IMLA in Canada

COVID-19 PANEL

WENDY WALBERG, CITY SOLICITOR

CITY OF TORONTO

Emergency Management

Emergency Management and Civil Protection Act – defines emergency and established framework for emergency management

Declarations of emergency – provincial and municipal

Municipal emergency plan required by EMCPA as is by-law

Emergency orders – criteria must be met; provincial powers are very broad

Toronto Emergency Management By-law – same definition of emergency, gives authority to Mayor in emergency, criteria for exercise of these powers

Emergency Operations Centre activated to highest level

April 7, 2021 – most recent Provincial declaration of emergency; also stay-at-home order

Collaboration to Respond to COVID-19

Strategic Command Team – daily updates from Medical Officer of Health and facilitates collaboration

Medical Officer of Health – City employee advised by City of Toronto Legal Services

Close cooperation between divisions– public health, finance, shelters, social development, enforcement

Agencies – i.e. Toronto Transit Commission (masks), Zoo (modified operations), Toronto Police (enforcement – protests)

Vaccination clinics – i.e. public health, human resources, fire, paramedics, real estate

Legal advice has been required by each of the divisions/agencies.

Delivering Municipal Services

Shelters – physical distancing requirements (2 metres) meant that capacity was reduced (beds were moved and bunk beds not used)

Additional capacity required on urgent basis (leases required)

Isolation facility required (IPAC requirements and agreements with heath care providers)

Encampments in parks grew

Black v. Toronto- motion for injunction preventing City from enforcing (during pandemic) the prohibition on camping in parks – dismissed

motion for injunction regarding physical distancing in shelters – court found non-compliance with settlement agreement – meaning of “lateral separation” was a central issue

By-election during a pandemic

Emergency powers – s. 53 of Municipal Election Act -Clerk declared emergency

Authorize mail-in voting (normally a by-law)

Rising cases after election called but able to work with public health to establish protocols for safety - avoided postponing

Voting places could be "open" because of the government service exemption in the emergency orders

Partially in person (90%) – strict interpretation of public health guidelines

One mandatory voting place (long term care) was in a lockdown

Number of Scrutineers permitted by legislation– gathering limits

Emergency also required a reduction in number of voting place staff