



Primer on Ontario's State of Emergency

On March 17, 2020, Premier Doug Ford declared a state of emergency to contain the spread of COVID-19. You can see a video of the announcement at [this link](#).

This is a primer about some of the legal consequences of the state of emergency for First Nations.

A declaration of a state of emergency is a legal instrument under the Ontario *Emergency Management and Civil Protection Act*. It gives the Ontario government enhanced powers to take "immediate action to prevent, reduce or mitigate a danger of major proportions that could result in serious harm to persons or substantial damage to property."

Ontario has made three orders so far. We will update this blog with additional information if new orders are made.

Government Powers in a State of Emergency

Order in Council 518/2020 declares a state of emergency, which enables the Ontario Cabinet to make orders that it "believes are necessary and essential in the circumstances to prevent, reduce or mitigate serious harm to persons or substantial damage to property." An order must be made for at least one of 14 purposes set out in the *Act*. Today's other two orders provide as follows:

Order in Council 519/2020:

The following establishments are hereby ordered to be closed as of the date and time of this Order until March 31st, 2020 unless this Order is terminated earlier:

1. All facilities providing indoor recreational programs,
2. All public libraries,
3. All private schools as defined in the Education Act,
4. All licensed child care centres,
5. All bars and restaurants, except to the extent that such facilities provide takeout food and delivery,
6. All theatres including those offering live performances of music, dance, and other art forms, as well as cinemas that show movies, and
7. Concert venues.

Order in Council 520/2020:

[A]ll organized public events of over fifty people are hereby prohibited including parades and events and communal services within places of worship.

Cabinet can also make orders for, among other things:

- Regulating or prohibiting travel or movement to, from or within any specified area
- Evacuating individuals and animals and removing personal property from any specified area and making arrangements for the adequate care and protection of individuals and property
- Establishing facilities for the care, welfare, safety and shelter of individuals, including emergency shelters and hospitals
- To prevent, respond to or alleviate the effects of the emergency, constructing works, restoring necessary facilities and appropriating, using, destroying, removing or disposing of property
- Using any necessary goods, services and resources within any part of Ontario, distributing, and making available necessary goods, services and resources and establishing centres for their distribution
- Procuring necessary goods, services and resources, and
- Fixing prices for necessary goods, services and resources and prohibiting charging unconscionable prices in respect of necessary goods, services and resources

The Premier may exercise any power of the Ontario government granted by provincial legislation. The Premier may also make an order taking control of a municipality if he “considers it necessary.”

Ontario has broad powers to enforce Cabinet’s orders. It can obtain court orders without notice, and individuals that violate an order or obstruct the execution of an order can be liable for up to a fine of up to \$100,000 and imprisonment of one year.

The state of emergency will last until the end of April 1st, unless it is terminated early. Cabinet can extend it once for another 14 days. After that, the legislature may extend it 28 days at a time.