

City Enforcement of Provincial Orders and Burlington's COVID-19 Physical Distancing By-law

1. What is the City's By-law Enforcement doing to enforce physical distancing?

The City's By-law Enforcement Officers are assisting Halton Regional Police to enforce the Province's physical distancing orders and requirements by responding to complaints, educating residents and working with Halton Regional Police where police intervention may be warranted. In addition, the City's By-law Enforcement Officers will begin to enforce the physical distancing restrictions established by the City under the Burlington COVID-19 Physical Distancing By-law.

2. What are the Provincial COVID-19 Orders the City will be enforcing?

The Province has issued a number of orders under the Emergency Management and Civil Protection Act which are in effect throughout the province to address the COVID-19 emergency, such as:

- prohibiting events and gatherings of more than five (5) people, other than gatherings of members of a single household;
- closing all non-essential businesses;
- closing specific types of business, such as indoor recreational facilities, private schools, bars and restaurants (other than take-out facilities), theatres and concert venues;
- prohibiting price gouging on necessary goods, such as masks and gloves, nonprescription medications, disinfectants and personal hygiene products; and
- closing all outdoor recreational amenities, such as sports fields and playgrounds.

3. What are the City's COVID-19 physical distancing regulations?

The City has established the Burlington COVID-19 Physical Distancing By-law, which prohibits people from maintaining less than a 2 metre distance from one another while on any public property (other than people they live with).

The City may add further prohibitions as additional information is received and the need for additional regulation is identified.

4. Why did the City establish the Burlington COVID-19 Physical Distancing By-law?

Halton Public Health has confirmed community spread of COVID-19 and is recommending that municipalities spread the message and reinforce the importance of physical distancing (i.e. the separation of people from each other) to help manage and fight the impact of COVID-19.

As a result, the City has established the Burlington COVID-19 Physical Distancing By-law in order to support and reinforce the Province's physical distancing orders through municipal regulation that is consistent with and complements the intent of the physical distancing ordered by the Province and which is recommended by Halton Public Health and health experts throughout the province.

5. What is the authority for the City to establish the Burlington COVID-19 Physical Distancing By-law?

On March 21, 2020 the City declared an emergency under the Emergency Management and Civil Protection Act. The By-law was passed by the City in accordance with the powers granted to municipalities under the Municipal Act, 2001 to protect, among other things, the health and safety of the public.

6. How do the City's physical distancing regulations fit with the Province's physical distancing orders?

The Burlington COVID-19 Physical Distancing By-law is designed and intended to support and reinforce the Province's physical distancing orders and regulation. The regulations established by the City under the By-law are consistent with and complement the intent of the physical distancing regulations ordered by the Province, as well as the recommendations of Halton Public Health and health experts throughout the province. Where the Provincial Orders establish a prohibition or regulation, the Province's Orders will take precedence over any regulation established by the City, and will be applied by the City's By-law Enforcement Officers.

7. What are the fines the public will be facing for violating the Provincial Orders and/or the City's Physical Distancing By-law?

Charges may be laid for violations of the Province's emergency orders in two ways. Police and By-law Enforcement Officers may issue tickets which carry set fines of between \$500 to \$1000 dollars per charge. Alternatively, officers may instead lay a charge by way of a summons in which case the fine and penalties are potentially more severe, ranging from up to \$100,000 for

individuals, \$500,000 for directors or officers of a corporation and up to \$10,000,000 for a corporation that is found violating orders issued by the Province under the Emergency Management and Civil Protection Act. In addition, offenders may be subject to up to one year imprisonment.

With respect to the Burlington COVID-19 Physical Distancing By-law, the City's By-law Enforcement team may issue tickets which will carry a set fine of \$500 or may lay charges by way of a court summons, which carry fines that will be set by a Justice of the Peace ranging from a minimum of \$500 to a maximum of \$100,000. In cases where a person is charged with violating more than one of the physical distancing requirements in the By-law a minimum of \$500 may be applied for each offence with maximum fines that may exceed \$100,000.

In addition, charges may be laid under both the provincial orders and the City's By-law at the same time. For example, where a group of friends are found socializing in a City parking lot, the City's By-law Enforcement may issue a court summons charging each individual for violating the Provincial Order prohibiting congregations of more than 5 persons, together with a by-law ticket or charge for violating the prohibition against maintaining a distance of less than 2 metre distance and a charge for being found in a City parking lot.

8. Can we still walk through the City's parks?

Residents are required to comply with the Provincial Orders and any signs that may be posted on City parks, as well as the requirements of the Burlington COVID-19 Physical Distancing By-law. So what does that mean? Residents may walk through City parks unless there is signage at or in the park identifying the park or specific parts of the park as being closed, provided that residents:

- do NOT use any of the City's outdoor recreational amenities, such as sports fields and playgrounds;
- do NOT congregate in groups of more than 5 people (other than members of the same single household); and
- maintain a distance of at least 2 metres from other people (other than people who reside together).

9. Can I have a gathering in my backyard or on private property?

No, you may not have social gatherings of more than five people at your homes. You can gather in your backyard with your immediate family who live in the same household. We encourage you to practice safe physical distancing to stop the spread of COVID-19 by not engaging in

physical social gathering, and instead use other means of social engagement through telephone and online means.

10. Is it okay to gather in a plaza parking lot with my friends?

No, you may not gather in a plaza parking lot with more than five friends and you must maintain a physical distance of at least 2 metres from other people. People should remain home and practice safe social engagement through telephone and online means.

11. Can businesses be charged for violating the Provinces Orders and the City's By-law?

Yes, businesses and business owners can be charged for violating COVID-19 emergency orders issued by the Province and the City. For example, businesses violating the Provincial Orders requiring closure of non-essential businesses or prohibiting price gouging on essential goods may be charged and subject to fines of up to \$10,000,000, and officers and directors of these businesses may be liable for fines of up to \$500,000 personally.

12. Who do I call to report a possible violation of the Provincial Orders and/or the City's By-law?

Residents who wish to report a potential violation of the Provincial Orders or the City's COVID-19 Physical Distancing By-law should call the Halton Regional Police Service.

For the duration of the pandemic, if a member of the public wishes to report an incident of non-compliance with the emergency orders, they may contact the Halton Regional Police Service COVID-19 Hotline:

905-825-4722

Residents can call the COVID-19 Hotline to report:

- non-essential businesses remaining open
- events and gatherings of more than five people
- establishments remaining open that are prohibited from being in operation under the EMCPA
- individuals using outdoor recreational amenities and parks

A call taker will collect relevant information from the complainant, and when appropriate, a by-law enforcement officer or police officer will be dispatched to follow up.

In addition, with respect to complaints regarding unconscionable pricing or price gouging, residents may also contact the Consumer Protection Ontario Call Centre at 1-800-889-9768 (which operates between 8:30am and 5:00pm), or file complaints online at: <https://www.ontario.ca/page/consumer-protection-ontario>.