

Municipal Business in the Face of an Emergency: Ontario Enacts the *Municipal Emergency Act, 2020*

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By Denise Baker,

Yesterday, the Ontario government enacted the [Municipal Emergency Act, 2020](#) which amends the *Municipal Act, 2001* and the *City of Toronto Act, 2006* to provide that, during emergencies, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for the purposes of quorum.

Specifically, the *Municipal Emergency Act, 2020* amends section 238 of the *Municipal Act, 2001* to provide that during a period when an emergency has been declared to exist in all or part of the municipality under section 4 or 7.01 of the *Emergency Management and Civil Protection Act*, the applicable procedure by-law may provide that members of councils, local boards and committees may participate electronically in open and closed meetings.

The *Municipal Emergency Act, 2020* also permits municipalities or local boards to hold a special meeting for the purposes of amending an applicable procedure by-law to provide for electronic participation in meetings, and members of the municipality or local board participating in such a special meeting electronically may be counted for the purposes of quorum for that special meeting.

Section 451.1(1) of the *Municipal Act, 2001* has also been amended to permit the Lieutenant Governor in Council to make regulations imposing limits and conditions on the powers of a municipality under section 129 of the Act. Section 129 gives municipalities the authority to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors. This amendment was enacted to ensure that for the near future, the delivery of goods to Ontario's businesses and consumers will not be impacted by municipal noise by-laws that may be unintentionally impeding such deliveries.

Pursuant to the amended section 451.1(1) of the *Municipal Act, 2001*, the Ontario government enacted [O. Reg. 70/20](#) on March 19, 2020, which states that for the purposes of section 451.1 of the Act, a municipality does not have the power to prohibit and regulate with respect to noise made in connection with the delivery of goods in a municipality.

The *Municipal Emergency Act, 2020* makes similar amendments to section 189 of the *City of Toronto Act, 2006* to permit the City of Toronto to amend its procedure by-law to permit electronic participation in meetings during a period when an emergency has been declared.

The purpose of these amendments are to ensure that municipalities can continue to function even when in-person meetings cannot be held and council decisions need to be made. The legislation assists with some of the uncertainty around how municipalities would function in the absence of in person meetings.

For those of you who have applications in the pipeline, if municipalities pass the requisite amendment to their procedure by-laws, they will be able to continue on with municipal business, including the processing of development applications by electronic means.

As always, do not hesitate to reach out to any member of the municipal team here at WeirFoulds, to assist you with your municipal/land use planning needs.

The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular application of the law to specific situations, the reader should seek professional advice.

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