

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: **Modification of Restrictions for Retail Stores and
Essential Construction (Operation Under Strict Safety
Guidelines)**

DATE OF ISSUE:	May 9, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
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PRIORITY:	High

Further to All Chiefs Memo 20-0017, I am writing to advise you that the Ontario government is modifying the restrictions imposed on retail stores and essential construction sites, among other changes to [O. Reg. 82/20](#) (Closure of Places of Non-Essential Business). The following changes are being made pursuant to [O. Reg. 200/20](#):

- **Effective Friday, May 8 at 12:01 a.m.:** Garden centres, plant nurseries and businesses that sell motor vehicles are able to open without being required to restrict public access to the place of business by providing alternative methods of sale. However, businesses that sell motor vehicles must still ensure members of the public only enter the area where vehicles are sold or displayed for sale by appointment. Certain sports training facilities are also able to open (further details below). In addition, temporary access to a non-essential place of business is authorized, unless otherwise prohibited by any applicable law, for the purpose of preparing the place of business to be reopened.
- **Effective Saturday, May 9 at 12:01 a.m.:** Hardware stores and safety supply stores are permitted to open without being required to restrict public access to the place of business by providing alternative methods of sale.

- **Effective Monday, May 11 at 12:01 a.m.:** Non-essential retail businesses with a public entrance that opens onto a street or exterior sidewalk can open their place of business for the purpose of sales made exclusively using alternative methods of sale such as curbside pickup or delivery. No member of the public is permitted to access the place of business, except in exceptional circumstances. The same rules apply to businesses that sell vehicle parts and supplies, pet and animal supplies, and office supplies and computer products, which were already permitted to be open with similar restrictions.
- Also effective on **Monday, May 11 at 12:01 a.m.**, the list of essential businesses is expanded to include any residential construction project that is a condominium, mixed use or other residential building, rather than only such projects where an above grade structural permit has been granted.

The Ontario government is also amending the list of essential businesses as of **Friday, May 8 at 12:01 a.m.** to include training facilities operated by a sports team in one of the following leagues:

- Canadian Football League
- Major League Baseball
- Major League Soccer
- National Basketball Association
- National Hockey League

The training facility may only be used if the team's league has established health and safety protocols and the facility is operated in accordance with those protocols. The only persons permitted to enter and use the facility are players on the team who are using the facility for training or conditioning or necessary staff.

The person responsible for any place of business that is open 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 are in the place of business, whether employees or customers. Also note this requirement applies with respect to all places of business that are open, including non-essential retail businesses permitted to open as of Monday, May 11.

Additional changes also came into effect **Friday, May 8** pursuant to O. Reg. 203/20 to allow marinas to provide services that may be required to give individuals access to their place of residence or their other property, not just their primary place of residence (e.g., access to a cottage).

Current updates to the essential business list can also be found [here](#).

Health and Safety Association Guidance Documents for Workplaces During the COVID-19 Outbreak

The Ontario government, in partnership with Ontario's health and safety associations, has developed more than 60 guidelines in response to the COVID-19 outbreak. These sector-specific measures will help employers prepare their workplaces so they can be reopened safely and ensure workers, customers and the general public are protected.

In partnership with the Ministry of Labour, Training and Skills Development, health and safety associations (HSAs) have released a series of more than 60 technical sector guidance documents to further support employers and employees in remaining safe in the workplace during the COVID-19 outbreak (click on the link for specific sector guidance <https://news.ontario.ca/opo/en/2020/04/health-and-safety-association-guidance-documents-for-workplaces-during-the-covid-19-outbreak.html>).

The ministry has also prepared guidance notes for five key economic sectors:

- [Construction](#)
- [Food processing](#)
- [Restaurant and food services](#)
- [Agriculture](#)
- [Manufacturing](#)

The Ministry of Health also released a [Guidance Document for Essential Workplaces](#), on preventative and other measures that essential workplaces can take to prevent the spread of COVID-19.

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 a 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 falls under the categories listed above 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.

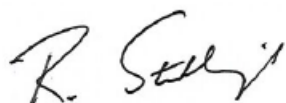
If you are concerned that a place of business permitted to operate under O. Reg. 82/20 is not following general public health and safety measures, policing personnel are encouraged to notify and consult with their local public health unit or the Ministry of Labour, Training and Skills Development (MLTSD). Questions related to occupational health and safety should be directed to MLTSD.

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". The signature is written in a cursive, flowing style.

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