

Class action lawsuit filed against Newfoundland and Labrador for its COVID-19 travel ban

Cape Breton Post

Published: 22 hours ago

Updated: 21 hours ago



St. John's lawyers Geoff Budden (left) and Bob Buckingham. - SaltWire Network File Photo

Government could be on the hook for multi-millions in damages, says St. John's lawyer



The lawyers say the province doesn't even have a right to order such a ban, since inter-provincial travel falls under federal jurisdiction.

"It would be in the province's best interest to immediately rescind this special order and we call on our government to do so," Budden said.

"Otherwise the government of Newfoundland and Labrador might be faced with damage awards in the multi-millions of dollars."

The Koehlers' statement of claim has yet to be certified as a class action.

Theirs is the second legal challenge launched against the travel ban. Nova Scotia resident Kim Taylor, a Kilbride native who was denied permission to enter the province for her mother's funeral last month, is also arguing the ban breaches her constitutional rights. The Canadian Civil Liberties Association has joined her in the lawsuit, which will be heard in court in August.

RELATED:

- **Lawyers challenging Newfoundland and Labrador travel ban want government to show them the science behind COVID-19 decisions**
- **Change Bill 38, says the Canadian Bar Association – Newfoundland and Labrador**
- **Newfoundland and Labrador border rules juggle vigilance and compassion**
- **Police powers expanded to help enforce Newfoundland and Labrador travel ban**

Did this story inform or enhance your perspective on this subject?


1 being least likely, and 10 being most likely

Submit feedback


ST. JOHN'S, N.L. — A class action lawsuit has been filed against the province related to its COVID-19-related travel ban, alleging the ban breaches multiple sections of the Canadian Charter of Rights and Freedoms and government doesn't have the power to even implement it in the first place.

The lawsuit was filed at Newfoundland and Labrador Supreme Court Tuesday by St. John's lawyers Geoff Budden and Bob Buckingham on behalf of Canadian citizens and permanent residents who don't ordinarily reside in Newfoundland and Labrador but have properties here and are unable to get to them due to the travel ban.

The representative plaintiffs are Werner and Sharon Koehler, Ontario residents with a home in Bay Roberts. The Koehlers also operate Seacliff House Productions, an art gallery and shop, in the Conception Bay North community.



Seacliff House productions
about a month ago



Thank you to all of you that have enquired if we will reopen this year. The NL govt has decided that small shops will be able to reopen on June 11th. It is my hope that they will honour this commitment. The damage to the NL economy is unsustainable as oil revenue and tourism revenue are now zero. I would not be surprised if NL falls into bankruptcy as the province already carried more debt than it could handle. before they shut down the very businesses that give them their revenue. Maybe Trudeau should be asked to bail out NL.. but before you ask, who will bail out Trudeau ?

7 39 12

The provincial government implemented a special measures order last month, banning anyone but residents of Newfoundland and Labrador, asymptomatic workers and others granted specific exemptions from entering the province, in light of the public health emergency caused by the COVID-19 pandemic.

"Canadian citizens and permanent residents ordinarily resident elsewhere in Canada who wish to reside in the province at their property situate in the province of Newfoundland and Labrador appear to be outside the scope of these exceptions," the Koehlers' statement of claim reads. The couple notes it would be willing to self-isolate and abide by all other public health guidelines established by the chief medical officer of health if permitted to come here.

Buckingham said in a written statement the Koehlers are suffering extensive losses while they are banned from attending to their business in Bay Roberts.

The lawsuit alleges the province was negligent in implementing the travel ban, that it should have known the ban was illegal and that it would cause damage and loss to people like the Koehlers, whose protected rights are being breached.