

## Everything old is new again.

As has been well reported already, on January 12, 2021, the Ontario government issued its second declaration of emergency ([Ont. Reg. 7/21](#)) relating to the COVID-19 pandemic, just about 10 months since the last time this was done ([Ont. Reg. 50/20](#)). The order is now fully in effect.

So far (at this time), just one accompanying regulation has been published. [Ont. Reg. 8/21](#) grants additional powers to police officers, constables, by-law enforcement officers or other provincial offences officers where they believe on reasonable grounds that someone or some business has failed to comply with the emergency order or interferes with someone seeking to comply (each, an offence under s. 7.0.11 of the *Emergency Management and Civil Protection Act*). These include the power to require people to provide correct identification, and to vacate and/or close down premises and events.

Note that the penalties for committing an offence can include up to one year's imprisonment and/or fines of up to \$100,000 for regular individuals, up to \$500,000 for corporation directors and officers, and up to \$10 million for a corporation itself. *Also note:* Condominium corporations *are* corporations; and condominium directors and officers are *corporation directors and officers*. So, the higher fines and risks apply to you. Don't treat it lightly.

## Stay-at-home

In conjunction with the emergency declaration, the government has issued a "stay-at-home" order requiring everyone to remain at home except for a few permitted purposes, such as essential shopping, accessing health care, and for work (unless your job is one that can be done remotely). With his usually helpful simplicity, Premier Ford has clarified what this means:

"There is no confusion here. It's very simple. Stay Home, stay home; that's it. If you are questioning, should I go out? You got the answer, stay home. That's simple. And it's very simple, Stay home, Stay home. I don't know what more I can describe." ([link](#))

So, it seems we got told. Sort of. Well, anyway, if you aren't clear on what exactly you can do, you're not alone, and for the moment the best bet probably is *don't do it*. We and all the other condo lawyers watching this closely promise to update you more as things move along. In the meantime...

## A little of what little we know:

**Children:** Pre-school-aged children can attend day care. Subject to further announcements, student in Windsor-Essex, Peel, Toronto, York or Hamilton will return to school February 10; the rest, on January 22.

**Work:** If you are not in an essential workplace and are able to work remotely (i.e., from home), you must. (Condos – you are not essential workplaces. If your managers can work remotely, they should. Security, on the other hand, can't and is expressly permitted to continue. But note, if the condominium is the employer, it is your responsibility to make sure workers stay home if they can. When in doubt, make it easier, not more difficult, for that to happen.)

**Gatherings:** Outdoor gatherings cannot have more than 5 people present (with limited exceptions). Indoor gatherings, including meetings, are forbidden (subject to a special exception for isolated persons). (Condos – stick to virtual meetings anyway; be careful about any and all proposed activities in common areas.)

**Construction:** With a wide variety of exceptions, all construction is to cease. However, if your home or condo renovation work started before January 12, it can continue. The advice of some professionals is to only continue stages of work that commenced before January 12, and not to start new ones. New home construction of condominiums and other residential buildings is permitted to continue.

Find more information from the government of Ontario [here](#).