



*Public Health Act*

**PUBLIC HEALTH INSPECTIONS  
AND ORDERS REGULATION**

**B.C. Reg. 52/2009**

Deposited March 2, 2009 and effective March 31, 2009  
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**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 52/2009 (O.C. 129/2009), deposited March 2, 2009 and effective March 31, 2009, is made under the *Public Health Act*, S.B.C. 2008, c. 28, ss. 117 and 118.

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at [www.bclaws.ca](http://www.bclaws.ca).

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*Public Health Act*

**PUBLIC HEALTH INSPECTIONS  
AND ORDERS REGULATION**

**B.C. Reg. 52/2009**

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**SCHEDULE**

**Definition**

- 1** In this regulation, “**Act**” means the *Public Health Act*.

**Recovery of costs by health authorities**

- 2** (1) If a health officer or health authority does work or contracts for work to be done under section 33 (1) (c) [*ordering others to comply and entering to take action*] of the Act, the health officer or health authority may recover reasonable costs from the person who was subject to the original order by filing in the Supreme Court a certificate in the form set out as Form 1 of the Schedule.  
(2) A certificate may be served personally on, or by registered mail sent to the last known address of, the person who was subject to the original order.  
(3) If a certificate is sent by registered mail, the certificate is deemed to be served on the person to whom it is addressed on the 14th day after deposit with Canada Post unless the person received actual service before that day.  
(4) On receiving a certificate, the person who was subject to the original order may request the Supreme Court to review the amount owing by filing an application in accordance with the Supreme Court Civil Rules.  
(5) A review must be a review of the reasonableness of the costs of the work done only and not a review of the reasonableness of the original order.  
(6) A decision of the Supreme Court under this section is final and is not subject to appeal.

[am. B.C. Reg. 163/2010.]

**Service of orders**

- 3** (1) Orders and notices of variations of orders may be served on a person who is affected by the order or notice as follows:
  - (a) personally;
  - (b) by registered mail sent to the person’s last known address;

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- (c) by electronic mail sent to the person's last known electronic mail address;
  - (d) if the order is in respect of a place, by posting it at a conspicuous location on the place;
  - (e) if the order is in respect of a class of persons, by
    - (i) delivering it to each person in the class through one or more of the methods set out in paragraphs (a), (b) or (c), or
    - (ii) if, in the opinion of a medical health officer, delivery to each person would be impractical in the circumstances or would be likely to cause a delay that could significantly increase the risk to the health of any person, by both delivering the notice by any communications media and posting the order at the location where it is most likely to be brought to the attention of the members of the class.
- (2) If an order or notice is sent by registered mail, the order or notice is deemed to be served on the person to whom it is addressed on the 14th day after deposit with Canada Post unless the person received actual service before that day.
- (3) Subject to subsection (4), if an order or notice is sent by electronic mail, the order or notice is not effectively served unless all of the following conditions are met:
- (a) the person who is subject to the order or notice confirms that the order or notice was received;
  - (b) the confirmation is made
    - (i) both verbally and by electronic mail,
    - (ii) by fax, including the person's signature, or
    - (iii) in writing, including the person's signature;
  - (c) the confirmation is received by the person who served the order or notice, or a person acting on that person's behalf, no later than 96 hours after the electronic message was sent.
- (4) Subsection (3) (c) does not apply if the person who is the subject of the order confirms, in writing, after the expiry of the 96 hour period that the order
- (a) was received by the person, and
  - (b) is effectively served.

[am. B.C. Reg. 76/2022, s. 4.]

**Reassessment of orders**

- 4** (1) A person may request reassessment of an order under section 45 of the Act only if the person is affected by an order made under section 29 (2) (a) *[to remain in a place or not enter a place]* or (g) *[to take preventive measures]* of the Act.
- (2) The request must be made in writing to the medical health officer who issued the order, stating the reasons why the order should be reassessed.

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- (3) Within 72 hours of receiving a request for reassessment, a medical health officer must consider whether the order is, or conditions within the order are, no longer necessary to protect public health.
- (4) On reassessment, a medical health officer must take into account any comments made
  - (a) by a person specified in the order under section 29 (2) (c) to (f) of the Act, and
  - (b) respecting the clinical condition of the person affected by the order, by a health care professional having the supervision or care of that person.
- (5) A second request for reassessment may be made in accordance with subsection (2) not earlier than 7 days following the first request.
- (6) A third or subsequent request for reassessment may be made in accordance with subsection (2) not earlier than 14 days following the previous request.

**Applications to court**

- 5 (1) An application to court may be made by submitting information on oath in the following form:
  - (a) for a warrant under section 47 of the Act, Form 2 of the Schedule;
  - (b) for an order described in section 49 (3) or (4) [*protect public health*] of the Act, Form 3 of the Schedule.
- (2) An application for a warrant under section 47 of the Act may be made
  - (a) in person, or
  - (b) if the health officer making the application believes it would be impracticable to appear in person, by telephone or other means of telecommunication.
- (3) A warrant may be issued in the following form:
  - (a) for a warrant under section 47 of the Act, Form 4 of the Schedule;
  - (b) for a warrant under section 49 (4) of the Act, Form 5 of the Schedule;
  - (c) for a warrant under section 50 (4) of the Act, Form 6 of the Schedule.
- (4) An application to court for
  - (a) an injunction under section 48 of the Act, or
  - (b) an order described in section 50 (3) or (4) [*protect personal health*] of the Actmay be made by filing an application in accordance with the Supreme Court Civil Rules.

[am. B.C. Reg. 163/2010.]

## PUBLIC HEALTH INSPECTIONS AND ORDERS REGULATION

## Schedule

**Certificates of danger to public health**

- 6** A medical health officer may detain a person under section 49 (5) *[detention by medical health officer to protect public health]* of the Act by signing a certificate as set out in Form 7 of the Schedule.

**SCHEDULE**

*[sections 2, 5 and 6 - recovery of costs, applications to court and certificates of danger to public health]*

**FORM 1 PUBLIC HEALTH INSPECTIONS AND ORDERS REGULATION**

*(Public Health Act sections 33 (1) (c) and 35)*

No. ....

..... Registry

In the Supreme Court of British Columbia

**RECOVERY OF COSTS CERTIFICATE**

Between

Creditor

and

Debtor(s)

I, .....*[name of health officer or corporate executive officer of health authority]*..... of .....*[name of health authority]*..... having authority to file certificates under section 35 (1) of the *Public Health Act*,  
CERTIFY THAT:

1. the Debtor(s) .....*[names of debtor(s)]*..... is/are subject to an order by the Creditor, .....*[name of health officer or corporate executive officer of health authority]*..... issued on .....*[date order was issued]*....., a copy of which is attached to this certificate and forms part of this certificate;
2. the Debtor(s) *is/are* not adequately complying with, or did not adequately comply with, the order;
3. the Creditor did work or contracted for work to be done under section 33 (1) (c) of the *Public Health Act* to prevent or remove, or mitigate the harmful effects of, the health hazard that is the subject of the order;
4. as a result of the work done or contracted to be done, the Debtor(s) owe(s) the Creditor the total amount set out below: *[Complete the required information in the table below.]*

Description of Cost	Date Incurred	Manner in Which Cost Incurred	Amount
1	<i>[dd/mm/yyyy]</i>		\$.....
2	<i>[dd/mm/yyyy]</i>		\$.....
		<b>Total Amount Owed to Creditor</b>	\$.....

Date: .....*[dd/mm/yyyy]*.....

Signature of health officer or  
corporate executive officer of health authority

**PUBLIC HEALTH INSPECTIONS AND ORDERS REGULATION**

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TAKE NOTICE that on filing with the Supreme Court of British Columbia, this certificate has the same effect, and proceedings may be taken on it, as if it were a judgment of the Supreme Court for the recovery of a debt in the amount stated above.

IF YOU INTEND TO REQUEST A REVIEW of the amount owing in this certificate, YOU MUST REQUEST a review by the Supreme Court of British Columbia in accordance with the Public Health Inspections and Orders Regulation within 30 days of being served with a copy of this certificate.

Court registry address:

Health authority address for service: *[Set out the street address of the address for service of documents.]*

Health officer or corporate executive officer of health authority:

Name:

Telephone:

Fax number (if any):

Email (if any):

## PUBLIC HEALTH INSPECTIONS AND ORDERS REGULATION

## Schedule

## Information to Obtain a Search Warrant

Canada: Province of British Columbia

Form 2 pursuant to section 47 of the *Public Health Act*

Court File No.(s):
Court Location:

This is the information of \_\_\_\_\_ a health  
officer of \_\_\_\_\_ in the  
Province of British Columbia (the "Informant"),

☐ taken by me.☐ submitted to me by a form of telecommunication which produces a written document, because it is impracticable for the Informant to appear personally before me for the following reasons:

The Informant has reasonable grounds to believe that entry and search of the

☐ premises☐ dwelling place☐ vehicle☐ vessel☐ aircraft☐ other (specify) \_\_\_\_\_

located at \_\_\_\_\_

is warranted for authorizing a health officer, or a person acting on behalf of a health officer, in the Province of British Columbia to enter and search the place(s) indicated above, and take any necessary action for the purposes of taking an action authorized under the *Public Health Act*, or determining whether an action authorized under the *Public Health Act* should be taken.

GROUNDS FOR BELIEF ARE:

The Informant asks that a warrant be issued authorizing health officer(s) in the Province of British Columbia to enter the place(s) indicated above.

SWORN/AFFIRMED before me

on \_\_\_\_\_

Date

at \_\_\_\_\_

City

British Columbia

Justice of the Peace in and for the Province of British Columbia

Signature of Applicant



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Schedule

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**Application to Court if Danger to Public Health**

Canada: Province of British Columbia

Form 3 pursuant to section 49 of the *Public Health Act*

Court File No.(s):
Court Location:

This is the application of \_\_\_\_\_, medical health officer  
of \_\_\_\_\_ at \_\_\_\_\_  
in the Province of British Columbia (the "Applicant").  
Name of medical health officer  
Health authority name  
Address, phone number

I am applying for orders that:

\_\_\_\_\_ be detained at \_\_\_\_\_  
for \_\_\_\_\_ ; and that  
\_\_\_\_\_ submit to  
Name of person  
Name of facility  
Terms of detention and expiry of order  
Name of person

\_\_\_\_\_ ; and  
an examination, preventive measures, or any other thing necessary to ensure that the person will not be a danger to public health

a warrant that \_\_\_\_\_ be apprehended and transported to \_\_\_\_\_  
Name of person  
Name of place

I make this application with the approval of the Provincial Health Officer, as evidenced by the document attached which then forms part of this application, on the basis of my belief that \_\_\_\_\_ is an infected person who, if not detained, may be a danger to public health.  
Name of person

The grounds for my belief are as follows:

(If more space is required, add more pages which then form part of this application)

Dated \_\_\_\_\_  
at \_\_\_\_\_  
British Columbia

\_\_\_\_\_  
Signature of applicant, medical health officer

\_\_\_\_\_  
Print name

The Court orders that:

☐ Application granted ☐ Application denied

Dated \_\_\_\_\_  
at \_\_\_\_\_  
British Columbia

\_\_\_\_\_  
Signature of Judge or Clerk of the Court on behalf of

**Affidavit of Applicant**

I, \_\_\_\_\_,

☐ Swear ☐ Affirm that:

1. I am the applicant for the order and/or warrant for apprehension of a person who may be a danger to public health.
2. The grounds of my belief are true to the best of my knowledge.

SWORN/AFFIRMED before me

on \_\_\_\_\_  
at \_\_\_\_\_ British Columbia  
Date  
City

\_\_\_\_\_  
Signature of Applicant

Justice of the Peace in and for the Province of British Columbia

PCR913 01/2009

**Warrant to Search****Canada: Province of British Columbia**Form 4 pursuant to section 47 of the *Public Health Act*

Court File No.(s):
Court Location:

To health officers in the Province of British Columbia:

I am satisfied, on the basis of the sworn/affirmed information of \_\_\_\_\_  
of \_\_\_\_\_  
Name of health officer  
Health authority name, address, phone number

in the Province of British Columbia that there are reasonable grounds to believe that entry and search of the following place(s) is necessary for the purposes of taking an action authorized under the *Public Health Act*, or determining whether an action authorized under the *Public Health Act* should be taken:

☐ premises      ☐ dwelling place      ☐ vehicle      ☐ aircraft      ☐ vessel      ☐ other

located at \_\_\_\_\_  
Location

This authorizes you, or a person acting on your behalf, to enter and search the place(s) indicated above, and take any necessary action for the purposes of taking an action authorized under the *Public Health Act*, or determining whether an action authorized under the *Public Health Act* should be taken.

Dated \_\_\_\_\_  
at \_\_\_\_\_  
British Columbia

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Justice of the Peace in and for the Province of British ColumbiaName

**Warrant to Arrest a Person Who  
May be Dangerous to Public Health****Canada: Province of British Columbia**Form 5 pursuant to section 49 (4) of the *Public Health Act*

Court File No.(s):

Court Location:

To peace officers in the Province of British Columbia:

\_\_\_\_\_, of \_\_\_\_\_,  
Name Address, phone number  
may be a danger to public health.

This is to command you, in Her Majesty's name, to arrest \_\_\_\_\_  
Name of person  
and to bring \_\_\_\_\_ to \_\_\_\_\_  
Name

Specify place \_\_\_\_\_

Dated \_\_\_\_\_  
at \_\_\_\_\_  
British Columbia

A Judge or a Clerk of the Court on behalf of \_\_\_\_\_

Warrant Executed (Return to Registry)

by \_\_\_\_\_

Date \_\_\_\_\_

FORM 6 PUBLIC HEALTH INSPECTIONS AND ORDERS REGULATION

(*Public Health Act* section 50 (4))

No. ....

..... Registry

In the Supreme Court of British Columbia

**WARRANT TO ARREST A PERSON  
WHO IS IN NEED OF CARE**

*To any Peace Officer:*

WHEREAS this court is of the opinion that .....*[name and address of person]*..... is living under conditions that are a health hazard, and that continuing to reside in the place may be a danger to the person's health:

YOU are hereby ordered to apprehend .....*[name and address of person]*..... and promptly bring him or her to .....*[Specify place]*.....

Dated at ..... the .... day of ....., 20...

.....  
A Judge of the Supreme Court of British Columbia

**Certificate Allowing a Medical Health Officer to Detain a Person, and Allowing for Apprehension and Transportation of the Person to a Place****Canada: Province of British Columbia**Form 7 pursuant to section 49 of the *Public Health Act*

I, \_\_\_\_\_,  
Medical health officer name  
of \_\_\_\_\_,  
Health authority name, address, phone number

for the reasons set out in the attached application which then forms part of this certificate, believe

\_\_\_\_\_ to be an infected person who, if not detained, may be a  
Name of person  
danger to the public health and, due to the unavailability of a judge of the Provincial Court to hear my application,  
authorize anyone to apprehend, detain and transport \_\_\_\_\_ to  
Name of person

\_\_\_\_\_ .  
Name of place

Dated \_\_\_\_\_  
at \_\_\_\_\_  
British Columbia

\_\_\_\_\_

Signature of medical health officer

\_\_\_\_\_  
Printed name