



## Province-wide restrictions

- ⚠ Travel restrictions for non-essential travel in B.C. are in place until May 25. Fines can be given to people who leave their region for non-essential travel. Read the restrictions.**

# Province-wide restrictions



Provincial restrictions are in place to help stop the spread of COVID-19. Some restrictions are made by the Provincial Health Officer (PHO) under the Public Health Act and others are made under the Emergency Program Act (EPA). Most orders can be enforced by police and compliance and enforcement officials.

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Last updated: **April 23, 2021**

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- [EPA order on masks in public indoor settings](#)
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## Do your part to keep B.C. safe

### Stronger province-wide restrictions

The PHO has strengthened province-wide restrictions. These restrictions came into effect March 29 at 11:59 pm and last to May 25 at midnight. They include:

- The variance allowing indoor religious gatherings and worship services between March 28 and May 12 is suspended
- Indoor low intensity group exercise classes are cancelled

- Restaurants, pubs and bars are closed for indoor dining. Outdoor patio seating and take-out or delivery is allowed
- Workplaces with a COVID-19 exposure may be ordered to close for a minimum of 10 days

## Safety recommendations

In addition to the orders, the PHO strongly recommends:

- Working from home whenever possible, unless it is essential to be in the workplace
- Keeping your child home from school if they feel sick or have any sign of illness
- Getting testing immediately if you or anyone in your family feels sick

## Masks in schools

All K to 12 staff and all students in grades 4 to 12 are required to wear non-medical masks in all indoor areas, including:

- At their work stations (desks)
- On school buses
- Within and outside learning groups

## PHO order on gatherings and events

This content is a summary of the PHO order – Gatherings and Events (PDF) document. It is not legal advice and does not provide an interpretation of the law. In the event of any conflict or difference between this webpage and the order, the order is correct and legal and must be followed.

## Social gatherings

### Indoor gatherings

No indoor social gatherings of **any size** at your residence with anyone other than your household or, if you live alone, your core bubble. For example:

- Do not invite friends or extended family inside your residence or vacation accommodation
- Do not host a party or event inside your house

### Outdoor gatherings

Up to 10 people can gather outdoors. For example:

- Up to 10 people can gather at a park or beach
- Up to 10 people can gather in the backyard of a residence



Do not gather with several groups of new people. **Stick to the same people.** Continue to use COVID-19 layers of protection and maintain physical distancing. Patios and outdoor areas at restaurants, pubs and bars are **not included** as places to gather with 10 people at one table.

Expand All | Collapse All

### **Core bubble**

For most people, their core bubble is their immediate household. An immediate household is a group of people who live in the same residence. For example:

- If you have a rental suite in your home, the suite is a separate residence
- If you live in an apartment or house with roommates, you are all members of the same household

For people who live alone, a core bubble is a maximum of two people you see regularly.

### **Co-parenting and legal parenting arrangements**

The order does not impact arrangements where children are occupants of two separate households. Children may go back and forth between the two residences.

### **Supporting family members or isolated people**

For those who rely on a family member or close friends for support with things like picking up children after school or delivering essential items like mail, medication or groceries, these activities can continue.

### **University students**

Welcoming your child home from university is okay. This is not a social gathering.

### **Visiting people who live alone**

People who live alone may have up to two visitors inside their residence for a social purpose. These are the two people in your core bubble.

- If those two people regularly interact with each other, they may visit the residence of the person who lives alone at the same time

People who live alone may also visit one other residence with more than one occupant.

## **Gatherings and events by sector**

Expand All | Collapse All

### **Cultural events and gatherings**

Cultural events and gatherings are prohibited. For example:

- Musical or theatre performances
- Galas
- Silent auctions
- Movie viewings in cinemas

## **Drive-in and drop-off events**

### **Drive-in events**

Drive-in events may proceed with a limited number of people. Drive-in events can have a maximum of 50 cars in attendance. People must stay in their cars and should attend with their household or core bubble. Drive-in events must have a COVID-19 Safety Plan in place.

Examples of drive-in events:

- Drive-in movies
- Religious services

### **Drop-off events**

Drop-off events may proceed with a COVID-19 Safety Plan in place.

Examples of drop-off events:

- Fundraisers
- Toy drives

All drive-in and drop-off events must:

- Maintain physical distancing
- Control the entry and exit points
- Avoid congestion of cars and congregating of people

## **Formal meetings**

The order restricts most formal in-person meetings outside the workplace, with some exceptions including:

- The B.C. legislature and cabinet meetings
- City council meetings. It is recommended virtual meetings be held as much as possible. The public is not allowed to attend
- Support groups like Alcoholics and Narcotics Anonymous
- Critical service meetings

## **Indoor funerals, weddings and baptisms**

Indoor funerals, weddings and baptisms may proceed with a limited number of people and a COVID-19 Safety Plan in place. You can have a maximum of 10 people attend, including the officiant. [Review BC Centre for Disease Control \(BCCDC\) information on event planning.](#)

- The event organizer and staff present at the event are not included in the 10 people limit
- If the event organizer also acts as the officiant, that person is included in the 10 people limit

Receptions associated with funerals, weddings or baptisms are not allowed inside homes or venues.

## **Indoor religious gatherings and worship services**

Indoor in-person religious gatherings and worship services of any size are prohibited.

- You must not attend a service at a church, synagogue, mosque, gudwara, temple or other place of worship
- Religious services can continue using remote or virtual attendance options, like Zoom or Skype

You can still visit your place of worship for individual activities such as guidance from spiritual leaders, contemplation or personal prayer.

Religious leaders may attend the home of a member of their religious community to provide religious services to the occupant.

You can attend an [outdoor religious gathering](#).

## **Meals for people in need**

Meals for people in need may proceed with a limited number of people and a COVID-19 Safety Plan in place. You can have a maximum of 50 people in attendance in addition to the organizer and people assisting. This includes:

- Soup kitchens
- Meals at shelters
- Charities offering meals

Pre-packaged meals are the best option to limit gatherings inside a dining area.

- [Review BC Centre for Disease Control \(BCCDC\) information on food banks and food distribution](#)

## **Outdoor funerals**



Funerals conducted by a religious body may be held outdoors (including in open-sided tents and under overhead coverings). Before, during and after the funeral service, people must not gather or socially engage.

- Up to 50 people may attend, plus 2 extra people to make sure rules are followed

### **Outdoor religious gatherings and worship services**

- Read the [Variance: Outdoor Worship Services – March 23, 2021 \(PDF, 250KB\)](#)

Religious worship services may be held outdoors (including in open-sided tents and under overhead coverings). Before, during and after the service, people must not gather or socially engage.

- Up to 50 people may attend, plus 2 extra people to make sure rules are followed
- Participants must be 2 metres apart unless they live in the same private residence
- Drive-in worship events can continue to operate (No more than 50 vehicles may be present, and people who attend in a vehicle must remain in the vehicle)
- Musical groups of up to 5 musicians may perform
- The only people who can sing are soloists and worship leaders. The only people who can chant are worship leaders

Masks are required at all times by everyone in attendance.

- Masks can only be removed by soloists (when singing), worship leaders (when speaking, singing or chanting), readers (when reading out loud), or musicians who need to do so to play their instrument. They must maintain 3 metres of spacing or use a physical barrier
- Masks are not required for people who can't wear a mask due to a condition or impairment or kids under the age of 12

Organizers must:

- Collect information for contact tracing
- Supply hand sanitizer
- Caution those at risk, including seniors and those with underlying medical conditions or compromised immune systems, from attending

### **Perimeter seating vehicles and buses (limo and party bus)**

The limited operation of perimeter seating vehicles and buses is permitted, subject to restrictions respecting hours of operation and distancing of passengers.

### **Rental and home sale viewings**

Rental and home viewings should be restricted to a maximum of six people, subject to each person present being able to keep two metres away from every other person present at all times.

### **Retail businesses, vending markets and episodic markets**

Retail businesses are required to:

- Establish capacity limits based on 5 square metres of unencumbered space per person
- Post occupancy limits
- Where practical, post directional signs to keep people moving in the same direction and not congregating

## **Workplaces**

A workplace that has workers testing positive for COVID-19 and public health confirming transmission has occurred in the work environment may be ordered to close for a minimum of 10 days.

- Review the [PHO Delegation: Workplace Closures \(PDF, 319KB\)](#)

For larger workplaces, the closure may be restricted to the locations where transmission has occurred.

Exceptions will be made for workplaces like:

- Courthouses, police stations and fire halls
- Healthcare facilities, schools, shelters
- Ferry system and public transportation
- Distribution hubs of necessary goods such as food and medicine

Employers must make every effort to provide work from home options.

- Workplaces must ensure that all workers and customers maintain an appropriate physical distance and extra care should be taken in small office spaces, break rooms and kitchens
- [Review the WorkSafeBC COVID-19 Safety Plan documentation](#)

## **Daily health check**

A daily health check should already be included in every business's existing COVID-19 Safety Plan.

- [Review WorkSafeBC information on daily health checks](#)

## **Youth extracurricular activities**

Structured extracurricular activities and programs for children or youth 21 years of age and younger can continue to operate with a COVID-19 Safety Plan in place. They must be supervised by an adult. These include:

- Education programs
- Music
- Art
- Dance

- Drama
- Outdoor exercise
- Recreational programs

Structured extracurricular activities and programs for children or youth are subject to a 50 person limit.

Performances, recitals and demonstrations are not allowed.

## Activities allowed under the order

These activities are not considered a social gathering:

- Going for a walk or hike
- Parents carpooling kids to and from school
- Grandparents providing child care
- Public pools and public skating rinks, when not associated with an event, are allowed to continue to operate with a COVID-19 Safety Plan

## Exercise

### Indoor high intensity group exercise

Indoor high intensity group exercise is prohibited. High intensity group exercise causes a sustained and accelerated rate of breathing and may involve close contact with other people. Businesses, recreation centres or other organizations that organize or operate high intensity group exercise must suspend the following activities:

- Hot yoga
- Spin classes
- Aerobics
- Bootcamp
- High intensity aspects of circuit training
- High intensity interval training (HIIT)

### Indoor low intensity group exercise

Indoor low intensity group exercise is prohibited until May 25 at midnight. These include:

- Yoga (Hatha)
- Low intensity exercise machines and cardio equipment
- Pilates
- Light weightlifting
- Stretching
- Tai-Chi
- Low intensity Barre classes

## Gyms and recreation facilities



Gyms and recreation facilities that offer individual workouts and personal training sessions can remain open as long as they have a COVID-19 Safety Plan that is strictly followed.

- [Requirements: Indoor Individual Exercise – March 31, 2021 \(PDF, 352KB\)](#)

## Sports

The order places restrictions on adult and youth indoor and outdoor group sports.

[Expand All](#) | [Collapse All](#)

### High performance athletes

High performance athletes already training in B.C. as of November 19, 2020 can train, travel and compete together. They must follow the COVID-19 safety protocols of the provincial or national sports organization they are affiliated with.

To qualify as a high-performance athlete, you must be identified by the Canadian Sports Institute Pacific as a high-performance athlete affiliated with an accredited provincial or national sports organization.

### Spectators

Spectators are not allowed at any sport activities. The only people allowed to attend sport activities are those that provide care to a participant or player. For example, providing personal care or first aid to a player.

### **Travel for sport**

Travel for athletic activities like games, competitions, training and practice is prohibited. This includes:

- A hockey player travelling from Vernon to Penticton to participate on their spring hockey team
- A softball player traveling from Kamloops to Vancouver to participate on their rep team
- A dancer travelling from Langley to Whistler to participate in a virtual competition

Participants can travel to their home club if their home club is outside of their immediate community. That club needs to be close to a participant's residence, like a neighbouring community. For example:

- A skier part of the local ski club travelling to their local mountain, which may be in a neighbouring community
- An archer travelling to a neighbouring community because their community does not have an archery club
- A high-performance athlete travelling to a nearby community to receive specialized training

### **Adult indoor and outdoor group sports**

Group sports are activities involving more than one person. This includes group training and practice for an individual or team sport. Games, tournaments and competitions for indoor and outdoor group sports for people 18 years of age and older are prohibited. These include:

- |                                        |                  |                                               |
|----------------------------------------|------------------|-----------------------------------------------|
| • Basketball                           | • Netball        | • Rugby                                       |
| • Cheerleading                         | • Team skating   | • Football                                    |
| • Combat sports                        | • Soccer         | • Baseball                                    |
| • Floor hockey                         | • Volleyball     | • Softball                                    |
| • Floor ringette                       | • Indoor bowling | • Tennis (Tournaments)                        |
| • Road hockey                          | • Lawn bowling   | • Golf (Tournaments)                          |
| • Ice hockey                           | • Curling        | • Pickleball (Tournaments/Group Competitions) |
| • Ringette                             | • Lacrosse       | • Cricket                                     |
| • Martial arts and other combat sports | • Hockey         | • Group cycling (Competitions)                |
|                                        | • Ultimate       |                                               |

While restrictions are currently in place related to adult group sports, some indoor and outdoor sports and activities, including drills and training activities, are permitted with modifications and a reduced number of participants:

- 2 people may engage in indoor sports with one another
- 10 people may engage in outdoor sports with one another

Participants must maintain a distance of 3 metres from one another unless everyone lives in the same private residence.

### **Youth indoor and outdoor team sports**

All organized indoor and outdoor sports for people 21 years of age and younger are limited to training and practice where all participants maintain 3 metres of physical distance from one another. This means games, tournaments and competitions are temporarily suspended. Amateur sports organizations and leagues may implement additional guidelines to ensure the health and safety of participants.

## **PHO order on restaurants, pubs and bars**

Restaurants, pubs, bars and food courts are closed for indoor dining until May 25 at midnight.

- Outdoor patio seating and take-out or delivery is allowed
- Breweries, wineries and tasting rooms can operate outdoor patios
- Liquor may only be served on a patio if people are seated

In order to limit the spread of COVID-19, people should only be dining at restaurants with their household. For people who live alone, this should be with a maximum of two people they regularly interact with (core bubble).

- You must wear a mask when not at a table
- Events are no longer allowed

Restaurants, pubs and bars must have a COVID-19 Safety Plan and employee protocols in place. WorkSafeBC will be conducting inspections to verify that COVID-19 Safety Plans remain effective. Establishments that are noncompliant with plan requirements may face orders and fines, and possible referral to public health which may result in a closure order.

- Review the [PHO Order – Food and Liquor Serving Premises \(PDF\)](#).
- Review [Guidance for Outside Dining Spaces \(PDF\)](#).

## EPA order on masks in public indoor settings

As outlined in the [EPA mask mandate order](#), masks are required for everyone in many public indoor settings. A face shield is not a substitute for a mask as it has an opening below the mouth.

There are exemptions for:

- People with health conditions or with physical, cognitive or mental impairments who cannot wear one
- People who cannot remove a mask on their own
- Children under the age of 12
- People who need to remove their masks to communicate due to another person's hearing impairment

Masks are required in many indoor public settings and all retail stores. This includes:

- Malls, shopping centres
- Grocery stores
- Airports
- Coffee shops
- On public transportation, in a taxi or ride-sharing vehicle
- Places of worship
- Libraries
- Common areas of post-secondary institutions, office buildings, court houses (except court rooms), hospitals and hotels
- Clothing stores
- Liquor stores
- Drug stores
- Community centres
- Recreation centres
- City Halls
- Restaurants, pubs and bars when not seated at a table
- Indoor exercise/fitness facilities
- Indoor sport facilities when not actively participating

## Mask enforcement

You could be subject to a \$230 fine if you:

- Do not wear a mask in an indoor public setting, unless you are exempt
- Refuse to comply with the direction of an enforcement officer, including the direction to leave the space
- Engage in abusive or belligerent behaviour

## Masks at workplaces and shared living areas

It is strongly recommended that masks be worn in the following areas:



- Common areas in apartment buildings and condos, including:
  - Elevators
  - Hallways
  - Lobbies
  - Stairwells
- Shared indoor workplace spaces, including:
  - Elevators
  - Kitchens
  - Hallways
  - Break rooms

## Enforcement

During a public health emergency under the Public Health Act, the PHO can make orders as needed. You must follow the orders. Some orders can be enforced by police or other compliance and enforcement officials. People who don't follow these orders could be fined.

## COVID-19 response



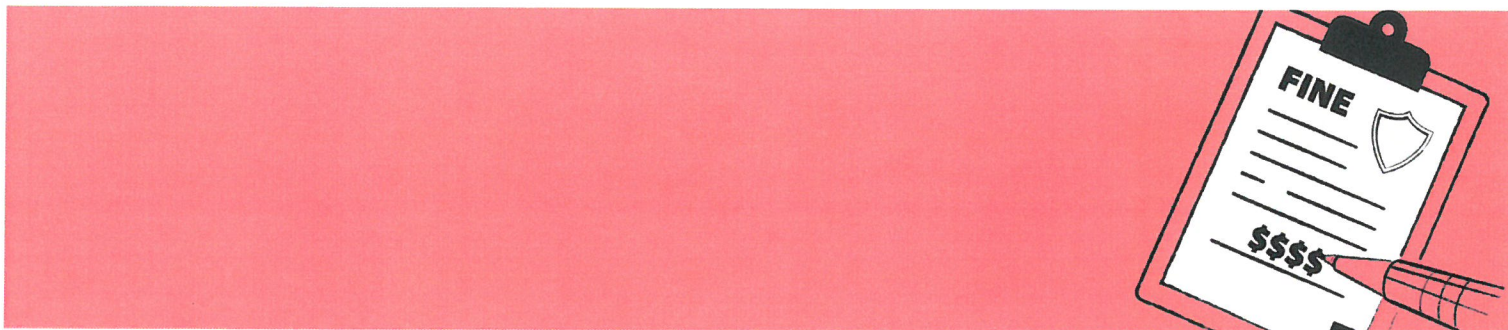
Information for residents of B.C. about COVID-19, including:

- Vaccines
- Benefits and supports
- PHO orders and guidelines

[Get COVID-19 information](https://www2.gov.bc.ca/gov/content/covid-19/info/restrictions)



## Violation tickets for unsafe COVID-19 behaviour



By order of the Provincial Health Officer (PHO), all events and gatherings are suspended, unless they have an exemption. People and businesses can be issued a violation ticket for non-compliance.

Last updated: **May 5, 2021**

### On this page:

- [Violation tickets for individuals](#)
- [Violation tickets for temporarily prohibited or restricted businesses](#)
- [Violation tickets for owners, operators and event organizers](#)
- [Violation tickets for food and liquor serving premises](#)
- [How tickets are given out](#)
- [Reporting possible violations](#)
- [Paying or disputing a ticket](#)

## Violation tickets for individuals

### Travelling between regions

Subject to a \$575 violation ticket if you:

- Travel from one region to another for non-essential reasons

Subject to a \$230 violation ticket if you:

- Refuse to comply with the direction of an enforcement officer who is enforcing the order
- Engage in abusive or belligerent behaviour in relation to the order

Review the [EPA order – Travel Restrictions](#)

### Mask requirements in public indoor settings

Subject to a \$230 violation ticket if you:

- Do not wear a mask in an indoor public setting, unless you are exempt
- Refuse to comply with the direction of an enforcement officer, including the direction to leave the space
- Engage in abusive or belligerent behaviour in relation to the face coverings order

## On a party bus or limousine

Subject to a \$230 violation ticket if you:

- Are a passenger on a party bus or limousine as detailed in the [PHO order – Gatherings and Events \(PDF\)](#)

## At an event or gathering

Subject to a \$575 violation ticket if you:

- Attend a non-compliant event or gathering
- Encourage other people to attend a gathering or event unless it has an exemption

Subject to a \$230 violation ticket if you:

- Refuse to comply with the direction of an enforcement officer, including the direction to leave or disperse from the event or gathering
- Engage in abusive or belligerent behaviour in relation to the order
  - Review the [PHO order – Gatherings and Events \(PDF\)](#)

## At a restaurant or bar

Subject to a \$230 violation ticket if you:

- Consume alcohol at a licensed premise after 11:00 pm
- Engage in abusive behaviour towards a restaurant or bar employee in relation to the PHO orders
  - Review the [PHO Order – Food and Liquor Serving Premises \(PDF\)](#)

## Violation tickets for temporarily prohibited or restricted businesses

\$2,300 violation tickets can also be issued to people who operate a retail business or episodic market that is prohibited by the PHO or subject to conditions.

Review the prohibitions, conditions and exceptions in the [PHO order – Gatherings and Events \(PDF\)](#) for:

- Party buses
- Limousines
- Perimeter seating vehicles
- Retail business
- Episodic markets



Individuals can receive a \$230 ticket for being a passenger on a party bus or limo in violation of the applicable prohibitions or conditions; or attending a non-compliant retail business or episodic market.

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## Violation tickets for owners, operators and event organizers

Violation tickets of \$2,300 can be issued to owners, operators and event organizers who host an event or gathering, unless the event or gathering has an exemption.

- Review the [PHO order – Gatherings and Events \(PDF\)](#).

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## Violation tickets for food and liquor serving premises

Violation tickets of \$2,300 can be issued to owners, operators and event organizers. They are subject to a fine if:

- A nightclub does not cease to operate as a nightclub
- Background music or other background sounds, such as from televisions is louder than the volume of normal conversation
- Liquor is served outside the hours of 11:00 am to 10:00 pm, even if the establishment provides a full meal service
- If an establishment does not provide full meal service, does not close by 11:00 pm with all patrons having vacated the premises
- Liquor is consumed on premises by owners, operators or staff after 11:00 pm

Review the [PHO Order – Food and Liquor Serving Premises \(PDF\)](#).

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## How tickets are given out

Violation tickets can be issued by:

- Police officers
- Community safety unit
- Liquor and cannabis inspectors
- Gaming investigators
- Conservation officers

WorkSafeBC investigators will assist through their existing authorities and tools.

If violation tickets do not act as a deterrent, or in cases of particularly egregious contraventions or for repeat offenders, police can recommend changes in relation to the offence. On conviction, judicial penalties of up to \$10,000 and/or one year in prison may be imposed.

## Working with local governments

The Province is also working with local governments to target individuals and businesses who fail to comply with orders.

- This may include revoking business or liquor licenses where issues occur
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## Reporting possible violations

To report concerns around PHO order violations by event organizers, venues or individuals, contact your local government's bylaw office.

- Local bylaw officers can help follow up on concerns, and engage police departments and WorkSafeBC as necessary

If you are unable to reach a local bylaw office, contact your local police department's non-emergency line.

- Calling 9-1-1 is only appropriate in serious situations
- 

## Paying or disputing a ticket

You have 30 days from the date the ticket was issued to either pay or dispute the ticket. This is consistent with other violation tickets, such as traffic tickets under the Motor Vehicle Act.

ICBC sends unpaid files directly to collections as soon as the initial 30-day payment or dispute period ends, or an offender is found guilty in court.

### Dispute a ticket

You have up to 30 days to dispute a violation ticket. This is the usual process and has not changed.

- Information on how to dispute a ticket is written on the ticket

### Refusal to pay

If you refuse to pay the fine but don't dispute the ticket, after 30 days you are considered to have pleaded guilty and your file will be sent directly to collections.

- If you can't afford to pay the fine, you can dispute the fine amount. This dispute will be adjudicated by the courts

## COVID-19 response





Information for residents of B.C. about COVID-19, including:

- Vaccines
- Benefits and supports
- PHO orders and guidelines

[Get COVID-19 information](https://www2.gov.bc.ca/gov/content/covid-19/info/violation-tickets)

This Act is current to March 31, 2021

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

## **COVID-19 RELATED MEASURES ACT**

### **[SBC 2020] CHAPTER 8**

*Assented to July 8, 2020*

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## **Part 1 — Definitions and Application**

### **Definitions**

1 In this Act:

"**COVID-19 pandemic**" means the pandemic that was the subject of the declaration of a state of emergency made under the *Emergency Program Act* on March 18, 2020;

"**COVID-19 provision**" means a provision enacted by section 3 (1);

"**declaration of a state of emergency**" has the same meaning as in the *Emergency Program Act*;

"**EPA instrument**" means an order or regulation, listed in Schedule 1 or 2, that was made under section 10 or 10.1 of the *Emergency Program Act*.

### **Conflict**

2 If there is a conflict between



- (a) this Act, including a COVID-19 provision, or a regulation under this Act, and
- (b) any other Act or regulation,

the enactment referred to in paragraph (a) prevails.

## Part 2 — COVID-19 Provisions

### Re-enactment and continuation of EPA instruments

- 3 (1) Each of the EPA instruments is enacted as a provision of this Act.
- (2) An EPA instrument is repealed on its enactment as a COVID-19 provision by subsection (1).
- (3) Subject to subsection (8) (b), the enactment of a COVID-19 provision by subsection (1) is effective,
- (a) respecting EPA instruments in Schedule 1, on the date of the relevant declaration of a state of emergency, and
  - (b) respecting EPA instruments in Schedule 2, on the date the instrument was made under section 10 or 10.1 of the *Emergency Program Act*.
- (4) For certainty, a COVID-19 provision remains in effect in accordance with this section despite
- (a) the *Emergency Program Act*, and
  - (b) anything in the COVID-19 provisions to the contrary.
- (5) Subject to subsections (6) and (8), a COVID-19 provision is repealed as follows:
- (a) respecting items 1 to 6 in Schedule 1 and items 1, 2, 5, 7 to 9, 13, 16, 17, 19, 20 and 21 in Schedule 2, 90 days after the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* expires or is cancelled;
  - (b) respecting items 3, 4, 6, 10 to 12, 14, 15 and 18 in Schedule 2, 45 days after the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* expires or is cancelled;
  - (c) respecting EPA instruments added to Schedule 1 or 2 after this Act comes into force, as determined by regulation.
- (6) The Lieutenant Governor in Council may, before a COVID-19 provision is repealed under subsection (5), specify by regulation a later date on which the COVID-19 provision is repealed, and if a later date is so specified, the COVID-19 provision is repealed on that later date.
- (7) The Lieutenant Governor in Council may not specify a date for the purposes of subsection (6) that is later than the date that is one year after the date this Act comes into force.
- (8) The Lieutenant Governor in Council may, by regulation,

- (a) repeal a COVID-19 provision or a portion of a COVID-19 provision, and
  - (b) add to Schedule 1 or 2 an order made under section 10 of the *Emergency Program Act* or a regulation made under section 10.1 of that Act respecting the COVID-19 pandemic.
- (9) The Lieutenant Governor in Council may make a regulation under subsection (6) or (8) (b) only if satisfied it is necessary to do so to respond to or alleviate the effects of the COVID-19 pandemic.
- (10) A regulation under subsection (8) may be made retroactive to a specified date and, if made retroactive, is deemed to have come into force on the specified date.
- (11) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.

## Reports

- 4 (1) The minister responsible for the administration of the *Emergency Program Act* must report to the Speaker of the Legislative Assembly on the following made under that Act respecting the COVID-19 pandemic:
- (a) an order made under section 10;
  - (b) a regulation made under section 10.1.
- (2) The minister responsible for the administration of this Act must report to the Speaker of the Legislative Assembly on a regulation made under this Act.
- (3) A report under this section must
- (a) include a copy of the relevant order or regulation, and
  - (b) be made within 5 days from the date the order or regulation was made.
- (4) On receipt of a report under this section, the Speaker must lay the report before the Legislative Assembly as soon as possible.

## Part 3 — Limits on Actions and Proceedings

### No actions or proceedings

- 5 (1) Subject to subsection (2) and the regulations, no legal proceeding for prescribed damages related to the COVID-19 pandemic lies or may be commenced or maintained against a prescribed person or a person in a prescribed class of persons because of
- (a) any prescribed act or omission of the person, or
  - (b) any act or omission of the person in a prescribed class of acts or omissions.
- (2) Subsection (1) does not apply in relation to damages caused by gross negligence.
- (3) The Lieutenant Governor in Council may make regulations for the purposes of this section, including, without limitation, regulations restricting the protection provided



under subsection (1) or imposing conditions on the protection.

- (4) A regulation under subsection (3) may be made retroactive to a specified date and, if made retroactive, is deemed to have come into force on the specified date.

### Protection continues

- 6 For certainty, despite the repeal of section 5, the repeal does not affect any protection acquired under that section.

### Repeal and Related Amendments

#### Editorial Note

Section(s)	Affected Act
7	<i>COVID-19 Related Measures Act</i>
8-9	<i>Emergency Program Act</i>

### Commencement

- 10 This Act comes into force by regulation of the Lieutenant Governor in Council.

#### Schedule 1

Item	Column 1 Ministerial Order Title	Column 2 Ministerial Order Number
1	Electronic Attendance at Strata Property Meetings (COVID-19) Order	M114/2020
2	Electronic Attendance at Corporate Meetings (COVID-19) Order	M116/2020
3	Electronic Attendance at Credit Union Meetings (COVID-19) Order	M138/2020
4	Local Government Meetings and Bylaw Process (COVID-19) Order No. 2 [Repealed B.C. Reg. 172/2020.]	M139/2020
5	Electronic Attendance at Statutory Meetings (COVID-19) Order	M167/2020
6	Correctional Centre Measures (COVID-19) Order	M193/2020
<u>Item</u>	<u>Column 1</u> <i>(for Items 7 and following)</i> <u>EPA Instrument Title</u>	<u>Column 2</u> <i>(for Items 7 and following)</i> <u>EPA Instrument Number</u>
<u>7</u>	<u>COVID-19 (Provincial Court Proceedings) Regulation</u>	

#### Schedule 2

Item	Column 1 Ministerial Order Title	Column 2 Ministerial Order Number
1	Bylaw Enforcement Officer (COVID-19) Order	M082/2020
2	Local Authorities and Essential Goods and Supplies (COVID-19) Order [Amended B.C. Reg. 194/2020, O.C. 451/2020.]	M084/2020
3	Limitation Periods (COVID-19) Order [Repealed B.C. Reg. 172/2020.]	M086/2020
4	Residential Tenancy (COVID-19) Order [Repealed B.C. Reg. 172/2020.]	M089/2020
5	Provincial Compliance Officer (COVID-19) Order	M093/2020
6	Protection Against Liability (COVID-19) Order	M094/2020



	[Repealed B.C. Reg. 172/2020.]	
7	Limitation Periods (COVID-19) Order No. 2 [Amended B.C. Reg. 199/2020, O.C. 453/2020.]	M098/2020
8	Health Care Labour Adjustment (COVID-19) Order [Repealed B.C. Reg. 188/2020.]	M105/2020
9	Prohibition on Unconscionable Prices for Essential Goods and Supplies (COVID-19) Order	M115/2020
10	Protection Against Liability (COVID-19) Order No. 2 [Repealed B.C. Reg. 204/2020.]	M120/2020
11	Supreme Court Civil and Family Applications (COVID-19) Order	M121/2020
12	Encampment Health and Safety (COVID-19) Order [Repealed B.C. Reg. 172/2020.]	M128/2020
13	Employment and Assistance (COVID-19) Order	M133/2020
14	Encampment Health and Safety (COVID-19) Order No. 2	M150/2020
15	Encampment Health and Safety (COVID-19) Vancouver Enforcement Order	M152/2020
16	Local Government Finance (COVID-19) Order	M159/2020
17	Electronic Witnessing of Enduring Powers of Attorney and Representation Agreements (COVID-19) Order	M162/2020
18	Encampment Health and Safety (COVID-19) Victoria Enforcement Order	M166/2020
19	Electronic Attendance at UBCM Convention (COVID-19) Order	M168/2020
20	Protection Against Liability for Sports (COVID-19) Order [Repealed B.C. Reg. 204/2020.]	M183/2020
21	Local Government Meetings and Bylaw Process (COVID-19) Order No. 3	M192/2020
22	Commercial Tenancy (COVID-19) Order [Repealed B.C. Regs. 172/2020, 223/2020.]	M179/2020
23	Residential Tenancy (COVID-19) Order No. 2 [Repealed B.C. Reg. 195/2020.]	M195/2020
23.1	Health Care Labour Adjustment (COVID-19) Order No. 2	M220/2020
23.2	BC Ferries Medical Travel (COVID-19) Order	M256/2020
23.3	Gatherings and Events (COVID-19) Order [Repealed B.C. Reg. 258/2020.]	
23.4	Food and Liquor Premises, Gatherings and Events (COVID 19) Order [Repealed B.C. Reg. 269/2020.]	
<u>23.5</u>	<u>Food and Liquor Premises, Gatherings and Events (COVID-19) Order No. 2</u> [Repealed B.C. Reg. 1/2021.]	
<u>23.6</u>	<u>Use of Face Coverings in Indoor Public Spaces (COVID-19) Order</u> [Repealed B.C. Reg. 1/2021.]	
<u>23.7</u>	<u>Food Delivery Services (COVID-19) Order</u>	
Item	Column 1 (for Items 24 and following) <b>EPA Instrument Title</b>	Column 2 (for Items 24 and following) <b>EPA Instrument Number</b>
24	COVID-19 ( <i>Societies Act</i> ) Regulation	B.C. Reg. 173/2020
25	COVID-19 ( <i>Residential Tenancy Act and Manufactured Home Park Tenancy Act</i> ) Regulation [Repealed B.C. Reg. 212/2020.]	

26	COVID-19 ( <i>Passenger Transportation Act</i> ) Regulation	B.C. Reg. 200/2020
<a href="#">27</a>	<a href="#">COVID-19 (Limitation Periods in Court Proceedings) Regulation</a> [Repealed B.C. Reg. 292/2020.]	<a href="#">B.C. Reg. 199/2020</a>
28	COVID-19 ( <i>Residential Tenancy Act</i> and <i>Manufactured Home Park Tenancy Act</i> ) (No. 2) Regulation [Repealed B.C. Reg. 267/2020.]	
29	COVID-19 ( <i>Residential Tenancy Act</i> and <i>Manufactured Home Park Tenancy Act</i> ) (No. 3) Regulation	B.C. Reg. 267/2020
<a href="#">30</a>	<a href="#">COVID-19 (Income Tax Act) Regulation</a>	

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PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND  
SOLICITOR GENERAL

*Emergency Program Act*

Ministerial Order No. M012

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS face coverings, when used in addition to other protective measures such as maintaining physical distance and using barriers, help to prevent, respond to or alleviate the effects of the COVID-19 pandemic;

AND WHEREAS the persistence of the COVID-19 pandemic warrants a coordinated provincial approach to the use of face coverings in indoor public spaces;


AND WHEREAS it is not possible for some persons to wear face coverings and I have taken that into consideration in this order;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Face Coverings (COVID-19) Order is made.

January 8, 2021

Date

  
Minister of Public Safety and Solicitor General

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; MO 425/2020; OIC 1/2021

## FACE COVERINGS (COVID-19) ORDER

### Definitions

1 In this order:

“**enforcement officer**” has the same meaning as in the Violation Ticket Administration and Fines Regulation with respect to a person in a designated class of persons with the authority to issue a ticket in relation to the provisions of this order;

“**face covering**” means either of the following that covers the nose and mouth of a person:

- (a) a medical or non-medical mask;
- (b) a tightly woven fabric;

“**indoor public space**” has the meaning given in section 2 (2);

“**operator**”, in relation to an indoor public space, means

- (a) an owner or operator of the indoor public space, or
- (b) an employee or person acting on behalf of an owner or operator of the indoor public space;

“**visitor**” means a person who visits an indoor public space, but does not include the operator of the indoor public space.

### Interpretation – indoor public spaces

2 (1) In this section:

“**health profession**” has the same meaning as in the *Health Professions Act*;

“**health professional**” means a person who practises a health profession;

“**hotel**” includes a motel, inn, bed and breakfast, hostel or other place in which rooms are maintained for the accommodation of the public;

“**indoor common area**” means the indoor area of a building that is provided for the common use of all occupants and invitees of the building, including lobbies, hallways, public bathrooms and elevators;

“**perimeter seating**” has the same meaning as in the Passenger Transportation Regulation;

“**perimeter seating bus**” has the same meaning as in the Passenger Transportation Regulation;

“**personal service**” means a service provided by a person to or on the body of another person, and includes services provided at a barbershop, beauty parlour, health spa, massage parlour, nail salon, tattoo shop, sauna or steam bath;

“**post-secondary institution**” includes an entity that provides any of the following programs:

- (a) an educational or training program provided under
  - (i) the *College and Institute Act*,
  - (ii) the *Royal Roads University Act*,
  - (iii) the *Thompson Rivers University Act*,
  - (iv) the *University Act*, or



- (v) the *Private Training Act*;
- (b) a program provided in accordance with a consent given under the *Degree Authorization Act*;
- (c) a theological education or training program provided under an Act;

**“public transportation vehicle”** includes a bus, train or ferry;

**“retail business”** means a business that sells retail goods, including a grocery store, clothing store, liquor or cannabis store, or sporting goods store;

**“service business”** means a business that provides a service, including

- (a) dry cleaning or laundry services,
- (b) insurance services,
- (c) banking services,
- (d) funeral services,
- (e) personal services,
- (f) accounting, legal, engineering or other professional services, or
- (g) the services of a tradesperson;

**“sport or fitness facility”** means a place used for sport or fitness activities, including a gym, ice arena, pool, gymnastics facility, indoor field, fitness studio or dance studio.

(2) For the purposes of this order, an indoor public space is any of the following:

- (a) a building or structure that is used as
  - (i) a retail business,
  - (ii) a service business,
  - (iii) a restaurant, pub, bar or other business that prepares and sells food or drink,
  - (iv) a mall or shopping centre,
  - (v) a pharmacy,
  - (vi) a health professional’s office,
  - (vii) a place of public worship,
  - (viii) a sport or fitness facility,
  - (ix) a place in which a non-profit organization provides goods or services to the public,
  - (x) a place that provides cultural, entertainment or recreational services or activities, including a theatre, cinema, concert hall, arcade, billiard hall, museum, gallery or library, or
  - (xi) a conference centre, community hall or other place that hosts public events;
- (b) the indoor common area of
  - (i) an office building,
  - (ii) a hotel,
  - (iii) a hospital,
  - (iv) a courthouse, or

- (v) a post-secondary institution;
- (c) a taxi, limousine, perimeter seating vehicle, perimeter seating bus, vehicle used for a commercial ride sharing service or other vehicle for hire;
- (d) a public transportation vehicle;
- (e) the indoor or sheltered portion or a terminal, station or other location at which persons
  - (i) load onto or unload from a public transportation vehicle, or
  - (ii) wait to load onto a public transportation vehicle;
- (f) an airport, heliport or seaplane terminal.

**Face coverings required in indoor public spaces**

- 3** (1) Except as provided under section 4, a visitor must wear a face covering, in accordance with subsection (2), while inside an indoor public space.
- (2) A face covering must be worn in a manner that covers the nose and mouth.

**Exemption from use of face covering**

- 4** Section 3 does not apply as follows:
- (a) to a person who is less than 12 years of age;
  - (b) to a person who is unable to wear a face covering because of
    - (i) a psychological, behavioural or health condition, or
    - (ii) a physical, cognitive or mental impairment;
  - (c) to a person who is unable to put on or remove a face covering without the assistance of another person;
  - (d) if the face covering is removed temporarily for the purposes of identifying the person wearing it;
  - (e) while inside a courtroom;
  - (f) while consuming food or beverage at a location designated for those purposes by the operator of the indoor public space;
  - (g) while participating in a sport or fitness activity at a sport or fitness facility;
  - (h) while receiving a personal service, or a service at a health professional's office, if removing the face covering is necessary in order to receive the service;
  - (i) while inside a vehicle on a ferry;
  - (j) while communicating with a person who has a hearing impairment.

**Order does not prevent further requirements**

- 5** Nothing in this order prevents an operator from having additional requirements in relation to face coverings.

**General compliance matters**

- 6** (1) A direction given by an enforcement officer relating to a person's compliance with this order, including a direction to leave an indoor public space, must be complied with.

- (2) A visitor to an indoor public space must not engage in abusive or belligerent behaviour towards an enforcement officer, another visitor or the operator of the indoor public space in relation to the other person's efforts
  - (a) to comply with, or
  - (b) to respond to, prevent or correct contraventions of a face covering requirement.
- (3) In this section, "**face covering requirement**" means a requirement in relation to face coverings that is set out in
  - (a) this order,
  - (b) an order made under the *Public Health Act*, or
  - (c) a COVID-19 provision within the meaning of the *COVID-19 Related Measures Act*.

**Enforcement information to minister**

- 7 A law enforcement agency and a local government must provide the minister with information in its possession, other than personal information, that the minister requests respecting the enforcement of this order by the law enforcement agency or the local government.



PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND  
SOLICITOR GENERAL

*Emergency Program Act*

Ministerial Order No. M082

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General order that the attached Bylaw Enforcement Officer (COVID-19) Order is made.

March 26, 2020

Date

  
Minister of Public Safety and Solicitor General

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020

## BYLAW ENFORCEMENT OFFICER (COVID-19) ORDER

### Definitions

1 In this order:

“**bylaw enforcement officer**” means the following:

- (a) a person in a class of persons described in section 3 (c), (d) or (f) of the Community Charter Bylaw Enforcement Ticket Regulation, B.C. Reg. 425/2003, who is designated as a bylaw enforcement officer under
  - (i) section 264 (1) (b) of the *Community Charter*, or
  - (ii) section 264 (1) (b) of the *Community Charter* as that section applies to a regional district for the purposes of section 414 of the *Local Government Act*;
- (b) a person in a class of persons described in section 3 (d) of the Vancouver Charter By-law Enforcement Ticket Regulation, B.C. Reg. 189/2007, who is designated as a bylaw enforcement officer under section 482.1 (1) (b) of the *Vancouver Charter*;

“**health officer**” means the provincial health officer or a medical health officer within the meaning of the *Public Health Act*;

“**public health order**” means an order made by a health officer under the *Public Health Act* in respect of the COVID-19 pandemic.

### Application

- 2 This order only applies during the period that the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act*, and any extension of the duration of that declaration, is in effect.

### Bylaw enforcement officers to provide assistance

- 3 (1) To the greatest extent possible without unduly compromising any other bylaw enforcement objectives of the local authority, each local authority must ensure that the local authority’s bylaw enforcement officers provide such assistance as may be required for the purposes of enforcing public health orders, including, without limitation, the following:
- (a) monitoring facilities and areas closed to the public by a public health order;
  - (b) providing warnings, information and advice to businesses and members of the public in respect of public health orders, including warnings to businesses and members of the public who may be acting in contravention of a public health order;
  - (c) providing health officers with information in respect of potential contraventions of a public health order.
- (2) In providing assistance under this section, a bylaw enforcement officer is not authorized to
- (a) detain an individual as a result of a contravention or suspected contravention of a public health order, or

- (b) issue a fine or penalty, including an administrative penalty, under the *Public Health Act*.
- (3) Nothing in this section is to be construed as limiting any powers or duties of a bylaw enforcement officer under the *Community Charter, Local Government Act, Vancouver Charter* and related regulations or local authority bylaws, as the case may be.

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND  
SOLICITOR GENERAL

*Emergency Program Act*

Ministerial Order No. M159

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS it is in the public interest to ensure that certain financial measures be authorized so that local governments have operating funds during the emergency and the impacts of the emergency are lessened by varying, extending or deferring requirements;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Local Government Finance (COVID-19) Order is made.

May 15, 2020  
Date

  
Minister of Public Safety and Solicitor General

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*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; OIC 241/2020

# LOCAL GOVERNMENT FINANCE (COVID-19) ORDER

## Division 1 – General

### Definitions

- 1 In this order:
  - “**board**” has the same meaning as in the Schedule of the *Local Government Act*;
  - “**City of Vancouver**” has the same meaning as “city” in section 2 of the *Vancouver Charter*;
  - “**council**” has the same meaning as in the Schedule of the *Community Charter*;
  - “**Greater Vancouver Sewerage and Drainage District**” has the same meaning as “Corporation” in section 2 of the *Greater Vancouver Sewerage and Drainage District Act*;
  - “**Greater Vancouver Sewerage and Drainage District Administration Board**” has the same meaning as “Board” in section 2 of the *Greater Vancouver Sewerage and Drainage District Act*;
  - “**Greater Vancouver Water District**” has the same meaning as “Corporation” in section 2 of the *Greater Vancouver Water District Act*;
  - “**Greater Vancouver Water District Administration Board**” has the same meaning as “Board” in section 2 of the *Greater Vancouver Water District Act*;
  - “**improvement district**” has the same meaning as in the Schedule of the *Local Government Act*;
  - “**Municipal Finance Authority**” means the Municipal Finance Authority of British Columbia continued under section 2 [*authority continued*] of the *Municipal Finance Authority Act*;
  - “**municipality**” has the same meaning as in the Schedule of the *Community Charter*;
  - “**regional district**” has the same meaning as in the Schedule of the *Local Government Act*;
  - “**Vancouver council**” has the same meaning as “Council” in section 2 of the *Vancouver Charter*.

### Application

- 2 This order applies during the period that starts on the date this order is made and ends on the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under section 9 (1) [*declaration of state of emergency*] of the *Emergency Program Act* expires or is cancelled.

## Division 2 – Reserve Fund Borrowing

### Reserve fund borrowing – municipalities

- 3 (1) A municipality may, during the 2020 calendar year, borrow from a reserve fund established under section 188 [*establishment of reserve funds*] of the *Community Charter*.

- (2) The money borrowed under subsection (1) of this section
  - (a) may be used for any operational shortfall in the 2020 calendar year, at the discretion of the council of the municipality,
  - (b) must be repaid to the fund from which it was borrowed on or before December 31, 2025, and
  - (c) need not be repaid with interest.
- (3) Any outstanding money that remains unpaid on December 31, 2025 must be added to the 2026 financial plan, budget or estimates, as applicable, of the municipality as a cash transfer to reserves, plus a penalty equal to 5% of the debt outstanding as at December 31, 2025.
- (4) This section applies despite section 189 [*use of money in reserve funds*] of the *Community Charter*.

**Reserve fund borrowing – regional districts**

- 4 (1) A regional district may, during the 2020 calendar year, borrow from a reserve fund established under section 377 [*financial management: application of Community Charter*] of the *Local Government Act*.
- (2) The money borrowed under subsection (1) of this section
  - (a) may be used for any operational shortfall in the 2020 calendar year, at the discretion of the board of the regional district,
  - (b) must be repaid to the fund from which it was borrowed on or before December 31, 2025, and
  - (c) need not be repaid with interest.
- (3) Any outstanding money that remains unpaid on December 31, 2025 must be added to the 2026 financial plan, budget or estimates, as applicable, of the regional district as a cash transfer to reserves, plus a penalty equal to 5% of the debt outstanding as at December 31, 2025.
- (4) This section applies despite section 377 of the *Local Government Act*.

**Reserve fund borrowing – improvement districts**

- 5 (1) An improvement district may, during the 2020 calendar year, borrow from a reserve fund established under section 706 [*renewal of works and related reserve funds*] of the *Local Government Act*.
- (2) The money borrowed under subsection (1) of this section
  - (a) may be used for any operational shortfall in the 2020 calendar year, at the discretion of the improvement district board,
  - (b) must be repaid to the fund from which it was borrowed on or before December 31, 2025, and
  - (c) need not be repaid with interest.
- (3) Any outstanding money that remains unpaid on December 31, 2025 must be added to the 2026 financial plan, budget or estimates, as applicable, of the improvement district as a cash transfer to reserves, plus a penalty equal to 5% of the debt outstanding as at December 31, 2025.
- (4) This section applies despite section 706 of the *Local Government Act*.

**Reserve fund borrowing – City of Vancouver**

- 6 (1) The City of Vancouver may, during the 2020 calendar year, borrow from a reserve fund established under the following sections of the *Vancouver Charter*:
- (a) section 193D (5) (d) and (8) [*single room accommodation permits*];
  - (b) section 201A [*property acquisition fund*];
  - (c) section 306 (7) to (9) [*reserve fund for off-street parking and other transportation infrastructure*];
  - (d) section 523D (16) to (17.1) [*development cost levies*].
- (2) The money borrowed under subsection (1) of this section
- (a) may be used for any operational shortfall in the 2020 calendar year, at the discretion of the Vancouver council,
  - (b) must be repaid to the fund from which it was borrowed on or before December 31, 2025, and
  - (c) need not be repaid with interest.
- (3) Any outstanding money that remains unpaid on December 31, 2025 must be added to the 2026 financial plan, budget or estimates, as applicable, of the City of Vancouver as a cash transfer to reserves, plus a penalty equal to 5% of the debt outstanding as at December 31, 2025.
- (4) This section applies despite the following provisions of the *Vancouver Charter*:
- (a) section 193D (5) (d) and (8);
  - (b) section 201A;
  - (c) section 306 (7) to (9);
  - (d) section 523D (16) to (17.1).

**Reserve fund borrowing –  
Greater Vancouver Sewerage and Drainage District**

- 7 (1) The Greater Vancouver Sewage and Drainage District may, during the 2020 calendar year, borrow from a reserve fund established under section 34.1 [*reserve and special reserve funds*] of the *Greater Vancouver Sewage and Drainage District Act*.
- (2) The money borrowed under subsection (1) of this section
- (a) may be used for any operational shortfall in the 2020 calendar year, at the discretion of the Greater Vancouver Sewage and Drainage District board,
  - (b) must be repaid to the fund from which it was borrowed on or before December 31, 2025, and
  - (c) need not be repaid with interest.
- (3) Any outstanding money that remains unpaid on December 31, 2025 must be added to the 2026 financial plan, budget or estimates, as applicable, of the Greater Vancouver Sewage and Drainage District as a cash transfer to reserves, plus a penalty equal to 5% of the debt outstanding as at December 31, 2025.
- (4) This section applies despite section 34.1 of the *Greater Vancouver Sewage and Drainage District Act*.



**Reserve fund borrowing –  
Greater Vancouver Water District**

- 8 (1) The Greater Vancouver Water District may, during the 2020 calendar year, borrow from a reserve fund established under section 57.1 [*reserve funds*] of the *Greater Vancouver Water District Act*.
- (2) The money borrowed under subsection (1) of this section
- (a) may be used for any operational shortfall in the 2020 calendar year, at the discretion of the Greater Vancouver Water District board,
  - (b) must be repaid to the fund from which it was borrowed on or before December 31, 2025, and
  - (c) need not be repaid with interest.
- (3) Any outstanding money that remains unpaid on December 31, 2025 must be added to the 2026 financial plan, budget or estimates, as applicable, of the Greater Vancouver Water District as a cash transfer to reserves, plus a penalty equal to 5% of the debt outstanding as at December 31, 2025.
- (4) This section applies despite section 57.1 of the *Greater Vancouver Water District Act*.

**Division 3 – Revenue Anticipation Borrowing**

**Municipal Finance Authority**

- 9 The Municipal Finance Authority may enter into agreements with the following institutions to provide financing for the following purposes, as applicable to the institution, in accordance with section 11 [*interim financing*] of the *Municipal Finance Authority Act* and in the same manner as if each of the following institutions was a public institution under that Act:
- (a) in respect of the City of Vancouver, borrowing under section 263 [*borrowing pending collection of real-property taxes*] of the *Vancouver Charter*;
  - (b) in respect of the Greater Vancouver Sewerage and Drainage District, borrowing under section 35 [*borrowing in anticipation of revenue*] of the *Greater Vancouver Sewerage and Drainage District Act*;
  - (c) in respect of the Greater Vancouver Water District, borrowing under section 58 [*borrowing in anticipation of revenue*] of the *Greater Vancouver Water District Act*.

**Extension of borrowing – municipalities**

- 10 (1) For debt incurred as borrowing in anticipation of revenue in 2020 in accordance with section 177 [*revenue anticipation borrowing*] of the *Community Charter* in respect of a municipality, the money must be repaid on or before the earlier of the following dates:
- (a) the date when the anticipated revenue with respect to which the borrowing was authorized is received;
  - (b) December 31, 2021.
- (2) The amount of any outstanding debt from 2020 that remains unpaid in 2021 under subsection (1) does not limit, and need not be included in the calculation of, the

maximum allowable amount of borrowing in anticipation of revenue in 2021 in respect of the municipality.

- (3) This section applies despite section 177 of the *Community Charter*.

**Extension of borrowing – regional districts**

- 11 (1) For debt incurred as borrowing in anticipation of revenue in 2020 in accordance with section 404 [*revenue anticipation borrowing*] of the *Local Government Act* in respect of a regional district, the money must be repaid on or before the earlier of the following dates:
- (a) the date when the anticipated revenue with respect to which the borrowing was authorized is received;
  - (b) December 31, 2021.
- (2) The amount of any outstanding debt from 2020 that remains unpaid in 2021 under subsection (1) does not limit the maximum allowable amount of borrowing in anticipation of revenue in 2021 in respect of the regional district.
- (3) This section applies despite section 404 of the *Local Government Act*.

**Extension of borrowing – City of Vancouver**

- 12 (1) For debt incurred as borrowing in anticipation of revenue in 2020 in accordance with section 263 [*borrowing pending collection of real-property taxes*] of the *Vancouver Charter*, the money must be repaid on or before the earlier of the following dates:
- (a) the date when the anticipated revenue with respect to which the borrowing was authorized is received;
  - (b) December 31, 2021.
- (2) The amount of any outstanding debt from 2020 that remains unpaid in 2021 under subsection (1) does not limit, and need not be included in the calculation of, the maximum allowable amount of borrowing in anticipation of revenue in 2021.
- (3) This section applies despite section 263 of the *Vancouver Charter*.

**Extension of borrowing –  
Greater Vancouver Sewerage and Drainage District**

- 13 (1) For debt incurred as borrowing in anticipation of revenue in 2020 in accordance with section 35 [*borrowing in anticipation of revenue*] of the *Greater Vancouver Sewerage and Drainage District Act*, the money must be repaid on or before the earlier of the following dates:
- (a) the date when the anticipated revenue with respect to which the borrowing was authorized is received;
  - (b) December 31, 2021.
- (2) The amount of any outstanding debt from 2020 that remains unpaid in 2021 under subsection (1) does not limit the maximum allowable amount of borrowing in anticipation of revenue in 2021.
- (3) This section applies despite section 35 of the *Greater Vancouver Sewerage and Drainage District Act*.

**Extension of borrowing –  
Greater Vancouver Water District**

- 14 (1) For debt incurred as borrowing in anticipation of revenue in 2020 in accordance with section 58 [*borrowing in anticipation of revenue*] of the *Greater Vancouver Water District Act*, the money must be repaid on or before the earlier of the following dates:
- (a) the date when the anticipated revenue with respect to which the borrowing was authorized is received;
  - (b) December 31, 2021.
- (2) The amount of any outstanding debt from 2020 that remains unpaid in 2021 under subsection (1) does not limit the maximum allowable amount of borrowing in anticipation of revenue in 2021.
- (3) This section applies despite section 58 of the *Greater Vancouver Water District Act*.

**Division 4 – Annual Tax Sales**

**Deferral of tax sale – municipalities**

- 15 (1) A council of a municipality may, by bylaw adopted on or before August 31, 2020, defer the annual tax sale for 2020, provided for under Division 7 [*Annual Municipal Tax Sale*] of Part 16 [*Municipal Provisions*] of the *Local Government Act*, until September 27, 2021, with the effect that the annual tax sale would be on that date in respect of the upset price described in section 649 [*upset price for tax sale*] of that Act.
- (2) If a bylaw is adopted deferring the annual tax sale,
- (a) written notice must be sent within 2 weeks of the bylaw's adoption to the property owner of a property that is subject to the deferred annual tax sale advising the owner that
    - (i) the annual tax sale for 2020 has been deferred to September 27, 2021,
    - (ii) any taxes that are delinquent will remain delinquent for 2021, with applicable interest charges, and
    - (iii) unless the delinquent taxes are paid before the start of the tax sale on September 27, 2021, the property will be subject to tax sale on September 27, 2021,
  - (b) it is not required to provide public notice of the deferral of the annual tax sale, and
  - (c) for certainty, any taxes that are delinquent, as described in section 246 (1) [*delinquent taxes*] of the *Community Charter*, remain delinquent for 2021, with interest charges that are carried under that Act.
- (3) For certainty, this section does not limit the application of the *Local Government Act* to an annual tax sale in respect of a municipality that does not defer its annual tax sale.
- (4) This section applies despite Division 7 of Part 16 of the *Local Government Act*.

#### **Deferral of tax sale – City of Vancouver**

- 16 (1) The Vancouver council may, by bylaw adopted on or before August 31, 2020, defer the annual tax sale for 2020, provided for under section 422 [*tax sale each year*] of the *Vancouver Charter*, until November 10, 2021, with the effect that the annual tax sale would be on that date in respect of the upset price described in section 427 [*price to be paid*] of that Act.
- (2) If a bylaw is adopted deferring the annual tax sale,
- (a) written notice must be sent within 2 weeks of the bylaw’s adoption to the property owner of a property that is subject to the deferred annual tax sale advising the owner that
    - (i) the annual tax sale for 2020 has been deferred to November 10, 2021,
    - (ii) any taxes that are delinquent will remain delinquent for 2021, with applicable interest charges, and
    - (iii) unless the delinquent taxes are paid before the start of the tax sale on November 10, 2021, the property will be subject to tax sale on November 10, 2021,
  - (b) it is not required to provide public notice of the deferral of the annual tax sale, and
  - (c) for certainty, any taxes that are delinquent, as described in section 407 [*further warning of tax sale*] of the *Vancouver Charter*, remain delinquent for 2021, with interest charges that are carried under that Act.
- (3) This section applies despite Part XX [*Real-Property Taxation*] of the *Vancouver Charter*.

#### **Deferral of tax sale – improvement districts**

- 17 (1) In this section, “**deferral date**” means, as applicable,
- (a) a date specified for the annual tax sale deferred by a bylaw in accordance with subsection (2), or
  - (b) September 27, 2021, if no date is specified in the bylaw.
- (2) An improvement district board may, by bylaw adopted on or before August 31, 2020, defer the annual tax sale for 2020, provided for under Division 6 [*Tax Sales*] of Part 17 [*Improvement Districts*] of the *Local Government Act*, until the deferral date, with the effect that the annual tax sale would be on the deferral date in respect of the upset price described in section 720 (2) (e) [*tax sale notice to affected owners and charge holders*] of that Act.
- (3) If a bylaw is adopted deferring the annual tax sale,
- (a) written notice must be sent within 2 weeks of the bylaw’s adoption to the registered owner of land that is subject to the deferred annual tax sale advising the owner
    - (i) that the annual tax sale for 2020 has been deferred to the deferral date,
    - (ii) of the applicable deferral date of the deferred annual tax sale,
    - (iii) any taxes that remain owing will remain owing for 2021, with applicable interest charges, and

- (iv) that, unless the upset price, as set under section 720 (2) (e) of the *Local Government Act*, is paid before the start of the tax sale on the deferral date, the land will be subject to tax sale on the deferral date,
  - (b) it is not required to provide public notice of the deferral of the annual tax sale, and
  - (c) for certainty, any taxes that remain owing, as described in section 718 (1) (a) [*tax sale for recovery of taxes*] of the *Local Government Act*, remain owing for 2021, with interest charges that are carried under that Act.
- (4) For certainty, this section does not limit the application of the *Local Government Act* to tax sales in respect of an improvement district that does not defer its annual tax sale.
  - (5) This section applies despite Division 6 of Part 17 of the *Local Government Act*.

### **Division 5 – Tax Sale Redemption Periods**

#### **Extension of redemption period – municipalities**

- 18**
- (1) A council of a municipality may, by bylaw adopted on or before August 31, 2020, extend the expiration of the redemption period for all properties that have a redemption period ending in 2020, provided for under Division 7 [*Annual Municipal Tax Sale*] of Part 16 [*Municipal Provisions*] of the *Local Government Act*, to September 27, 2021.
  - (2) If a bylaw is adopted extending the expiration of the redemption period,
    - (a) written notice, advising that the redemption period has been extended to September 27, 2021, must be sent within 2 weeks of the bylaw’s adoption
      - (i) to the property owner of a property that is subject to a redemption period that has been extended in accordance with subsection (1) of this section, and
      - (ii) to the tax sale purchaser, and
    - (b) it is not required to provide public notice of the extension of the redemption period.
  - (3) For certainty, this section does not limit the application of the *Local Government Act* in respect of a municipality that does not extend the expiration of the redemption period.
  - (4) This section applies despite Division 7 of Part 16 of the *Local Government Act*.

#### **Extension of redemption period – City of Vancouver**

- 19**
- (1) The Vancouver council may, by bylaw adopted on or before August 31, 2020, extend the expiration of the redemption period for all properties that have a redemption period ending in 2020, provided for under sections 422 [*tax sale each year*] to 454 [*period of limitation*] of the *Vancouver Charter*, to November 10, 2021.
  - (2) If a bylaw is adopted extending the expiration of the redemption period,
    - (a) written notice, advising that the redemption period has been extended to November 10, 2021, must be sent within 2 weeks of the bylaw’s adoption



- (i) to the property owner of a property that is subject to a redemption period that has been extended in accordance with subsection (1) of this section, and
  - (ii) to the tax sale purchaser, and
- (b) it is not required to provide public notice of the extension of the redemption period.
- (3) This section applies despite Part XX [*Real-Property Taxation*] of the *Vancouver Charter*.

## **Division 6 – Annual Reporting and Other Annual Requirements**

### **Annual reporting requirements – annual municipal report**

- 20 Despite the date referred to in section 98 (1) [*annual municipal report*] of the *Community Charter*, the applicable date for the requirements described in that section is August 31.

### **Annual reporting requirements – regional district finances reporting**

- 21 Despite the date referred to in section 376 (1) [*annual reporting on regional district finances*] of the *Local Government Act*, the applicable date for the requirements described in that section is August 31.

### **Annual requirements – *Financial Information Act***

- 22 (1) In this section, “**corporation**” has the same meaning as in section 1 of the *Financial Information Act*.
- (2) This section only applies to a corporation to which a grant or advance may be made, or the borrowings of which may be guaranteed by the government, under the authority of the following enactments:
- (a) the *Islands Trust Act*;
  - (b) the *Local Government Grants Act*;
  - (c) the *Municipal Aid Act*.
- (3) Despite the time period set out in section 2 (2) [*statement of financial information*] of the *Financial Information Act*, a corporation is to comply with the requirements of that subsection on or before August 31, 2020.
- (4) Despite the time period set out in section 2 (3) of the *Financial Information Act*, a corporation is to comply with the requirements of that subsection on or before August 31, 2020.

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND  
SOLICITOR GENERAL

*Emergency Program Act*

Ministerial Order No. M167

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020;

AND WHEREAS other orders under section 10 (1) of the *Emergency Program Act* and other enactments made since the declaration of a state of emergency have provided authority for electronic attendance at meetings of specified bodies;

AND WHEREAS certain meetings that are provided for under British Columbia law are not provided for under the other orders, but must be able to be conducted in accordance with public health advisories to reduce the threat of COVID-19 to the health and safety of individuals who participate in the meetings;

AND WHEREAS the threat of COVID-19 to the health and safety of people has resulted in the requirement that meetings that are required by statute be enabled to proceed with limitations on participation in person and with authority for electronic attendance;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Electronic Attendance at Statutory Meetings (COVID-19) Order is made.

May 20, 2020

Date

  
Minister of Public Safety and Solicitor General

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*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; OIC 241/2020

## **ELECTRONIC ATTENDANCE AT STATUTORY MEETINGS (COVID-19) ORDER**

### **Definitions**

1 In this order:

“**applicable enactment**” means an Act, or a regulation, article, memorandum, bylaw, rule or other enactment made under the Act, that authorizes or provides for a statutory meeting;

“**statutory meeting**” means a meeting, including a meeting that is referred to as annual, general or special, that is authorized or otherwise provided for in an Act, or a regulation, article, memorandum, bylaw or rule made under the Act, but does not include a meeting referred to in section 2 of this order.

### **Interpretation**

2 For the purposes of this order, a statutory meeting does not include the following:

(a) a meeting in respect of which provisions have been made for attendance by telephone or other electronic means under an enactment made during the period described in section 3 (1) of this order or another order made under section 10 (1) [*powers of minister in declared state of emergency*] of the *Emergency Program Act*, including the following:

(i) the Electronic Attendance at Corporate Meetings (COVID-19) Order, M116/2020;

(ii) the Electronic Attendance at Strata Property Meetings (COVID-19) Order, M114/2020;

(iii) the Electronic Attendance at Credit Union Meetings (COVID-19) Order, M138/2020;

(iv) the Local Government Meetings and Bylaw Process (COVID-19) Order No. 2, M139/2020;

(b) a meeting of the Legislative Assembly, its committees, members or officers;

(c) a meeting or other proceeding of the Court of Appeal, Supreme Court or Provincial Court.

### **Application**

3 (1) This order applies during the period that starts on the date this order is made and ends on the date on which the last extension of the declaration of a state of emergency made March 18, 2020 under section 9 (1) [*declaration of state of emergency*] of the *Emergency Program Act* expires or is cancelled.

(2) For certainty, if provisions are made in an enactment or another order in respect of meetings as described in section 2 (a) of this order, those provisions prevail.

### **Electronic attendance at statutory meeting**

4 (1) A person who is entitled to participate in, including vote at, a statutory meeting may do so by telephone or other communications medium if all of the persons participating in the statutory meeting, whether by telephone, by other

communications medium or in person, are able to communicate with each other and, if applicable, vote at the statutory meeting.

- (2) Subsection (1) does not obligate a person responsible for holding a statutory meeting to take any action to facilitate the use of any communications medium at the statutory meeting.
- (3) A statutory meeting may be held solely by telephone or other communications medium if
  - (a) in the case of a statutory meeting with respect to which notice must be given under an enactment, notice of the statutory meeting provides instructions for attending at or participating in the statutory meeting by the communications medium, including, if applicable, instructions for how to vote at the statutory meeting,
  - (b) all of the persons participating in the statutory meeting are able to communicate with each other and, if applicable, vote at the statutory meeting, and
  - (c) the person responsible for holding the statutory meeting facilitates the use of the communications medium at the statutory meeting.
- (4) If a statutory meeting is held as contemplated by subsection (3),
  - (a) the statutory meeting is not required to have a physical location,
  - (b) any notice of the statutory meeting is not required to specify a location for the statutory meeting, and
  - (c) the statutory meeting is deemed to be held in British Columbia.
- (5) A person who participates in, or attends or votes at, a statutory meeting in a manner contemplated by subsection (1) or (3) is deemed, for the purposes of the applicable enactment, to be present in person at the statutory meeting.
- (6) This section applies despite anything in an applicable enactment that applies to the statutory meeting.

**Rules and procedures for  
electronic attendance**

- 5 (1) A person responsible for holding a statutory meeting may establish rules and procedures to enable participation in the statutory meeting of persons who are entitled to participate in the statutory meeting, including to vote at the statutory meeting, as contemplated in section 4 of this order.
- (2) If a statutory meeting is held as contemplated in section 4 of this order, a procedural requirement in an applicable enactment that applies to a statutory meeting, including a vote by a show of hands or other means of physical participation, may be satisfied by other means appropriate to the circumstances.
- (3) This section applies despite anything in an applicable enactment that applies to the statutory meeting.

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND  
SOLICITOR GENERAL

*Emergency Program Act*

Ministerial Order No. M192

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020;

AND WHEREAS local governments, including the City of Vancouver, and related bodies must be able to conduct their business in accordance with public health advisories to reduce the threat of COVID-19 to the health and safety of members and employees of local government and related bodies and members of the public;

AND WHEREAS it is recognized that public participation in local governance is an essential part of a free and democratic society and is important to local governments' purpose of providing good government to communities;

AND WHEREAS the threat of COVID-19 to the health and safety of people has resulted in the requirement that local governments and related bodies implement necessary limitations on this public participation;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that

- (a) the Local Government Meetings and Bylaw Process (COVID-19) Order No. 2 made by MO 139/2020 is repealed, and
- (b) the attached Local Government Meetings and Bylaw Process (COVID-19) Order No. 3 is made.

Date

17/06/2020

Mike Farnworth  
Minister of Public Safety and Solicitor General

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020; MO 139/2020; OIC 310/2020

**LOCAL GOVERNMENT MEETINGS AND BYLAW PROCESS  
(COVID-19) ORDER NO. 3**

**Division 1 – General**

**Definitions**

- 1 In this order:
- “**board**” has the same meaning as in the Schedule of the *Local Government Act*;
  - “**council**” has the same meaning as in the Schedule of the *Community Charter*;
  - “**improvement district**” has the same meaning as in the Schedule of the *Local Government Act*;
  - “**local trust committee**” has the same meaning as in section 1 of the *Islands Trust Act*;
  - “**municipality**” has the same meaning as in the Schedule of the *Community Charter*;
  - “**municipality procedure bylaw**” has the same meaning as “procedure bylaw” in the Schedule of the *Community Charter*;
  - “**regional district**” has the same meaning as in the Schedule of the *Local Government Act*;
  - “**regional district procedure bylaw**” means a procedure bylaw under section 225 of the *Local Government Act*;
  - “**trust body**” means
    - (a) the trust council,
    - (b) the executive committee,
    - (c) a local trust committee, or
    - (d) the Islands Trust Conservancy,as defined in the *Islands Trust Act*;
  - “**Vancouver council**” has the same meaning as “Council” in section 2 of the *Vancouver Charter*;
  - “**Vancouver procedure bylaw**” means a bylaw under section 165 [*by-laws respecting Council proceedings and other administrative matters*] of the *Vancouver Charter*.

**Application**

- 2
- (1) This order only applies during the period that the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the *Emergency Program Act* and any extension of the duration of that declaration is in effect.
  - (2) This order replaces the Local Government Meetings and Bylaw Process (COVID-19) Order No. 2 made by MO 139/2020.



## Division 2 – Open Meetings

### Open meetings – municipalities

- 3 (1) A council, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter*, must use best efforts to allow members of the public to attend an open meeting of the council or body in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) A council or body is not required to allow members of the public to attend a meeting if, despite the best efforts of the council or body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.
- (3) If a council or body does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
- (a) the council or body must state the following, by resolution:
    - (i) the basis for holding the meeting without members of the public in attendance;
    - (ii) the means by which the council or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
  - (b) for the purposes of Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter*, the meeting is not to be considered closed to the public.
- (4) The council or body may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) This section applies despite
- (a) Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter*, and
  - (b) any applicable requirements in a municipality procedure bylaw of a council.

### Open meetings – regional districts

- 4 (1) A board, a board committee established under section 218 [*appointment of select and standing committees*] of the *Local Government Act*, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter* as that section applies under section 226 [*board proceedings: application of Community Charter*] of the *Local Government Act*, must use best efforts to allow members of the public to attend an open meeting of the board, board committee or body in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) A board, board committee or body is not required to allow members of the public to attend a meeting if, despite the best efforts of the board, board committee or body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.

- (3) If a board, board committee or body does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
  - (a) the board, board committee or body must state the following, by resolution:
    - (i) the basis for holding the meeting without members of the public in attendance;
    - (ii) the means by which the board, board committee or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
  - (b) for the purposes of Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter* as that Division applies to a regional district under section 226 of the *Local Government Act*, the meeting is not to be considered closed to the public.
- (4) The board, board committee or body may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) This section applies despite
  - (a) Division 3 [*Open Meetings*] of Part 4 [*Public Participation and Council Accountability*] of the *Community Charter*,
  - (b) section 226 [*board proceedings: application of Community Charter*] of the *Local Government Act*, and
  - (c) any applicable requirements in a regional district procedure bylaw of a board.

**Open meetings – Vancouver**

- 5 (1) The Vancouver council, or a body referred to in section 165.7 [*application to other city bodies*] of the *Vancouver Charter*, must use best efforts to allow members of the public to attend an open meeting of the Vancouver council or the body in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) The Vancouver council or a body is not required to allow members of the public to attend a meeting if, despite the best efforts of the Vancouver council or the body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.
- (3) If the Vancouver council or a body does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
  - (a) the Vancouver council or the body must state the following, by resolution:
    - (i) the basis for holding the meeting without members of the public in attendance;
    - (ii) the means by which the Vancouver council or the body is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
  - (b) for the purposes of section 165.1 [*general rule that meetings must be open to the public*] of the *Vancouver Charter*, the meeting is not to be considered closed to the public.

- (4) The Vancouver council or a body may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) This section applies despite
  - (a) section 165.1 of the *Vancouver Charter*, and
  - (b) any applicable provision in the Vancouver procedure bylaw.

**Open meetings – trust bodies**

- 6 (1) A trust body, or a board of variance established by a local trust committee under section 29 (1) [*land use and subdivision regulation*] of the *Islands Trust Act*, must use best efforts to allow members of the public to attend an open meeting of the trust body or board of variance in a manner that is consistent with any applicable requirements or recommendations made under the *Public Health Act*.
- (2) A trust body or board of variance is not required to allow members of the public to attend a meeting if, despite the best efforts of the trust body or board of variance, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the *Public Health Act*.
- (3) If a trust body or board of variance does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
  - (a) the trust body or board of variance must state the following, by resolution:
    - (i) the basis for holding the meeting without members of the public in attendance;
    - (ii) the means by which the trust body or board of variance is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
  - (b) For the purposes of section 11 [*procedures to be followed by local trust committees*] of the *Islands Trust Act*, the meeting is not to be considered closed to the public.
- (4) A trust body or board of variance may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (5) This section applies despite
  - (a) section 11 [*application of Community Charter and Local Government Act to trust bodies*] of the *Islands Trust Regulation*, B.C. Reg. 119/90, and
  - (b) any applicable requirements in a procedure bylaw of a trust body.

**Division 3 – Electronic Meetings**

**Electronic meetings – municipalities**

- 7 (1) A council, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter*, may conduct all or part of a meeting of the council or body by means of electronic or other communication facilities.

- (2) A member of a council or body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) When conducting a meeting under subsection (1), a council or body must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If a council or body does not use electronic or other communication facilities as described in subsection (3), the council or body must state the following, by resolution:
  - (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
  - (b) the means by which the council or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) A council or body may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (6) Section 128 (2) (c) and (d) [*electronic meetings and participation by members*] of the *Community Charter* does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section unless a council or body proceeds as described in subsection (3) of this section, in which case those paragraphs apply.
- (7) This section applies despite
  - (a) section 128 of the *Community Charter*, and
  - (b) any applicable requirements in a municipality procedure bylaw of a council.

**Electronic meetings – regional districts**

- 8 (1) A board, a board committee established under section 218 [*appointment of select and standing committees*] of the *Local Government Act*, or a body referred to in section 93 [*application of rule to other bodies*] of the *Community Charter* as that section applies under section 226 [*board proceedings: application of Community Charter*] of the *Local Government Act*, may conduct all or part of a meeting of the board, board committee or body by means of electronic or other communication facilities.
- (2) A member of a board, board committee or body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) When conducting a meeting under subsection (1), a board, board committee or body must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If a board, board committee or body does not use electronic or other communication facilities as described in subsection (3), the board, board committee or body must state the following, by resolution:

- (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
  - (b) the means by which the board, board committee or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) A board, board committee or body may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (6) Section 2 (2) (d) and (e) [*electronic meetings authorized*] of the Regional District Electronic Meetings Regulation, B.C. Reg. 271/2005, does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section unless a board, board committee or body proceeds by using electronic or other communication facilities as described in subsection (3) of this section, in which case those paragraphs apply.
- (7) This section applies despite
- (a) section 221 [*electronic meetings and participation by members*] of the *Local Government Act*,
  - (b) the Regional District Electronic Meetings Regulation, and
  - (c) any applicable requirements in a regional district procedure bylaw of a board.

**Electronic meetings – Vancouver**

- 9 (1) The Vancouver council, or a body referred to in section 165.7 [*application to other city bodies*] of the *Vancouver Charter*, may conduct all or part of a meeting of the Vancouver council or the body by means of electronic or other communication facilities.
- (2) A member of the Vancouver council or of a body who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) When conducting a meeting under subsection (1), the Vancouver council or a body must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If the Vancouver council or a body does not use electronic or other communication facilities as described in subsection (3), the Vancouver council or the body must state the following, by resolution:
- (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
  - (b) the means by which the Vancouver council or the body is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) The Vancouver council or a body may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.



- (6) Section 2 (2) (c) and (d) [*electronic meetings authorized*] of the City of Vancouver Council Electronic Meetings Regulation, B.C. Reg. 42/2012, does not apply in respect of a meeting conducted by means of electronic or other communication facilities under this section unless the Vancouver council or a body proceeds by using electronic or other communication facilities as described in subsection (3) of this section, in which case those paragraphs apply.
- (7) This section applies despite
  - (a) section 164.1 [*meeting procedures*] of the *Vancouver Charter*,
  - (b) the City of Vancouver Council Electronic Meetings Regulation, and
  - (c) any applicable provision in the Vancouver procedure bylaw.

#### **Electronic meetings – improvement districts**

- 10 (1) An improvement district board, or a committee of an improvement district board appointed or established under section 689 [*appointment of select and standing committees*] of the *Local Government Act*, may conduct all or part of a meeting of the improvement district board or committee of an improvement district board, other than an annual general meeting, by means of electronic or other communication facilities.
- (2) A member of an improvement district board or committee of an improvement district board who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) When conducting a meeting under subsection (1), an improvement district board or committee of an improvement district board must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If an improvement district board or committee of an improvement district board does not use electronic or other communication facilities as described in subsection (3), the improvement district board or committee of an improvement district board must state the following, by resolution:
  - (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
  - (b) the means by which the improvement district board or committee of an improvement district board is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) An improvement district board or committee of an improvement district board may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (6) This section applies despite
  - (a) section 686 [*meeting procedure – improvement district board*] of the *Local Government Act*, and
  - (b) any applicable requirements in a procedure bylaw of an improvement district board.

### Electronic meetings – trust bodies

- 11 (1) A trust body, or a board of variance established by a local trust committee under section 29 (1) [*land use and subdivision regulation*] of the *Islands Trust Act*, may conduct all or part of a meeting of the trust body or board of variance by means of electronic or other communication facilities.
- (2) A member of a trust body or board of variance who participates in a meeting by means of electronic or other communication facilities under this section is deemed to be present at the meeting.
- (3) When conducting a meeting under subsection (1), a trust body or board of variance must use best efforts to use electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public.
- (4) If a trust body or board of variance does not use electronic or other communication facilities as described in subsection (3), the trust body or board of variance must state the following, by resolution:
- (a) the basis for not using electronic or other communication facilities that allow members of the public to hear, or watch and hear, the part of the meeting that is open to the public;
  - (b) the means by which the trust body or board of variance is ensuring openness, transparency, accessibility and accountability in respect of the meeting.
- (5) A trust body or board of variance may pass a resolution under subsection (4) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.
- (6) This section applies despite
- (a) section 2 [*electronic meetings authorized*] of the *Islands Trust Electronic Meetings Regulation*, B.C. Reg. 283/2009, and
  - (b) any applicable requirements in a procedure bylaw of a trust body or applicable to a board of variance.

### Division 4 – Timing Requirements

#### Timing requirement for bylaw passage – municipalities

- 12 Despite section 135 (3) [*requirements for passing bylaws*] of the *Community Charter*, a council may adopt a bylaw on the same day that a bylaw has been given third reading if the bylaw is made in relation to
- (a) the following sections of the *Community Charter*:
    - (i) section 165 [*financial plan*];
    - (ii) section 177 [*revenue anticipation borrowing*];
    - (iii) section 194 [*municipal fees*];
    - (iv) section 197 [*annual property tax bylaw*];
    - (v) section 200 [*parcel tax bylaw*];
    - (vi) section 202 [*parcel tax roll for purpose of imposing tax*];
    - (vii) section 224 [*general authority for permissive exemptions*];

- (viii) section 226 *[revitalization tax exemptions]*;
- (ix) section 235 *[alternative municipal tax collection scheme]*, and
- (b) tax sales, as referred to in Divisions 4 *[Annual Tax Sales]* and 5 *[Tax Sale Redemption Periods]* of the Local Government Finance (COVID-19) Order made by MO 159/2020, or otherwise under Division 7 *[Annual Municipal Tax Sale]* of Part 16 *[Municipal Provisions]* of the *Local Government Act*.

## **Division 5 – Public Hearings**

### **Public hearings – Local Government Act**

- 13
- (1) A public hearing under Part 14 *[Planning and Land Use Management]* or 15 *[Heritage Conservation]* of the *Local Government Act*, including a public hearing under section 29 (1) (b) *[land use and subdivision regulation]* of the *Islands Trust Act*, may be conducted by means of electronic or other communication facilities.
  - (2) For the purposes of providing notice of a public hearing to be conducted under subsection (1),
    - (a) any notice of the public hearing must include instructions for how to participate in the public hearing by means of electronic or other communication facilities,
    - (b) any material that is to be made available for public inspection for the purposes of the public hearing may be made available online or otherwise by means of electronic or other communication facilities, and
    - (c) a reference to the place of a public hearing includes a public hearing that is conducted by means of electronic or other communication facilities.
  - (3) This section applies to delegated public hearings.
  - (4) This section applies despite the following provisions:
    - (a) section 124 *[procedure bylaws]* of the *Community Charter*;
    - (b) section 225 *[procedure bylaws]* of the *Local Government Act*;
    - (c) section 11 *[application of Community Charter and Local Government Act to trust bodies]* of the *Islands Trust Regulation*, B.C. Reg. 119/90;
    - (d) section 2 *[electronic meetings authorized]* of the *Islands Trust Electronic Meetings Regulation*, B.C. Reg. 283/2009;
    - (e) any applicable requirements in a procedure bylaw made under the *Community Charter*, the *Local Government Act* or the *Islands Trust Act*.

### **Public hearings – Vancouver Charter**

- 14
- (1) A public hearing under Division 2 *[Planning and Development]* of Part 27 *[Planning and Development]* of the *Vancouver Charter* may be conducted by means of electronic or other communication facilities.
  - (2) For the purposes of providing notice of a public hearing to be conducted under subsection (1),
    - (a) any notice of the public hearing must include instructions for how to participate in the public hearing by means of electronic or other communication facilities,

- (b) any material that is to be made available for public inspection for the purposes of the public hearing may be made available online or otherwise by means of electronic or other communication facilities, and
  - (c) a reference to the place of a public hearing includes a public hearing that is conducted by means of electronic or other communication facilities.
- (3) This section applies despite
- (a) section 566 [*amendment or repeal of zoning by-law*] of the *Vancouver Charter*, and
  - (b) any applicable provision in the Vancouver procedure bylaw.

### **Division 6 – Deferral of Annual Requirements**

#### **Annual general meeting and requirements – improvement districts**

- 15
- (1) An improvement district may defer an annual general meeting that is required under section 690 [*annual general meeting – improvement districts*] of the *Local Government Act* to a date not later than December 31, 2020.
  - (2) An improvement district may defer the preparation of financial statements required under section 691 [*annual financial statements*] of the *Local Government Act* to a date not later than December 31, 2020.
  - (3) Despite the date referred to in section 691 (5) of the *Local Government Act*, an improvement district may submit to the inspector the audited financial statements of the improvement district for the preceding year and any other financial information required by the inspector at the time of the annual general meeting of the improvement district.
  - (4) If an annual general meeting of an improvement district is deferred under subsection (1) of this section and the term of an improvement district trustee would be expiring and the vacancy filled at that meeting, the term of the improvement district trustee is extended until the annual general meeting is held.
  - (5) This section applies despite
    - (a) Division 3 [*Governance and Organization*] of Part 17 [*Improvement Districts*] of the *Local Government Act*, and
    - (b) any applicable provisions in a letters patent for an improvement district.



**ORDER OF THE PROVINCIAL HEALTH OFFICER**  
(Pursuant to Sections 30, 31, 32 and 39 (3) *Public Health Act*, S.B.C. 2008)

***GATHERINGS AND EVENTS – MARCH 31, 2021***

The *Public Health Act* is at:

<http://www.bclaws.ca/civix/content/complete/statreg/08028/?xsl=/templates/browse.xsl>  
(excerpts enclosed)

- TO: RESIDENTS OF BRITISH COLUMBIA**
- TO: OPERATORS AND OCCUPANTS OF VACATION ACCOMMODATION**
- TO: OWNERS AND OCCUPANTS OF PRIVATE RESIDENCES**
- TO: OWNERS AND OPERATORS OF PLACES**
- TO: PERSONS WHO ORGANIZE EVENTS**
- TO: PERSONS WHO ATTEND EVENTS**
- TO: PERSONS WHO OWN, OPERATE OR ARE PASSENGERS IN PERIMETER SEATING VEHICLES OR PERIMETER SEATING BUSES**
- TO: MEDICAL HEALTH OFFICERS**

**WHEREAS:**

- A. On March 17, 2020 I provided notice under section 52 (2) of the *Public Health Act* that the transmission of the infectious agent SARS-CoV-2, which has caused cases and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event as defined in section 51 of the *Public Health Act*;
- B. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19;
- C. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in direct contact through droplets in the air, or from fluid containing SARS-CoV-2 left on surfaces;



- D. Social interactions and close contact between people are associated with significant increases in the transmission of SARS-CoV-2, and increases in the number of people who develop COVID-19 and become seriously ill;
- E. Social interactions and close contact resulting from the gathering of people and events promotes the transmission of SARS-CoV-2 and increases the number of people who develop COVID-19 and become seriously ill;
- F. People spending time together indoors significantly increases the risk of the transmission of SARS-CoV-2 in the population, thereby increasing the number of people who develop COVID-19 and become seriously ill;
- G. Virus variants of concern which are more transmissible and have the potential to cause more serious illness, including among younger populations, are now present in Canada and the Province, and have heightened the risk to the population if people gather together.
- H. Over the past week, the number of infections has increased significantly raising the risk of rapid exponential growth in cases which would result in increased hospitalization, intensive care admissions and deaths, and would put increased pressure on the health care system to care for people, increased pressure on the public health system to carry out contact tracing for the purpose of preventing further transmission, and put at risk the continued operation of schools, which is critical to the physical, mental and emotional health of children and youth.
- I. Gatherings and events in private residences and other places continue to pose a significant risk of promoting the transmission of SARS-CoV-2 and increase in the number of people who develop COVID-19 and become seriously ill;
- J. Virus variants of concern are now present in Canada and the province, and have heightened the risk to the population if people gather together;
- K. I recognize the societal effects, including the hardships, which the measures which I have and continue to put in place to protect the health of the population have on many aspects of life, and with this in mind continually engage in a process of reconsideration of these measures, based upon the information and evidence available to me, including infection rates, sources of transmission, the presence of clusters and outbreaks, the number of people in hospital and in intensive care, deaths, the emergence of and risks posed by virus variants of concern, vaccine availability, immunization rates, the vulnerability of particular populations and reports from the rest of Canada and other jurisdictions, with a view to balancing the interests of the public, including constitutionally protected interests, in gatherings and events, against the risk of harm created by gatherings and events;
- L. I further recognize that constitutionally-protected interests include the rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms*, including specifically freedom of religion and conscience, freedom of thought, belief, opinion and expression, freedom of peaceful assembly and freedom of association. These freedoms, and the other rights protected by the *Charter*, are not, however, absolute and are subject

to reasonable limits, prescribed by law as can be demonstrably justified in a free and democratic society. These limits include proportionate, precautionary and evidence-based restrictions to prevent loss of life, serious illness and disruption of our health system and society. When exercising my powers to protect the health of the public from the risks posed by COVID-19, I am aware of my obligation to choose measures that limit the *Charter* rights and freedoms of British Columbians less intrusively, where this is consistent with public health principles. In consequence, I am not prohibiting outdoor assemblies for the purpose of communicating a position on a matter of public interest or controversy, subject to my expectation that persons organizing or attending such an assembly will take the steps and put in place the measures recommended in the guidelines posted on my website in order to limit the risk of transmission of COVID-19.

- M. This Order does not apply to the Executive Council, the Legislative Assembly; a council, board, or trust committee of a local authority as defined under the *Community Charter*, when holding a meeting or public hearing without members of the public attending in person; the distribution of food or other supplies to people in need; health or social services provided to people in need, such as warming centres; individual attendance at a place of worship for the purpose of prayer or quiet reflection; health care related events such as immunization clinics, COVID-19 testing centres and blood donation clinics; court sittings wherever they occur; workers at a workplace when engaged in their work activities; workers living at a work camp; students, teachers or instructors at a school operating under the *School Act* [RSBC 1996] Ch. 412, the *Independent School Act* [RSBC 1996] Ch. 216 or a First Nations School, or a post-secondary educational institution when engaged in educational activities; public pools and public skating rinks when not associated with an event; customers in a service business; a volunteer work party engaged in gardening, vegetation removal, trail building or a similar outside activity; the use of any place for local government, provincial or federal election purpose; or a rehabilitation or an exercise therapy program.
- N. For certainty, this Order applies to private residences, vacation accommodation and private clubs and organizations;
- O. I have reason to believe and do believe that
- (i) the risk of an outbreak of COVID-19 among the public constitutes a health hazard under the *Public Health Act*;
  - (ii) there continues to be an urgent need for focused action to reduce the risk of the transmission of COVID-19 which extends beyond the authority of one or more medical health officers;
  - (iii) coordinated action is needed to protect the public from the transmission of COVID-19;
  - (iv) it is in the public interest for me to exercise the powers in sections 30, 31, 32 and 39 (3) of the *Public Health Act* TO ORDER as follows:

**THIS ORDER REPEALS AND REPLACES MY ORDER OF MARCH 24, 2021 WITH RESPECT TO GATHERINGS AND EVENTS AND CONFIRMS MY ORAL ORDER OF MARCH 29, 2021 WITH RESPECT TO GATHERINGS AND EVENTS**

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## **DEFINITIONS:**

**“affected area”** means British Columbia;

**“banquet hall”** means a stand-alone premises built for the purpose of holding large social events, including banquets, generally involving many hundreds of people. It does not include the premises associated with a private club, hotel, house of worship, recreation centre, sports organization or other non-profit organization with a community, educational, historical, sports or similar purpose, or owned or operated or otherwise controlled by a government;

**“critical service”** means critical to preserving, life, health, public safety and basic societal functioning and includes health services, social services, police services, fire services, ambulance services, first responders, emergency responders and critical infrastructure service providers;

**“distributed learning”** has the same meaning as in the *School Act*;

**“episodic market”** includes farmers’ markets and community markets;

**“event”** refers to an in-person gathering of people in any place whether private or public, inside or outside, organized or not, on a one-time, regular or irregular basis, including drive-ins and drive-throughs, such as to see a display or to drop off items; events; meetings and conferences; a gathering in vacation accommodation, a private residence, banquet hall or other place; a gathering of passengers; a party; a worship or other religious service, ceremony or celebration; a ceremony; a reception; a wedding; a baptism; a funeral; a celebration of life; a musical, theatrical or dance entertainment or performance; a live solo or band musical performance; a disc jockey performance; strip dancing; comedic act; art show; magic show; puppet show; fashion show; book signing; reading; recitation; display, including a seasonal light display; a movie; film; lecture; talk; educational presentation (except in a school or post-secondary educational institution); auction; fund raising benefit; contest; competition; quiz; game; rally; festival; presentation; demonstration; group sport; indoor group high intensity exercise; indoor group low intensity exercise; exhibition; market or fair, including a trade fair, agricultural fair, episodic market selling food for human consumption, seasonal fair or episodic indoor event that has as its primary purpose the sale of merchandise or services such as Christmas craft market, home show, antique fair and similar activities; and, for certainty, includes a gathering preceding or following another event;

**“face covering”** means either of the following that covers the nose and mouth of a person:

- (a) a medical or non-medical mask;
- (b) a tightly woven fabric;

**“group sport”** means a sporting activity involving more than one person and includes training and practice for an individual or a team sport, but does not include sport for children or youth, varsity sport or high-performance athlete sport;

**“health check”** means reviewing the entry requirement and key questions at <https://www.worksafebc.com/en/about-us/covid-19-updates/health-and-safety/health-checks> and which are on the poster at <https://www.worksafebc.com/en/resources/health-safety/posters/help-prevent-spread-covid-19-entry-check-workers?lang=en>;

**“high- performance athlete”** means a person who is identified by the Canadian Sport Institute Pacific as a high-performance athlete affiliated with an accredited provincial or national sports organization;

**“home club”** means the sport organization, club or facility with, or at which, a person is registered for ongoing sport programming;

**“home education”** means the type of program provided for in Part 2, Division 4 of the *School Act*;

**“occupant”** means an individual who occupies vacation accommodation or resides in a private residence;

**“organizer”** means the person responsible for organizing an event and the person who acts as host at an event;

**“owner”** includes an occupier, operator or person otherwise responsible for a place;

**“passenger”** means a person in a perimeter seating vehicle or a perimeter seating bus, other than the driver or a mechanic;

**“patron”** means a person, including a child or youth, who attends or is a participant in an event, including a passenger, an occupant, a person other than an occupant who is present in a private residence or vacation accommodation, a person who attends a worship service, a teacher at an event, a leader or presenter at a meeting, an officiant at a wedding, baptism or funeral, customers of a retail business, members of the public present at a market, participants in sport or exercise, spectators at programs for children and youth, spectators at sport or exercise, volunteers at an event, vendors, exhibitors, performers and presenters, but does not include a person who organizes or hosts a gathering, a worship leader at a worship service, event staff or staff in a place subject to the *Food and Liquor Serving Premises* order;

**“perimeter seating”** and **“perimeter seating bus”** have the same meaning as in the Passenger Transportation Regulation made under the *Passenger Transportation Act* [SBC2004] Ch. 39;



**“physical barrier”** means a barrier which is designed, installed and maintained in accordance with WorkSafeBC guidelines at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/covid-19-health-safety-designing-effective-barriers?lang=en>;

**“a place”** includes areas both inside and outside, an area open to the public and an area not open to the public, a banquet hall, private residence, vacation accommodation, a perimeter seating vehicle or a perimeter seating bus;

**“private residence”** includes areas both inside and outside;

**“program for children or youth”** means a structured educational program, including home education or distributed learning, music, art, drama, dance, recreational, exercise, or social activity supervised by an adult and provided for persons under 22 years of age;

**“post-secondary institution”** includes an entity that provides any of the following programs:

(a) an educational or training program provided under

- (i) the *College and Institute Act*,
- (ii) the *Royal Roads University Act*,
- (iii) the *Thompson Rivers University Act*,
- (iv) the *University Act*, or
- (v) the *Private Training Act*;

(b) a program provided in accordance with a consent given under the *Degree Authorization Act*;

(c) a theological education or training program provided under an Act;

**“retail business”** means a business that sells retail goods, including a grocery store, clothing store, sporting good store or liquor or cannabis store and includes a department store and the common areas in a mall;

**“sport for children or youth”** means an activity which is delivered by a provincial sport organization or a local sport organization and may include participants who are under 22 years of age, but does not include varsity sports;

**“support group”** means a group of people who provide support to one another with respect to grief, disability, substance use, addiction or another psychological, mental or physical health condition;

**“transport”** means for the purpose of conveying a passenger, but does not include conveying a passenger:

(a) to and from an event, except conveying a worker for the purpose of working at an event;



- (b) for the purpose of social interaction or another type of event in a perimeter seating vehicle or a perimeter seating bus; or
- (c) from a place which is subject to the *Food and Liquor Serving Premises and Retail Establishments Which Sell Liquor Order*;

**“unencumbered space”** means an area without items in it such as display units, tables, cabinets, shelves, counters, fridges or freezers;

**“unencumbered and usable space”** means an area suitable for exercising in without anything in it other than exercise equipment, exercise mats or other exercise related objects;

**“vacation accommodation”** means a house, townhouse, cottage, cabin, apartment, condominium, mobile home, recreational vehicle, hotel suite, tent, yurt, houseboat or any other type of living accommodation, and any associated deck, garden or yard, that is not the occupant’s primary residence;

**“varsity sport”** means a sport for which the eligibility requirements for participation are established by a national association for the regulation of intercollegiate athletics, or which is designated as a varsity sport program by a post-secondary institution, and includes fitness training, sport training, practice and competition;

**“vehicle”** means a motorized fully enclosed means of transportation designed to hold a driver and passengers and meant to be driven on the highway;

**“vendor”** means a person who sells a product or service at an episodic market and includes the staff of a vendor.

#### **A. PRIVATE RESIDENCES AND VACATION ACCOMMODATION**

1. No person may host an event at a private residence or vacation accommodation where there is a person present who is not an occupant, except as provided for in sections 2, 5, 6 and 7 or 8.
2. A person who is not an occupant may be present at a private residence or vacation accommodation for the purpose of
  - a. an occupant’s work,
  - b. being provided with care by an occupant,
  - c. a visit by a minor child of an occupant with whom the minor child does not reside on a regular basis,
  - d. providing assistance, care or services, including care to a child who is an occupant or an adult who is an occupant who requires care, health care, personal care or grooming services,
  - e. providing educational programming or tutoring to an occupant,

- f. providing music lessons to an occupant,
  - g. providing religious services to an occupant
  - h. providing legal or financial services to an occupant,
  - i. emergency services,
  - j. housekeeping and window washing,
  - k. gardening and landscape services,
  - l. maintenance,
  - m. repairs,
  - n. renovations,
  - o. moving services,
  - p. or another purpose that is not social in nature.
3. No person who is not an occupant may be present at a private residence or vacation accommodation, except as provided for in sections 2, 5, 6, 7 and 8.
  4. No occupant may be present at an event in a private residence or vacation accommodation if there is any person present who is not an occupant, except as provided for in sections 2, 5, 6, 7 and 8.
  5. Despite sections 1, 3, and 4, an occupant who lives on their own may have up to two other persons who are not occupants present at the occupant's private residence or vacation accommodation for a social purpose, if the other persons are individuals with whom the occupant regularly interacts.
  6. Despite sections 1, 3 and 4, if the two persons referred to in section 5 regularly interact with one another, as well as with the occupant, they may be present for social purposes at the same time in the private residence or vacation accommodation of the occupant.
  7. Despite sections 1, 3 and 4, a person who lives on their own may be present for social purposes at one private residence or vacation accommodation with more than one occupant, if the person regularly interacts with the occupants of the private residence or vacation accommodation.
  8. A person may host, and a person may attend, an event with up to ten people present, including occupants, which is held outside a private residence, including on a deck or a patio, if the following conditions are met:
    - a. there is sufficient space available to permit every person present to maintain a distance of two metres from one another;

- b. the persons present maintain a distance of two metres from one another when standing or sitting, unless they reside together;
  - c. a person who leaves an event must not be replaced by another person;
  - d. hand sanitation supplies are readily available
  - e. no person who is attending the event and who is not an occupant goes inside the private residence or vacation accommodation, except for the purpose of using the washroom facilities.
9. No person may host an event described in section 8, unless the conditions in section 8 are met.
10. No person may attend an event described in section 8, unless the conditions in section 8 are met.

## **B. EVENTS**

1. No person may permit a place to be used for an event except as provided for in this Order.
2. For certainty, no person may permit a place that is subject to the *Food and Liquor Serving Premises* to be used for an event, including private events, except as provided for in this Order.
3. No person may organize or host an event except as provided for in this Order.
4. No person may be present at an event except as provided for in this Order.
5. Before attending an event, a person must carry out a health check.
6. A person who has not passed the health check must not attend an event.

## **C. OUTSIDE EVENTS TO WHICH NO OTHER PART APPLY**

1. A person may permit a place, other than a private residence or vacation accommodation, or a place that is subject to the *Food and Liquor Serving Premises*, to be used for, and a person may attend, an event with up to ten people present, which is held outside, if the following conditions are met
  - a. there is sufficient space available to permit every person present to maintain a distance of two metres from one another;
  - b. the persons present maintain a distance of two metres from one another when standing or sitting, unless they reside together;
  - c. a person who leaves an event must not be replaced by another person;

- d. hand sanitation supplies are readily available;
  - e. the event does not move into a fully enclosed structure at the place;
2. No person may permit a place to be used for, or host, an event described in section 1, unless the conditions in section 1 are met.
  3. No person may attend an event described in section 1, unless the conditions in section 1 are met.
  4. The Part does not permit a person to meet with different groups of up to ten people outside.

**D. SUPPORT GROUP MEETINGS, CRITICAL SERVICE MEETINGS, MEALS PROVIDED FOR PEOPLE IN NEED, WEDDINGS, BAPTISMS, FUNERALS AND JEWISH DIVORCE COURT PROCEEDINGS, PROGRAMS FOR CHILDREN AND YOUTH, OCCUPATIONAL TRAINING**

1. Subject to the provisions of this Part, a person may permit a place, other than a private residence or vacation accommodation, to be used for, or may organize or host:
  - a. a support group meeting;
  - b. a critical service meeting which cannot be held at the workplace or provided virtually;
  - c. a meal provided without charge to people in need;
  - d. a wedding, baptism, funeral or Jewish divorce court proceeding;
  - e. a program for children or youth;
  - f. occupational training, including health, safety or re-hiring training, which cannot be provided virtually.
2. An owner or organizer must not permit
  - a. more than fifty patrons, or the lesser number who can be accommodated safely as provided for in section 8, to be present at a support group meeting, a critical service meeting, a meal provided without charge to people in need, a program for children or youth, occupational training, or an outside funeral which is conducted by a religious body, or
  - b. more than ten patrons, or the lesser number who can be accommodated safely as provided for in section 8, to be present at an outside funeral which is not conducted by a religious body, a funeral which is held indoors whether or not conducted by a religious body, a wedding, baptism or a Jewish divorce court proceeding.

3. A patron must not be present at
  - a. a support group meeting, a critical service meeting, a program for children or youth, occupational training, or an outside funeral which is conducted by a religious body, at which there are more than fifty patrons, or the lesser number which can be accommodated safely as provided for in section 8, present, or
  - b. an outside funeral which is not conducted by a religious body, a funeral which is held indoors whether or not conducted by a religious body, a wedding, a baptism or a Jewish divorce court proceeding, at which there are more than ten patrons present, or the lesser number which can be accommodated safely as provided for in section 8.
4. An outdoor funeral which is conducted by a religious body must be conducted in compliance with the provisions of the Variance for Outdoor Worship Services.
5. In this and the following sections, up to and including section 17,

**"event"** means a support group meeting, a critical service meeting, a meal provided without charge to people in need, a wedding, a baptism, an outside funeral which is not conducted by a religious body, a funeral which is held indoors whether or not it is conducted by a religious body, a Jewish divorce court proceeding, a program for children or youth or occupational training;

An event may only proceed if the following conditions are met:

- a. there is a COVID-19 safety plan;
- b. there is an organizer;
- c. access to the event is controlled;
- d. there is sufficient space available to permit the patrons to maintain a distance of two metres from one another;
- e. the patrons maintain a distance of two metres from one another when standing or sitting, unless they reside together;
- f. measures are put in place to prevent the congregation of patrons outside the place,
- g. the place is assessed for areas where patrons may congregate, and measures are put in place to avoid congregation;

- h. physical devices, markers or other methods are used to guide and assist patrons in maintaining a distance of two metres from other patrons, if they are not seated;
  - i. if there are tables provided for the use of patrons, no more than six patrons are seated at a table, even if they reside together, and there are at least two metres between the backs of the chairs at one table and the backs of the chairs at another table, unless the chairs are separated by a physical barrier;
  - j. if there is a leader, presenter, officiant, worship leader, reader or musician, there is a physical barrier between them and other patrons which blocks the transmission of droplets, or there is at least a three metre separation between them and the patrons;
  - k. if there is a self-serve food or drink station,
    - i. hand washing facilities or alcohol-based sanitizers are within easy reach of the station;
    - ii. signs reminding patrons to wash or sanitize their hands before touching self-serve food, drink or other items, and to maintain a two metre distance from other patrons, are posted at the self-serve station; and
    - iii. high touch surfaces at the station, and utensils that are used for self-serve, are frequently cleaned and sanitized;
  - l. hand sanitation supplies are readily available to patrons;
  - m. washroom facilities with running water, soap and paper towels for hand washing and drying purposes, or hand sanitation supplies, are available;
  - n. no person is present as a spectator at a program for children or youth, unless the presence of the person is necessary in order to provide care to a child or youth who is a participant in the program for children or youth.
6. No person may be present as a spectator at a program for children or youth, unless the presence of the person is necessary in order to provide care to a child or youth who is a participant in the program for children or youth.
  7. For certainty, a performance, recital or demonstration by children or youth, who are participating in a program for children or youth, may only be viewed virtually and not in person.
  8. Subject to the maximum numbers in section 2, the owner of a place in which an event is to be held must calculate the maximum number of patrons who can be accommodated safely during the event taking into consideration the requirements of this Part, and must document this number in the COVID-19 safety plan.



9. The organizer must monitor the number of patrons present and ensure that the number of patrons present does not exceed the maximum number documented in the COVID-19 safety plan.
10. If an event is in a part of a place which is completely separated from the rest of the place, and which has its own entrance and washrooms, there may be additional patrons present in other parts of the place who are not attending the event, if the total number of patrons present in the place does not exceed the maximum number of patrons permitted to be present in the place under the COVID-19 safety plan. Patrons attending an event in part of a place must not have contact with patrons in another part of the place who are not attending the event.
11. If there are one or more separate premises in a place, there may be an event in each of the premises, as long as
  - a. patrons attending an event do not have contact with patrons attending an event in other premises in the place, or with individuals who are in the place but not in the premises in which the event is being held;
  - b. there is a separate entrance to each of the premises in which an event is being held; and
  - c. there are separate washrooms for each of the premises.
12. During an event, a patron who leaves the place in which an event is being held must not be replaced by another patron.
13. Following an event, and during an appropriate interval of time before another event commences, an owner must ensure that:
  - a. the place is cleaned, sanitized and ventilated while there are no patrons present;
  - b. there is a sufficient period of time between events to permit a place to be cleaned, sanitized and ventilated without any patrons being present, and patrons leaving one event, do not have contact with patrons arriving for a subsequent event.
14. Patrons must disperse immediately after an event and must not congregate with patrons who are leaving the event or arriving for a subsequent event.
15. The organizer must ensure that the COVID-19 safety plan is complied with and that the conditions and requirements in sections 2, 4, 8, 9, 10, 11, 12, 13, 15, 17 and 18 are met.
16. The organizer must
  - a. collect the first and last names and telephone number, or email address, of every patron who attends an event;

- b. retain this information for thirty days, in case there is a need for contact tracing on the part of the medical health officer, in which case the information must be provided to the medical health officer; and
  - c. destroy the information after thirty days.
- 17. If the organizer is not the owner of the place in which the event is held, the owner must be satisfied that the organizer is aware of the conditions and requirements in sections 2, 4, 8, 9, 10, 11, 12, 13, 15, 17 and 18 and has the capacity to fulfill them.
- 18. Patrons must not congregate and must comply with
  - a. the limitation on the number of patrons permitted in a place at the event which they are attending;
  - b. the distancing and other requirements in sections 4 (e) and (i), and section 13; and
  - c. a request to provide the information required in section 15.
- 19. For certainty, no person may permit a place to be used for, or organize or host, a reception or gathering, before or after a wedding, baptism, funeral or Jewish divorce court proceeding, unless the people present all reside in the same private residence.
- 20. For certainty, no person may attend a reception or informal gathering at any place, either before or after a wedding, baptism, funeral or Jewish divorce court proceeding, unless the people present all reside in the same private residence.

#### **E. SPORT FOR CHILDREN OR YOUTH**

- 1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, or may participate in sport for children or youth, if the following conditions are met:
  - a. participants maintain a physical distance of three metres from one another and do not engage in handshaking, high fives, hugging or similar behaviour;
  - b. the focus is on activities that have a low risk of COVID-19 virus transmission;
  - c. no person is present as a spectator, unless the presence of the person is necessary in order to provide care to a child or youth who is a participant.
- 2. No person may permit a place to be used for, may provide, or may participate in sport for children or youth, unless the conditions in section 1 are met.

3. No person may be present as a spectator at sport for children or youth, unless the presence of the person is necessary in order to provide care to a participant.

#### **F. VARSITY SPORT**

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, or may participate in varsity sport, if the following conditions are met:
  - a. the participants are members of a varsity sport team;
  - b. participants maintain a physical distance of three metres from one another when engaged in sport and do not engage in handshaking, high fives, hugging or similar behaviour;
  - c. the focus is on activities that have a low risk of COVID-19 virus transmission;
  - d. no person is present as a spectator, unless the presence of the person is necessary in order to provide care to a participant;
  - e. a participant only trains or practices with
  - f. the post-secondary institution with which the participant is enrolled, or with respect to which the participant is a confirmed recruit, as permitted by and in accordance with the requirements of the body which governs the varsity sport.
2. No person may permit a place be used for, or may provide, or may participate in varsity sport, unless the conditions in section 1 are met.
3. No person may be present as a spectator at varsity sport, unless the presence of the person is necessary in order to provide care to a participant.

#### **G. GROUP SPORT**

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, or may participate in group sport, if the following conditions are met:
  - a. if the group sport is indoors, only two persons participate;
  - b. if the group sport is outdoors, only ten persons participate;
  - c. the participants maintain a distance of three metres from one another while engaged in the group sport, unless the participants reside in the same private residence;
  - d. there are no spectators, unless the presence of a spectator is necessary in order to provide care to a participant

2. No person may permit a place be used for, or may provide, or may participate in group sport, unless the conditions in section 1 are met.
3. No person may be present as a spectator at group sport, unless the presence of the person is necessary in order to provide care to a participant.

#### **H. TRAVEL FOR SPORT**

1. No person may travel for children and youth sport or group sport, including for training, practice, games or tournaments.
2. Section 1 does not apply to travel by a person to the person's home club sports facility at which the person regularly trains or practices.

#### **I. HIGH- PERFORMANCE ATHLETES**

1. Parts D, E, F and G do not apply to high-performance athletes.
2. A person who is a high-performance athlete who is already training in British Columbia may train, practice, compete and travel for that purpose if the person follows the COVID-19 safety protocols of the provincial or national sports organization with which the person is affiliated.

#### **J. EXERCISE**

In this Part

**“individual exercise”** means an exercise routine developed for the use of a particular person which only involves one participant and is not carried out in concert with another person, or led by an instructor;

**“one on one exercise with a trainer”** means an exercise routine developed for the use of a particular person which is carried under the direction of a trainer, and which only involves one participant and is not carried out in concert with another participant.

1. A gym, fitness centre, exercise studio, dance studio, recreation centre, post-secondary institution exercise or gym facility, or other place providing similar services (hereinafter referred to as “exercise”), but not including rehabilitation services provided by a health care provider, may only provide
  - a. virtual exercise,
  - b. individual exercise indoors,

- c. one on one exercise with a trainer indoors, or
  - d. individual exercise, one on one exercise with a trainer, or group exercise for up to ten participants, outdoors.
- 2. No person may permit a place to be used for exercise except as permitted in section 1.
- 3. No person may provide exercise except as permitted in section 1.
- 4. No person may participate in exercise except as permitted in section 1.
- 5. A person who provides individual exercise indoors, or one on one exercise with a trainer indoors, must implement and comply with the Indoor Exercise Requirements, as amended from time to time, posted on my website.
- 6. A person who participates in individual exercise indoors, or one on one exercise with a trainer indoors, must comply with the Indoor Exercise Requirements, as amended from time to time, posted on my website.
- 7. A person who provides individual exercise outdoors, or one on one exercise with a trainer outdoors, must comply with the following conditions:
  - a. ensure that a participant maintains a distance of two metres from other persons who are exercising outdoors;
  - b. ensure that a participant does not congregate with other persons who are exercising outdoors, before, during or after exercising;
  - c. clean and disinfect shared equipment between each use.
- 8. A person who participates in individual exercise outdoors, or one on one exercise with a trainer outdoors, must
  - a. maintain a distance of two metres from other persons who are exercising outdoors,
  - b. not congregate with other persons who are exercising outdoors, before, during or after exercising.
- 9. A person who provides outdoor group exercise must comply with the following conditions:
  - a. ensure that the participants maintain a distance of two metres from other participants when exercising,
  - b. ensure that the participants do not congregate with other participants, before, during or after exercising.
  - c. clean and disinfect shared equipment between each use

- d. not permit anyone to be present as a spectator, unless the presence of the person is necessary in order to provide care to a participant.
10. A person who participates in outdoor group exercise must
    - a. maintain a distance of two metres from other participants, and
    - b. not congregate with other participants, before, during or after exercising
  11. No person who is participating in exercise outdoors, other than an owner, operator or member of staff, may enter a place at which exercise is provided, except to use washroom facilities.
  12. No person may permit a place to be used for, may provide, or may participate in exercise indoors, unless the Indoor Exercise Requirements are complied with.
  13. No person may permit a place to be used for, may provide, or may participate in exercise outdoors, unless the conditions which apply to exercise outside in this Part are met.
  14. No person may be present as a spectator at exercise, unless the presence of the person is necessary in order to provide care to a participant.

#### **K. DRIVE-THROUGH AND DRIVE-IN EVENTS**

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, a drive-through event to view a seasonal light or similar display or to drop off or pick up items such as food, toys or books, if the following conditions are met:
  - a. traffic moves in one direction;
  - b. the entrance and exit are clearly marked and controlled;
  - c. patrons stay in their vehicles except to drop off or pick up items and return to their vehicles without delay;
  - d. patrons, staff and volunteers maintain a two metre distance from one another or physical barriers are in place;
  - e. patrons do not congregate together in one spot;
  - f. the organizer monitors the actions of patrons to ensure that



- i. they only leave their vehicles to drop off items;
  - ii. they return to their vehicles immediately after dropping off items; and
  - iii. they comply with the physical distancing requirement when out of their vehicles.
2. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, a drive-in event, if the following conditions are met:
  - a. patrons only attend in a vehicle;
  - b. no more than fifty vehicles are present at the drive-in;
  - c. patrons remain in their vehicles except to use washroom facilities, and when outside their vehicles for this purpose they maintain a distance of two metres from other patrons and staff;
  - d. the entrance and exit to the drive-in are clearly marked and controlled and traffic moves in only one direction;
  - e. no food or drink is sold;
  - f. the organizer monitors the actions of patrons to ensure that
    - i. they remain in their vehicles except to use washroom facilities; and
    - ii. comply with the physical distancing requirement if outside their vehicle;
  - g. the organizer
    - i. collects the first and last name and telephone number or email address of every driver of a vehicle who attends an event;
    - ii. retains this information for thirty days, in case there is a need for contact tracing on the part of the medical health officer, in which case the information must be provided to the medical health officer; and
    - iii. destroys the information after thirty days.

3. No person may permit a place to be used for, or provide, or be a patron at a drive-through or drive -in event unless the conditions in this Part are met.

## **L. PERIMETER SEATING VEHICLES AND PERIMETER SEATING BUSES**

### **In this Part**

“**accommodated safely**” means that each passenger is seated at least two metres away from every other passenger, except another passenger with whom the passenger resides in the same private residence.

1. No person may operate, or permit to be operated, a perimeter seating vehicle or a perimeter seating bus in the affected area between the hours of 11:00 PM and 6:00 AM, except for the purpose of maintenance, fueling or a related purpose.
2. No person may operate, or permit to be operated, a perimeter seating vehicle or a perimeter seating bus in the affected area between the hours of 6:00 AM and 11:00 PM
  - a. for a purpose other than
    - i. maintenance, fueling or a related purpose; or
    - ii. transport; or
    - iii. with more passengers than can be accommodated safely
3. No person may be a passenger between the hours of 11:00 PM and 6:00 AM.
4. No person may be a passenger between the hours of 6:00 AM and 11:00 PM
  - a. for a purpose other than transport; or
  - b. if there are more passengers than can be accommodated safely.

## **M. RETAIL BUSINESSES**

### **In this Part**

“**accommodated safely**” means that in the part of the place to which the public has access, there are five square metres of unencumbered space available for each person present, including patrons and staff members.

1. A person may permit a place other than a residence or vacation accommodation to be used for a retail business to which the public has access, and a person may be present in a retail business, if the following conditions are met:
  - a. The owner must calculate the maximum number of patrons who can be accommodated safely and must document this number in the COVID-19 safety plan;
  - b. Despite section 1. a., if the part of the place to which the public has access consists of less than five square metres of unencumbered space, the maximum number of patrons who can be accommodated safely is one, and the owner must document this number in the COVID-19 safety plan;
  - c. The owner must ensure that the number of patrons present does not exceed the maximum number who can be accommodated safely, as documented in the COVID-19 safety plan;
  - d. A person must not enter a retail business if advised by the owner or a staff member that the person cannot be accommodated safely;
  - e. A patron must leave a retail business if requested to do so by the owner or a staff member, on the basis that the person cannot be accommodated safely;
  - f. An owner must take measures, where practical, such as the placement of two metre distance indicators and the posting or erection of signs, to guide patrons who are waiting to enter a retail business, or waiting for any other purpose inside a retail business, in maintaining a two metre distance from other patrons in order to prevent the congregation of patrons in one spot;
  - g. Where practical, an owner must clearly mark entrances and exits and use one-way signage or arrows on the floor to guide patrons in moving in one direction;
  - h. Where practical, an owner must post or erect signs advising patrons to move in one direction, keep moving, maintain a distance of two metres from other patrons, avoid congregation, and avoid congestion at the end of aisles; and
  - i. An owner must make hand sanitation options readily available for patrons.
2. A person must not permit a place to be used, or use a place for, a retail business unless the conditions in this Part are met.
3. No person may be present as a patron in a retail business, unless the conditions in this Part are met.

## **N. EPISODIC MARKETS**

### **In this Part**

**“accommodated safely”** means that there are five square metres of unencumbered space available for each person present, including patrons and vendors.

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may manage, an episodic market, subject to the conditions in this part.
2. The owner of a place at which an indoor episodic market is to be held must calculate the maximum number of patrons who can be accommodated safely, and must document this number in the COVID-19 safety plan.
3. A person must not enter an indoor episodic market if advised by the owner, manager or a staff member that the person cannot be accommodated safely.
4. A person must leave an indoor episodic market if advised by the owner, manager or a staff member that the person cannot be accommodated safely.
5. A manager of an indoor episodic market must
  - a. monitor the number of patrons present and ensure that the number of patrons present does not exceed the maximum number documented in the COVID-19 safety plan;
  - b. take measures, such as the placement of two metre distance indicators and the posting or erection of signs, or the use of arrows or markers on the floor, to guide patrons who are waiting to enter in maintaining a two metre distance from other patrons, in order to prevent the congregation of patrons in one spot;
  - c. arrange the placement of vendors’ booths two metres apart or install physical barriers between booths which block the transmission of droplets between vendors;
  - d. arrange the placement of vendors’ booths such a way as to facilitate the movement of patrons in one direction;
  - e. post or erect signs advising patrons to move in one direction, keep moving, maintain a distance of two metres from other patrons, and not congregate in one spot;
  - f. either ensure that there is a distance of two metres between vendors and patrons, install physical barriers between vendors and patrons which block the transmission

of droplets, or, if neither of the foregoing is practical, require vendors to wear a face covering;

- g. take measures, such as the placement of two metre distance indicators or the posting or erection of signs, or the use of arrows or markers on the floor, to guide patrons in maintaining a two metre distance from other patrons in places where line-ups may occur, such as washrooms.
  - h. provide facilities with running water, soap and paper towels for hand washing and drying purposes or provide hand sanitation supplies;
  - i. place hand sanitation supplies in spots that are readily available to patrons and post or erect signs reminding patrons to regularly wash their hands or use hand sanitizer;
  - j. if there are tables with chairs, arrange the tables and chairs so that there are two metres between the patrons seated at one table and the patrons seated at another table;
  - k. post or erect signs advising that there must be no more than six patrons seated at a table;
  - l. ensure that each day a vendor participates in an episodic market the vendor has carried out a health check and confirmed with the manager that the vendor has passed the health check;
  - m. if a manager is not satisfied that a vendor has carried out and passed the daily health check, the manager must not permit the vendor to be present at the episodic market;
  - n. not permit a product other than food for human consumption, flowers, plants, seed and compost to be sold;
  - o. not permit a service to be sold.
6. The manager of an outdoor episodic market must
- a. arrange the placement of vendors' booths two metres apart or install physical barriers between booths which block the transmission of droplets between vendors;
  - b. arrange the placement of vendors' booths in such a way as to facilitate the movement of patrons in one direction;

- c. either ensure that there is a distance of two metres between vendors and patrons, or install physical barriers between vendors and patrons which block the transmission of droplets, or, if neither of the foregoing is practical, require vendors to wear a face covering;
  - d. provide facilities with running water, soap and paper towels for hand washing and drying purposes or provide hand sanitation supplies;
  - e. place hand sanitation supplies in spots that are readily available to patrons and post or erect signs reminding patrons to regularly wash their hands or use hand sanitizer;
  - f. if there are picnic tables or tables with chairs, arrange the picnic tables, or the tables and chairs, so that there are two metres between the patrons seated at one table and the patrons seated at another table;
  - g. post or erect signs advising that there must be no more than six patrons seated at a table;
  - h. ensure that each day a vendor participates in an episodic market the vendor has carried out a health check and confirmed with the manager that the vendor has passed the health check;
  - i. if a manager is not satisfied that a vendor has carried out and passed the daily health check, the manager must not permit the vendor to be present at the episodic market;
  - j. not permit a vendor to sell a personal service.
7. If the manager is not the owner of the place at which an episodic market is held, the owner must be satisfied that the manager is aware of the requirements in the COVID-19 safety plan and section 5 or 6, as applicable, and has the capacity to fulfill them.
8. A vendor at an indoor episodic market may only sell food for human consumption, flowers, plants, seeds or compost.
9. A vendor at an outdoor episodic market may sell products and services, other than personal services, in addition to food for human consumption.
10. A vendor must do a health check before being present at an episodic market and must confirm with the manager that the vendor has passed the daily health check.



11. A vendor who has not done a health check, or not confirmed with the manager that the vendor has passed a health check, or who has not passed a health check, must not be present at an episodic market.
12. A vendor must either ensure that there is a distance of two metres between the vendor and patrons, or that there is a physical barrier between the vendor and patrons which blocks the transmission of droplets, or, if this is not practical, wear a face covering.
13. A vendor who sells food for human consumption must comply with the following requirements:
  - a. not provide samples of food for tasting; and
  - b. only sell food prepared at an episodic market in single-use containers or dishes.
14. A vendor who is a manufacturer of liquor with an on-site retail endorsement on their liquor licence, must comply with the following requirements:
  - a. not provide samples of products for tasting; and
  - b. only sell products in sealed retail containers, such as bottles, cartons, boxes and cans.
15. Despite sections 5 (f), 6 (c) and 12, a vendor is not required to wear a face covering if any of the following applies:
  - a. the vendor is unable to put on or remove a face covering without the assistance of another person;
  - b. the vendor is unable to wear a face covering because of
    - i. a psychological, behavioural or health condition, or
    - ii. a physical, cognitive or mental impairment;
  - c. the face covering is removed temporarily for the purpose of identifying the vendor;
  - d. the face covering is removed temporarily to communicate with a person who is hearing impaired;
  - e. the vendor is eating or drinking and is not involved in a transaction with a patron.

16. A patron must

- a. comply with sections 3 and 4 and signs, directions or measures intended to promote physical distancing and to prevent congregation;
- b. not sit at a table with more than 5 other patrons.

17. No person may permit a place to be used for, or use a place for, or be a patron at, an episodic market unless the conditions in this Part are met.

## **O. RELATED MEDICAL HEALTH OFFICERS ORDERS**

Recognizing that the risk differs in different regions of the province and that medical health officers are in the best position to assess local circumstances and to determine whether additional or more restrictive steps need to be taken to reduce the risk of the transmission of COVID-19, **I FURTHER ORDER:**

1. A medical health officer may issue an order further to this Order for the purpose of having the provisions of the order incorporated into this Order. Such an order may add further prohibitions, or impose more restrictive limitations or conditions in the whole or part of the geographic area of the province for which the medical health officer is designated and, subject to section 2, the provisions of the order are incorporated into this Order when posted on my website. For certainty, a contravention of an order of a medical health officer issued further to this Order and posted on my website is a contravention of this Order.
2. While it is in force, a provision in an order made by a medical health officer further to this Order and posted on my website, which adds further prohibitions or imposes more restrictive limitations or requirements than this Order, applies in the whole or part of the geographic area of the province for which the medical health officer is designated, despite the provisions of this Order.

This Order does not have an expiration date.

You are required under section 42 of the *Public Health Act* to comply with this Order. Failure to comply with this Order is an offence under section 99 (1) (k) of the *Public Health Act*.

Under section 43 of the *Public Health Act*, you may request me to reconsider this Order if you:

1. Have additional relevant information that was not reasonably available to me when this Order was issued,
2. Have a proposal that was not presented to me when this Order was issued but, if implemented, would
  - (a) meet the objective of the order, and
  - (b) be suitable as the basis of a written agreement under section 38 [may make written agreements]
3. Require more time to comply with the order.

Under section 43 (6) an Order is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.

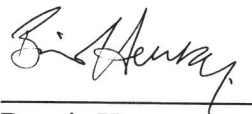
If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

You may contact me at:

Dr. Bonnie Henry, Provincial Health Officer  
4th Floor, 1515 Blanshard Street  
PO Box 9648 STN PROV GOVT, Victoria BC V8W 9P4  
Fax: (250) 952-1570  
Email: [ProvHlthOffice@gov.bc.ca](mailto:ProvHlthOffice@gov.bc.ca)

DATED THIS: 31<sup>st</sup> day of March 2021

SIGNED:



Bonnie Henry  
MD, MPH, FRCPC  
Provincial Health Officer

DELIVERY BY: Posting to the BC Government the BC Centre for Disease Control websites.

Enclosure: Excerpts of the *Public Health Act*.

## ENCLOSURE

### Excerpts of the *Public Health Act* [SBC 2008] c. 28

#### **Definitions**

**1** In this Act:

**"health hazard"** means

- (a) a condition, a thing or an activity that
  - (i) endangers, or is likely to endanger, public health, or
  - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
- (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
  - (i) is associated with injury or illness, or
  - (ii) fails to meet a prescribed standard in relation to health, injury or illness;

#### **When orders respecting health hazards and contraventions may be made**

**30** (1) A health officer may issue an order under this Division only if the health officer reasonably believes that

- (a) a health hazard exists,
- (b) a condition, a thing or an activity presents a significant risk of causing a health hazard,
- (c) a person has contravened a provision of the Act or a regulation made under it, or
- (d) a person has contravened a term or condition of a licence or permit held by the person under this Act.

(2) For greater certainty, subsection (1) (a) to (c) applies even if the person subject to the order is complying with all terms and conditions of a licence, a permit, an approval or another authorization issued under this or any other enactment.

#### **General powers respecting health hazards and contraventions**

**31** (1) If the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, a health officer may order a person to do anything that the health officer reasonably believes is necessary for any of the following purposes:

- (a) to determine whether a health hazard exists;
- (b) to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard;
- (c) to bring the person into compliance with the Act or a regulation made under it;
- (d) to bring the person into compliance with a term or condition of a licence or permit held by that person under this Act.

(2) A health officer may issue an order under subsection (1) to any of the following persons:

- (a) a person whose action or omission
  - (i) is causing or has caused a health hazard, or
  - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
- (b) a person who has custody or control of a thing, or control of a condition, that
  - (i) is a health hazard or is causing or has caused a health hazard, or
  - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
- (c) the owner or occupier of a place where
  - (i) a health hazard is located, or
  - (ii) an activity is occurring that is not in compliance with the Act or a regulation made under it, or a term or condition of the licence or permit of the person doing the activity.

### **Specific powers respecting health hazards and contraventions**

**32** (1) An order may be made under this section only

- (a) if the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, and
- (b) for the purposes set out in section 31 (1) [*general powers respecting health hazards and contraventions*].

- (2) Without limiting section 31, a health officer may order a person to do one or more of the following:
- (a) have a thing examined, disinfected, decontaminated, altered or destroyed, including
    - (i) by a specified person, or under the supervision or instructions of a specified person,
    - (ii) moving the thing to a specified place, and
    - (iii) taking samples of the thing, or permitting samples of the thing to be taken;
  - (b) in respect of a place,
    - (i) leave the place,
    - (ii) not enter the place,
    - (iii) do specific work, including removing or altering things found in the place, and altering or locking the place to restrict or prevent entry to the place,
    - (iv) neither deal with a thing in or on the place nor dispose of a thing from the place, or deal with or dispose of the thing only in accordance with a specified procedure, and
    - (v) if the person has control of the place, assist in evacuating the place or examining persons found in the place, or taking preventive measures in respect of the place or persons found in the place;
  - (c) stop operating, or not operate, a thing;
  - (d) keep a thing in a specified place or in accordance with a specified procedure;
  - (e) prevent persons from accessing a thing;
  - (f) not dispose of, alter or destroy a thing, or dispose of, alter or destroy a thing only in accordance with a specified procedure;
  - (g) provide to the health officer or a specified person information, records, samples or other matters relevant to a thing's possible infection with an infectious agent or contamination with a hazardous agent, including information respecting persons who may have been exposed to an infectious agent or hazardous agent by the thing;
  - (h) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, to protect the health and safety of persons;



(i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;

(j) provide evidence of complying with the order, including

(i) getting a certificate of compliance from a medical practitioner, nurse practitioner or specified person, and

(ii) providing to a health officer any relevant record;

(k) take a prescribed action.

(3) If a health officer orders a thing to be destroyed, the health officer must give the person having custody or control of the thing reasonable time to request reconsideration and review of the order under sections 43 and 44 unless

(a) the person consents in writing to the destruction of the thing, or

(b) Part 5 [*Emergency Powers*] applies.

#### **May make written agreements**

**38** (1) If the health officer reasonably believes that it would be sufficient for the protection of public health and, if applicable, would bring a person into compliance with this Act or the regulations made under it, or a term or condition of a licence or permit held by the person under this Act, a health officer may do one or both of the following:

(a) instead of making an order under Division 1, 3 or 4, enter into a written agreement with a person, under which the person agrees to do one or more things;

(b) order a person to do one or more things that a person has agreed under paragraph (a) to do, regardless of whether those things could otherwise have been the subject of an order under Division 1, 3 or 4.

(2) If, under the terms of an agreement under subsection (1), a health officer conducts one or more inspections, the health officer may use information resulting from the inspection as the basis of an order under this Act, but must not use the information as the basis on which to

(a) levy an administrative penalty under this Act, or

(b) charge a person with an offence under this Act.

### **Contents of orders**

**39** (3) An order may be made in respect of a class of persons.

### **Duty to comply with orders**

**42** (1) A person named or described in an order made under this Part must comply with the order.

(2) Subsection (1) applies regardless of whether the person leaves the geographic area for which the health officer who made the order is designated.

### **Reconsideration of orders**

**43** (1) A person affected by an order, or the variance of an order, may request the health officer who issued the order or made the variance to reconsider the order or variance if the person

(a) has additional relevant information that was not reasonably available to the health officer when the order was issued or varied,

(b) has a proposal that was not presented to the health officer when the order was issued or varied but, if implemented, would

(i) meet the objective of the order, and

(ii) be suitable as the basis of a written agreement under section 38 [*may make written agreements*], or

(c) requires more time to comply with the order.

(2) A request for reconsideration must be made in the form required by the health officer.

(3) After considering a request for reconsideration, a health officer may do one or more of the following:

(a) reject the request on the basis that the information submitted in support of the request

(i) is not relevant, or

(ii) was reasonably available at the time the order was issued;

(b) delay the date the order is to take effect or suspend the order, if satisfied that doing so would not be detrimental to public health;

(c) confirm, rescind or vary the order.

(4) A health officer must provide written reasons for a decision to reject the request under subsection (3) (a) or to confirm or vary the order under subsection (3) (c).

(5) Following a decision made under subsection (3) (a) or (c), no further request for reconsideration may be made.

(6) An order is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.

(7) For the purposes of this section,

(a) if an order is made that affects a class of persons, a request for reconsideration may be made by one person on behalf of the class, and

(b) if multiple orders are made that affect a class of persons, or address related matters or issues, a health officer may reconsider the orders separately or together.

(8) If a health officer is unable or unavailable to reconsider an order he or she made, a similarly designated health officer may act under this section in respect of the order as if the similarly designated health officer were reconsidering an order that he or she made.

#### **Review of orders**

**44** (1) A person affected by an order may request a review of the order under this section only after a reconsideration has been made under section 43 [*reconsideration of orders*].

(2) A request for a review may be made,

(a) in the case of an order made by a medical health officer, to the provincial health officer, or

(b) in the case of an order made by an environmental health officer, to a medical health officer having authority in the geographic area for which the environmental health officer is designated.

(3) If a review is requested, the review is to be based on the record.

(4) If a review is requested, the reviewer may do one or more of the following:

(a) delay the date the order is to take effect or suspend the order, if satisfied that doing so would not be detrimental to public health;

(b) confirm, vary or rescind the order;

(c) refer the matter back to the person who made the order, with or without directions.

(5) A reviewer must provide written reasons for an action taken under subsection (4) (b) or (c), and a person may not request further review of an order.

### **Offences**

**99** (1) A person who contravenes any of the following provisions commits an offence:

...

(k) section 42 [*failure to comply with an order of a health officer*], except in respect of an order made under section 29 (2) (e) to (g) [*orders respecting examinations, diagnostic examinations or preventive measures*];



**VARIANCE OF THE *GATHERINGS AND EVENTS* ORDER OF  
THE PROVINCIAL HEALTH OFFICER**

(Pursuant to Sections 30, 31, 32 and 39 (3) and (6) *Public Health Act*, S.B.C. 2008)

**TO PERMIT**

***OUTDOOR WORSHIP SERVICES – March 23, 2021***

The *Public Health Act* is at:

<http://www.bclaws.ca/civix/content/complete/statreg/08028/?xsl=/templates/browse.xsl>

(excerpts enclosed)

**TO: RELIGIOUS COMMUNITIES**

Pursuant to the authority vested in me by section 39 (6) of the *Public Health Act*, I hereby Vary the *Gatherings and Events* order, and repeal and replace existing variances which I have issued to religious communities, to provide for outdoor worship services as follows:

**THIS VARIANCE FORMS PART OF THE *GATHERINGS AND EVENTS* ORDER AND REPEALS AND REPLACES ALL EXISTING VARIANCES ISSUED TO RELIGIOUS COMMUNITIES**

In this Variance the definitions in the Order apply, except where varied below. Some of the definitions below are included for ease of reference.

**Definitions**

"**face covering**" means either of the following that covers the nose and mouth of a person:

- (a) a medical or non-medical mask;
- (b) a tightly woven fabric;

"**health check**" means reviewing the entry requirement and key questions at <https://www.worksafebc.com/en/about-us/covid-19-updates/health-and-safety/health-checks> and which are on the poster at <https://www.worksafebc.com/en/resources/health-safety/posters/help-prevent-spread-covid-19-entrycheck-workers?lang=en>;

"**outdoors**" includes in an open-sided tent, under overhead covering, or in a vehicle containing persons who reside in the same private residence;

"**place**" is not limited to an outdoor area which is part of a place of worship;

“worship service” includes a funeral but not a wedding or baptism.

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may organize or participate in, a worship service which is held outdoors.
2. Fifty people, as well as people in fifty vehicles, may be present.
3. Despite section 2, up to two additional people may be present for the purpose of ensuring compliance with the Variance.
4. No more than fifty vehicles may be present, and people who attend in a vehicle must remain in the vehicle.
5. A person organizing a worship service must caution the following people about attending an in-person worship service because of their higher risk of suffering from serious complications of COVID-19:
  - a. a person 70 years of age or older, even if they have been immunized against COVID-19;
  - b. a person who is living with another person who is infected with COVID-19, or who has upper respiratory or influenza-like symptoms;
  - c. a person with an underlying medical condition or a compromised immune system.
6. A person organizing a worship service must pre-register all participants for the purposes of controlling attendance and contact tracing, and must
  - a. collect the first and last name, and telephone number or email address, of every person who is present at a worship service,
  - b. retain the information collected for thirty days, and provide it to a medical health officer on request,
  - c. destroy the information after thirty days.
7. A person organizing a worship service must ensure that hand sanitation supplies are readily available for use by participants.
8. Before attending a worship service, a person must carry out a health check.
9. A person who has not passed a health check must not attend a worship service.
10. A participant must maintain a distance of two metres from other participants, unless they live in the same private residence.
11. A participant must wear a face covering.
12. A worship leader must wear a face covering during a worship service, but may remove the face covering when speaking, singing or chanting, if there is
  - a. a three metre separation between the worship leader and the other participants, or



- b. a physical barrier between the worship leader and the other participants which blocks the transmission of droplets.
- 13. A reader must wear a face covering during a worship service, but may remove the face covering when reading out loud during the service, if there is
  - a. a three metre separation between the reader and the other participants, or
  - b. a physical barrier between the reader and the other participants which blocks the transmission of droplets.
- 14. There must not be a choir at a worship service, but a soloist may sing at a worship service.
- 15. A soloist must wear a face covering during a worship service, but may remove the face covering while singing, if there is
  - a. a three metre separation between the soloist and the other participants, or
  - b. physical barrier between the soloist and the other participants which blocks the transmission of droplets.
- 16. A musician, or a musical group of no more than five musicians, may play at a worship service.
- 17. A musician, or members of a musical group, must wear a face covering during a worship service, but may remove the face covering if it is necessary to play their musical instrument, if there is
  - a. three metre separation between the musician and any other musicians and the participants, or
  - b. a physical barrier between the musician and any other musicians and the participants, which blocks the transmission of droplets.
- 18. Members of a musical group must maintain a distance of two metres from one another, unless the provisions of section 17 apply.
- 19. Despite sections 11, 12, 13, 15 and 17, a person is not required to wear a face covering during a worship service, if
  - a. under the age of 12 years;
  - b. unable to put on or remove a face covering without the assistance of another person;
  - c. unable to wear a face covering because of
    - i. a psychological, behavioural or health condition, or
    - ii. a physical, cognitive or mental impairment;
  - d. the face covering is removed temporarily for the purpose of identifying the person;

- e. the face covering is removed temporarily to communicate with a person who is hearing impaired;
  - f. the face covering is removed temporarily to permit the consumption of food or drink provided during and for the purpose of worship.
20. Despite section 10, participants may stand 1.2 metres apart for up to ten minutes for ritual congregational prayers, if this is part of their religious practice.
  21. A participant, other than a worship leader or a soloist, must not sing or chant.
  22. Except as provided for in section 23, a participant at a worship service must not pass or share any item, including a collection bag or plate, book or ceremonial object.
  23. Food or drink placed in a sanitary manner in single use containers may be provided during a worship service for worship purposes.
  24. Participants must not gather or socially engage with other participants, during, before or after a worship service.
  25. Participants must disperse immediately after a worship service, and must not congregate with other participants who are leaving the service, or arriving to attend a subsequent service.
  26. No person may permit a place to be used for, may organize, may lead or may participate in an outdoor worship service, unless the conditions in this Variance are met.

This Variance does not have an expiration date.

You are required under section 42 of the *Public Health Act* to comply with this Variance.

Failure to comply with this Variance is an offence under section 99 (1) (k) of the *Public Health Act*.

Under section 43 of the *Public Health Act*, you may request me to reconsider this Variance if you:

1. Have additional relevant information that was not reasonably available to me when this Variance was issued,
2. Have a proposal that was not presented to me when this Variance was issued but, if implemented, would
  - (a) meet the objective of the Variance, and
  - (b) be suitable as the basis of a written agreement under section 38 [may make written agreements]
3. Require more time to comply with the Variance.

Under section 43 (6) a Variance is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.

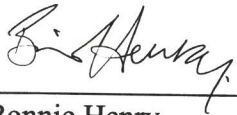
If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

You may contact me at:

Dr. Bonnie Henry, Provincial Health Officer  
4th Floor, 1515 Blanshard Street  
PO Box 9648 STN PROV GOVT, Victoria BC V8W 9P4  
Fax: (250) 952-1570  
Email: [ProvHlthOffice@gov.bc.ca](mailto:ProvHlthOffice@gov.bc.ca)

DATED THIS: 23<sup>rd</sup> day of March 2021

SIGNED:



Bonnie Henry  
MD, MPH, FRCPC  
Provincial Health Officer

DELIVERY BY: Posting to the BC Government and the BC Centre for Disease Control websites and by email to religious communities with existing variances.

Enclosure: Excerpts of the *Public Health Act*.

**ENCLOSURE**

**Excerpts of the *Public Health Act* [SBC 2008] c. 28**

***Definitions***

***1 In this Act:***

**"health hazard"** means

- (a) a condition, a thing or an activity that
  - (i) endangers, or is likely to endanger, public health, or
  - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
- (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
  - (i) is associated with injury or illness, or
  - (ii) fails to meet a prescribed standard in relation to health, injury or illness;

**When orders respecting health hazards and contraventions may be made**

**30** (1) A health officer may issue an order under this Division only if the health officer reasonably believes that

- (a) a health hazard exists,
- (b) a condition, a thing or an activity presents a significant risk of causing a health hazard,
- (c) a person has contravened a provision of the Act or a regulation made under it, or
- (d) a person has contravened a term or condition of a licence or permit held by the person under this Act.

(2) For greater certainty, subsection (1) (a) to (c) applies even if the person subject to the order is complying with all terms and conditions of a licence, a permit, an approval or another authorization issued under this or any other enactment.

**General powers respecting health hazards and contraventions**

**31** (1) If the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, a health officer may order a person to do anything that the health officer reasonably believes is necessary for any of the following purposes:

- (a) to determine whether a health hazard exists;
- (b) to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard;
- (c) to bring the person into compliance with the Act or a regulation made under it;
- (d) to bring the person into compliance with a term or condition of a licence or permit held by that person under this Act.

(2) A health officer may issue an order under subsection (1) to any of the following persons:

- (a) a person whose action or omission

- (i) is causing or has caused a health hazard, or
- (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
- (b) a person who has custody or control of a thing, or control of a condition, that
  - (i) is a health hazard or is causing or has caused a health hazard, or
  - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
- (c) the owner or occupier of a place where
  - (i) a health hazard is located, or
  - (ii) an activity is occurring that is not in compliance with the Act or a regulation made under it, or a term or condition of the licence or permit of the person doing the activity.

### **Specific powers respecting health hazards and contraventions**

- 32** (1) An order may be made under this section only
- (a) if the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, and
  - (b) for the purposes set out in section 31 (1) [*general powers respecting health hazards and contraventions*].
- (2) Without limiting section 31, a health officer may order a person to do one or more of the following:
- (a) have a thing examined, disinfected, decontaminated, altered or destroyed, including
    - (i) by a specified person, or under the supervision or instructions of a specified person,
    - (ii) moving the thing to a specified place, and
    - (iii) taking samples of the thing, or permitting samples of the thing to be taken;
  - (b) in respect of a place,
    - (i) leave the place,
    - (ii) not enter the place,
    - (iii) do specific work, including removing or altering things found in the place, and altering or locking the place to restrict or prevent entry to the place,
    - (iv) neither deal with a thing in or on the place nor dispose of a thing from the place, or deal with or dispose of the thing only in accordance with a specified procedure, and
    - (v) if the person has control of the place, assist in evacuating the place or examining persons found in the place, or taking preventive measures in respect of the place or persons found in the place;
  - (c) stop operating, or not operate, a thing;
  - (d) keep a thing in a specified place or in accordance with a specified procedure;
  - (e) prevent persons from accessing a thing;
  - (f) not dispose of, alter or destroy a thing, or dispose of, alter or destroy a thing only in accordance with a specified procedure;

- (g) provide to the health officer or a specified person information, records, samples or other matters relevant to a thing's possible infection with an infectious agent or contamination with a hazardous agent, including information respecting persons who may have been exposed to an infectious agent or hazardous agent by the thing;
  - (h) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, to protect the health and safety of persons;
  - (i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;
  - (j) provide evidence of complying with the order, including
    - (i) getting a certificate of compliance from a medical practitioner, nurse practitioner or specified person, and
    - (ii) providing to a health officer any relevant record;
  - (k) take a prescribed action.
- (3) If a health officer orders a thing to be destroyed, the health officer must give the person having custody or control of the thing reasonable time to request reconsideration and review of the order under sections 43 and 44 unless
- (a) the person consents in writing to the destruction of the thing, or
  - (b) Part 5 [*Emergency Powers*] applies.

### **May make written agreements**

- 38** (1) If the health officer reasonably believes that it would be sufficient for the protection of public health and, if applicable, would bring a person into compliance with this Act or the regulations made under it, or a term or condition of a licence or permit held by the person under this Act, a health officer may do one or both of the following:
- (a) instead of making an order under Division 1, 3 or 4, enter into a written agreement with a person, under which the person agrees to do one or more things;
  - (b) order a person to do one or more things that a person has agreed under paragraph (a) to do, regardless of whether those things could otherwise have been the subject of an order under Division 1, 3 or 4.
- (2) If, under the terms of an agreement under subsection (1), a health officer conducts one or more inspections, the health officer may use information resulting from the inspection as the basis of an order under this Act, but must not use the information as the basis on which to
- (a) levy an administrative penalty under this Act, or
  - (b) charge a person with an offence under this Act.

### **Contents of orders**

- 39** (3) An order may be made in respect of a class of persons.
- (6) A health officer who makes an order may vary the order
- (a) at any time on the health officer's own initiative, or



(b) on the request of a person affected by the order, following a reconsideration under section 43 [*reconsideration of orders*].

### **Duty to comply with orders**

**42** (1) A person named or described in an order made under this Part must comply with the order.  
 (2) Subsection (1) applies regardless of whether the person leaves the geographic area for which the health officer who made the order is designated.

### **Reconsideration of orders**

- 43** (1) A person affected by an order, or the variance of an order, may request the health officer who issued the order or made the variance to reconsider the order or variance if the person
- (a) has additional relevant information that was not reasonably available to the health officer when the order was issued or varied,
  - (b) has a proposal that was not presented to the health officer when the order was issued or varied but, if implemented, would
    - (i) meet the objective of the order, and
    - (ii) be suitable as the basis of a written agreement under section 38 [*may make written agreements*], or
  - (c) requires more time to comply with the order.
- (2) A request for reconsideration must be made in the form required by the health officer.
- (3) After considering a request for reconsideration, a health officer may do one or more of the following:
- (a) reject the request on the basis that the information submitted in support of the request
    - (i) is not relevant, or
    - (ii) was reasonably available at the time the order was issued;
  - (b) delay the date the order is to take effect or suspend the order, if satisfied that doing so would not be detrimental to public health;
  - (c) confirm, rescind or vary the order.
- (4) A health officer must provide written reasons for a decision to reject the request under subsection (3) (a) or to confirm or vary the order under subsection (3) (c).
- (5) Following a decision made under subsection (3) (a) or (c), no further request for reconsideration may be made.
- (6) An order is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.
- (7) For the purposes of this section,
- (a) if an order is made that affects a class of persons, a request for reconsideration may be made by one person on behalf of the class, and
  - (b) if multiple orders are made that affect a class of persons, or address related matters or issues, a health officer may reconsider the orders separately or together.

(8) If a health officer is unable or unavailable to reconsider an order he or she made, a similarly designated health officer may act under this section in respect of the order as if the similarly designated health officer were reconsidering an order that he or she made.

**Offences**

**99** (1) A person who contravenes any of the following provisions commits an offence:

...

(k) section 42 [*failure to comply with an order of a health officer*], except in respect of an order made under section 29 (2) (e) to (g) [*orders respecting examinations, diagnostic examinations or preventive measures*];



## DELEGATION BY THE PROVINCIAL HEALTH OFFICER

(Under Sections, 69 of the *Public Health Act*, S.B.C. 2008 c.28)

### *WorkSafeBC Prevention Officers – April 11, 2021*

#### WHEREAS:

- A. On March 17, 2020 I provided notice under section 52 (2) of the *Public Health Act* that the transmission of the infectious agent SARS-CoV-2, which has caused cases, clusters and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event as defined in section 51 of the *Public Health Act*;
- B. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19;
- C. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in direct contact through droplets in the air, or from fluid containing SARS-CoV-2 left on surfaces;
- D. Close contact resulting from the gathering of people including workers and patrons, in the workplace promotes the transmission of SARS-CoV-2 and increases the number of people who develop COVID-19 and become seriously ill;
- E. There has been an increase in the number of persons infected with COVID-19, particularly the more infectious B.1.1.7 variant and other virus variants of concern. Virus variants of concern have heightened the risk to the population if people gather together or come into close contact in a workplace;
- F. This increase has resulted in increased cases of COVID-19, clusters of people with COVID-19, outbreaks of COVID-19, the transmission of COVID-19 to surrounding communities, and in particular, an increase in younger populations who are not yet vaccinated, contracting more serious COVID-19 illness, all of which increases the risk of hospitalizations, intensive care admissions, and deaths;
- G. Given the recent increase in cases in combination with the need to implement large scale vaccination clinics, it is challenging for public health officials to respond to cases, clusters and outbreaks of COVID-19; and a high volume of cases taxes the capacity of the public health system to carry out contact tracing and taxes the capacity of the health care system to provide care to those who have been infected with COVID-19.

- H. If a medical health officer reasonably believes that one or more persons has been infected with COVID-19 while in a workplace and that it is necessary for the workplace or part of the workplace to stop operating to prevent further transmission of infection the medical health officer may make orders pursuant to sections 30, 31 and 32 of the *Public Health Act*,
- I. WorkSafeBC appoints prevention officers whose functions primarily involve conducting workplace inquiries, investigations and inspections under the Part 2 of the *Workers Compensation Act* and the regulations thereto (the “Class”);

**THEREFORE, having authority under section 69 of the *Public Health Act* to delegate powers and duties under the Act, I, Bonnie Henry, Provincial Health Officer, delegate the authority under the following provisions of the *Public Health Act* to all persons in the Class:**

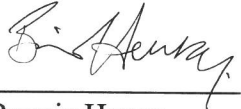
- 1. The authority pursuant to section 3 (1) of the Public Health Inspections and Orders Regulation, to serve notice of a Workplace COVID-19 Cases, Cluster and Outbreak Closure Order made by a medical health officer on a person who is affected by an Order by:
  - a. personally serving it on the person who is affected;
  - b. by posting a copy of the Order at a conspicuous location at the workplace;

**I make this delegation subject to the following conditions:**

- A. This delegation is effective on April 12, 2021 and ends when rescinded by me.
- B. A WorksafeBC prevention officer who serves a Notice of Workplace COVID-19 Cases, Cluster and Outbreak Closure Order on a person must provide a copy of the Notice to the medical health officer who ordered the closure.
- C. A WorksafeBC prevention officer who serves a Notice of Workplace COVID-19 Cases, Cluster and Outbreak Closure Order on a person must provide the notice substantially in the form of the notice attached as Schedule 1 to this delegation.

**NOTE:** Nothing in this instrument derogates from or affects WorkSafeBC’s powers and authority under the *Workers Compensation Act* and regulations thereto, nor does it require an exercise of any power or authority under the *Workers Compensation Act* and regulations thereto.

**DATED THIS:** 11<sup>th</sup> day of April 2021

**SIGNED:**   
\_\_\_\_\_  
Bonnie Henry  
MD, MPH, FRCPC  
Provincial Health Officer

## SCHEDULE 1

**Note:** Items in [square brackets] are to be filled in by the Medical Health Officer.

### ***WORKPLACE COVID-19 CASES, CLUSTERS AND OUTBREAK CLOSURE ORDER***

#### ***NOTICE TO OWNER OR OPERATOR OF A WORKPLACE***

The *Public Health Act* and Regulations are at:

<http://www.bclaws.ca/civix/content/complete/statreg/08028/?xsl=/templates/browse.xsl>

**TO: [OWNER OR OPERATOR OF WORKPLACE]:**

**ADDRESS OF WORKPLACE “the Workplace”:** [address]:

**WHEREAS** I am appointed by WorkSafeBC as a prevention officer and am a member of the Class of persons to whom Dr. Bonnie Henry, the Provincial Health Officer, has delegated the authority under section 3 (1) of Public Health Inspections and Orders Regulation made under the *Public Health Act* to serve an order of the medical health officer on an affected person where the medical health officer has ordered the closure of a workplace or part of a workplace due to infection of COVID-19 in the workplace;

#### **I THEREFORE NOTIFY YOU THAT:**

On [Date] a medical health officer for [Health Authority] made the attached order respecting the Workplace.

**DATE AND TIME OF SERVICE:** \_\_\_\_\_

**METHOD OF SERVICE:** \_\_\_\_\_

**NAME:** [WorksafeBC Prevention Officer]

**SIGNED:** \_\_\_\_\_

**CONTACT INFORMATION OF HEALTH AUTHORITY IF QUESTIONS:**

\_\_\_\_\_

**NOTE:** The WorksafeBC prevention officer must provide a copy of this Notice, once served, to the medical health officer.

*Excerpts of the Public Health Act [SBC 2008] c. 28*

**Delegation by provincial health officer**

**69** The provincial health officer may in writing delegate to a person or class of persons any of the provincial health officer's powers or duties under this Act, except the following:

- (a) a power to further delegate the power or duty;
- (b) a duty to make a report under this Act.

\*\*\*\*\*

**Public Health Inspections and Orders Regulation, B.C. Reg 52/209**

**Service of orders**

**3** (1) Orders and notices of variations of orders may be served on a person who is affected by the order or notice as follows:

- (a) personally;
- (b) by registered mail sent to the person's last known address;
- (c) by electronic mail sent to the person's last known electronic mail address;
- (d) if the order is in respect of a place, by posting it at a conspicuous location on the place;
- (e) if the order is in respect of a class of persons, by
  - (i) delivering it to each person in the class through one or more of the methods set out in paragraphs (a), (b) or (c), or
  - (ii) if, in the opinion of a medical health officer, delivery to each person would be impractical in the circumstances or would be likely to cause a delay that could significantly increase the risk to the health of any person, by both delivering the notice by any communications media and posting the order at the location where it is most likely to be brought to the attention of the members of the class.





## ORDER OF THE PROVINCIAL HEALTH OFFICER

(Pursuant to Sections 30, 31, 32,39 (3) and (6), and 54 (1) (h) and 2, *Public Health Act*, S.B.C. 2008)

### ***VARIANCE OF EXISTING ORDERS TO SUSPEND RECONSIDERATION – April 21, 2021***

The *Public Health Act* is at:

<http://www.bclaws.ca/civix/content/complete/statreg/08028/?xsl=/templates/browse.xsl>

(excerpts enclosed)

#### **WHEREAS:**

- A. On March 17, 2020, I provided notice under section 52 (2) of the *Public Health Act* (the “*Act*”) that the transmission of the infectious agent SARS-CoV-2, which has caused cases and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event as defined in section 51 of the *Public Health Act*;
- B. A regional event is an emergency under section 51 of the *Act*;
- C. The Province is experiencing a substantial increase in the transmission of COVID-19, resulting in persisting high levels of cases and increased clusters and outbreaks which, in turn, is producing increasing incidences of serious disease leading to elevations in hospitalizations, intensive care admissions and deaths;
- D. Both the public health and health care systems are strained by this increase;
- E. The increase in cases of infection, and the resulting strain on the public health and health care systems, is due in part to the increasingly widespread transmission of virus variants of concern, which are more transmissible, leading to more rapid spread of disease, and which have the potential to cause more serious illness;
- F. In order to stop the spread of infection and the attendant consequences, it is imperative that the prohibitions, restrictions and conditions in my Orders remain in place and are complied with;
- G. The volume of requests for reconsideration of my Orders, and the time and expertise which considering them entails, has become beyond my capacity to manage and is using resources which are better directed at assessing and responding to the protection of the public as a whole;



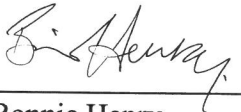
- H. For all these reasons, it is my reasonable belief that it is necessary, in the interest of protecting the public health, that I not accept requests to reconsider my Orders, directed at stopping and reducing the transmission of COVID-19, until the level of transmission of infection, the incidence of serious disease, the number of hospitalizations, admissions to intensive care units and deaths, and the strain on the public health and health care systems, are significantly reduced;
- I. Accordingly, pursuant to the authority vested in me by sections 54 (1) (h) and section 36 (6), of the *Act*, **I hereby Vary my Orders to**
1. Suspend the reconsideration of my Orders (which are posted at <https://www2.gov.bc.ca/gov/content/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/current-health-topics/covid-19-novel-coronavirus>) including the reconsideration of requests for reconsideration which I have received, but have not as yet considered.
  2. Despite section 1, and subject to section 3, this suspension does not apply to a request in which an affected person can establish an infringement of a right or freedom protected by the *Charter of Rights and Freedoms* and sets out reasons why the application of the order to the circumstances of that affected person is not necessary for the protection of public health, either based on additional relevant information that was not reasonably available to me at this time or based on a proposal that, if implemented, would proportionately balance the protection of public health with the protection of the right or freedom.
  3. The exception in section 2 does not apply to a request to reconsider the prohibition of indoor worship services, since the prohibition, and applications to vary it, have been fully considered and are now before the courts.

This Variance does not have an expiration date.

Pursuant to section 54 (1) (h) of the *Public Health Act*, and in accordance with the emergency powers set out in Part 5 of the *Public Health Act*, I will not be accepting requests for reconsideration of this Variance.

Dr. Bonnie Henry, Provincial Health Officer  
4th Floor, 1515 Blanshard Street  
PO Box 9648 STN PROV GOVT, Victoria BC V8W 9P4  
Fax: (250) 952-1570  
Email: [ProvHlthOffice@gov.bc.ca](mailto:ProvHlthOffice@gov.bc.ca)

DATED THIS: 21<sup>st</sup> day of April 2021

SIGNED:   
\_\_\_\_\_  
Bonnie Henry  
MD, MPH, FRCPC  
Provincial Health Officer

DELIVERY BY: Posting to the BC Government the BC Centre for Disease Control websites.

Enclosure: Excerpts of the *Public Health*

**ENCLOSURE****Excerpts of the Public Health Act [SBC 2008] c. 28*****Definitions******1 In this Act:***

**"health hazard"** means

- (a) a condition, a thing or an activity that
  - (i) endangers, or is likely to endanger, public health, or
  - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
- (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
  - (i) is associated with injury or illness, or
  - (ii) fails to meet a prescribed standard in relation to health, injury or illness;

**When orders respecting health hazards and contraventions may be made**

**30** (1) A health officer may issue an order under this Division only if the health officer reasonably believes that

- (a) a health hazard exists,
- (b) a condition, a thing or an activity presents a significant risk of causing a health hazard,
- (c) a person has contravened a provision of the Act or a regulation made under it, or
- (d) a person has contravened a term or condition of a licence or permit held by the person under this Act.

(2) For greater certainty, subsection (1) (a) to (c) applies even if the person subject to the order is complying with all terms and conditions of a licence, a permit, an approval or another authorization issued under this or any other enactment.

**General powers respecting health hazards and contraventions**

**31** (1) If the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, a health officer may order a person to do anything that the health officer reasonably believes is necessary for any of the following purposes:

- (a) to determine whether a health hazard exists;
- (b) to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard;
- (c) to bring the person into compliance with the Act or a regulation made under it;
- (d) to bring the person into compliance with a term or condition of a licence or permit held by that person under this Act.

- (2) A health officer may issue an order under subsection (1) to any of the following persons:
- (a) a person whose action or omission
    - (i) is causing or has caused a health hazard, or
    - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
  - (b) a person who has custody or control of a thing, or control of a condition, that
    - (i) is a health hazard or is causing or has caused a health hazard, or
    - (ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;
  - (c) the owner or occupier of a place where
    - (i) a health hazard is located, or
    - (ii) an activity is occurring that is not in compliance with the Act or a regulation made under it, or a term or condition of the licence or permit of the person doing the activity.

### **Specific powers respecting health hazards and contraventions**

- 32** (1) An order may be made under this section only
- (a) if the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, and
  - (b) for the purposes set out in section 31 (1) [*general powers respecting health hazards and contraventions*].
- (2) Without limiting section 31, a health officer may order a person to do one or more of the following:
- (a) have a thing examined, disinfected, decontaminated, altered or destroyed, including
    - (i) by a specified person, or under the supervision or instructions of a specified person,
    - (ii) moving the thing to a specified place, and
    - (iii) taking samples of the thing, or permitting samples of the thing to be taken;
  - (b) in respect of a place,
    - (i) leave the place,
    - (ii) not enter the place,
    - (iii) do specific work, including removing or altering things found in the place, and altering or locking the place to restrict or prevent entry to the place,
    - (iv) neither deal with a thing in or on the place nor dispose of a thing from the place, or deal with or dispose of the thing only in accordance with a specified procedure, and
    - (v) if the person has control of the place, assist in evacuating the place or examining persons found in the place, or taking preventive measures in respect of the place or persons found in the place;
  - (c) stop operating, or not operate, a thing;
  - (d) keep a thing in a specified place or in accordance with a specified procedure;

- (e) prevent persons from accessing a thing;
- (f) not dispose of, alter or destroy a thing, or dispose of, alter or destroy a thing only in accordance with a specified procedure;
- (g) provide to the health officer or a specified person information, records, samples or other matters relevant to a thing's possible infection with an infectious agent or contamination with a hazardous agent, including information respecting persons who may have been exposed to an infectious agent or hazardous agent by the thing;
- (h) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, to protect the health and safety of persons;
- (i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;
- (j) provide evidence of complying with the order, including
  - (i) getting a certificate of compliance from a medical practitioner, nurse practitioner or specified person, and
  - (ii) providing to a health officer any relevant record;
- (k) take a prescribed action.

(3) If a health officer orders a thing to be destroyed, the health officer must give the person having custody or control of the thing reasonable time to request reconsideration and review of the order under sections 43 and 44 unless

- (a) the person consents in writing to the destruction of the thing, or
- (b) Part 5 [*Emergency Powers*] applies.

### **May make written agreements**

**38** (1) If the health officer reasonably believes that it would be sufficient for the protection of public health and, if applicable, would bring a person into compliance with this Act or the regulations made under it, or a term or condition of a licence or permit held by the person under this Act, a health officer may do one or both of the following:

- (a) instead of making an order under Division 1, 3 or 4, enter into a written agreement with a person, under which the person agrees to do one or more things;
- (b) order a person to do one or more things that a person has agreed under paragraph (a) to do, regardless of whether those things could otherwise have been the subject of an order under Division 1, 3 or 4.

(2) If, under the terms of an agreement under subsection (1), a health officer conducts one or more inspections, the health officer may use information resulting from the inspection as the basis of an order under this Act, but must not use the information as the basis on which to

- (a) levy an administrative penalty under this Act, or
- (b) charge a person with an offence under this Act.

### **Contents of orders**

**39** (3) An order may be made in respect of a class of persons.

### **Duty to comply with orders**

**42** (1) A person named or described in an order made under this Part must comply with the order.  
 (2) Subsection (1) applies regardless of whether the person leaves the geographic area for which the health officer who made the order is designated.

### **Reconsideration of orders**

**43** (1) A person affected by an order, or the variance of an order, may request the health officer who issued the order or made the variance to reconsider the order or variance if the person

(a) has additional relevant information that was not reasonably available to the health officer when the order was issued or varied,

(b) has a proposal that was not presented to the health officer when the order was issued or varied but, if implemented, would

(i) meet the objective of the order, and

(ii) be suitable as the basis of a written agreement under section 38 [*may make written agreements*], or

(c) requires more time to comply with the order.

(2) A request for reconsideration must be made in the form required by the health officer.

(3) After considering a request for reconsideration, a health officer may do one or more of the following:

(a) reject the request on the basis that the information submitted in support of the request

(i) is not relevant, or

(ii) was reasonably available at the time the order was issued;

(b) delay the date the order is to take effect or suspend the order, if satisfied that doing so would not be detrimental to public health;

(c) confirm, rescind or vary the order.

(4) A health officer must provide written reasons for a decision to reject the request under subsection (3)

(a) or to confirm or vary the order under subsection (3) (c).

(5) Following a decision made under subsection (3) (a) or (c), no further request for reconsideration may be made.

(6) An order is not suspended during the period of reconsideration unless the health officer agrees, in writing, to suspend it.

(7) For the purposes of this section,

(a) if an order is made that affects a class of persons, a request for reconsideration may be made by one person on behalf of the class, and



(b) if multiple orders are made that affect a class of persons, or address related matters or issues, a health officer may reconsider the orders separately or together.

(8) If a health officer is unable or unavailable to reconsider an order he or she made, a similarly designated health officer may act under this section in respect of the order as if the similarly designated health officer were reconsidering an order that he or she made.

### **Review of orders**

**44** (1) A person affected by an order may request a review of the order under this section only after a reconsideration has been made under section 43 [*reconsideration of orders*].

(2) A request for a review may be made,

(a) in the case of an order made by a medical health officer, to the provincial health officer, or

(b) in the case of an order made by an environmental health officer, to a medical health officer having authority in the geographic area for which the environmental health officer is designated.

(3) If a review is requested, the review is to be based on the record.

(4) If a review is requested, the reviewer may do one or more of the following:

(a) delay the date the order is to take effect or suspend the order, if satisfied that doing so would not be detrimental to public health;

(b) confirm, vary or rescind the order;

(c) refer the matter back to the person who made the order, with or without directions.

(5) A reviewer must provide written reasons for an action taken under subsection (4) (b) or (c), and a person may not request further review of an order.

### **General emergency powers**

**54** (1) A health officer may, in an emergency, do one or more of the following:

(h) not reconsider an order under section 43 [*reconsideration of orders*], not review an order under section 44 [*review of orders*] or not reassess an order under section 45 [*mandatory reassessment of orders*];

(2) An order that may be made under this Part may be made in respect of a class of persons or things, and may make different requirements for different persons or things or classes of persons or things or for different geographic areas.



## **ORDER OF THE PROVINCIAL HEALTH OFFICER**

(Pursuant to Sections 30, 31, 32, 39 (3) and 54 (1) (h) and (2), *Public Health Act*, S.B.C. 2008)

### ***FOOD AND LIQUOR SERVING PREMISES - April 21, 2021***

The *Public Health Act* is at:

<http://www.bclaws.ca/civix/content/complete/statreg/08028/?xsl=/templates/browse.xsl>  
(excerpts enclosed)

**TO: OWNERS AND OPERATORS OF RESTAURANTS, COFFEE SHOPS, CAFES, CAFETERIAS AND FOOD PRIMARY AND LIQUOR PRIMARY ESTABLISHMENTS, INCLUDING PUBS, BARS, LOUNGES AND NIGHTCLUBS, LIQUOR MANUFACTURING FACILITIES THAT HAVE TASTING ROOMS AND PRIVATE CLUBS**

**TO: PATRONS OF RESTAURANTS, COFFEE SHOPS, CAFES, CAFETERIAS AND FOOD PRIMARY AND LIQUOR PRIMARY ESTABLISHMENTS, INCLUDING PUBS, BARS, LOUNGES AND NIGHTCLUBS, LIQUOR MANUFACTURING FACILITIES THAT HAVE TASTING ROOMS AND PRIVATE CLUBS**

#### **WHEREAS:**

- A. On March 17, 2020 I provided notice under section 52 (2) of the *Public Health Act* that the transmission of the infectious agent SARS-CoV-2, which has caused cases and outbreaks of a serious communicable disease known as COVID-19 among the population of the Province of British Columbia, constitutes a regional event as defined in section 51 of the *Public Health Act*;
- B. A person infected with SARS-CoV-2 can infect other people with whom the infected person is in contact;
- C. The gathering of people in close contact with one another can promote the transmission of SARS-CoV-2 and increase the number of people who develop COVID-19 and become seriously ill; in particular, social mingling coupled with the consumption of alcohol which increases risky behavior, and/or the presence of loud background sound which causes people to move closer together to be heard or to speak more forcefully, is associated with significant increases in the transmission of SARS-CoV-2 and increases in the number of people who develop COVID-19 and become seriously ill;
- D. People spending time together indoors significantly increases the risk of the transmission of SARS-CoV-2 in the population, thereby increasing the number of people who develop COVID-19 and become seriously ill;

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**Ministry of Health**

Office of the  
Provincial Health Officer  
<http://www.health.gov.bc.ca/pho/>

4<sup>th</sup> Floor, 1515 Blanshard Street  
PO Box 9648 STN PROV GOVT  
Victoria BC V8W 9P4  
Fax: (250) 952-1570  
[ProvHlthOffice@gov.bc.ca](mailto:ProvHlthOffice@gov.bc.ca)

- E. The Province is experiencing a substantial increase in the transmission of COVID-19, raising the risk of rapid exponential growth in cases and resulting in persisting high levels of cases and increased clusters and outbreaks which, in turn, is producing increasing incidences of serious disease leading to elevations in hospitalizations, intensive care admissions and deaths. This is resulting in increasing pressure on the health care system to care for people, and on the public health system to carry out contact tracing for the purpose of preventing further transmission and is putting at risk the continued operation of schools, which is critical to the physical, mental and emotional health of children and youth;
- F. The increase in cases of infection, and the resulting strain on the public health and health care systems, is due in part to the increasingly widespread transmission of virus variants of concern, which are more transmissible, leading to more rapid spread of disease, and which have the potential to cause more serious illness;
- G. For certainty, this Order is directed at restaurants, coffee shops, cafes, cafeterias and food primary and liquor primary establishments, including pubs, bars, lounges and nightclubs, manufacturing facilities that have tasting rooms and private clubs and retail establishments which sell liquor;
- H. For certainty, this Order is not directed at hospitals, licensed care facilities, assisted living residences, independent living facilities, correctional facilities, industrial camps, school and workplace cafeterias, cafeterias for residents, students, staff and faculty attending or working at educational institutions, cafeterias on ferries operated by BC Ferries or at BC Ferries' shore terminals or cafeterias, or food services in post-security areas in airports;
- I. For further certainty, this Order does not apply to events as defined in the *Gatherings and Events* Order, or to meetings or conferences held in hotels or anywhere else;
- J. You belong to the class of persons to whom this notice is addressed;
- K. I have reason to believe and do believe that
  - i. the risk of an outbreak of COVID-19 among the public constitutes a health hazard under the *Public Health Act*;
  - ii. because the risk of clusters and outbreaks arising from people gathering to eat or drink in restaurants, coffee shops, cafes, cafeterias and food primary and liquor primary establishments, including pubs, bars, lounges and nightclubs, manufacturing facilities that have tasting rooms and private clubs extends beyond the authority of one or more medical health officers, and coordinated action is needed to protect the public from contracting COVID-19, it is in the public interest for me to exercise the powers in sections 30, 31, 32 and 39 (3) of the *Public Health Act* **TO ORDER** as follows:

**THIS ORDER REPEALS AND REPLACES MY *FOOD AND LIQUOR SERVING PREMISES* ORDER MADE ON MARCH 31, 2021 AND CONFIRMS MY ORAL ORDER OF APRIL 19, 2021.**

**Definitions in this Order:**

**“completely open to outside air”** means there is no impediment to the free flow of air from the outside and to the weather;

**“roof”** means any type of covering, whether permanent or temporary, including an awning or umbrella, which covers more than 25% of the surface area of a patio;

**“full meal service”** includes food provided by a caterer to the premises or available from a food truck located beside or on the premises, but does not include snacks, appetizers or tapas on their own;

**“nightclub”** means a liquor primary establishment at which the main activities are selling liquor and providing music to which patrons can dance;

**“patio”** means

- a. an area without a roof in which
  - i. any structure around the perimeter does not occupy more than 75% of the vertical space between the floor or ground and a point 2.4 metres above the floor or ground;
  - ii. the remaining 25% of the vertical space between the floor or ground and a point 2.4 metres above the floor or ground is completely open to outside air and has no structures in it, including between 1.2 metres to 1.8 metres above the floor or ground, other than lattice work or insect screens, and if this space is framed by a window or a door, the window or door is completely open while the premises are in operation;
  - iii. there are no structures or objects, other than physical barriers which block the transmission of droplets between patrons, which block the free flow of air in the interior of the area. or
- b. an area with a roof that is at least 2.4 metres above the floor or ground, in which
  - i. any structure around the perimeter does not occupy more than 50% of the vertical space between the floor or ground and a point 2.4 m above the floor or ground,
  - ii. the remaining 50% of the vertical space between the floor or ground and a point 2.4 metres above the floor or ground is completely open to outside air and has no structures in it, including between 1.2 metres to 1.8 metres above the floor or ground, other than lattice work or insect screens, and if this space is framed by a window or a door, the window or door is completely open while the premises are in operation;
  - iii. there are no structures or objects, other than physical barriers which block the transmission of droplets between patrons, which block the free flow of air in the interior of the area;

**“patron”** means anyone being provided with food or liquor services in a restaurant, coffee shop, café, cafeteria or food primary or liquor primary establishment, including a pub, bar, lounge, nightclub, liquor



manufacturing facility with a tasting room or private club, or who purchases liquor at a retail establishment, but does not include staff;

**“physical barrier”** means a barrier which is designed, installed and maintained in accordance with WorkSafeBC guidance at <https://www.worksafebc.com/en/resources/health-safety/information-sheets/covid-19-health-safety-designing-effective-barriers?lang=en>;

**“premises”** includes both inside and outside areas.

**A. OWNERS AND OPERATORS OF LIQUOR PRIMARIES OPERATING AS NIGHTCLUBS**

1. No person may operate a premises as a nightclub.
2. No person may be a patron at a premises operating as a nightclub.

**B. OWNERS AND OPERATORS OF RESTAURANTS, COFFEE SHOPS, CAFES, CAFETERIAS AND FOOD PRIMARY AND LIQUOR PRIMARY ESTABLISHMENTS, INCLUDING PUBS, BARS, LOUNGES, LIQUOR MANUFACTURING FACILITIES THAT HAVE TASTING ROOMS AND PRIVATE CLUBS (HEREINAFTER REFERRED TO AS “PREMISES”)**

1. No person may provide food or drink services inside.
2. A person may provide food or drink takeout or delivery services, subject to the following conditions:
  - a. A patron may only be inside the premises for the purposes of ordering, purchasing or collecting food or drink for takeout or delivery.
  - b. A patron and staff member must be able to maintain a distance of two metres from one another, unless there is a physical barrier between them which blocks the transmission of droplets.
  - c. A patron must maintain a distance of two metres from other patrons and from staff members, unless there is a physical barrier between them which blocks the transmission of droplets.
3. Premises which are licensed to serve liquor, and which do not have full meal service, must be closed, if they do not have a patio or other outside area in which to serve patrons.
4. No person may permit a place to be used for, operate or be a patron at a place to which section 3 applies.
5. A person may provide food or drink services outside, including on a patio, subject to the conditions which follow.
6. Patrons must be able to maintain a distance of two metres from other patrons, unless they are separated by physical barriers.

7. Patrons must be assigned to a table and shown to their seats.
8. Patrons must stay in the seat to which they are assigned, or at which they seat themselves, and must not move from table to table.
9. Liquor may only be served to patrons who are seated.
10. A patron must remain seated, except to use a self-serve food or drink station, use a self-serve lottery ticket dispenser, pay at a pay station, use washroom facilities or when leaving the premises. A patron may use washroom facilities inside the premises and may walk through a premises in order to reach an outside place or a patio.
11. There must be a sufficient number of staff at premises, to ensure that patrons remain seated.
12. There must be a sufficient number of staff at premises, to ensure that patrons do not congregate in areas of the premises.
13. Patrons who are not in the same party must be seated two metres apart from one another, unless they are separated by a physical barrier.
14. There must be no more than six patrons seated at a table, even if they belong to the same party.
15. There must be a distance of two metres between the backs of the seats of patrons seated at adjacent tables, even if members of the same party are seated at adjacent tables, unless the adjacent tables are separated by physical barriers.
16. If there is a self-serve food or drink station,
  - a. hand washing facilities or alcohol-based sanitizers must be within easy reach of the station;
  - b. signs reminding patrons to wash or sanitize their hands before touching self-serve food, drink or other items, and to maintain a two metre distance from other patrons, must be posted at the self-serve station; and
  - c. high touch surfaces at the station, and utensils that are used for self-serve, must be frequently cleaned and sanitized.
17. The operator must determine the maximum number of patrons who can be accommodated outside, taking into consideration the requirements set out in the sections above, and must document this maximum number in the safety plan.
18. The operator must monitor the number of patrons present and ensure that the number present does not exceed the maximum number in the safety plan.
19. The operator must take steps to prevent the congregation of patrons waiting to be seated, such as by taking reservations and requesting patrons to remain in their cars or elsewhere until notified by telephone or an App that there is seating available for them.



20. The operator must assess the premises for places where patrons may congregate and take steps to avoid congregation, including outside washroom facilities.
21. The operator must use physical devices, install markers or use other methods to guide and assist patrons in maintaining a distance of two metres from other patrons if they are not seated.
22. The operator must monitor the premises and remind patrons to maintain a distance of two metres from one another.
23. If there are physical barriers between tables, the tops and bottoms of the physical barriers must be positioned so that the physical barriers block the transmission of droplets produced by breathing, talking, coughing or sneezing between patrons who are seated at adjacent tables.
24. Dance floors must be closed with physical barriers or occupied with tables.
25. Patrons must not sing, engage in Karaoke or dance on the premises.
26. Jam and open mic sessions must not be held on the premises.
27. Background music, including live solo and live group or band music, and any other background sounds, including from televisions and electronic sound producing devices, must not be amplified and must be no louder than the volume of normal conversation.
28. If background music is provided by a live performer or performers, or a disc jockey, a physical barrier must be installed between the performers or disc jockey and the patrons which blocks the transmission of droplets produced by the performers or the disc jockey, or there must be at least a three metre separation between performers and patrons.
29. If liquor is served
  - a. the obligations under sections 61 (2) of the *Liquor Control and Licensing Act* must be complied with,
  - b. the directives and guidance provided by the Liquor and Cannabis Regulation Branch to ensure that patrons do not over order, overconsume or binge drink must be followed, and
  - c. the authority under section 61 (3) of the *Liquor Control and Licensing Act* must be exercised when appropriate. (see [Liquor and Cannabis Regulation Branch website](#))
30. No person may sell liquor between 10:00 pm and 9:00 am on the following day.
31. No person, including a patron, owner, operator or staff member may consume liquor on the premises after 11:00 pm.
32. If, in the ordinary course of business, you collect information from patrons for the purpose of making reservations or seating patrons,
  - a. you must collect the first and last name and telephone number, or email address, of at least one member of every party of patrons, and

- b. you may collect this information from other members of a party or from other patrons who wish to provide it; and
- c. you must retain this information for thirty days, in case there is a need for contact tracing on the part of the medical health officer, in which case you must provide the information to the medical health officer.

33. In this section,

**“accommodated safely”** means that there are five square metres of unencumbered space available for each person present, including patrons and staff members.

A tasting room with a liquor manufacturer licence may have patrons inside for the purpose of tasting, subject to the following conditions:

- a. the operator must calculate the maximum number of patrons who can be accommodated safely inside and must document this number in the COVID-19 safety plan;
- b. the operator must ensure that the number of patrons present does not exceed the maximum number who can be accommodated safely, as documented in the COVID-19 safety plan;
- c. no indoor seating is permitted, except on the request of or for a patron who is unable to stand while tasting;
- d. patrons in one party must not congregate with patrons in another party;
- e. a patron and staff member must be able to maintain a distance of two metres from one another, unless there is a physical barrier between them which blocks the transmission of droplets.
- f. a patron must maintain a distance of two metres from other patrons who are not in the same party and from staff members, unless there is a physical barrier between them which blocks the transmission of droplets.
- g. hand sanitation supplies are provided and readily available to patrons,

34. Sections 1, 7, 8, 9, and 11 do not apply to a tasting room with a liquor manufacturer licence.

35. The *Gatherings and Events* Order applies to events on premises to which this Order applies.

36. For certainly, anything that is promoted for the purpose of encouraging patrons to attend at a premises to which this Order applies, such as a movie, film, televised sport or other televised event, a live or virtual musical, theatrical or dance performance, a live solo, group or band musical performance, a disc jockey performance or strip dancing, constitutes an event for the purposes of the application of the *Gathering and Events* Order.

37. No person may engage in, permit or promote any of the following with respect to or on premises to which this Order applies:

- a. an event that is prohibited under the *Gathering and Events* Order;
  - b. the sale of advance tickets;
  - c. an entrance cover charge;
  - d. door prizes or give aways;
  - e. raffles;
  - f. 50/50 draws;
  - g. decorations which are associated with an event;
  - h. staff in costumes which are associated with an event;
  - i. promotion of the sale of food or drink associated with an event.
38. No person may add a wall to a patio which is being used to provide food or drink services.
39. No person may permit a place to be used for or may operate premises which provide food or drink services, unless the conditions in this Part are met.
40. No person may be a patron at premises which provides food or drink services, unless the conditions in this Part are met.

### **C. PATRONS**

- 1. A patron must not be present in premises operating as a nightclub, in which an event is taking place contrary to the provisions of the *Gatherings and Events* Order, or which is required to be closed under Part B.
- 2. A patron must comply with the distancing and other requirements in Part B, and with guidance and directions from owners, operators or staff members designed to avoid the congregation of patrons, and must not enter or remain in a place if advised by an operator or staff member that there is not sufficient room inside to accommodate them

### **D. RELATED MEDICAL HEALTH OFFICERS ORDERS**

Recognizing that the risk differs in different regions of the province, and that medical health officers are in the best position to assess local circumstances and to determine whether additional or more restrictive steps need to be taken to reduce the risk of the transmission of COVID-19,

#### **I FURTHER ORDER:**

- 1. A medical health officer may issue an order further to this Order for the purpose of having the provisions of the order incorporated into this Order. Such an order may add further prohibitions, or impose more restrictive limitations or conditions in the whole or part of the geographic area

of the province for which the medical health officer is designated and, subject to section 2, the provisions of the order are incorporated into this Order when posted on my website. For certainty, a contravention of an order of a medical health officer issued further to this Order and posted on my website is a contravention of this Order.

2. While it is in force, a provision in an order made by a medical health officer further to this Order and posted on my website, which adds further prohibitions or imposes more restrictive limitations or requirements than this Order, applies in the whole or part of the geographic area of the province for which the medical health officer is designated, despite the provisions of this Order.

This Order expires at midnight (24:00 hours) on May 24, 2021.

Pursuant to section 54 (1) (h) of the *Public Health Act*, and in accordance with the emergency powers set out in Part 5 of the *Public Health Act*, I will not be accepting requests for reconsideration of this Order.

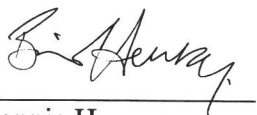
You are required under section 42 of the *Public Health Act* to comply with this Order. Failure to comply with this Order is an offence under section 99 (1) (k) of the *Public Health Act*.

If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

You may contact me at:

Dr. Bonnie Henry, Provincial Health Officer  
4<sup>th</sup> Floor, 1515 Blanshard Street  
P O Box 9648 STN PROV GOVT, Victoria BC V8W 9P4  
Fax: (250) 952-1570  
Email: [ProvHlthOffice@gov.bc.ca](mailto:ProvHlthOffice@gov.bc.ca)

DATED THIS: 21<sup>st</sup> day of April 2021

SIGNED:   
\_\_\_\_\_  
Bonnie Henry  
MD, MPH, FRCPC  
Provincial Health Officer

Delivery By: Posting on the BC Government and the BC Centre for Disease Control websites.

Enclosure: Excerpts of the *Public Health Act* and the *Liquor Control and Licensing Act*.

**ENCLOSURE**

**Excerpts of the *Public Health Act* [SBC 2008] c. 28**

***Definitions***

**1** In this Act:

**"health hazard"** means

- (a) a condition, a thing or an activity that
  - (i) endangers, or is likely to endanger, public health, or
  - (ii) interferes, or is likely to interfere, with the suppression of infectious agents or hazardous agents, or
- (b) a prescribed condition, thing or activity, including a prescribed condition, thing or activity that
  - (i) is associated with injury or illness, or
  - (ii) fails to meet a prescribed standard in relation to health, injury or illness;

**When orders respecting health hazards and contraventions may be made**

**30** (1) A health officer may issue an order under this Division only if the health officer reasonably believes that

- (a) a health hazard exists,
- (b) a condition, a thing or an activity presents a significant risk of causing a health hazard,
- (c) a person has contravened a provision of the Act or a regulation made under it, or
- (d) a person has contravened a term or condition of a licence or permit held by the person under this Act.

(2) For greater certainty, subsection (1) (a) to (c) applies even if the person subject to the order is complying with all terms and conditions of a licence, a permit, an approval or another authorization issued under this or any other enactment.

**General powers respecting health hazards and contraventions**

**31** (1) If the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, a health officer may order a person to do anything that the health officer reasonably believes is necessary for any of the following purposes:

- (a) to determine whether a health hazard exists;

(b) to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard;

(c) to bring the person into compliance with the Act or a regulation made under it;

(d) to bring the person into compliance with a term or condition of a licence or permit held by that person under this Act.

(2) A health officer may issue an order under subsection (1) to any of the following persons:

(a) a person whose action or omission

(i) is causing or has caused a health hazard, or

(ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;

(b) a person who has custody or control of a thing, or control of a condition, that

(i) is a health hazard or is causing or has caused a health hazard, or

(ii) is not in compliance with the Act or a regulation made under it, or a term or condition of the person's licence or permit;

(c) the owner or occupier of a place where

(i) a health hazard is located, or

(ii) an activity is occurring that is not in compliance with the Act or a regulation made under it, or a term or condition of the licence or permit of the person doing the activity.

### **Specific powers respecting health hazards and contraventions**

**32** (1) An order may be made under this section only

(a) if the circumstances described in section 30 [*when orders respecting health hazards and contraventions may be made*] apply, and

(b) for the purposes set out in section 31 (1) [*general powers respecting health hazards and contraventions*].

(2) Without limiting section 31, a health officer may order a person to do one or more of the following:

(a) have a thing examined, disinfected, decontaminated, altered or destroyed, including



- (i) by a specified person, or under the supervision or instructions of a specified person,
  - (ii) moving the thing to a specified place, and
  - (iii) taking samples of the thing, or permitting samples of the thing to be taken;
- (b) in respect of a place,
- (i) leave the place,
  - (ii) not enter the place,
  - (iii) do specific work, including removing or altering things found in the place, and altering or locking the place to restrict or prevent entry to the place,
  - (iv) neither deal with a thing in or on the place nor dispose of a thing from the place, or deal with or dispose of the thing only in accordance with a specified procedure, and
  - (v) if the person has control of the place, assist in evacuating the place or examining persons found in the place, or taking preventive measures in respect of the place or persons found in the place;
- (c) stop operating, or not operate, a thing;
- (d) keep a thing in a specified place or in accordance with a specified procedure;
- (e) prevent persons from accessing a thing;
- (f) not dispose of, alter or destroy a thing, or dispose of, alter or destroy a thing only in accordance with a specified procedure;
- (g) provide to the health officer or a specified person information, records, samples or other matters relevant to a thing's possible infection with an infectious agent or contamination with a hazardous agent, including information respecting persons who may have been exposed to an infectious agent or hazardous agent by the thing;
- (h) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, to protect the health and safety of persons;
- (i) use a type of equipment or implement a process, or remove equipment or alter equipment or processes, to protect the health and safety of persons;
- (j) provide evidence of complying with the order, including

(i) getting a certificate of compliance from a medical practitioner, nurse practitioner or specified person, and

(ii) providing to a health officer any relevant record;

(k) take a prescribed action.

(3) If a health officer orders a thing to be destroyed, the health officer must give the person having custody or control of the thing reasonable time to request reconsideration and review of the order under sections 43 and 44 unless

(a) the person consents in writing to the destruction of the thing, or

(b) Part 5 [*Emergency Powers*] applies.

### **Contents of orders**

**39** (3) An order may be made in respect of a class of persons.

### **Duty to comply with orders**

**42** (1) A person named or described in an order made under this Part must comply with the order.

(2) Subsection (1) applies regardless of whether the person leaves the geographic area for which the health officer who made the order is designated.

### **General emergency powers**

**54** (1) A health officer may, in an emergency, do one or more of the following:

(h) not reconsider an order under section 43 [*reconsideration of orders*], not review an order under section 44 [*review of orders*] or not reassess an order under section 45 [*mandatory reassessment of orders*];

(2) An order that may be made under this Part may be made in respect of a class of persons or things, and may make different requirements for different persons or things or classes of persons or things or for different geographic areas.

### **Offences**

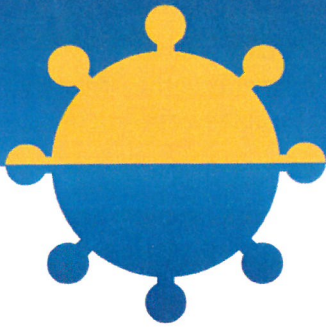
**99** (1) A person who contravenes any of the following provisions commits an offence:

(k) section 42 [*failure to comply with an order of a health officer*], except in respect of an order made under section 29 (2) (e) to (g) [*orders respecting examinations, diagnostic examinations or preventive measures*];

**Excerpts of the *Liquor Control and Licensing Act* [SBC 2015] Chapter 19**

**Conduct at event site or in establishment, service area or liquor store**

- 61** (2) A licensee or permittee or an employee of either must not
- (a) sell or serve liquor to an intoxicated person or a person showing signs of intoxication, or
  - (b) allow
    - (i) a person in a service area to become intoxicated,
    - (ii) an intoxicated person to enter or remain in a service area,
- (3) A licensee or permittee or an employee of either may,
- (a) if he or she believes a person is intoxicated,
    - (i) request that the person leave a service area, or
    - (ii) forbid the person from entering a service area,



# Coronavirus COVID-19

BC Centre for Disease Control | BC Ministry of Health



## Guidance for Outside Dining Spaces

Based on the Provincial Health Officer's Order to Food and Liquor Serving Premises

Version 1, April 23, 2021

This is supplementary information to the *Guidance for Food and Liquor Servicing Premises* document. This guidance is based on known evidence as of April 21, 2021. All indoor dining services must cease through May 24, 2021. Food or drink service outside, including on a patio, may continue subject to Order conditions. Province-wide restrictions (<https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/covid-19-pho-order-nightclubs-food-drink.pdf>) reflect current guidance and restrictions with links to Provincial Health Officer Orders.

### Purpose of the guidance

This guidance provides information on ways to comply with the Provincial Health Officer's Order on *Food and Liquor Servicing Premises*, specifically the requirements for providing outside food and drink services (e.g., on a patio). As an owner or operator, this guidance will support you when preparing or amending your COVID-19 Safety Plan and outside dining set up.

We are seeing high rates of transmission of COVID-19, and closure of indoor dining is one of many controls put in place in BC to reduce the risk of COVID-19 transmission. At this time, patios are seen as a way to enable on-site dining, if the patios meet airflow, capacity and other requirements to reduce transmission risk to patrons and staff.

Pay special attention to the occupancy and physical distancing requirements stated in sections 13 to 15 and 17 of the *Food and Liquor Servicing Premises Order* to avoid crowding on patios. These sections state:

**Section 13:** A patron must be seated 2 metres apart from other patrons, unless there is a physical barrier (e.g., a wall or screen) separating those patrons or if the patrons are in the same party or group.

**Section 14:** At most six patrons can be seated at a table, even if those patrons are in the same party or group.

**Section 15:** The backs of the seats between tables must be at least 2 metres apart from one another, even if a party or group is sitting at more than one table, unless the tables are separated by a physical barrier (e.g., a wall or screen).

**Section 17:** The operator must know the maximum number of patrons who can be on a patio at one time and must write this number down in the COVID-19 Safety Plan. The operator must calculate this using the physical distancing required in sections 13-15.



Ministry of Health



BC Centre for Disease Control

If you have fever, a new cough, or are having difficulty breathing, call 8-1-1.





Only patios that meet the requirements of *Food and Liquor Serving Premises Order* to avoid crowding will be acceptable. Many patios that have been operating prior to April 21, 2021 would meet the requirements in the Order and can continue operate. Some patios would not meet the requirements in the Order and will not be able to operate or must make changes to be able to operate.

For the purposes of *Food and Liquor Serving Premises Order*, the Guidance for Food and Liquor Serving Premises and this supplementary guidance, a patio means

- a. an area without a roof in which
  - i. any structure around the perimeter does not occupy more than 75% of the vertical space between the floor or ground and a point 2.4 metres above the floor or ground;
  - ii. the remaining 25% of the vertical space between the floor or ground and a point 2.4 metres above the floor or ground has no structures in it other than lattice work or insect screens and is completely open to outside air, and if this space is framed by a window or a door, the window or door is completely open while the premises are in operation;
  - iii. there are no structures or objects, other than physical barriers which block the transmission of droplets between patrons, which block the free flow of outside air, or
- b. an area with a roof that is at least 2.4 metres above the floor or ground, in which
  - i. any structure around the perimeter does not occupy more than 50% of the vertical space between the floor or ground and a point 2.4 m above the floor or ground; and the remaining 50% of the vertical space between the floor or ground and a point 2.4 metres above the floor or ground is completely open to outside air, apart from lattice work or insect screens, and if this space is framed by a window or a door, the window or door is completely open while the premises are in operation;
  - ii. in the remaining 50% of the vertical space which is completely open to outside air there is no impediment to air flow between 1.2 m to 1.8 m above the floor or ground, apart from lattice work or insect screens;
  - iii. there are no structures or objects, other than physical barriers which block the transmission of droplets between patrons, which block the free flow of outside air in the interior of the area.

Also, for the purposes of *Food and Liquor Serving Premises Order*, the Guidance for Food and Liquor Serving Premises and this supplementary guidance:

- “completely open to outside air” means there is no impediment to the free flow of air from the outside and to the weather; and,
- roof means any type of covering, whether permanent or temporary, including an awning or umbrella, which covers more than 25% of the surface area of a patio.

Section 38 of the Order states: no person may add a wall to a patio which is being used to provide food or drink services.

**Legal disclaimer:**

The purpose of this guidance is to provide practical public health advice to reduce the transmission of COVID-19 in British Columbia. This guidance document is built upon the Orders and COVID-19 prevention guidance, but does not in itself have legal authority. However, not following the guidance in this document may leave individuals or organizations



open to legal action. This guidance does not supersede orders or direction under the *Public Health Act* or any other provincial or federal legislation. This guidance is subject to changes and updates as restrictions are changed.

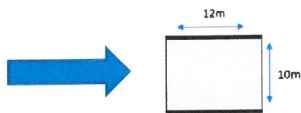
## Tip sheet – Acceptable Outdoor Dining Spaces

### **Capacity**

- Ensure that there is at least a two metre distance between the backs of patron seats at adjacent tables. Otherwise, ensure that physical barriers are used between adjacent tables to avoid the risk of transmission of COVID-19.

### **Walls and Air flow**

- For patios without a roof, consider having more than 25% of the wall space completely open to outside air.
- For patios with a roof, consider having more than 50% of the wall space completely open to outside air.
- Walls that are open on opposite facing ends help enhance the smooth flow-through of air into and out of the patio. Top view of patio, showing good option for airflow. The 12m sides are patio walls.



- Try to avoid having closed intersecting walls (closed corners), which can prevent a smooth flow-through of air into and out of the patio.
- Consider moving line-ups, waiting areas, pay stations and other areas of congregation away from areas that are completely open to outside air where air flows into or out of the patio. This can help to reduce the risk of COVID-19 transmission from people in those congregation areas to people on the patio and from those on the patio to the people in those congregation areas.
- A partial wall (e.g., pony wall) should be no higher than 1.2 m above the floor or ground to avoid impeding the air flow of seated patrons.

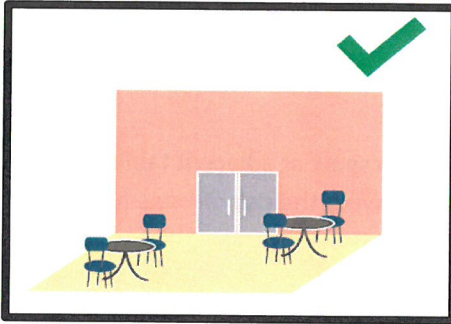
### **Cooling and Heating**

- When using cooling machines in warmer weather, consider using fans at the top of a patio that draw up air and out of the patio area or using air misters.
- When using space heaters in colder weather, consider using radiant heaters. Avoid the use of convection heaters, which move and mix air around.

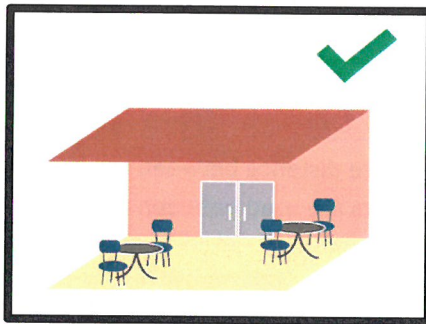




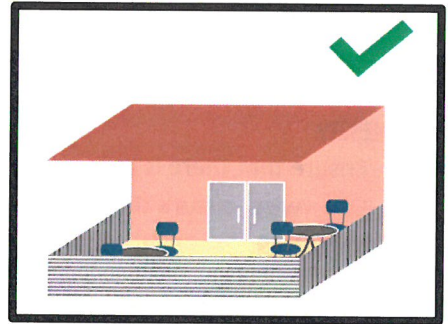
EXAMPLES of ACCEPTABLE OUTSIDE DINING SPACE:



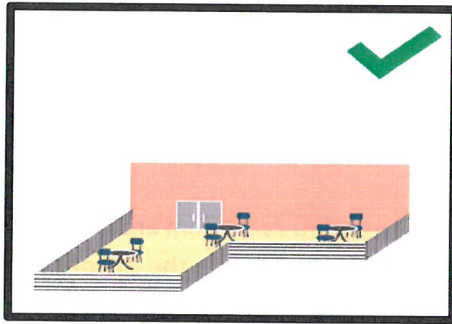
- Acceptable because:
- No roof and 3 open sides (more than 25% open space from ground to 2.4 m height)
  - Proper space between adjacent tables



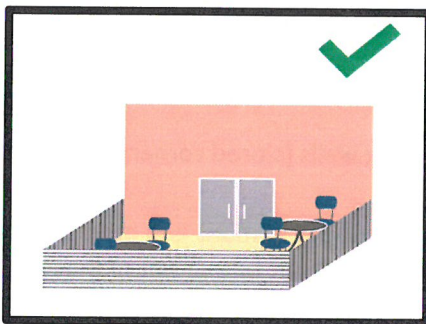
- Acceptable because:
- Roof with 3 open sides (more than 50% open space from ground to 2.4 m height)
  - Proper space between adjacent tables



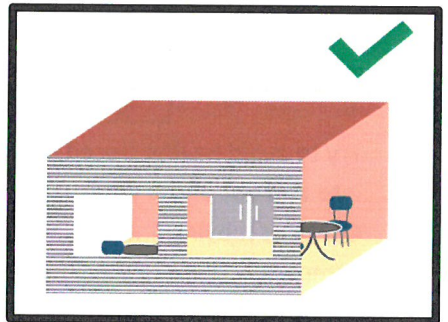
- Acceptable because:
- Roof with a pony wall on 3 sides but open otherwise (more than 50% open space from ground to 2.4 m height)
  - Proper space between adjacent tables



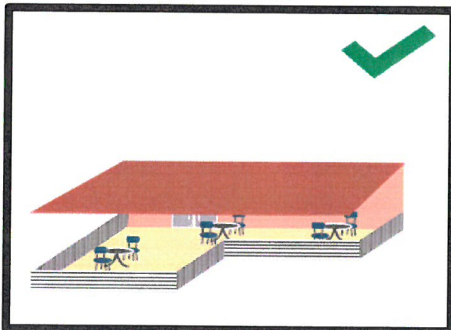
- Acceptable because:
- No roof and a pony wall on 5 sides but open otherwise (more than 25% open space from ground to 2.4 m height)
  - Proper space between adjacent tables



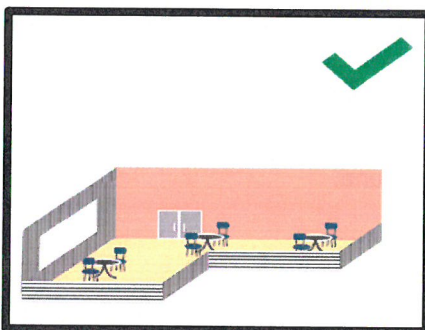
- Acceptable because:
- No roof and a pony wall on 3 sides but open otherwise (more than 25% open space from ground to 2.4 m height)
  - Proper space between adjacent tables



- Acceptable because:
- Roof with 2 sides open and one side with 2 large open windows (more than 50% open space from ground to 2.4 m height)
  - Proper space between adjacent tables



- Acceptable because:
- Roof with pony walls on 5 sides but open otherwise (more than 50% open space from ground to 2.4 m height)
  - Proper space between adjacent tables



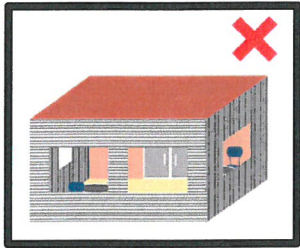
- Acceptable because:
- No roof and a wall and a large open window and pony walls on 4 sides but open otherwise (more than 25% open space from ground to 2.4 m height)
  - Proper space between adjacent tables



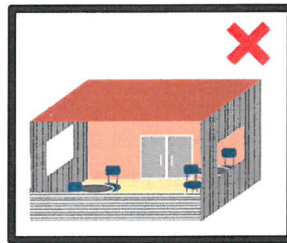
## UNACCEPTABLE OUTSIDE DINING SPACES:

- Unacceptable outdoor dining spaces are any of the following:
  - Spaces that do not meet the definition of a patio;
  - Indoor spaces, even if there is air circulation and ventilation;
  - Spaces protected from the elements (e.g., weather) to the point where they resemble indoor spaces; or
  - Spaces that use dining bubbles, igloos, greenhouses, or tents with sides.

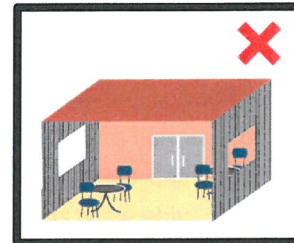
## EXAMPLES of UNACCEPTABLE OUTSIDE DINING SPACE:



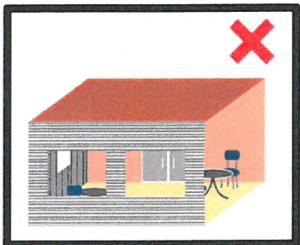
- Unacceptable because:
- Roof and 3 closed sides 4 windows are open, but there is still less than 50% open space from ground to 2.4 m height



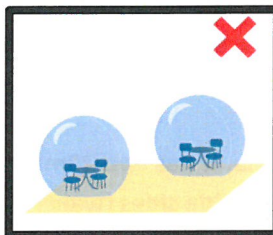
- Unacceptable because:
- Roof with 2 closed sides 2 windows on those sides are open, and there is a pony wall on one side. There is less than 50% open space from ground to 2.4 m height



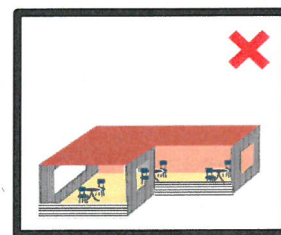
- Unacceptable because:
- Roof with 2 closed sides and one open side. 2 windows on those closed sides are open, but there is less than 50% open space from ground to 2.4 m height



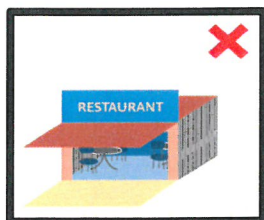
- Unacceptable because:
- Roof and 2 closed sides and one open side. 3 windows are open on those closed sides, but there is still less than 50% open space from ground to 2.4 m height



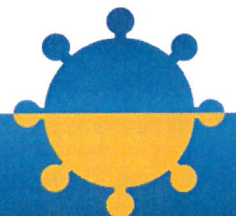
- Unacceptable because:
- Bubbles do not permit the free flow of air inside.



- Unacceptable because:
- Roof and 3 closed sides and two sides have pony walls. 3 windows on those closed sides are open, but there is less than 50% open space from ground to 2.4 m height



- Unacceptable because:
- Dining space is inside, despite one wall open.

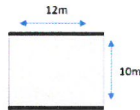




## Appendix: Examples of how to determine if your patio meets the open vertical space requirement of the Order (see definition of patio on page 1).

A quick rule of thumb is that if half or more of your patio's wall space, or the space where a wall could be, is open, you are likely well placed to meet the Order's requirement for open vertical space above the perimeter.

### 1. A rectangular patio has two sides (walls) that are 10m wide and completely open, two sides (walls) that are 12m wide, and a roof that is 2.4m above the floor/ground.



Top view of patio.

- At least 50%, or half of the side (wall) space or vertical area above the perimeter has to be open.
- The side (wall) space area of all the walls/spaces of the patio.
- The two 10 m wide walls are 2.4m high, so their area would be  $(10m + 10m) \times 2.4m = 48m^2$ .
- The area of the two 12m wide sides (walls) is  $(12m + 12m) \times 2.4m = 57.6m^2$ .
- The total vertical space (side/wall area) above the perimeters (the walls/sides) is  $48m^2 + 57.6m^2 = 105.6m^2$ .
- So, 50% of the open vertical space (area) needed would be  $105.6 \times 0.5 = 52.8m^2$ .
- The two open walls only provide  $48m^2$ .
- So, one of the longer sides (walls) could be opened to provide another  $4.8m^2$  of open vertical space for airflow.
- Alternatively, if one of the longer walls and one of the shorter walls were completely open there would be  $28.8m^2$  for the long wall and  $24m^2$  for the short wall of vertical open space (area), so  $28.8m^2 + 24m^2 = 52.8m^2$  of open vertical space. This is the amount of space needed in the Order.

### 2. Here is another example of a roofed, L-shaped patio. It has two 20m sides (walls), and four 10m wide sides (walls), all 2.4m high. One 20m wide side (wall) and two 10m wide sides (walls) are open.

- The amount of open vertical space (area) needed above the perimeter is 50% of the total vertical space (area).
- The area of the six walls is:  $(20m + 20m + 10m + 10m + 10m + 10m) \times 2.4m = 192m^2$ . The required 50% open vertical space is 50% of  $192m^2$  or  $96m^2$ .
- One 20m wide side (walls) and two 10m wide sides (walls) are open, so this provides  $(20m + 10m + 10m) \times 2.4m = 96m^2$  of open vertical space (area), so meets the open vertical space (area) requirement.

