

FORM 7
[RULE 3.8]

COURT FILE NO. 2603 21137
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE EDMONTON



APPLICANT ABDUSSELAM BEZIRGAN
RESPONDENTS ALBERTA HEALTH SERVICES PROVINCIAL HEALTH CORPORATION AND JAMIE TENNANT

MSW

DOCUMENT **ORIGINATING APPLICATION**
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File No:

NOTICE TO THE RESPONDENT(S)

This application is made against you. You are a respondent.
You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date: November 2, ²⁰²⁶ ^{JC} ~~to be adjourned to a full day special at a date mutually agreeable to the parties.~~
Time: 10:00 AM
Where: Edmonton Law Courts
Before: Presiding Justice in Chambers

Go to the end of this document to see what you can do and when you must do it.

Basis for this claim:

1. This is an application for judicial review of the decision or decisions to ban independent journalist Abdusselam (Mocha) Bezirgan (the “Applicant”) from all facilities under the control of Alberta Health Services (“AHS”), except for when seeking emergency medical attention or when authorized in advance, for one year, beginning March 25, 2026.
2. Mocha Bezirgan is an independent investigative journalist and documentary filmmaker who resides in Calgary, Alberta. He is the sole proprietor of Media Bezirgan. He publishes his work primarily on social media including YouTube, Instagram, and X.
3. AHS is the colloquial name of the AHS Provincial Health Corporation, a Crown corporation established under section 2 of the *Alberta Health Services Provincial Health Corporation Regulation*, Alta Reg 213/2024, for the purposes of delivering health services in the acute care health services sector, including at Beaverlodge Municipal Hospital.
4. In February 2026, Bezirgan began investigating allegations that a doctor at Beaverlodge Municipal Hospital who had been involved in caring for a baby who subsequently died was not properly qualified as a physician and was suspended from practice in South Africa. Bezirgan received no responses to his phone calls and emails sent to the doctor’s clinic.
5. On March 25, 2026, Bezirgan drove to the Beaverlodge Municipal Hospital, entered the emergency room, and asked a staff member if he could speak with the doctor at the end of the doctor’s shift. Bezirgan recorded this request. Bezirgan waited in the waiting room until the staff member returned. After several minutes passed, the staff member returned and told Bezirgan that the doctor was not interested in speaking. Bezirgan left the hospital.
6. On July 26, 2026, Bezirgan returned to Beaverlodge Hospital to try to give the doctor a final opportunity to comment. While parked outside, Bezirgan was approached by an RCMP officer who told him he was banned from all AHS property for one year. The officer provided a copy of a Trespass Notice, dated March 25, 2026
7. Bezirgan was surprised. Before this, he had received no Trespass Notice and had never interacted with police or security at Beaverlodge Municipal Hospital or any AHS facility.

8. The Trespass Notice states:

Reason: Attended Beaverlodge Municipal Hospital & harassed a Doctor

Take notice that you the above named are now served this notice on March 25, 2026 at the Beaverlodge Municipal Health Centre, in the Province of Alberta. You are advised that your presence is not acceptable at this facility or any facility under the control of Alberta Health Services, with the exception of requiring emergency medical attention or otherwise specifically authorized by AHS (e.g.) medical appointments or patient visitation approved by AHS in advance, for a period of 1 YEAR, and that any breach of this notice may result in prosecution.

9. The Trespass Notice cites sections 2(1), 2(2)(a), 3(1)(a)(i), 3(a)(ii) and 5(1) of the *Trespass to Premises Act*, R.S.A. 2000 c T-7, and sections 31(4) and 31(5) of the *Hospital Act*, H-12 R.S.A. 2000. The notice lists CPO Team Lead Jamie TENNANT as the “Issuing Officer” and lists a “Contact Number for Further Enquires: 1-888-999-3770”. It has a box for Signature of Recipient; that box is blank. The time listed on the notice is 18:00 PM. The date listed is March 25, 2026. The “Occurred Site” is listed as Beaverlodge Municipal Health Centre.
10. This province-wide, year-long ban was not procedurally fair for at least two reasons:
- (a) AHS made no attempt to get Bezirgan’s side of the story before imposing this serious sanction, violating his right to be heard; and
 - (b) AHS did not notify Bezirgan of the decision that resulted in the Trespass Notice.
11. Additionally, the province-wide, year-long ban was unreasonable for at least four reasons:
- (a) AHS did not consider and proportionately balance Bezirgan’s right under section 2(b) of the *Canadian Charter of Rights and Freedoms* (the *Charter*) to freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication, against the objective of the statutes cited in the act;
 - (b) Had AHS proportionately balanced Bezirgan’s section 2(b) freedoms against the objectives of the statutes in question, they would not have blocked him from all AHS property for one year, which is an extreme and overbroad restriction on his 2(b) rights that cannot be justified under section 1 of the *Charter*;

- (c) AHS did not consider and proportionately balance Bezirgan's right to right to life, liberty and security of the person against the objectives of the statutes, despite the risk that his province-wide banishment from AHS health facilities without pre-approval created, including risks to his life and security of person from banning him from medical appointments without pre-approval, and risks to his liberty were to fail to comply with a notice that he was not aware existed; and
- (d) Had AHS proportionately balanced Bezirgan's section 7 right against the objectives of the statute in question, they would not have blocked him from all AHS property for one year because that is an arbitrary and grossly disproportionate restriction.

Remedy sought

- 12. The Applicant seeks an order in the nature of *certiorari* quashing the Trespass Order
- 13. The Applicant seeks a declaration that the Trespass Order violated his rights under sections 2(b) and 7 of the *Charter*, and that these breaches were not justified under section 1 of the *Charter*, and that the notice is therefore of no force and effect.
- 14. Costs.
- 15. Such other relief as counsel may request and this Honourable Court allow.

Affidavit or other evidence to be used in support of this application:

- 16. Form 8 including the Trespass Notice dated March 25, 2026;
- 17. The Affidavit of Abdusselam (Mocha) Bezirgan dated September 22, 2026;
- 18. Any other evidence proposed by counsel and permitted by this Honourable Court.

Applicable Acts and regulations:

- 19. *Canadian Charter of Rights and Freedoms, Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11, ss. 1, 2(b), 7, 24(1) and 52(1).*
- 20. *Trespass to Premises Act, R.S.A. 2000 c T-7*

21. *Hospital Act*, H-12 R.S.A. 2000
22. *Alberta Health Services Provincial Health Corporation Regulation*, Alta Reg 213/2024
23. *Judicature Act*, RSA 2000, c J-2
24. *Alberta Rules of Court*, Alta Reg 124/2010.

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.