

City of Mississauga
Corporate Report



Date: December 2, 2020

To: Mayor and Members of Council

From: Andra L. Maxwell B.A., LL.B., CIC.C, City Solicitor

Originator's files:

Meeting date:
 December 9, 2020

Subject

Extending the operation and enforcement of the City's Mandatory Face Covering By-law 0169-2020 from January 21, 2021 to June 30, 2021

Recommendation

1. That the report from the City Solicitor dated December 2, 2020 entitled "Extending the operation and enforcement of the City's Mandatory Face Covering By-law 0169-2020 from January 21, 2021 to June 30, 2021 " be received for information.
2. That the City's Mandatory Face Covering By-law 0169-2020 be amended, to extend operation and enforcement from January 21, 2021 until June 30, 2021.

Background

In the early days of the COVID-19 pandemic, the Province of Ontario did not require the use of face coverings inside businesses and organizations across Ontario. This prompted municipalities to enact by-laws at the local level to help mitigate the spread of COVID-19.

On July 8, 2020, Council enacted the COVID-19 Mandatory Face Covering By-law 0169-2020 (the "Face Covering By-law"). This by-law requires all persons (subject to some exceptions) to wear a face covering inside buildings where the public is ordinarily invited or permitted access. This includes retail stores, indoor sports and recreational facilities, apartments and condominiums. The City's Face Covering By-law is set to expire on January 21, 2021.

Present Status

As the number of daily confirmed COVID-19 cases continued to rise, the Province of Ontario began introducing Regulations to require face coverings in the indoor areas of businesses and organizations across Ontario, depending on the location. On October 10, 2020, face coverings became mandatory in the Region of Peel according to *Ontario Regulation 263/20 – Rules for Areas in Stage 2* (the "Provincial Face Covering Laws"). For the most, the Provincial Face Covering Laws that were introduced mirrored the provisions in the City's Face Covering By-law.

Council	2020/12/02	2
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In the event of a conflict between the two sets of rules, the Provincial Face Covering Laws will prevail.

Despite this duplication, Enforcement staff maintain that the City's Face Covering By-law remains a useful tool for bringing residents and the public into compliance with the face covering rules for the following reasons:

- Face Covering Policy – According to the City's Face Covering By-law, businesses are required to maintain face covering policies and to post signage related to these policies. This is not a requirement at the Provincial level. The face covering policy has been a useful tool to help educate both businesses and the public related to the rules for face coverings.
- Fines – The fines pursuant to the City's Face Covering By-law range from \$150 to \$300. These fines tend to be more appropriate for tickets issued to small businesses on a first charge. Tickets issued pursuant to the Provincial Face Covering Laws carry a higher fine in the amount of \$750 and are more appropriate for repeat offenders.

By being able to lay a charge pursuant to either the City's Face Covering By-law or the Provincial Face Covering Laws, Enforcement staff have the flexibility to make the most appropriate enforcement decision under the circumstances.

The following table provides an overview of the current enforcement statistics related to the City's Face Covering By-law and the Provincial Face Covering Laws. These statistics have been updated to November 30, 2020.

Public Complaints		
(March 30, 2020 to Present)		
TYPE	Week of Nov. 23rd	Cumulative
Businesses (including face coverings)	221	1,956

Charges and Fines		
(March 30, 2020 to Present)		
TYPE	Week of Nov. 23rd	Cumulative
Businesses - \$750	16	135
Face Covering By-law - \$300	7	22

Comments

The City's Face Covering By-law is set to expire on January 21, 2021. As a result, staff are recommending that the Face Covering By-law be amended to extend operation and enforcement from January 20, 2021 until June 30, 2020, which is the last scheduled meeting of City Council in 2021 before the summer recess.

Financial Impact

There are no financial impacts.

Conclusion

Council enacted the Face Covering By-law to help mitigate the spread of COVID-19 in the City of Mississauga. Despite the Province having introduced similar rules at the Provincial level back in October, Enforcement staff continue to lay charges pursuant to the Face Covering By-law.

As such, staff are recommending that the City's Face Covering By-law be amended to extend the operation and enforcement of these by-laws to June 30, 2021, which is the last scheduled meeting of City Council in 2021 before the summer recess.



Andra L. Maxwell B.A., LL.B., CIC.C, City Solicitor

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