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Our Reference #: M-2020-7608

July 7, 2020

Dear Sir/ Madam,

Since we first learned of COVID-19, our government has responded to the situation and continues to act decisively to contain the spread of this deadly virus. Nothing is more important than protecting Ontarians. While the declaration of emergency may come to an end shortly, the danger posed by COVID-19 will continue for months to come. That is why Ontario has introduced the Re-Opening Ontario – A Flexible Response to COVID-19 Act, 2020 that would, if passed, support the continued efforts to reopen Ontario in a way that recognizes that the impact of COVID-19 may still be felt for an extended period of time after the declaration of emergency is over.

This proposed legislation would allow the province to continue its path to recovery by easing restrictions where appropriate, while keeping in place measures to address the continuing threat from COVID-19. Emergency orders made under the *Emergency Management and Civil Protection Act* (EMCPA) that are in effect when the new legislation comes into force would be maintained under the new legislation. The proposed legislation also increases flexibility and efficiency by allowing all orders continued under the act to be extended for up to 30 days at a time. However, it will not permit the creation of new orders.

The ability to extend or amend orders under this legislation would automatically cease after one year unless extended by the Legislature and the legislation would mandate reporting to the Legislature after this one-year period and after any period during which those powers have been extended. To further ensure appropriate oversight and transparency, the proposed legislation would mandate reporting at least once every 30 days to a committee of the Legislature on the rationale for the extension of any orders.

There are three emergency orders made by the Ministry of the Attorney General that I would like to point your attention to: O. Reg. 73/20 – Limitation Periods; O. Reg. 76/20 – Electronic Service; and O. Reg. 129/20 – Signatures in Wills and Powers of Attorney.

Further to my consultation with the judiciary and legal organizations, on June 5, 2020 the Lieutenant Governor in Council amended O. Reg. 73/20 made under s. 7.1 of the EMCPA, **suspending limitation and procedural time periods** to extend the order up to and including September 11, 2020. As noted above, the Re-Opening Ontario – A Flexible Response to COVID-19 Act, 2020, would provide for 30-day extensions of orders. As a result, if passed the government intends to continue to extend the limitation and procedural time periods order until the previously announced date of September 11, 2020 given the need for predictability and notice to the profession and the public that we heard about during the consultations.

If passed, O. Reg. 129/20 that authorizes **witnessing wills and powers of attorney virtually** and O. Reg. 76/20 that authorizes **electronic service** would also be subject to the 30-day extension period set out in the Re-Opening Ontario – A Flexible Response to COVID-19, 2020. We will continue to monitor these orders to assess whether an extension of these orders may also be necessary.

The needs of the justice sector have changed during this outbreak, and the demands on the system will continue to evolve as the province reopens in stages. We will continue to act on the guidance of public health experts and will continue to work together to respond to these unprecedented challenges.

Sincerely,

A handwritten signature in black ink that reads "Doug Downey". The signature is written in a cursive style with a long, sweeping underline.

Doug Downey
Attorney General