

LIDSTONE & COMPANY

BARRISTERS AND SOLICITORS

BULLETIN

TO: British Columbia Clients
FROM: Lidstone & Co.
DATE: August 25, 2020
RE: Ministerial Order 314 & Order in Council 485
FILE: 99999-097

On August 20 and 21, 2020, the Province made the following orders:

- [Ministerial Order M314](#): M314 referentially incorporates the earlier [Gathering And Events Order](#) of the provincial health officer (“**PHO Order**”). It also creates new offences related to gatherings.
- [Order in Council No. 485](#): This amends the *COVID-19 Related Measures Act* to incorporate M314, which allow for penalties for breaches of the PHO Order, and it amends the *Violation Ticket Administration and Fines Regulation* to penalize breaches of the new offences in M314.

These orders give police officers powers to enforce the PHO Order by incorporating the PHO Order into the *COVID-19 Related Measures Act*. Police officers can now issue \$2,000 fines for breaches of the PHO Order and \$200 fines for breaches of M314. The latter includes:

- promoting attendance at events that do not comply with the PHO Order;
- not complying with orders from police at non-compliant events;
- abusive behaviour towards persons at events or restaurants and bars
- failing to comply with patron distancing conditions

Previously, only health officers could enforce the PHO Order. Health officers can continue to do so under s. 99(1)(k) of the *Public Health Act*.

The new orders do not give bylaw enforcement officers additional powers.

Local governments are also subject to the PHO Order. Local governments both organize ‘events’ and own or occupy places where they allow others to organize events. In doing so local governments must comply with the PHO

Order. The PHO Order generally requires owners or operators ensure the following conditions are met when permitting events:

- the organizer collects contact tracing information of patrons who attend and event;
- the organizer controls access to the event and ensures adequate social distancing, including 2 metres of separation; and
- adequate sanitation facilities are available.

Police may ticket a local government for breaches of the PHO Order.