



KEY INFORMATION REPORT Planning Building and Enforcement

April 7, 2020

SUBJECT: Enforcement of Provincial Emergency Orders

BACKGROUND:

On March 27, 2020, the Ontario government gave peace officers the power to enforce COVID-19 rules under the Ontario's Emergency Management and Civil Protection Act. The definition of peace officer includes:

- *a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer and justice of the peace,*
- *a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process.*

Up until March 27, 2020, only police were to enforce the provincial orders requiring businesses to close (ex: restaurants, bars, non-essential workplaces). Now the Ontario government signed a ministerial designation under the Provincial Offences Act to authorize the following personnel to enforce Emergency Management and Civil Protection Act (EMCPA) orders:

- *All persons or classes of persons designated in writing by a minister of the Crown as provincial offences officers, notwithstanding the offence or class of offences of that designation;*
- *All municipal law enforcement officers referred to in subsection 101 (4) of the Municipal Act, 2001, or in subsection 79 (1) of the City of Toronto Act, 2006;*
- *All by-law enforcement officers of any municipality, or of any local board of any municipality; and*
- *All officers, employees or agents of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act.*

With this designation, Township By-law Officers can enforce the provincial orders. The local OPP have spoken with the area municipalities, with the hope to collectively enforce these Provincial emergency orders, and put less of a demand on police, who can focus on the Quarantine Act. They have asked that we work together enforcing the new EMCPA orders. From what we have been able to ascertain, involvement of Township By-law staff is voluntary, not mandatory, at this time. The Township By-law Officers have PPE (protective gloves and masks) which may be required to enforce provincial orders.

CURRENT/FUTURE ACTIVITIES:

During the course of our discussions with the Ontario Provincial Police on March 31, 2020, During the course of our discussions with the Ontario Provincial Police on March 31, 2020, the Township was under the impression that the OPP would be the main contact for complaints and enforcement, and that Municipalities would only be contacted for assistance when needed. We have established with the local OPP a main contact, secondary contact, and shared information about all of our Municipal Law Enforcement Officers.

As the outbreak continues to grow, so are the rules imposed by the Province. Since late last week, By-law Officers from nearby municipalities such as the Township of Russell, South Dundas and South Glengarry have taken a more active approach, proactively monitoring and responding to calls without the involvement of the local OPP. Those Municipal Law Enforcement Officers are investigating and enforcing the following:

- People congregating in municipal parks, using park amenities or equipment;
- Non-essential retail businesses continuing to operate;
- Restaurants keeping their dining room open; and
- Gatherings of more than five people in public or in private residences.

The Municipalities referenced above have posted this information on social media, advising the public to contact the By-law Department directly to report any issues related to the items above. Officers are taking an educational approach to the new measures and taking the opportunity to inform residents and businesses of the importance of following these rules. The City of Ottawa has also taken a proactive approach and has started issuing fines to the public since last week. In regards to complaints related to mandatory quarantine orders; these are to be reported to the OPP.

Township staff are seeking direction from Council as to whether we should:

- Proactively monitor and respond to local complaints,
- Respond to public complaints only,
- Let the OPP answer the complaints and assist when necessary/requested,
or
- Other, as proposed by Council.