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Report on Ontario's second Declared Provincial Emergency from January 12, 2021 to February 9, 2021

Learn about the orders the government issued and amended to protect the health and safety of Ontarians during the declared provincial emergency.

Executive summary

On January 12, 2021, the Ontario government, in consultation with the Chief Medical Officer of Health and other health experts, declared a second [provincial emergency](#) under s. 7.0.1 of the [Emergency Management and Civil Protection Act](#) (EMCPA). This declaration was in response to a doubling of COVID-19 cases and high transmission rates between December 29, 2020 and January 12, 2021, and the threat posed to the province's hospital system and long-term care homes.

This declared provincial emergency enabled Ontario to make and enforce new emergency orders that were necessary to protect the health and safety of individuals, families and communities from the threat of the second wave of the COVID-19 pandemic. These orders were in addition to those remaining in effect under the [Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#) (ROA).

This report focuses on the 28-day period that the second declared provincial emergency was in effect and outlines the 35 emergency orders the government issued and amended as needed to protect the people of Ontario during this time.

Context

Once the second provincial emergency was declared, the Ontario government created, and amended as necessary, emergency orders under s. 7.0.2 of the EMCPA. This was done in consultation with, or on the advice of the Chief Medical Officer of Health (CMOH) and other health experts, based on data, evidence and immediate need to respond to the ongoing threat of COVID-19 transmission. (Emergency orders made under section 7.0.2 are automatically revoked 14 days after being made unless extended by the Lieutenant Governor in Council and can only be extended by Cabinet for periods of up to 14 days.)

On January 14, 2021, O. Reg. 11/21 (Stay-At-Home Order) came into effect provincewide. This emergency order required everyone to remain at home with exceptions for permitted purposes, such as going to the grocery store or pharmacy, accessing health care services, or going to work in situations where the work could not be done remotely. Strengthened measures were necessary to help the people of Ontario to further reduce contact and exposure with people outside of their immediate household. The Orders were designed to respond to the rapid increase of COVID-19 cases and address concerns associated with new COVID-19 variants of concern (VOCs).

To align with the intent of the second declared emergency and Stay-At-Home Order, the [COVID-19 Response Framework: Keeping Ontario Safe and Open](#) (the "Framework") included a framework for additional public health and workplace safety measures, such as closures of additional businesses and workplaces in order to

control and stop transmission in key sectors and further reduce contact and exposure with people outside of their immediate household. A complete list of public health and workplace safety measures are found in regulations under the [ROA](#).

Based on improvements in trends of key indicators, the government declared the provincial emergency would expire at 11:59 p.m. February 9, 2021 in accordance with the EMCPA. In public health unit (PHU) regions where the risk of COVID-19 transmission remained a concern, including the spread of VOCs, the Stay-At-Home Order continued to apply until there was evidence key public health trends improving. As PHU regions gradually moved out of the Provincewide Shutdown, they were transitioned to a revised and strengthened Framework based on a regional approach, and with application of public health and workplace safety measures to match the level of risk of a particular PHU region.

Approach to developing emergency orders

All emergency orders were developed based on public health information available at the time, with the intent to address COVID-19 challenges while limiting intrusiveness. The province considered the advice of the CMOH, local public health officials and other partners across the system.

Based on data that indicated COVID-19 cases were spreading rapidly through communities and across a variety of settings and sectors, it was necessary for O.Reg. 11/21 (Stay-At-Home Order) to apply provincewide to mitigate the risk of the health care system becoming overwhelmed and unsustainable. Once data showed public health trends were improving at different rates depending on the region, the province implemented a regional approach to restrictions and measures by making 31 new emergency orders that applied the terms of the Stay-at-Home Order to specific PHU regions.

Decisions were based on public health criteria being met locally, as outlined in the revised Framework, including consideration of key public health indicators and consultation with the local Medical Officers of Health. Emergency orders were reviewed by the government at least every 14 days and amended, where necessary, or revoked as they were no longer necessary.

Emergency orders made during the second declared provincial emergency

The objectives of the emergency orders made during the second declared provincial emergency were: to support enforcement of orders under the EMCPA, the ROA and the [Health Protection and Promotion Act](#); allow the Registrar of the Retirement Homes Regulatory Authority to require retirement homes to implement measures to prevent, respond and alleviate the effects of COVID-19; temporarily pause the enforcement of residential evictions; and limit the purposes for which people could leave home to reduce the number of contacts with those outside one's household.

List of general emergency orders made

1. O.Reg. 8/21 – Enforcement of COVID-19 Measures
2. O.Reg. 13/21 – Residential Evictions
3. O.Reg. 55/21 – Compliance Orders for Retirement Homes

List of stay-at-home emergency orders made

1. O.Reg. 11/21 – Stay-At-Home Order
2. O.Reg. 63/21 – Stay-At-Home Order (York Regional Health Unit)
3. O.Reg. 64/21 – Stay-At-Home Order (Windsor-Essex County Health Unit)
4. O.Reg. 65/21 – Stay-At-Home Order (Wellington-Dufferin-Guelph Health Unit)
5. O.Reg. 66/21 – Stay-At-Home Order (Waterloo Health Unit)
6. O.Reg. 67/21 – Stay-At-Home Order (Timiskaming Health Unit)

7. O.Reg. 68/21 – Stay-At-Home Order (Thunder Bay District Health Unit)
8. O.Reg. 69/21 – Stay-At-Home Order (Sudbury and District Health Unit)
9. O.Reg. 70/21 – Stay-At-Home Order (Simcoe Muskoka District Health Unit)
10. O.Reg. 71/21 – Stay-At-Home Order (Porcupine Health Unit)
11. O.Reg. 72/21 – Stay-At-Home Order (Peterborough County — City Health Unit)
12. O.Reg. 73/21 – Stay-At-Home Order (Peel Regional Health Unit)
13. O.Reg. 74/21 – Stay-At-Home Order (Oxford Elgin St. Thomas Health Unit)
14. O.Reg. 75/21 – Stay-At-Home Order (Northwestern Health Unit)
15. O.Reg. 76/21 – Stay-At-Home Order (North Bay Parry Sound District Health Unit)
16. O.Reg. 77/21 – Stay-At-Home Order (Niagara Regional Area Health Unit)
17. O.Reg. 78/21 – Stay-At-Home Order (Middlesex-London Health Unit)
18. O.Reg. 79/21 – Stay-At-Home Order (Leeds, Grenville and Lanark District Health Unit)
19. O.Reg. 80/21 – Stay-At-Home Order (Lambton Health Unit)
20. O.Reg. 81/21 – Stay-At-Home Order (Huron Perth Health Unit)
21. O.Reg. 82/21 – Stay-At-Home Order (Halton Regional Health Unit)
22. O.Reg. 83/21 – Stay-At-Home Order (Haliburton, Kawartha, Pine Ridge District Health Unit)
23. O.Reg. 84/21 – Stay-At-Home Order (Haldimand-Norfolk Health Unit)
24. O.Reg. 85/21 – Stay-At-Home Order (Grey Bruce Health Unit)
25. O.Reg. 86/21 – Stay-At-Home Order (The Eastern Ontario Health Unit)
26. O.Reg. 87/21 – Stay-At-Home Order (Durham Regional Health Unit)
27. O.Reg. 88/21 – Stay-At-Home Order (The District of Algoma Health Unit)
28. O.Reg. 89/21 – Stay-At-Home Order (City of Toronto Health Unit)
29. O.Reg. 90/21 – Stay-At-Home Order (City of Ottawa Health Unit)
30. O.Reg. 91/21 – Stay-At-Home Order (City of Hamilton Health Unit)
31. O.Reg. 92/21 – Stay-At-Home Order (Chatham-Kent Health Unit)
32. O.Reg. 93/21 – Stay-At-Home Order (Brant County Health Unit)

General emergency orders made

O. Reg. 8/21 – Enforcement of COVID-19 Measures

Description

- This emergency order provided the following authority for all provincial offences officers, including police officers, First Nations constables, special constables, municipal law enforcement officers, by-law enforcement officers, provincial workplace safety inspectors and any other persons designated as provincial offences officers:
 - If they have reasonable and probable grounds to believe an individual has committed an offence under s. 7.0.11 of the EMCPA they may require the individual to provide the officer with the individual's correct name, date of birth and address.
 - May order an individual attending an organized public event or other gathering that is prohibited under the ROA to cease attending the organized public event or gathering, as applicable, and may order individuals at the organized public event or gathering to disperse.
 - May order premises be temporarily closed if they have reasonable grounds to believe an organized public event or other gathering is occurring at the premises and that the number of people in attendance exceeds the number permitted under the ROA.
- This emergency order came into effect January 12, 2021.

Why the emergency order was needed

- Effective enforcement tools are essential to support compliance with the emergency orders, which are designed to limit the impacts of the COVID-19 pandemic and reduce the risk of COVID-19 transmission.

This order provided provincial offences officers with the tools to assist in the enforcement of the public health and workplace safety measures that were put in place to manage the pandemic.

- For example, the correct name, date of birth and address are essential pieces of information in order to lay a charge. Without this emergency order, there would have been no duty on individuals to provide their name or any other information to a provincial offences officer when they were seeking to lay a charge under the ~~EMCPA~~.
- The provincial offences officer had to have had reasonable grounds to believe the individual committed an offence under the ~~EMCPA~~ before compelling the individual to provide this identifying information.

Amendments

- The emergency order was amended on February 1, 2021 to allow provincial offences officers to require individuals to identify themselves with their correct name, date of birth and address if the provincial offences officer has reasonable and probable grounds to believe the individual committed an offence by failing to comply with a COVID-19 related order under s. 22 of the *Health Protection and Promotion Act* (HPPA).
- Without this amendment provincial offences officers would not have had the ability to compel individuals to identify themselves when attempting to enforce orders made under the ~~HPPA~~ as they do under the ~~ROA~~ and the ~~EMCPA~~.

Revocation/continuation under the ~~EMCPA~~

- The emergency order was continued after the termination of the second declared emergency. As of May 13, 2021 this emergency order is still in effect

O. Reg. 13/21 – Residential Evictions

Description

- This emergency order temporarily paused the enforcement of residential evictions to ensure people were not forced to leave their homes during the declaration of emergency and while the Stay-At-Home order remained in force.
- This emergency order came into effect on January 13, 2021.

Why the emergency order was needed

- A temporary suspension of the enforcement of residential evictions was considered necessary to help reduce the potential spread of COVID-19 by ensuring people would not be forced to leave their homes when they should stay in place.
- The emergency order paused the enforcement of evictions under the *Residential Tenancies Act*, as well as the enforcement of writs of possession for residential properties.
- The Landlord and Tenant Board continued to process applications and conduct hearings to allow a range of tenant and landlord concerns to be addressed. This allowed landlords to give eviction notices, file eviction applications with the Board, attend hearings and obtain eviction orders (although the eviction orders could not be enforced while the temporary pause was in place).
- Due to an imminent public health risk, the emergency order was a reasonable measure relative to others, because it provided the timeliest response to the predicted increases in COVID-19 cases.

Amendments

- The emergency order was amended on February 8, 2021 to apply only to residential premises in PHU regions where the Stay-At-Home Order applied.
- This amendment ensured the emergency order applied only where necessary, as it ceased to apply to those PHUs where the Stay-At-Home Order was no longer in effect.

Revocation/continuation under the EMCPA

- The emergency order was continued after the termination of the second declared emergency, applying only to PHUs where the Stay-At-Home Order was in effect.
- The emergency order was revoked on March 8, 2021 as it was no longer necessary with the revocation of all remaining emergency orders applying terms of O. Reg. 11/21 (Stay-At-Home Order) to individual PHU regions.

O. Reg. 55/21 – Compliance Orders for Retirement Homes

Description

- This emergency order allowed the Retirement Homes Regulatory Authority (RHRA) to issue a compliance order to a retirement home for the purpose of preventing, responding to or alleviating the effects of COVID-19.
- This emergency order came into effect February 5, 2021.

Why the emergency order was needed

- The emergency order was needed to enhance compliance authority as currently set out in the *Retirement Homes Act, 2010* to allow the Registrar of the RHRA to require a retirement home to implement measures to prevent, respond or alleviate the effects of COVID-19 where there is a risk of harm to residents.
- These measures could include requiring compliance with recommendations made by an appointed manager and community partners, such as local medical officers of health or hospitals.
- The emergency order was a reasonable measure relative to others, because it allowed the government, and the RHRA, to take immediate action to support retirement homes and protect residents and staff.

Amendments

- No amendments were made to this emergency order.

Revocation/continuation under the EMCPA

- The emergency order was continued after the termination of the second declared emergency. As of May 13, 2021 this emergency order is still in effect.

Stay-At-Home Emergency Orders made

O. Reg. 11/21 – Stay-At-Home Order

Description

- This emergency order required individuals remain at home, except for specified purposes in the emergency order, to reduce the transmission of COVID-19, preserve public health system capacity and safeguard vulnerable populations.

- This emergency order came into effect January 13, 2021.

Why the emergency order was needed

- Prior to making this emergency order, daily case numbers in the province were increasing at an accelerating rate and key public health system capacity indicators had also reached concerning levels.
- Escalating case counts led to increasing hospitalization rates and Intensive Care Unit occupancy, resulting in disruptions to scheduled surgeries and procedures.
- Without action taken, the health care and public health system would have become completely overwhelmed and unsustainable, resulting in more deaths and illness.
- Evidence from other jurisdictions suggested that with new, more infectious VOCs detected in Ontario, reducing rates of transmission could become even more challenging.

Amendments

- The emergency order was amended on February 8, 2021 to apply only to individuals residing in a PHU region with a specific Stay-At-Home Order.
- This amendment allowed public health and workplace measures to continue to apply in targeted PHU regions with unfavourable public health trends, resulting in 31 PHU specific Stay-At-Home orders below.

Revocation/continuation under the EMCPA

- The emergency order was continued after the termination of the second declared emergency.
- The emergency order was revoked on March 8, 2021 as it was no longer necessary once the emergency orders that applied the terms of this emergency order to individual PHU regions were revoked.

Emergency orders made that applied the terms of O. Reg. 11/21 (Stay-At-Home Order) to individual PHU regions

Description

- There were 31 emergency orders made that applied the terms of O. Reg. 11/21 – Stay-At-Home Order to the individual PHUs specified in the emergency order. The 31 emergency orders were:
 1. O. Reg. 93/21 – Stay-At-Home Order (Brant County Health Unit)
 2. O. Reg. 92/21 – Stay-At-Home Order (Chatham-Kent Health Unit)
 3. O. Reg. 91/21 – Stay-At-Home Order (City of Hamilton Health Unit)
 4. O. Reg. 90/21 – Stay-At-Home Order (City of Ottawa Health Unit)
 5. O. Reg. 89/21 – Stay-At-Home Order (City of Toronto Health Unit)
 6. O. Reg. 88/21 – Stay-At-Home Order (The District of Algoma Health Unit)
 7. O. Reg. 87/21 – Stay-At-Home Order (Durham Regional Health Unit)
 8. O. Reg. 86/21 – Stay-At-Home Order (The Eastern Ontario Health Unit)
 9. O. Reg. 85/21 – Stay-At-Home Order (Grey Bruce Health Unit)
 10. O. Reg. 84/21 – Stay-At-Home Order (Haldimand-Norfolk Health Unit)
 11. O. Reg. 83/21 – Stay-At-Home Order (Haliburton, Kawartha, Pine Ridge District Health Unit)
 12. O. Reg. 82/21 – Stay-At-Home Order (Halton Regional Health Unit)
 13. O. Reg. 81/21 – Stay-At-Home Order (Huron Perth Health Unit)
 14. O. Reg. 80/21 – Stay-At-Home Order (Lambton Health Unit)
 15. O. Reg. 79/21 – Stay-At-Home Order (Leeds, Grenville and Lanark District Health Unit)
 16. O. Reg. 78/21 – Stay-At-Home Order (Middlesex-London Health Unit)
 17. O. Reg. 77/21 – Stay-At-Home Order (Niagara Regional Area Health Unit)
 18. O. Reg. 76/21 – Stay-At-Home Order (North Bay Parry Sound District Health Unit)
 19. O. Reg. 75/21 – Stay-At-Home Order (Northwestern Health Unit)

20. O.Reg. 74/21 – Stay-At-Home Order (Oxford Elgin St. Thomas Health Unit)
 21. O.Reg. 73/21 – Stay-At-Home Order (Peel Regional Health Unit)
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 23. O.Reg. 71/21 – Stay-At-Home Order (Porcupine Health Unit)
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 26. O.Reg. 68/21 – Stay-At-Home Order (Thunder Bay District Health Unit)
 27. O.Reg. 67/21 – Stay-At-Home Order (Timiskaming Health Unit)
 28. O.Reg. 66/21 – Stay-At-Home Order (Waterloo Health Unit)
 29. O.Reg. 65/21 – Stay-At-Home Order (Wellington-Dufferin-Guelph Health Unit)
 30. O.Reg. 64/21 – Stay-At-Home Order (Windsor-Essex County Health Unit)
 31. O.Reg. 63/21 – Stay-At-Home Order (York Regional Health Unit)
- These emergency orders came into effect on February 8, 2021.

Why the emergency orders were needed

- Once a provincial emergency declared under section 7.0.1 of the EMCPA is terminated, new emergency orders cannot be made. Any emergency orders made during the declared emergency can be extended, where necessary, but can no longer be amended.
- Given this limitation, these emergency orders were needed to enable a gradual return to a regional approach under the provincial framework, following the termination of the second declared provincial emergency.
- Specifically, making these 31 individual emergency orders allowed for the targeted lifting of the restrictions in O.Reg. 11/21 (Stay-At-Home Order) following the termination of the second declared provincial emergency. This was based on a review of local PHU trends and public health indicators and in consultation with the local Medical Officer of Health for that PHU region.
- A PHU-specific Stay-At-Home emergency order was not made for three PHUs as the emergency order was no longer considered necessary for those PHUs at that time. The terms of O.Reg. 11/21 (Stay-at-Home Order) no longer applied to the following PHUs starting February 10, 2021:
 1. Kingston, Frontenac and Lennox and Addington Health Unit
 2. Hastings and Prince Edward Counties Health Unit
 3. Renfrew County District Health Unit

Amendments

- These emergency orders were not amended.

Revocation/continuation under the EMCPA

- These emergency orders were continued after the termination of the second declared emergency.
- By March 8, 2021, these emergency orders had all been revoked as they were no longer necessary based on a general improvement in trends of key public health indicators in all PHU regions.