
November 26, 2020

BULLETIN

MANDATORY FACE COVERINGS IN INDOOR PUBLIC SPACES

On November 24, 2020, the Province passed [Ministerial Order No. M425/2020](#) requiring face coverings to be worn in “indoor public spaces” as defined in the Order. Indoor public spaces include retail businesses, restaurants, common areas of office buildings, city halls, community and recreation centres, and libraries.

Face coverings, defined as masks or tightly woven fabrics that cover the nose and mouth, must be worn in indoor public spaces by all British Columbians, 12 years and older, subject to a few exceptions:

- those who cannot put on or remove a mask without the assistance of others are exempt, along with those who cannot wear a mask due to psychological, behavioral or health conditions, or physical, cognitive or mental impairment;
- masks are not required while inside a courtroom or a vehicle on a ferry; and
- masks may be removed temporarily in indoor public places:
 - to identify the individual wearing the mask;
 - to consume food or beverage at a location designated for that purpose;
 - while participating in a sport or fitness activity in a sport facility; or
 - while receiving a personal or health service that requires the mask to be removed.

These measures have been introduced, of course, in response to the COVID-19 pandemic, and to give police officers the tools necessary to enforce the mask mandate, as recommended by the Provincial Health Officer.

Effective immediately, anyone without a mask in an indoor public place, and anyone who refuses to comply with the direction of an “enforcement officer”, including the direction to leave the space, or who responds with abusive or belligerent behaviour, may be subject to a fine. The Order defines “enforcement officer” as having “the same meaning as in the Violation Ticket Administration and Fines Regulation with respect to a person in a designated class of persons with the authority to issue a ticket in relation to the provisions of this order”. Accordingly, only police officers may issue fines at this time, as they are the only authorized enforcement officers in respect of the *Emergency Program Act* pursuant to regulations made under the *Offence Act* (Violation Ticket Administration and Fines Regulation, Schedule 1, Column 2, (c.1)). However, if Order M425/2020 is added, by regulation, to the list of orders in Schedule 2 of the *Covid-19 Related Measures Act*, then the class of enforcement officers may be expanded to include conservation officers, liquor inspectors and cannabis inspectors.

[Ministerial Order M082/2020](#) remains in effect, setting out the role of bylaw enforcement officers to “provide assistance”. Order M082/2020 specifically states that bylaw enforcement

officers cannot issue fines under the *Public Health Act* (and by extension, provincial health orders), and it does not grant any enforcement powers under the *Emergency Program Act*. Consistent with this, the public has been asked to contact their local government's bylaw office to report non-emergency contraventions of this mask order. Bylaw enforcement officers may follow-up on reported concerns, and engage police departments and WorkSafe BC as necessary.

There is currently no published authority which includes bylaw officers in the class of enforcement officers that may issue fines under the new indoor mask rule; however, the *Violation Ticket Administration and Fines Regulation* was briefly amended in April 2020 to permit bylaw officers to issue tickets under the "Local Authorities and Essential Goods and Supplies (COVID-19) Order, MO 84/2020" and the "Prohibition on Unconscionable Prices for Essential Goods and Supplies (COVID-19) Order, MO 115/2020" (note that these powers were repealed in August 2020). Given this precedent, it is possible that another amendment to the *Violation Ticket Administration and Fines Regulation* could be issued to permit bylaw officers to issue tickets to enforce this new indoor mask rule as well.

Learn more about Order No. M425 at: <https://news.gov.bc.ca/releases/2020EMBC0061-001960>

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