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Télécopieur: (416) 314-4037**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:****Religious Gatherings and Enforcement Considerations
for O. Reg. 52/20 under the *Emergency Management and
Civil Protection Act***

DATE OF ISSUE:	May 16, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0075
PRIORITY:	High

Further to All Chiefs Memos 20-0029 and 20-0032, I would like to provide you guidance on the enforcement of emergency orders, specifically, with respect to O. Reg.52/20 (Organized Public Events, Certain Gatherings) under the *Emergency Management and Civil Protection Act* (EMCPA) as the weather continues to warm up.

O. Reg. 52/20 under the EMCPA prohibits any person from attending an organized public event of more than five people, including a parade; a social gathering of more than five people; or a gathering of more than five people for the purposes of conducting religious services, rites or ceremonies. This order applies to events and gatherings even if they are held at a private dwelling.

The prohibitions don't apply to:

- A gathering of members of a single household.
- A gathering for the purposes of a funeral service that is attended by not more than 10 persons.

Vehicle Gatherings for Religious Purposes

On May 16, 2020, the government amended [O. Reg. 52/20](#) to allow persons to gather for the purposes of a religious service, rite or ceremony provided that persons are following all of the following precautions:

- Subject to the exception below, 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.
- A person must not be in a motor vehicle that contains members of more than one household.
- The driver of a motor vehicle must ensure that it is positioned at least two metres away from other motor vehicles.
- No more than five persons may conduct the service, rite or ceremony from outside a motor vehicle, and the persons conducting the service, rite or ceremony must remain at least two metres apart from each other and from other persons attending the gathering.
- The persons conducting the service, rite or ceremony must ensure that any building that is intended for such activities and that is located at the place where the gathering is occurring remains closed during the gathering except for any access the persons conducting the service, rite or ceremony may reasonably require.
- No materials must be exchanged,
 - between a person conducting the service, rite or ceremony and the occupant of a motor vehicle, or
 - between the occupant of one motor vehicle and the occupant of any other motor vehicle.

Please note that O. Reg. 52/20 enables a person to attend a religious gathering using a non-motorized vehicle if the person ordinarily uses the vehicle due to religious belief. If persons attend the religious gathering, they must remain within their non-motorized vehicle(s). The required precautions mentioned above apply with necessary modification to the persons in the non-motorized vehicle(s).

These restrictions are aimed at safeguarding the health and well-being of Ontarians while allowing individuals to practise their faith in congregate settings.

Enforcement Considerations

With the summer months on the horizon, there may be circumstances where you encounter individuals hosting events or celebrations and these gatherings or organized public events may be contrary to the prohibitions set out for certain social or religious or organized public events (e.g., organized public events of more than five people for fireworks displays).

These events should be investigated carefully and where it is determined that a violation has occurred, policing personnel should undertake a graduated enforcement approach (e.g., education, warning, issuing tickets under Part I of the *Provincial Offences Act*, etc.). Policing personnel should always keep in mind the public health intent of the emergency orders is to limit the spread of COVID-19.

Policing personnel should use their discretion to determine whether a congregation of people is a social or religious gathering, organized public event or not. For example, carpooling to get to work is likely not a social gathering. Please note that where individuals gather in vehicles for the purposes of a religious service, rite or ceremony, the persons in each vehicle must be from the same household.

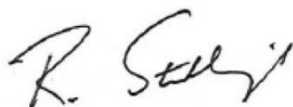
Policing personnel are free to ask questions and obtain voluntary answers, as well as rely on other objective observations, in order to form reasonable and probable grounds. Policing personnel should NOT make any assumptions about who is a member of the same household based on race, gender or any other protected grounds. Policing personnel should use their discretion and consider objective information that may be available to form grounds that a social or religious gathering of more than five people does not only include members of a single household.

I want to acknowledge that in addition to the provincial emergency orders, there may be other municipal or First Nation by-laws that apply to various types of events and gatherings. For example, there could be additional local prohibitions on social gatherings or restrictions on the sale of fireworks. Policing personnel should work with local by-law enforcement personnel on these issues, where they arise.

If you have any questions, you may call the COVID-19 Enforcement Support Line at 1-866-389-7638. The line is only available to chiefs of police, policing personnel, and other enforcement personnel for specific questions related to the enforcement of the emergency orders under the EMCPA. Assistance is available Monday to Sunday, from 8:00 a.m. EST – 9:00 p.m. EST.

I trust that this information will be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is written in a cursive, slightly slanted style.

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