

**Ministry of Municipal
Affairs and Housing**

**Ministère des Affaires
Municipales et du Logement**

Office of the Deputy Minister

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April 17, 2021

MEMORANDUM TO: Municipal Chief Administrative Officers and Clerks

Cc: Heads of Council

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

As you heard yesterday from the Premier, the Ontario government is taking targeted action to stop the rapid growth in COVID-19 case rates and relieve mounting pressure on the province's health care system.

I am writing today to make sure that you stay informed about the changes to the Stay-at-Home order, new enforcement authority for police and other provincial offences officers, including municipal bylaw officers, and the implementation of additional public health and workplace safety measures. Taken together, these actions are needed to help control the spread of the virus.

Both the provincial declaration of emergency and the Stay-at-Home order (O.Reg 265/21) have been extended for an additional two weeks. The Stay-at-Home order currently in effect requires 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.

To increase public compliance with the Stay-at-Home order and stop the spread of COVID-19, amendments to an emergency order (O.Reg 8/21 Enforcement of COVID-19 Measures) have been made that provide police officers and other provincial offences officers, including municipal bylaw officers, with enhanced authority to provide an additional tool to support enforcement of O. Reg. 82/20 with respect to prohibited social gatherings, as follows:

Effective immediately new authorities will allow a police officer or other provincial offences officer, including a municipal bylaw officer, to require, in certain circumstances and with limitations, information from an individual for the purpose of determining whether they are in compliance with the prohibitions on certain gatherings set out in Schedule 4 of O.Reg. 82/20.

Additionally, effective Monday, April 19, 2021 at 12:01 a.m., the government is restricting travel into Ontario from the provinces of Manitoba and Quebec, subject to some specific exceptions.

The government has also updated a number of public health and workplace safety measures. Some of these measures are effective April 17, 2021 at 12:01 a.m., while others take effect Monday, April 19, 2021 at 12:01 a.m. I know you have been working closely with your Public Health Units and I encourage you to continue that collaboration as we work to control the spread and distribute vaccines.

Additional details on these matters are available in the attached memorandum from the Ministry of Solicitor General to Chiefs of Police dated April 17, 2021.

A French language version of this memorandum will follow shortly.

Thank you, once again, for your partnership and continued efforts to keep our communities safe and healthy in these unprecedented times.

Yours truly,

Kate Manson-Smith
Deputy Minister

Enclosure: Correspondence from the Ministry of the Solicitor General to all Chiefs of Police dated April 17, 2021 – Enhanced Enforcement and New Order under the *Emergency Management and Civil Protection Act* (EMCPA)

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.

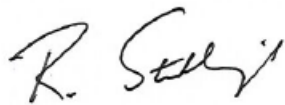
Analysis of enforcement data that your police service provides to the Ministry of the Solicitor General (ministry) continues to support data-driven decision-making. As part of your ongoing weekly reporting to the ministry on EMCPA and ROA enforcement activities, **please also provide data on the use 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', with a stylized flourish at the end.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division

Attachment



Executive Council
Conseil exécutif

R.O.C./Décret 257 / 2021

I certify that the attached is a true copy of the Regulation under the Emergency Management and Civil Protection Act, made by Her Honour the Lieutenant Governor in Council on April 17, 2021.

Dated at Toronto, April 17, 2021

A handwritten signature in blue ink, appearing to be "J. T. Little", written over a horizontal line.

Deputy Clerk, Executive Council



Ontario

Executive Council
Conseil exécutif

Order in Council Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

the appended Regulation be made under the
Emergency Management and Civil Protection Act.

Sur la recommandation de la personne soussignée, la lieutenant-gouverneure, sur l'avis et avec le consentement du Conseil exécutif, décrète ce qui suit :

Le règlement ci-annexé est pris en vertu de la *Loi sur la protection civile et la gestion des situations d'urgence.*

Recommandé par :

Recommended

Appuyé par :

Le président du Conseil des
ministres,

Concurred

Chair of Cabinet

Approuvé et décrété le

La lieutenant-gouverneure,

Approved and Ordered

APR 17 2021

5:40 p.m.

Date and Time

Lieutenant Governor

R.O.C./Décret (R)

257/2021

APR 17 2021

Number (O. Reg.)
Numéro (Règl. de l'Ont.) → 298/21

[Bilingual]

CONFIDENTIAL

Until made

REG2021.0409.e

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ONTARIO REGULATION

made under the

EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT

Amending O. Reg. 8/21

(ENFORCEMENT OF COVID-19 MEASURES)

1. Section 2.1 of Schedule 1 to Ontario Regulation 8/21 is revoked and the following substituted:

Requirement to provide information

2.1 (1) 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 the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, 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.

(2) Every individual who is required under subsection (1) to provide a police officer or other provincial offences officer with information described in that subsection shall promptly comply.

(3) The power described in subsection (1) may only be exercised in a health unit to which Ontario Regulation 265/21 (Stay-at-Home Order) made under the Act applies.