

LIDSTONE & COMPANY

BARRISTERS AND SOLICITORS

BULLETIN

TO: Clients
FROM: Lidstone & Company
DATE: April 3, 2020
RE: COVID-19 - Bylaw Enforcement Guidance

On March 26, 2020, Minister of Public Safety and Solicitor General Mike Farnworth issued Ministerial Order M082 which directed bylaw enforcement officers to assist with enforcement of Provincial public health orders.

The Provincial Government has released a document to provide guidance to bylaw enforcement officers with respect to compliance and enforcement of COVID-19 public health orders (the “Guidance Document”). The Guidance Document does not provide any additional authority or orders but rather provides bylaw enforcement officers with strategies and language to use when interacting with the public regarding public health orders.

The Guidance Document is available online at:

https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/compliance_and_enforcement_guidance_march_31_2020.pdf.

A critical point emphasized in the Guidance Document is that police officers and compliance enforcement officials (including bylaw enforcement officials and licence inspectors) are not authorized to enforce (ticket or detain) with respect to public health orders, but rather are solely asked to provide assistance when called upon by a health officer pursuant to s. 90 of the *Public Health Act*, by providing public education and encouraging voluntary compliance with respect to current and future public health orders.

The public health orders which have been issued over the last three weeks include the existing mass gatherings Order, the Public Health Emergency declared March 17, 2020, the Order to travellers returning to Canada, the Order to food service businesses, and the Orders to personal service

establishments and episodic vending markets. These public health orders are discussed at length in the Guidance Document.

The Guidance Document provides language which can be used by bylaw enforcement officers when providing education to the public in respect to self-isolation orders, operation of businesses pursuant to public health orders (or lack thereof) and orders relating to mass gatherings.

Finally, the Guidance Document sets out the text of Ministerial Order M082, Ministerial Order M093 (which applies only to Provincial compliance officers) and reproduces section 90 of the *Public Health Act* (which addresses assistance which may be requested by health officers from peace officers).

Neither Ministerial Order M082 nor the Guidance Document limit any pre-existing powers or duties of a bylaw enforcement officer regarding new or existing local government COVID-19 bylaws.