

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

**FROM:** Richard Stubbings  
Assistant Deputy Minister  
Public Safety Division

**SUBJECT:** **New COVID Border Testing Orders under the *Quarantine Act***

<b>DATE OF ISSUE:</b>	<b>March 11, 2021</b>
<b>CLASSIFICATION:</b>	<b>General Information</b>
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I am writing to share information provided by the Public Health Agency of Canada (PHAC) about new orders under the *Quarantine Act* (QA) related to land and air border testing and enhanced requirements for travelers.

As the lead agency for this initiative, PHAC has provided information on the new federally-led border regime, and below is a summary of changes that may have bearing on local police services of jurisdiction.

### **Border Measures – Land and Air**

The QA currently restricts entry into Canada and outlines certain conditions for persons entering Canada at border crossings, including requiring individuals returning from travelling abroad to self-isolate for 14 days upon return to Canada, subject to certain exemptions.

The QA also directs travellers entering Canada to comply with a number of pre-arrival and on-arrival requirements, subject to certain exemptions, which came in effect on February 14, 2021 until April 21, 2021 unless further extended. For travellers arriving in Canada via an international flight, this includes a requirement to submit to a COVID-19 test upon arrival and then check in to a government-approved hotel until test results are received (usually within a period of up to 72 hours).

For travellers arriving via a land border crossing, all non-essential travellers five years of age and over will be required to provide:

- Proof of a negative result for COVID-19 molecular test that was performed in the United States on a specimen collected no more than 72 hours before entering Canada

Foreign nationals without a valid test result will be denied entry. Canadians and others with right of entry would be allowed entry but may be subject to fines or directed to a designated quarantine facility.

Travellers entering Canada at the land border will also be required to take a COVID-19 molecular test on arrival (i.e., Day 1) as well as toward the end of their 14-day quarantine (i.e., Day 10). COVID-19 self-swab test kits (two per person) will be distributed at all land ports of entry (POEs), and testing (i.e., observed self-swab collection) will be established at the following Ontario POEs by March 4, 2021:

- Queenston-Lewiston Bridge
- Ambassador Bridge
- Fort Erie (Peace Bridge)
- Windsor-Detroit Tunnel
- Sarnia (Blue Water Bridge)
- Rainbow Bridge
- Lansdowne (Thousand Islands Bridge)

### **Enforcement Approach**

PHAC is implementing a graduated enforcement approach focusing on public education prior to issuing tickets for non-compliance. PHAC-designated Quarantine Officers may provide Ontario police officers with the information required to issue a Part 1 Certificate Offence or Part III Summons, but police officers retain the ability to apply discretion.

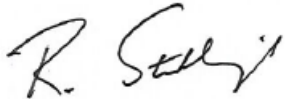
PHAC Officers are expected to be the primary witness and source of grounds for all charges laid under the QA. Enhanced fine amounts are now in effect for breaches of the QA pursuant to the *Contraventions Act*. Please refer to the attached PHAC resource document—developed for enforcement personnel—for additional information related to roles and authorities, as well as short form wordings and set fine amounts.

PHAC Officers may also request a peace officer to arrest without warrant a traveller who is not complying with the provisions of the QA, including for the purpose of bringing the traveller to a designated quarantine facility; however, discretion should still be applied prior to making any arrest, including consideration of clear risks to the safety of the individual or the public. Prior to arresting an individual under the QA, police must consider that government-approved quarantine hotels and designated quarantine facilities are not secure premises, and reliance is placed on the good will of the travellers to respect their legal obligation to remain within the facility.

We will continue to share new information about land and air border restrictions as they evolve. The attached PHAC guidance document provides helpful links to updated information and resources to support enforcement personnel.

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 "R. Stubbings". The signature is fluid and cursive, with the first name "R." and the last name "Stubbings" clearly distinguishable.

Richard Stubbings  
Assistant Deputy Minister  
Public Safety Division

Attachment



## RESOURCE DOCUMENT for PEACE OFFICER ASSISTING under the *QUARANTINE ACT* February 19, 2021

The purpose of this document is to provide information to peace officers about their authorities under the *Quarantine Act* (QA) and its associated Orders, particularly in relation to assisting Quarantine Officers (QO) and Screening Officers (SO) and to assist them in operationalizing enforcement measures.

**[Minimizing the Risk of Exposure to COVID-19 in Canada Order \(Quarantine, Isolation and Other Obligations\)](#), P.C. No 2021-75 IN FORCE FROM FEBRUARY 15, 2021 TO APRIL 21, 2021**

The purpose of the QA is to protect public health by taking comprehensive measures to prevent the introduction and spread of communicable diseases. Coronavirus disease 19 (“COVID-19”) is a “communicable disease” as defined in section 2 of the QA. The Government of Canada has implemented several Emergency Orders under section 58 of the QA in relation to COVID-19.

Information about Canadian travel, quarantine and border measures is available at <https://travel.gc.ca/travel-covid>

Please note that border measures are updated regularly. Please click [here](#) for the most current Orders in Council.

### **Overview of the Current *Quarantine Act* Emergency Order**

The most current QA Emergency Order entitled *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Quarantine, Isolation and Other Obligations)* (QIO), P.C. No. 2021-75, generally requires all persons entering Canada to comply with the obligations in the following table. Please note that this table provides an overview of the obligations and does not account for the exemptions and other details of the QIO. For precise requirements, refer to the QIO itself, which is available [here](#).

Stage	AIR	LAND	Key Dates
Pre-arrival	COVID-19 molecular test 72h prior to <b>departure – in place</b>	COVID-19 molecular test 72h prior to <b>arrival performed in the U.S.</b>	<b>February 14 - land</b>
	Registration and proof of payment at government approved accommodation (requirement/ability to book hotels begins on <b>February 18</b> )	Mandatory submission of information through ArriveCAN	<b>February 21</b>



<b>Day 1 – At-Border</b>	COVID molecular test at border (Day 1)	COVID molecular test kits distributed at all land POEs for Day 1 and for Day 10.	<b>February 21:</b> At-border testing facilitation areas set-up at 5 land POEs and air <b>March 4:</b> At-border testing facilitation areas set-up at additional 11 POEs
<b>Post-arrival</b>	Day 1-3 at <b>Government-authorized accommodation</b> Positive: Transfer to DQF	Days 1-14 at suitable place of quarantine. <ul style="list-style-type: none"><li>If place of quarantine is not suitable, 14 days at DQF</li></ul> <b>Positive</b> for Day 1 test: 14 days of isolation	<b>February 21</b>
	Day 3-14 at <b>suitable place of quarantine</b> - If place of quarantine is not suitable, 14 days at DQF		
	Mandatory 48 hour check-in and daily symptom reporting		
	COVID molecular test on Day 10		
	<b>Positive:</b> additional 14 days of isolation from when results received		
	<b>Additional Measures</b>	<ul style="list-style-type: none"><li>Enhanced requirements for a suitable quarantine plan for non-exempt travellers entering Canada</li><li>In Development - Creation of a national genomic sequencing network to track SARS-CoV variants.</li><li>Increased compliance and enforcement, calls, and door knocks</li></ul>	

## DESIGNATED QUARANTINE FACILITIES (DQFs)

Under section 7 and 8 of the QA, the Minister of Health has the power to designate a place as a quarantine facility in order to protect public health. These locations are known as Designated Quarantine Facilities (DQF). Currently, DQFs are used to house travellers who are potentially infected with SARS-CoV-2, the virus causing COVID-19. There are several such facilities in Canada specifically near the major airports.

A list of DQFs and associated contacts is appended to this document at **ANNEX A**.

DQFs are equipped to house travellers who are potentially infected with SARS-CoV-2.

### They are NOT:

- Open to the public – Individuals are not permitted to enter or leave a DQF without prior authorization from a QO (if a QO is not physically present on site, the authorization to enter or to leave may be given by a QO remotely);



- Set up as correctional facilities – Reliance is placed on the good will of the travellers to respect their legal obligations to remain within;
- Equipped to deal with severe mental health conditions and/or drug addiction - No medical doctors present at these facilities

There are security guards on duty at some DQFs, however the security guards are not authorized to use force.

Police Officers may be called to DQFs in an assistance role under the QA.

## TRANSPORTATION TO A DQF

The Public Health Agency of Canada (PHAC) holds a contract with private transport companies for transporting travellers to DQFs. These services are located near the 4 major airports (i.e., Montreal, Vancouver, Calgary, Toronto) and cover the major land points of entry as well.

## GOVERNMENT-AUTHORIZED ACCOMMODATIONS

Government-authorized Accommodations (GAAs) are accommodation that are approved by the Public Health Agency of Canada, Canadian Forces, Immigration, Refugees and Citizenship Canada, Employment and Social Development Canada, or Agriculture and Agri-Food Canada, including those contracted, operated or organized by provincial governments with agreement from the federal government.

These accommodations serve to house travellers arriving by air in quarantine upon entry into Canada and until such a time that they receive a first negative test result. Only when a traveller receives a negative test result can they pursue the remainder of their quarantine period in another suitable place of their choice. If the traveller receives a positive molecular COVID-19 test, they will be required to continue their quarantine in a DQF. In those situations, a QO will make arrangements for transportation to a DQFs.

For a complete list of GAAs please visit: [www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/latest-travel-health-advice/mandatory-hotel-stay-air-travellers/list-government-authorized-hotels-booking.html](https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/latest-travel-health-advice/mandatory-hotel-stay-air-travellers/list-government-authorized-hotels-booking.html)

## AUTHORITIES

### Role and Authorities of Screening and Quarantine Officers under the *Quarantine Act*

In accordance with section 2 of the *Quarantine Act*, an SO means a person designated as an SO under subsection 5(1) or an officer within the meaning of subsection 2(1) of the *Customs Act*. Depending on their role, SOs may be trained health care professionals; they conduct screening and/or compliance verification activities of travellers to Canada based on criteria developed by PHAC. SOs include employees of PHAC, 3<sup>rd</sup> party contractors hire by PHAC, CBSA Border Services Officer and RCMP officers.



In accordance with the QA, a QO means a person designated by the Minister under subsection 5(2). QOs are medical or other qualified health care practitioners (or classes of such persons); they conduct health assessments and determine whether a traveller has a suitable place to quarantine or isolate.

Some of the powers that QOs and SOs have to enforce the QA and QIO Order include:

- Compel travellers to answer their relevant questions or provide information (s.15(1) of the QA and s. 2(a) of the QIO Order);
- Order travellers to comply with a reasonable measure for the purpose of preventing the introduction and spread of a communicable disease (s.15(3) of the QA);
- Request that a peace officer arrest and bring to a QO any traveller who refused to be isolated or refuses to comply with an order under s. 15(3) (s.18 of the QA);
- For SOs and QOs who are employees of PHAC or RCMP, issue tickets for violations of the QA pursuant to the *Contraventions Act*;
- Provide instructions about how a person must quarantine (s. 3 of the QIO) or isolate (s. 9 of the QIO) themselves; and,
- Direct a person to board a means of transportation (s. 4(2)(a) or s. 10(2)(a)) and enter into a quarantine facility (s.4(2)(b)(i) or s. 10(2)(a)(i) of the QIO) if the person is considered unable to quarantine or isolate themselves.

QOs, specifically, also have the power to detain a traveller who has refused to undergo a health assessment, has refused to undergo a medical examination, has failed to comply with an order to undergo a treatment or measure, has been arrested pursuant to s. 27 or s.18 of the QA, or the QO believes that they might have communicable disease (or have come into contact with a person who might have a communicable disease) and they are capable of infecting people.

#### **Definition of “Peace Officer” under the *Quarantine Act***

Section 2 of the QA defines “peace officer” for the purposes of specific actions under the QA as: “a person referred to in paragraphs (c) and (g) of the definition of *peace officer* in section 2 of the *Criminal Code*.”

- Paragraph (c): a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process
- Paragraph (g) refers to certain officers and non-commissioned members of the Canadian Forces

Provincially appointed police officers (including municipal forces and indigenous police services) and RCMP members fall within paragraph (c) of the definition of peace officer in section 2 of the *Criminal Code*.

#### **Authorities of Police Officers under the *Quarantine Act* and Emergency Orders**

The provisions in the QA with regards to peace officers are generally aimed at peace officers acting in an assistance role, based on a request from an SO or a QO.

Subsection 15(3) of the QA provides that travellers are to comply with reasonable measures ordered by SOs or QOs. Section 18 provides that a peace officer may, at the request of a screening or quarantine officer, arrest without a warrant a traveller who is not complying with a measure under 15(3).



Additionally, subsection 28(1) of the QA outlines the situations in which a QO may detain a traveller. Subsection 28(2) provides authority for a peace officer to arrest a traveller without a warrant and bring them to a QO.

Section 52 of the QA provides that a “peace officer shall provide any assistance that an officer acting under this Act may request for the purpose of administering or enforcing this Act”.

Lastly, subsection 2 of the QIO provides peace officers with the authority to compel travellers to answer their relevant questions or provide information.

These peace officer authorities under the QA and QIO are applicable to provincially appointed police officers (which include officers who are part of provincial forces, municipal forces, and Indigenous police services) and RCMP members, without the need for any additional designation under the QA.

For a full list of authorities including the relevant sections of the QA please refer to **ANNEX B**.

### **Authorities of Peace Officers to Bring a Traveller to a Designated Quarantine Facility (DQF)**

The arrest without warrant provisions in sections 18 and subsection 28(2) could be used by peace officers, at the request of an SO or QO (as the case may be), to bring a traveller to a QO at a DQF. This situation may arise if, for example, a QO orders a traveller to quarantine in a DQF under subsection 15(3) of the QA, and the traveller refuses to comply with that order, thus the QO requests a peace officer to arrest the traveller and bring him/her to a QO at a DQF.

The QA does not explicitly refer to bringing travellers to a DQF. However, section 65 of the QA reflects that there are QOs at DQFs in order to control entry and exit into such facilities, and as such, peace officers are authorized to bring travellers to a QO at a DQF pursuant to sections 18 and subsection 28(2). Prior arrangements must be made in order to do so.

An SO or QO may also request the general assistance of a peace officer under section 52 of the QA, for example, to provide a police presence or police escort when someone is being transported by PHAC to a DQF or when being asked to proceed to a GAA.

As per section 10(a) and (b) of the *Canadian Charter of Rights and Freedoms*, everyone has the right on arrest or detention to be informed promptly of the reasons therefor and to retain and instruct counsel without delay.

Where a traveller is being directed to a DQF they must be informed of the reason why they are being sent to the DQF and their right to retain counsel, and explain when this will happen in accordance with instructions. The same can be done for GAAs.

## **ENFORCEMENT**

### **Enforcement Authorities for the *Quarantine Act***

In general, provincially appointed peace officers (which include officers who are part of provincial forces, municipal forces, and Indigenous police services) have jurisdiction to enforce any federal statute unless there is something within the statute itself limiting enforcement authority. There is no such limit in the *Quarantine Act*.





Based on the above, the QA generally can be enforced by any peace officer. It should be noted, however, that certain provincially appointed officers may have limited authorities as a result of their specific enacting legislation, or as a matter of internal policy.

**As per subsection 495(1)(b) of the *Criminal Code*, a peace officer could arrest without a warrant a person they find committing an offence under the QA and consider laying charges. This overall enforcement authority includes the charging and prosecution of offences under the QA as part of the exercise of ordinary peace officer powers. These actions do not require a request for assistance from PHAC officials, nor do they require any particular designation under the QA.** Peace officers have the ability to lay any QA related charges, by utilizing their common forms and procedures they would use for enforcing other statutes (e.g, Appearance Notice, Summons, Undertaking).

The peace officer should take the totality of the situation into account before deciding whether to arrest or charge. The peace officer's course-of-action may be based on direction from their provincial or territorial department of justice in relation to the procedures that the police are to follow within their jurisdiction. Peace officers maintain their discretion and independence while carrying out their core law enforcement functions.

#### **Offences under the *Quarantine Act***

**ANNEX B** contains a full list of the offences and punishments outlined in the QA.

Some of the key offences relevant to this document include:

- failing to comply with a reasonable measures ordered by an SO or QO;
- entering and leaving a DQF without the authorization of a QO;
- obstructing a QO, an SO, or an environmental health officer;
- failing to comply with obligations imposed under an Order made pursuant to the QA; and
- continuing offence provision providing the possibility for a person to be convicted for a separate offence each day on which it is continued.

Depending on the facts, a peace officer could decide to arrest without a warrant a person they find committing an offence under the QA (paragraph 495(1)(b), *Criminal Code*) and consider laying charges against them.

Of note, section 71 of the QA contains an offence for contravening section 58, which is the provision that permits the Governor in Council (GIC) to make emergency orders prohibiting or subjecting to any condition the entry into Canada of any class of persons who have been in a foreign country or a specified part of a foreign country if the GIC is of the opinion that set conditions have been met.

#### **Enforcement Using the *Contraventions Act***

The [Regulations Amending the \*Contraventions Regulations \(Quarantine Act\)\*](#) came into force on April 11, 2020. These amendments led to the designation as contraventions of offences under the QA to provide enforcement authorities with an additional tool (i.e., issuance of contraventions tickets) to address non-compliance with the QA and its Emergency Orders.

On February 14<sup>th</sup>, [additional amendments to the \*Contraventions Regulations\*](#) were made involving the designation of subsection 34(2) as a contravention and the increasing of the fine amounts of the existing contraventions.



The ticketing regime established by the *Contraventions Act*, known as the Contraventions Regime, provides another option for enforcing certain federal offences of a regulatory nature as the offender can choose to plead guilty and pay a fine without having to appear in court. Enforcement authorities in those provinces which have adopted the *Contraventions Act* regime, have the option of using the ticketing regime or proceeding under the *Criminal Code*, depending on the seriousness of the conduct.

Section 2 of the *Contraventions Act* defines “enforcement authority” as follows:

- a) **any police officer or constable, including a special or auxiliary constable**, [emphasis added]
- b) the minister responsible for administering the enactment creating the contravention,
- c) any person, or member of a class of persons, designated by the minister responsible for administering the enactment creating the contravention, or
- d) the corporation or other body that made or is responsible for administering the enactment creating the contravention;

RCMP members and provincially appointed peace officers, including officers of municipal and Indigenous police services, may issue tickets under the *Contraventions Act*. There is no need for any particular designation under the *Quarantine Act*.

NOTE: The *Contraventions Act* ticketing regime is not available in the following provinces and territories:

- Alberta;
- Saskatchewan;
- Nunavut;
- Northwest Territories; and
- Yukon.

In these jurisdictions, charges may be laid under the *Criminal Code* or under the appropriate provincial legislation.

**ANNEX C** contains the fines that are available under the *Contravention Regulations* pertaining to the *Quarantine Act*.

If the officer chooses to lay charges, under the *Contraventions Act*, they will use the current established process within their provincial jurisdiction. In most provinces, this will be accomplished by use the same form (ie. ticket book) that would be used for general provincial violations. (Note: in BC officers must use a Federal Violation Ticket Booklets ‘F’ marking at the top).

To obtain contraventions tickets booklets, please contact your respective provincial contacts.

### **Prosecution of *Quarantine Act* Offences**

There is concurrent jurisdiction between federal and provincial Crowns based on the definition of “Attorney General” in section 2 of the *Criminal Code* to prosecute QA offences.

The prosecution will likely be conducted by the:

- Public Prosecution Service of Canada (PPSC) - if the QA offence is the only charge
- Provincial prosecution service - if other charges arise out of the same incident such as an offence under the *Criminal Code* (e.g. resist arrest or assault).



If the offence is dealt with by way of a ticket under the *Contraventions Act* :

- in Ontario and Quebec - the tickets are administered by the province and contestation tickets cases specifically involve provincial prosecutors;
- in other jurisdictions where the contraventions regime is implemented - the tickets are administered by the province however the contestation tickets cases involve PPSC's prosecutors who deal with the trial following the same process as a charge initiated by an information.

These arrangements are based on the agreements made with the provinces under the *Contraventions Act*.

### **Police Discretion and Independence**

Despite the unique and unprecedented nature of the COVID-19 pandemic, the rule of law and the fundamental principles of police independence and discretion are not altered. Those principles still apply as per well-established rules. In short:

- When enforcing the law, peace officers maintain discretion which, while not absolute, allows them to determine if and how they will enforce the law (ability to adapt enforcement actions to the individual circumstances);
- Peace officers are independent of the government, i.e. free of political or executive direction or influence, when carrying out their core law enforcement functions.

When fulfilling their core law enforcement duties and exercising their powers, peace officers remain answerable to the law, which they are required to respect and uphold at all times.

### **DIPLOMATIC IMMUNITY / CONSULAR CONSIDERATIONS**

Foreign nationals and diplomatic agents may have additional rights and considerations. Responding officers will need to provide these foreign nationals with the appropriate notice.

### **CONTACTS**

#### **Public Health Agency of Canada's Compliance and Enforcement**

Email: [phac.isolation-isolement.aspc@canada.ca](mailto:phac.isolation-isolement.aspc@canada.ca)

Tel.: 1-833-995-2339

### **REFERENCES**

*Quarantine Act*: <https://laws-lois.justice.gc.ca/PDF/Q-1.1.pdf>

Minimizing the Risk of Exposure to COVID-19 in Canada Orders:

<https://www.canada.ca/en/public-health/corporate/mandate/about-agency/acts-regulations/list-acts-regulations.html>

Contravention Regulations, Schedule XVI: <https://laws.justice.gc.ca/eng/regulations/sor-96-313/page-24.html#h-1244468>



## ANNEX A – Designated Quarantine Facilities

**DISCLAIMER:** This information is for peace officer awareness only. It is NOT to be shared or made public. Designations can be issued or revoked at any time.

Designated Federal Quarantine Sites - As of February 5, 2021		
Name of Hotel	Address	Regional Contacts
Montreal - SHERATON MONTREAL AIRPORT HOTEL	555 Boulevard McMillan, Montréal, QC H9P 1B7	Lise Pelletier <a href="mailto:Lise.pelletier@canada.ca">Lise.pelletier@canada.ca</a>
Toronto - Radisson Suite Hotel Toronto Airport - Sunray Group of Hotel	640 Dixon Rd, Etobicoke, ON M9W 1J1	Henry Koo <a href="mailto:henry.koo@canada.ca">henry.koo@canada.ca</a>
Toronto /Concord - Four Points by Sheraton in Vaughan- Sunray Group of Hotel	3400 Steeles Avenue West, Vaughan, ON L4K 1A2	Henry Koo <a href="mailto:henry.koo@canada.ca">henry.koo@canada.ca</a>
Hilton Toronto Airport Hotel & Suites	5875 Airport Rd, Mississauga, ON L4V 1C8	Henry Koo <a href="mailto:henry.koo@canada.ca">henry.koo@canada.ca</a>
Vancouver - Pacific Gateway Hotel at Vancouver Airport	3500 Cessna Dr, Richmond, BC V7B 1C7	Michael Spowart <a href="mailto:michael.spowart@canada.ca">michael.spowart@canada.ca</a>  Secondary Contact Amal Remu <a href="mailto:amal.remu@canada.ca">amal.remu@canada.ca</a>
Vancouver - Accent Inn Vancouver Airport	10551 St. Edwards Drive, Richmond, BC V6X 3L8	Michael Spowart <a href="mailto:michael.spowart@canada.ca">michael.spowart@canada.ca</a>  Secondary Contact Amal Remu <a href="mailto:amal.remu@canada.ca">amal.remu@canada.ca</a>
Kelowna - Accent Inn in Okanagan	1140 Harvey Ave, Kelowna, BC V1Y 6E7	Michael Spowart <a href="mailto:michael.spowart@canada.ca">michael.spowart@canada.ca</a>  Secondary Contact Amal Remu <a href="mailto:amal.remu@canada.ca">amal.remu@canada.ca</a>
Calgary - Westin Calgary Airport	671 Aero Drive NE Aero Drive NE &, Aero Cres NE, Calgary, AB T2E 7Y5	Michael Spowart <a href="mailto:michael.spowart@canada.ca">michael.spowart@canada.ca</a>  Secondary Contact Amal Remu <a href="mailto:amal.remu@canada.ca">amal.remu@canada.ca</a>



Regina - Atlas Hotel	4177 Albert St, Regina, SK S4S 3R6	Dina Juras <a href="mailto:dina.juras@canada.ca">dina.juras@canada.ca</a>
St. John's - Comfort Hotel Airport	106 Airport Rd, St. John's, NL A1A 4Y3	William McGillivray <a href="mailto:william.mcgillivray@canada.ca">william.mcgillivray@canada.ca</a>
Halifax - Quality Inn Halifax Airport Hotel	60 Sky Blvd, Halifax, NS B2T 1K3	William McGillivray <a href="mailto:william.mcgillivray@canada.ca">william.mcgillivray@canada.ca</a>
Fredericton - Quality Inn & Suites, Amsterdam	559 Bishop Dr, Fredericton, NB E3C 2M6	William McGillivray <a href="mailto:william.mcgillivray@canada.ca">william.mcgillivray@canada.ca</a>
<b>Territorial Site NOT Designated</b>		
Coast High Country Inn	4051 4 Ave, Whitehorse, YT Y1A 1H1	Frances Rubio <a href="mailto:frances.rubio2@canada.ca">frances.rubio2@canada.ca</a>



## ANNEX B - Overview of Peace Officer Authorities and Offences under the *Quarantine Act*

Subsection 15(3) of the QA provides that travellers are to comply with reasonable measures ordered by screening or quarantine officers.

15 (3) Every traveller shall comply with any reasonable measure ordered by a screening officer or quarantine officer for the purpose of preventing the introduction and spread of a communicable disease.

15 (3) Le voyageur est tenu de se conformer à toute mesure raisonnable ordonnée par l'agent de contrôle ou l'agent de quarantaine en vue de prévenir l'introduction et la propagation d'une maladie transmissible.

Section 18 provides that a peace officer may, at the request of a screening or quarantine officer, arrest without a warrant a traveller who is not complying with a measure under 15(3).

18 A peace officer may, at the request of a screening officer or quarantine officer, arrest without a warrant and bring to a quarantine officer any traveller who the peace officer has reasonable grounds to believe has refused to be isolated or refuses to comply with a measure under subsection 15(3).

18 L'agent de la paix peut, à la demande de l'agent de contrôle ou de l'agent de quarantaine, arrêter sans mandat et amener devant l'agent de quarantaine le voyageur dont il a des motifs raisonnables de croire qu'il a refusé d'être isolé ou de se conformer à une mesure ordonnée au titre du paragraphe 15(3).

Additionally, subsection 28(1) of the QA outlines the situations in which a quarantine officer may detain a traveller.

28 (1) A quarantine officer may detain any traveller who

- (a) has refused to be disinfested or to undergo a health assessment;
- (b) has been required to undergo a medical examination under subsection 22(1);
- (c) has failed to comply with an order made under section 26;
- (d) the quarantine officer has reasonable grounds to believe
  - (i) has or might have a communicable disease or is infested with vectors, or has recently been in close proximity to a person who has or might have a communicable disease or is infested with vectors, and
  - (ii) is capable of infecting other people;
- (e) has been arrested under section 27; or
- (f) has been arrested without a warrant under section 18.

28 (1) L'agent de quarantaine peut détenir tout voyageur, selon le cas :

- a) qui a refusé de subir un contrôle médical ou de se faire désinfester;
- b) qui a reçu l'ordre de subir un examen médical au titre du paragraphe 22(1);
- c) qui ne s'est pas conformé à l'ordre donné en vertu de l'article 26;
- d) dont il a des motifs raisonnables de croire qu'il est ou pourrait être atteint d'une maladie transmissible, qu'il est infesté de vecteurs ou qu'il a récemment été en contact avec une personne qui est ou pourrait être atteinte d'une telle maladie ou qui est infestée de vecteurs et qu'il peut infecter d'autres personnes;
- e) qui a été arrêté en vertu de l'article 27;
- f) qui a été arrêté sans mandat en vertu de l'article 18.

Subsection 28(2) provides for the possibility of arrest without a warrant to bring a traveller to a quarantine officer.

(2) A peace officer may, at the request of a quarantine officer, arrest without a warrant and bring to the

(2) L'agent de la paix peut, à la demande de l'agent de quarantaine, arrêter sans mandat le voyageur visé au



quarantine officer any traveller referred to in subsection (1) who resists detention.

paragraphe (1) qui résiste à sa détention et l'amener devant l'agent de quarantaine.

Subsection 2(a) of the QIO Order allows peace officer to compel relevant information.

2 Every person who enters Canada must, during the 14-day period that begins on the day on which they enter Canada or begins again under subsection 3(2) or 4(4),

(a) answer any relevant questions asked by a screening officer, a quarantine officer, a peace officer or a public health official designated under section 2.1, or asked on behalf of the Chief Public Health Officer, for the purposes of the administration of this Order;

2 Toute personne qui entre au Canada est tenue, pendant la période de quatorze jours qui commence le jour de son entrée au Canada ou qui recommence aux termes des paragraphes 3(2) ou 4(4), à la fois :

a) de répondre aux questions pertinentes posées soit par l'agent de contrôle, l'agent de quarantaine, l'agent de la paix ou le responsable de la santé publique désigné en vertu de l'article 2.1, soit au nom de l'administrateur en chef, aux fins d'application du présent décret;

### **Offences and Punishment under the *Quarantine Act***

#### **Entering quarantine facility**

65 (1) No person shall enter a quarantine facility without the authorization of a quarantine officer.

#### **Leaving quarantine facility**

(2) No person shall leave a quarantine facility without the authorization of a quarantine officer.

#### **Interdiction de pénétrer dans l'installation de quarantaine**

65 (1) Il est interdit de pénétrer dans une installation de quarantaine sans y être autorisé par un agent de quarantaine.

#### **Interdiction de quitter l'installation de quarantaine**

(2) Il est interdit à quiconque se trouve dans une installation de quarantaine de la quitter sans y être autorisé par un agent de quarantaine.

#### **Obstruction of officer**

66 No person shall hinder or wilfully obstruct a quarantine officer, a screening officer or an environmental health officer who is carrying out their duties or functions under this Act, or make a false or misleading statement, either orally or in writing, to the officer.

#### **Entrave**

66 Il est interdit d'entraver volontairement l'action de l'agent de contrôle, de l'agent de quarantaine ou de l'agent d'hygiène du milieu dans l'exercice de ses fonctions sous le régime de la présente loi ou de lui faire, oralement ou par écrit, une déclaration fausse ou trompeuse.

#### **Offence committed intentionally**

67 (1) Every person is guilty of an offence if they cause a risk of imminent death or serious bodily harm to another person while wilfully or recklessly contravening this Act or the regulations.

#### **Acte commis intentionnellement ou par insouciance**

67 (1) Commet une infraction quiconque, en contrevenant intentionnellement ou par insouciance à la présente loi ou aux règlements, expose autrui à un danger imminent de mort ou de blessures graves.

#### **Punishment**

(2) Every person who commits an offence under subsection (1) is liable

#### **Peine**

(2) Quiconque commet l'infraction prévue au paragraphe (1) encourt, sur déclaration de culpabilité:





(a) on conviction on indictment, to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than three years, or to both; and

(b) on summary conviction, to a fine of not more than \$300,000 or to imprisonment for a term of not more than six months, or to both.

a) par mise en accusation, une amende maximale de 1 000 000 \$ et un emprisonnement maximal de trois ans, ou l'une de ces peines;

b) par procédure sommaire, une amende maximale de 300 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

#### **Failure to comply**

68 Every person who fails to comply with an obligation imposed under subsection 15(3) or 25(1) or section 26 is guilty of an offence and liable on summary conviction to a fine of not more than \$200,000 or to imprisonment for a term of not more than six months, or to both.

#### **Manquement à une obligation**

68 Quiconque manque à toute obligation prévue par les paragraphes 15(3) ou 25(1) ou l'article 26 commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 200 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

#### **Failure to comply**

69 Every person who fails to comply with an obligation imposed under section 35, subsection 39(1) or 44(3) or section 51 is guilty of an offence and liable on summary conviction to a fine of not more than \$750,000 or to imprisonment for a term of not more than six months, or to both.

#### **Manquement à une obligation**

69 Quiconque manque à toute obligation prévue par l'article 35, les paragraphes 39(1) ou 44(3) ou l'article 51 commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 750 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

#### **Contravention**

70 Every person who contravenes section 12 or 13, subsection 15(1) or section 65 is guilty of an offence and liable on summary conviction to a fine of not more than \$200,000 or to imprisonment for a term of not more than six months, or to both.

#### **Manquement à une obligation**

70 Quiconque contrevient aux articles 12 ou 13, au paragraphe 15(1) ou à l'article 65 commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 200 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

#### **Contravention**

71 Every person who contravenes subsection 6(2), 8(1) or 34(2) or (3), section 36 or 38, subsection 42(1), section 45 or 50, subsection 54(3), section 58 or 59 or subsection 73(2) or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$750,000 or to imprisonment for a term of not more than six months, or to both.

#### **Manquement à une obligation**

71 Quiconque contrevient aux paragraphes 6(2), 8(1) ou 34(2) ou (3), aux articles 36 ou 38, au paragraphe 42(1), aux articles 45 ou 50, au paragraphe 54(3), aux articles 58 ou 59, au paragraphe 73(2) ou aux règlements commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 750 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

#### **Contravention**

#### **Manquement à une obligation**





72 Every person who contravenes subsection 15(2) or section 66 is guilty of an offence and liable

(a) on conviction on indictment, to a fine of not more than \$500,000 or to imprisonment for a term of not more than three years, or to both; or

(b) on summary conviction, to a fine of not more than \$200,000 or to imprisonment for a term of not more than six months, or to both.

### **Continuing offence**

75 If an offence under this Act is continued on more than one day, the person who committed it is liable to be convicted for a separate offence for each day on which it is continued.

72 Quiconque contrevient au paragraphe 15(2) ou à l'article 66 commet une infraction et encourt, sur déclaration de culpabilité :

a) par mise en accusation, une amende maximale de 500 000 \$ et un emprisonnement maximal de trois ans, ou l'une de ces peines;

b) par procédure sommaire, une amende maximale de 200 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

### **Infraction Continue**

75 Il est compté une infraction distincte pour chacun des jours au cours desquels se commet ou se continue une infraction à la présente loi.



## ANNEX C – *Contraventions Regulations* Schedule XVI

<i>Quarantine Act</i> provision	Description	PREVIOUS fine amount	NEW Fine amount as of February 15
12	Failure to present oneself to a screening officer at the nearest entry point	\$275	\$825
15(1)	Failure to answer a relevant question asked by a screening officer or quarantine officer or to provide the officer with any required information or record	\$275	\$825
15(2)	Failure to disclose specified information concerning a listed communicable disease or vectors	\$275	\$825
15(3)	Failure to comply with a reasonable measure ordered by a screening officer or quarantine office	\$500	\$1500
25(1)	Failure to comply with an order to report to a public health authority	\$275	\$825
26	Failure to comply with an order regarding a treatment or a measure for preventing the introduction and spread of a communicable disease	\$750	\$3000
34(2)	a) Failure to inform a quarantine officer before arrival that any person, cargo or thing on board the conveyance could cause the spreading of a communicable disease (b) Failure to inform a quarantine officer before arrival that a person on board the conveyance has died (c) Failure to inform a quarantine officer before arrival that any prescribed circumstances exist	N/A	\$5000
58	Failure to comply with an order prohibiting or subjecting to any condition the entry into Canada	\$1000	\$3000
65(1)	Enter a quarantine facility without authorization	\$275	\$825
65(2)	Leave a quarantine facility without authorization	\$750	\$3000
66	(a) Hinder or wilfully obstruct a quarantine officer, screening officer or environmental health officer	\$500	\$1500
66	(b) Make a false or misleading statement to a quarantine officer, screening officer or environmental health officer	\$275	\$825

\* Maximum fine amount for a young person between the ages of 1-17 is \$100.



## ANNEX D - Enforcement Measures Scenarios

Travellers entering Canada by air and land are subject to a number of pre-arrival, on-arrival and post-arrival requirements. The level of enforcement measure applied by PHAC quarantine officer and the peace officers will be dependent on the assessment of the risk considerations for the travellers as well as the level of compliance to the various requirements.

### **Risk Considerations for all Travellers**

1. Confirmation that the traveller is subject to the Order
  - Is the person is subject to the Order?
  - Are they exempt from certain requirements?
  - What date did they enter Canada?
2. Level of risk of propagation
  - Does the person have COVID-19 symptoms? Did they test positive for COVID-19?
  - Did they come back from a country where the SARS-CoV-2 variant is circulating?
  - Are they conducting high-risk activities (e.g., are they outside, not wearing mask, not physical distancing)?
3. Place of isolation
  - What is the feasibility of respecting the isolation order?
  - Can the person avoid interaction with vulnerable people at the place of isolation? (2-metre distance between people at the residence)
  - Do they have access to the necessities of life (medication, food, cleaning supplies)?
4. Likelihood that the person will comply
  - What is their behaviour and attitude?
  - Does the person clearly understand the obligations?
  - Do they need professional help? (e.g., addictions, mental health etc.)
5. Re-occurring offences
  - Has the person contravened the Order in the past?
  - What is the likelihood that the enforcement measure applied will stop individuals from further violations?
6. Other
  - Is the person a minor?
  - Is the person accompanied by minors?

### **Scenarios**

The following scenarios provide some examples of potential non-compliant behaviour by travellers ranging from not completing pre-departure/on arrival requirements to non-compliance for stays at Government Approved Accommodation (GAA) and Designated Quarantine Facility (DQF). However, as all situations are unique, the appropriate enforcement measures utilized would be determined by the



PHAC Quarantine Officer, and the peace officer based on their own risk assessment so these scenarios are just for illustrative purposes. The risk-based approach to enforcement balances the increasing severity of risk or harm (those being symptomatic posing the great risk) with the likelihood of compliance by the traveller. Please refer to the Enforcement Continuum below.

It is recommended peace officers consider using these scenarios for tabletop exercises that may include prosecutors and legal services.

### Scenario 1: Non-compliance with pre-board/pre-arrival requirements

#### Description

**As of February 15, 2021, under the new OIC, all travellers (unless exempted) are required to complete the following prior to arrival:**

- A negative COVID-19 molecular test within 72 hours

**As of February 22, 2021, under the new OIC, all travellers (unless exempted) are required to complete the following prior to arrival:**

- Downloaded and complete their information using the ArriveCAN app
- Pre-booked stay at a Government Approved Accommodation (GAA) (for air travel only)

#### Traveller Risk Profile

- Health status: Symptomatic/Asymptomatic and/or COVID status
- Suitability of quarantine plan
- Exhibits non-compliant behaviour (e.g. not wearing a face covering, not using ArriveCAN app)
- On-ward travel: Does the traveller need to use a public conveyance to get to their suitable place of quarantine

#### Enforcement Measures Analysis

Non-Compliant Behaviour	Risk Assessment (Low/Medium/High)	PHAC Enforcement Options	Police Enforcement Options	Considerations (Examples)
No pre-departure test	Low	- Education - Issue ticket	- Education - Issue ticket*	- Compliance with testing on arrival, hotel and quarantine plan - asymptomatic
ArriveCan not used	Low	- Education - Issue ticket	- Education - Issue ticket*	- Compliance with pre-departure testing, hotel and quarantine plan - asymptomatic.



No pre-booked hotel	Low	- Education - Issue ticket	- Education - Issue ticket*	- Compliance with DQF - asymptomatic
Any combination of the above scenarios	Medium	- Education - Issue ticket(s) depending on number of non compliant behaviours	- Education - Issue ticket* depending on number of non compliant behaviours	- Asymptomatic and - has reasonable quarantine plan.
Any combination of the above scenarios and <b>symptomatic</b>	High	- Education - Issue ticket(s) depending on number of non compliant behaviours - Escort to DQF	- Education - Issue ticket* - Escort to DQF/ arrest	- Higher risk as symptomatic - Assess risk of non-compliance.

\*See ANNEX C

## Scenario 2: Non-compliance with on-arrival requirements

### Description

**As of February 15, 2021, under the new OIC, all travellers (unless exempted) are required to complete the following on arrival:**

- Travellers are required to have COVID-19 molecular test on arrival

**As of February 22, 2021, under the new OIC, all travellers (unless exempted) are required to complete the following on arrival:**

- Travellers are required to stay at a GAA for up to 3 days, or until negative test result received (air travel only)
- Travellers are required to stay at DQF if symptomatic during 3-day stay, or if a positive test result received.

### Traveller Risk Profile

- Health status: Symptomatic/Asymptomatic and/or COVID status
- Suitability of quarantine plan
- Exhibits non-compliant behaviour (e.g. not wearing a face covering, not using ArriveCAN app)
- On-ward travel: Does the traveller need to use a public conveyance to get to their suitable place of quarantine

## Enforcement Measures Analysis



Non-Compliant Behaviour	Risk Assessment (Low/Medium/High)	PHAC Enforcement Option	Police Enforcement Options	Considerations (Examples)
Refusal of on-arrival testing	Low	- Education - Issue ticket - Referral to DQF	- Education - Issue ticket* - Escort to DQF	- Compliance with pre-departure testing, hotel and quarantine plan - Asymptomatic
Refusal to stay at GAA	Medium	- Education - Issue ticket - Referral to DQF	- Education - Issue ticket* - Escort to DQF	- Compliance with DQF - Suitable quarantine plan - asymptomatic
Refusal to stay at DQF	Medium	- Education - Issue ticket - Quarantine Order 15 (3) - Detention Order	- Education - Issue ticket* - Arrest without warrant - Escort to DQF (Secure DQF)	- Suitable quarantine plan - Assessment of level of compliance. - asymptomatic
Any combination of the above scenarios	High	- Education - Issue ticket(s) - Quarantine Order 15 (3) - Detention Order	- Education - Issue ticket* - Arrest without warrant - Escort to DQF (Secure DQF)	- Suitable quarantine plan. - Assessment of level of compliance. - asymptomatic
Any combination of above scenarios and <b>symptomatic</b>	High	- Education - Issue ticket(s) - Quarantine Order 15 (3) - Detention Order	- Education - Issue ticket* - Arrest without warrant - Escort to DQF (Secure DQF)	- Suitable quarantine plan - Assess risk of non-compliance.

\*See ANNEX C

### Scenario 3: Non-compliance with GAA stay or DQF Stay

#### Description

As of February 22, 2021, under the new OIC, all travellers (unless exempted) are required to complete the following on arrival:

- Travellers are required to stay at a GAA until negative test result received (air travel only)
- Travellers are required to stay at DQF if symptomatic during GAA stay, or if a positive test result received.



- Travellers are required to stay at DQF if no suitable quarantine plan or other non-compliance issues that would warrant this action

### Traveller Risk Profile

- Health status: Symptomatic/Asymptomatic and/or COVID status
- Suitability of quarantine plan
- Exhibits non-compliant behaviour (e.g. not wearing a face covering, not using ArriveCAN app)
- On-ward travel: Does the traveller need to use a public conveyance to get to their suitable place of quarantine

### Enforcement Measures Analysis

Non-Compliant Behaviour	Risk Assessment (Low/Medium/High)	PHAC Enforcement Options	Police Enforcement Options	Considerations (Examples)
Refusal to stay at GAA on arrival	Medium	- Education - Issue ticket - Referral to DQF	- Education - Issue ticket* - Escort to DQF	- Compliance with DQF - Suitable quarantine plan - asymptomatic
Unauthorized departure from GAA before receiving test result	Medium	- Education - Issue ticket - Detention Order - Referral to DQF	- Education - Issue ticket* - Arrest without warrant - Escort to DQF (Secure DQF)	- Compliance with DQF - Suitable quarantine plan - asymptomatic
Refusal to stay at DQF on arrival	Medium	- Education - Issue ticket - Quarantine Order 15 (3) - Detention Order	- Education - Issue ticket* - Arrest without warrant - Secure DQF	- Suitable quarantine plan - Assessment of level of compliance. - asymptomatic
Unauthorized departure from DQF	Medium	- Education - Issue ticket - Quarantine Order 15 (3) - Detention Order	- Education - Issue ticket* - Arrest without warrant - Secure DQF	- Suitable quarantine plan - Assessment of level of compliance. - asymptomatic
Refusal to go to DQF during or at end of GAA stay if symptomatic and/or positive test result	High	- Education - Issue ticket - Quarantine Order 15 (3) - Detention Order	- Education - Issue ticket* - Arrest without warrant - Secure DQF	- Suitable quarantine plan - Assessment of level of compliance. - asymptomatic



Any combination of the above scenarios including multiple unauthorized departures	High	- Education - Issue ticket(s) - Quarantine Order 15 (3) - Detention Order	- Education - Issue ticket* - Arrest without warrant - Secure DQF	- Suitable Quarantine Plan. - Assessment of level of compliance. - asymptomatic
Any combination of above scenarios and <b>symptomatic</b>	High	- Education - Issue ticket(s) - Quarantine Order 15 (3) - Detention Order	- Education - Issue ticket* - Arrest without warrant - Secure DQF	- Suitable quarantine plan - Assess risk of non-compliance.

\*See ANNEX C

#### Scenario 4: Safety issues at GAA or DQF

##### Description:

- Travellers exhibiting behaviours at GAA or DQF that put travellers/staff/security at risk (e.g not in line with Code of Conduct)
- Trespassers on GAA or DQF property that put other travellers/staff/security at risk

##### Enforcement Measures Analysis

Non-Compliant Behaviour	Risk Assessment (Low/Medium/High)	PHAC Enforcement Options	Police Enforcement Options	Considerations (Examples)
Travellers displaying behaviours that put other travellers/staff security at risk	Medium-High	- Education - Issue ticket(s) - Quarantine Order 15 (3) - Detention Order	Education Issue ticket* Arrest without warrant Secure DQF	- Suitable quarantine plan - Assess risk of non-compliance - Asymptomatic
Travellers displaying behaviours that put other travellers/staff/security at risk and <b>symptomatic</b>	High	- Education - Issue ticket(s) - Quarantine Order 15 (3) - Detention Order	- Education - Issue ticket* - Arrest without warrant - Secure DQF	- Assess risk of non-compliance - Symptomatic
Trespassers displaying behaviours that put travellers/staff/security at risk*	High	- Education (s) - Issue ticket	- Education - Issue ticket* - Arrest without warrant	

\*See ANNEX C





## Enforcement Continuum

