

Legal Information

Current to June 11, 2020

WHAT ARE MY RIGHTS AND RESPONSIBILITIES DURING COVID-19?

COVID-19 Laws and Enforcement Powers

DISCLAIMER

This list of Frequently Asked Questions focuses on the rights of people who experience poverty and rely on public space. The information here is specific to BC and is not legal advice. If you have questions about the information below, you should consult a lawyer or other professional legal services provider.

This is not an overview of all of the public health and public safety orders in effect, and is only current to the date on the cover. New orders are being issued regularly at this time. You can find a list of general rights-based resources at the end of this document.

EMERGENCY POWERS

Who makes emergency orders?

In BC, emergencies have been declared by the Provincial Health Officer, Dr. Bonnie Henry¹; and the Minister of Public Safety and Solicitor General, Mike Farnworth².

Vancouver City Council has also declared a state of emergency³, but currently the City has no emergency orders in effect.

Any use of the government's emergency powers must comply with human rights law and the *Charter of Rights and Freedoms*.

¹ [Order of the Provincial Health Officer, March 17, 2020](#)

² [Ministerial Order M073](#): (subsequently extended every two weeks by OIC 155, OIC 173, OIC 207, OIC 241, OIC 264, and OIC 310) Please visit [EmergencyInfoBC](#) for updates on the status of the Provincial State of Emergency.

³ City Council [Bylaw 12661](#), amended in [Bylaw 12662](#)

OVERVIEW OF ORDERS

Can I be ticketed or stopped by police or bylaw officers for not physically distancing in public?

No. Currently, physical distancing is encouraged but not enforceable.

Public health officials urge people to maintain at least six feet of distance between themselves and others but there is no order requiring you to maintain that distance. Police and bylaw officers may verbally “encourage” you to follow this advice, but they do not have the power to ticket or arrest you if you do not comply.

What are the current orders and who can enforce them?

You MUST obey the following orders:

NOTE

Bylaw officers may still enforce regular local bylaws including anti-camping and anti-loitering laws.

1. Public Health Orders

Provincial Health Officer Dr. Bonnie Henry's Orders can be found on the [BC Government website](#).

During this emergency, Dr. Henry also has the power to make verbal (unwritten) orders.⁴ If a government official tells you they are acting under a public health order, ask for details: who made the order, when did they make it, and what does it say?

What orders should I know about?	Who can enforce these orders, and how?
<ul style="list-style-type: none">You cannot organize gatherings of more than 50 people.⁵ You can only be held accountable for breaking this rule if you control the space where people are gathering – the order is not aimed at attendees.⁶	<p>Only health officers can enforce these rules, with fines up to \$25,000 and/or up to six months' imprisonment.⁹</p> <p>Police officers can only assist health officers if health officials ask police for help.¹⁰</p>
<ul style="list-style-type: none">Restaurants must limit the number of patrons, ensure space for physical distancing, and collect patrons' contact information if practicable.⁷	<p>Bylaw officers cannot enforce these orders. They can only provide public health information and guidance; monitor closed facilities; and give public health officers information about people who aren't complying with public health orders.¹¹</p>
<ul style="list-style-type: none">Episodic vending markets (aka community markets or farmers markets) can only sell food.⁸ This order doesn't apply to vendors working individually.	

4 *Public Health Act*, SBC 2008, c. 28, s. 54(1)(c)

5 [Order of the Provincial Health Officer, May 22, 2020](#)

6 The order only applies to people who are “the owner, occupier or operator” or are “otherwise responsible” for a space where people gather.

7 [Order of the Provincial Health Officer, May 22, 2020](#)

8 [Order of the Provincial Health Officer, April 16, 2020](#)

9 *Public Health Act*, SBC 2008, c. 28, s. 108(1)(a)

10 *Public Health Act*, SBC 2008, c. 28, s. 90

11 [Ministerial Order M082](#)

2. Public Safety Orders

Minister Farnworth's orders are available on the [BC Government website](#).

What orders should I know about?	Who can enforce these orders, and how?
<ul style="list-style-type: none">You cannot sell essential goods* at an unreasonably high price.¹²You cannot resell essential goods* (buy them one place and sell them somewhere else).¹³ <p>*Essential goods include food, water, beverages, fuel, health care goods, pharmaceuticals, medical supplies, personal hygiene, sanitation and cleaning goods.</p>	Police and bylaw officers ¹⁴ can enforce these orders at any time, which can result in a fine of up to \$2,300. ¹⁵
No one can take shelter in Oppenheimer Park, Topaz Park or the Pandora corridor. ¹⁶	The police have the power to enforce this order in Vancouver ¹⁷ and Victoria ¹⁸ .

ADDITIONAL RESOURCES

British Columbia's Response to COVID-19 (Province of BC)

<https://www2.gov.bc.ca/gov/content/safety/emergency-preparedness-response-recovery/covid-19-provincial-support>

Your Rights in a Pandemic (BCCLA)

<https://bccla.org/our-work/covid-19/your-rights-in-a-pandemic>

Covid-19 Resources for British Columbians (ClickLaw)

[https://wiki.clicklaw.bc.ca/index.php?title=Covid-19 Resources for British Columbians](https://wiki.clicklaw.bc.ca/index.php?title=Covid-19%20Resources%20for%20British%20Columbians)

¹² [Ministerial Order M115](#)

¹³ [Section 9, Ministerial Order M084](#)

¹⁴ [Order in Council 177 \(April 18, 2020\)](#)

¹⁵ A \$2,000 fine and a \$300 victim surcharge

¹⁶ [Ministerial Order M150](#)

¹⁷ [Ministerial Order M152](#)

¹⁸ [Ministerial Order M166](#)