



February 22, 2023

Ms. Ingrid Svelnis, Chief Administrative Officer
Township of Brock
1 Cameron St E,
Cannington, ON L0E 1E0

Dear Ms. Svelnis:

**RE: Attached Notice of Required Action (May 1- September 30, 2023)
per Ontario Regulation 199/03, as amended - Control of West Nile
Virus**

The Regional
Municipality
of Durham

Health Department
Health Protection

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On May 16, 2003 the Ontario Ministry of Health and Long-Term Care sent a memo to all Medical Officers of Health announcing the enactment of Regulation 199/03 - Control of West Nile Virus (The "Regulation") under the *Health Protection and Promotion Act*. This Regulation was filed on May 15, 2003 and was printed in the Ontario Gazette on May 31, 2003.

The Regulation gives a Medical Officer of Health broad powers and duties respecting the control of West Nile virus. In particular, a Medical Officer of Health may give notice (the "Notice") to a municipality respecting a number of required actions such as source reduction, surveillance, larviciding, adulticiding, etc. The municipality must comply with the Notice, which remains in effect from May 1 to September 30, 2023.

Historically, local municipalities had expressed interest in the Regional Corporation enacting a standing/stagnant water by-law that would be enforced locally. According to Corporate Services – Legal Services, this Regulation eliminates the need for such a by-law.

Upon receipt of a Notice from the Medical Officer of Health, under the Regulation, your employees may enter onto private property in accordance with Section 41(1) of the *Health Protection and Promotion Act* (respecting rights of entry and powers of inspection) for the purpose of carrying out activities related to the control and prevention of West Nile virus. This includes investigating complaints regarding standing/stagnant water, and the remediation and/or elimination of standing/stagnant water in accordance with generally accepted practices.

The investigation of complaints regarding standing/stagnant water on private property is identified as a local municipal responsibility in the Durham Region West Nile Virus Response Plan. The Durham Region Health Department (DRHD) continues to meet with representatives from all of the municipalities to implement this comprehensive plan to reduce the risk of West Nile virus to Durham Region residents.

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Since 2003, the DRHD has established an effective partnership with the local municipalities to address standing/stagnant water issues on private and municipal property, including the retraining and development of municipal staff in the identification of mosquito breeding sites and remediation strategies.

The DRHD has developed a protocol, including a standard template for notices to owners of private property regarding standing/stagnant water, to be used by the local municipalities. The DRHD has also assumed the responsibility for enforcement issues, related to non-cooperative owners/occupiers of private property, following an investigation and referral by the local municipal by-law enforcement officers. The DRHD looks forward to further development of the partnership during the 2023 West Nile virus season.

I would like to take this opportunity to thank your municipality for your continued support and participation on various planning committees in the development and implementation of the Durham Region West Nile Virus Response Plan. I look forward to your continued support in reducing the risk of West Nile virus to the residents of Durham Region.

Should you have any questions, please contact Laura Freeland, Manager, Health Protection at 1-888-777-9613 ext. 4609.

Yours truly,

A handwritten signature in black ink, appearing to read 'R Kyle', is positioned below the 'Yours truly,' text.

Robert Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM
Commissioner & Medical Officer of Health
Durham Region Health Department

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NOTICE OF REQUIRED ACTION

PURSUANT TO ONTARIO REGULATION 199/03, AS AMENDED, PURSUANT TO THE *HEALTH PROTECTION AND PROMOTION ACT*, R.S.O. 1990, c. H.7, AS AMENDED

February 22, 2023

Ms. Ingrid Svelnis, Chief Administrative Officer
Township of Brock
1 Cameron St E,
Cannington, ON L0E 1E0

WHEREAS, Ontario Regulation 199/03 as amended, pursuant to the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended (the "Act") states:

- 1) a Medical Officer of Health shall make a determination whether action is required by a municipality to decrease the risk of West Nile virus to persons, either inside or outside the health unit served by the Medical Officer of Health, based upon a local risk assessment.
- 2) where the Medical Officer of Health has determined that action is required, he or she may give notice to the municipality of the required action, having regard to the guidelines published by the Minister of Health under section 7 of the *Health Protection and Promotion Act* and the generally accepted practices in the field of public health with regard to decreasing the risk of West Nile virus to persons,
- 3) employees of a municipality, subject to a Notice of Required Action, may enter and have access to premises as described in section 41 of the Act, for the purpose of carrying out a direction given under the Act;
- 4) a failure to comply with a Notice of Required Action constitutes an offence pursuant to subsection 100(4) of the Act.

I, Dr. Robert Kyle, Medical Officer of Health for the Regional Municipality of Durham, hereby provide notice of the following action(s) required to be undertaken by your municipality from May 1 to September 30, 2023:

- 1) On a complaint basis, conduct inspections of private and municipally-owned property located in your municipality for the purpose of identifying standing/stagnant water that has the potential to be a mosquito-breeding site,
- 2) Issue notices requiring the owner of such property to:
 - a) Remove standing/stagnant water, or

- b) Remediate/maintain the property in a manner that will neither permit water to become standing/stagnant for a period not greater than 4 days, nor support mosquito breeding; or
 - c) When the removal of such standing/stagnant water is not possible, implement vector control measures (larviciding) in accordance with Ontario Ministry of the Environment, Conservation and Parks regulations and guidelines respecting the use of pesticides for mosquito control,
- 3) Consult with the Durham Region Health Department on matters with respect to non-compliance with these notices and/or vector control measures,
 - 4) Maintain all roadside drainage ditches and other municipal property in a manner that will not permit water to become standing/stagnant for a period greater than 4 days.

THE REASONS FOR THIS NOTICE OF REQUIRED ACTION ARE THAT:

Surveillance data indicates that West Nile virus is or has been present in Durham Region. Mosquito populations can be diminished significantly by reducing their typical aquatic breeding habitats, a preventive strategy known as “source reduction”. Artificial containers of standing water and temporary floodwaters are examples of important breeding habitats for mosquitoes. Reducing aquatic breeding habitats is important in reducing the risk of West Nile virus to persons.

TAKE NOTICE THAT FAILURE TO COMPLY with this Notice of Required Action is an offence for which you may be liable, on conviction, to a fine of not more than \$25,000.00 for every day or part of each day on which the offence occurs or continues.



Robert Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM
Commissioner & Medical Officer of Health