

**Ministry of Municipal
Affairs and Housing**

Office of the Deputy Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7100**Ministère des Affaires
Municipales et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7100**January 22, 2021****MEMORANDUM TO: Municipal Chief Administrative Officers and Clerks****SUBJECT: Updates Related to the Revised Rules for Areas in Stage 1 under the *Reopening Ontario Act*, the *Emergency Management and Civil Protection Act*, including the Set Fine Amounts under the *Provincial Offences Act*, and Reporting Enforcement Data**

In my memorandum of January 14, 2021, I provided an update on the coordinated provincial enforcement effort and I wanted to thank you again for your work in limiting the spread of COVID-19 infection and managing the impact of the pandemic on your communities. Your actions are having a positive impact on compliance and data reporting across the province.

Today, I am writing to provide a further update on the revised rules for areas in Stage 1 under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (ROA)*, and the establishment of set fine amounts under the *Provincial Offences Act* for individuals and corporations to be ticketed for failure to comply with an order or for the obstruct offences under the *Emergency Management and Civil Protection Act (EMCPA)* and ROA.

Specifically, Ontario Regulation 14/21 revised the Stage 1 Order, effective January 15, 2021 at 12:01 a.m., to permit construction projects that are funded in whole or in part by Canada or Ontario, or agencies of either, or by municipalities.

Additionally, the Chief Justice of the Ontario Court of Justice has established the set fine amounts under the *Provincial Offences Act*. These set fine amounts are effective January 14, 2021, and apply to individuals and corporations that fail to comply with an order made during a declared emergency and for obstructing any person exercising a power or performing a duty in accordance with an order made during a declared emergency. These set fine amounts apply to orders under both the EMCPA and ROA.

To help support municipal enforcement activities, I am attaching information the Ministry of the Solicitor General has shared with Chiefs of Police explaining, in more detail, the

updates to the *Emergency Management and Civil Protection Act*, including the set fine amounts and the revised rules for areas in Stage 1 under the *Reopening Ontario Act*.

Lastly, the Ministry of the Solicitor General has updated the COVID-19 enforcement data reporting template and developed detailed instructions on the use of this template to reflect new EMPCA orders. The updated enforcement data template for municipalities is attached. In addition, the weekly reporting is now requested each Monday at 4 pm. This new time will allow the information you provide to inform analysis and decisions in a more timely way. I have mentioned this reporting template in past communications. I am pleased to hear that many municipalities are contacting the Ministry of Solicitor General in this regard.

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

Sincerely,

Kate Manson-Smith
Deputy Minister, Ministry of Municipal Affairs and Housing

Enclosures: Correspondence from the Ministry of the Solicitor General to all Chiefs of Police dated January 15, 2021 – English version regarding Updates Related to the EMCPA and Revised Rules for Areas in Stage One under ROA

Correspondence from the Ministry of the Solicitor General to all Chiefs of Police dated January 21, 2021 – English version regarding Reporting Enforcement Data under the EMCPA and ROA

EMCPA -ROA Enforcement Data Template

If a French version is required, please contact
Richard.Stubbings@ontario.ca.

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

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: Reporting Enforcement Data under the *Emergency
Management and Civil Protection Act* and the
Reopening Ontario Act

DATE OF ISSUE:	January 21, 2021
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	21-0005
PRIORITY:	High

Further to All Chiefs Memos 21-0002, 21-0003, and 21-0004, the Ministry of the Solicitor General (ministry) has updated the COVID-19 enforcement data reporting template and developed detailed instructions on the use of this template to reflect the following new EMCPA orders:

- [O. Reg. 11/21](#) – Stay-At-Home Order under EMCPA, R.S.O. 1990, c. E.9
- [O. Reg. 13/21](#) – Residential Evictions Order under EMCPA, R.S.O. 1990, c. E.9
- [O. Reg. 8/21](#) – Enforcement of COVID-19 Measures under EMCPA, R.S.O. 1990, c. E.9

The new template, attached for your reference, was shared with data contacts from all police services on Saturday, January 16, 2021 (except for OPTIC-Niche members who are using the Niche plug-in reporting tool). Police services using the OPTIC-Niche reporting tool can expect similar changes reflected soon and should continue to use the reporting tool until otherwise notified.

Please note that O. Reg. 8/21 provides additional authority to provincial offences officers to temporarily close a premise or to disperse individuals who are in contravention of orders under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA). The updated reporting template includes additional data points to capture the use of these new powers.

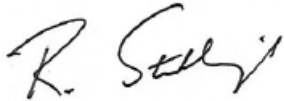
Please also be aware that in an effort to support timely, data-driven decision-making, **weekly enforcement data reports are now due to the ministry by Monday at 4 p.m. EST.**

As always, it is important that all submissions are sent via encrypted emails, where applicable.

For questions related to enforcement reporting, please contact Jeanette Gorzkowski, Manager, Analytics Unit, at jeanette.gorzkowski@ontario.ca or Keith Drakeford, Senior Statistics Advisor at keith.drakeford@ontario.ca.

Thank you for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division

Attachment

The Ministry of the Solicitor General is coordinating province-wide reporting on enforcement of the Emergency Management and Civil Protection Act (EMCPA) and the Reopening Ontario (A Flexible Response to COVID-19) Act (ROA) in response to COVID-19. This reporting will help track the enforcement of the emergency orders under the act and assist in other areas of emergency management. For the current list of relevant emergency orders, please see the table below.

The ROA came into force on July 24, 2020, ending the first state of emergency. Certain regulations previously under the EMCPA were moved under the ROA and continue to be in force.

On January 12, 2021, the province issued a second state of emergency under the EMCPA, and new orders under the EMCPA were issued effective Thursday, January 14, 2021 at 12:01 a.m. These included stay-at-home orders under O. Reg. 11/21 and new powers under O. Reg. 8/21 for Provincial Offence Officers to enforce the emergency orders. Changes to the Stage 1 Order (O. Reg. 82/20) under the ROA were also issued.

This file contains two tabs ("Action Record Data" and "Aggregate Data Reporting") containing templates for submitting data on enforcement of the ROA and EMCPA, as well as a Data Dictionary tab.

Template tabs:

(1) Action Record Data - This tab is intended to capture record-level data as extracted from your agency/department's records management systems or other data capture system. **If available**, please provide data for each of the columns listed to the extent possible, recognizing that different systems may record this data differently. If new records become available for weeks that have already been reported on, please include those in subsequent weeks' reports.

(2) Aggregate Data Reporting - This tab is intended to capture data that may not have individual records available. This tab **is not a summary** of data provided in the 'Action Record Data' tab. Please do not report on the same occurrences/incidents in both the 'Action Record Data' tab and the 'Aggregate Data Reporting' tab.

- Please provide aggregate data for each week preceding the reporting date (starting on Sundays and ending on Saturdays).
- Data collected in this tab includes:
 - **Complaints/Calls Received** related to possible violations of the ROA or EMCPA. If your data does not allow for differentiating between calls relating to the ROA/EMCPA and other COVID-19 calls, include the total COVID-19 related calls. Do not include general inquiries, e.g. requests for information on the ROA/EMCPA or Ontario's COVID-19 Response Framework.
 - **Individual(s)/Business(es) Educated** including informal education and verbal warnings. Do not include formal, written warnings (these should be included in the Action Record Data tab), or proactive activities such as community outreach campaigns.
 - **Inspections Conducted** including the count of proactive patrols conducted by your agency to ensure community compliance with the ROA/EMCPA orders. This should not include activities related to other legislation such as the Quarantine Act.
- Data included in the previous reporting period should not be included in the current reporting period. If previously submitted data needs to be revised, please note this in your email response to the ministry and submit a separate template with the revised numbers.

Data Dictionary tab: Assists with interpreting the columns in each of the template tabs.

Order/Regulation (Full Name)	Short Description of Regulation	Description
O. Reg. 8/21 – ENFORCEMENT OF COVID-19 MEASURES under Emergency Management and Civil Protection Act (EMCPA), R.S.O. 1990, c. E.9 <i>(If powers under this regulation are exercised, please note this in the "ActionType" column of the Action Record Data tab. For all other regulations listed below, note these in the "Regulation" column)</i>	Authority to disperse and temporarily close premises	For enforcement of regulations relating to the: -temporary closure of premises holding organized public event or other gathering where the number of people in attendance exceeds the number permitted under the Reopening Ontario (A Flexible Response to Covid-19) Act, 2020 (ROA). -orders of ceasing attendance or disperse organized public events or other gathering that is prohibited under the ROA.
O. Reg. 11/21 – STAY-AT-HOME ORDER under EMCPA, R.S.O. 1990, c. E.9	Requirement to remain in residence	For enforcement of the requirement that every individual shall remain in their place of residence at all times unless leaving is necessary for one or more of the purposes specified in O. Reg. 11/21.
O. Reg. 13/21 – RESIDENTIAL EVICTIONS ORDER under Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9	No enforcement of evictions	No enforcement of either an order evicting a tenant or a writ of possession issued by the Superior Court of Justice removing a person from their place of residence.
O. Reg. 364/20: RULES FOR AREAS IN STAGE 3 under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17	Rules for areas in Stage 3	For enforcement of regulations relating to “Stage 3” reopening, i.e. either the closure of places of business or compliance with restrictions on businesses. This Order applies to the areas listed in Schedule 3 to Ontario Regulation 363/20 (Stages of Reopening).
O. Reg. 263/20: RULES FOR AREAS IN STAGE 2 under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17	Rules for areas in Stage 2	For enforcement of regulations relating to “Stage 2” reopening, i.e. either the closure of places of business or compliance with restrictions on businesses as described in Schedule 2. This Order applies to the areas listed in Schedule 2 to Ontario Regulation 363/20 (Stages of Reopening). O. Reg. 414/20, s. 3.
O. Reg. 177/20: CONGREGATE CARE SETTINGS under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17	Congregate care settings (work for one employer)	For enforcement of regulation relating to prohibition a staff member of a congregate care setting service agency who performs work in a residence operated by the agency shall not also perform work as a staff member of a different congregate care setting service agency in the same sector in a residence operated by the different agency.
O. Reg. 158/20: LIMITING WORK TO A SINGLE RETIREMENT HOME under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17	Limiting work to a single retirement home	For enforcement of regulation relating to prohibition an employee of a retirement home to perform work: (a) in another retirement home operated by the licensee; (b) as an employee of another licensee; or (c) as an employee of a health service provider.

<u>O. Reg. 146/20: LIMITING WORK TO A SINGLE LONG-TERM CARE HOME under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17</u>	Limiting work to a single long term care home	For enforcement of regulation relating to prohibition of an employee of a long-term care home to perform work: (a) in another long-term care home operated or maintained by the long-term care provider; (b) as an employee of any other health service provider; or (c) as an employee of a retirement home.
<u>O. Reg. 114/20: ENFORCEMENT OF ORDERS under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17</u>	Enforcement of orders	A police officer or provincial offences officer who believes that a person has committed an offence through non-compliance with an order issued under the EMCPA may require that person to provide their name, date of birth and address.
<u>O. Reg. 98/20: PROHIBITION ON CERTAIN PERSONS CHARGING UNCONSCIONABLE PRICES FOR SALES OF NECESSARY GOODS under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17</u>	Ban on price gouging for necessary goods	For enforcement of regulations relating to the prohibition of selling necessary goods at a price that grossly exceeds the price at which similar goods are available to customers.
<u>O. Reg. 82/20: RULES FOR AREAS IN STAGE 1 under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17</u>	Rules for areas in Stage 1	For enforcement of regulations relating to “Stage 1” reopening, i.e. either the closure of places of business or compliance with restrictions on businesses in areas listed in Schedule 1 to Ontario Regulation 363/20 (Stages of Reopening) made under the Act. O. Reg. 413/20, s. 3.
(Revoked June 1/20) O. Reg. 142/20: ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - CLOSURE OF PUBLIC LANDS FOR RECREATIONAL CAMPING	Closure of Public Campgrounds	For enforcement of regulations relating to the closure of public lands and prohibition of camping, walking or using public lands for other purposes.
(Revoked June 11/20) O. Reg. 139/20: ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - CHILD CARE FEES	No Fees for Child Care	For enforcement of regulations relating to the prohibition to charge a fee for the provision of child care or penalize any person who did not pay fees to the provider while they are closed.
(Revoked July 23/20) O. Reg. 128/20: ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - PICK UP AND DELIVERY OF CANNABIS	Cannabis Delivery and Pick-up	For enforcement of regulations relating to permitting cannabis retailers to offer curbside pick-up and delivery services to customers.
(Revoked July 17/20) O. Reg. 104/20: EMERGENCY ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - CLOSURE OF OUTDOOR RECREATIONAL AMENITIES	Closure of Outdoor Rec. Facilities	For enforcement of regulations relating to the closure of outdoor playgrounds, fields, off-leash dog areas, fitness equipment in parks, community gardens, picnic sites and park shelters.
(Revoked June 17/20) O. Reg. 52/20: ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - ORGANIZED PUBLIC EVENTS, CERTAIN GATHERINGS	No Gatherings More Than Five	For enforcement of regulations relating to the prohibition of events and gatherings of more than five people.
(Revoked June 12/20) O. Reg. 51/20: ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - CLOSURE OF ESTABLISHMENTS	Closure of Certain Establishments	For enforcement of regulations relating to the closure of public libraries, indoor recreational programs, private schools, day care centres, bars and restaurants (except take-out and delivery), theatres, and concert venues.

Data Tab	Field Name	Field Description	Format
Action Record Data	Municipality	Name of the municipality	
Action Record Data	Agency/Department	Name of agency/department within the municipality	
Action Record Data	RecordID	Occurrence number - unique identifier assigned to each incident	
Action Record Data	EventDate	Date the incident occurred	MM/DD/YYYY
Action Record Data	BusinessName	Name of the business, where applicable	
Action Record Data	LocationType	Type of Location	
Action Record Data	StreetName	Location of occurrence - street name	
Action Record Data	StreetType	Location of occurrence - street type (i.e. st., dr., blvd., etc.)	
Action Record Data	StreetDirection	Location of occurrence - street direction (i.e. north, west, etc.)	
Action Record Data	PostalCode	Location of occurrence - postal code	
Action Record Data	City	Location of occurrence - city	
Action Record Data	Province	Location of occurrence - province	
Action Record Data	ActionDate	Date the action was taken by your municipality/agency/ department	MM/DD/YYYY
Action Record Data	ActionDateLongForm	Auto-populates plain language date of Action Date	Friday, January 1, 2021
Action Record Data	ActionType	Type of action taken by the agency in response to the violation/incident (i.e. fine, order of temporary closure or order to cease attendance or disperse (under EMCPA O.Reg. 8/21), charge, warning, education)	
Action Record Data	Regulation	Description of the ROA or EMCPA order/regulation	
Action Record Data	PoliceContact	Was the police contacted/notified by the agency	Yes/No
Aggregate Data Reporting	Measure	Type of activity performed or recorded by the agency	
Aggregate Data Reporting	Municipality	Name of the municipality	
Aggregate Data Reporting	Agency	Name of agency within the municipality	
Aggregate Data Reporting	Week	The calendar date of the Sunday at the start of the week	MM/DD/YYYY
Aggregate Data Reporting	Value	The weekly total corresponding to the measure described	Number

Submissions are due each **Tuesday at 1pm** in order to be included in provincial reporting, and should include data from the prior calendar week, **Sunday-Saturday**. For example, data being submitted on Tuesday, January 19th, 2021 should include enforcement activities from Sunday, January 10th to Saturday, January 16th, inclusive. If you have older records that were not already reported in previous reports, please include those in the current report as well.

✓ This tab is intended primarily for **formal warnings or charges** (Part I or Part III offences). Please only include here data on other activities if **you are not** reporting on these in the "Aggregate Data Reporting" tab.

✓ Please feel free to contact Brianne.Chan2@ontario.ca or Jeanette.Gorzowski@ontario.ca with any questions or concerns.

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Aggregate Data Reporting

- ✓ Submissions are due each **Tuesday at 1pm** in order to be included in provincial reporting, and should include data from the prior calendar week, Sunday-Saturday. E.g., data being submitted on Tuesday, January 19th, 2021 should include enforcement activities from Sunday, January, 10th to Saturday, January 16th, inclusive.
- ✓ Please only include incidents you have not previously reported.
- ✓ Please do not count enforcement also reported in the "Action Record Data" tab.
- ✓ Dates must be entered as **MM/DD/YYYY format**.
- ✓ Please enter the the **Sunday of the week you are reporting data on** in the "Week" column.
- ✓ Please feel free to contact **Brianne.Chan2@ontario.ca** or **Jeanette.Gorzowski@ontario.ca** with any questions or concerns.

Complaints/Calls Received

- Include complaints/calls related to possible violations of the Reopening Ontario Act and Emergency Management and Civil Protection Act. If your data does not allow for differentiating between calls relating to the ROA/EMCPA and other COVID-19 calls, include the total COVID-19 related calls.
- Do not include general inquiries, e.g. requests for information on the ROA/EMCPA or Ontario’s COVID-19 Response Framework.

Individual(s)/Business(es) educated

- Include informal education and verbal warnings.
- Do not include formal, written warnings (these should be included in the Action Record Data tab)
- Do not include proactive activities such as community outreach campaigns.

Inspections Conducted

- Include inspections/patrols conducted by your municipality/agency/department to ensure community compliance with the ROA and EMCPA regulations.
- Do not include activities related to other legislation such as the Quarantine Act.

			Note: If cell turns red , check that the date entered is a Sunday (start of reporting week) or is not a future date	
Measure: Number of...	Municipality	Agency	Week (MM/DD/YYYY)	Value
Complaints/Calls Received				
Individual(s)/Business(es) educated by provincial offences officers				
Inspections Conducted				