skelly, or
6 something of that nature.

7 So I don't know. He didn't call
8 me an OPCA. He just said that. I don't really know
9 what it means, to be honest with you. Nothing has
10 ever happened as a result of it.

11 Obviously in this application,
12 I've got a good lawyer. I'm appearing today as
13 William Adamson Skelly. I'm not bringing in any of
14 that strategy into this case. I'm not sure if that
15 would be a good thing to do. It was just a test of
16 me using the laws of agency.

17 91 Q. You spoke to the court at
18 that sentencing hearing?

19 A. Me, like who's talking to
20 you right now?

21 92 Q. Yeah.

22 A. Yeah. Yeah, I did.

23 93 Q. Do you remember telling me
24 earlier in this examination that you didn't?

25 A. You -- well, I spoke at the

1 sentencing. I didn't speak during any of the --
2 what's the word for it -- like, the trial. As they
3 were doing their arguments, like I didn't cross
4 anybody, I didn't ask any questions. It was just at
5 the sentencing I spoke.

6 So if I said I didn't, that was
7 just in regards to the actual hearing. I forgot
8 what your question was originally. I hope that I
9 answered that correctly, and you're like, oh, did
10 you speak at the hearing. I only spoke briefly at
11 the sentencing part of it.

12 94 Q. Did the presiding justice
13 ask you if you were William Adamson Skelly?

14 A. I don't recall.

15 95 Q. How did you identify
16 yourself?

17 A. If I recall correctly, it
18 was as an agent for William Adamson Skelly.

19 96 Q. The presiding justice did
20 not ask you whether you were William Adamson Skelly?

21 A. I don't recall what his
22 questions were or how that came about. I just
23 recall that my intention, at the time, was to
24 identify as the agent for William Adamson Skelly.

25 97 Q. If he did ask you if you

1 were William Adamson Skelly, and you said no, that
2 would have been a lie?

3 A. I'm not certain. My name is
4 William Adamson Skelly.

5 98 Q. And if he asked you your
6 name, whether it was William Adamson Skelly, and you
7 said no, that would have been a lie?

8 A. Yeah. Yeah, if he said,
9 "What's your name?" Hmm. Yeah. I see what you're
10 building here. It's interesting. Yeah. Yeah, it
11 would have. That would have been a lie.

12 99 Q. And I'll ask you again, did
13 he ask you that question?

14 A. And I'll answer the same
15 way: I don't recall.

16 100 Q. I'm going to share a
17 document on my screen, Mr. Skelly. Tell me if you
18 see it.

19 A. Sure.

20 101 Q. Do you recognize this
21 document?

22 A. I think so. Is this the
23 judgment or the ruling? I can only see the top of
24 it.

25 102 Q. I'm showing you paragraph 1.

1 Do you recognize paragraph 1?

2 A. Yeah. Yeah, I've seen this
3 before.

4 103 Q. This is the sentencing
5 decision in your by-law case we were just
6 discussing?

7 A. Yeah, I was referring to
8 this -- to one to those paragraphs, yeah. Paragraph
9 2, I was referring to that.

10 104 Q. I'm going to highlight the
11 final sentence of paragraph 2. It reads:

12 "Mr. Skelly was adamant in
13 noting that he was not the
14 defendant, however, he did
15 appear with the
16 authorization of the
17 Defendant and the
18 corporations." [As read]

19 Do you see that?

20 A. Yeah, I see that.

21 105 Q. And is that a true
22 statement?

23 A. Again, I don't recall the
24 specifics of that, but if Justice Lee said that,
25 then I'm not going to contest it, not without a

1 transcript of that, of that sentencing anyway.

5 106 Q. Do you recall when you
6 received this decision, this document?

7 A. No.

8 107 Q. You've seen it before today?

9 A. Yeah, I've seen it.

10 108 Q. When you received it and you
11 read paragraph 2, were you surprised?

12 A. Yeah. Still am.

13 109 Q. Why is that?

14 A. I'm surprised that nobody
15 said he's OPCA, frivolous, vexatious. It just it
16 sounds weird, right? Someone uploaded this onto
17 Reddit, and someone said, "Yeah, this looks like
18 it's OPCA." So I don't know, I don't know how all
19 this works. The whole thing is just surprising.
20 Who gave, who gave authorization if the defendant
21 didn't appear. I don't know.

22 110 Q. Did you tell the court that
23 you had authorization to appear on behalf of the
24 defendants?

25 A. If I recall correctly, all I

1 said is I was appearing as agent for William Adamson
2 Skelly. I don't believe I evidenced that in any
3 way.

4 111 Q. When you received this
5 decision, you didn't write to the court to clarify
6 that you are, in fact, William Adamson Skelly?

7 A. Nope. Did not.

8 112 Q. You didn't take any steps to
9 communicate to anybody that this was not an accurate
10 statement of who attended on the day of the
11 proceeding?

12 A. No.

13 113 Q. Paragraph 29 of this
14 decision refers to nine fines of \$1,500 each.

15 Do you see that, Mr. Skelly?

16 A. Mm-hmm.

17 114 Q. Have you paid those fines?

18 A. No, I have not.

19 115 Q. Any intention to?

20 A. If I -- yeah, I want to
21 clear my name up, man. I can't wait to. If there's
22 remedy at the end of this, I'll be able to
23 financially afford to. I'm bringing this back. I
24 believe a lot of harm was done to me and my business
25 during COVID by the Reopening Ontario Act, by Eileen

1 De Villa's actions, which we allege are ex parte.

11 So I'll pay those fines when I'm
12 financially able, absolutely.

13 116 Q. You're not able to pay them
14 today?

15 A. No.

16 117 Q. And what's your income
17 today.

18 U/A I. PERRY: We'll take that under
19 advisement.

20 P. RYAN: Mr. Skelly, are you
21 still with us?

22 I. PERRY: Can we go off the
23 record for a moment?

24 P. RYAN: Yes.

1 --- Recess at 10:46 a.m.

2 --- Resuming at 10:55 a.m.

3 BY P. RYAN:

4 118 Q. Mr. Skelly, you've join us

5 from a different device than earlier; is that right?

9 119 Q. Yes. Thank you. Did you
10 speak to anybody about this cross-examination during
11 the break?

12 A. No, I did not.

13 120 Q. Your restaurant also had a
14 food truck prior to 2021?

1 concession trailer just sat there, and we sold it
2 pretty quickly. So I wouldn't say the restaurant
3 had a food truck.

4 121 Q. Did you ever call this
5 vehicle a food truck?

6 A. Yeah. It's just easy and
7 common parlance, I guess.

8 122 Q. Who owned the food truck?

9 A. I want to -- we're talking
10 about -- if we're talking about the big black
11 concession trailer, with a smoker on the back of it,
12 with a Stoke Stack Barbecue sticker on the front of
13 it -- or on the side, that we had in the early day
14 of the restaurant, that was owned by me.

15 And then if you're talking about
16 the food truck that Adamson Barbecue briefly
17 operated in 2022, that was owned by a food truck
18 company, and then he -- then we registered it in
19 either my name or the corporate name, I'm not sure,
20 and then we got that thing off the property. That
21 was a little, you know, month or two stint with that
22 thing.

23 123 Q. Did you ever get a City of
24 Toronto business licence for either vehicle?

25 A. No.

1 124

2 required by the by-law to get one?

3 A. Yeah. The one that we, that
4 we rented and then registered in one of our names --
5 like, are we talking about -- just for ease as we're
6 talking about this, if we could just -- just to make
7 sure we're talking about the same thing. The food
8 truck was a thing we did in, like, 2022 after they
9 closed down the restaurant and made it impossible
10 for me to continue. If we can call that the food
11 truck, and the previous one the concession trailer,
12 I will be able to stay on top of it easier.

13 That food truck, yeah, I knew
14 there was a requirement to get a licence, and I
15 flouted that.

16 125

Q. Why is that?

17 A. Because of a -- consider it,
18 like, a -- I believed it to be a continuation of the
19 barbecue protest. We talked earlier about the
20 municipal licencing charges, right, and I got one
21 ticket every year, 2016, '17, '18, '19, something
22 like that. Maybe there was only three during that
23 time, but almost every year. I got a ticket for not
24 having a business licence at that location.

25 I didn't get the business licence

1 at the location, because, first of all, I didn't
2 know there was a requirement. As soon as I was made
3 aware that there was a requirement to have a
4 business licence there, I went and I applied for
5 one.

6 Then I was told you can't operate
7 a restaurant at this location because it doesn't
8 comply with the zoning by-law. And I thought that's
9 really weird, because I looked up the zoning by-law.
10 Like, you go like a normal guy would do, right? You
11 go City of Toronto zoning by-law, and it comes up
12 with this map. It's called the City of Toronto
13 amalgamated zoning by-law. I click on the location
14 and it pops up and says this is -- I think it was an
15 E1 zone.

16 And you look in the details of
17 the zoning, and it says you're allowed to have a
18 restaurant at this location if it's under a certain
19 amount of square feet. I'm, like, cool, that's
20 perfect, we have the number of square feet. Oh, it
21 needs this many parking spaces. Oh, cool, we have
22 that many parking spaces. That's great.

23 I make the application, it comes
24 back and it's refused, and they say because it
25 doesn't comply with the zoning by-law.

1 So I talked to someone on the
2 phone. I was, like, what do you mean it doesn't
3 comply with the zoning by-law? It says right here
4 it does, it's an E1 zone, yadda, yadda. They said,
5 oh, no, no, there's another zoning by-law, and it's
6 not on the Internet, you've got to come down to City
7 Hall to get it.

8 So, okay, I go to City Hall.
9 There's another zoning by-law that's only on paper,
10 they printed me out a copy, and that one says you
11 can't have a restaurant in this type of zone. And
12 it wasn't called an E1.

13 So I later discovered that the
14 city amalgamated all of their city zones, I guess,
15 into this thing called the amalgamated city by-law.

16 Even Later I found out, there was
17 a whole bunch of appeals that people put in because
18 they didn't like the new zones. And I found out
19 that until all the appeal process was done, they
20 couldn't formally accept the new zoning by-law. I
21 kind of had to comply with both as I got a
22 restaurant licence.

23 So the core and the municipal
24 prosecution, I guess you call them, like the city
25 zoning by-law guys, they were, like, oh, well, I've

1 been told I've got to give you a ticket, but don't
2 worry, the zoning is going to change, it would be an
3 E1 zone, we just need to, like, wait, so you just
4 pay this fine.

5 The fine was, like, pretty much
6 equal to the business licence. I took no issue with
7 that. I self-represented all of those. I went to
8 the court. I told the judge, or the justice, or
9 whoever was there, hey, this is what the by-law told
10 me, that the zoning would be changed, and this is
11 something we can deal with in the future, and I
12 would be able to get approved.

13 And this was never, like, a big
14 issue for the city enforcement, right. It was once,
15 like, a year, and the guy would come in, and he
16 would be, like, hey, man, you want a sandwich. And
17 he'd be, okay, here's your ticket.

18 And then I stopped going to court
19 for it. I would just pay the full value; I wouldn't
20 try to get it reduced. And this was all with the
21 understanding that soon, like when these appeals
22 were done, when the bureaucratic process was
23 finished, when the paperwork was off the table, I
24 could just apply under the E1 zone and get the
25 licence, right. It seemed pretty reasonable to me.

14 They were taking pictures of the
15 customers. I think there was a general intimidation
16 around the building when there's constantly
17 enforcement around it. Multiple cars, parking on my
18 neighbour's property. He was getting frustrated.
19 He was calling us saying, why are these guys on our
20 property all day? We had to talk to them and say
21 you guys have got to find another place to park. So
22 they're parking on the street. They're blocking
23 traffic. And this is, like, insane.

24 And this is all being relayed
25 back to me with, like, photos from my staff, because

1 I'm not even allowed to attend the premise. And
2 this was a restaurant that was, like, in full
3 compliance with the code regulations. The staff in
4 there, they disagree fundamentally with me about my
5 opposition to the COVID-19 mandates. They're all
6 wearing masks. They're enforcing the social
7 distancing. They're not letting anybody dine in.
8 It was, like, unrelated to the barbecue protest. It
9 always felt to me like that was a collateral attack
10 in enforcement because of what I did in Etobicoke.

11 So, eventually, they -- because I
12 know you're going to get this back to the food
13 truck, and, oh, wow, you flouted the law.
14 Eventually they kept giving me the tickets for
15 issuing -- operating without a licence, but they
16 knew that it wasn't going to make me cease
17 operation. So they went to the building owner, and
18 they said -- started issuing him tickets. He wasn't
19 willing to take the path that I was doing, like
20 protesting these measures, so he said you got to
21 shut down. So I said, okay, I shut down.

22 And then to continue the protest,
23 and, frankly, to keep my business afloat, which at
24 this point we've lost most of the staff, can't
25 afford to keep anybody around, the sales are

1 dwindling, nobody is going to eat out at
2 restaurants. It's not the, it's not the going
3 concern that it was. I said, to keep my last couple
4 employees around, I'm going to put a food truck
5 outside the property, because then the building
6 owner he won't get -- he can't get a ticket for
7 that. So it allowed us to keep cooking the food
8 inside, and just bringing it out and selling it out
9 of the food truck.

10 Then they came and they said the
11 food truck is on public property, so we're giving
12 you a ticket for that. I think it was, like, it was
13 operating too close to a street. So we had to get
14 out the measuring tape, tuck it right up against the
15 building. And the by-law guys would come by with a
16 measuring tape, and we just squeaked it in there,
17 you know. We just got it in the space to where they
18 couldn't say, well, we're taking the truck because
19 it's operating on a public roadway.

20 I continued to flout that with
21 the food truck, and we were operating without a
22 business licence out of the food truck. My last
23 couple of employees, they get paid. We have a spot
24 where our pickup orders could be taken from.

25 And I'm trying to recall how that

1 eventually concluded. The by-law tried to issue
2 tickets to the owner of the vehicle, who then
3 registered it over to me, so that he wouldn't get
4 anymore tickets.

5 And then there was an eventual
6 conclusion of it, which I can't actually recall how
7 that happened. But I hope that wraps up everything
8 that you need about me flouting the business licence
9 requirement, why I did it, what the purpose of that
10 was.

11 126 Q. Did you ever apply for a
12 licence for the food truck?

13 A. I don't recall. I was, I
14 was pretty desperate, at that point, to have -- this
15 is just to keep the business alive in some way. I
16 may have made an application. I don't really
17 remember. Probably not.

18 127 Q. You bragged in an Instagram
19 video that you had no intention of complying,
20 because you saw this as a cash grab; isn't that
21 right?

22 A. Surely I posted something
23 like that, yeah.

24 128 Q. Have you ever had COVID?

25 A. I never got -- I never took

1 a COVID test.

2 129 Q. Ever had it and not got
3 tested?

4 A. The symptoms present an
5 awful lot like a number of other diseases, so I
6 couldn't, I couldn't say I had COVID.

7 130 Q. Ever get your kids tested?

8 A. No, no, tested.

9 131 Q. Did they ever have COVID?

10 A. Same answer as before,
11 right. COVID is -- it's a name for a collection of
12 symptoms, right, and those symptoms are very
13 compatible with a lot of other names of diseases,
14 right? We're trying to cut into that evidence with
15 this constitutional challenge.

16 132 Q. Do you know anyone who's had
17 COVID?

18 A. I know people who have said
19 they've had COVID.

20 133 Q. Do you believe them?

21 A. Again, COVID is, like, a
22 name of a collection of symptoms. So you're asking
23 me, basically, the same question as do you know
24 anybody who has had a cough. Do you know anybody
25 who has presented the symptoms of the flu. Do you

1 know anybody who has not been able to taste food
2 well for a while. It's the same, it's the same
3 question. Yeah, I know people who have present
4 those symptoms before.

5 134 Q. But people have told you
6 that they had COVID, not that they told you they
7 presented symptoms. They told you, Adam, I have
8 COVID or I had COVID. That happened to you?

9 A. Yeah, I said that when you
10 asked me two questions ago; people said they have
11 had COVID, yeah.

12 135 Q. And you think that they're
13 mistaken, they don't actually know whether they had
14 COVID or not; they just know that they had symptoms?

15 A. They had some symptoms.
16 There's a test. I believe our constitutional
17 challenge goes to the efficacy of that test, as
18 well. I think that there's a lot of doubt about the
19 severity, the impact, the mortality, all sorts of
20 things around COVID.

21 I don't have, like, a definitive
22 statement on your question, I suppose. I think that
23 there's a lot to be determined in this challenge.

24 136 Q. If someone tells you, "I got
25 tested for COVID, the test was positive, I have

1 COVID," and you think they don't really know whether
2 they had anything?

3 A. I know they had a bunch of
4 symptoms, and then someone gave them a PCR test. I
5 know that the inventor of the PCR test, he won a
6 Nobel Prize for that device, and he said it can't be
7 used to detect infectious agents at all.

8 I know that Dr. Fauci, who is,
9 like, the top health guy in the States, he said that
10 when you run a test with the PCR, anything above a
11 threshold of 34, it's just fine and dead
12 nucleotides. It has no impact on whether somebody
13 is contagious or not.

14 So there's so much at issue with
15 those tests, that, no, I don't take it as face value
16 when someone says "I have COVID." I'm, like, man,
17 pandemic. For me there's a lot of things in between
18 that that haven't been demonstrably justified.

19 137 Q. Were you just doing an
20 impression of how Dr. Fauci talks when you were
21 quoting him?

22 I. PERRY: Counsel, there was --
23 there was no change -- impression of Dr. Fauci. He
24 was saying what Dr. Fauci said.

25 P. RYAN: Mr. Perry, why don't

1 you let the witness answer the question, instead of
2 giving your impressions of what just happened.

3 I. PERRY: Well, I think you're
4 trying to take advantage of the fact that this will
5 be a transcript, and unable to review the audio tone
6 and inflection of the answer. I think it's
7 important that we preserve the record here, to some
8 degree, but go ahead and ask your question, counsel.

9 BY P. RYAN:

10 138 Q. Mr. Skelly, was that an
11 impression of how Dr. Fauci talks?

12 A. No. I was just saying, you
13 know -- I'm, I'm -- what I'm doing mentally, is I
14 know that there's this video, and I'm recalling it.
15 If it came off as a bit of an impression, I'm
16 drawing from memory. And he goes -- I wasn't
17 intending on doing an impression. Maybe it came off
18 that way. But just to clarify, for the purpose of
19 this, I'm just saying, he said anything above a
20 psycho threshold that's, like, way lower than what
21 was used in Canada for the testing, he said you're
22 not picking up any infectious agents; you're just
23 getting dead nucleotides.

24 But, nah, it's not an impression.
25 I was drawing from my memory. If it came off that

1 way, it's just the result of my thought process, I
2 suppose.

3 139 Q. Have you ever been
4 vaccinated for COVID?

5 A. No.

6 I. PERRY: Hang on a second.

7 He's answered the question no, but let's respect
8 medical privacy here with respect to any details
9 about his personal health history.

10 BY P. RYAN:

11 140 Q. Anyone ever ask you for
12 their [sic] advice on whether to get vaccinated for
13 COVID?

14 A. Not that I recall. Not that
15 I recall, but it could've happened. I spoke with a
16 lot of people. We had, you know -- a lot of people
17 talked to me during this time, and I don't recall
18 the conversations.

19 141 Q. What would you say if
20 somebody asked you for advice as to whether or not
21 to get vaccinated for COVID?

22 A. What would I have said?

23 142 Q. That's right.

24 A. Like, back when this was
25 happening?

1 143

Q. Today.

2 A. Today? With certainty today
3 I would tell you I'm not a medical professional and
4 I'm not qualified to give medical advice.

5 144

6 2021?

Q. What would you have said in

7 A. I wouldn't have been -- I
8 wouldn't have had anywhere near the, the
9 understanding on, like, liability as I did now, and
10 I might have -- how do I phrase this. I would have
11 shared my, my reluctance about the COVID vaccine. I
12 would have shared -- like, definitely I would have
13 shared with people, like, this is kind of funny
14 what's happening here. They are -- a lot of these
15 deaths that you're hearing about with COVID, we're
16 being told that these people died from COVID, but
17 the reality is that they died with COVID.

18

The average age of a COVID death
19 is 89, and the average life expectancy in Canada is
20 87. There is an average of 3.7 to 3.9 comorbidities
21 with each person who died with COVID. 90 percent of
22 the death are happening in long-term care.

23

I would have always gone to the
24 statistics that the -- that a regular guy, a regular
25 healthy guy was, was not facing the risk that the

1 public hysteria around COVID was -- like, those
2 weren't linked. There wasn't really a link between
3 the hysteria and the fear and the actual statistics
4 and the risk to each person.

5 I would have shared that people
6 so that they could form their own opinion. And you
7 see that. You've got my Instagram there. I was
8 posting this stuff all the time, about the real risk
9 assessment, and how people should look at this from
10 a more logical away, instead of just being so
11 frightened every time they go outside.

12 145 Q. What statistics would you
13 share?

14 A. Well, I would share -- I
15 mentioned, like, three of them in my last answer.
16 Do you want me to repeat them?

17 146 Q. Published by who?

18 A. I would need time. I can
19 look back through the stuff that I shared publicly.
20 There was stuff from the media. There was stuff
21 from CBC. I'm recalling that thing about the
22 long-term care centre, 90 percent of the deaths.
23 That was on a Canadian news outlet about the number
24 of deaths. How there were -- it was crazy. It was,
25 like, way over 90 percent of the deaths were

1 happening in long-term care at the beginning of
2 COVID.

3 I'm confident that the
4 comorbidities, and, like, the with versus from COVID
5 deaths, the comorbidities, that's Statistics Canada.

6 Which other one did I refer to?

7 Maybe ask the question or the next one.

8 147 Q. Do you think anybody died
9 from COVID?

10 A. Do I think anybody died from
11 COVID? I'll give you my 2025 answer: I'm not a
12 medical professional. I can't make determinations
13 like that.

14 148 Q. You don't know?

15 A. I know that people say they
16 died from COVID. I know that people say that their
17 family members or friends died from COVID. If it
18 was a contributing factor, if it was comorbidities.
19 If -- look, again, I've got to come back to this,
20 like, COVID is a name of a collection of symptoms,
21 right? If you present these symptoms, they say you
22 have COVID. Yeah, absolutely with that context, I
23 believe that people died from those symptoms that
24 are considered COVID, yes, I do.

25 149 Q. When was the last time you

1 saw an Ontario licensed doctor?

2 REF I. PERRY: That's refused.

3 That's private medical information.

4 BY P. RYAN:

5 150 Q. Have you ever seen one?

6 A. Yep.

7 REF I. PERRY: That's refused. It's
8 refused. He's answered it now, but it should be
9 refused. These are personal medical questions.

10 BY P. RYAN:

11 151 Q. Have you seen any doctor's
12 licensed in Alberta?

13 REF I. PERRY: Refused.

14 BY P. RYAN:

15 152 Q. I've got paragraph 26 of
16 your affidavit on the screen.

17 Do you see that, Mr. Skelly?

18 A. Sorry, you said this is my
19 affidavit?

20 153 Q. That's right, paragraph 26.

21 A. Okay. I see it.

22 154 Q. It refers to the "apparent
23 outbreak of COVID-19 in March 2020."

24 Do you see that?

25 A. Yeah, I see that.

1 155 Q. What does "apparent" mean in
2 this paragraph?

3 A. I think it means that the
4 mayor declared a state of emergency due to what he
5 said was an apparent outbreak of COVID. I think I
6 know what "apparent" means. It's like that it could
7 be like it was something that people could see, and
8 that's the reason why he declared the state of
9 emergency.

10 156 Q. Do you think there was an
11 outbreak of COVID in March of 2020?

12 A. Yeah. A bunch of people
13 presenting with those symptoms went into the
14 hospital or went and got tested, yeah.

15 157 Q. I have paragraph 32 up on
16 the screen.

17 Do you see that, Mr. Skelly?

18 A. Mm-hmm.

19 158 Q. It says that in July 2020,
20 your restaurants asked customers to wear a mask.

21 Do you see that?

22 A. Yeah.

23 159 Q. What would you do if a
24 customer refused to wear a mask in your restaurant?

25 A. I was just doing my -- I

1 would do the bare, the bare requirement, which was
2 to ask them to wear a mask. I believe that's what I
3 was -- that's what a licensed business would be
4 required to do, or I believe that's what the mandate
5 was. I don't believe there was any further
6 requirement for a business beyond asking.

7 160 Q. You wouldn't take any
8 further steps -- excuse me, let me let you finish,
9 Mr. Skelly. Was there something else you wanted to
10 say?

11 A. I was going into your
12 question, right. No, I wouldn't do anything more
13 than that, because I don't believe it was my
14 obligation to do so. I'm not an enforcement agent
15 per se. I'm pretty certain of that, that what was
16 required of a business was to ask them to wear a
17 mask. I don't believe that there was anything about
18 you have to refuse service if they don't, like you
19 have to act in an enforcement capacity. So I
20 wouldn't do anything beyond that. I would ask them.
21 And I'm not looking to enforce policies on my
22 customers.

23 161 Q. How about your staff?
24 A. I would do the -- I would do
25 my bare requirement of asking them. And you know

1 what, they all wore the mask. When there was a
2 mandate, my staff all wore masks. They were very
3 compliant. I was the only one in there who was not
4 compliant.

5 162 Q. You didn't wear a mask?

6 A. Nope.

7 163 Q. Your customers took off
8 their masks to eat the barbecue that you cooked for
9 them?

10 A. Well, you can't eat through
11 a mask.

12 164 Q. How about drinks?

13 A. You would have to, yeah.

14 165 Q. So that was July 2020. At
15 paragraph 50 you're talking about what you did in
16 November 2020, and your approach was the same?

17 A. Sorry, what's the question?

18 166 Q. If a customer in November
19 2020 refused to wear a mask, you wouldn't take any
20 further steps, other than telling them that they had
21 to?

22 A. No, no further steps.

23 167 Q. And if your staff refused to
24 wear a mask in November of 2020 while in the
25 restaurant, you wouldn't take any further steps?

1 A. I don't think I was ever in
2 that situation. Until the actual day of the
3 protest, like, my staff all -- even those first two
4 days of protest, the guys were down there I think
5 they were wearing masks. I think it was just that
6 third day that all staff bailed and we got literal
7 protesters to come and serve the food. Those guys
8 weren't wearing masks. For the rest of the time, to
9 the best of my knowledge, I was the only one that
10 didn't wear a mask in there.

11 168 Q. And that includes November
12 of 2020?

13 A. Yeah, I think so. I mean, I
14 don't know. Maybe you've got a picture of a guy
15 there without a mask that I'm not remembering. But
16 I wasn't doing any enforcement. I wasn't telling
17 people that if you don't put that thing on, you've
18 got to get out of here. I wasn't doing that.

19 P. RYAN: No further questions.

20 I. PERRY: I will -- I understand
21 Ms. Ma has some questions, so if it's agreeable
22 amongst counsel, I will just reserve any re-exam, if
23 any, until Ms. Ma has completed her questions. Ms.
24 Ma, I'm in your hands as to when you would like to
25 begin.

1 P. MA: Yeah. Could we take a 10
2 minute break or so, come back at 11:35?

3 I. PERRY: Yeah, sounds good. So
4 11:35, Adam, we'll see you back here.

5 THE WITNESS: Sounds good.

6 --- Recess at 11:23 a.m.

7 --- Resuming at 11:34 a.m.

8 P. MA: I have no questions for
9 Mr. Skelly.

10 I. PERRY: Thank you. Re-exam on
11 behalf of the applicant.

12 RE-EXAMINATION BY I. PERRY:

13 169 Q. Mr. Skelly, I'm just going
14 to show you something on my screen concerning what
15 my friend, Mr. Ryan, asked you during his
16 questioning.

17 You will recall my friend asked
18 you about a \$2,000 cost award. Do you remember that
19 question?

20 A. Yeah, I do.

21 170 Q. And do you recall what your
22 answer was to that?

23 A. Yeah, I think I said I
24 didn't recall any \$2,000 cost award.

25 171 Q. Okay. I'm showing you

1 something on screen here. Can you see it?

5 172 Q. Okay. And who is Ian Perry
6 at the top?

7 A. That's you. That's you.

8 173 Q. Okay. Did you know that
9 this -- did you specifically know that this cheque
10 was drawn up?

15 174 Q. Okay. Thank you. Could we
16 enter this as an exhibit, please? It's a two page
17 document.

18 P. RYAN: I don't agree to enter
19 it as an exhibit if the witness doesn't recognize
20 it. You can consider this issue settled.

21 I. PERRY: Okay. Well, we'll
22 enter it for identification purposes, please, for
23 the purposes of the transcript. If we can enter it
24 as Exhibit 1.

25 EXHIBIT 1: Cheque to the

I HEREBY CERTIFY THAT I have, to the best
of my skill and ability accurately
transcribed the foregoing proceeding.

A handwritten signature in blue ink, appearing to read "C. Deisting".

Crystal Deisting, Court Reporter