

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: **New COVID Border Testing Orders under the *Quarantine Act***

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I am writing to share information provided by the Public Health Agency of Canada (PHAC) about new orders under the *Quarantine Act* (QA) related to land and air border testing and enhanced requirements for travelers.

As the lead agency for this initiative, PHAC has provided information on the new federally-led border regime, and below is a summary of changes that may have bearing on local police services of jurisdiction.

Border Measures – Land and Air

The QA currently restricts entry into Canada and outlines certain conditions for persons entering Canada at border crossings, including requiring individuals returning from travelling abroad to self-isolate for 14 days upon return to Canada, subject to certain exemptions.

The QA also directs travellers entering Canada to comply with a number of pre-arrival and on-arrival requirements, subject to certain exemptions, which came in effect on February 14, 2021 until April 21, 2021 unless further extended. For travellers arriving in Canada via an international flight, this includes a requirement to submit to a COVID-19 test upon arrival and then check in to a government-approved hotel until test results are received (usually within a period of up to 72 hours).

For travellers arriving via a land border crossing, all non-essential travellers five years of age and over will be required to provide:

- Proof of a negative result for COVID-19 molecular test that was performed in the United States on a specimen collected no more than 72 hours before entering Canada

Foreign nationals without a valid test result will be denied entry. Canadians and others with right of entry would be allowed entry but may be subject to fines or directed to a designated quarantine facility.

Travellers entering Canada at the land border will also be required to take a COVID-19 molecular test on arrival (i.e., Day 1) as well as toward the end of their 14-day quarantine (i.e., Day 10). COVID-19 self-swab test kits (two per person) will be distributed at all land ports of entry (POEs), and testing (i.e., observed self-swab collection) will be established at the following Ontario POEs by March 4, 2021:

- Queenston-Lewiston Bridge
- Ambassador Bridge
- Fort Erie (Peace Bridge)
- Windsor-Detroit Tunnel
- Sarnia (Blue Water Bridge)
- Rainbow Bridge
- Lansdowne (Thousand Islands Bridge)

Enforcement Approach

PHAC is implementing a graduated enforcement approach focusing on public education prior to issuing tickets for non-compliance. PHAC-designated Quarantine Officers may provide Ontario police officers with the information required to issue a Part 1 Certificate Offence or Part III Summons, but police officers retain the ability to apply discretion.

PHAC Officers are expected to be the primary witness and source of grounds for all charges laid under the QA. Enhanced fine amounts are now in effect for breaches of the QA pursuant to the *Contraventions Act*. Please refer to the attached PHAC resource document—developed for enforcement personnel—for additional information related to roles and authorities, as well as short form wordings and set fine amounts.

PHAC Officers may also request a peace officer to arrest without warrant a traveller who is not complying with the provisions of the QA, including for the purpose of bringing the traveller to a designated quarantine facility; however, discretion should still be applied prior to making any arrest, including consideration of clear risks to the safety of the individual or the public. Prior to arresting an individual under the QA, police must consider that government-approved quarantine hotels and designated quarantine facilities are not secure premises, and reliance is placed on the good will of the travellers to respect their legal obligation to remain within the facility.

We will continue to share new information about land and air border restrictions as they evolve. The attached PHAC guidance document provides helpful links to updated information and resources to support enforcement personnel.

Thank you once again for your continued efforts to help keep our communities safe and healthy.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is written in a cursive, slightly slanted style.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division

Attachment