
April 2, 2020

BULLETIN

PROVINCE ISSUES GUIDANCE DOCUMENT FOR ENFORCEMENT OF PUBLIC HEALTH ORDERS

Many local governments continue to seek clarity around enforcing the Province's social distancing recommendations in the face of the COVID-19 pandemic. It is, unfortunately, still a common occurrence that the public or businesses are not fully complying with these important public health recommendations. Local governments are looking to assist against those who are ignoring social distancing recommendations in an effort to protect their communities.

On April 1, 2020 the Ministry of Health issued a helpful guidance document on the role of what they refer to as compliance and enforcement officers. This includes bylaw enforcement officers (BEOs) and some provincial officers such as liquor and cannabis control officers. The link to this document is found [here](#) and is further to Ministerial Order 082 issued March 25, 2020. We would recommend that the document be reviewed carefully as it does provide clear guidance on the interface between BEOs and public health officers. The document also places in one spot (Appendix 2) a compilation of most of the important public health orders to March 31, 2020. It is a helpful resource for this alone. Further, it also confirms that there is currently no public health order specifically related to the 2 meter social distancing recommendations except for inside food premises.

Importantly, the bulletin makes clear, again, that police, BEOs or other provincial compliance officers are not to be directly enforcing public health orders by detention or ticketing but instead are to provide educational and support measures to assist public health officers in any enforcement efforts they may take under the *Public Health Act*. The only exception to this rule is with respect to police officers, as s. 90 of the *Public Health Act* does provide a role for police officers to assist in the enforcement of orders at the request of a public health officer.

The bulletin also makes clear that all existing local government authority around bylaw enforcement continues and that public health orders do not remove any BEO authority under local government bylaws. Local government may still have an important role to play, for example, in considering the suspension or cancellation of a business licence for non-compliance with public health orders through its regulatory authority over business. Additional advice should be sought if exercising this authority.

Reece Harding