

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

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: **New Orders under the *Emergency Management and Civil Protection Act* and Revised Orders under the *Reopening Ontario Act***

DATE OF ISSUE:	January 13, 2021
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	21-0003
PRIORITY:	High

I am writing to advise of new orders under the *Emergency Management and Civil Protection Act* (EMCPA) and changes to the Stage 1 Order (O. Reg. 82/20) under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA).

[O. Reg. 11/21 – Stay-at-Home Order under the EMCPA](#)

Effective January 14, 2021 at 12:01 a.m., the following new orders are in effect:

Stay-at-home Order

The stay-at-home order requires that every individual shall remain in their place of residence at all times unless leaving is necessary for one or more of the following purposes:

- **Work, school and child care**
 - o Working or volunteering where the nature of the work or volunteering requires the individual to leave their residence.
 - o Attending school or a post-secondary institution.
 - o Attending, obtaining or providing child care.
 - o Receiving or providing training or educational services.

- **Obtaining goods and services**
 - o Obtaining food, beverages and personal care items.
 - o Obtaining goods or services that are necessary for the health or safety of an individual, including health care services and medications.
 - o Obtaining goods or services, or performing activities, that are necessary for the safe operation, maintenance and sanitation of households, businesses, means of transportation or other places.
 - o Purchasing or picking up goods through an alternative method of sale, such as curbside pickup, from a business or place that is permitted to provide curbside pickup under the Stage 1 Order.
 - o Attending an appointment at a business or place that is permitted to be open by appointment under the Stage 1 Order.
 - o Obtaining services from a financial institution or cheque cashing service.
 - o Obtaining government services, social services and supports, mental health support services or addictions support services.
- **Assisting others**
 - o Delivering goods or providing care or other support or assistance to an individual who requires support or assistance, or receiving such support or assistance, including,
 - providing care for an individual in a congregate care setting, and
 - accompanying an individual who requires assistance leaving their residence for any purpose permitted under this Order.
 - o Taking a child to the child's parent or guardian or to the parent or guardian's residence.
 - o Taking a member of the individual's household to any place the member of the household is permitted to go under this Order.
- **Health, safety and legal purposes**
 - o Doing anything that is necessary to respond to or avoid an imminent risk to the health or safety of an individual, including,
 - protecting oneself or others from domestic violence,
 - leaving or assisting someone in leaving unsafe living conditions, and
 - seeking emergency assistance.
 - o Exercising, including,
 - walking or moving around outdoors using an assistive mobility device, or
 - using an outdoor recreational amenity that is permitted to be open under the Stage 1 Order.
 - o Attending a place as required by law or in relation to the administration of justice.
 - o Exercising an Aboriginal or treaty right as recognized and affirmed by section 35 of the *Constitution Act, 1982*.

- **Multiple residences and moving**
 - o Travelling to another residence of the individual if,
 - the individual intends to be at the residence for less than 24 hours and is attending for one of the purposes set out in this order; or
 - the individual intends to reside at the residence for at least 14 days.
 - o Travelling between the homes of parents, guardians or caregivers, if the individual is under their care.
 - o Making arrangements to purchase or sell a residence or to begin or end a residential lease.
 - o Moving residences.
- **Travel**
 - o Travelling to an airport, bus station or train station for the purpose of travelling to a destination that is outside of the Province.
- **Gatherings**
 - o Attending a gathering for the purpose of a wedding, a funeral or a religious service, rite or ceremony that is permitted under the Stage 1 Order or making necessary arrangements for the purpose of such a gathering.
 - o If the individual lives alone, gathering with the members of a single household.
- **Animals**
 - o Obtaining goods or services that are necessary for the health or safety of an animal, including obtaining veterinary services.
 - o Obtaining animal food or supplies.
 - o Doing anything that is necessary to respond to or avoid an imminent risk to the health or safety of an animal, including protecting an animal from abuse.
 - o Walking or otherwise exercising an animal.

Despite the provisions set out above, no person shall attend a business or place that is required to be closed under the Stage 1 Order, except to the extent that temporary access to the closed business or place is permitted under the Stage 1 Order.

Further, this Order:

- Does not apply to individuals who are homeless.
- Authorizes an individual to return to their residence from a place, if it allows them to leave their residence to go to that place.
- Does not prevent an individual from accessing outdoor parts of their place of residence, such as a backyard, or accessing indoor or outdoor common areas of the communal residences in which they reside that are open, including lobbies.

For greater certainty:

- This order does not permit a business or place to be open if it is required to be closed under the Stage 1 Order.

- This order does not permit an individual to gather with other individuals if the gathering is not permitted under the Stage 1 Order.
- Individuals can only attend an outdoor public event or social gathering that is permitted under the Stage 1 Order if they are attending for one of the purposes set out above.

In terms of enforcement of the stay-at-home order, it should be noted that no element of any order provides law enforcement with either the power to enter dwellings nor the authority to stop a vehicle for the singular purpose of checking compliance with the stay-at-home order. In addition, individuals are not compelled to explain why they are out of their residence, nor is being outside prima facie evidence of a failure to comply with the stay at home order. Workers are also not required to have proof from their employer that they are traveling to or from their workplace. Notwithstanding the above, police are encouraged to make reasonable inquiries to determine if individuals are in compliance with the orders. The enforcement powers described in the All Chiefs Memo sent on January 12, 2021 can still be used when individuals are violating social gathering rules, in which case they may also be breaching the stay at home order.

O. Reg. 13/21 – Residential Evictions Order under the EMCPA

Effective January 13, 2021, no person shall attend residential premises for the purpose of enforcing:

- an order evicting a tenant under the *Residential Tenancies Act, 2006*, unless the Landlord and Tenant Board requests that the sheriff expedite the enforcement of the order; or
- a writ of possession issued by the Superior Court of Justice removing a person from their place of residence, unless a judge of the Superior Court of Justice orders that the sheriff expedite the enforcement of the order.

O. Reg. 10/21 – Rules for Areas in Stage 1 (Lockdown)

Effective January 14, 2021 at 12:01 a.m., except where otherwise specified, changes to the Stage 1 Order are as follows:

Remote Work

- Persons responsible for businesses or organizations that are open must ensure that any person performing work for the business or organization conducts their work remotely, unless the nature of the work requires them to be on-site.
 - o This requirement does not apply to governments, or to persons or public-funded agencies or organizations that deliver or support government operations and services.

In-person instruction in elementary and secondary schools

Effective January 25, 2021 at 12:01 a.m.:

- Public and private schools in the following public health units are closed, subject to some exceptions below:
 - o City of Hamilton Health Unit.
 - o City of Toronto Health Unit.
 - o Peel Regional Health Unit.
 - o Windsor-Essex County Health Unit.
 - o York Regional Health Unit.
- Schools in these areas may open only:
 - o to the extent necessary to facilitate the operation of a child care centre within the meaning of the Child Care and Early Years Act, 2014;
 - o if approved by the Minister of Education, to the extent necessary to provide emergency childcare to individuals listed in Schedule 5 while schools are closed;
 - o to allow staff to provide remote teaching, instruction or support to pupils, so long as the school operates in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health;
 - o to the extent necessary to provide in-person instruction to pupils with special education needs who cannot be accommodated through remote learning and who wish to attend in person, so long as the school operates in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health.
- Public and private schools in other areas may open for in-person teaching and instruction if:
 - o They operate in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health; and
 - o They comply with conditions regarding international students as well as singing or playing brass or wind instruments.
- There continue to be exceptions for schools operated by bands, band councils, or the federal government; an education authority authorized by one of those entities; or an entity that participates in the Anishinabek Education System.

Effective February 10, 2021 at 12:01 am:

- All public and private schools may open for in-person teaching and instruction if:
 - o They operate in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health; and
 - o They comply with conditions regarding international students as well as singing or playing brass or wind instruments.
- There will continue to be exceptions for schools operated by bands, band councils, or the federal government; an education authority authorized by one of those entities; or an entity that participates in the Anishinabek Education System.

Limits on gatherings

- Outdoor social gatherings are only permitted to have a maximum of 5 people, instead of 10.
- There continue to be exceptions for members of a single household, and individuals who live alone and join the members of a single household.

Operating hours and other conditions for businesses that remain open

- The following businesses may only open from 7 a.m. to 8 p.m. and cannot deliver goods outside of those hours. They are also subject to additional conditions as indicated below:
 - o Safety supply stores
 - They are also restricted to entry by appointment only.
 - o Businesses that sell, rent or repair assistive/mobility/medical devices, aids and/or supplies.
 - They are also restricted to entry by appointment only.
 - o Optical stores that sell prescription eyewear to the public.
 - They are also restricted to entry by appointment only.
 - o Stores that sell liquor
 - They are also limited to 25% capacity
 - o Shopping malls, except that they may open outside these hours to provide access to businesses or places that are permitted to open and that only have entrances on the interior of the mall.
 - o Businesses that sell the following:
 - (a) motor vehicles, including cars, trucks and motorcycles;
 - (b) recreational vehicles, including motor homes;
 - (c) trailers and travel trailers;
 - (d) boats and other watercraft; or
 - (e) other motorized vehicles, including power-assisted bicycles, golf carts, scooters, snowmobiles and all-terrain vehicles.
 - o Outdoor markets, including farmer's markets and holiday markets
 - o Retail businesses that are restricted to alternative methods of sale such as curbside pickup
 - They can only provide items for pickup if the item was ordered before arriving at the premises.

Masking and distancing requirements

- Every person in the premises of a business or organization that is open must wear a mask or face covering (covering their mouth, nose and chin) while indoors, unless an exception applies to them. The exceptions are set out in subsection 2 (4) of Schedule 1.

- Every member of the public in a business or facility open to the public must maintain a two-metre distance from every person other than their caregiver or members of their household, except:
 - o where necessary to complete a transaction or to receive a service, if the member of the public wears a mask or face covering (subject to exceptions);
 - o when passing one another in a confined location, such as in a hallway or aisle, if the member of the public wears a mask or face covering (subject to exceptions);
 - o in other situations where the Stage 1 Order expressly authorizes persons to be closer than two metres from each other

Entertainment and recreation

- No person can use an indoor or outdoor recreational amenity that is required to be closed under the order.
- Concert venues, theatres and cinemas are no longer permitted to be open.
- Golf courses and driving ranges are no longer permitted to be open.

Short-term rentals and campgrounds

- Short-term rentals must continue to only be provided to individuals who need housing, but there is no longer an exception for rentals that were booked before this rule began to apply.
- There continues to be an exception for hotels, motels, lodges, resorts and other shared rental accommodations, including student residences.
- There is a new exception for renting ice fishing huts, if the ice fishing hut:
 - o will only be used by members of a single household and will not be used overnight, or
 - o it is being rented for the purpose of exercising an Aboriginal or treaty right under the Constitution
- Campgrounds can continue to be available to individuals in need of housing or who have full season contracts if certain criteria are met, but there is no longer any exception for campground rentals that were booked before the restrictions on campgrounds began to apply.

Restrictions on construction projects

- Construction activities or projects and related services, including land surveying and demolition services, are now only permitted in specified circumstances set out in the order.

[O. Reg. 12/21 – Set Fines under the *Provincial Offences Act*](#)

Effective January 13, 2020, RRO 1990, Reg 950 under the Provincial Offences Act (POA) is amended to allow corporations, in addition to individuals, to be ticketed and issued set fines under Part I of the POA for committing an offence under subsection

7.0.11 (1) of the EMCPA or subsection 10 (1) of the ROA by failing to comply with an order under the respective statute. The Chief Justice of the Ontario Court of Justice will determine the set fine amounts.

Further, as requested please find attached the POA regulation, O. Reg. 12/21, containing the short form wording.

Ongoing Enforcement Efforts

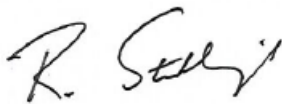
Police services have played a central role in enforcement efforts on the ground since the pandemic began. The Ministry recognizes the challenges that constantly evolving rules have presented for both enforcement and providing information to your communities.

As a reminder, the 1-800 Enforcement Support Line and dedicated enforcement email address are intended to provide guidance to policing personnel and other enforcement personnel in relation to the enforcement of provincial orders. The ministry will continue to work with partner enforcement ministries and municipalities to support collaboration and information sharing, including through the dedicated Enforcement 1-800 Line and email resource.

As always, we will keep our enforcement partners informed of any new orders or future amendments to the orders under the EMCPA and the ROA.

Again, thank you for your continued efforts to help keep our communities safe and healthy.

Sincerely,

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

Richard Stubbings
Assistant Deputy Minister
Public Safety Division

Attachment