

## **Declaration of Emergency**

### ***Municipal Elections Act, 1996 (Section 53)***

#### **2022 By-election to fill the vacancy in the Office of Mayor**

Whereas, the Richmond Hill City Clerk (the “Clerk”), pursuant to By-law 132-21, passed by Council of the City of Richmond Hill on October 13, 2021, is required to conduct a By-election to fill the vacancy in the Office of Mayor, (the “2022 By-election”);

And whereas, pursuant to clauses 65(4)1 and 65(4)2 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended (the “Act”), the Clerk has set Nomination Day for the 2022 By-election to be Friday, December 10, 2021, and Voting Day is on Monday, January 24, 2022;

And whereas subsection 53(1) of the Act provides that the Clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act;

And whereas subsection 53(2) of the Act provides that on declaring an emergency, the Clerk shall make such arrangements as he or she considers advisable for the conduct of the election;

And whereas section 53(3) of the Act provides that the arrangements made by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it;

And whereas it is well established in law that the principles of the Act are that:

- (a) The secrecy and confidentiality of individual votes is paramount;
- (b) The election should be fair and non-biased;
- (c) The election should be accessible to the voters;
- (d) The integrity of the process should be maintained throughout the election;
- (e) There is to be certainty that the results of the election reflect the votes cast;
- (f) Voters and candidates should be treated fairly and consistently; and
- (g) A proper majority vote decides the election by ensuring, so far as reasonably possible, that valid votes be counted and invalid votes be rejected.

And whereas subsection 53(4) of the Act provides that an emergency declared by the Clerk continues until the Clerk declares that it has ended;

And whereas subsection 53(5) of the Act provides that, if made in good faith, the Clerk’s declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness;

And whereas, in response to the COVID-19 coronavirus disease (“COVID-19”), the Government of Ontario has declared an *Emergency Management and Civil Protection Act* (the “EMCPA”), and that the Orders 8/21, 25/21, 55/21 and 305/21 under the EMCPA remain in effect;

And whereas, the Government of Ontario enacted the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17*, and has under subsection 2(1) of that Act continued various orders made under the EMCPA that are still in effect;

And whereas regulations made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* establish what can generally be described as rules to protect the health and safety of Ontarians;

And whereas, in response to COVID-19, the City of Richmond Hill declared an emergency on March 20, 2020, pursuant to section 4 of the EMCPA, and the declaration of emergency remains in effect;

And whereas, it is reasonable to anticipate that COVID-19 will continue to constitute a significant public health and safety danger that could result in serious harm to persons throughout the period of the 2022 By-election;

And whereas, it is reasonable to anticipate that COVID-19 will likely prevent the 2022 By-election from being conducted in accordance with the Act;

Now therefore, in respect of the 2022 By-election, I, Stephen M.A. Huycke, City Clerk and Returning Officer for the City of Richmond Hill:

1. Do hereby declare that an emergency exists because of the continued outbreak of the COVID-19 coronavirus communicable disease pandemic (“COVID-19 pandemic”); and
2. That this declaration of emergency is made good faith for the sole purpose of ensuring that the 2022 By-election is conducted in accordance with the principles of the Act during the COVID-19 pandemic.

Signed at the City of Richmond Hill, Province of Ontario, this 14<sup>th</sup> day of October, 2021

“Signed version on file in the Office of the Clerk”

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Stephen M.A. Huycke  
City Clerk and Returning Officer

Witnesses:

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Name: Ryan Ban  
Title: Manager, Legislative Services/  
Deputy City Clerk

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Name: Donna Winborn  
Title: Elections Coordinator