

Response and Recovery Powers

Emergency and Disaster Management Act

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This document provides an overview of powers available under the Emergency and Disaster Management Act (the Act) during emergency response and recovery.

The powers described in this document apply only to states of emergency or recovery periods declared under the Act, which received Royal Assent on November 8, 2023. For states of emergency declared under the former Emergency Program Act, the powers provided under the Emergency Program Act continue to apply.

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Who Is Authorized to Exercise Response and Recovery Powers?

Response and recovery powers may be exercised by:

- the Minister of Emergency Management and Climate Readiness (the minister),
- the provincial administrator (i.e., a person within the Ministry of Emergency Management and Climate Readiness designated by the minister to administer the Act),
- the Lieutenant Governor in Council (i.e., the Lieutenant Governor of British Columbia acting with the advice of Cabinet), and
- local authorities (i.e., municipalities, regional districts, and Modern Treaty Nations).

First Nations Peoples, as represented by Indigenous governing bodies, are also decision-makers in emergency management. First Nations Peoples have a rights-based authority

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to practice emergency management. This document provides information on powers provided by the Act, as opposed to rights-based authorities.

How Can Response and Recovery Powers Be Exercised?

Generally, the minister may exercise their powers through orders. The powers of the Lieutenant Governor in Council can be exercised through orders or regulations, depending on a power.

The powers available to local authorities during a declared state of local emergency or declared local recovery period must be exercised through emergency instruments. An emergency instrument means an order if made by the following individuals:

- for a municipality, the mayor or an individual assigned by bylaw of the municipal council to act in the capacity of mayor in the mayor's absence,
- for an unincorporated area in a regional district, the chair of the board of the regional district, or, in the chair's absence, a vice chair,
- for a Modern Treaty Nation, the individual elected or appointed as the head of the Modern Treaty Nation under the final agreement and constitution of the Modern Treaty Nation,
- if any person referred to above is unable or unavailable to act, the person's deputy or another person who is authorized to act in the person's capacity in the person's absence,
- an individual designated by a local authority to act on behalf of the local authority, such as a member of the local authority's emergency management organization or an employee of a member of the multijurisdictional emergency management organization. For more information on multijurisdictional emergency management organizations, see the **Multijurisdictional Emergency Management Organization Factsheet** on the [Modernized emergency management legislation webpage](#).

An emergency instrument that is made by a person or entity other than an individual (e.g., a municipal council, a board of the regional district, an entity designated by a Modern Treaty Nation to act on behalf of the Modern Treaty Nation) means a bylaw, resolution, law or other type of legal instrument.

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Certain powers available to local authorities cannot be exercised by the individuals referred to in the list above or by any person or entity designated by a local authority to act on behalf of the local authority and may only be exercised by a governing body of a local authority, such as a municipal council, a board of the regional district or the government of a Modern Treaty Nation. These powers include the powers to adopt a bylaw to borrow money to pay response or recovery expenses (see row 30 in the Table **Powers Available During Declared State of Emergency or Declared Recovery Period** below). Additionally, they include the powers described in rows 3, 5, 7-14, and 17-20 of the Table during a local recovery period.

For more information on the process for declaring a state of local emergency, and the requirements for designating persons or entities to act on behalf of a local authority, see the **Guide for Declaring a State of Local Emergency in British Columbia** on the [Local government emergency operations](#) webpage. For more information on the process for transitioning to a local recovery period, see **the Decision Guide for Transition to Local Recovery Period**.

Response and Recovery Powers Available at Any Time

Powers described below are available only to the minister and can be exercised at any time (i.e., these powers are not restricted to a declared state of emergency or declared recovery period).

Requiring Entities to Take Certain Actions

The minister may require a public sector agency, municipality, regional district, or critical infrastructure owner to take one or more of the following actions, if the minister is satisfied that an order is necessary to respond to or recover from an emergency:

- provide specific information to the provincial administrator,
- consult and coordinate with a person with respect to assessing an emergency and the emergency measures to be taken,
- take one or more emergency measures,
- provide emergency resources or the use of land,
- comply with directions of the provincial administrator with respect to any of the matters described above.

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Requiring Municipalities or Regional Districts to Support Others

In circumstances where a person who is authorized to exercise response or recovery powers is unable to adequately respond to or recover from an emergency, the minister may require a municipality or a regional district to take one of the following actions either within its own jurisdiction or within another person's jurisdiction:

- take one or more emergency measures,
- provide emergency resources or the use of land,
- comply with directions of the provincial administrator with respect to any of the matters described above.

Note: Under the Act, the jurisdiction of a regional district consists of any electoral areas within the regional district.

Response and Recovery Powers Available During Declared State of Emergency or Declared Recovery Period

Unless otherwise indicated in the table below, powers held by a provincial decision-maker (the minister, the provincial administrator, or the Lieutenant Governor in Council) require a provincially-declared state of emergency or recovery period, as applicable, to be in place. Powers held by a non-provincial decision-maker (a municipality, regional district, or Modern Treaty Nation) require a locally-declared state of emergency or recovery period, as applicable, to be in place.

Note: While municipalities, regional districts and Modern Treaty Nations are all local authorities, the powers available to each differ in some cases. For clarity, the table below refers to each of these entities separately, rather than using the collective term "local authority".

The minister, municipalities and regional districts are required to consult and cooperate with Indigenous governing bodies before taking certain actions related to land or property during a declared state of emergency or declared recovery period. The table below identifies each power where consultation and cooperation is required before the minister, a municipality or a regional district makes an order or an emergency instrument.

In the instances where the table below indicates that consultation and cooperation is required before the Lieutenant Governor in Council can make a regulation, it is the

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minister who must consult and cooperate with Indigenous governing bodies if the minister intends to recommend to the Lieutenant Governor in Council to exercise those powers by making a regulation.

Municipalities and regional districts are required to make reasonable efforts to reach agreement respecting areas to be described in their emergency management plans for the purposes of consultation and cooperation with Indigenous governing bodies during the response and recovery phases. These agreements should be made with each Indigenous governing body that acts on behalf of First Nations Peoples whose traditional territory or treaty area includes an area within the jurisdiction of the municipality or regional district.

For more information related to consultation and cooperation, see the **Interim Guidance on Indigenous Engagement Requirements** on the [Modernized emergency management legislation](#) webpage.

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Powers Available During Declared State of Emergency or Declared Recovery Period (1/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order, Regulation, or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
1	Do all acts and implement all procedures necessary to respond to an emergency	Minister	✓		
		Modern Treaty Nations	✓		
2	Require a person to provide information	Minister	✓		
3	Identify essential goods, services, property, or facilities and, in relation to those things, do any of the following: <ul style="list-style-type: none"> ■ establish price controls ■ ration or provide for their distribution or use ■ provide for their restoration Example: Preventing increases in prices for food and bottled water in situations where supply chains have been interrupted.	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
4	Identify essential goods, services, property, or facilities and, in relation to those things, prohibit or limit seizures or evictions	Minister	✓		
		Lieutenant Governor in Council		✓	
		Modern Treaty Nations	✓		
5	Authorize a qualified person to provide a service or give assistance Example: Authorizing tow truck drivers to clear vehicles that may be legally parked, but that are impeding access to areas where emergency measures need to be taken.	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	

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Powers Available During Declared State of Emergency or Declared Recovery Period (2/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order, Regulation, or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
6	Require a qualified person to provide a service or give assistance Example: Requiring construction crews to remove debris after an earthquake.	Minister	✓		
		Municipalities and Regional Districts	✓		
		Modern Treaty Nations	✓		
7	Provide for the provision and maintenance of necessities	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
8	Appropriate, use, or control the use of goods	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
9	Use or control the use of land Example: Requiring a landowner to allow access to their land for the purposes of emergency response, such as hosting a staging area for response personnel or equipment.	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	

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Powers Available During Declared State of Emergency or Declared Recovery Period (3/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order, Regulation, or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
10	Authorize entry into structures or onto land to take emergency measures	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
11	Prohibit entry into structures or onto land by any person Example: During a declared recovery period, preventing re-entry by evacuees into an area that is not yet safe for habitation.	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
12	Authorize or require alterations, removal, or demolition of trees, crops, structures, or landscapes	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	

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Powers Available During Declared State of Emergency or Declared Recovery Period (4/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order, Regulation, or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
13	Authorize or require the construction, alteration, removal, or demolition of works	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
14	Require structures to be assessed for damage Example: Requiring an inspection for potential earthquake damage to the foundation of a residential apartment building.	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
15	Require the evacuation of persons or authorize the evacuation of persons or animals	Minister ¹	✓		✓
		Provincial administrator (with respect to areas not in the jurisdiction of a local authority)	✓		✓
		Municipalities and Regional Districts	✓		✓
		Modern Treaty Nations	✓		

¹ Unless the minister directs otherwise, powers 15 and 16 can also be exercised by the provincial administrator for areas not within the jurisdiction of a local authority.

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Powers Available During Declared State of Emergency or Declared Recovery Period (5/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order, Regulation, or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
16	Authorize the removal of goods Example: Authorizing the removal of abandoned vehicles from a highway or road to allow emergency vehicle access.	Minister ¹	✓		✓
		Provincial administrator (with respect to areas not in the jurisdiction of a local authority)	✓		✓
		Municipalities and Regional Districts	✓		✓
		Modern Treaty Nations	✓		
17	Control or prohibit travel on certain roads for specific purposes or times of day. Example: Restricting travel on certain roads for specific purposes or times of day.	Minister	✓		✓
		Lieutenant Governor in Council		✓	✓
		Municipalities and Regional Districts	✓	✓	✓
		Modern Treaty Nations	✓	✓	
18	Control or prohibit business activities	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	

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Powers Available During Declared State of Emergency or Declared Recovery Period (6/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order, Regulation, or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
19	Control or prohibit events Example: Restricting gatherings during a disease outbreak.	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
20	Require a person to stop doing an activity, or put limits or conditions on doing an activity Example: Requiring backcountry workers to pause operations in an area at wildfire risk.	Minister	✓		
		Lieutenant Governor in Council		✓	
		Municipalities and Regional Districts	✓	✓	
		Modern Treaty Nations	✓	✓	
21	Assume control over one or more fire services and designate the fire commissioner to exercise authority over those services	Minister responsible for the Fire Services Act	✓		
22	Make exemptions from requirements under enactments ²	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
23	Modify requirements under enactments ²	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	

² A regulation made by the Lieutenant Governor in Council during a state of provincial or local emergency may continue to have effect into a recovery period. However, regulations authorized by powers 22 through 29 must be made during a state of emergency: they cannot be made during a recovery period.

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Powers Available During Declared State of Emergency or Declared Recovery Period (7/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order, Regulation, or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
24	Establish limits on how enactments apply ²	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
25	Establish powers or duties that replace or add to those in an enactment ²	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
26	Establish terms and conditions in relation to things done using powers 22 through 25 ²	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
27	Authorize issuers of licences, permits, or other authorizations made under enactments to modify, add, or remove limits or conditions, or the term, of the licences, permits, or other authorizations ²	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	
28	Suspend or change (without shortening) time periods under enactments ²	Lieutenant Governor in Council (during state of provincial emergency)	✓	✓	
		Lieutenant Governor in Council (during state of local emergency)	✓	✓	

² A regulation made by the Lieutenant Governor in Council during a state of provincial or local emergency may continue to have effect into a recovery period. However, regulations authorized by powers 22 through 29 must be made during a state of emergency: they cannot be made during a recovery period.

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Powers Available During Declared State of Emergency or Declared Recovery Period (8/8)

	Description of Power	Power Available To	Power Available During:		Consultation and Cooperation Required Before Making Order, Regulation, or Emergency Instrument
			Declared State of Emergency	Declared Recovery Period	
29	Provide that a failure to comply with a regulation made using powers 22 through 28 is to be treated as a failure to comply with the enactment modified using those powers ²	Lieutenant Governor in Council (during state of provincial emergency)			
		Lieutenant Governor in Council (during state of local emergency)			
30	Adopt a bylaw to borrow money to pay response or recovery expenses	Municipalities and Regional Districts			

² A regulation made by the Lieutenant Governor in Council during a state of provincial or local emergency may continue to have effect into a recovery period. However, regulations authorized by powers 22 through 29 must be made during a state of emergency: they cannot be made during a recovery period.

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Need more info?

Online: gov.bc.ca/emergencymanagementact

Email: modernizeEM@gov.bc.ca

References: Emergency and Disaster Management Act, sections 1 “critical infrastructure owner”, “emergency”, “emergency instrument”, “emergency management organization”, “emergency measure”, “emergency resources”, “head”, “Indigenous governing body”, “local authority”, “municipality”, “Nisga'a Nation”, “participating authority”, “provincial administrator”, “public sector agency”, “recovery power”, “regional district”, “response power”, 19, 68, 69, 73, 74, 75, 76, 77, 78, 79, 83, 84, 86, 89, 90, 107, 108, 109, 110, 113, 118, 119, 120

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