



This is the 1st affidavit  
of Michelle Gusdal in this proceeding  
and it was made on December 18, 2020

File No.  
**S 210209**  
Vancouver Registry

*In the Supreme Court of British Columbia*

Between

ALAIN BEAUDOIN, BRENT SMITH, JOHN KOOPMAN, JOHN VAN MUYEN,  
RIVERSIDE CALVARY CHAPEL, IMMANUEL COVENANT REFORMED CHURCH,  
and FREE REFORMED CHURCH OF CHILLIWACK, B.C.

Petitioners

and

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA,  
and DR. BONNIE HENRY IN HER CAPACITY AS PROVINCIAL HEALTH OFFICER  
FOR THE PROVINCE OF BRITISH COLUMBIA

Respondents

### **AFFIDAVIT OF MICHELLE GUSDAL**

I, Michelle Gusdal, of the City of Calgary, in the Province of Alberta, MAKE OATH AND SAY AS  
FOLLOWS THAT:

1. I am the Office Manager of the Justice Centre for Constitutional Freedoms, which represent the Petitioners in the above-described matter. I have personal knowledge of the matters herein deposed to except where stated to be on information and belief and where so stated, I verily believe them to be true.
2. I am advised and believe that the Respondent Dr. Bonnie Henry, issued an Order dated November 10, 2020, pursuant to Sections 30, 31, 32 and 39(3) of the *Public Health Act*, with respect to gathering and events, attached as **Exhibit "A"** to this Affidavit
3. I am advised and believe that the Minister of Public Safety and Solicitor General, issued an Order under Section 10(1) of the *Emergency Program Act*, dated November 13, 2020, attached as **Exhibit "B"** to this Affidavit along with the letter of the Deputy Minister Lori Halls to the Speaker of the Legislative Assembly attaching that Order.
4. I am advised and believe that the Respondent Dr. Bonnie Henry, issued an Order dated December 2, 2020, pursuant to Sections 30, 31, 32 and 39(3) of the *Public Health Act*, with respect to gathering and events, attached as **Exhibit "C"** to this Affidavit.



This is Exhibit "A" referred to in the Affidavit of Michelle Gusdal  
sworn before me, at Calgary, AB,  
this 18th day of December, 2020.

A handwritten signature in dark ink, appearing to be 'Onyinye', written above a horizontal line.

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Onyinye Chukwunyeremwa, Student-At-Law  
A Commissioner for Taking Affidavits  
within the Province of Alberta



**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***

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 BANQUET HALLS**
- TO: OWNERS AND OPERATORS OF VACATION ACCOMMODATION**
- TO: OCCUPANTS OF VACATION ACCOMMODATION AND GUESTS**
- TO: OWNERS AND OCCUPANTS OF PRIVATE RESIDENCES AND GUESTS**
- TO: OWNERS AND OPERATORS OF PLACES, INCLUDING PREMISES SUBJECT TO THE *FOOD AND LIQUOR SERVING PREMISES ORDER***
- TO: PERSONS WHO ORGANIZE EVENTS**
- TO: PERSONS WHO ATTEND EVENTS**
- TO: PERSONS WHO OWN OR OPERATE OR ARE PASSENGERS IN PERIMETER SEATING VEHICLES AND PERIMETER SEATING BUSES**
- TO: MEDICAL HEALTH OFFICERS**

**WHEREAS:**

1. 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*;
2. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19;

3. 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;
4. 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;
5. 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 the number of people who develop COVID-19 and become seriously ill;
6. With schools and post-secondary institutions operating and the change of seasons bringing cooler weather, people are interacting more and spending more time indoors which 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;
7. Seasonal and other celebrations in private residences have resulted in the transmission of SARS-CoV-2 and increases in the number of people who develop COVID-19 and become seriously ill;
8. For certainty, this Order does not apply to health care related events such as immunization clinics, health authority COVID-19 testing centres and blood donation clinics; court sittings wherever they occur; workers at a worksite when engaged in their work activities; workers living at a work camp; students, teachers or instructors at a school or post-secondary educational institution when engaged in educational activities; individuals attending regularly scheduled classes or practices in a recreation centre, pool or fitness facility; customers in a mall or retail establishment when engaged in shopping activities or seeking services; individuals attending an episodic vending market such as a Farmers Market or a Community Market which is subject to the *Vending Markets Order*; individuals in a campground or any other place when not attending an event; or the use of any place for municipal, provincial or federal election purposes.
9. For further certainty, this Order applies to private residences, private clubs and meetings or conferences held in hotels or any other place.
10. 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 outbreaks resulting from the gathering of people and attendance at events 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 ORDER OF OCTOBER 30, 2020 WITH RESPECT TO *GATHERINGS AND EVENTS* AND CONFIRMS MY ORAL ORDER OF NOVEMBER 7 WITH RESPECT TO PERIMETER SEATING VEHICLES OR PERIMETER SEATING BUSES**

**Definitions in this Order:**

**“affected area”** means those areas of British Columbia that under the Health Authorities Act [RSBC 1996] Ch.180 have been designated as the regions for the Fraser Health Authority and the Vancouver Coastal Health Authority, except those areas which make up the local health areas of Bella Coola Valley and Central Coast;

**“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;

**“event”** refers to anything which gathers people together whether on a one-time, regular or irregular basis, including a gathering in vacation accommodation, a private residence, banquet hall or other place, a party, worship service, ceremony or celebration of any type, reception, wedding, funeral, celebration of life, musical, theatrical or dance entertainment or performance, live band performance, disc jockey performance, strip dancing, comedic act, art show, magic show, puppet show, fashion show, book signing, reading, recitation, display, movie, film, meeting, conference, 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, athletic, sporting or other physical activity, exhibition, market or fair, including a trade fair, agricultural fair, seasonal fair or episodic indoor event that has as its primary purpose the sale of merchandise or services e.g. Christmas craft markets, home shows, antique fairs and the like and for certainty includes a gathering preceding or following another event;

**“guest”** means a person who attends an event in vacation accommodation or 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 or operator or person otherwise responsible for a place;

**“patron”** means a person who attends an event, including a guest and an occupant for the purposes of Part B, and a passenger on a perimeter seating vehicle or a perimeter seating bus for the purposes of Part E, but does not include a host of an event in vacation accommodation or in a private residence, staff in a place subject to the *Food and Liquor Serving Premises* order, event staff, volunteers, vendors, exhibitors, performers, presenters, the members of a team engaged in an event, team managers, coaches, persons such as referees, time keepers or score keepers, and staff associated with any of the foregoing;

**“physical barrier”** means a barrier which is designed, installed and maintained in accordance with WorkSafeBC guidelines;

**“a place”** includes areas both inside and outside, and premises not ordinarily open to the public, but does not include a private residence, vacation accommodation or a banquet hall;

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

**“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;

**“private event”** means an event only open to individuals who are known to, and invited by name by, the person by whom, or on whose behalf, the event is organized;

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

**“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 associated deck, garden or yard, when used for vacation purposes by the owner, tenant, guest or any other person;

#### **A. BANQUET HALLS:**

1. The holding of an event in a banquet hall *[see definition above]* is prohibited.
2. For certainty, this does not include the use of banquet halls for the purposes of holding municipal, provincial or federal elections, or health care related events such as immunization clinics, health authority COVID-19 testing centres or blood donation clinics.

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

1. The gathering of more than six guests in addition to the occupants in vacation accommodation *[see definition above]* or a private residence *[see definition above]* for the purposes of an event is prohibited.
2. Subject to a maximum number of six guests, the gathering of guests at a vacation accommodation or a private residence for the purposes of an event is only permitted if there is space available inside to permit all individuals who do not reside together to maintain a distance of two metres from one another.
3. A guest must not attend an event at a vacation accommodation or a private residence if there are more than six guests in addition to the occupants or there is not space available inside to permit all individuals who do not reside together to maintain a distance of two metres from one another..
4. An occupant must not attend an event at a vacation accommodation or a private residence if there are more than six guests in addition to the occupants or there is not space available inside to permit all individuals who do not reside together to maintain a distance of two metres from one another.
5. The owner of vacation accommodation must require any tenant, guest or other person using or occupying the vacation accommodation to comply with section 1.
6. A person must not host an event at a vacation accommodation or a private residence if there are more than six guests in addition to the occupants or if there is not space available inside to permit all individuals who do not reside together to maintain a distance of two metres from one another.

## **C. PLACES NOT SUBJECT TO THE *FOOD AND LIQUOR SERVING PREMISES ORDER***

1. Subject to section 15, the gathering of more than fifty patrons at a place *[see definition above]* for the purpose of an event is prohibited.
2. Up to fifty patrons may attend an event in a place if the following conditions are met:
  - a. there is an organizer of the event;
  - b. access to the event is controlled;
  - c. the number of patrons is closely monitored;
  - 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 belong to the same party;
  - f. measures are put in place to prevent the congregation of patrons outside the place, 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 room for them;
  - 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 sit at a table, even if they belong to the same party, 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 live performance is provided, or there is a presenter or a presider, there is a physical barrier between the performer, presenter or presider and the patrons which blocks the transmission of droplets from the performer, presenter or presider, or there is at least a three metre separation between the performer, presenter or presider and the patrons;
  - k. patrons must not engage in Karaoke or dance on the premises;
  - l. jam and open mic sessions must not be held on the premises;
  - m. 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.
  - n. hand sanitation supplies are readily available to patrons;
  - o. washroom facilities with running water, soap and paper towels for hand washing and drying purposes, or hand sanitation supplies, are available.
3. Subject to a maximum number of fifty patrons, the owner of a place in which events are hosted must calculate the maximum number of patrons who can be accommodated safely

during an event, taking into consideration the requirements of this order and must document this number in the safety plan with respect to events.

4. The organizer must monitor the number of patrons present during an event and ensure that the number of patrons present does not exceed the maximum number documented in the safety plan with respect to events.
5. If an event is in a part of 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 on the premises under the 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.
6. 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.
7. During an event, patrons who leave the place in which an event is being held must not be replaced by other patrons.
8. Following an event, and during an appropriate interval of time before any subsequent event commences, a place must be cleaned, sanitized and ventilated while there are no patrons present. There must be a sufficient period of time between events to permit a place to be cleaned, sanitized and ventilated without any patrons being present and to ensure that patrons leaving one event do not have contact with patrons arriving for a subsequent event. Patrons must disperse immediately after an event and must not congregate with patrons who are leaving the event or arriving for a subsequent event.
9. Liquor service must stop at 10:00 pm;
10. At an event at which liquor is served the event must conclude and patrons vacate the premises by 11:00 pm.
11. There must be no liquor consumed on the premises by any person, including patrons, owners, operators, organizers or staff after 11:00 pm.
12. At an event at which 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 (see Liquor and Cannabis Regulation Branch website), and
  - c. the authority under section 61 (3) of the *Liquor Control and Licensing Act* must be exercised when appropriate
13. The organizer must ensure that the conditions, requirements and obligations in sections 1, 2 and 4 to 12 are met.
14. The organizer must
- a. collect the first and last names and telephone number, or email address, of every patron who attends an event or of every driver of a vehicle present at a drive-in event; and
  - 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.
15. If the event is a drive in, the organizer may permit more than fifty patrons to be present, if the following conditions, as well as the requirements in section 14, are met:
- a. patrons only attend in a vehicle;
  - b. no more than fifty vehicles are present at the drive in;
  - c. patrons are informed that they must stay in their vehicles except to use washroom facilities, and when outside their vehicles they must maintain a distance of two metres from other patrons, and this is monitored;
  - d. no food or drink is sold.
16. If the organizer is not the owner or operator, the owner or operator must satisfy themselves that the organizer is aware of the requirements in sections 1, 2 and 4 to 13 or, if applicable, section 15, and has the capacity to fulfill them.
17. Patrons must comply with
- a. the limitation on the number of patrons permitted to gather in section 1,
  - b. the distancing and other requirements in sections 2 (e) and (i), 11 and 15 (a) and (c), and

- c. measures, and guidance and directions from owners, operators, organizers or staff, designed to avoid the gathering of more than the permitted number of patrons or the congregation of patrons.

**D. PLACES SUBJECT TO THE *FOOD AND LIQUOR SERVING PREMISES* ORDER**

1. The gathering of more than fifty patrons at a place [see definition above] which is subject to the *Food and Liquor Serving Premises* order for the purpose of an event is prohibited.
2. Subject to a maximum number of fifty patrons, the owner of food and liquor serving premises in which events are hosted must calculate the maximum number of patrons who can be accommodated safely during an event, taking into consideration the requirements of this order and must document this number in the safety plan with respect to events.
3. The organizer must monitor the number of patrons present during an event and ensure that the number of patrons present does not exceed the maximum number documented in the safety plan with respect to events.
4. If the event is a private event, Part C applies.
5. If the event is open to the public the following conditions apply:
  - a. sections 2 (a), (b), (j) and (m); and 7 to 12 of Part C apply;
  - b. patrons must be able to maintain a distance of two metres from other patrons, unless they are separated by physical barriers;
  - c. if patrons remain on the premises, other than tasting rooms with a liquor manufacturer licence, after being served or serving themselves, there must be sufficient seating for them, whether at tables, booths or counters, and patrons must be seated;
  - d. in licensed premises, other than cafeterias, private clubs or tasting rooms with a liquor manufacturer licence, patrons must be assigned to a table, booth or counter and shown to their seats and patrons must stay in the seat assigned to them and must not move from table to table;
  - e. liquor may only be served to patrons who are seated, other than in cafeterias, private clubs or tasting rooms with a liquor manufacturer licence;
  - f. patrons must remain seated in all premises, other than cafeterias, private clubs or tasting rooms with a liquor manufacturer's licence, except to use a self-serve food or non-alcoholic drink station, use washroom facilities or leave the premises;

- g. there must be a sufficient number of staff at premises, other than cafeterias, private clubs or tasting rooms with a liquor manufacturer's licence, to ensure that patrons remain seated;
- h. there must be a sufficient number of staff at premises, other than cafeterias, private clubs or tasting rooms with a liquor manufacturer's licence, to ensure that patrons do not congregate in areas of the premises;
- i. 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;
- j. there must be no more than six patrons seated at a table or booth, even if they belong to the same party;
- k. there must be a distance of two metres between the backs of the seats of patrons seated at adjacent tables or booths, even if members of the same party are seated at adjacent tables or booths, unless the adjacent tables or booths are separated by physical barriers;
- l. there must be two metres between patrons seated at a counter, unless the patrons are in the same party or they are separated by physical barriers;
- m. if a party of patrons is seated at a counter, there must be no more than six members of the party seated less than two metres apart from one another, unless they are separated by a physical barrier from other members of the party who are seated adjacent to them at the counter;
- n. measures must be put in place to prevent the congregation of patrons outside the premises, 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 on the premises;
- o. the premises must be assessed for places where patrons may congregate, and measures put in place to avoid congregation;
- p. physical devices, markers or other methods to guide and assist patrons in maintaining a distance of two metres from other patrons if they are not seated must be used.
- q. the premises must be monitored, and patrons reminded to maintain a distance of two metres from one another.
- r. if there are physical barriers between tables or booths or seats at a counter, 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, booths or seats at a counter;

- s. dance floors must be closed with physical barriers or occupied with tables;
  - t. patrons must not sing, engage in Karaoke or dance on the premises;
  - u. jam and open mic sessions must not be held on the premises;
  - v. background music and any other background sounds, such as from televisions or other electronic sound producing devices, must be no louder than the volume of normal conversation;
  - w. 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 performers or disc jockey, or there must be at least a three metre separation between performers and patrons;
6. The organizer must ensure that the conditions in section 5 are met.
7. If the organizer is not the owner or operator, the owner or operator must be satisfied that the organizer is aware of the requirements which apply to the event and has the capacity to fulfill them.
8. Patrons must comply with
- a. the limitation on the number of patrons permitted to gather in section 1,
  - b. the distancing and other requirements in sections 5 (d), (f), (i), (j) (k), (l), (m), and (t) and sections 10 and 11 in Part C, and
  - c. measures, and guidance and directions from owners, operators, organizers or staff, designed to avoid the gathering of more than the permitted number of patrons or the congregation of patrons.

**E. PERIMETER SEATING VEHICLES AND PERIMETER SEATING BUSES**

1. No person may operate, or permit to be operated, a perimeter seating vehicle or a perimeter seating bus with passengers in the affected area between the hours of 11:00 PM and 6:00 AM, except for the purpose of transporting workers to or from a workplace, transporting persons to or from work related meetings or transporting persons to or from health care appointments.

2. No person may operate, or permit to be operated, a perimeter seating vehicle or a perimeter seating bus for the purpose of transporting passengers to or from events, and a passenger must not be present in a perimeter seating vehicle or a perimeter seating bus in the affected area for the purpose of being transported to or from events. This prohibition does not apply if the passengers are workers at the event.

#### **F. 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 or not additional or more restrictive steps need to be taken to reduce the risk arising from people gathering together, **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, with respect to gatherings and events in the geographic area of the province, or a 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 a medical health officer order 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 conditions than this Order applies in the geographic area of the province, or a 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.

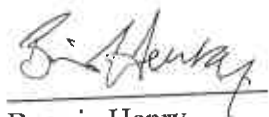
If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

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: 10<sup>th</sup> day of November 2020

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* 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.

#### **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*];

## **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,

This is Exhibit "B" referred to in the Affidavit of Michelle Gusdal  
sworn before me, at Calgary, AB,  
this 18th day of December, 2020.



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Onyinye Chukwunyeremwa, Student-At-Law  
A Commissioner for Taking Affidavits  
within the Province of Alberta





November 17, 2020

Speaker of the Legislative Assembly  
Parliament Buildings  
Victoria BC V8V 1X4  
Email: [speaker@leg.bc.ca](mailto:speaker@leg.bc.ca)

Dear Office of the Speaker:

This is a report on Ministerial Order 416, the Food and Liquor Premises, Gatherings and Events (COVID 19) Order No. 2 made on November 13, 2020, under the authority of section 10(1) of the *Emergency Program Act*. This report is presented pursuant to subsection 4(1)(a) of the *COVID-19 Related Measures Act* (CRMA).

Subsection 4(4) of CRMA requires that this report be laid before the Legislative Assembly as soon as possible.

The Food and Liquor Premises, Gatherings and Events (COVID-19) Order No. 2 aligns the Province's enforcement measures with the Provincial Health Officer's (PHO's) most recent order on Gatherings and Events. Ticketing authority for enforcement officers is also provided under the Violation Ticket Administration and Fines Regulation.

Members may direct any questions to me in respect of this report and the effects of the attached order.

Sincerely,

Lori Halls  
Deputy Minister  
Emergency Management BC

Appendix: MO 416

Reference: 578837

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND  
SOLICITOR GENERAL

*Emergency Program Act*

Ministerial Order No. M416

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 additional enforcement measures for the operation of food service and liquor service premises, as well as gatherings and events, are necessary to protect public safety and alleviate the effects 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 Food and Liquor Premises, Gatherings and Events (COVID-19) Order No. 2 is made.

November 13, 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; MO 358/2020; OIC 572/2020

## **FOOD AND LIQUOR PREMISES, GATHERINGS AND EVENTS (COVID-19) ORDER No. 2**

### **Definitions**

- 1 (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;
  - “**Food and Liquor Serving Premises Order**” means the order entitled “Food and Liquor Serving Premises” made by the provincial health officer on September 18, 2020, as amended or replaced from time to time;
  - “**Gatherings and Events Order**” means the order entitled “Gatherings and Events” made by the provincial health officer on September 18, 2020, as amended or replaced from time to time;
  - “**provincial health officer**” means the provincial health officer appointed under the *Public Health Act*.
- (2) To the extent that this order incorporates each of the following orders, the definitions in that order apply:
  - (a) the Food and Liquor Serving Premises Order;
  - (b) the Gatherings and Events Order.

### **Adoption by reference**

- 2 (1) The provisions of the Food and Liquor Serving Premises Order and the Gatherings and Events Order are, with the necessary changes and so far as applicable, deemed to be provisions of this order.
- (2) For certainty, a contravention of the Food and Liquor Serving Premises Order or the Gatherings and Events Order is a contravention of this order.
- (3) Subsections (1) and (2) do not apply to provisions of the Food and Liquor Serving Premises Order or the Gatherings and Events Order that require compliance with the *Liquor Control and Licensing Act* or regulations made under that Act, or any directives or guidance provided by the Liquor and Cannabis Licensing Branch in accordance with that Act, as described in those orders.

### **Non-compliant gatherings and events**

- 3 Sections 4 and 5 apply to the following gatherings and events:
  - (a) a gathering or event that contravenes the Gatherings and Events Order in relation to a maximum number of individuals who may, in addition to the occupants, be present in a vacation accommodation or a private residence;
  - (b) an event, other than compliant drive ins, that contravenes the Gatherings and Events Order in relation to the prohibition of a gathering that exceeds a maximum number of patrons at a place for the purpose of the event;

- (c) an event that contravenes the Gatherings and Events Order by not meeting the conditions set out in that order for a gathering, for the purpose of the event, of up to a maximum number of patrons at a place;
- (d) an event that contravenes the Gatherings and Events Order in relation to the requirements for drive ins under that order or that does not meet the conditions in relation to drive ins set out in that order;
- (e) a gathering or event in an affected area that contravenes the Gatherings and Events Order in relation to the requirements for perimeter seating vehicles or perimeter seating buses under that order or that does not meet the conditions in relation to those vehicles and buses set out in that order.

#### **No promotion or encouragement**

- 4 A person must not promote a gathering or event referred to in section 3 or encourage another person to attend such a gathering or event.

#### **Enforcement officers**

- 5 A person who attends or promotes a gathering or event referred to in section 3 must comply with any direction given by an enforcement officer, including a direction to disperse.

#### **Abusive or belligerent behaviour**

- 6 (1) A person must not engage in abusive or belligerent behaviour towards another person
- (a) at a gathering in a vacation accommodation or a private residence,
  - (b) at an event, or
  - (c) in any premises.
- (2) In this section, “premises” includes both inside and outside areas of restaurants, coffee shops, cafes, cafeterias and licensed premises, including pubs, bars, lounges, nightclubs and tasting rooms, in which food services or drink services are provided to patrons.
- (3) For certainty, a reference to a type of establishment in subsection (2) does not affect any restriction or prohibition that applies in respect of the establishment.

#### **Compliance by patrons**

- 7 (1) A patron must comply with the applicable requirements and conditions set out in the Food and Liquor Serving Premises Order and the Gatherings and Events Order.
- (2) It is not a contravention of this order if a patron only fails to comply with the measures, guidance or directions from owners, operators, organizers or staff, as referred to in the Food and Liquor Serving Premises Order or the Gatherings and Events Order, as applicable.

#### **Enforcement information to minister**

- 8 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.

This is Exhibit "C" referred to in the Affidavit of Michelle Gusdal  
sworn before me, at Calgary, AB,  
this 18th day of December, 2020.

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by a few loops and a horizontal stroke.

---

Onyinye Chukwunyeremwa, Student-At-Law  
A Commissioner for Taking Affidavits  
within the Province of Alberta



**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 – December 2, 2020***

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:**

1. 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*;
2. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19;
3. 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;

4. 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;
5. 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;
6. With schools and post-secondary institutions operating and the change of seasons bringing cooler weather, people are interacting more and spending more time indoors which increases the risk of the transmission of SARS-CoV-2 in the population and the number of people who develop COVID-19 and become seriously ill;
7. Seasonal and other celebrations and social gatherings in private residences and other places have resulted in the transmission of SARS-CoV-2 and increases in the number of people who develop COVID-19 and become seriously ill;
8. There has been a rapid increase in COVID-19 cases throughout the province which has resulted in increasing and accelerating numbers of people being hospitalized and admitted to critical care, outbreaks in health-care facilities and deaths;
9. For certainty, this Order does not apply to the Executive Council, the Legislative Assembly; the distribution of food or other supplies to people in need; health and social services provided to people in need such as warming centres; an episodic market at which only food for human consumption is sold; health care related events such as immunization clinics, health authority COVID-19 testing centres and blood donation clinics, court sittings wherever they occur; workers at a worksite 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 or the *Independent School Act* [RSBC 1996] Ch. 216 or a First Nations School or a post-secondary educational institution when engaged in educational activities; students and instructors when engaged in occupational training activities which cannot be provided virtually by their nature; individuals attending regularly scheduled classes or practices in a recreation centre other than indoor group high intensity fitness activities, indoor group low intensity fitness activity or adult team sport; customers in a mall or retail or service business when engaged in shopping activities or seeking services; a volunteer work party engaged in gardening, vegetation removal, trail building or a similar outside activity; or the use of any place for municipal, provincial or federal election purposes.
10. For further certainty, this Order applies to private residences, vacation accommodation and private clubs and organizations;

11. 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 is an immediate and urgent need for focused action to reduce the rate 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) and that 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 NOVEMBER 10, 2020 WITH RESPECT TO GATHERINGS AND EVENTS AND MY ORDER OF NOVEMBER 13, 2020 WITH RESPECT TO COVID-19 PREVENTION REGIONAL MEASURES;**

**CONFIRMS MY ORAL ORDER OF NOVEMBER 19, 2020 WITH RESPECT TO GATHERINGS AND EVENTS AND PERIMETER SEATING VEHICLES AND PERIMETER SEATING BUSES;**

**MY ORAL ORDER OF NOVEMBER 19, 2020 REMAINS IN EFFECT WITH RESPECT TO WORKPLACE SAFETY AND TRAVEL RELATED TO TEAM SPORT;**

### **Definitions in this Order:**

**“adult team sport”** means an organized and structured activity involving a number of participants, including basketball, cheerleading, combat sports, floor hockey, floor ringette, road hockey, ice hockey, ringette, netball, skating, soccer, curling, volleyball, indoor bowling, lawn bowling, lacrosse, hockey, ultimate, rugby, football, baseball, softball;

**“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;

**“children or youth”** refers to persons under nineteen years of age;



**“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; adult team sport; indoor group high intensity fitness activity; indoor group low intensity fitness activity; exhibition; market or fair, including a trade fair, agricultural fair, 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, but does not include a gathering or event which is permitted under, and in compliance with, another Order;

**“group high intensity fitness activity”** means a group fitness activity which causes a sustained and accelerated rate of breathing and/or involves close contact including hot yoga, spin, aerobics, bootcamp, dance classes, dance fitness, circuit training, and high-intensity interval training;

**“group low intensity fitness activity”** means a group fitness activity which does not cause a sustained and accelerated rate of breathing or involve close contact with another person, including yoga, Pilates, stretching, Tai-Chi, light weightlifting, stretching or strengthening;

**“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 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 leader or presenter at a meeting, a officiant at a wedding, baptism or funeral, volunteers at an event, vendors, exhibitors, performers and presenters, but does not include a person who hosts a gathering, 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, music, art, drama, recreational, outdoor fitness, or social activity supervised by an adult and provided for children or youth, but does not include a performance, recital or demonstration by children or youth;

**“sport for children or youth”** means an activity which is delivered by a provincial sport organization or a local sport organization;

**“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 Order*;

**“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;

#### A. 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 Order* 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. For certainty, this Part applies to and prohibits indoor group high intensity fitness activity, and adult team sport in any place.

#### **B. PERMITTED EVENTS**

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may organize or host, a support group meeting, a meal provided without charge to people in need, a wedding, baptism or funeral, a program for children or youth or sport for children or youth subject to the provisions of this Part.
2. An owner or organizer must not permit more than fifty patrons to be present at a support group meeting, a meal provided without charge to people in need, or a program for children or youth, or more than ten patrons to be present at a wedding, baptism or funeral.
3. A patron must not be present at a support group meeting or program for children or youth at which there are more than fifty patrons, or at a wedding, baptism or funeral at which there are more than ten patrons.

#### **4. In this section**

**"event"** means a support group meeting, a meal provided without charge to people in need, a wedding, a baptism, a funeral or a program for children or youth;

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 sit 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, 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. there are no spectators at a program for children or youth unless the presence of a spectator is necessary in order to provide care to a child or youth.
5. 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.
  6. 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.
  7. 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.

8. 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.
9. During an event, a patron who leaves the place in which an event is being held must not be replaced by another patron.
10. 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.
11. Patrons must disperse immediately after an event and must not congregate with patrons who are leaving the event or arriving for a subsequent event.
12. The organizer must ensure that the COVID-19 safety plan is complied with and that the conditions and requirements in sections 2, 4, 6, 7, 8, 9, 11, 13, 15 and 16 are met.
13. 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;
  - c. and destroy the information after thirty days.
14. 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, 6, 7, 8, 9, 11, 12, 13 and 15 and 16 and has the capacity to fulfill them.

15. 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 11 and
  - c. a request to provide the information required in section 13.
16. 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 or funeral, unless the people present all reside in the same private residence.
17. For certainty, no person may attend a reception or informal gathering at any place, either before or after a wedding, baptism or funeral, unless the people present all reside in the same private residence.
18. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, 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. there are no spectators unless the presence of a spectator is necessary in order to provide care to a child or youth.
19. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, indoor group low intensity fitness activity if the following conditions are met:
- a. I have posted guidelines for indoor group low intensity fitness activities on my website;
  - b. the person who provides or hosts the indoor group low intensity fitness activity or developed an updated COVID-19 safety plan in accordance with my guidelines; and
  - c. the COVID-19 safety plan has been posted in a place easily visible to participants.
20. No person may participate in indoor group low intensity fitness activity unless the conditions in section 19 have been met.

### **C. 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.
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,
  - 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 or an adult who requires care, health care, personal care or grooming services,
  - e. educational programming or tutoring,
  - f. music lessons,
  - g. legal and financial services,
  - h. emergency services,
  - i. housekeeping and window washing,
  - j. gardening and landscape services,
  - k. maintenance,
  - l. repairs,
  - m. renovations,
  - n. moving services,
  - o. 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 and 7.
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 and 7.
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 4 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.

#### **D. 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
  - b. 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



## **E. 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.

Parts A, except as it applies to indoor group high intensity fitness activity and adult team sport, B, except as it applies to indoor group low intensity fitness activity and C of this Order expire at 12:00 PM on December 7, 2020 unless extended by me; Parts D and E do 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.

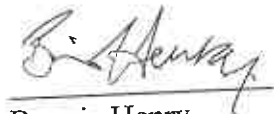
If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

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: 2<sup>nd</sup> day of December 2020

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*];

This is Exhibit "D" referred to in the Affidavit of Michelle Gusdal  
sworn before me, at Calgary, AB,  
this 18th day of December, 2020.

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by a horizontal line and a small flourish.

---

Onyinye Chukwunyeremwa, Student-At-Law  
A Commissioner for Taking Affidavits  
within the Province of Alberta



**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 – December 4, 2020***

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:**

1. 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*;
2. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19;
3. 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;

4. 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;
5. 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;
6. With schools and post-secondary institutions operating and the change of seasons bringing cooler weather, people are interacting more and spending more time indoors which increases the risk of the transmission of SARS-CoV-2 in the population and the number of people who develop COVID-19 and become seriously ill;
7. Seasonal and other celebrations and social gatherings in private residences and other places have resulted in the transmission of SARS-CoV-2 and increases in the number of people who develop COVID-19 and become seriously ill;
8. There has been a rapid increase in COVID-19 cases throughout the province which has resulted in increasing and accelerating numbers of people being hospitalized and admitted to critical care, outbreaks in health-care facilities and deaths;
9. For certainty, 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; an episodic market at which only food for human consumption is sold; health care related events such as immunization clinics, health authority COVID-19 testing centres and blood donation clinics, court sittings wherever they occur; workers at a worksite 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; students and instructors when engaged in occupational training activities which cannot be provided virtually by their nature; individuals attending regularly scheduled classes or practices in a recreation centre, other than indoor group high intensity fitness activities, indoor group low intensity fitness activity or adult team sport; customers in a mall or retail or service business when engaged in shopping activities or seeking services; a volunteer work party engaged in gardening, vegetation removal, trail building or a similar outside activity; or the use of any place for local government, provincial or federal election purposes.

10. For further certainty, this Order applies to private residences, vacation accommodation and private clubs and organizations;

11. 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 is an immediate and urgent need for focused action to reduce the rate 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) and that 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 DECEMBER 2, 2020 WITH RESPECT TO GATHERINGS AND EVENTS**

**RE-CONFIRMS MY ORAL ORDER OF NOVEMBER 19, 2020 WITH RESPECT TO GATHERINGS AND EVENTS AND PERIMETER SEATING VEHICLES AND PERIMETER SEATING BUSES;**

**MY ORAL ORDER OF NOVEMBER 19, 2020 REMAINS IN EFFECT WITH RESPECT TO WORKPLACE SAFETY AND TRAVEL RELATED TO TEAM SPORT;**

#### **Definitions in this Order:**

**“adult team sport”** means an organized and structured activity involving a number of participants, including basketball, cheerleading, combat sports, floor hockey, floor ringette, road hockey, ice hockey, ringette, netball, skating, soccer, curling, volleyball, indoor bowling, lawn bowling, lacrosse, hockey, ultimate, rugby, football, baseball, softball;

**“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;

**“children or youth”** refers to persons under nineteen years of age;

**“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; adult team sport; indoor group high intensity fitness activity; indoor group low intensity fitness activity; exhibition; market or fair, including a trade fair, agricultural fair, 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, but does not include a gathering or event which is permitted under, and in compliance with, another Order;

**“group high intensity fitness activity”** means a group fitness activity which causes a sustained and accelerated rate of breathing and/or involves close contact including hot yoga, spin, aerobics, bootcamp, dance classes, dance fitness, circuit training, and high-intensity interval training;

**“group low intensity fitness activity”** means a group fitness activity which does not cause a sustained and accelerated rate of breathing or involve close contact with another person, including yoga, Pilates, stretching, Tai-Chi, light weightlifting, stretching or strengthening;

**“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 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 leader or presenter at a meeting, a officiant at a wedding, baptism or funeral, volunteers at an event, vendors, exhibitors, performers and presenters, but does not include a person who hosts a gathering, 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, music, art, drama, recreational, outdoor fitness, or social activity supervised by an adult and provided for children or youth, but does not include a performance, recital or demonstration by children or youth;

**“sport for children or youth”** means an activity which is delivered by a provincial sport organization or a local sport organization;

**“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 Order*;

**“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;

## **A. 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 Order* 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. For certainty, this Part applies to and prohibits indoor group high intensity fitness activity, and adult team sport in any place.

#### **B. PERMITTED EVENTS**

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may organize or host, a support group meeting, a meal provided without charge to people in need, a wedding, baptism or funeral, a program for children or youth or sport for children or youth subject to the provisions of this Part.
2. An owner or organizer must not permit more than fifty patrons to be present at a support group meeting, a meal provided without charge to people in need, or a program for children or youth, or more than ten patrons to be present at a wedding, baptism or funeral.
3. A patron must not be present at a support group meeting or program for children or youth at which there are more than fifty patrons, or at a wedding, baptism or funeral at which there are more than ten patrons.

#### **4. In this section**

**"event"** means a support group meeting, a meal provided without charge to people in need, a wedding, a baptism, a funeral or a program for children or youth;

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 sit 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, 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. there are no spectators at a program for children or youth unless the presence of a spectator is necessary in order to provide care to a child or youth.
5. 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.
  6. 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.
  7. 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.

8. 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.

9. During an event, a patron who leaves the place in which an event is being held must not be replaced by another patron.

10. 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.

11. Patrons must disperse immediately after an event and must not congregate with patrons who are leaving the event or arriving for a subsequent event.

12. The organizer must ensure that the COVID-19 safety plan is complied with and that the conditions and requirements in sections 2, 4, 6, 7, 8, 9, 11, 13, 15 and 16 are met.

13. 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;
- c. and destroy the information after thirty days.

14. 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, 6, 7, 8, 9, 11, 12, 13 and 15 and 16 and has the capacity to fulfill them.

15. 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 11 and
- c. a request to provide the information required in section 13.

16. 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 or funeral, unless the people present all reside in the same private residence.

17. For certainty, no person may attend a reception or informal gathering at any place, either before or after a wedding, baptism or funeral, unless the people present all reside in the same private residence.

18. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, 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. there are no spectators unless the presence of a spectator is necessary in order to provide care to a child or youth.

19. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, indoor group low intensity fitness activity if the following conditions are met:

- a. I have posted guidelines for indoor group low intensity fitness activities on my website;
- b. the person who provides or hosts the indoor group low intensity fitness activity has developed an updated COVID-19 safety plan in accordance with my guidelines; and
- c. the COVID-19 safety plan has been posted in a place easily visible to participants.

20. No person may participate in indoor group low intensity fitness activity unless the conditions in section 19 have been met.

## **C. 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.
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,
  - 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 or an adult who requires care, health care, personal care or grooming services,
  - e. educational programming or tutoring,
  - f. music lessons,
  - g. legal and financial services,
  - h. emergency services,
  - i. housekeeping and window washing,
  - j. gardening and landscape services,
  - k. maintenance,
  - l. repairs,
  - m. renovations,
  - n. moving services,
  - o. 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 and 7.
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 and 7.
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.

#### **D. 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
  - b. 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

## **E. 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.

Parts A, except as it applies to indoor group high intensity fitness activity and adult team sport, B, except as it applies to indoor group low intensity fitness activity and C of this Order expire at 12:00 PM on December 7, 2020 unless extended by me; Parts D and E do 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: 4<sup>th</sup> day of December 2020

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*];

This is Exhibit "E" referred to in the Affidavit of Michelle Gusdal  
sworn before me, at Calgary, AB,  
this 18th day of December, 2020.

A handwritten signature in dark ink, consisting of a large, stylized 'O' followed by a horizontal line and a small flourish.

---

Onyinye Chukwunyeremwa, Student-At-Law  
A Commissioner for Taking Affidavits  
within the Province of Alberta



**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 – December 9, 2020***

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:**

1. 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*;
2. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19;
3. 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;



4. 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;
5. 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;
6. With schools and post-secondary institutions operating and the change of seasons bringing cooler weather, people are interacting more and spending more time indoors which increases the risk of the transmission of SARS-CoV-2 in the population and the number of people who develop COVID-19 and become seriously ill;
7. Seasonal and other celebrations and social gatherings in private residences and other places have resulted in the transmission of SARS-CoV-2 and increases in the number of people who develop COVID-19 and become seriously ill;
8. There has been a rapid increase in COVID-19 cases throughout the province which has resulted in increasing and accelerating numbers of people being hospitalized and admitted to critical care, outbreaks in health-care facilities and deaths;
9. For certainty, 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; an episodic market at which only food for human consumption is sold; 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 mall or retail or service business when engaged in shopping activities or seeking services; a volunteer work party engaged in gardening, vegetation removal, trail building or a similar outside activity; or the use of any place for local government, provincial or federal election purposes.
10. For further certainty, this Order applies to private residences, vacation accommodation and private clubs and organizations;

11. 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 is an immediate and urgent need for focused action to reduce the rate 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) and that 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 DECEMBER 4, 2020 WITH RESPECT TO GATHERINGS AND EVENTS**

**RE-CONFIRMS MY ORAL ORDER OF NOVEMBER 19, 2020 WITH RESPECT TO WORKPLACE SAFETY AND PROHIBITING TRAVEL RELATED TO TEAM SPORT;**

### **Definitions in this Order:**

**“adult team sport”** means an organized and structured activity involving a number of participants, including basketball, cheerleading, combat sports, floor hockey, floor ringette, road hockey, ice hockey, ringette, netball, skating, soccer, curling, volleyball, indoor bowling, lawn bowling, lacrosse, hockey, ultimate, rugby, football, baseball, softball;

**“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;

**“children or youth”** refers to persons under nineteen years of age;

**“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;

**“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; adult team sport; indoor group high intensity exercise; indoor group low intensity exercise; exhibition; market or fair, including a trade fair, agricultural fair, 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, but does not include a gathering or event which is permitted under, and in compliance with, another Order;

**“group high intensity exercise”** means a group exercise for adults which causes a sustained and accelerated rate of breathing and/or involves close contact including hot yoga, spin, aerobics, bootcamp, dance classes, dance fitness, circuit training, and high-intensity interval training;

**“group low intensity exercise”** means a group exercise for adults which does not cause a sustained and accelerated rate of breathing or involve close contact with another person, including yoga, Pilates, stretching, Tai-Chi, light weightlifting, stretching or strengthening;

**“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 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 leader or presenter at a meeting, a officiant at a wedding, baptism or funeral, volunteers at an event, vendors, exhibitors, performers and presenters, but does not include a person who hosts a gathering, 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, music, art, drama, dance recreational, exercise, or social activity supervised by an adult and provided for children or youth, but does not include a performance, recital or demonstration by children or youth;

**“sport for children or youth”** means an activity which is delivered by a provincial sport organization or a local sport organization;

**“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 Order*;

**“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;

## **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.

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 legal or financial services to an occupant,
  - h. emergency services,
  - i. housekeeping and window washing,
  - j. gardening and landscape services,
  - k. maintenance,
  - l. repairs,
  - m. renovations,
  - n. moving services,
  - o. 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 and 7.
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 and 7.
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.

## **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 Order* 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. For certainty, this Part applies to and prohibits indoor group high intensity exercise, and adult team sport in any place.

## **C. SUPPORT GROUP MEETINGS, CRITICAL SERVICE MEETINGS, MEALS PROVIDED FOR PEOPLE IN NEED, WEDDINGS, BAPTISMS AND FUNERALS, 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 or funeral,
  - e. a program for children or youth,
  - f. occupational training which cannot be provided virtually.
2. An owner or organizer must not permit more than fifty patrons to be present at a support group meeting, an critical service meeting, a meal provided without charge

to people in need, a program for children or youth or occupational training, or more than ten patrons to be present at a wedding, baptism or funeral.

3. A patron must not be present at a support group meeting, a critical service meeting, a program for children or youth or occupational training at which there are more than fifty patrons, or at a wedding, baptism or funeral at which there are more than ten patrons.

**4. In this and the following sections up to and including section 15**

**"event"** means a support group meeting, a critical service meeting, a meal provided without charge to people in need, a wedding, a baptism, a funeral 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 sit 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, 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. there are no spectators at a program for children or youth unless the presence of a spectator is necessary in order to provide care to a child or youth.
5. 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.
  6. 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.
  7. 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.
  8. 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.



9. During an event, a patron who leaves the place in which an event is being held must not be replaced by another patron.
10. 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.
11. Patrons must disperse immediately after an event and must not congregate with patrons who are leaving the event or arriving for a subsequent event.
12. The organizer must ensure that the COVID-19 safety plan is complied with and that the conditions and requirements in sections 2, 4, 6, 7, 8, 9, 11, 13, 15 and 16 are met.
13. 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;
  - c. and destroy the information after thirty days.
14. 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, 6, 7, 8, 9, 11, 12, 13 and 15 and 16 and has the capacity to fulfill them.
15. 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 11 and
  - c. a request to provide the information required in section 13.
16. 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 or funeral, unless the people present all reside in the same private residence.

17. For certainty, no person may attend a reception or informal gathering at any place, either before or after a wedding, baptism or funeral, unless the people present all reside in the same private residence.

#### **D. 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, 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. there are no spectators, unless the presence of a spectator is necessary in order to provide care to a child or youth.

#### **E. GROUP LOW INTENSITY EXERCISE**

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, indoor group low intensity exercise, if the following conditions are met:
  - a. I have posted guidelines for indoor group low intensity fitness activities on my website;
  - b. the person who provides or hosts the indoor group low intensity exercise has developed an updated COVID-19 safety plan in accordance with my guidelines; and
  - c. the COVID-19 safety plan has been posted in a place easily visible to participants.
2. No person may participate in indoor group low intensity exercise unless the conditions in section 1 have been met.

#### **F. DRIVE-IN AND DRIVE-THROUGH 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 display or

similar display or drop off 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 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. traffic moves in one direction;
  - b. the entrance and exit are clearly marked and controlled;
  - c. patrons only attend in a vehicle and 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;
  - d. no food or drink is sold;
  - e. 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;
- f. 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. A person must not permit a place to be used, or provide, a drive-through or drive-in event unless the conditions in this Part are met.
- 4. A person must not attend a drive-through or drive-in event unless the conditions in this Part are met.

## **G. 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
  - b. 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

#### **H. 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.

Parts A, B and C expire at midnight on January 8, 2021 unless extended by me; Parts D, E, F, G and H do 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: 9<sup>th</sup> day of December 2020

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*];

This is Exhibit "F" referred to in the Affidavit of Michelle Gusdal  
sworn before me, at Calgary, AB,  
this 18th day of December, 2020.

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by a few loops and a horizontal stroke.

---

Onyinye Chukwunyeremwa, Student-At-Law  
A Commissioner for Taking Affidavits  
within the Province of Alberta



**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 – December 15, 2020***

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:**

1. 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*;
2. The SARS-CoV-2 virus, an infectious agent, can cause outbreaks of COVID-19;
3. 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;

4. 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;
5. 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;
6. With schools and post-secondary institutions operating and the change of seasons bringing cooler weather, people are interacting more and spending more time indoors which increases the risk of the transmission of SARS-CoV-2 in the population and the number of people who develop COVID-19 and become seriously ill;
7. Seasonal and other celebrations and social gatherings in private residences and other places have resulted in the transmission of SARS-CoV-2 and increases in the number of people who develop COVID-19 and become seriously ill;
8. There has been a rapid increase in COVID-19 cases throughout the province which has resulted in increasing and accelerating numbers of people being hospitalized and admitted to critical care, outbreaks in health-care facilities and deaths;
9. For certainty, 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; an episodic market at which only food for human consumption is sold; 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 mall or retail or service business when engaged in shopping activities or seeking services; a volunteer work party engaged in gardening, vegetation removal, trail building or a similar outside activity; or the use of any place for local government, provincial or federal election purposes.
10. For further certainty, this Order applies to private residences, vacation accommodation and private clubs and organizations;



11. 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 is an immediate and urgent need for focused action to reduce the rate 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) and that 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 DECEMBER 9, 2020 WITH RESPECT TO GATHERINGS AND EVENTS;**

**RE-CONFIRMS MY ORAL ORDER OF NOVEMBER 19, 2020 WITH RESPECT TO WORKPLACE SAFETY AND PROHIBITING TRAVEL RELATED TO TEAM SPORT;**

**AND**

**AMENDS MY ORDER OF MAY 28, 2020 WITH RESPECT TO VENDING MARKETS BY LIMITING ITS APPLICATION TO VENDING MARKETS WHICH ONLY SELL FOOD OR DRINK FOR HUMAN CONSUMPTION**

**Definitions in this Order:**

**“adult team sport”** means an organized and structured activity involving a number of participants, including basketball, cheerleading, combat sports, floor hockey, floor ringette, road hockey, ice hockey, ringette, netball, skating, soccer, curling, volleyball, indoor bowling, lawn bowling, lacrosse, hockey, ultimate, rugby, football, baseball, softball;

**“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;

**“children or youth”** refers to persons under nineteen years of age;

**“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;

**“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; adult team sport; indoor group high intensity exercise; indoor group low intensity exercise; exhibition; market or fair, including a trade fair, agricultural fair, 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.

**“group high intensity exercise”** means a group exercise for adults which causes a sustained and accelerated rate of breathing and/or involves close contact including hot yoga, spin, aerobics, bootcamp, dance classes, dance fitness, circuit training, and high-intensity interval training;

**“group low intensity exercise”** means a group exercise for adults which does not cause a sustained and accelerated rate of breathing or involve close contact with another person, including yoga, Pilates, stretching, Tai-Chi, light weightlifting, stretching or strengthening;

**“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 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 leader or presenter at a meeting, a officiant at a wedding, baptism or funeral,

volunteers at an event, vendors, exhibitors, performers and presenters, but does not include a person who organizes or hosts a gathering, 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, music, art, drama, dance, recreational, exercise, or social activity supervised by an adult and provided for children or youth, but does not include a performance, recital or demonstration by children or youth;

**“sport for children or youth”** means an activity which is delivered by a provincial sport organization or a local sport organization;

**“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 Order*;

**“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;

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

#### **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.
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 and 7.
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 and 7.
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.

## **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 Order* 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. For certainty, this Part applies to and prohibits indoor group high intensity exercise, and adult team sport in any place.

## **C. SUPPORT GROUP MEETINGS, CRITICAL SERVICE MEETINGS, MEALS PROVIDED FOR PEOPLE IN NEED, WEDDINGS, BAPTISMS AND FUNERALS, 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 or funeral,
  - e. a program for children or youth,

- f. occupational training which cannot be provided virtually.
- 2. An owner or organizer must not permit more than fifty patrons 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 or occupational training, or more than ten patrons to be present at a wedding, baptism or funeral.
- 3. A patron must not be present at a support group meeting, a critical service meeting, a program for children or youth or occupational training at which there are more than fifty patrons, or at a wedding, baptism or funeral at which there are more than ten patrons.
- 4. In this and the following sections up to and including section 15

**"event"** means a support group meeting, a critical service meeting, a meal provided without charge to people in need, a wedding, a baptism, a funeral, 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, 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. there are no spectators at a program for children or youth, unless the presence of a spectator is necessary in order to provide care to a child or youth.
5. 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.
6. 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.
7. 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.

8. 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.
9. During an event, a patron who leaves the place in which an event is being held must not be replaced by another patron.
10. 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.
11. Patrons must disperse immediately after an event and must not congregate with patrons who are leaving the event or arriving for a subsequent event.
12. The organizer must ensure that the COVID-19 safety plan is complied with and that the conditions and requirements in sections 2, 4, 6, 7, 8, 9, 11, 13, 15 and 16 are met.
13. 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.
14. 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, 6, 7, 8, 9, 11, 12, 13 and 15 and 16 and has the capacity to fulfill them.



15. 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 11; and
- c. a request to provide the information required in section 13.

16. 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 or funeral, unless the people present all reside in the same private residence.

17. For certainty, no person may attend a reception or informal gathering at any place, either before or after a wedding, baptism or funeral, unless the people present all reside in the same private residence.

#### **D. 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, 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. there are no spectators, unless the presence of a spectator is necessary in order to provide care to a child or youth.

#### **E. GROUP LOW INTENSITY EXERCISE**

1. A person may permit a place, other than a private residence or vacation accommodation, to be used for, or may provide, indoor group low intensity exercise, if the following conditions are met:

- a. I have posted guidelines for indoor group low intensity exercise on my website;

- b. the person who provides or hosts the indoor group low intensity exercise has developed an updated COVID-19 safety plan in accordance with my guidelines; and
  - c. the COVID-19 safety plan has been posted in a place easily visible to participants.
- 2. No person may participate in indoor group low intensity exercise unless the conditions in section 1 have been met.

## **F. 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 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 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. A person must not permit a place to be used, or provide, a drive-through or drive -in event unless the conditions in this Part are met.
4. A person must not attend a drive-through or drive-in event unless the conditions in this Part are met.

## **G. 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
  - b. 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

## **H. 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.

Parts A, B and C expire at midnight on January 8, 2021 unless extended by me; Parts D, E, F, G and H do 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.

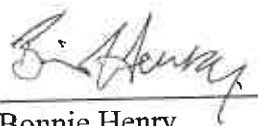
If you fail to comply with this Order, I have the authority to take enforcement action against you under Part 4, Division 6 of the *Public Health Act*.

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: 15<sup>th</sup> day of December 2020

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*];

This is Exhibit "G" referred to in the Affidavit of Michelle Gusdal  
sworn before me, at Calgary, AB,  
this 18th day of December, 2020.



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Onyinye Chukwunyerenna, Student-At-Law  
A Commissioner for Taking Affidavits  
within the Province of Alberta

This Act is current to December 9, 2020

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

### 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 [Repealed B.C. Reg. 172/2020.]	M094/2020

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.]	
23.5	Food and Liquor Premises, Gatherings and Events (COVID-19) Order No. 2	
23.6	Use of Face Coverings in Indoor Public Spaces (COVID-19) Order	
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</i> and <i>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
27	COVID-19 (Limitation Periods in Court Proceedings) Regulation	B.C. Reg. 199/2020
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

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This is Exhibit "H" referred to in the Affidavit of Michelle Gusdal  
sworn before me, at Calgary, AB,  
this 18th day of December, 2020.



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Onyinye Chukwunyeremwa, Student-At-Law  
A Commissioner for Taking Affidavits  
within the Province of Alberta

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND  
SOLICITOR GENERAL

*Emergency Program Act*

Ministerial Order No. M416

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 additional enforcement measures for the operation of food service and liquor service premises, as well as gatherings and events, are necessary to protect public safety and alleviate the effects 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 Food and Liquor Premises, Gatherings and Events (COVID-19) Order No. 2 is made.

November 13, 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; MO 358/2020; OIC 572/2020

## **FOOD AND LIQUOR PREMISES, GATHERINGS AND EVENTS (COVID-19) ORDER No. 2**

### **Definitions**

- 1 (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;
  - “Food and Liquor Serving Premises Order”** means the order entitled “Food and Liquor Serving Premises” made by the provincial health officer on September 18, 2020, as amended or replaced from time to time;
  - “Gatherings and Events Order”** means the order entitled “Gatherings and Events” made by the provincial health officer on September 18, 2020, as amended or replaced from time to time;
  - “provincial health officer”** means the provincial health officer appointed under the *Public Health Act*.
- (2) To the extent that this order incorporates each of the following orders, the definitions in that order apply:
- (a) the Food and Liquor Serving Premises Order;
  - (b) the Gatherings and Events Order.

### **Adoption by reference**

- 2 (1) The provisions of the Food and Liquor Serving Premises Order and the Gatherings and Events Order are, with the necessary changes and so far as applicable, deemed to be provisions of this order.
- (2) For certainty, a contravention of the Food and Liquor Serving Premises Order or the Gatherings and Events Order is a contravention of this order.
- (3) Subsections (1) and (2) do not apply to provisions of the Food and Liquor Serving Premises Order or the Gatherings and Events Order that require compliance with the *Liquor Control and Licensing Act* or regulations made under that Act, or any directives or guidance provided by the Liquor and Cannabis Licensing Branch in accordance with that Act, as described in those orders.

### **Non-compliant gatherings and events**

- 3 Sections 4 and 5 apply to the following gatherings and events:
- (a) a gathering or event that contravenes the Gatherings and Events Order in relation to a maximum number of individuals who may, in addition to the occupants, be present in a vacation accommodation or a private residence;
  - (b) an event, other than compliant drive ins, that contravenes the Gatherings and Events Order in relation to the prohibition of a gathering that exceeds a maximum number of patrons at a place for the purpose of the event;

- (c) an event that contravenes the Gatherings and Events Order by not meeting the conditions set out in that order for a gathering, for the purpose of the event, of up to a maximum number of patrons at a place;
- (d) an event that contravenes the Gatherings and Events Order in relation to the requirements for drive ins under that order or that does not meet the conditions in relation to drive ins set out in that order;
- (e) a gathering or event in an affected area that contravenes the Gatherings and Events Order in relation to the requirements for perimeter seating vehicles or perimeter seating buses under that order or that does not meet the conditions in relation to those vehicles and buses set out in that order.

#### **No promotion or encouragement**

- 4 A person must not promote a gathering or event referred to in section 3 or encourage another person to attend such a gathering or event.

#### **Enforcement officers**

- 5 A person who attends or promotes a gathering or event referred to in section 3 must comply with any direction given by an enforcement officer, including a direction to disperse.

#### **Abusive or belligerent behaviour**

- 6 (1) A person must not engage in abusive or belligerent behaviour towards another person
  - (a) at a gathering in a vacation accommodation or a private residence,
  - (b) at an event, or
  - (c) in any premises.
- (2) In this section, “**premises**” includes both inside and outside areas of restaurants, coffee shops, cafes, cafeterias and licensed premises, including pubs, bars, lounges, nightclubs and tasting rooms, in which food services or drink services are provided to patrons.
- (3) For certainty, a reference to a type of establishment in subsection (2) does not affect any restriction or prohibition that applies in respect of the establishment.

#### **Compliance by patrons**

- 7 (1) A patron must comply with the applicable requirements and conditions set out in the Food and Liquor Serving Premises Order and the Gatherings and Events Order.
- (2) It is not a contravention of this order if a patron only fails to comply with the measures, guidance or directions from owners, operators, organizers or staff, as referred to in the Food and Liquor Serving Premises Order or the Gatherings and Events Order, as applicable.

#### **Enforcement information to minister**

- 8 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.