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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Update to the List of Essential Businesses,
Requirements that Apply to Businesses and the Closing
of Non-Essential Businesses**

DATE OF ISSUE:	April 4, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0040
PRIORITY:	High

Further to All Chiefs Memo 20-0028, I am writing to advise you that following advice from Ontario's Chief Medical Officer of Health, on April 3, 2020, Ontario amended the emergency order listing places of essential business that can remain open. The restrictions are aimed at further reducing contact between people and stopping the spread of COVID-19.

By 11:59 p.m. Saturday, April 4, 2020, places of business that are not identified on the updated list must close their physical locations.

While the order requires certain *places* of non-essential business to close, it does not require the non-essential businesses to stop operating. The government has encouraged these businesses to continue to operate via alternative and innovative models, including by working online, by telephone, curbside pick-up, or by mail/delivery.

Essential businesses (i.e., for-profit, non-profit, or other entity) that provide the services listed in the order will be permitted to continue to keep their places of business open. The order categorizes essential workplaces into 15 areas:

1. Supply chains
2. Food

3. Services
4. Services to the public that are restricted to alternative methods of sale
5. Financial services
6. Telecommunications and IT infrastructure/service providers
7. Maintenance
8. Transportation services
9. Manufacturing
10. Agriculture and food production
11. Construction
12. Resources and energy
13. Community services
14. Research
15. Health care and social services

For additional information on each category, please visit:

<https://www.ontario.ca/page/list-essential-workplaces>

Business owners will be expected to review the updated list of essential businesses which are authorized to stay open and determine whether they believe that they fit into any of the categories. If they determine they do fit in a category of an essential business, the business owner will then make their decision on whether or not to stay open.

The person responsible for a place of business that continues to operate shall ensure that the business operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and its regulations. They shall also ensure the business operates in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

Note that this requirement applies to “the person responsible for a place of business”, not the people who happen to be in the place of business, whether employees or customers.

Policing personnel are encouraged to undertake a graduated approach to enforcement of the emergency order, which may include educational messaging to businesses around the emergency order (e.g., education on physical distancing, cleaning or disinfecting practices – further resources can be found at <https://www.publichealthontario.ca/>) and specific warnings before the issuance of a ticket under Part I of the Provincial Offences Act (POA) or a summons under Part III of that Act.

Restricting Access to Businesses and Providing Alternative Methods of Sale

The person responsible for a place of business that continues to operate and that engages in retail sales to the public, except for pharmacies and businesses that primarily sell food and beverages at retail, shall, to the fullest extent possible, restrict

public access to the place of business by providing alternative methods of sale such as curbside pick-up or delivery.

Stores that sell any of the following items shall restrict public access to the place of business and shall provide all items to the public using an alternative method of sale such as curbside pick-up or delivery, except in exceptional circumstances:

- I. Hardware products.
- II. Vehicle parts and supplies.
- III. Pet and animal supplies.
- IV. Office supplies and computer products including computer repair.
- V. Safety supplies.

Short Term Rentals and Prohibition on Open Houses

Every person who provides short term rentals in rental accommodations shall ensure that any rentals booked after April 4, 2020 are only provided to individuals who are in need of housing during the emergency period. This does not apply to hotels, motels and student residences.

In addition, every person who is responsible for a business that provides real estate agent services shall ensure that the business does not host, provide or support any open house events.

Enforcement and Public Reporting of Non-Compliance

The Ministry of the Solicitor General is requesting chiefs of police to advise policing personnel to use their discretion, in a graduated manner, in enforcing orders under the *Emergency Management and Civil Protection Act* (EMCPA). Those authorized with EMCPA enforcement powers have the discretion to make an informed assessment of whether or not a particular business meets the criteria of an essential business that is authorized to stay open in accordance with O. Reg. 82/20.

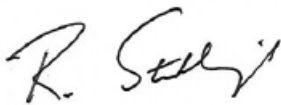
Please note that the ministry is not in a position to provide advice on whether a specific business is an essential business as this is a discretionary decision made by enforcement personnel based on their judgement, local context and the purpose of the emergency orders to contain the spread of COVID-19.

To support enforcement needs, the COVID-19 Enforcement Support Line has been established at **1-866-389-7638**. The line is only available to chiefs of police, policing personnel, and other enforcement personnel on their specific questions related to the enforcement of the emergency orders under the *Emergency Management and Civil Protection Act*. Assistance is available Monday to Sunday, from 8:00 a.m. EST – 9:00 p.m. EST.

To ensure the line can effectively respond to enforcement inquiries, I ask that you do not disclose information associated with the Support Line to the general public. Please note that members of the public **should not be directed to call government hotlines** to report alleged violations of emergency orders, including the emergency order mandating the closure of places of non-essential business. Such reports should be taken by police services for investigation, as may be appropriate.

Thank you for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division