

**Ministry of Municipal
Affairs and Housing**

Office of the Deputy Minister

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February 12, 2021

MEMORANDUM TO: Municipal Chief Administrative Officers and Clerks

**SUBJECT: Termination of Declared Emergency and Amendments
to Orders under the *Emergency Management and Civil
Protection Act* and *Reopening Ontario Act***

Today I am writing to you about changes to the government's approach to address COVID-19 in our communities. While we are seeing some progress in reducing the number of cases of COVID-19 in our communities, the situation remains serious and the new variants continue to pose concern.

As you are aware, the provincial emergency that was declared on January 12, 2021, under the *Emergency Management and Civil Protection Act* (EMCPA), expired on February 9, 2021. As announced, the Ontario government is committed to safely and gradually returning to the COVID-19 response framework that is administered regionally based on public health units (PHUs). Regions will gradually transition back between February 10 and February 22, 2021, subject to review of the trends in public health indicators. To facilitate the transition, Ontario has made changes to the response framework and to orders and regulations under the EMCPA and the Reopening Ontario (A Flexible Response to COVID-19) Act (ROA).

Provincial Orders

Orders under the EMCPA can continue to be in effect after the declared emergency has terminated. They can also be further extended for up to 14 days at a time but cannot be amended.

Prior to the termination of the declaration of emergency, orders were amended to reflect the Ontario government's decisions to move certain PHUs into new zones under the Framework. This includes amendments to the Stay-at-Home order (O. Reg. 11/21) and the Residential Evictions order (O. Reg. 13/21).

Any decisions to move PHUs to new zones are made in consultation with the local medical officers of health and will be subject to ongoing review of trends in public health indicators and advice of the Chief Medical Officers of Health.

Please note, there have also been amendments to Ontario Regulations 82/20 and 363/20 related to the Stages of Reopening under ROA. Amendments include, dividing Stage 1 into two separate zones (“Shutdown” and “Grey-Lockdown”).

These amendments remove restrictions on construction activities by allowing all residential construction activities and projects, and related services that support construction activities or projects, including demolition services, to commence or continue anywhere in the province. This includes residential renovations.

This means that all residential construction activities or projects and related services can begin or continue even in areas that are in the Shutdown Zone and are subject to a Stay at Home Order. However, restrictions still apply to non-residential construction as long as the area is in the Shutdown Zone and subject to a Stay at Home Order. When areas of the province return to the provincial COVID-19 framework (colour-coded zones), all residential and non-residential construction activities and projects and related services can begin or continue.

Additionally, as of February 10, 2021, all stage orders under ROA have been amended to require individuals to wear face coverings and maintain physical distance when indoors in a business, with limited exceptions, and to wear face coverings when attending an organized public event or gathering permitted under the regulations, if they are within a 2 metre distance of another individual who is not part of their household. All other restrictions to gatherings and organized public events will be maintained. Rules for the colour-coded zones and for the new “Shutdown Zone” have changed.

Residential Evictions (Ontario Regulation 13/21)

Enforcement of residential evictions will remain paused in the public health unit regions where the provincial Stay-at-Home order remains in effect. This will ensure people are not forced to leave their homes during the period where provincial stay-at-home orders are in place. In regions where the Stay-at-Home order is lifted, the regular process for residential eviction enforcement will resume.

Tenants who can pay their rent must continue to do so to the best of their abilities. Tenants can also ask their local service managers about financial assistance to pay their rent. Tenants can visit: <https://www.ontario.ca/page/find-your-local-service-manager> to find contact information for their local service manager. Landlords and tenants are encouraged to work together during these difficult times.

Detailed explanations of these changes related to the termination of the declared emergency, amendments to orders under the EMCPA and ROA and an updated chart of the Zones under the Framework can be found in the Ministry of the Solicitor General’s memorandum to all Chiefs of Police dated February 9, 2021, which is enclosed for your reference and to support local municipal enforcement activities.

Also enclosed for your attention is a second memorandum from the Ministry of the Solicitor General to all Chiefs of Police dated February 2, 2021, regarding an amendment to Ontario Regulation 8/21 – Enforcement of COVID-19 under the EMCPA that allows a police officer or other provincial offences officer to require an individual to provide their correct name, date of birth and address so that provincial offences officers have the necessary information to issue tickets or lay charges under the *Health Protection and Promotion Act*.

The 1-800 Enforcement Support Line (1-866-389-7638) and dedicated enforcement email address (EssentialWorkplacesSupport.SolGen@ontario.ca) are intended to provide guidance to policing personnel and other enforcement personnel in relation to the enforcement of provincial orders.

As the province transitions into these new zones over the coming weeks, the ministry recognizes that collaboration amongst municipalities, public health units, police forces, local enforcement partners and our multi ministry teams is important to ensure coordinated compliance and enforcement activities in an effort to continue the recent progress on reducing the presence of COVID-19 in our communities.

Thank you, once again, for your continued efforts to help keep our communities safe and healthy.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Manson-Smith".

Kate Manson-Smith
Deputy Minister, Ministry of Municipal Affairs and Housing

Enclosures: Correspondence from the Ministry of the Solicitor General to all Chiefs of Police dated February 2, 2021 – English version regarding an Amendment under the Emergency Management and Civil Protection Act

Correspondence from the Ministry of the Solicitor General to all Chiefs of Police dated February 9, 2021 – English version regarding the Termination of Declared Emergency and Amendments to Orders under the Emergency Management and Civil Protection Act and Reopening Ontario Act

If a French version is required, please contact
Richard.Stubbings@ontario.ca.

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

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: Amendment under the *Emergency Management and
Civil Protection Act*

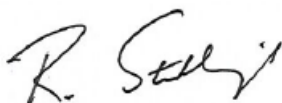
DATE OF ISSUE:	February 2, 2021
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	21-0014
PRIORITY:	High

Please be advised that [O. Reg. 8/21](#) (Enforcement of COVID-19) under the *Emergency Management and Civil Protection Act* has been amended, effective February 1, 2021.

This amendment allows a police officer or other provincial offences officer to require an individual to provide the officer with their correct name, date of birth and address if the officer has reasonable and probable grounds to believe that the individual has committed an offence under subsection 100 (1) of the *Health Protection and Promotion Act* (HPPA) for failing to comply with an order made in respect of COVID-19 under section 22 of that Act, so that provincial offences officers have the necessary information to issue tickets or lay charges under the HPPA.

Thank you again for your support as we work to address this public health emergency together.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division

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

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Termination of Declared Emergency and Amendments
to Orders under the *Emergency Management and Civil
Protection Act* and *Reopening Ontario Act***

DATE OF ISSUE:	February 9, 2021
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	21-0018
PRIORITY:	High

I am writing to advise of updates related to orders under the *Emergency Management and Civil Protection Act* (EMCPA) and the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA).

Termination of Declared Emergency and Extension of Orders

The provincial emergency that was declared on January 12, 2021 under s. 7.0.1 of the EMCPA will expire at 11:59 p.m. on February 9, 2021.

Orders made under the EMCPA can continue in effect after the declared emergency has terminated. Orders can be further extended for up to 14 days at a time but cannot be amended.

All of the [orders](#) currently in effect under the EMCPA will remain in effect until the date noted below, unless they are revoked or extended further by that date:

O. Reg 8/21	Enforcement of COVID-19 Measures	February 23, 2021
O. Reg 11/21	Stay-at-Home Order	February 23, 2021
O. Reg 13/21	Residential Evictions	February 23, 2021
O. Reg 55/21 *	Compliance Orders for Retirement Homes	February 19, 2021

* Note that O Reg 55/21 was made on February 5, 2021 and allows the Registrar under the *Retirement Homes Act, 2010* to issue certain orders to licensees of retirement homes to respond to the risk of COVID-19.

Amendments to [O. Reg. 11/21 \(Stay-At-Home Order\)](#) and [O. Reg. 13/21 \(Residential Evictions\)](#) under the EMCPA

Effective February 10, 2021 at 12:01 a.m.:

- O. Reg. 11/21 will only apply to public health units (PHUs) for which a PHU-specific order indicates that O. Reg. 11/21 applies to that PHU.
- O. Reg. 13/21 will only apply where O. Reg. 11/21 applies.

As of February 10, 2021, O. Reg. 11/21 and O. Reg. 13/21 will apply to all Ontario PHUs, with exception to the following three PHUs which will move into the Green Zone of Stage 3:

- Hastings and Prince Edward Counties Health Unit
- Kingston, Frontenac and Lennox and Addington Health Unit
- Renfrew County and District Health Unit

All PHUs not listed above will remain subject to the conditions of O. Reg. 11/21 and O. Reg. 13/21 until they are revoked and assigned to a new zone within the *COVID-19 Response Roadmap: Keeping Ontario Safe and Open Framework* (Framework) through new PHU-specific orders.

- For Toronto, Peel Region and York Region, it is proposed that the Stay-at-Home and Residential Evictions Orders will continue to apply until February 22, 2021.
- For the remaining 28 PHUs, it is proposed that these orders will only continue to apply until February 16, 2021.

Decisions to move PHUs to new zones per the Framework will be made in consultation with local medical officers of health and will be subject to ongoing review of trends in public health indicators and advice of the Chief Medical Officer of Health (CMOH).

[Amendments to O. Reg. 363/20 \(Stages of Reopening\)](#) under the ROA

All PHUs are currently in the Grey Zone under O. Reg. 363/20.

Effective February 10, 2021 at 12:01 a.m., O. Reg. 363/20 will be amended to:

- Move the following three PHU regions into the **Green Zone**.
 - Hastings and Prince Edward Counties Health Unit
 - Kingston, Frontenac and Lennox and Addington Health Unit
 - Renfrew County and District Health Unit

- Divide what is currently the “Grey Zone” into two separate zones:
 - A **Grey (Shutdown) Zone**, in which the requirements that currently apply to all PHUs will continue, subject to the changes described below;
 - All PHUs except the three noted above will be assigned to this zone.
 - A **Grey (Lockdown) Zone**, in which the requirements are similar to the rules that applied to the Grey Zone immediately before December 26, 2020 – they are somewhat less stringent compared to the Shutdown Zone but are still more restrictive than the Red Zone.

The following table outlines zones for public health measures, including refinements to the Grey Zone.

Colour Category	PHU Notes (as of 12:01am, February 10, 2021)
Green – Prevent (Standard Measures)	1. Hastings and Prince Edward Counties Health Unit 2. Kingston, Frontenac and Lennox and Addington Health Unit 3. Renfrew County and District Health Unit
Yellow – Protect (Strengthened Measures)	N/A
Orange – Restrict (Intermediate Measures)	N/A
Red – Control (Stringent Measures)	N/A
Grey – Lockdown (Restrictive Measures like pre-December 26)	N/A
Grey – Shutdown (Continuation of current shutdown measures)	All other PHUs

Amendments to Stage Orders under the ROA

Effective February 10, 2021, at 12:01 a.m., all stage orders will be amended to require individuals to wear face coverings and maintain physical distance when indoors in a business, with limited exceptions, and to wear face coverings when attending an organized public event or gathering permitted under the regulations, if they are within a 2 metre distance of another individual who is not part of their household. All other restrictions to gatherings and organized public events will be maintained.

As noted above, only three PHUs will move into the Green Zone while all others will remain in what is being re-named the Shutdown Zone.

Changes to the rules for the Green Zone, as well as changes to the rules for PHUs who will remain in what will now be called the Shutdown Zone, are summarized below. Changes to other Zones will be communicated separately in future ACMs, once PHUs begin to move back to those Zones.

Changes to Green Zone – [Amendments to O. Reg. 364/20](#) (Rules for Areas in Stage 3)

- The rules previously applicable in the “Green-Prevent” zone will continue to apply subject to the following changes, effective February 10, 2021 at 12:01 a.m.:
 - i. Businesses and organizations are required to screen in compliance with any advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health or other public health official by, among other things:
 - Posting signs at all entrances to the premises, in a location visible to the public, that informs individuals on how to screen themselves for COVID-19 prior to entering the premises; and,
 - Actively screening every person who works at the business or organization before they enter the premises.
 - ii. Businesses and organizations are required to comply with any advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health or other public health official regarding working remotely.
 - iii. Every person in the premises of a business or organization that is open is required to wear a face covering and maintain a physical distance of at least two metres when in the indoor area of the premises, with limited exceptions
 - iv. Every person attending an organized public event or a gathering that is permitted under the Order is required to wear a face covering if they cannot maintain a distance of at least 2 metres from individuals who are not part of their household, with limited exceptions.
 - v. A person responsible for a business is required to ensure that patrons do not line up outside of the business unless they are wearing face coverings and maintaining a distance of at least 2 metres from each other.
 - vi. The person responsible for a business or other place that is open is required to have a safety plan and post it; the person must comply with this requirement within seven days of becoming subject to it.

Changes to Shutdown Zone – [Amendments to O. Reg. 82/20](#) (Rules for Areas in Stage 1)

- Effective February 10, 2021 at 12:01 a.m., O. Reg. 82/20 will be amended to create two distinct zones, the “Shutdown Zone” and the “Grey Zone” (also known as Grey-Lockdown).
- The “Shutdown Zone” rules are the rules that currently apply to all PHUs and will continue to apply to most PHUs, subject to the changes set out below.

- The “Grey (Lockdown) Zone” rules are less restrictive rules that will not immediately apply anywhere in Ontario.
- The following changes will be made to the “Shutdown Zone” rules effective February 10, 2021:
 - i. Any business or organization may operate remotely for the purpose of making goods available for pick-up as well the other purposes for which a business could previously have operated remotely.
 - ii. Businesses and organizations are required to screen in compliance with any advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health or other public health official by, among other things:
 - iii. Posting signs at all entrances to the premises, in a location visible to the public, that informs individuals on how to screen themselves for COVID-19 prior to entering the premises; and,
 - iv. Actively screening every person who works at the business or organization before they enter the premises.
 - v. Every person attending an organized public event or a gathering that is permitted under the Order is required to wear a face covering if they cannot maintain a distance of at least 2 metres from individuals who are not part of their household, with limited exceptions.
 - vi. An amendment has been made to clarify that communal steam rooms, saunas or whirlpools must be closed, along with other indoor recreation facilities, at hotels, motels, lodges, cabins, cottages, resorts and other shared rental accommodation, and at marinas, boating clubs and other organizations that maintain docking facilities for members or patrons.

Ongoing Enforcement Efforts

With respect to enforcement, there are no changes to police or other provincial offences officers’ authorities, including the ability to compel individuals to identify themselves when the officer has reasonable and probable grounds to believe they are not complying with an EMCPA order, ROA order or order under s. 22 of the *Health Protection and Promotion Act* (HPPA) relating to COVID-19. Police and other provincial offences officers may continue to lay charges or issue tickets for non-compliance with orders under the ROA or EMCPA, or HPPA s. 22 orders made by medical officers of health. The ability to enforce s. 22 orders under the HPPA will not affect the ability of police or other provincial officers to lay charges or issue tickets in relation to orders under the ROA or EMCPA as long as they remain in effect.

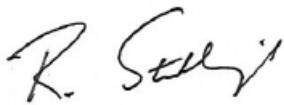
The ministry recognizes that provincewide, police services are continuing to work together with local enforcement partners to implement targeted local campaigns to reinforce the public health requirements under the EMCPA and ROA. Continued close collaboration and communication between enforcement personnel and public health officials will be critical to ensure effective localized responses that correspond with local risk levels, rules and restrictions.

The 1-800 Enforcement Support Line (1-866-389-7638) and dedicated enforcement email address (EssentialWorkplacesSupport.SolGen@ontario.ca) are intended to provide guidance to policing personnel and other enforcement personnel in relation to the enforcement of provincial orders.

The ministry will continue to work with partner enforcement ministries and municipalities to support collaboration and information sharing, including through the dedicated Enforcement 1-800 Line and email resource. We will also continue to analyze the enforcement data that police services provide to us to help inform data-driven decision-making.

As always, thank you for your continued efforts to help keep our communities safe and healthy.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings', with a stylized flourish at the end.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division