

CITY OF VAUGHAN

EXTRACT FROM SPECIAL COUNCIL MEETING MINUTES OF APRIL 8, 2020

Item 1, Report No. 16, of the Special Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 8, 2020.

1. IMPLEMENTATION OF EMERGENCY MEASURES TO EFFECTIVELY MANAGE THE COVID-19 PANDEMIC

The Special Committee of the Whole recommends:

- 1) That the recommendations contained in the following report of the Acting City Manager, dated April 8, 2020, be approved;
- 2) That section 7.0(4) of the COVID Emergency Measures By-law, as provided in Attachment 1 to the report of the Acting City Manager, dated April 8, 2020, be amended to read:

7.0(4) No person shall sell, offer for sale, display for sale or advertise for sale an Essential Item for a price that grossly exceeds the price at which similar goods are available to like consumers;

- 3) That the following be approved in accordance with Communication C2, Memorandum from the Director & Chief Licensing Officer, By-law & Compliance, Licensing & Permit Services, dated April 8, 2020:

That Council amend the by-law in Attachment 1 of the staff report, as follows:

1. Add a provision that states that section 7.0(1) and 7.0(2) do not apply to Primary Responders or Primary Health Care Providers in the course of performing their duties, or any other Person as determined by the Director.

2. Add the following definitions:

“Primary Responder” means an active member of a police, fire or emergency medical service.

“Primary Health Care Provider” means a Person that provides a medical or related support service essential to the health or safety of any individual.

“Gathering” means a gathering of people as prohibited under O.Reg. 52/20, as may be amended from time to time or any supplemental or successor regulation; and

CITY OF VAUGHAN

EXTRACT FROM SPECIAL COUNCIL MEETING MINUTES OF APRIL 8, 2020

Item 1, Sp. CW Report 16 – Page 2

- 4) **That Communication C1 from Ms. Cristy Hynes, dated April 8, 2020, be received.**

Recommendations

1. THAT the COVID Emergency Measures By-law, as provided in Attachment 1 be enacted.
2. THAT Staff be authorized to take any other actions necessary to implement the proposed by-law.

Special Committee of the Whole Report

DATE: Wednesday, April 08, 2020

WARD(S): ALL

**TITLE: IMPLEMENTATION OF EMERGENCY MEASURES TO
EFFECTIVELY MANAGE THE COVID-19 PANDEMIC**

FROM:

Mary Reali, Acting City Manager

ACTION: DECISION

Purpose

To receive approval to enact a temporary emergency measures by-law providing extended authorities to both the Head of Council and City Officials to effectively and expeditiously combat issues relating to the spread of COVID-19.

Report Highlights

- On March 17, 2020 both the Province and the City declared a state of emergency related to the COVID-19 pandemic. Since then the spread of the COVID-19 virus has quickly accelerated, prompting all levels of government to respond by introducing a series of emergency measures intended to combat the spread of COVID-19.
- Staff are recommending that an Emergency Measures By-law be passed. This By-law is intended to grant delegated authority to staff and the head of Council to ensure that strong and timely measures may be implemented as necessary to address the changing nature of the emergency. Such grant of delegated authority will be subject to the restrictions under the *Municipal Act*.
- The proposed by-law also establishes a mechanism for the Head of Council to report to Council when additional powers are exercised.
- The proposed by-law is intended to provide a temporary delegation of authorities to ensure the City can respond quickly and decisively to any developing situation. The by-law shall be repealed upon the emergency itself being terminated, or shortly thereafter.

Recommendations

1. THAT the COVID Emergency Measures By-law, as provided in Attachment 1 be enacted.
2. THAT Staff be authorized to take any other actions necessary to implement the proposed by-law.

Background

On March 11, 2020, the World Health Organization assessed the Novel Coronavirus 19 (“COVID-19”) as a pandemic. The first case in Canada was confirmed on February 20; however, the first presumptive case in Ontario was identified on January 25, 2020. On March 17 both the Province and the City declared an emergency to help contain and combat the spread of COVID-19 in order to protect the public. As of April 8, 2020, there are an estimated 18,000 confirmed cases in Canada.

Over the last two weeks, the Province of Ontario has issued a number of emergency orders under section 7.0.1 of the *Emergency Management and Civil Protection Act* (“*EMCPA*”), including orders to limit certain gatherings of people, require the temporary closure of non-essential businesses and prohibition on accelerated and extreme pricing (“price gouging”) of essential products and necessary goods. At the same time, public health units and public health officials have been promoting the concept of social distancing as an additional measure to mitigate the spread of the disease, while attempting to implement various precautionary measures and best practices for essential business establishments that continue to operate. Despite the measures so far in place there is currently limited evidence of a “flattening of the curve” and limiting the spread of the virus, therefore requiring the City to take unprecedented measures and impose the necessary steps in the interest of the health, safety and wellbeing of the public.

Thus, as the COVID-19 emergency continues at this critical stage, it is more important than ever before for staff to be able to respond quickly and decisively to the evolving situation. To this end staff are proposing a comprehensive temporary emergency measures by-law to provide delegated authority to staff and the to the head of council in accordance with, and pursuant to, the legislative limitations prescribed by the *Municipal Act* and the *EMCPA*.

In preparation of this report, staff from By-law & Compliance, Licensing & Permit Services consulted with the Office of the City Solicitor and the Emergency Management Team, led by Fire Chief.

Previous Reports/Authority

Mayor Maurizio Bevilacqua – Declaration of Emergency Management and Civil Protection Act, R.S.O. 1990, c E.9 s.4.(l) – March 17, 2020

Analysis and Options

Under the *EMCPA*, the Head of Council has authority to declare an emergency and may take such action and make such orders as he or she considers necessary to implement the emergency plan and to protect property and the health, safety and welfare of persons in the municipality. While the *EMCPA* contains provisions which confirm that failing to comply with Provincial orders is an offence, it does not provide the same penalties for failing to comply with an order issued by the Head of Council. As such, to provide fuller force and effect to orders made, and to address gap in the legislation, staff are proposing that the City pass a comprehensive emergency measures by-law under the *EMCPA* and the *Municipal Act*. The *Municipal Act* provides broad powers for a municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; and the protection of persons and property.

In addition to the extended enforcement powers, the proposed COVID-19 Emergency Measures By-Law sets out the following delegated authorities:

City Manager

- Authority to determine essential City services;
- Cancel, reduce or defer any fees, charges or other amounts owed to the City by Persons or businesses, subject to section 106 of the Municipal Act

Director and Chief Licensing Officer

- Enforce Social distancing (i.e. require individuals who are not of the same household to maintain a distance of no less than 2.0m);
- Protect tenants from discontinuance of a vital service by a landlord (e.g. gas, hydro, fuels, and water);
- Place conditions or requirements on any place of business in order to promote requirements/compliance under the *EMCPA* or recommendations from other City officials;
- Limit, regulate or prohibit access to any Public Property (including limiting access on activities that take place within Public Property).

Head of Council

- Exercise statutory powers of Council necessary to address the COVID-19 pandemic. This authority can be exercised where:
 - The authority is necessary and essential to address the situation in a timely manner, and to prevent, reduce or mitigate serious harm to persons;
 - The exercise of authority is required to alleviate harm or damage; and
 - The actions authorized reasonably limit their intrusiveness (in terms of the effect of the order, the temporal limit, and geographic scope within the City).
- An Order made by the Head of Council under this By-law is revoked after 30 days (unless it is revoked sooner, or it is otherwise stated in the Order).
- The Head of Council is also required to prepare a report to Council outlining any Orders made, and Orders will also be posted on the City's website.

The proposed By-law makes it an offence to fail to comply with an Order made by the Head of Council or the Director. The fines and penalties under this By-law fall into two categories: traditional fines, and administrative monetary penalties. This structure grants further flexibility for enforcement personnel to either proceed and take punitive action through the court system, while other by-law infractions may be processed through an administrative penalty. Administrative monetary penalties are civil in nature and provide an effective mechanism for enforcing compliance with regulatory requirements.

By providing for delegated authority to the Head of Council and identified City officials, in accordance with and subject to the limitations prescribed by legislation, such as the *Municipal Act* and the *EMCPA*, the City is in a far greater position to respond to an ever changing environment, better promote and support the health and safety of the public, the wellbeing of persons and the economic, social and environmental wellbeing of the City for the duration of the declared emergency.

Staff believe that the proposed by-law creates a system to enable the municipality to more effectively enforce compliance, beyond the provisions and in support of the Province's emergency orders. The proposed by-law also works within the larger scheme of provisions for maintaining public health and safety that have been created at all levels of government in response to the COVID-19 pandemic. The proposed by-law provides a means to impose escalating sanctions, from administrative penalties to significant fines, in order to address immediate and specific local needs.

COVID-19 has created unprecedented circumstances that could not have been contemplated or addressed within the existing regulatory by-laws that a municipal relies upon to govern its affairs and that of its citizens. In such times, and within the prescribed legal framework established by provincial legislation, staff believe the support and enactment of the proposed Emergency Measures By-law will serve this Council, the City and its residents well.

Financial Impact

There is no anticipated impact to the City's exiting budget as a result of the recommendations of this report. Any unanticipated future expenses, should any arise will be addressed through the City's approved financial processes.

Broader Regional Impacts/Considerations

No broader direct regional impacts are anticipated as a result of this report; the proposed by-law applies to all lands and property under the control of the Region of York and the Toronto Regional Conservation Authority. The proposed by-law and all local measures are being established to mitigate the spread of COVID-19 and are an important contribution to the broader fight against the pandemic.

Conclusion

New cases of COVID-19 continue to rise with health officials expecting caseloads to peak in April. As the weather warms up, and with the general recommendation for people to stay at home going into its fourth week, staff expect COVID-related enforcement pressures to mount. The by-law proposed through this report will provide both staff and the head of council with the required temporary authorities to more effectively and expeditiously deal with emerging issues, will serve to complement the mandates prescribed by provincial orders and establishes reasonable and necessary measures that will enhance and mitigate against the spread of this deadly virus.

For more information, please contact: Gus Michaels, Director & Chief Licensing Officer, By-law and Compliance, Licensing and Permit Services, and Chief Licensing Officer

Prepared by

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Attachments

1. COVID-19 Emergency Measures By-law

THE CITY OF VAUGHAN***BY-LAW*****BY-LAW NUMBER XXX-2020**

A By-law to regulate activities deemed to have a potentially adverse impact on the health and wellbeing of the public during the COVID-19 Emergency.

WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 (“COVID-19 pandemic”);

WHEREAS on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 (“EMCPA”) related to COVID-19;

WHEREAS section 4 of the EMCPA provides that the head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area;

WHEREAS on March 17, 2020 the Corporation of the City of Vaughan declared an emergency pursuant to section 4 of the EMCPA;

WHEREAS the Province of Ontario has issued Orders under the EMCPA to prohibit and regulate certain activities in the interest of public health, safety and wellbeing during the COVID-19 declared emergency;

WHEREAS on March 27, 2020 the Province of Ontario granted power to municipal law enforcement officers to enforce Orders issued by the Province under the EMCPA;

WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (“*Municipal Act*”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

WHEREAS subsection 11(1) of the *Municipal Act* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

WHEREAS section 11(2) of the *Municipal Act* provides that a municipality may pass by-laws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of persons; and Protection of persons and property, including consumer protection;

WHEREAS without limiting sections 9 and 11 of the *Municipal Act*, a local municipality may prohibit and regulate matters such as dangerous places, public nuisances and business hours and closures, as well as regulate and govern real and personal property used for by a business and the person carrying it on or engaged in it.

WHEREAS section 425 of the *Municipal Act* provides that any person who contravenes any by-law of the municipality is guilty of an offence;

WHEREAS section 429 of the *Municipal Act* provides for a municipality to establish a system of fines for offences under a by-law of the municipality passed under the Act;

WHEREAS sections 444 and 445 of the *Municipal Act* provide that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention;

WHEREAS The Corporation of the City of Vaughan considers it desirable to enact regulations to support the intent and purpose of the Provincial orders made under the EMCPA in order to protect the health, safety and wellbeing of all persons within the jurisdictional boundaries of the City of Vaughan, by prohibiting or regulating certain activities of individuals and businesses during the COVID-19 Emergency;

WHEREAS The Corporation of the City of Vaughan considers it desirable to extend the powers to the Head of Council in order for the City to be able to respond effectively and expeditiously to the ongoing challenges posed by the COVID-19 Emergency;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1.0 Authority and Short Title

- (1) The By-law shall be known and referenced as the “COVID-19 Emergency Measures By-law.”

2.0 Applicability and Scope

- (1) This By-law applies to all *Property*, including *Public Property*, within the jurisdictional boundaries of the City of Vaughan.

3.0 Definitions and Interpretation

- (1) In this By-law:
 - (a) “Chief Building Official” means the Chief Building Official for the *City*, or his or her designate;
 - (b) “City” means The Corporation of the City of Vaughan;
 - (c) “City Manager” means the City Manager for the *City*;
 - (d) "COVID-19 Emergency" means the period of time commencing upon the date of passing of this By-law until the declaration of emergency made by the Head of Council under sections 4 of the *EMCPA* in relation to the COVID-19 pandemic has been terminated;
 - (e) “Director” means the Director and Chief Licensing Officer, By-law and Compliance, Licensing and Permit Services for the *City*, or his or her designate;
 - (f) “Dwelling Unit” means a room or series of rooms of complementary use, used by an *Individual* or *Individuals* living together under a single tenancy, in which cooking, eating, living, sleeping and sanitary facilities are provided;
 - (g) "EMCPA" means the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E. 9;
 - (h) “Emergency Order” means an order issued by the Province of Ontario under the *EMCPA* with respect to *COVID-19 Emergency*;
 - (i) “Enforcement Order” means an order made by an *Officer* pursuant to section 9.0.
 - (j) “Essential Item” includes:
 - (i) masks and gloves used as personal protective equipment in relation to infections;

- (ii) non-prescription medications for the treatment of the symptoms of the coronavirus (COVID-19), as those symptoms are described by Public Health Ontario;
 - (iii) disinfecting agents intended for cleaning and disinfecting objects or humans;
 - (iv) personal hygiene products, including soap products and paper products; or
 - (v) any other product determined as essential by the Province of Ontario;
- (k) “Fire Chief” means the Chief of Vaughan Fire and Rescue Services or his or her designate;
- (l) “Guardian” means a *Person* who has custody, care and control of an *Individual* who is a member of the same *Household* and includes a parent as defined in the *Family Law Act*, R.S.O. 1990, c. F.3;
- (m) “Head of Council” means the Mayor for the *City*;
- (n) “Household” means *Individuals* living together in and sharing a *Dwelling Unit*;
- (o) “Individual” means a natural person of any age;
- (p) “Interior Space” includes an interior wall, ceiling, floor and any other partition that defines the interior space;
- (q) “Landlord” includes:
- (i) the registered owner of a rental unit or other person permitting occupancy of a rental unit;
 - (ii) the heirs, assigns, personal representatives and successors in title of a person referred to in 3.0(o)(i); or
 - (iii) a person, other than a tenant occupying a rental unit in a residential complex, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under the tenancy agreement or the *Residential Tenancies Act*, 2006, S.O. 2006, c. 17, including the right to collect rent;

- (r) “Lawful Business” means a business, or *Individual* operating a business, that is in compliance with all applicable municipal by-laws and regulations as it relates to its commercial activities, including zoning and licensing by-laws;
- (s) “Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, or any successor legislation;
- (t) “Officer” means a Provincial Offences Officer or Municipal Law Enforcement Officer of the *City*, or any other person appointed by or under the authority of a *City* by-law to enforce this By-law, and shall include a police officer appointed by York Regional Police, the Ontario Provincial Police, or the Royal Canadian Mounted Police;
- (u) “Order” means a direction by the *Head of Council, City Manager* or *Director*, including an order under the authority of sections 444 or 445 of the *Municipal Act* requiring a *Person* to cease a contravening activity or correct a contravention, but shall not include an *Emergency Order*;
- (v) “Owner” includes:
- i) the person having the right, title, interest or equity in the land, or his or her agent authorized in writing;
 - ii) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let;
 - iii) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property;
- (w) “Person” means a natural person who is at least 18 years of age;
- (x) “Police Chief” means the Chief of Police for York Regional Police, or his or her designate;
- (y) “Property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and

erections thereon whether heretofore or hereafter erected, and includes vacant property;

- (z) “Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c.P. 33, as amended, or any successor legislation;
- (aa) “Public Health Official” means any of the following: the Medical Officer of Health for the Regional Municipality of York, the Chief Medical Officer of Health for the Province of Ontario, or the Chief Public Health Officer of Canada;
- (bb) “Public Place” means a place to which the public has access, as of right or by invitation, expressed or implied;
- (cc) “Public Property” means any land, premises or buildings owned, managed, or maintained by the *City*, including highways, sidewalks, streets, any portion of a road allowance, parking lots, swimming pools, recreation centers, parks and playgrounds, and for greater certainty shall also include lands owned by the Toronto Regional Conservation Authority and any school board within the Regional Municipality of York;
- (dd) “Social Distance” means a distance of no less than 2.0 metres, or as otherwise prescribed by an *Order* made by the *Head of Council* under this By-law;
- (ee) “Tenant” Includes a person who pays rent in return for the right to occupy a rental unit and includes his or her heirs, assigns and personal representatives, but does not include a person who has the right to occupy a rental unit by virtue of being:
 - (i) co-owner of the residential complex in which the rental unit is located; or
 - (ii) a shareholder of a corporation that owns the residential complex;
- (ff) “Vital Services” means the provision of any of the following: fuel, hydro, gas, hot or cold water.

- (2) Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in 3.0(1) of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.

4.0 Delegated Authorities to the Head of Council

- (1) Subject to 4.0(2), 4.0(3) and 4.0(4), any restrictions on such delegation identified in the *Municipal Act*, other legislation or at common law, the Council of the *City* delegates its statutory authority under the *Municipal Act*, and under any other legislation, to the *Head of Council*, exclusively for the period over which this By-law is in force.
- (2) The authority delegated to the *Head of Council* in 4.0(1) may only be exercised in accordance with the following criteria:
- (a) It is necessary to utilize the authority to address the situation in a timely manner.
 - (b) In the opinion of the *Head of Council*, it is reasonable to believe that the harm or damage will be alleviated by the exercise of the delegated authority and exercising the delegated authority is a reasonable alternative to other measures that might be taken to address the situation.
 - (c) The actions authorized under the delegated authority are exercised in a manner which, consistent with the objectives of the exercise of the delegated authority, reasonably limits their intrusiveness.
 - (d) The exercise of the delegated authority only applies to the areas of the *City* where it is necessary.
 - (e) The exercise of the delegated authority is effective only for as long as is reasonably necessary.
- (3) The *Head of Council*, through City's Emergency Management Team, shall advise the members of *City* Council of any exercise of authority delegated under this article within 24 hours of the date of exercise of the authority.

- (4) The delegation of authority to the *Head of Council* under 4.0(1) shall only be effective for 30 days from the first exercise of the authority in response to an emergency, unless *City Council* authorizes an extension of such delegated authority.
- (5) Within 30 days of the *Head of Council's* first exercise of the authority delegated under 4.0(1), the *Head of Council* shall prepare a report to *City Council* for submission to the next scheduled meeting of the Council providing:
 - (a) the justification for having exercised the delegated authority.
 - (b) an outline of the actions taken with the delegated authority.
 - (c) any recommendations arising from the emergency.
- (6) To the extent of a conflict between this Part and any other by-law of the *City* or the delegation of authority by *City Council* to any person or body, or to the extent of a conflict between the exercise of the authority delegated under this Part and the exercise of any other authority delegated by *City Council*, this Part and the exercise of authority delegated under this Part prevail, despite the fact that any other delegated authority provides that it prevails in the event of conflict.
- (7) The *Head of Council* may make *Orders* that the *Head of Council* believes are necessary and essential in the circumstances to prevent, reduce or mitigate serious harm to persons, if in the opinion of the *Head of Council* it is reasonable to believe that:
 - (a) the harm will be alleviated by an *Order*;
 - (b) making an *Order* is a reasonable alternative to other measures that might be taken to address the emergency.
- (8) *Orders* made by the *Head of Council* under this By-Law:
 - (a) shall only apply to the areas of the *City* where it is necessary;
 - (b) shall be effective for as long as is necessary, subject to 4.0(9), but in no event shall be extended beyond the termination of the *COVID-19 Emergency*.

- (9) An *Order* made under 4.0(7) is revoked 30 days after it is made, unless:
- (a) it is revoked sooner or;
 - (b) it is otherwise stated in the *Order*.
- (10) Despite the termination of a *COVID-19 Emergency*, the *Head of Council* may by *Order* extend the effective period of an *Order* made under section 4.0(8) for periods of no more than 30 days where the extension of the *Order* is necessary to deal with the effects of the emergency and further the purposes of this By-law.
- (11) In accordance with 4.0(1) and subject to the limitations in 4.0(8), the *Head of Council* may issue *Orders* on any matter within the jurisdiction of the municipality, including but not limited to:
- (a) implementing any emergency plans formulated under subsection 3 of the *EMCPA*;
 - (b) establishing facilities for the care, welfare, safety and shelter of individuals, including emergency shelters and authorizing facilities under the control of the *City* to operate as is necessary to respond to or alleviate the effects of the *COVID-19 Emergency*;
 - (c) closing and preventing access to any *Public Property*;
 - (d) designating any *Public Property* or part thereof as a place in which any activity is prohibited or restricted;
 - (e) constructing, repairing, removing, demolishing or disposing of any works or undertaking any actions to prevent, respond to or alleviate the effects of the *COVID-19 Emergency*;
 - (f) making *Orders* to specifically regulate or prohibit actions to eliminate or mitigate any adverse impact to:
 - (i) the health, safety and wellbeing of persons;
 - (ii) the safeguard of property;
 - (iii) the protection of consumers;
 - (iv) the economic, social or natural environment of the municipality;

- (v) the wellbeing and standards of local communities;
 - (g) taking such other actions or implementing such other measures as the *Head of Council* considers necessary in order to prevent, respond to or alleviate the effects of the *COVID-19 Emergency*.
- (12) An *Order* made under 4.0(7) of this By-Law:
- (a) takes effect immediately upon its making; or
 - (b) if it so provides, may be retroactive to a date specified in the *Order*.
- (13) The *Head of Council* shall take steps to post the *Order*, excluding any personal information, on the City's website in order to bring it to the attention of affected persons pending publication.
- (14) An *Order* made under 4.0(7) of this By-Law may be general or specific in its application.
- (15) An *Order* under 4.0(7) of this By-Law shall be made in writing.
- (16) Every *Person* shall comply with an *Order* issued pursuant to 4.0(7) of this By-law.

5.0 Delegated Authorities to the City Manager

- (1) During the *COVID-19 Emergency*, and subject to all applicable law, the *City Manager* shall have the authority to issue an *Order* to:
- (a) designate any *City* service to be essential or non-essential;
 - (b) cancel, reduce or defer any fees, charges or other amounts owed to the *City* by *Persons* or businesses, subject to section 106 of the *Municipal Act*.

6.0 Delegated Authorities to the Director

- (1) The *Director* may make an *Order* to:
- (a) limit, regulate or prohibit access to any *Public Property*;
 - (b) limit regulate or prohibit any activity on or within any *Public Property*;
 - (c) take any actions reasonably necessary to carry out anything under 6.0(1)(a) or 6.0(1)(b).

- (2) The *Director* may, for purposes of promoting any requirements or compliance under this By-law or the *EMCPA* or for implementing, supporting or promoting any recommendations, directives or precautions from the *Chief Building Official*, *Fire Chief*, *Police Chief* and a *Public Health Officer* or any other relevant level of government, make an *Order* to place conditions or requirements on any place of business, including but not limited to hours of operation, social-distancing measures, and the posting of public service announcements.
- (3) Every *Person* shall comply with an *Order* issued pursuant to section 6.0(1) and 6.0(2) of this By-law.

7.0 Prohibitions

- (1) No *Person* shall permit or allow gatherings of more than the number of *Individuals* prescribed by an *Emergency Order*, unless such *Individuals* are members of a single *Household*.
- (2) Every *Person* shall maintain a *Social Distance* from any other *Individual*, unless such *Individual* is a member of the same *Household*.
- (3) No *Guardian* shall permit or allow any *Individual* under the age of 16 years from not maintaining a *Social Distance* from any other *Individual*, unless such *Individual* is a member of the same *Household*.
- (4) No *Person* shall sell, offer for sale, display for the purpose of sale, advertise, or otherwise infer or suggest for the purpose of sale, by any means, an *Essential Item* for a price that grossly exceeds the price at which similar goods are available to like consumers.
- (5) No *Person*, unless acting as a *Lawful Business*, shall sell, offer for sale, display for the purpose of sale, advertise, or otherwise infer or suggest for the purpose of sale, by any means, any good or service.
- (6) No *Landlord* shall discontinue *Vital Services* to a *Tenant* without written permission from the *Director*.

8.0 Enforcement and Inspections

- (1) The provisions of this By-law may be enforced by an *Officer*.
- (2) Subject to section 8.0(3) below, every *Officer* shall have the right to enter lands to conduct an inspection to determine whether the provisions of this By-Law and any *Order(s)* issued hereunder are being complied with in accordance with the provisions of subsections 435 and 436 of the *Municipal Act*.
- (3) No *Person* exercising a power of entry on behalf of the City shall enter or remain in any room or place actually being used as a *Dwelling Unit* unless:
 - (a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under subsection 438 of the *Municipal Act*, a warrant issued under subsection 439 of the *Municipal Act* or a warrant under subsection 386.3 of the *Municipal Act*;
 - (b) an order issued under subsection 438 of the *Municipal Act* is obtained;
 - (c) a warrant issued under subsection 439 of the *Municipal Act* is obtained;
 - (d) a warrant issued under subsection 386.3 of the *Municipal Act* is obtained;
 - (e) the delay necessary to obtain an order under subsection 438 of the *Municipal Act*, to obtain a warrant under subsection 439 of the *Municipal Act*, or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any *Person*; or
 - (f) the *City* has given notice of its intention to enter to the occupier of the land as required under section 435(2) of the *Municipal Act* and the entry is authorized under subsections 79, 80 or 446 of the *Municipal Act*.
- (4) For the purposes of conducting an inspection pursuant to this By-law, an *Officer* may:
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

- (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (5) No *Person* shall prevent, hinder or obstruct, or attempt to hinder or obstruct, an *Officer* who is exercising a power or performing a duty under this By-law or the *EMCPA*.
- (6) A refusal of consent to enter or to remain in a room or place actually used as a *Dwelling Unit* does not constitute hindering or obstruction within the meaning of section 8.0(5) unless the *City* is acting under an order under subsection 438 of the *Municipal Act* or a warrant under subsection 439 of the *Municipal Act* or in the circumstances described in clause 437 (d) or (e) of the *Municipal Act*.

9.0 Enforcement Orders

- (1) An *Officer* may, as a result of a contravention of this By-law or an *Order* made under this By-law, issue an *Enforcement Order* that requires:
- (a) a *Person* to leave any *Public Property*, business or *Public Place*;
 - (b) a business to prohibit or not allow *Individuals* on its premises;
 - (c) a business to discontinue the sale or advertising of an *Essential Item*;
 - (d) a *Guardian* to maintain an *Individual* under the age of 16 at a distance of at least 2.0 metres from any other *Individual*, unless the parties reside in the same premises;
 - (e) an *Owner* to clear and properly dispose of any refuse or other things deemed by the *Director* to be a potential risk to public health or safety; or
 - (f) a *Landlord* to restore *Vital Services*.
- (2) An *Order* under this Part may be given verbally or in writing. Where an *Order* is given verbally, an order in writing shall follow within two (2) business days, however the *Order* shall take effect once it has been given verbally.

- (3) An *Order* in writing shall:
- (a) identify the location where the contravention occurred;
 - (b) state the reasonable particulars of the contravention;
 - (c) provide the date and time by which there must be compliance with the order; and
 - (d) be served personally to the *Person* to whom it is directed, or served by regular mail to the *Person*, which shall be deemed so served on the fifth day after mailing.
- (4) Every *Person* shall comply with an *Enforcement Order* issued pursuant to section 9.0 of this By-law.

10.0 Offences

- (1) Any *Person* who contravenes or fails to comply with any provision of this By-law, including an *Order* or *Enforcement Order* made under this By-law, is guilty of an offence.
- (2) Where an *Individual* that contravenes or fails to comply with any provisions of this By-law is under the age of 16 years, the *Guardian* or *Guardians* of the *Individual* shall be deemed to have allowed the contravention and be guilty of the offence.
- (3) Where an *Individual* is older than 16 years of age, he or she shall be subject to Parts 7.0, 8.0, 9.0, 11.0 and 12.0 of this By-law as a *Person*.
- (4) An offence under this By-law may constitute a multiple offence as defined in section 429(5) of the *Municipal Act*.
- (5) An offence under this By-law that continues more than one may constitute a continuous offence and be punishable as such.

11.0 Administrative Monetary Penalties

- (1) Instead of laying a charge under the *Provincial Offences Act* for a breach of the provisions set out in Schedule 1 of this By-law, an *Officer* may issue an administrative monetary penalty to the *Person* who has contravened this By-law.

- (2) If a *Person* is required to pay an administrative monetary penalty under Section 11.0(1), no charge shall be laid against that same *Person* for the same contravention.
- (3) The amount of the administrative monetary penalty for a breach under this By-law is \$750.00.
- (4) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the Administrative Monetary Penalties By-law, as amended or its successor by-law.
- (5) An administrative monetary penalty imposed on a *Person* that becomes a debt to the *City* under the Administrative Monetary Penalties By-law, as amended or its successor by-law, may be added to the municipal tax roll and collected in the same manner as municipal taxes.

12.0 Penalties

- (1) Every *Person* who contravenes any provision of this By-law, including failing to comply with an *Order* made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act* and the *Municipal Act*, as set out below:
 - (a) the minimum fine for an offence is \$500 and the maximum fine for an offence is \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500 and the maximum fine shall not exceed \$10,000 and the total of all daily fines for the offence is not limited to \$100,000; and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500 and the maximum fine shall not exceed \$10,000 and the total of all fines for each included offence is not limited to \$100,000.

- (2) If a *Person* is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the *Person* convicted.
- (3) Where a *Person* fails to pay any part of a fine for a contravention of this By-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the *City* may give the *Person* a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than 21 days after the date of the notice.
- (4) If any part of a fine for a contravention of this By-law remains unpaid after the final date specified in the notice provided under 12.0(4), the outstanding fine is deemed to be unpaid taxes pursuant to section 351 of the *Municipal Act*.

13.0 Transition

- (1) Notwithstanding the repeal of this Bylaw, any enforcement, legal or collection actions arising from this Bylaw while this Bylaw was in force shall survive its repeal. For greater clarity, the provisions authorizing any enforcement, legal or collection actions under this Bylaw shall survive its repeal.

14.0 Collection of Unpaid Penalties and Fines

- (1) Where a fine is in default, the *City* may proceed with civil enforcement against the person upon whom the fine has been imposed, pursuant to the *Provincial Offences Act*.
- (2) The *City* may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine, and to collect it in the same manner as municipal taxes.

15.0 Conflict

- (1) The specific provisions of this By-law that are in conflict with the following shall be of no force and effect to the extent of the conflict:

- (a) an order made under subsection 7.0.2(4) or 7.1(2) of the *EMCPA*; or
- (b) any statute, regulation, rule, order or instrument of the Province of Ontario or the Government of Canada.

16.0 Severability

- (1) Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of the Council of the *City* in enacting this By-law that the remainder of this By-law shall continue to be in force and applied and enforced in accordance with its terms to the fullest extent possible according to law.

17.0 Amendment of Other By-laws

- (1) Schedule 1 of the [Administrative Monetary Penalties By-law](#) is hereby amended by including this By-law as a Designated By-law.

18.0 Force and Effect

- (1) This By-law shall come into force and effect on the date enacted by Council and shall remain in force until 30 days after the *COVID-19 Emergency*, unless terminated earlier by the *Head of Council* under his or her delegated authority in 4.0(4).

Enacted by City of Vaughan Council this 8th day of April, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Schedule 1

Offences under the City's Administrative Monetary Penalties By-law

Section	Offence	Penalty
7.0(1)	Permit or allow a gathering of more than the number of Individuals prescribed	\$750
7.0(2)	Fail to maintain a social distance	\$750
7.0(3)	Permit an individual under the age of 16 to contravene social distance requirements	\$750
7.0(4)	Sell, offer for sale, or advertise an item deemed essential by a public health official (except items defined as "necessary goods" by an Emergency Order under the EMCPA)	\$750
7.0(5)	Sell goods or services, not a Lawful Business	\$750
7.0(6)	Discontinue vital services to a tenant	\$750
8.0(5)	Hinder or obstruct an officer in their attempt to enforce this By-law	\$750
10.0(1)	Fail to comply with an <i>Order or Enforcement Order</i> made under this By-law	\$750
10.0(2)	Allow an individual under 16 years of age to contravene a provision of an <i>Order or Enforcement</i> made under this By-law	\$750