

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Enhanced Enforcement and New Order under the
*Emergency Management and Civil Protection Act***

DATE OF ISSUE:	April 17, 2021
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	21-0046
PRIORITY:	High

As you know, the government issued a provincewide Stay-At-Home order under the *Emergency Management and Civil Protection Act* (EMCPA) that, effective Thursday, April 8, 2021 at 12:01 a.m., required everyone to remain at home except for specified purposes, such as going to the grocery store or pharmacy, accessing health care services (including getting vaccinated), for outdoor exercise, or for work that cannot be done remotely.

At the request of the Chief Medical Officer of Health, due to the continued and rapid growth in the number and percentage of positive cases, pressures on the province's health care system, and increasing risks posed to the public by COVID-19 variants, the government is strengthening the tools for enforcement of the province's Stay-at-Home order while imposing new travel restrictions and enhanced public health measures. These urgent actions are targeted at stopping the rapid growth in COVID-19 case rates and relieving mounting pressures on the province's health care system. As such, [EMCPA O. Reg. 265/21 \(Stay-At-Home order\)](#) has now been extended for an **additional two weeks**.

However, it has been observed that individuals continue to leave their homes for purposes that are not permitted by the Stay-at-Home order, including gatherings, and this non-compliance needs to be addressed to prevent further transmission and save lives.

As a reminder, in order to help with enforcement of orders made under *Reopening Ontario (A Flexible Approach to COVID-19) Act, 2020* (ROA) and the EMCPA, regulations have been made under these Acts (O. Reg. 114/20 and O. Reg. 8/21) pursuant to which a police officer or any other provincial offences officer may require an individual to provide the officer with the individual's correct name, date of birth and address if the officer has reasonable and probable grounds to believe that the individual has committed an offence under subsection 10 (1) of the ROA or s. 7.0.11 of the EMCPA.

Police and other provincial offences officers have the authority to disperse gatherings or organized public events that are not complying with gathering/event limits; and all provincial offences officers - not just police, First Nations Constables and special constables - can temporarily close premises where prohibited gatherings are occurring and require individuals to vacate.

Effective immediately, amendments to EMCPA O. Reg. 8/21 (Enforcement of COVID-19 Measures) will provide an additional tool to support enforcement of O. Reg. 82/20 with respect to prohibited social gatherings, as follows:

- Where a police officer or other provincial offences officer has reason to suspect that an individual may be participating **in a gathering that is prohibited** by clause 1 (1) (c) of Schedule 4 of Ontario Regulation 82/20 (Rules for Areas in Stage 1) made under ROA, and believes that it would be in the public interest to determine whether the individual is in compliance with that clause, the officer may require the individual to provide information for the purpose of determining whether they are in compliance with that clause.
 - Every individual who is required to provide a police officer or other provincial offences officer with information shall promptly comply.
 - **This power may only be exercised in a health unit to which Ontario Regulation 265/21 (Stay-at-Home Order) made under the Act applies.**

As a reminder, the penalty for breaching an order under the EMCPA if issued a notice of offence (ticketed) under *the Provincial Offences Act* (POA) is \$750.

Any public complaints related to police conduct or misuse of these powers should be handled by Chiefs of Police or the Office of the Independent Police Review Director (OIPRD) as appropriate through existing oversight processes set out in the *Police Services Act* (PSA).

In addition, in order to limit the transmission of the variants of concern in Ontario, [O. Reg. 293/21 \(Persons Entering Ontario From Manitoba or Quebec\)](#) has been made under the EMCPA. **Effective Monday, April 19 at 12:01 a.m. local time**, it will restrict travel between Ontario and the provinces of Manitoba and Quebec with exceptions for purposes such as work, medical care or transportation of goods.

Enforcement officials, meaning police officers, First Nations Constables, special constables, officers appointed for carrying out the provisions of the *Highway Traffic Act*, conservation officers appointed under the *Fish and Wildlife Conservation Act, 1997*, or a person or class of persons designated by the Solicitor General for the purposes of this order, will have the following powers:

- Require a person entering Ontario at any point along the Quebec or Manitoba borders to stop;
- Require the person to provide any available identification or documents and answer any questions to determine if they are complying with the order; and
- Require a person to return to Quebec or Manitoba, as applicable, if the enforcement official reasonably believes that the person is not complying with the order.

Finally, the following orders have been extended:

- The current declared provincial emergency made under [EMCPA \(O.Reg.7/21 - Declaration of Emergency\) is extended](#) for 14 days past its current end-date of April 21, 2021, until the end of the day on May 5, 2021; and
- All below in-effect orders made up to April 15, 2021, pursuant to the EMCPA, [are extended](#) to the first instant of May 5, 2021:
 - O. Reg. 8/21 Enforcement of COVID-19 Measures;
 - O. Reg. 55/21 Compliance Orders for Retirement Homes;
 - O. Reg. 265/21 Stay-At-Home Order;
 - O. Reg. 266/21 Residential Evictions;
 - O. Reg. 271/21 Work Redeployment for Local Health Integration Networks and Ontario Health;
 - O. Reg. 272/21 Transfer of Hospital Patients; and,
 - O. Reg. 288/21 Closure of Public Lands for Recreational Camping.

Enforcement of Orders

As you are aware, for offences under the ROA and EMCPA, police and other provincial offences officers, including First Nation Constables, special constables, and municipal by-law officers, have discretion to either issue tickets to individuals for set fine amounts or issue a summons under Part I of the POA) or to proceed under Part III of the POA by laying an information.

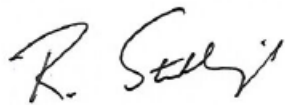
Analysis of enforcement data that your police service provides to the Ministry of the Solicitor General (ministry) continues to support data-driven decision-making. As part of your ongoing weekly reporting to the ministry on EMCPA and ROA enforcement activities, **please also provide data on the use of this new power regarding enforcement of prohibited social gatherings.**

The ministry continues to work with enforcement ministries and municipalities to collaborate and information share, including through the dedicated 1-800 Enforcement Support Line and email resource at EssentialWorkplacesSupport.SolGen@ontario.ca.

As cases continue to trend sharply upward along with instances of non-compliance, I encourage you to leverage this enhanced authority in your local enforcement of orders under the EMCPA and ROA. The ministry trusts that Chiefs of Police will ensure these new measures are used in a way that maintains public trust and confidence in police.

Thank you, as always, for your continued efforts to help keep our communities safe and healthy.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is fluid and cursive, with the first name "R." and the last name "Stubbings" clearly distinguishable.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division

Attachment