

Solicitor General

Office of the Solicitor General

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**Ministry of Municipal Affairs
and Housing**

Office of the Minister

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**Ministère des Affaires municipales
et du Logement**

Bureau du ministre

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March 27, 2020

Dear Head of Council:

On March 17, 2020, our government declared a provincial emergency through the authority granted under the *Emergency Management and Civil Protection Act* (EMCPA). Since this declaration, several emergency orders have been made under the Act to contain the spread of COVID-19 and to ensure that essential services continue to be provided and Ontarians are supported. To view Emergency Orders made by the government in response to COVID-19, please visit our ministry's Emergency Information webpage at: ontario.ca/alert.

Previously, only police officers and constables who have been appointed under an Act have the ability to enforce orders made under the EMCPA. Due to COVID-19, police resources are being stretched and police services have made requests to have other enforcement personnel assist with enforcing the emergency orders being made by the province.

As a result, our government signed a ministerial designation under the *Provincial Offences Act* to authorize the following personnel to enforce 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.

No further provincial approvals or authorizations are needed for municipal law enforcement officers to enforce orders under the EMCPA. Municipalities are not required to, but may wish to consider whether, and how, to provide direction to their municipal law enforcement officers about the exercise of these powers (e.g., policies or by-laws regarding which officers are best positioned to exercise these powers given their existing training, knowledge and resources).

Municipalities should continue to consider the severity of each infraction in relation to the potential risk to public health and the spread of COVID-19 when taking enforcement action. Consistent with existing enforcement approaches, consideration should continue to be given to taking a graduated approach to compliance. This could include providing educational messaging or warnings to members of the public around the emergency orders and, if compliance is not obtained, the issuance of a ticket under the *Provincial Offences Act* or a summons under Part 3 of the Act.

To assist enforcement personnel, we are also establishing a dedicated 1-800 line to respond to questions related to enforcing these orders. This telephone number will be available to enforcement personnel and will not be for the general public. We will follow up with more information once the dedicated line is established.

Finally, to further support the implementation of this change, please see enclosed Frequently Asked Questions that can be shared with your enforcement staff. As specific operational questions arise please contact Zinzi De Silva, Standards Research Analyst with the Public Safety Division of the Ministry of the Solicitor General at 416-314-3079 or Zinzi.DeSilva@ontario.ca for guidance as necessary.

Thank you for your continued cooperation on this matter.

Sincerely,



Sylvia Jones
Solicitor General



Steve Clark
Minister of Municipal Affairs and Housing

Enclosure

c: Chief Administrative Officers

Municipal Clerks