
March 26, 2020

BULLETIN

PROVINCE SUSPENDS LOCAL STATES OF EMERGENCY

In an effort to ensure coordination between all levels of government in responding to the COVID-19 pandemic, the Province's Minister of Public Safety and Solicitor General issued Ministerial Order MO84 (http://www.bclaws.ca/civix/document/id/mo/mo/2020_m084) set aside all declarations of a local state of emergency made on or before March 26, 2020 under section 12(1) of the *Emergency Program Act*, in respect of the pandemic. Going forward, the Minister has also prohibited future declarations, or the exercise of any local authority powers under section 13 of the EPA without prior ministerial approval. Although the City of Vancouver's existing state of local emergency declaration is exempt from the suspension, Vancouver is still required to obtain approval for future orders.

Today's order renders moot any questions about the interpretation of sections 14(3) or 26 of the EPA. Section 14(3) addresses, but only in a limited fashion, the relationship between potentially overlapping provincial and local state of emergency declarations made under the EPA, while section 26 deals with possible conflict between provincial EPA orders and declarations, and "any other Act or Regulations".

The Ministerial Order would not seem to apply to emergency declarations or orders a municipality has or might make under section 20(2) of the *Community Charter* or a regional district has under section 295 of the *Local Government Act*, which authorize declarations of a local emergency for emergencies other than "an emergency within the meaning of the EPA." Local governments considering the availability or exercise of the emergency powers under section 20(2) or section 295 should proceed very carefully.

Please reach out to anyone of our Partners if you have any questions.

Kathleen Higgins & Guy Patterson