

Guide for Declaring a State of Local Emergency in British Columbia



Ministry of
Emergency Management
and Climate Readiness

More information

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Amendment Record

Version #	Release Date	Description
1	Dec 2006	Original document, with templates
2	Oct 2011	Comprehensive rewrite to interpret Sections 12 to 15 of the Emergency Program Act
3	Dec 2017	Change from specific Ministry name to “Minister responsible” on extension example
4	Jan 2019	Addition of Amendment Record, clarification for SOLE extensions and cancellations, proof of publication, and update of extension example
5	Feb 2020	Corrections to the Declaration Order data field descriptions and example page
6	Jan 2024	Comprehensive rewrite to reflect Emergency and Disaster Management Act

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Introduction

Declaring a State of Local Emergency (SOLE) enables local authorities in the Province of British Columbia to exercise the emergency response powers listed in the Emergency and Disaster Management Act. The emergency response powers are used by the local authority to take actions such as ordering the evacuation of residents from an area, prohibiting travel, or entering private property when an emergency threatens lives, property, or objects or sites of heritage value within the local authority's jurisdiction.

Local authority emergency program staff and elected officials must be prepared to declare a SOLE in response to an emergency at a moment's notice. Therefore, local authorities are strongly encouraged to have a clear and concise outline of the process for declaring a SOLE, as well as managing the application and use of the emergency powers.

This document provides answers to some of the most frequently asked questions and provides information on how to declare a SOLE. The example documents attached at the end of this manual are intended to assist local authorities in the collection of information that is required and appropriate for declaring a SOLE by order and may be used by local authorities as templates. The process for the creation and issuance of local authority bylaws is dictated by other legislation and is not covered in this document. Further, this document does not address details about the utilization of emergency response powers by a local authority.

This document is subject to revision and will be updated.

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Terminology

'Act' refers to the Emergency and Disaster Management Act.

'Emergency' means a state that

- is the result of any of the following:
 - an event that
 - has occurred, is ongoing or appears imminent, and
 - is caused by one or more incidents, whether or not those incidents occur in the same location or at the same time, of accident, fire, explosion, technical failure, rioting, security threat, terrorist activity within the meaning of section 83.01 of the *Criminal Code*, force of nature or a prescribed type of incident;
 - the presence, suspected presence, or imminent spread of a transmissible disease or an environmental toxin; and
- requires the prompt coordination of action, or the special regulation of persons or property, to protect;
 - the health, safety, or well-being of persons, or
 - the safety of property or objects or sites of heritage value

'Emergency instrument' refers to:

- an instrument, such as a bylaw or resolution if made by a local authority, or
- an order if made by an individual, such as the head of a local authority or a person designated to act on behalf of a local authority.

An emergency instrument may be used to declare a SOLE, to declare a local recovery period, or to exercise emergency powers.

'Local authority' means the following:

- (a) a municipality;
- (b) a regional district;
- (c) the Nisga'a Nation;
- (d) a treaty first nation.

'SOLE' refers to a state of local emergency.

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What is a SOLE declaration?

This is a temporary emergency measure authorized by the Act. A SOLE declaration must be made by an emergency instrument (such as a resolution, bylaw, or order), continues for a period of 14 days, and allows local authority access to emergency powers.

Emergency powers are authorized once a local authority, the head of a local authority, or person designated to act on behalf of a local authority declares a SOLE related to all or part of their jurisdiction by emergency instrument, if they are satisfied that an emergency is present or appears imminent.

The head of a local authority may only declare a SOLE if they have used reasonable efforts to obtain the consent, to the declaration, of the other governing members of the local authority.

Section 18 of the Act limits the scope of the emergency powers to the local authority's jurisdictional area.

Why would a local authority declare a SOLE?

A local authority might declare a SOLE when an event occurs within its jurisdiction that meets the definition of emergency in the Act. Generally, this would mean that the event requires the exercise of the emergency response powers.

To declare a SOLE, the use of emergency response powers must be considered necessary to respond to an emergency. These powers may affect peoples' rights and freedoms and should only be used by local authorities when no other reasonably achievable options are available.

The most frequently cited reasons for a SOLE declaration are to facilitate the mandatory evacuation of people and livestock, and the need to access private property when public safety is threatened or for the purpose of taking emergency measures.

When is a declaration of a SOLE NOT required?

A declaration is not required:

- To implement part, or all, of a local emergency response management plan that does not require the use of emergency powers.
- To benefit from statutory liability protections related to actions that do not

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- concern the use of emergency powers.
- To issue evacuation alerts.
- To recover eligible response costs.
- To qualify for financial assistance for eligible events under the Act.

How does a local authority declare a SOLE?

A SOLE declaration must be made by emergency instrument. For example, this could be either a bylaw or resolution if made by a local authority, or an order if made by the head of a local authority or an individual designated to act on behalf of a local authority.

Bylaw or Resolution

If time permits, the municipal council or the regional district board could meet to pass a bylaw or resolution that authorizes a SOLE declaration. The procedures for creating a local authority bylaw or resolution are explained in the [Procedure Bylaw Guide for BC's Local Governments](#).

Order

An order is a commonly used instrument given the nature of emergencies, as often there isn't sufficient time to complete the procedures required to establish a local authority bylaw or resolution. An order can only be issued by the head of a local authority, or an individual designated to act on behalf of a local authority. In the case of a municipality, the head is the mayor (or acting mayor). In the case of a regional district, the head is the board chair (or vice chair). The head of the local authority must use best efforts to obtain the consent of the other governing members of the local authority prior to making a declaration.

A sample template to declare a SOLE via order is available here in the appendix.

Additionally, an annotated version and completed example of the template are provided in the appendix of this guidance document.

What information must be included in a declaration of a SOLE?

A declaration of a SOLE must identify the following information:

- The nature of the emergency.
- The geographic boundaries (preferably shown on an attached map) within which the declaration will apply.

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To ensure the validity of the SOLE declaration, the following should be included:

- The date of the SOLE declaration.
- The signature of the head of the local authority, or the individual designated to act on behalf of the local authority (if applicable).

Authority to Act on Behalf of a Local Authority

A local authority can designate others to exercise emergency response powers on its behalf. A designation must be made in writing, with designated persons or entities identified by name, title, or position. This document may be included in the local emergency plan and should be readily available for use in the submission of the declaration.

A template of this authorization form is available in the appendix. Please note that this template is provided for convenience, and a local authority may choose to make the written designation in another format, provided that the designation meets the requirements of the Act.

There is an example provided in the appendix of this guidance document for reference.

Map of Impacted Area

It is recommended that a map of the identified geographic area described in the declaration order be prepared to assist everyone in understanding the scope and scale of the emergency.

Are local authorities required to consult with ministry staff prior to declaring a state of local emergency?

No. Local authorities should rely on their legal advisors to ensure that procedures for SOLE declarations are consistent with the Act. Ministry staff are available to provide support. Ministry staff cannot provide legal advice regarding the Act.

What must be done by a local authority once they have declared a SOLE?

As soon as reasonably practicable after making a declaration of a SOLE, the local authority or the head of the local authority must forward a copy of the declaration to the minister.

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The local authority must send a copy of the signed SOLE declaration to the appropriate local Ministry of Emergency Management and Climate Readiness regional office or Provincial Regional Emergency Operations Centre (PREOC), which will ensure the minister is informed of the SOLE. Verbal contact with the regional office/PREOC is recommended to ensure receipt of documents.

The declaration must be published by a means of communication that the local authority or the head of the local authority considers most likely to make the contents of the declaration known to the population of the affected area. For example, this could include media releases, social media posts, and website links. It is strongly recommended that accompanying maps are included in the publication.

How does a local authority use emergency powers?

Before using emergency response powers, a local authority must be satisfied that it is necessary to respond to the emergency.

A local authority may then make an emergency instrument, such as an order, resolution, or bylaw. If the order is made by an individual, the instrument may be made orally, but must be put in writing and published as soon as reasonably practicable after being made. The emergency instrument may apply to all or part of the area the SOLE declaration applies to, for all or part of the duration of the SOLE, and to any person, thing, or category of persons or things as established by the local authority.

More details on the emergency response powers available to local authorities are provided in Response and Recovery Powers Available Under the [Emergency and Disaster Management Act](#).

An emergency instrument must be published as soon as reasonably practicable and must also specify the state of emergency to which the instrument relates.

Some powers exercised via emergency instrument require local authorities to take certain actions prior to their exercise. This includes consultation and cooperation, notice, and consideration of comments, with regards to Indigenous governing bodies. Consent must also be provided by a Modern Treaty Nation before an action is taken if that action will impact treaty lands or the people on those lands.

The local authority must also consult and coordinate with other adjacent local authorities in affected areas with respect to evacuation actions. This will ensure that emergency responses are effective and coordinated to protect lives and property in the

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affected areas.

Resources: [Guidance on consultation and cooperation with Indigenous governing bodies](#) (including Modern Treaty Nations).

When do SOLE declarations and emergency powers cease to have effect?

Except for emergency borrowing measures, an emergency instrument made under the Act ends on the earliest of the following dates:

- The date stated in the emergency instrument enabling the emergency power;
- The date on which the local authority rescinds or repeals the emergency instrument enabling the emergency power; or
- The date on which the declaration expires or is cancelled

A SOLE declaration expires 14 days after the date it is made unless it is extended. The 14-day period is calculated by starting with the day after the SOLE declaration is made and includes the last day.

For example: if a local authority declares a SOLE on a Friday the 10th, this SOLE declaration will remain in effect until the end of the day, Friday the 24th.

SOLEs can be extended, or a recovery period can be declared, to enable continued access to emergency powers. In both cases, approval of the minister is required, other than for Modern Treaty Nations.

How does a local authority extend a SOLE declaration?

With approval in writing from the minister (not required for Modern Treaty Nations), the local authority may, by emergency instrument, extend the period of the SOLE declaration beyond the 14-day period by up to 14 days at a time. To receive approval from the minister, the local authority must give the minister notice of the types of response powers it proposes to use during the extended period, as well as a summary of consultation or engagement undertaken with, and any comments received from relevant Indigenous governing bodies (including Modern Treaty Nations, if applicable) in relation to the use of emergency powers that require consultation and cooperation. Each extension is effective for a maximum of 14 days.

The extension of an emergency instrument must identify the date of the original SOLE

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declaration and each previous amendment or extension, if any, and specify the period of the extension.

Templates to request the extension of a SOLE declaration are available here in the appendix.

As soon as reasonably practicable after an emergency instrument is made, the local authority must notify the minister and publish the extension.

Can a local authority change the area included in the SOLE declaration or the description of the nature of the emergency?

Yes. Both the nature of the emergency and the area to which the SOLE declaration applies can be amended using a process similar to that for extensions. If desired, it can be done at the same time as a SOLE declaration is extended. However, emergency instruments made to amend the nature or area of a SOLE do not automatically extend the time period.

How does a local authority cancel a SOLE declaration?

If the continued use of emergency powers is no longer required or justified, this may be an indication that the emergency has passed. If a local authority believes that an emergency is no longer present in an area covered by a SOLE, it must cancel the SOLE declaration for that area. This can be accomplished through either:

- Bylaw, resolution, law or other relevant legal instrument if the cancellation is by the local authority.
- By order if the cancellation is by the head of the local authority or by an individual designated to act on behalf of the local authority.

This means that a SOLE declaration made by a local authority and enabled through a bylaw or resolution can be cancelled by the head of that local authority, or by an individual designated to act on behalf of the local authority, via an order. Or, if a SOLE was declared using an order made by the head of a local authority or by a person designated to act on behalf of the local authority, the declaration can be cancelled by the local authority through a bylaw or resolution.

Alternatively, a local authority may, by emergency instrument, declare a local recovery period in circumstances where the emergency has subsided, and it is appropriate to

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transition the taking of emergency measures in that area from the response phase to the recovery phase. Declaring a local recovery period is subject to requirements in the Act, including approval by the minister. Ministerial approval is not required for Modern Treaty Nations. Guidance on transitioning to a local recovery period is forthcoming. In the interim, guidance can be obtained by contacting your local Ministry of Emergency Management and Climate Readiness regional office or PREOC.

It should be noted that local authorities are not required to declare a local recovery period. If the threat for which the original SOLE was declared has passed and recovery powers are not required, local authorities are encouraged to end their SOLE rather than declaring a local recovery period.

Notification of cancellation or expiry of the SOLE declaration must be submitted to the minister through the local Ministry of Emergency Management and Climate Readiness regional office or PREOC.

The local authority must publish the details of the cancellation or expiry by a means of communication that is most likely to make the contents of the declaration known to the people it impacts. For example, this could include media releases, social media posts, and website links.

The template to cancel a SOLE is available in the appendix. There is an example provided in the appendix of this guidance document for reference.

What must be done by a local authority once the SOLE declaration has been cancelled or expires?

A local authority, other than a Modern Treaty Nation, must also prepare and provide to the provincial administrator a final report on the SOLE declaration and, if applicable, the local recovery period. The report must be completed and provided within 120 days of the expiry or cancellation of the SOLE declaration or local recovery period declaration, whichever is later.

For guidance on how to prepare this report and templates, see [Post-Event Reporting for Local Authorities](#).

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Is it okay to simply let a SOLE declaration expire when access to the emergency powers is no longer required?

If emergency powers are no longer required, this may be a sign that the emergency has passed. SOLEs must be cancelled in respect of an area as soon as a local authority believes that the emergency is no longer present or no longer appears imminent in that area.

What happens to a declaration of a SOLE when a state of provincial emergency (SOPE) is declared?

In cases where a SOPE declaration and a SOLE declaration overlap, the two may coexist. The declaration of a SOPE does not automatically cancel or suspend a SOLE. This allows local authorities to manage the emergency in their jurisdiction in line with their needs, and to move to a recovery period as needed once the immediate danger to their area has passed. However, the minister may, by order, cancel a SOLE at any time.

When a SOLE is in place, can a local authority disregard provincial or federal acts or regulations?

No. A declaration of a SOLE allows a local authority access to very specific emergency powers that are intended to facilitate required actions to effectively respond to an emergency within the local authority's jurisdiction.

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Appendix A: Templates

The following pages contain templates with descriptive guidance and completed examples.

Summary List

- 1. Declaration of State of Local Emergency Order Template** – *a completed example with descriptive guidance.*
- 2. Local Authority Response Power Designation Matrix Template** – *a completed example.*
- 3. Extension and Amendment Request for Declaration of State of Local Emergency Template** – *a completed example with descriptive guidance.*
- 4. Declaration of State of Local Emergency Extension/Amendment Order Template** – *a completed example.*
- 5. Declaration of State of Local Emergency Cancellation Order Template** – *a completed example.*

Fillable Microsoft Word Templates for local authorities are provided on the Ministry's [Local Government Emergency Operations](#) web page.

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Declaration of State of Local Emergency ORDER

WHEREAS there is *flooding in Wobashau Creek* within the jurisdiction of *Regional District of Anywhere*;

AND WHEREAS the *flooding* poses an existing or imminent threat to people and property within the area known as *Electoral Area A*;

AND WHEREAS prompt coordination of action or special regulation of persons or property is required to protect the health, safety or well-being of persons or the safety of property or objects or sites of heritage value;

NOW THEREFORE:

I DECLARE, pursuant to Section 95 (1) of the *Emergency and Disaster Management Act*, that a state of local emergency exists in *Electoral Area A* within the *Regional District of Anywhere* due to *flooding* and *the potential harm to persons and property*.

Per Section 97 (1) of the *Emergency and Disaster Management Act*, the state of local emergency will remain in force for fourteen days, until the end of *10/03/2023* unless cancelled by the *Chair of the Regional District of Anywhere* or the Minister of Emergency Management and Climate Readiness or extended by the *Chair of the Regional District of Anywhere* with the approval of the Minister of Emergency Management and Climate Readiness.

Date

The format for dates should be; the month, followed by the numerical date, and then the numerical year. For example, September 19, 2023 would be written as: 09/19/2023

Nature of emergency / short hazard description

Provide a unique description of the imminent threat or hazard to the local authority jurisdiction. For example, "The Lillooet Lake

Fire" uniquely identifies that one fire as opposed to any other fire occurring in the local authority jurisdiction.

short consequence statement

Describe in general terms the potential consequences should the local authority lack the emergency powers indicated by the declaration order. For example, "potentially resulting in severe impact on the local economy and the wellbeing of citizens."

The Chair
The Regional District of Anywhere

09/19/2023

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Local Authority Response Power Designation Matrix

This form is optional and is only an example. Local authorities may choose to designate individuals to act on behalf of the local authority as they see fit, provided the requirements of section 19 are observed.

Reference: Emergency and Disaster Management Act (EDMA) Part 6, Div 4 – Local Authority’s Response Powers

Note: Enables use of response powers comparable to certain minister’s powers under Part 5, Div 4, of the Act.

Note: Section 19 enables the local authority to designate a person to act as, or on behalf of, the local authority in relation to the response powers below. The person must be a member of the local authority’s emergency management organization or an employee of a member of a multijurisdictional emergency management organization, as applicable. See section 19.

Response Powers		Designate			
		EOC Director	Deputy EOC Director	Operations Section Chief	Incident Commander
Section 107 (1)(a): Essential Matters <i>(minister’s powers under Section 75, with the exception of 75(1)(b)(iv))</i>	Identify supplies, equipment or other items, services, property or facilities, or a class of any of these, as essential, and in relation to those things: <ul style="list-style-type: none"> • establish or restrain increases in prices or rents for them • ration or otherwise provide for their distribution or use • provide for their restoration 	✓		✓	
	Authorize a person to provide a service and give assistance of a type that the person is qualified to provide or give.	✓			
	Require a person to provide a service or give assistance of a type that the person is qualified to provide or give.	✓			
	Provide for, maintain, and coordinate the provision and maintenance of necessities.			✓	✓
Section 107(1)(b): Land and Other Property <i>(minister’s powers under Section 76 (1))</i>	Appropriate, use, or control the use of any personal property.	✓			
	Use or control the use of any land.				✓
	Authorize entry without warrant into any structure or onto any land by any person for the purpose of taking emergency measures.			✓	✓
	Prohibit the entry into any structure or onto any land by any person.	✓			
	Authorize or require the alteration, removal, or demolition of any trees, crops, structures, or landscapes.			✓	
	Authorize or require the construction, alteration, removal, or demolition of works.			✓	
Require the owner of a structure to have any damage assessed and give assessment results to the minister or a person within a class of persons specified by the minister.				✓	
Section 107(1)(c):	Require a person to evacuate from any area to which a state of local emergency applies.	✓			✓

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Evacuation and Removals <i>(minister's powers under Section 77(1) or (2))</i>	Authorize the evacuation of individuals or animals or both, from the area.		√		
	Authorize the removal of personal property from the area.				√
	Arrange for: <ul style="list-style-type: none"> the adequate care and protection of evacuated individuals or animals, or both the adequate protection of personal property that has been removed 			√	
Section 107(1)(d): General Restrictions <i>(minister's powers under Section 78)</i>	Control or prohibit travel to or from any area.	√			
	Control or prohibit the carrying on of a business or type of business.	√			
	Control or prohibit an event or a type of event.	√			
	Require a person to stop doing an activity, including an activity that a person is licensed, permitted, or otherwise authorized to do under an enactment.		√		
	Put limits or conditions on doing an activity, including limits or conditions that have the effect of modifying a license, permit, or other authorization issued under an enactment.		√		

NOTE: Others may be included in the matrix at the discretion of the head of a local authority as long as they are permissible designates under section 19.

The designations shown in this form are effective **01/30/2023** and replace all prior designations.

Approved by: John Smith, Mayor, City of Victoria
Printed Name

Extension / Amendment

The template can be used to either extend or amend a state of local emergency, or both. **This example is for an extension with necessary changes.**

Nature of emergency / short hazard description

Provide a unique description of the emergency that was the basis for the SOLE declaration.. For example, "The Lillooet Lake Fire" uniquely identifies that one fire as opposed to any other fire occurring in the local authority jurisdiction.

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Extension and Amendment Request For State of Local Emergency

Date: 10/01/2023

WHEREAS a state of local emergency was declared on 09/19/2023 in relation to flooding in Wobashau Creek in the Regional District of Anywhere;

- *And whereas flooding is now affecting Electoral Area B, amendments are requested to the geographical scope of the order, so that it includes Electoral Area B.*

AND WHEREAS life and property remain at risk due to flooding in the Regional District of Anywhere;

AND WHEREAS response to this flooding continues to require the use of emergency powers under Section 107 of the *Emergency and Disaster Management Act*, to protect the health, safety or well-being of persons, or the safety of property or objects or sites of heritage value;

AND WHEREAS the *Regional District of Anywhere* is contemplating the use or continued use of powers under Section 107 of the *Emergency and Disaster Management Act*, including:

- *Requiring evacuation from an area*
- *Restricting travel to or from an area*

AND WHEREAS the following consultation was done under section 120(3) in relation to the exercise of the powers under section 107:

- *The Chair of the Regional District of Anywhere contacted the Indigenous Governing Body in Electoral Area A by phone and spoke with representatives.*
- *Established an agreement for the proposed approach to evacuations and travel restrictions.*
- *At the request of the Indigenous Governing Body, Range Road X was excluded from the travel restriction area for members of the local First Nation.*

The *Chair of Regional District of Anywhere* requests approval to extend the duration of the declaration of a state of local emergency in the area of *Electoral Area A and B* due to expire on 10/03/2023 at the end of the day for a further 14 days to 10/17/2023 at the end of the day.

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local authority

Use the corporate name of the local authority. For example, The Corporation of The District of Saanich.

Approval Request

Select the appropriate statement depending on whether the request is to amend or extend the state of local

List of emergency powers

List the powers that are expected to be used during the extended state of local emergency.

Consultation or Engagement

Summarize any consultation or engagement that occurred in relation to the use of land-based powers in the state of local emergency thus far, including comments received. If none has occurred or been required under Section 120, select the appropriate statement.

The *Chair of Regional District of Anywhere* requests approval to amend the declaration of a state of local emergency as follows:

- *Flooding is now affecting Electoral Area B. Amendments are requested to include Electoral Area B in the area of the state of local emergency.*

*The Chair
The Regional District of Anywhere*

10/01/2023

Minister Decision

IT IS HEREBY APPROVED NOT APPROVED pursuant to Section 96 of the *Emergency and Disaster Management Act* that the *Regional District of Anywhere* may:

Extend the state of local emergency declared on *09/19/2023* in respect of *flooding in Wobashau Creek* for a further 14 days to *10/17/2023* at the end of the day.

AND

Amend *the area to include Electoral Area B* for the state of local emergency as described above.

Minister of Emergency
Management and Climate Readiness

10/01/2023

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Extension and Amendment ORDER For State of Local Emergency

*Extension or
Amendment Order*
Prior to completing
this template,
approval to amend
or extend a State of
Local Emergency is
required from the
Minister of
Emergency
Management and
Climate Readiness

Date: *10/02/2023*

WHEREAS the health, safety, and well-being of persons, or the safety of property or of objects or sites of heritage remain at risk due to *flooding in Wobashau Creek* in the *Regional District of Anywhere* for which a state of local emergency was declared on *09/19/2023* pursuant to:

- *Wobashau Creek Flooding State of Local Emergency - order number 123;*

AND WHEREAS response to this *flooding in Wobashau Creek* continues to require prompt coordination of action to protect the health, safety, and well-being of persons, or the safety of property or of objects or sites of heritage value;

NOW THEREFORE:

IT IS HEREBY ORDERED pursuant to Section 96 of the *Emergency and Disaster Management Act*, that the declaration of a state of local emergency made by the *Regional District of Anywhere*:

Is extended for a further period of 14 days to *10/17/2023* at the end of the day.

AND

Is amended so that *the area of the state of local emergency includes Electoral Area B.*

The Chair,
The Regional District of Anywhere

10/17/2023

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Declaration of State of Local Emergency

CANCELLATION ORDER

Date: 10/15/2023

WHEREAS a state of local emergency was declared in relation to *flooding in Wobashau Creek* in the *Regional District of Anywhere* on 09/19/2023;

AND WHEREAS this *flooding* emergency no longer requires prompt coordination of action or the special regulation of persons or property, to protect the health, safety, or well-being of persons or the safety of property or of objects or sites of heritage value;

IT IS HEREBY ORDERED pursuant to Section 97 of the *Emergency and Disaster Management Act* that the declaration of a state of local emergency in *the Electoral Area A and B* is cancelled effective the above date at 6:00pm.

Printed Name

*The Chair,
The Regional District of Anywhere*

Signature

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