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March 26, 2020

**BULLETIN**

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**PROVINCE CLARIFIES ROLE OF BYLAW ENFORCEMENT OFFICERS DURING COVID-19 EMERGENCY**

On March 26, 2020 the Minister of Public Safety and Solicitor General made several orders under section 10 of the *Emergency Program Act* that affect local governments, including Ministerial Order M082 ([http://www.bclaws.ca/civix/document/id/mo/mo/2020\\_m082](http://www.bclaws.ca/civix/document/id/mo/mo/2020_m082)) respecting bylaw enforcement officers (“BEOs”). This Order will provide some greatly needed clarity to facilitate the enforcement of provincial health orders but, to be clear, provides no additional jurisdiction or authority for BEOs during the COVID-19 pandemic.

As a result of the Order, local authorities and their BEOs are to provide assistance to the greatest extent possible (without compromising their normal objectives) in the enforcement of Provincial public health orders. The Order specifically requires that local authorities must ensure that BEOs monitor closed facilities; provide warnings, information and advice to businesses and the public, including warnings they may be acting in contravention of a public health order; and provide health officers with information relating to potential contraventions. Importantly the Order further states that BEOs are not to detain anyone as a result of a public health order contravention or issue fines, penalties or administrative penalties under the Public Health Act.

In essence, the Order mandates local authorities and its BEOs to be proactive educators and reporters of Provincial public health orders and any contraventions of those orders. Most local governments were already undertaking such proactive measures in the face of the COVID-19 emergency, but the very few who were not must now ensure they are complying with the Order. Further, although the Order provides no new authority to BEOs to enforce Provincial public health orders, it also serves to ensure that the responsibility for such enforcement is clearly situated with provincial health inspectors.

Last, local governments still maintain all other bylaw enforcement authority despite this Order. For example, a business licence could still be considered for suspension under section 60 of the *Community Charter* if the business were violating the terms of a Provincial public health order. Local governments will need to follow their usual processes in such circumstances with appropriate variances given the COVID-19 emergency.

This Order applies during the period of the Province’s declaration of the COVID-19 provincial emergency, including any extensions.

***Reece Harding***