

IN THE MATTER OF the *Public Health Act*, RSPEI 1988, c P-30.1 (herein referred to as the "Act"), sections 39, 49 and 56.

PUBLIC HEALTH ORDER

TO: All persons residing in or present in the Province of Prince Edward Island; and
All businesses and organizations operating or carrying on business in Prince Edward Island;

WHEREAS a state of public health emergency was declared in the province on March 16th, 2020 pursuant to Order in Council EC2020-174;

AND WHEREAS pursuant to subsection 39(2) of the *Public Health Act*, the Chief Public Health Officer believes on reasonable and probable grounds that as a result of COVID-19:

- (a) a communicable disease exists in the province;
- (b) the communicable disease presents a risk to the health of persons in the province; and
- (c) the requirements specified in the order are necessary to prevent, decrease or eliminate the risk to health presented by the communicable disease.

AND WHEREAS pursuant to subsection 39(1) of the *Public Health Act*, the Chief Public Health Officer may require a person to take or refrain from taking any action that is specified in the order in respect of a communicable disease;

AND WHEREAS pursuant to subsection 49(3) of the *Public Health Act*, the Chief Public Health Officer reasonably believes that the population is not protected against COVID-19, and certain preventative measures are necessary to protect the population;

AND WHEREAS pursuant to section 56 of the *Public Health Act*, the Chief Public Health Officer may require any person to provide information that the Chief Public Health Officer reasonably considers necessary to:

- (a) assess the threat that a disease presents to public health and plan for and address the threat; or
- (b) evaluate and monitor the health and safety of the general public;

NOW THEREFORE pursuant to my authority under subsections 39(1), 49(3) and 56 of the *Act*, the following order is made:

1. For the purposes of this Order, the following definitions apply:

1.1 "Self-isolate" means adhering to the following restrictions:

- a. Except to seek medical care or due to extraordinary circumstances such as reasons of personal safety, remain in your residence or residence grounds, or if you live in an apartment building, remain on the building's property and keep a two-metre distance from other persons at all times while in corridors, stairwells, elevators, other shared spaces and outdoors; and
- b. If you must leave your property for a reason outlined in clause 1.1(a) above, keep a two-metre distance from others at all times, other than during treatment by a health care worker.

1.2 "Close contact" means:

- a. A person who provides care, lives with, or has close physical contact with a person who is confirmed as having COVID-19; or
- b. A person who comes into direct contact with the infectious body fluids of a person who is confirmed as having COVID-19.

A "close contact" does not include a person who consistently and appropriately uses personal protective equipment while caring for a person who is confirmed as having COVID-19.

2 Subject to the exemptions at clauses 3 and 4, persons residing in or present in the Province of Prince Edward Island who fall under one of the categories below shall self-isolate for the period of time specified:

- 2.1 Persons identified as a close contact of a confirmed or probable case of COVID-19, shall self-isolate for a period of 14 days from the first day of close contact, regardless of whether a negative test result for COVID-19 is received during that period.
 - 2.2 Persons diagnosed with COVID-19 shall self-isolate for a period of at least 14 days after the onset of symptoms and until cleared by a public health official.
 - 2.3 Persons who are symptomatic and awaiting the results of a test for COVID-19 shall self-isolate for a period of 14 days from the day of testing, regardless of whether a negative test result for COVID-19 is received during that period.
 - 2.4 Persons who have travelled outside of Canada on or after March 8, 2020 shall self-isolate for 14 days from the date of their return to Canada or for the duration of their stay in the province (if shorter than 14 days), regardless of whether a negative test result for COVID-19 is received during that period.
 - 2.5 Persons entering the province as of March 21, 2020, shall self-isolate for 14 days or for the duration of their stay in the province (if shorter than 14 days), regardless of whether a negative test result for COVID-19 is
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received during that period.

- 3 Health care workers are subject to the following requirements to self-isolate:
 - 3.1 If diagnosed with COVID-19, health care workers shall self-isolate until they receive two negative test results (24 hours apart) and are cleared by a public health official.
 - 3.2 If symptomatic and awaiting the results of a test for COVID-19, health care workers shall self-isolate until a negative test result is received.
 - 4 The following persons are exempt from the requirement to self-isolate established in clause 2.5, however, they shall self-isolate for the duration of their stay in the province, other than when they are performing work duties:
 - 4.1 Asymptomatic workers engaged in providing services in the trade, transportation, construction, agriculture, fisheries, aquaculture and livestock sectors including truck drivers and crew on any plane, helicopter or marine vessels arriving in Prince Edward Island from another province or territory in Canada.
 - 4.2 Asymptomatic workers essential to the critical maintenance of the province's infrastructure in the trade, transportation and healthcare sectors.
 - 4.3 Asymptomatic workers engaged in providing essential services to PEI, including but not limited to, health and social service providers, postal service workers, members of a police service and others employed for the preservation of the peace and emergency responders, except those workers who have travelled internationally since March 8, 2020 and have not yet completed 14 days of self-isolation upon return.
 - 4.4 Persons travelling for emergency medical purposes, including patients and persons necessary to travel with patients, and persons accompanying animals for emergency services at the Atlantic Veterinary College.
 - 4.5 Such other persons as may be otherwise exempted under exceptional circumstances by the Chief Public Health Officer.
 - 5 For the purposes of this Order:
 - 5.1 "Essential Services" means services that, if interrupted, would endanger the life, health or personal safety of the whole or part of the population. For greater certainty, food supplies, health, financial support and utilities are essential services.
 - 5.2 "Non-Essential Services" means services that, if interrupted, would not impact life, health or personal safety of the whole or part of the population.
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For examples of services that fall into the above categories, please see: <https://www.princeedwardisland.ca/en/information/health-and-wellness/essential-and-non-essential-services-covid-19>.

6 Effective March 17, 2020, Non-Essential Services shall not offer or provide services to the public at a location that is accessible to the public. Non-Essential Services include, but are not limited to, the following categories:

- Organized outdoor and indoor events (festivals, sporting, concerts, etc)
- Recreational facilities/indoors (arenas, pools/wellness recreational centres, youth centres, gyms and fitness facilities, yoga and pilates studios, bowling alleys, etc.)
- Casinos, horse-racing, Bingos, Chase the Ace and other community fundraising activities
- Malls and retail stores (with the exception of those business identified as Essential Services)
- Community centres
- Libraries
- Tour Operators
- Bottle Depots
- Museums and art galleries
- Bars and clubs
- Theatres and movie theatres
- Restaurant dining rooms and buffet style service
- Personal service establishments (barber, hair salons, massage, nail and other salons, spas, tattoo and piercing studios)
- Regulated health professionals, unless the services to be provided are to address essential health care or an emergency health care situation. Virtual care for non-emergency/elective care services is permitted, if professionals are authorized to provide this care within their scope of practice and as established by their governing college
- Unregulated health services providers, with the exception of those that are providing direct support to regulated health services providers in essential health care or an emergency health care situation

Non-Essential Services may continue serving the public by means of phone, virtual services, delivery or pick-up, provided that the preventative measures outlined in clause 8 below are followed.

7 No business may operate a Video Lottery Terminal (VLT). Community fundraising lotteries are only permitted to operate virtually.

8 Business owners and managers of workplaces which are permitted to continue serving the public under this Order, shall take the following preventative measures:

- 8.1 take every reasonable step to ensure minimal interaction of people within two metres of each other; and
- 8.2 take every reasonable step required to prevent employees from entering workplaces who are required to self-isolate as provided in clause 2.

- 9 All child care facilities, including licensed and unlicensed centres, are closed to the public effective March 17, 2020, except for those licensed centres approved by the Department of Education and Lifelong Learning to offer child care services to essential service workers in accordance with the "Conditions for Re-opening Selected Licensed Child Care Centres".
- 10 Gatherings of more than 5 people are prohibited. For greater clarity, this prohibition does not apply to facilities where health care or social services are provided; businesses or workplaces that are permitted to be open under this Order; or groups of persons living in the same dwelling.
- 11 Visitation to nursing homes and community care facilities is prohibited, unless for exceptional circumstances including end of life.
- 12 Every person entering the province at any point of entry shall take the following actions:
 - 12.1 stop at designated stations;
 - 12.2 answer the screening questions of a public health official or health practitioner, including name, license plate number, contact information, travel details, reason for entering the province, occupation and symptom information;
 - 12.3 advise public health officials of their self-isolation plan;
 - 12.4 declare if they are experiencing symptoms such as coughing, difficulty breathing, or fever; and,
 - 12.5 submit to temperature screenings, if requested.

THIS ORDER is effective March 31, 2020 and is in effect for a period of 30 days, unless it is sooner terminated or continued by the Chief Public Health Officer.

TAKE NOTICE THAT failure to comply with this Order is an offence for which you may be liable on summary conviction in accordance with section 66 of the *Public Health Act*.

DATED at Charlottetown in Queens County, Province of Prince Edward Island this 31st day of March, 2020.



Dr. Heather Morrison
Chief Public Health Officer

May 14, 2020

Samantha Murphy
Manager of Municipal Affairs
PO Box 2000, Municipal Affairs
3 Brighton Road, Aubin-Arsenault Building,
Charlottetown PE C1A 7N8

Dear Samantha:

The City of Charlottetown has adopted an amendment for *"A site specific exemption in the Institutional (I) Zone of the Zoning & Development By-law as it pertains to 550 University Avenue (PID #373126) in order to allow the proposed nine (9) storey (35.4m) dormitory residence be constructed on the property which exceeds the maximum building height in the Institutional (I) Zone"*.

The City has followed all municipal bylaw procedures and the procedures as contained in the *Planning Act* in approving this amendment. The following details the submitted materials and procedures followed by the City in approving these amendments:

- Planning Board minutes dated Monday, March 02, 2020, recommending that Council approve the request to proceed to a public consultation to consider the proposed amendment.
- Council minutes dated Monday, March 09, 2020, approving the request to proceed to a public consultation, and the resolution approving this request.
- Notices were posted on the subject property on the following dates:
 - *March 10, 2020 (Tuesday) – notifying the residents of the Public Meeting scheduled on March, 24, 2020*
 - *March 18, 2020 (Wednesday) – notifying the residents that the Public Meeting is being rescheduled to March, 30, 2020*
 - *March 26, 2020 (Thursday) - notifying residents that the public meeting scheduled on March 30, 2020 is being cancelled*
 - *April 15, 2020 (Wednesday) – most recent notice notifying the public that the meeting is moving ahead on April 28, 2020*
- Advertisements published in the following editions of *The Guardian* notifying the public of the Public Meeting of Council:
 - *March 14, 2020 (Saturday) – notifying the residents of the Public Meeting scheduled on March, 24, 2020*
 - *March 21, 2020 (Saturday) – notifying the residents that the Public Meeting is being rescheduled to March, 30, 2020*
 - *March 28, 2020 (Saturday) - notifying residents that the public meeting scheduled on March 30, 2020 is being cancelled due to COVID-19 Social distancing restrictions*
 - *April 18, 2020 (Saturday) and April 25, 2020 (Saturday) - most recent notices notifying the public that the meeting is moving ahead on April 28, 2020.*

- Notice of the meeting was mailed to property owners within 100 meters of the subject properties on the following dates:
 - *March 10, 2020 (Tuesday) – notifying the residents of the Public Meeting scheduled on March, 24, 2020*
 - *March 18, 2020 (Wednesday) – notifying the residents that the Public Meeting is being rescheduled to March, 30, 2020*
 - *March 25, 2020 (Wednesday) - notifying residents that the public meeting scheduled on March 30, 2020 is being cancelled*
 - *April 15, 2020 (Wednesday) – most recent notice notifying the public that the meeting is moving ahead on April 28, 2020. Additional information was provided on how to participate in the Virtual Public Meeting being held via videoconference (Webex).*
- Public Meeting of Council minutes dated Tuesday, April 28, 2020.
- Planning Board minutes dated Monday, May 04, 2020, recommending that Council accept the proposed amendment.
- Council minutes dated Monday, May 11, 2020, approving the proposed amendment, and giving the 1st Reading of the Zoning and Development Bylaw, and final resolution.
- Council minutes dated Wednesday, March 13, 2020, giving the 2nd Reading of the Zoning and Development Bylaw.

If any additional information is required for this Bylaw amendment, please contact the Planning & Heritage Department at (902) 629-4112.

Sincerely,



Ellen Faye Catane
Intake Officer/ Administrative Assistant
Planning & Heritage Department
City of Charlottetown

Samantha Murphy
Manager of Municipal Affairs
PO Box 2000, Municipal Affairs
3 Brighton Road, Aubin-Arsenault Building,
Charlottetown PE C1A 7N8

Dear Samantha:

The City of Charlottetown has submitted a package for Ministerial Approval on May 14, 2020 as it pertains to 550 University Avenue (PID #373126) in order to allow the proposed nine (9) storey (35.4m) dormitory / residence be constructed on the property.

On May 19, 2020, the Planning & Heritage Department has received a request to provide additional information as it relates to the Public Meeting held on April 28, 2020. The minutes of the Public Meeting on April 28, 2020 has already been adopted by Council during its Regular Meeting of Council on May 11, 2020 and therefore, a revised draft of the minutes cannot be provided. However, additional information is provided below in relation to the Public Meeting as it pertains to 550 University Ave (PID #373126) to support Section 18(1) of the Planning Act with alternative means:

1. **Notice of the Public Meeting:** (*copies of the notices were included in the package sent to the Province on May 14, 2020*)
 - a. Notice of Public meeting was mailed to property owners within 100 meters of the subject property on April 15, 2020.
 - b. Notices were posted on the subject property on April 15, 2020.
 - c. Advertisements were published in the Guardian on April 18, 2020 and April 25, 2020

In all these notices, it was clearly indicated that the public meeting will be held via videoconference or teleconference to adhere to social distancing requirements by using any of these methods:

- *Webex; or*
- *Connect by phone and/or watch the live stream at www.charlottetown.ca/video; or*
- *Attend in person (social distancing policies will apply)*

Residents who just wish to watch or listen without participation may do so by watching the live stream at www.charlottetown.ca/video.

Residents who are interested to participate in the public meeting are encouraged to contact the Planning & Heritage Department by email at planning@charlottetown.ca or call 902-629-4158 on or before 4:30 p.m. on or before Thursday, April 23, 2020 to provide their contact details (name, phone number and/or email address). Business hours are between 8:00 AM – 4:30 PM, Monday – Friday. Staff will contact interested participants no later than 12:00 p.m. on Monday, April 27, 2020 with the details on how to participate in the meeting.

2. **Residents interested to participate in the meeting:**

- The department did not receive any calls/emails from residents prior to the meeting indicating that they would like to participate in the meeting. Staff only received emails from the applicants who will be participating in the public meeting.
- An email from a resident on March 19, 2020 indicating his intent to participate in the initial public meeting scheduled public meeting scheduled on March 30, 2020 which eventually was cancelled. On April 24, 2020, an email was forwarded to the resident with the information on how to participate in

the meeting. The resident emailed back indicating that he will be listening via live streaming only and not participate via Webex.

- Below is a summary of interested participants (attached email reference):

Name	Date of email
Jackie Podger, VP, Adm&Fin, UPEI (Applicant)	Wednesday, April 15, 2020
Mandy McKenna, Mgr of Cap Projects & Plng (Applicant)	Thursday, April 16, 2020
Derek Brennan, architect (Applicant/Architect)	Monday, April 20, 2020
Phil Arbing (Resident)	Thursday, March 19, 2020

- On April 24, 2020, an email was sent to interested participants with information on how to participate in the Webex meeting

3. Supplemental information for Public Meeting minutes on April 28, 2020:

a. Parkdale Room, 2nd Floor, City Hall

- Venue for the public meeting. In the minutes, Mayor Philip Brown presided the meeting at Parkdale Room. All those who physically present were listed down under “present”.
- Residents who would have contacted the Planning & Heritage Department indicating their interest in attending.
- Staff was at City Hall reception to anticipate any residents who have not notified the department but is attending the meeting. City Hall was setup with tv screens to be able to watch videos from the first floor, second floor foyer and Parkdale Room following social distancing requirements. No residents showed up at the meeting

b. Participated electronically

- means participating via videoconference, specifically using Webex application. Webex application allowed Council members, Planning Board members and staff to actively participate by viewing the actual presentation/streaming and are also able to ask questions or provide their inputs.
- Residents are encouraged to contact staff so the meeting details can be provided. No residents called to notify intent to participate via Webex.

c. Live Streaming

- Residents who are interested in viewing the live streaming of the meeting could only hear and see the meeting as it happens live but they don’t have an opportunity to participate/ask questions. Should they be interested in participating, option b above was noted in the letter.
- Staff were not able to determine the number of residents who may have watched the live streaming. However, staff was able to confirm from one resident (Mr. Arbing) was able to watch the live streaming.

d. Actual Meeting

At the beginning of the meeting, additional information from Mayor Brown regarding the meeting procedure to follow the social distancing requirements for face-to-face meeting:

- Second Floor foyer is setup with a 75 inch screen for the public to view the meeting
- TV screen available at the first floor of City Hall as well for the public to view the meeting
- Mayor Brown and Councillor Rivard present at the Parkdale Room

- e. Written submissions from the public:
- See attached letters of opposition and support from residents as attached in the Planning Board Report for May 04, 2020 Planning Board Meeting (Refer to attachment C)
- f. Webex and live streaming methods:
- Council members, Planning Board members, staff and members of the public are able to view and hear the meeting live as the meeting is being conducted using either Webex or live streaming.
 - Those connected via Webex are able to participate live (asking questions, giving comments, etc.) and this is being moderated by the Mayor.
 - For live streaming, residents are able to watch real time/live but are unable to participate.
- g. Additional minutes from sections of the meeting where the current procedure/method was mentioned and how the public can participate:
- When the floor was opened for questions, below is a verbatim excerpt from Mayor Brown: *"The best way to do this is, we are going to open it up and (unclear) allow presenters to give their views but please try to keep it within five (5) minutes. You can call in, you can tie into our Cisco Webex system also. The floor is open."* (long pause)
 - Throughout the duration of the meeting, Mayor Brown asked for any questions and at the end of the meeting, Mayor Brown noted, *"We haven't received any calls or requests from Webex and we have been on the line for almost 35 minutes, excluding the presentation from Jackie and Derek. I am going to ask, if there any questions, concerns from board members, Councillors, before I ask for adjournment?"*
 - Councillor Rivard also reminded everyone that the deadline for written comments or submissions is on April 30, 2020 at noon.

We hope that this additional information is sufficient to support the amendment to the Zoning & Development Bylaw as it pertains to 550 University Avenue (PID #373126) in order to allow the proposed nine (9) storey (35.4m) dormitory / residence be constructed on the property.

If you have any other questions or concerns, please do not hesitate to contact us.

Sincerely,



Ellen Faye Catane
Intake Officer/ Administrative Assistant
Planning & Heritage Department
City of Charlottetown

Reviewed by:



Alex Forbes, PCIP
Manager of Planning & Heritage