

ONTARIO DECLARES NEW STATE OF EMERGENCY AND PUBLIC HEALTH RESTRICTIONS

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On January 12, 2021, the Government of Ontario declared a new provincial State of Emergency under the *Emergency Management and Civil Protection Act* ("**EMCPA**") and new public health restrictions that will be imposed across Ontario to combat the ongoing COVID-19 pandemic and the worsening situation in the province. These new measures will come into effect between January 12 and January 14, 2021.

The new State of Emergency and additional restrictions will supplement and amend, rather than replace entirely, the regime currently in force under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* ("**ROA**") and its regulations.

While the Government has yet to publish full details, the announced restrictions include multiple measures that will impact commercial activities, and businesses will need to ensure they stay up-to-date and carefully consider the new restrictions to determine their impact on their operations.

Importantly, the Government has not announced new widespread business closures as it did in March 2020. Instead, it appears the Government has chosen stay-at-home and work-from-home requirements as the principal new means to tackle the province's surge in COVID-19 cases. It is also notable that while the Government has rejected the idea of imposing a provincial curfew, new restrictions on retailers' operating hours may have a similar effect.

New Public Health Restrictions

Perhaps the most notable new measure is a stay-at-home order, under which everyone will be required to remain in their homes and not leave except for essential purposes that will include visiting grocery stores or pharmacies, health care services, exercise and essential work. The stay-at-home order will come into effect at 12:01 a.m. on January 14, 2021.

This order will be accompanied by new rules impacting businesses as employers will be required to ensure that all employees work remotely with limited exceptions, such as where they must be on-site at the workplace due

to the nature of the work.

There will also be new restrictions for retail businesses. Certain retail stores will be subject to restricted hours of operation. Such retailers will generally not be permitted to operate before 7:00 a.m. or after 8:00 p.m. These new restrictions will generally affect any retailers that are not principally food retailers (e.g., supermarkets, convenience stores, big box stores, etc.) or pharmacies.

New measures will also restrict what construction activities and projects are permitted, including limiting non-essential construction.

Other measures will further restrict individuals' activities. Outdoor public gatherings and social gatherings will be restricted to five people or less with limited exceptions. Individuals will be required to wear masks or face coverings in indoor areas of businesses or organizations that are permitted to remain open.

New Enforcement Measures

To ensure compliance with the new restrictions, new enforcement powers will also be granted to various enforcement officers, including the Ontario Provincial Police, local police forces, and bylaw officers. These will include the authority to issue tickets, temporarily close premises and disperse individuals not complying with the restrictions.

Detailed regulations and orders will be published in the coming days.

by John Clifford and Graham Bevans

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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