

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

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Declaration of Provincial Emergency under the
*Emergency Management and Civil Protection Act***

DATE OF ISSUE:	January 12, 2021
CLASSIFICATION:	General Information
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As you know, the government has declared a provincial emergency under the *Emergency Management and Civil Protection Act* (EMCPA) in order to respond to rising COVID-19 cases, increasing death counts and increasing capacity pressures in Intensive Care Units (ICUs). I am writing to advise you of details of the provincial emergency, including a new order under the EMCPA to support enforcement.

Please note that the orders made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA) remain in force in addition to orders under the EMCPA. The EMCPA provides the government with the authority to make new orders, which is critical given the spike in COVID-19 transmission rates and associated system impacts. While the current orders under the ROA remain an important tool in stopping the spread of COVID-19, the declaration of the provincial emergency and associated EMCPA orders are necessary additional measures to protect Ontarians.

The [emergency declaration](#) is valid for up to 14 days and can be extended once for up to another 14 days, and then must receive approval by the Legislature to be extended further. The Legislature can extend the emergency declaration for additional periods of no more than 28 days for each extension.

New Order under EMPCA

Effective January 12, 2021:

- All provincial offences officers, including police officers, First Nations Constables and special constables¹ may order an individual attending an organized public event or other gathering that is prohibited under the ROA to cease attending the organized public event or gathering, as applicable, and may order individuals at the organized public event or gathering to disperse.
 - Individuals are required to promptly comply.
- All provincial offences officers may order that premises be temporarily closed if they have reasonable grounds to believe that an organized public event or other gathering is occurring at the premises and that the number of people in attendance exceeds the number permitted under the ROA.
 - Individuals are required to comply by promptly vacating the premises, unless they reside there.
- Similar to O. Reg. 114/20 (Enforcement of Orders) under the ROA, all provincial offences officers who have reasonable and probable grounds to believe that an individual has committed an offence under section 7.0.11 of the EMCPA may require the individual to provide the officer with the individual's correct name, date of birth and address.
 - Individuals are required to promptly comply. Verbal identification is sufficient. Physical identification such as a driver's licence is not required.

Set Fines for Orders under EMCPA and ROA

In relation to the new [EMCPA order](#), individuals can either be issued a ticket for a set fine amount established by the Chief Justice as listed below, or be served with a summons (Part I) or have an information laid (Part III) in which case the court would impose a penalty upon conviction – subject to the maximum penalty of a fine of not more than \$100,000 and not more than 1 year in jail.

- Fail to comply with an order: \$750
- Obstruct any person exercising a power in accordance with an order: \$1,000
- Obstruct any person performing a duty in accordance with an order: \$1,000

Individuals can continue to be ticketed or prosecuted under the ROA with respect to orders under the ROA.

¹ Note this power was already available to police officers, First Nations Constables and special constables under section 9.1 of the ROA, but it has been expanded to apply to all provincial offences officers.

Finally, as per today's [announcement](#), further restrictions and guidance are currently being finalized in areas including gatherings, masking, hours of operation for non-essential businesses that remain open, and construction. Further details on these changes, as well as the stay-at-home order, will follow in a subsequent All Chiefs Memo to come soon.

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". The signature is written in a cursive, slightly slanted style.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division