

Enforcing COVID orders proving difficult for Bylaw department: Town

Enforcing Provincial orders related to COVID-19 is proving difficult due to a lack of framework, according to municipal staff.

This was the message delivered to lawmakers last week at a Special Council meeting held to discuss the Town's response to the global pandemic so far and new efforts related to stay-at-home orders issued earlier this month.

According to Techa van Leeuwen, Aurora's Director of Corporate Services, the Town's Bylaw Department will not be able to enforce the stay-at-home order due to the lack of enforcement framework that is in place and the individuals' judgement for leaving the residence as they determine what is essential for them.

Our enforcement efforts will be focused on non-compliant businesses and outdoor social gatherings above the limit of five people, she told Council last Tuesday night. Under the declaration of the Provincial Emergency, municipal law enforcement officers have been granted additional powers and have the authority to require individuals to identify themselves. If the officer has reasonable grounds to believe that an offence has been committed, they also have the authority to temporarily close premises where an event or gathering exceeds the limits under the Reopening Ontario Act and they have the authority to disperse crowds where non-compliance is observed.

If voluntary compliance is not achieved for any of these issues, Bylaw Services will require police assistance as we don't have the ability to detain individuals or use any force at all.

But, she added, a Regional task force was established at the onset of the pandemic with the mandate of bringing forward a consistent and coordinated approach to enforcement across York.

Initially, this task force was comprised of the nine municipal enforcement units and York Regional Police, said Ms. van Leeuwen. During the second wave, additional governmental agencies joined the group and that includes Public Health, the Ministry of Labour, Alcohol and Gaming Commission of Ontario, and even the Ministry of Education has been occasionally involved and the Regional Solicitor's office has also been involved in those meetings.

These meetings occur weekly and the purpose is to address emerging issues and coordinate enforcement activities so we are avoiding duplication of efforts and increasing coverage across the Region. We are working proactively with our partners to conduct proactive blitzes and also joint inspections.

Following Ms. van Leeuwen's presentation, Councillors said more needed to be done on enforcement.

Councillor Wendy Gaertner, for instance, said they wanted compliance but we don't want bylaw officers to get hurt in this process.

Responding to Councillor Gaertner's concerns was CAO Doug Nadorozny who agreed the enforcement tools Aurora has in its arsenal are limited. Local bylaw officers are allowed to issue tickets for violations, but other responsibilities lie elsewhere.

If there is a problem, you saw the Ministry of Labour has been involved. They have also been doing their own proactive visits. We have a lot of resources we can turn to for problem areas. We generally try to lead with education where we can, which would be the first port of call. After that, we would simply apply a fine and charge the businesses and if it was more egregious we would keep ramping it up. If we have to involve Police, we can, but there are also other places like the Health Authority as well as the Ministry of Labour that have done joint enforcement with us and I am sure would participate if we had problem sites. From the perspective of Mayor Tom Mrakas, education is the right approach for Aurora's Bylaw Department to take, at the moment, but talks continue at the Region on further measures.

Everyone knows what the rules are, he said. Yes, they change at times but pretty much everyone knows what the rules are.

?There needs to be more discretion. If it is the first time [for a violation], yes, let's educate them, but if they are a constant repeat offender, they need to be ticketed. It needs to be known it is not allowed, that they are in violation, [and] it is a public health risk and we can't stand for that. Therefore, all of us ? and it is not just us, all across the Region and all across the Province ? absolutely education first but if you're a repeat offender, you're getting hit with a ticket and that is coming from Public Health, that is coming from the York Regional Police, and that is coming right from the Province.

?We, as Council, do not instruct bylaw and we also don't interfere with the Provincial offences. I think that is very important for everyone to have an understanding.?

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