



City of Hamilton

CITY COUNCIL ADDENDUM

20-022

Wednesday, October 14, 2020, 9:30 A.M.

Due to COVID-19 Hamilton Police Services Board Meetings Will Temporarily be Taking Place Virtually - All electronic meetings can be viewed at:

Hamilton Police Services Board Website: City's Website: <https://hamiltonpolice.on.ca/about/police-services-board> (under meetings)

City of Hamilton's Website: <https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

4. COMMUNICATIONS

4.3. Correspondence in response to Council's decision respecting the Integrity Commissioner's Report at the September 30, 2020 Council meeting:

*4.3.d. Lyla Miklos

Recommendation: Be received.

*4.15. Report FCS20086(a) respecting the Integrity Commissioner Follow-Up.

Recommendation: Be received.

*4.16. Correspondence from the Ministry of the Solicitor General and the Ministry of Municipal Affairs and Housing respecting the Enforcement of Orders under the Reopening Act, 2020.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

7. NOTICES OF MOTIONS

- *7.1. Reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member that, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

Lyla Miklos

October 12, 2020

Attn: City Clerk

Hamilton City Hall

71 Main Street West

Hamilton, Ontario

L8P 4Y5

e-mail: clerk@hamilton.ca

Re: Correspondence for Wed, Oct 14, 2020 City Council (Item 4.3. - Correspondence in response to Council's decision respecting the Integrity Commissioner's Report at the September 30, 2020 Council meeting.)

Dear Hamilton City Council,

I was deeply troubled and profoundly disturbed by the discussions that took place during the Hamilton City Council meeting of September 30, 2020 regarding the Integrity Commissioner's investigation of the current Chair of the City of Hamilton's Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee – Cameron Kroetsch.

In the report submitted by the Integrity Commissioner they state the following:

There is a distinction to be drawn between advice and advocacy. While an advisory committee, once it has completed its deliberations on a matter, may advocate a course of action to Council through the recommendations it submits, its role is not to advocate generally. For advisory committee members, it is sometimes a surprising revelation that their personal advocacy for a public policy issue may in some respects be constrained by their appointment to a body which is bound to an advisory role only, given the primacy of Council.

It is most certainly the role of an Advisory Committee to bring forward persuasive arguments to support recommendations seeking substantive change in how the City conducts itself to achieve public interest goals. In that sense the Advisory Committee can advocate for change. This Report, in part, examines to what extent advocacy which takes place outside the advisory committee framework established by the City meets the ethical standards established by the Code of Conduct.

The Advisory Committee Handbook also contains the following guidance regarding "Members Communicating with Any Outside Agencies, Including Other Levels of Government and Media": Please note that members of a Committee cannot correspond or speak to any Ministries, any outside agencies, or the media without Council's prior approval, as per Standard Operating Procedure #08-001 – Communicating with any outside agencies, including other Levels of Government and the media attached as Appendix "D" and the Code of Conduct attached as Appendix "G".

We find that the Respondent's public criticism and disparagement of Council and City processes during this radio interview, while identified as Chair of the LGBTQ AC, is conduct that undermines public confidence in the advisory committee, contrary to the Good Conduct provision in the Code.

This report, however, focuses on whether the Respondent has breached the Code of Conduct applicable to him. In that respect we have made findings, that: he has inappropriately used his position as Chair of the LGBTQ Advisory Committee, including by improperly and publicly criticizing and disparaging Council decisions and processes through a radio interview in which he was identified as participating in his role as Chair of the LGBTQ AC. This we consider to be a breach of the Rule 1 of the Code of Conduct, respecting good conduct, as referenced in paragraph 78.

As a Former Chair of the City of Hamilton's LGBTQ Advisory Committee, then known as the GLBT Advisory Committee, this was not my past experience nor understanding of my role as the Chair of an Advisory Committee for a marginalized community in the City of Hamilton.

I spoke to local media often, openly identifying myself as the Chair of the City of Hamilton's GLBT Advisory Committee. I never once was spoken to, reprimanded, corrected or punished by City Staff or Councilors for my actions. No one even hinted that my actions violated any codes of conduct. Never was I told that I needed to ask Council for permission in advance to speak to the media in my role as Chair of an Advisory Committee.

Below are several examples of me speaking to the media and identifying myself as the Chair of the City's GLBT Advisory Committee:

GLBT Members Speak Out Against Recent Hate Crime in Hamilton The Satellite (March 9, 2004)

According to a media release from the Gay, Lesbian, Bisexual and Transgender (GLBT) Advisory Committee for the City of Hamilton has invited other members of the community to join their next meeting. It takes place at Hamilton City Hall tomorrow at 6pm in Room 219.

"The recent vicious hate crime committed against a well-known gay citizen of Hamilton has deeply shaken our Gay, Lesbian, Bisexual and Transgender community," says Lyla Miklos, Interim Chair of the GLBT Advisory Committee for the City of Hamilton. "As much as this crime impacts the very core of our identities, we must not allow ourselves to give in to fear as a result of this tragedy. GLBT Hamiltonians have accomplished so much to be proud and loud about."

Hamilton is for all people: Mayor Larry Di Ianni urges the community to combat ugly intolerance of minority groups The Hamilton Spectator (March 13, 2004)

We, the undersigned representatives of concerned organizations within the Hamilton community, fully endorse Mayor Larry Di Ianni's statement.

As members of the Strengthening Hamilton's Community Initiative, we rededicate ourselves to working in partnership with him and the residents of this city to dialogue and plan actions to overcome hate and discrimination and build a harmonious community.

*Renee Johnston, Executive Director, Workers Arts and Heritage Centre
R. John Dolbec, Chief Executive Officer, Hamilton Chamber of Commerce
Winston Tinglin, Chief Executive Officer, United Way of Burlington & Greater Hamilton
Javid Mirza, President, Hamilton Muslim Association
Jagoda Pike, Publisher, The Hamilton Spectator
Gary Purdy, Professor and Director, McMaster University Centre for Peace Studies
Joan Browning Hamilton Mundialization Committee representative to SHCI
National Assoc. of Japanese Canadians (Hamilton) representative to SHCI
Wayne Marston, President, Hamilton and District Labour Council*

Dana Robbins, Editor-in-Chief, The Hamilton Spectator
Dr. Kevin P. D. Smith, President and Chief, Executive Officer, St. Joseph's Healthcare
Lyla Miklos, Interim Chair, Gay, Lesbian, Bisexual and Transgender Advisory Committee for The City of Hamilton
Harish C. Jain, Professor, McMaster University
Morteza Jafarpour, Executive Director, Settlement & Integration Services Organization
Dr. Bonnie Loewith, President, Hamilton Jewish Federation
Dr. David Somer, VP Community Relations, Hamilton Jewish Federation
Dr. Lorne Finkelstein, SHCI Roundtable representative, Hamilton Jewish Federation
Dr. Lester Krames, SHCI Roundtable representative, Hamilton Jewish Federation
Anne M. Pearson, Co-Chair, Hamilton Interfaith Group
Dr. Gary Warner, Director of Arts and Science, McMaster University
Gerald Fisher, Executive Director, Hamilton Jewish Federation
Dr. Leila Ryan, Chair, Hamilton Community Foundation
Lenore Lukasik-Foss, Sexual Assault Centre (Hamilton & Area)
Rebecca Wissensz, President, Hamilton Chamber of Commerce
Dennis Concordia, Director, Hamilton Chamber of Commerce
Brian Mullan, Chief of Police, Hamilton Police Services

Hamilton Rallies Around Victim Xtra! (Mar 18, 2004)

Di Ianni's statement was endorsed by more than 20 organizations including the Hamilton Chamber of Commerce, the Hamilton Police Service, the Hamilton Police Service, the Hamilton Muslim Association, the Hamilton Jewish Federation and the Hamilton and District Labour Council.

Lyla Miklos, interim chair of Hamilton's GLBT Advisory Committee, also wrote a lengthy article for the Spectator that appeared opposite the mayor's column.

Gays vent anger over bathhouse inspection The Hamilton Spectator (Aug 6, 2004)

Angry members of Hamilton's gay community lashed out at public officials last night, saying an inspection of a bathhouse made them feel violated and unsafe.

Two men were charged with indecent acts at the Warehouse Spa and Bath on Main Street West, after the multi-agency task force performed a routine inspection Tuesday.

Officials said the inspection was based on complaints, but it incensed members of the Gay Lesbian Bisexual Transgender community, and resulted in yesterday's meeting with representatives from the task force. The team is comprised of police, the fire department, health inspectors and city building and licensing officers, among others.

Lyla Miklos, representing the GLBT advisory committee to the city, said many men have been told by police officers to use bathhouses as a safe space to express their sexuality. Inspections that result in criminal charges send mixed messages, she said.

HAMILTON QUEERS HOOT, LAUGH AT COPS' STORY Xtra! (Aug 6, 2004)

Yet most members of the panel - which included representatives from fire, city police, the Ontario Provincial Police, by-law enforcement and public health - claimed that they didn't know what a bathhouse was, and

that they had no idea, until the controversy arose, that the Warehouse was intended to be a safe space for gay men to have sex with other men.

These claims were met with hoots of laughter and derision from the audience.

"I really think that after this incident, trust has been badly damaged and fractured," said Lyla Miklos, acting chair of the City's GLBT Advisory Committee. "I'm utterly confused and mystified to hear so many of you say, 'We didn't know that was a bathhouse,' 'We didn't know that was a place where men have sex with men.'"

No 'straight answers' from bathhouse meeting The Hamilton Spectator (Aug 7, 2004)

The city's gay community is still looking for answers following an inspection of a bathhouse where two men were arrested for indecent acts.

Lyla Miklos, a member of the Gay Lesbian Bisexual Transgender advisory committee, said police failed to give full answers at a meeting Thursday about why the inspection occurred and about the role of the multi-agency task force.

Every member of the GLBT community came away unhappy, Miklos said yesterday.

"Nobody was really giving concrete, straight answers to what we were asking," she said, including not being told what complaint led to Tuesday's inspection of the Warehouse Spa and Bath on Main Street West.

Two men were charged with indecent acts after multi-task agency members entered a common area and allegedly found them performing a sex act in front of other people, said Deputy Chief Tom Marlor.

The city's multi-agency task force, made up of police, the fire department, health inspectors and city building and licensing officers, inspected the bathhouse after receiving a citizen's complaint of a bylaw infraction.

The multi-agency task force inspected 13 other premises that night, including the Skyline Bar and Billiards on Main Street West, Leaf's Sports Bar and Grill on Main Street West and The Blue Angel on King Street East.

But no one knows what the infraction was, Miklos said. She said the group will hold a meeting next week to decide what its next step will be.

Aside from the question of what led to the inspection, she said many other questions remain, including what the multi-agency task force is as well as its mandate and goals and who it protects.

Miklos said they are also looking for stronger communication with the police on what she called "queer safe space" in the city.

"There are very few spaces in town where you feel, as a queer member of this community, that you can be yourself and just do your thing and not have to worry about your space being violated," she added.

Cops monitoring website led to gay bathhouse check The Hamilton Spectator (Aug 12, 2004)

The Warehouse was inspected by the multi-agency task force, comprised of police, the health department, city building and licensing, and the fire department, among others. The two men arrested were later charged with committing an indecent act.

Lyla Miklos, acting chair of the city's GLBT advisory committee, was stunned to learn the source for some of the complaints was a website.

She chaired a meeting yesterday at City Hall that allowed community members to vent and come up with solutions.

"Even if they found something on (the website), why couldn't they call the owners and tell them?" said Miklos, echoing the concerns of many over the mass inspections by the task force. Some questioned the legitimacy of a comment left on a website message board.

Marlor explained that the two men charged with indecent acts were charged because they were partaking in sexual acts "in the view of others." The act was taking place in a common area, with more than two people present, says Marlor.

"It's not an offence if they were behind a locked door," he noted, adding that heterosexual couples engaging in similar activity in a similar space would have also been charged.

But Miklos was disturbed at the number of officials who claimed not to know what a bathhouse is or what kind of activity goes on in it.

All those at the meeting agreed it's time to educate both the task force and the GLBT community. That means making sure the definition of a bathhouse and the kind of activity that takes place there is understood. Bathhouse owners should learn what activity is legal so they can inform their customers, and should know how to handle similar situations in future, such as asking for names or badge numbers of officers.

Advisory committee members committed themselves to pushing for a response from the city and police.

A task force out of control? Xtra! (Aug. 19, 2004)

The GLBT Advisory Committee is offering to provide cultural competency training to city staff who participate in the MATF. The public outcry has caused MATF members to examine their operation; it's having a meeting to reassess its mandate and process.

But is it the same old tune? Given that the GLBT Police Task Force was originally formed in 1997 in reaction to Project Rosebud - a police gay sex sting operation at the Royal Botanical Gardens - there is apprehension that Hamilton has now taken a couple of big steps backward.

Gilbert has attended all three public meetings. He was very disappointed in the presentation at the third meeting, which saw the first public presentation from Mullan, who was on holidays when the raid happened.

"It was just what I expected. Very anger-making and full of bullshit," says Gilbert. "He said basically that the police were just doing their job... they were not targeting the gay community."

Miklos also expressed disappointment in the level of expertise exhibited by senior police officials.

"I think this was good that it happened because now we're having the discussion but to have two deputy chiefs be so obtuse on the issue was a little disconcerting. Why don't they know about [the existence of bathhouses]?"

Det-Sgt Dave Calvert, with Hamilton's vice and drugs squad, says he is surprised by the outcry over the Warehouse arrests. Yet when asked if he now understood the concerns being raised by the community, Calvert asked this reporter to enumerate them for him.

Along with these examples from print media I also appeared on CHCH for a face off segment with the Hamilton Police Services Deputy Chief following the 2004 raid on a Hamilton Bathhouse by the City's multi-agency task force and called him a liar live on air.

No one took me aside and told me I had crossed a line.

I find it beyond disillusioning as a member of Hamilton's Two Spirit and LGBTQIA+ community to have to dig up media stories from my time as a Chair of a City of Hamilton Advisory Committee from well over a decade ago to not only point out a false narrative in the Integrity Commissioner's Report, but to also sadly reveal that history is once again repeating. Hamilton is once again in the news due to horrific hate crimes and there are major rifts between the Two Spirit and LGBTQIA+ community and the Hamilton Police Services.

It would sadly seem that not much has been learned by City of Hamilton leadership on either of these fronts, but at least when I was serving as the Chair of a City of Hamilton Advisory Committee the response to an attack on a member of the Two Spirit and LGBTQIA+ community was solidarity around the victim and community wide condemnation against the violent act of hate.

Instead of dealing with the hate and rot that has been allowed to fester in our beloved City, the leadership of our Municipality has instead decided to target a member of the Two Spirit and LGBTQIA+ community who has been doing some loud and proud truth telling and calling out our leaders for their lack of integrity.

The shameful behavior at September 30, 2020's City Council is taking us ten steps back as a City. I want us to move forward as Hamiltonians. I don't want to just dream about a Hamilton where we are all welcome and respected for who we are. I want it to be a reality.

Attacking a volunteer on an Advisory Committee for pointing out your failures in living up to the ideals the City of Hamilton aspires to is not only an abuse of powers, but a diminishment of our democracy.

From The City of Hamilton's website:

The City's vision "To be the best place to raise a child and age successfully" reflects the kind of city Hamiltonians want to aspire to become. It means having an inclusive community, actively engaged in making Hamilton a better place for everyone. It is creating an accessible environment, supporting residents through all of life's stages, and one that encourages positive development of children as they grow towards becoming healthy adults and seniors.

City Council seemed to forget the vision they have for the City of Hamilton stated above at their September 30, 2020 meeting.

Perhaps it isn't too late to get back on course and remember why we care about Hamilton and want all Hamiltonians to live in a community filled with love and acceptance rather than with hate and fear.

Sincerely,
Lyla Miklos
Resident
Hamilton, Ontario



INFORMATION REPORT

TO:	Mayor and Members of Council
COMMITTEE DATE:	October 14, 2020
SUBJECT/REPORT NO:	Integrity Commissioner Follow-Up (FCS20086(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Andrea Holland (905) 546-2424 Ext. 5409
SUBMITTED BY:	Andrea Holland City Clerk, Office of the City Clerk
SIGNATURE:	

COUNCIL DIRECTION – N/A

INFORMATION

We have received a number of questions from Members of Council and correspondence to Council related to the recent Integrity Commissioner (IC) investigation. Questions have centered around the report, the review process, jurisdiction areas, and if advisory committees can be considered local boards.

Common questions the City has been receiving relate to:

- Whether an advisory committee can be considered a local board under legislation mandating municipalities to have Integrity Commissioner
- The authority of the Integrity Commissioner to investigate a member of an advisory committee
- The recourse if the respondent or others question whether the Integrity Commissioner acted within the Legislation
- The appropriateness of going to the Integrity Commissioner for an issue that involved a code of conduct breach for a council appointee
- The appropriateness of the City doing a privacy breach investigation for the inappropriate release of information on its website and the same information that the member of an advisory committee was investigated by the Integrity Commissioner

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

- Why the City changed the information on its Integrity Commissioner website to include advisory committees in March 2020 when the website did not previously include that demonstration. Whether it was a coincidence that the IC investigation into an advisory committee started around the same time

Answers to those questions include:

Local Boards and Advisory Committees:

In its definitions, the Ontario Municipal Act defines local boards as “a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under the Act ...”

Council’s Procedural By-Law definition: “Committee” means a Standing Committee, Sub-Committee, Selection Committee or an Advisory Committee or Task Force established by Council from time to time.

Authority of an IC to investigate a member of an advisory committee member:

In March of 2019, the Government of Ontario passed Bill 68, a bill to update the Municipal Act. The new legislation made it mandatory for all municipalities to have a code of conduct for Councils and local boards. The legislation also made it mandatory for municipalities to have an Integrity Commissioner who could investigate complaints into members of Councils and local boards.

Recourse available for someone who questions whether the Integrity Commissioner acted within the Legislation:

If there are concerns with how an IC process is conducted, those complaints can be directed to the [Ontario Ombudsman](#) (Appendix A), who has the authority to review the case and consider whether the IC acted fairly, followed relevant legislation, considered all the information, and provided sufficient reasons for their decisions.

The appropriateness of going to the IC for a matter that involved a privacy breach

The complaint against the chair of the LGBTQ advisory committee was referred to the IC as there were concerns that multiple areas of the advisory committee code of conduct was breached. One area included the deliberate decision to release information after being informed by the City Clerk’s office on multiple occasions that the information in question was considered private under MFIPPA. The scope of the agreement of the current Integrity Commissioner covers boards and committees in line with the Municipal Act. Under the ACT, members of those bodies are held to a Code of Conduct and the Conflict of Interest Act. Those members need access to the Integrity Commissioner if they have questions regarding the Conflict of Interest and to receive the Integrity Commissioner’s written advice on their questions. Also, any inquiries or complaints into member compliance with the Code of Conduct or Conflict of Interest (by a member,

council or the public) need to be addressed by the Integrity Commissioner as per the Municipal Act.

Prior to the investigation commencing, the IC confirmed that the matter fell under their purview with the City.

The appropriateness of the City doing a privacy review on its breach while using the IC to investigate the chair of the advisory committee

The incident involving the release of private information on the City's website due to an issue with eScribe and did not involve a member of a board, committee, or member of Council and therefore does not fall under the IC's purview. Furthermore, the sole issue under consideration regarding the website was the release of private information. Under MFIPPA, Council is designated as the HEAD and can delegate the administration of the Act. By By-Law, the City Clerk has been delegated by Council to administer the Act. The City Clerk only has authority over the corporation's use of information and does not have the authority over citizen advisory committee members, those committees are accountable to Council. Any privacy breach that occurs with information that the corporation has custody over, is investigated following the guidelines of the IPC by the Manager of Corporate Records and Freedom of Information.

The appropriateness of the City changing the IC section of its website in March 2020

The City should have changed the IC section of its website to include references to boards and committees in line with the Municipal Act changes that occurred in March 2019. It was only updated in March of 2020 to reflect updates to the Act and the agreement with the City's current IC, who was permanently appointed on February 26, 2020.

APPENDICES AND SCHEDULES ATTACHED

Appendix A - Ombudsman - Codes of Conduct and Integrity Commissioners

Codes of Conduct and Integrity Commissioners

Every municipality should have a **Code of Conduct** that applies to members of council, local boards and committees.

The Code of Conduct should include a public complaint process. The municipality should appoint an impartial **Integrity Commissioner** to review these complaints.

The Code of Conduct should be:

- Approved by council
- Posted publicly
- Used to train members

There should be **no fee or other barrier** to make a complaint to the Integrity Commissioner.

Integrity Commissioners can be authorized to dismiss complaints that are frivolous or vexatious.



Complaints can be brought to the **Ontario Ombudsman** as a last resort – that is, if the locally-appointed Integrity Commissioner has reviewed the matter or declined to do so, and the complainant is not satisfied.

The Ombudsman's review in such cases will consider whether the local Integrity Commissioner:

- Acted in accordance with relevant legislation
- Considered the issues presented
- Followed a fair practice
- Obtained and considered relevant information
- Provided sufficient reasons to support their decision based on the available evidence

Questions? info@ombudsman.on.ca

Independent Impartial Confidential Free

**Ministry of the Solicitor
General**

Office of the Deputy Minister

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**

Bureau du ministre

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037**Ministry of Municipal
Affairs and Housing**

Office of the Deputy Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7100**Ministère des Affaires
Municipales et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7100**October 10, 2020****MEMORANDUM TO: Regional and Municipal CAOs/Clerks****City of Hamilton, Region of Durham, Region of York, Niagara
Region****SUBJECT: Enforcement of Orders under the *Reopening Ontario Act,*
*2020***

As you are aware, municipal by-law officers are designated to enforce orders under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA). We acknowledge that local partners have been working together closely and emphasize the importance of compliance promotion by all enforcement personnel to support the enforcement of orders under the ROA. A shared responsibility and sustained efforts across municipal and provincial partners remain critical to limiting the spread of infection and managing the impact of the pandemic on local communities.

Given the recent rise in COVID-19 cases in the province and specifically in Ottawa, Peel and Toronto, these communities have moved from Stage 3 to an amended version of Stage 2. To avoid further closures and public health restrictions in other communities, sustained vigilance and bolstered collaboration across local enforcement personnel, including municipal by-law enforcement officers, police officers and other provincial offences officers, to ensure compliance and the coordination of local enforcement of orders is strongly encouraged. An assertive approach to enforcement is recommended that considers the severity of the violation of an order and the Government of Ontario's public health intent to limit the spread of COVID-19.

Public health information and data collected through local inspection activities will be applied to help us to continue to focus our efforts on regions with higher rates of infection.

We are working to ensure more provincial resources are also brought forward to address critical enforcement measures locally and encourage you to do the same.

There are several offences, penalties and enforcement mechanisms under the ROA available to police and other designated enforcement personnel, including the authority to issue tickets under Part I and summonses under Part III of the *Provincial Offences Act*.

For information about the orders in effect and enforceable under the ROA, including those orders around businesses and organizations that are permitted to be open, please visit the link to the Act on e-Laws at <https://www.ontario.ca/laws/statute/20r17> and click on the “Regulations under this Act” tab.

To help support enforcement personnel, ministry staff continue to respond to inquiries via email, at EssentialWorkplacesSupport.SolGen@ontario.ca. Through this channel, assistance is available Monday to Friday, from 8:30 a.m. – 5:00 p.m. EST. Enforcement personnel may also continue to monitor www.ontario.ca/alert for information and updates on emergency orders.

Thank you again for your continued support and collaboration during this challenging time.

Sincerely,

Original Signed by

Original Signed by

Deputy Mario Di Tommaso, O. O. M.
Deputy Minister, Community Safety

Deputy Kate Manson-Smith
Deputy Minister, Municipal Affairs and Housing



Executive Council
Conseil exécutif

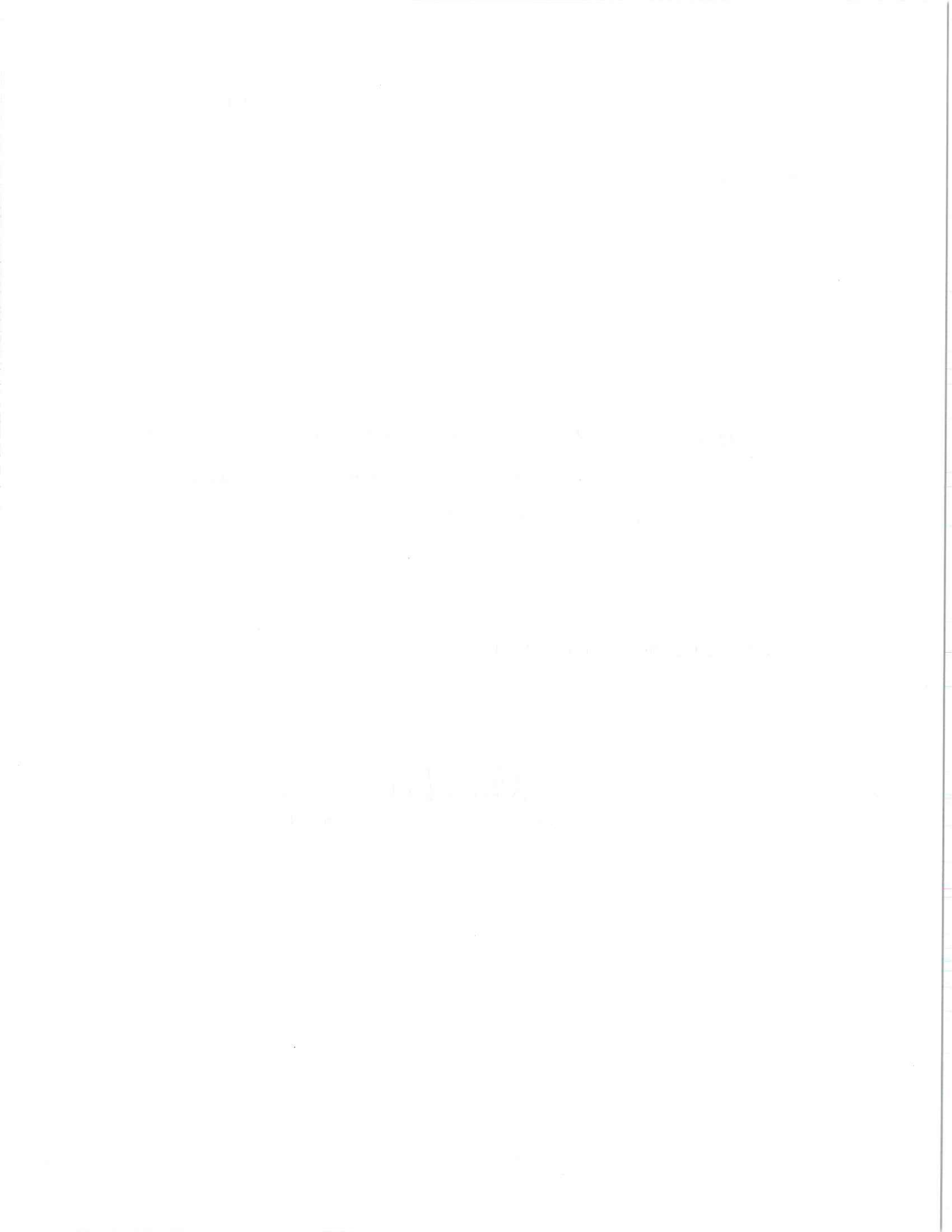
R.O.C./Décret 412 / 2020

I certify that the attached is a true copy of the Regulation under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, made by Her Honour the Lieutenant Governor in Council on October 9, 2020.

Dated at Toronto, October 9, 2020

A handwritten signature in blue ink, appearing to read "Anna Valer".

Deputy Clerk, Executive Council





Ontario

Executive Council
Conseil exécutif

Order in Council Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

the appended Regulation be made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

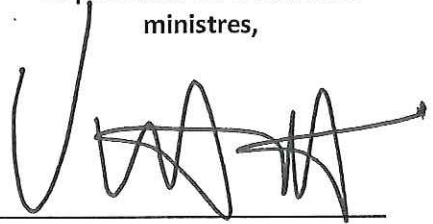
Sur la recommandation de la personne soussignée, la lieutenant-gouverneure, sur l'avis et avec le consentement du Conseil exécutif, décrète ce qui suit :

Le règlement ci-annexé est pris en vertu de la *Loi de 2020 sur la réouverture de l'Ontario (mesures adaptables en réponse à la COVID-19)*.

Recommandé par :

Recommended 

Appuyé par : Le président du Conseil des ministres,

Concurred 
Chair of Cabinet

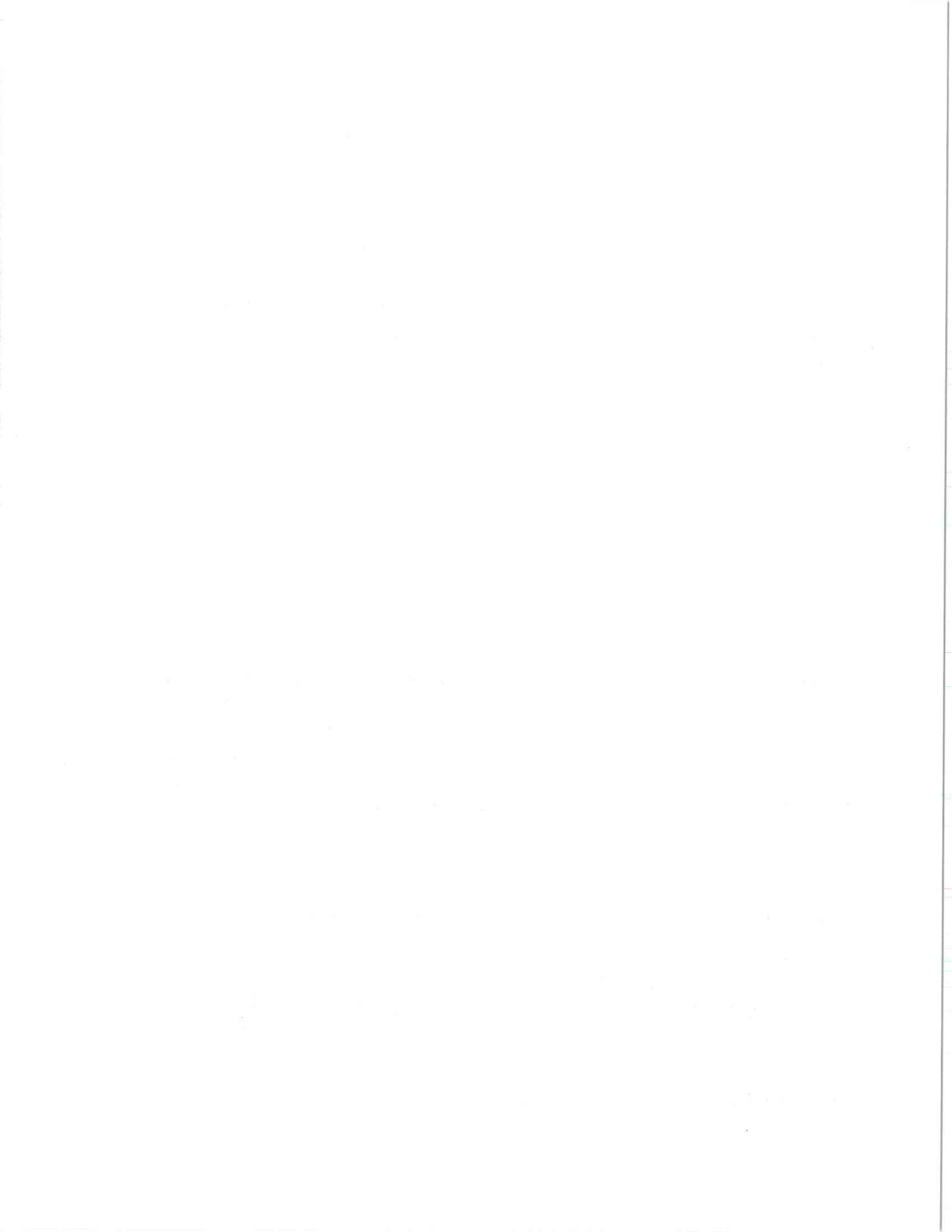
Approuvé et décrété le

Approved and Ordered OCT 09 2020
Date

La lieutenant-gouverneure,


Lieutenant Governor

R.O.C./Décret (R) **E 412/2020**



[Bilingual]

CONFIDENTIAL
Until filed with the
Registrar of Regulations

REG2020.0809.e
13-EC

ONTARIO REGULATION

made under the

REOPENING ONTARIO (A FLEXIBLE RESPONSE TO COVID-19) ACT, 2020

Amending O. Reg. 263/20

(RULES FOR AREAS IN STAGE 2)

1. Section 1 of Ontario Regulation 263/20 is revoked and the following substituted:

Terms of Order

1. The terms of this Order are set out in Schedules 1, 2 and 3.

2. The Regulation is amended by adding the following section:

Indoor vs. outdoor

4. (1) The outdoor capacity limits set out in this Order apply to a business, place, event or gathering if the people attending it are only permitted to access an indoor area,

- (a) to use a washroom;
- (b) to access an outdoor area that can only be accessed through an indoor route; or
- (c) as may be necessary for the purposes of health and safety.

(2) The indoor capacity limits set out in this Order apply to a business, place, event or gathering if the business, place, event or gathering is fully or partially indoors.

(3) An indoor event or gathering cannot be combined with an outdoor event or gathering so as to increase the applicable limit on the number of people at the event or gathering.

3. (1) Subsection 1 (3) of Schedule 1 to the Regulation is revoked and the following substituted:

(3) Each person responsible for a business or place, or part of a business or place, that does not comply with sections 2 to 7 of this Schedule shall ensure that it is closed.

(2) Sections 2 to 7 of Schedule 1 to the Regulation are revoked and the following substituted:

General compliance

2. (1) The person responsible for a business or organization that is open shall ensure that the business or organization operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and the regulations made under it.

(2) The person responsible for a business or organization that is open shall operate the business or organization in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

(3) The person responsible for a business or organization that is open shall operate the business or organization in compliance with the advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health on screening individuals.

(4) The person responsible for a business or organization that is open shall ensure that any person in the indoor area of the premises of the business or organization, or in a vehicle that is operating as part of the business or organization, wears a mask or face covering in a manner that covers their mouth, nose and chin during any period when they are in the indoor area unless the person in the indoor area,

- (a) is a child who is younger than two years of age;
- (b) is attending a school or private school within the meaning of the *Education Act* that is operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health;
- (c) is attending a child care program at a place that is in compliance with the child care re-opening guidance issued by the Ministry of Education;
- (d) is receiving residential services and supports in a residence listed in the definition of “residential services and supports” in subsection 4 (2) of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*;
- (e) is in a correctional institution or in a custody and detention program for young persons in conflict with the law;

- (f) is performing or rehearsing in a film or television production or in a concert, artistic event, theatrical performance or other performance;
- (g) has a medical condition that inhibits their ability to wear a mask or face covering;
- (h) is unable to put on or remove their mask or face covering without the assistance of another person;
- (i) needs to temporarily remove their mask or face covering while in the indoor area,
 - (i) to receive services that require the removal of their mask or face covering,
 - (ii) to engage in an athletic or fitness activity,
 - (iii) to consume food or drink, or
 - (iv) as may be necessary for the purposes of health and safety;
- (j) is being accommodated in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*;
- (k) is being reasonably accommodated in accordance with the *Human Rights Code*; or
- (l) performs work for the business or organization, is in an area that is not accessible to members of the public and is able to maintain a physical distance of at least two metres from every other person while in the indoor area.

(5) Subsection (4) does not apply with respect to premises that are used as a dwelling if the person responsible for the business or organization ensures that persons in the premises who are not entitled to an exception set out in subsection (4) wear a mask or face covering in a manner that covers their mouth, nose and chin in any common areas of the premises in which persons are unable to maintain a physical distance of at least two metres from other persons.

(6) For greater certainty, it is not necessary for a person to present evidence to the person responsible for a business or place that they are entitled to any of the exceptions set out in subsection (4).

Capacity limits for businesses or facilities open to the public

3. (1) The person responsible for a place of business or facility that is open to the public shall limit the number of persons in the place of business or facility so that every member of the public is able to maintain a physical distance of at least two metres from every other person in the business or facility, except where Schedule 2 allows persons to be closer together.

(2) For greater certainty, subsection (1) does not require persons who are in compliance with public health guidance on households and social circles to maintain a physical distance of at least two metres from each other while in a place of business or facility.

Meeting or event space

4. (1) The person responsible for a business or place that is open may only rent out meeting or event space if,

(a) the total number of members of the public permitted to be in the business or place in its rentable meeting or event space at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person in the business or place, and in any event is not permitted to exceed,

(i) 10 persons, if the meeting or event is indoors, or

(ii) 25 persons, if the meeting or event is outdoors; and

(b) no more than six people are seated together at any table in the rented space.

(2) Subsection (1) does not apply to the rental of meeting or event space for a wedding, funeral, religious service, rite or ceremony that is authorized under section 4, 5 or 6 of Schedule 3.

(3) Subsection (1) does not apply to the rental of meeting or event space for the purpose of delivering or supporting the delivery of court services.

(4) Clause (1) (a) does not apply to the rental of meeting or event space for a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony if the total number of members of the public permitted to be in the business or place in its rentable meeting or event space at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person in the business or place, and in any event is not permitted to exceed,

(a) 50 persons, if the meeting or event is indoors, or

(b) 100 persons, if the meeting or event is outdoors; and

Sale and service of liquor

5. (1) The person responsible for a business or place that is open and in which liquor is sold or served under a licence or a special occasion permit shall ensure that,

(a) liquor is sold or served only between 9 a.m. and 11 p.m.; and

- (b) no consumption of liquor is permitted in the business or place between the hours of 12 a.m. and 9 a.m.

(2) The conditions set out in subsection (1) do not apply with respect to businesses and places in airports.

In-person teaching and instruction

6. (1) Subject to subsection (3), the person responsible for a business or place that is open and that provides in-person teaching or instruction shall ensure that every instructional space complies with the following conditions:

1. The instructional space must be operated to enable students to maintain a physical distance of at least two metres from every other person in the instructional space, except where necessary for teaching and instruction that cannot be effectively provided if physical distancing is maintained.
2. The total number of students permitted to be in each instructional space at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the business or place, and in any event cannot exceed,
 - i. 10 persons, if the instructional space is indoors, or
 - ii. 25 persons, if the instructional space is outdoors.

(2) Paragraph 2 of subsection (1) does not apply to a post-secondary institution, and instead the total number of students permitted to be in each instructional space in the institution at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the space, and in any event cannot exceed,

- (a) 50 persons, if the instructional space is indoors; or
- (b) 100 persons, if the instructional space is outdoors.

(3) If the teaching or instruction involves singing or the playing of brass or wind instruments,

- (a) every person who is singing or playing must be separated from every other person by plexiglass or some other impermeable barrier; and
- (b) the exception in paragraph 1 of subsection (1) that allows persons to be closer than two metres where necessary for teaching and instruction does not apply.

(4) Subsections (1) to (3) do not apply to,

- (a) a school or private school within the meaning of the *Education Act* that is operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health;
- (b) a school operated by,
 - (i) a band, a council of a band or the Crown in right of Canada,
 - (ii) an education authority that is authorized by a band, a council of a band or the Crown in right of Canada, or
 - (iii) an entity that participates in the Anishinabek Education System; and
- (c) the Ontario Police College, training facilities operated by a police force, the Correctional Services Recruitment and Training Centre and the Ontario Fire College.

(5) In this section,

“post-secondary institution” means,

- (a) a university,
- (b) a college of applied arts and technology,
- (c) a private career college,
- (d) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*,
- (e) an institution that is authorized to grant a degree by an act of the Legislature, or
- (f) a person who is delivering in-person teaching or instruction in accordance with a consent given under section 4 of the *Post-secondary Education Choice and Excellence Act, 2000*.

Cleaning requirements

7. (1) The person responsible for a business or place that is open shall ensure that,
- (a) any washrooms, locker rooms, change rooms, showers or similar amenities made available to the public are cleaned and disinfected as frequently as is necessary to maintain a sanitary condition; and

- (b) any equipment that is rented to, provided to or provided for the use of members of the public must be cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.

(2) For greater certainty, clause (1) (b) applies to computers, electronics and other machines or devices that members of the public are permitted to operate.

NHL hub

8. (1) In this section,

“NHL” means the National Hockey League; (“LNH”)

“NHL hub” means the businesses and places referred to in clause (3) (a); (“bulle de la LNH”)

“NHL hub participant” means a person who has been specified as a participant in the NHL hub in the professional sports plan for the NHL; (“participant à la bulle de la LNH”)

“professional sports plan for the NHL” means the professional sports plan for the NHL approved by the Office of the Chief Medical Officer of Health. (“plan de sports professionnels applicable à la LNH”)

(2) The Office of the Chief Medical Officer of Health may approve a professional sports plan for the NHL.

(3) The professional sports plan for the NHL shall list,

(a) the businesses and places in the City of Toronto that constitute the NHL hub and that may be used by NHL hub participants, which may include,

(i) hotels,

(ii) facilities for indoor or outdoor sports and recreational fitness activities,

(iii) businesses or places that are in hotels or facilities mentioned in subclause (i) or (ii), and

(iv) restaurants or bars that are adjacent to hotels or facilities mentioned in subclause (i) or (ii); and

(b) persons who are NHL hub participants.

(4) A business or place that constitutes part of the NHL hub may open for use by NHL hub participants if the business or place complies with the following conditions:

1. The business or place must operate in accordance with the professional sports plan for the NHL.
2. No spectators may be permitted at the business or place except in accordance with the professional sports plan for the NHL.
3. Subject to paragraph 2, any part of the business or place used by NHL hub participants must be closed to members of the public who are not NHL hub participants.
4. The business or place must ensure that subsections (6) and (7), as applicable, are complied with on the premises of the business or place.

(5) The following provisions do not apply to the provision of goods or services to an NHL hub participant when they are provided within the NHL hub:

1. Sections 3, 4 and 5 of this Schedule.
2. Section 7 of Schedule 2, but only in respect of personal physical fitness or sports trainers.
3. Sections 13 and 14 of Schedule 2.
4. Clauses 1 (1) (a) and (b) of Schedule 3.

(6) Section 1 of Schedule 2 does not apply to any part of a restaurant, bar, concession stand or other food or drink establishment that provides food, drink or services to NHL hub participants when they are provided within the NHL hub, but the establishment must operate in accordance with the conditions set out in paragraphs 2 to 5 of subsection 1 (1) and subsections 1 (2) to (4) of Schedule 2 to Ontario Regulation 364/20 (Rules for Areas in Stage 3).

(7) Section 6 of Schedule 2 does not apply to the provision of personal care services to NHL hub participants when they are provided within the NHL hub by a personal care services business, but the business must operate in accordance with the conditions set out in section 4 of Schedule 2 to Ontario Regulation 364/20 (Rules for Areas in Stage 3).

(8) Clauses 1 (1) (a) and (b) of Schedule 3 do not apply to NHL hub participants in the NHL hub.

(9) A business or place that constitutes part of the NHL hub shall not provide goods or services to members of the public who are not NHL hub participants unless,

- (a) the business or place is permitted to do so by the professional sports plan for the NHL;

- (b) the business or place provides the goods or services in accordance with the professional sports plan for the NHL; and
- (c) the business or place complies with any other applicable requirements or conditions in this Order.

(3) Subsection 4 (4) of Schedule 1 to the Regulation, as made by subsection (2), is revoked.

4. (1) Sections 1 and 2 of Schedule 2 to the Regulation are revoked and the following substituted:

Restaurants, bars, etc.

1. (1) Restaurants, bars, food trucks, concession stands and other food or drink establishments may open if they comply with the following conditions:

1. Patrons must be served through takeout, drive-through or delivery service or at an outdoor dining area that meets the following conditions:
 - i. The outdoor dining area must be in or adjacent to the place of business.
 - ii. No buffet-style service may be provided.
 - iii. Patrons in the outdoor dining area must be seated at all times except,
 - A. while entering the area and while moving to their table,
 - B. while placing or picking up an order,
 - C. while paying for an order,
 - D. while exiting the area,
 - E. while going to or returning from a washroom,
 - F. while lining up to do anything described in sub-subparagraphs A to E, or
 - G. where necessary for the purposes of health and safety.
 - iv. The outdoor dining area must be configured so that patrons seated at different tables are separated by,
 - A. a distance of at least two metres, or

B. plexiglass or some other impermeable barrier.

- v. If the outdoor dining area is covered by a roof, canopy, tent, awning or other element, at least two full sides of the outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.
 - vi. If the outdoor dining area is equipped with a retractable roof and the roof is retracted, at least one full side of the outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.
2. Public access to any indoor portions of the establishment must be limited to food pickup, payment, washroom access, access required to get to the outdoor dining area or access that is otherwise required for the purposes of health and safety.
 3. Dancing, singing and the live performance of brass or wind instruments are prohibited at the establishment.
 4. The person responsible for the establishment must,
 - i. subject to subsection (4), record the name and contact information of every patron that enters an indoor or outdoor dining area in the establishment, other than patrons who temporarily enter the area to place, pick up or pay for a takeout order,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.
 5. The establishment must be closed to the public between the hours of 12 a.m. and 5 a.m. except as may be necessary to,
 - i. allow patrons to temporarily enter the establishment to place, pick up or pay for a takeout order,
 - ii. provide drive-through or delivery service,
 - iii. provide dine-in service, which may include indoor dine-in service, only for persons who are performing work for the business or place in which the establishment is located, or

- iv. provide access to washrooms.
6. No more than six people may be seated together at a table in the establishment.
7. No patron may be permitted to line up or congregate outside of the establishment unless they are,
- i. maintaining a physical distance of at least two metres from other groups of persons outside the establishment, and
 - ii. wearing a mask or face covering in a manner that covers their mouth, nose and chin, unless they are entitled to any of the exceptions set out in subsection 2 (4) of Schedule 1.

(2) Despite paragraph 1 of subsection (1), indoor dine-in service may be provided,

- (a) to persons who perform work for the business or place in which the establishment is located;
- (b) at an establishment on hospital premises or in an airport, or
- (c) at a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony.

(3) If indoor dining is provided in accordance with subsection (2), the conditions set out in subsection (1) apply to the indoor dining area with necessary modifications.

(4) The requirement set out in subparagraph 4 i of subsection (1) does not apply if the patrons temporarily enter the area to place, pick up or pay for a takeout order.

(5) Paragraph 5 of subsection (1) does not apply with respect to establishments on hospital premises or in airports.

(6) For greater certainty, a restaurant, bar, food truck, concession stand or other food or drink establishment that is in compliance with the conditions set out in subsection (1) may open in any business or place that is otherwise permitted to open under this Order.

(7) In this section,

“party” means a group of one or more patrons.

Public libraries

2. Public libraries may open if circulating materials that are returned or accessed within the library are disinfected or quarantined for an appropriate period of time before they are recirculated.

(2) Clause 1 (2) (c) of Schedule 2 to the Regulation, as made by subsection (1), is revoked.

(3) Paragraph 3 of subsection 3 (1) of Schedule 2 to the Regulation is amended by striking out “that are permitted to be open under section 19”.

(4) Section 5 of Schedule 2 to the Regulation is revoked and the following substituted:

Real estate open houses

5. Real estate agencies may open if they ensure that the total number of members of the public permitted at any open house event they host or facilitate at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person in the open house event, and in any event is not permitted to exceed 10 persons.

(5) Section 6 of Schedule 2 to the Regulation is revoked and the following substituted:

Personal care services

6. (1) Personal care services relating to the hair or body, including hair salons and barbershops, manicure and pedicure salons, aesthetician services, piercing services, tanning salons, spas and tattoo studios, may open if they comply with the following conditions:

1. No personal care services that require the removal of a mask or face covering may be provided.
2. Persons who provide personal care services in the business must wear appropriate personal protective equipment.
3. Subject to subsection 19 (2), any locker rooms, change rooms, and showers must be closed, except to the extent they provide access to equipment storage, a washroom or a portion of the business that is used to provide first aid.
4. Any steam rooms, saunas, whirlpools or bathhouses must be closed.
5. Any baths, hot tubs, floating pools or sensory deprivation pods must be closed, unless they are used for a therapeutic purpose prescribed by, or administered by, a regulated health professional.
6. Oxygen bars must be closed.

(2) Subsection (1) does not apply to hair and makeup services described in section 16 or 17.

(6) Section 8 of Schedule 2 to the Regulation is revoked.

(7) Schedule 2 to the Regulation is amended by adding the following section:

Conference centres and convention centres

8. (1) Conference centres and convention centres are closed, subject to subsection (2).

(2) Conference centres and convention centres may open to provide meeting or event space for the purpose of delivering or supporting the delivery of court services.

(8) Sections 10, 11 and 12 of Schedule 2 to the Regulation are revoked and the following substituted:

Fitting rooms

10. Fitting rooms in a business may open if patrons are not permitted to occupy adjacent fitting room stalls at any one time.

(9) Paragraph 2 of the English version of section 12.1 of Schedule 2 to the Regulation is amended by striking out “vehicle” and substituting “motor vehicle”.

(10) Sections 13 and 14 of Schedule 2 to the Regulation are revoked and the following substituted:

Facilities for indoor sports and recreational fitness activities

13. (1) Subject to subsections (2) to (5), facilities for indoor sports and recreational fitness activities, including gymnasiums, health clubs, community centres, multi-purpose facilities, arenas, exercise studios, yoga and dance studios and other fitness facilities, may open if they comply with the following conditions:

1. Indoor fitness, exercise or dance classes must not be provided.
2. Any areas containing weights or exercise machines must be closed.
3. The total number of members of the public permitted to be in a class, organized program or organized activity at the facility cannot exceed 10 people and each class, organized program or organized activity must take place in a separate room.
4. No spectators are permitted.
5. Any person who enters or uses the facility must maintain a physical distance of at least two metres from any other person who is using the facility.

6. Team sports must not be practised or played within the facility, with the exception of training sessions for members of a sports team that do not include games or scrimmage games.
7. Activities that are likely to result in individuals coming within two metres of each other must not be practised or played within the facility.
8. Subject to subsection 19 (2), any locker rooms, change rooms, showers and clubhouses in the facility must be closed, except to the extent they provide access to equipment storage, a washroom or a portion of the facility that is used to provide first aid.
9. Any equipment that is rented to, provided to or provided for the use of users of the facility must be cleaned and disinfected between each use.
10. Activities that require the use of equipment or fixed structures that cannot be cleaned and disinfected between each use must not be practised or played within the facility.

(2) The conditions set out in subsection (1) do not apply to indoor training facilities that are operated by a sports team in one of the following leagues if they operate in compliance with the conditions set out in subsection (3):

1. Canadian Elite Basketball League.
2. Canadian Football League.
3. Major League Baseball.
4. Major League Soccer.
5. National Basketball Association.
6. National Hockey League.
7. National Lacrosse League.

(3) The conditions referred to in subsection (2) are the following:

1. The facility may only be used if,
 - i. the team's league has established a health and safety protocol for the use of training facilities, and

- ii. the training facility is operated in compliance with the health and safety protocol.
2. The only persons permitted to enter and use the facility are,
 - i. players on the team who are using the facility for the purposes of training or conditioning, and
 - ii. such staff as are strictly necessary to operate the facility and support the training or conditioning of the players.
 3. Any equipment that is rented to, provided to or provided for the use of users of the facility must be cleaned and disinfected between each use.

(4) The conditions set out in subsection (1) do not apply to facilities for indoor sports and recreational fitness activities that open to provide space for a day camp for children that is in compliance with section 15.

(5) This section does not apply to pools, splash pads, spray pads and wading pools.

Facilities for outdoor sports and recreational fitness activities

14. (1) Facilities for outdoor sports and recreational fitness activities may open if they comply with the following conditions:

1. Any person who enters or uses the facility must maintain a physical distance of at least two metres from any other person who is using the facility.
2. Team sports must not be practised or played within the facility, with the exception of training sessions for members of a sports team that do not include games or scrimmage games.
3. Activities that are likely to result in individuals coming within two metres of each other must not be practised or played within the facility.
4. Subject to subsection 19 (2), any locker rooms, change rooms, showers and clubhouses in the facility must be closed, except to the extent they provide access to equipment storage, a washroom or a portion of the facility that is used to provide first aid.
5. Any equipment that is rented to, provided to or provided for the use of users of the facility must be cleaned and disinfected between each use.
6. Activities that require the use of equipment or fixed structures that cannot be cleaned and disinfected between each use must not be practised or played within the facility.

(2) Outdoor playgrounds, play structures and facilities containing outdoor fitness equipment may open.

(3) This section does not apply to pools, splash pads, spray pads and wading pools.

(11) Section 19 of Schedule 2 to the Regulation is revoked and the following substituted:

Water features

19. (1) Steam rooms, saunas and bathhouses are closed.

(2) Despite any other provision in this Schedule that would require a locker room, change room or showers to be closed, any locker room, change room or showers that is used in conjunction with a pool, splash pad, spray pad or wading pool may be open for that purpose.

(3) For greater certainty, a pool, splash pad, spray pad, whirlpool, wading pool or water slide that is in compliance with section 7 of Schedule 1 may open in any business or place that is otherwise permitted to open under this Order.

(12) Paragraphs 1 and 2 of section 24 of Schedule 2 to the Regulation are revoked and the following substituted:

1. The tour must be operated to enable every person on the tour, including tour guides, to maintain a physical distance of at least two metres from every other person, except where necessary,
 - i. to facilitate payment, or
 - ii. for the purposes of health and safety.
2. The number of members of the public on the tour must not exceed the number of persons that would permit compliance with paragraph 1 while on the tour, and in any event cannot exceed,
 - i. 10 persons, if they will be indoors during the tour, or
 - ii. 25 persons, if they will be outdoors during the tour.

(13) Schedule 2 to the Regulation is amended by adding the following section:

Strip clubs

26.1 Strip clubs are closed.

(14) Paragraph 1 of section 27 of Schedule 2 to the Regulation is amended by striking out “that are permitted to be open under section 19” at the end.

5. (1) Schedule 3 to the Regulation is revoked and the following substituted:

SCHEDULE 3
ORGANIZED PUBLIC EVENTS, CERTAIN GATHERINGS

Gatherings, Stage 2 areas

1. (1) Subject to subsection (2) and sections 2 to 6, no person shall attend,

(a) an organized public event of more than,

(i) 10 people if the event is held indoors, or

(ii) 25 people if the event is held outdoors;

(b) a social gathering of more than,

(i) 10 people if the gathering is held indoors, or

(ii) 25 people if the gathering is held outdoors; or

(c) a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony of more than,

(i) 50 people if the gathering is held indoors, or

(ii) 100 people if the gathering is held outdoors.

(2) Despite clause (1) (c), no person shall attend a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony held at a place described in subsection (3) of more than,

(a) 10 people if the gathering is held indoors, or

(b) 25 people if the gathering is held outdoors.

(3) The places referred to in subsection (2) are,

(a) residential buildings, including houses, apartment buildings, condominium buildings and post-secondary student residences; and

- (b) any places not already described in clause (a), except for places that are operated in accordance with this Order by a business or organization.

(4) For greater certainty, the limits in clause (1) (c) and subsection (2) apply to a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony, such as a wedding reception, while the limits that apply to the wedding, funeral or religious service, rite or ceremony itself are set out in sections 4 to 6.

(5) For the purposes of this section, an indoor event or gathering cannot be combined with an outdoor event or gathering so as to increase the applicable limit on the number of people at the event or gathering.

(6) A person attending an organized public event or social gathering shall comply with public health guidance on physical distancing.

(7) For greater certainty, subsections (1) to (6) apply with respect to an organized public event or social gathering even if it is held at a private dwelling, including houses, apartment buildings, condominium buildings and post-secondary student residences.

Exception, members of single household

2. Section 1 does not apply with respect to a gathering of members of a single household.

Exceptions from organized public event requirements

3. The prohibitions on attendance at an organized public event in clause 1 (1) (a) do not apply with respect to attendance at,

- (a) an event to which a capacity limit set out in Schedule 1 or 2 applies, if the event is held in accordance with that capacity limit;
- (b) a day camp for children that is in compliance with section 15 of Schedule 2; or
- (c) a drive-in cinema, or a business or place that provides drive-in or drive-through concerts, artistic events, theatrical performances and other performances, that is in compliance with section 18 of Schedule 2.

Indoor wedding, funeral or religious service, rite or ceremony

4. (1) This section applies with respect to gatherings for the purposes of a wedding, a funeral or a religious service, rite or ceremony, if the gathering is held in a building or structure other than a private dwelling.

(2) No person shall attend a gathering to which this section applies unless the following conditions are met:

1. The number of persons occupying any room in the building or structure while attending the gathering must not exceed 30 per cent of the capacity of the particular room.
2. All persons attending the gathering must comply with public health guidance on physical distancing.

Outdoor wedding, funeral or religious service, rite or ceremony

5. (1) This section applies with respect to outdoor gatherings for the purposes of a wedding, a funeral or a religious service, rite or ceremony.

(2) No person shall attend a gathering to which this section applies unless the following conditions are met:

1. No more than 100 people may be in attendance.
2. All persons attending the gathering must comply with public health guidance on physical distancing.

Gathering in motor vehicles for religious service, rite or ceremony

6. (1) This section applies with respect to gatherings for the purposes of a religious service, rite or ceremony if the persons attending the gathering, other than those conducting the service, rite or ceremony, do so in a motor vehicle.

(2) No person shall attend a gathering to which this section applies unless the person follows all of the following precautions that apply to the person:

1. Each person attending the gathering, other than the persons conducting the service, rite or ceremony, must remain within a motor vehicle that is designed to be closed to the elements, except,
 - i. where necessary to use a washroom, or
 - ii. as may otherwise be necessary for the purposes of health and safety.
2. The driver of a motor vehicle must ensure that it is positioned at least two metres away from other motor vehicles.
3. A person who ordinarily uses a non-motorized vehicle because of their religious belief and who attends the gathering must remain within their non-motorized vehicle except where necessary to use a washroom or as may otherwise be required for health and safety, and paragraph 2 applies with necessary modifications.

(2) Section 1 of Schedule 3 to the Regulation, as remade by subsection (1), is revoked and the following substituted:

Gatherings, Stage 2 areas

1. (1) Subject to subsection (2) and sections 2 to 6, no person shall attend,
 - (a) an organized public event of more than,
 - (i) 10 people if the event is held indoors, or
 - (ii) 25 people if the event is held outdoors;
 - (b) a social gathering of more than,
 - (i) 10 people if the gathering is held indoors, or
 - (ii) 25 people if the gathering is held outdoors; or
 - (c) a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony of more than,
 - (i) 10 people if the gathering is held indoors, or
 - (ii) 25 people if the gathering is held outdoors.

(2) For greater certainty, the limits in clause (1) (c) apply to a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony, such as a wedding reception, while the limits that apply to the wedding, funeral or religious service, rite or ceremony itself are set out in sections 4 to 6.

(3) For the purposes of this section, an indoor event or gathering cannot be combined with an outdoor event or gathering so as to increase the applicable limit on the number of people at the event or gathering.

(4) A person attending an organized public event or social gathering shall comply with public health guidance on physical distancing.

(5) For greater certainty, subsections (1) to (4) apply with respect to an organized public event or social gathering even if it is held at a private dwelling, including houses, apartment buildings, condominium buildings and post-secondary student residences.

6. Schedule 4 to the Regulation is revoked.

Commencement

7. (1) Subject to subsection (2), this Regulation comes into force on the later of October 10, 2020 and the day it is filed.

(2) Subsections 3 (3), 4 (2), 4 (7) and 5 (2) come into force on October 13, 2020.



Ontario

Executive Council
Conseil exécutif

R.O.C./Décret 413 / 2020

I certify that the attached is a true copy of the Regulation under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, made by Her Honour the Lieutenant Governor in Council on October 9, 2020.

Dated at Toronto, October 9, 2020

A handwritten signature in blue ink, reading "Anna Valeriu".

Deputy Clerk, Executive Council



Ontario

Executive Council
Conseil exécutif

Order in Council Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

the appended Regulation be made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

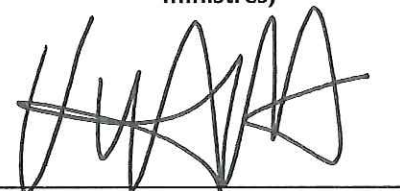
Sur la recommandation de la personne soussignée, la lieutenant-gouverneure, sur l'avis et avec le consentement du Conseil exécutif, décrète ce qui suit :

Le règlement ci-annexé est pris en vertu de la *Loi de 2020 sur la réouverture de l'Ontario (mesures adaptables en réponse à la COVID-19)*.

Recommandé par :

Recommended 

Appuyé par : Le président du Conseil des ministres,

Concurred 
Chair of Cabinet

Approuvé et décrété le

Approved and Ordered OCT 09 2020
Date

La lieutenant-gouverneure,


Lieutenant Governor

R.O.C./Décret (R)

413/2020

[Bilingual]

CONFIDENTIAL
Until filed with the
Registrar of Regulations

REG2020.0810.e
2-EC

ONTARIO REGULATION

made under the

REOPENING ONTARIO (A FLEXIBLE RESPONSE TO COVID-19) ACT, 2020

Amending O. Reg. 363/20

(STAGES OF REOPENING)

1. Paragraph 1 of Schedule 2 to Ontario Regulation 363/20 is revoked and the following substituted:

1. City of Ottawa Health Unit.
2. City of Toronto Health Unit.
3. Peel Regional Health Unit.

2. Paragraphs 4, 5 and 23 of Schedule 3 to the Regulation are revoked.

Commencement

3. This Regulation comes into force on the later of October 10, 2020 and the day it is filed.



Executive Council
Conseil exécutif

R.O.C./Décret 414 / 2020

I certify that the attached is a true copy of the Regulation under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, made by Her Honour the Lieutenant Governor in Council on October 9, 2020.

Dated at Toronto, October 9, 2020

A handwritten signature in blue ink, appearing to read "Anna Vallin".

Deputy Clerk, Executive Council



Ontario

Executive Council
Conseil exécutif

Order in Council Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

the appended Regulation be made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

Sur la recommandation de la personne soussignée, la lieutenant-gouverneure, sur l'avis et avec le consentement du Conseil exécutif, décrète ce qui suit :

Le règlement ci-annexé est pris en vertu de la *Loi de 2020 sur la réouverture de l'Ontario (mesures adaptables en réponse à la COVID-19)*.

Recommandé par :

Recommended

Appuyé par : Le président du Conseil des ministres,

Concurred

Chair of Cabinet

Approuvé et décrété le

Approved and Ordered

OCT 09 2020

Date

La lieutenant-gouverneure,

Lieutenant Governor

R.O.C./Décret (R)

414/2020

[Bilingual]

CONFIDENTIAL
Until filed with the
Registrar of Regulations

REG2020.0811.e
4-EC

ONTARIO REGULATION

made under the

REOPENING ONTARIO (A FLEXIBLE RESPONSE TO COVID-19) ACT, 2020

Amending O. Reg. 364/20

(RULES FOR AREAS IN STAGE 3)

1. Section 2 of Ontario Regulation 364/20 is revoked.
2. (1) Subsection 1 (3) of Schedule 1 to the Regulation is amended by striking out “sections 3 to 6” and substituting “sections 2 to 6”.
 - (2) Subsection 4 (5) of Schedule 1 to the Regulation is revoked.
 - (3) Sections 7 and 8 of Schedule 1 to the Regulation are revoked.
3. (1) Subparagraph 5 i of subsection 1 (1) of Schedule 2 to the Regulation is amended by striking out “subject to subsection (1.0.1)” at the beginning.
 - (2) Subparagraph 6 ii of subsection 1 (1) of Schedule 2 to the Regulation is revoked and the following substituted:
 - ii. provide drive-through or delivery service,
 - (3) Paragraphs 7 to 9 of subsection 1 (1) of Schedule 2 to the Regulation are revoked.
 - (4) Subsections 1 (1.0.1) and (1.0.2) of Schedule 2 to the Regulation are revoked.
 - (5) Paragraph 2 of section 4 of Schedule 2 to the Regulation is revoked and the following substituted:

2. Patrons must wear masks or face covering at all times while receiving personal care services, except while receiving services that tend to an area of their face that would be covered by a mask or face covering.

(6) Subsection 8 (1.2) of Schedule 2 to the Regulation is revoked.

4. Section 6 of Schedule 3 to the Regulation is revoked.

Commencement

5. **This Regulation comes into force on the later of October 10, 2020 and the day it is filed.**

CITY OF HAMILTON

NOTICE OF MOTION

Council: October 14, 2020

MOVED BY COUNCILLOR N. NANN.....

Reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

That the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, and reads as follows, be reconsidered:

That having been found to have breached the Hamilton Advisory Committee/Task Force Code of Conduct as per Item 4.8, respecting the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that Cameron Kroetsch be and is hereby formally reprimanded as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.