



Stay at Home Order

A new Stay-at-Home Order, under the Emergency Management and Civil Protection Act (EMPCA), came into effect on January 14, 2021 at 12:01 a.m., which requires individuals to remain in their place of residence at all times unless leaving is necessary for certain purposes (e.g. obtaining good or services).

This order is expected to remain in effect for all of Ontario until February 11, 2021, unless extended.

Now in force:

Corporations, in addition to individuals, can be ticketed and issued a fine under Part 1 of the POA for committing an offence under subsection 7.0.11 (1) of the EMCPA or subsection 10 (1) of the ROA by failing to comply with an order under the respective statute.

Remaining In Force:

The Government of Ontario introduced a minimum fine for people who organize gatherings at residential premises that exceed the capacity limits set out in the orders under the Reopening Ontario Act (A Flexible Response to COVID-19; ROA), 2020.

Under the ROA, individuals who organize gatherings at residential premises that exceed the capacity requirements and any other restrictions will face a minimum fine of \$10,000 and the maximum fine for non-compliance remains at \$100,000 and a term of imprisonment of not more than one year.

Under the new provisions, the owner or occupier of private premises where a gathering contravenes legal restrictions will be presumed (in the absence of evidence to the contrary) to have hosted or organized the gathering, and subject to a minimum fine of \$10,000 under the ROA.

Those who attend such gatherings or Fail to Comply with an order could face a \$750 fine.

Individuals who do not disperse from a residence when directed by the police or provincial offences enforcement officers can also be fined.

Expectation on Law Enforcement Personnel

In terms of enforcement of the Stay-at-Home order, it should be noted that no element of any order provides law enforcement with either the power to enter dwellings nor the authority to stop a vehicle for the singular purpose of checking compliance with the stay-at-home order.

In addition, individuals are not compelled to explain why they are out of their residence, nor is being outside prima facie evidence of a failure to comply with the Stay-at-Home order.

Workers are also not required to have proof from their employer that they are traveling to or from their workplace. Notwithstanding the above, police are encouraged to make reasonable inquiries to determine if individuals are in compliance with the orders.

Frequently Asked Questions – Stay-at-Home Order

Why is the province issuing a Stay-at-Home order while also permitting curbside pickup?

This question assumes every single person in Ontario has easy access to online shopping or that there is a big-box retailer in their community. This is not the case for many Ontarians who live in rural and remote areas.

We have learned a lot over the past year responding to this pandemic, including the fact that what may be essential to someone in Timmins and how they buy that item may not be essential to someone in downtown Toronto, who can easily buy items online for delivery. The Government of Ontario determining what retailers may be considered essential risks cutting off many Ontarians who do not live in Toronto or an urban centre from access to necessary goods.

What is an essential item?

The Government of Ontario cannot determine what is essential for every person in this province, as each has their own unique circumstances and regional considerations. Legally defining what is essential risks cutting people off from goods that may legitimately be necessary for their health, well-being and safety.

What is an essential trip?

The Government of Ontario cannot determine what is essential for every person in this province, as each has their own unique circumstances and regional considerations. That said, we have provided broad categories that people should consider before leaving their home: food, healthcare services, including medication, exercise or work, where someone's job cannot be done at home.

What is essential work?

The stay-at-home order does not define what work or jobs are essential. Rather, it now mandates that anyone who can work from home must now do so. For example, someone working in retail obviously cannot do their job from home and would be permitted to go to work.

Why hasn't the province defined who can or should work from home?

The Government of Ontario cannot review tens of millions of job descriptions to determine who can work from home. As such, we are relying on the best judgment and common sense of employers to determine who can do so. If an employee believes they should be working from home, they can contact the Ministry of Labour to file a health and safety complaint.

Why can people still gather in groups of five outdoors?

The outdoor gathering limit of five is in recognition of the fact that some people live alone and may require the company or support of others for their mental and physical well-being. Anyone gathering outside is expected to adhere to physical distancing measures and are now strongly urged to wear a mask.

Can people leave home to exercise? Can I go to my local playground or basketball court?

Yes, exercise is considered an essential reason for leaving your home. What that means will be unique to each individual Ontarian: some may wish to go for a walk around the block, while others may wish to go to a local basketball court with their household to shoot some hoops. We recommend that Ontarians consult their local public health unit or municipality to understand what recreational amenities are open in their community.

Can someone living alone still join up with another household?

Yes, they can exclusively join one other household. This is to support their mental health and wellbeing, as well as to ensure those requiring support continue to have access to essential caregivers.

Is there a time limit for how long and the number of times a person can leave their homes?

No. That said, we are asking Ontarians to use their best judgement when leaving their home for essential reasons. They should limit the number of stores they go to and spend as little time outside of their home as possible.

Is there a limit on the number of times someone can leave his or her home in a day?

No. That said, we are asking Ontarians to use their best judgement when leaving their home for essential reasons. They should limit the number of stores they go to and spend as little time outside of their home as possible.

Can people travel to their cottages or secondary residences?

Right now, we are asking people to stay home and only leave their home for essential purposes, which could include emergency maintenance of a secondary residence. In the spirit of the Stay-at-Home order, at this time we are not recommending intra-provincial travel.

Will the police automatically fine someone who does not comply with the Act?

Under the ROA, individuals who organize gatherings at residential premises that exceed the capacity requirements and any other restrictions will face a minimum fine of \$10,000 and the maximum fine for non-compliance remains at \$100,000 and a term of imprisonment of not more than one year.

Those who attend such gatherings or Fail to Comply with an order could face a \$750 fine.

Can an officer stop a vehicle for no reason?

Officers will not stop vehicles for the sole purpose of checking compliance under the ROA. Officers are only authorized to stop vehicles where there are reasonable grounds to believe the individual(s) are breaking the law, such as for *Highway Traffic Act (HTA)* violations. Other instances may be complaint driven, where police will follow up on public complaints reported to them.

Will the police start knocking on people's doors to check that they are staying at home?

The police have no power of entry into a private dwelling, unless authorized by law to do so.

Police will not be checking whether individuals are in violation of the *Stay at Home Order*, unless it is warranted. For example, police will investigate if they observe or respond to a public complaint about a gathering exceeding the limits imposed by the orders.

Individuals are asked to voluntarily comply with the government measures to limit the spread the COVID-19 virus.

If a person is walking on the street, can an officer randomly stop and question them?

A person being outside does not mean they are contravening the Act. Officers will investigate only if they have reasonable grounds to believe the individual is violating the government measures.

Under the EMCPA, officers are allowed to request identification from an individual if they believe the individual is contravening the act. If the individual refuses to identify themselves, where the officer has reasonable grounds to ask for it, the individual can be fined. Accurate verbal identification, including name, address and date of birth, will suffice.

What will police be doing now that we are under the new *Stay at Home Order*?

Police services will continue to work with municipal and regional bylaw officers to disperse and/or issue fines as a result of unlawful gatherings and shut down and/or fine businesses contradicting the order.

What are the fines?

The set fines for Orders under EMCPA and ROA are:

Individuals can either be issued a ticket for a set fine amount established by the Chief Justice as listed below, (Part I) or be issued a summons and have an information laid (Part III) in which case the court would impose a penalty upon conviction – subject to the maximum penalty of a fine of not more than \$100,000 and not more than one year in jail.

- Fail to comply with an order: \$750
- Obstruct any person exercising a power in accordance with an order: \$1,000
- Obstruct any person performing a duty in accordance with an order: \$1,000

Individuals can continue to be ticketed or prosecuted under the ROA with respect to orders under the ROA. Individuals who do not disperse from a residence when requested by the police can also be fined under the *Trespass to Property Act*.

Can individuals continue their outdoor activities, such as snowmobiling or ice fishing?

Individuals are encouraged to stay home, but can leave their residence for certain purposes including exercise.

Do individuals have to show proof from their work that they are an essential worker?

No, individuals do not need to show proof that they are an essential worker. However, officers can request they verbally identify themselves if they have reasonable grounds to believe the individual is in violation of an act.

Can I be fined for not wearing a mask in a grocery store?

Yes, police and bylaw officers have the authority to issue a ticket to a customer or staff member who is not wearing a facemask or face covering in a retail setting or business. The face covering or mask must cover the individual's mouth, nose and chin.

Do I have to show my identification to an officer?

Under the EMCPA, officers are allowed to request an individual verbally identify themselves if they believe the individual is contravening the act. If the individual refuses to verbally identify themselves, where the officer has reasonable ground to ask, the individual can be fined.