

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND  
SOLICITOR GENERAL

*Emergency Program Act*

Ministerial Order No. M166

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 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, including causing the evacuation of persons and the removal of personal property from any area of British Columbia that is or may be affected by an emergency, and making arrangements for the adequate care and protection of those persons and personal property;

AND WHEREAS MO 150/2020, the Encampment Health and Safety (COVID-19) Order No. 2 made on May 8, 2020 (the "Evacuation Order"), requires all persons camping in, residing in or occupying Topaz Park or the Pandora Avenue Corridor (the "Victoria Encampments") to evacuate the area as soon as practicable, but no later than 12:00 p.m. (noon) on May 20, 2020;

AND WHEREAS the Province of British Columbia has implemented a comprehensive plan to provide adequate alternative living arrangements and other health and social supports for persons residing in the Victoria Encampments, including the care of their personal property;

AND WHEREAS a number of people living in the Victoria Encampments have refused to comply with the Evacuation Order and conditions in the Encampments continue to pose a risk to

- (a) the health, safety and welfare of the persons in the Encampments, and
- (b) the health and safety of first responders, health care workers, and the staff and volunteers of support agencies, who must attend at the Encampments for emergency, injury or health reasons or to otherwise ensure that the complex needs of the vulnerable populations in the Encampments are met;

AND WHEREAS the Victoria Police Department must, under the *Police Act*, perform the duties and functions respecting the preservation of peace, the prevention of crime and offences against the law and the administration of justice assigned to it or generally to peace officers by the chief constable of the Department, under the standards of the director of police services or under the *Police Act* or any other enactment;

May 20, 2020

Date



Minister of Public Safety and Solicitor General

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*(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 150/2020; OIC 241/2020

AND WHEREAS municipal police constables have the authority, under the *Offence Act* and the *Criminal Code* (Canada), to detain and arrest individuals for contraventions of the *Emergency Program Act*;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Encampment Health and Safety (COVID-19) Victoria Enforcement Order is made.

## **ENCAMPMENT HEALTH AND SAFETY (COVID-19) VICTORIA ENFORCEMENT ORDER**

### **Definitions**

- 1** In this order:
  - “**Pandora Avenue Corridor**” means the area referred to as the Pandora Avenue Corridor and described in item 2 of the attached Appendix;
  - “**Topaz Park**” means the area known as Topaz Park, as described in item 1 of the attached Appendix.

### **Application**

- 2** This order applies during the period that starts at 12:00 p.m. (noon) on May 20, 2020 and ends on 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.

### **Immediate evacuation of Victoria encampments**

- 3** All persons camping in, residing in or occupying Topaz Park or the Pandora Avenue Corridor must immediately evacuate that area.

### **Enforcement by police**

- 4** The Victoria Police Department and any municipal or provincial police constable assisting that Department are authorized to enforce the provisions of this order and may remove from Topaz Park or the Pandora Avenue Corridor any person who is not complying with section 3.

### **Police retain operational discretion**

- 5** For certainty, the Victoria Police Department retains operational discretion as to the manner in which it may carry out enforcement under section 4.

