

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

**FROM:** Richard Stubbings  
Assistant Deputy Minister  
Public Safety Division

**SUBJECT:** Changes under the *Reopening Ontario Act, 2020*

<b>DATE OF ISSUE:</b>	<b>October 10, 2020</b>
<b>CLASSIFICATION:</b>	<b>For Action</b>
<b>RETENTION:</b>	<b>Indefinite</b>
<b>INDEX NO.:</b>	<b>20-0150</b>
<b>PRIORITY:</b>	<b>High</b>

Further to All Chiefs Memos 20-0142, 20-0143, and 20-0144, I am sharing information regarding additional amendments to the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* ("ROA"), O. Reg. 263/20 Rules for Areas in Stage 2 ("Stage 2 Order"), O. Reg. 364/20 Rules for Areas in Stage 3 ("Stage 3 Order"), and O. Reg. 363/20 - Stages of Reopening ("Stages of Reopening Order").

### **Amendments to Stages of Reopening Order**

Effective Saturday, **October 10, 2020 at 12:01 a.m.**, Toronto, Ottawa and Peel Public Health Units (PHUs) are moved from Stage 3 to Stage 2.

All other PHUs continue to operate under the current Stage 3 restrictions. See attached map for locations.

### **Amendments to Stage 2 and Stage 3 Orders – Requirement to Wear Masks**

Both orders are amended to require that the person responsible for any business or organization that is open ensure that any person indoors on the premises wears a mask or face covering that covers their mouth, nose and chin, with some exceptions (see below).

This requirement also applies to vehicles that are operating as part of the business or organization.

Exceptions to the requirement to wear a mask or face covering (including in a vehicle) are as follows:

- the person has a medical condition that inhibits their ability to wear a mask or face covering,
- the person needs to temporarily remove their mask or face covering while in the indoor area as may be necessary for the purposes of health and safety.
- the person is performing work for the business or organization in an area that is not accessible to the public and can maintain two metres from everyone else in the area (for example, when a police officer is alone in a cruiser).

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.

In addition, masks are not mandatory in premises used as dwellings, such as apartment and condo buildings, except in common areas where it is not possible to maintain a physical distance of at least two metres.

**Summary of Other Requirements under Stage 2 Order**

The following general requirements apply to all businesses or organizations in **Toronto, Peel and Ottawa PHUs** as of **12:01 a.m. on October 10:**

- The business or place must comply with certain conditions or be closed. The person responsible for a place of business or facility 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 (other than members of their own household or social circle), unless the order specifies otherwise.
- Capacity is limited to **10 people indoors** and **25 people outdoors** in rentable meeting or event spaces, and the person responsible for a business or place that is open may only rent out meeting or event space if the total number of people can maintain physical distance of at least two metres from one another. In addition, no more than **six people** may be seated together at any table in the rented space.
  - However, if the rental of a meeting or event space is for a wedding, a funeral or a religious service, rite or ceremony (e.g., a wedding ceremony), the capacity cannot exceed a total of **30% of the room capacity indoors** and **100 people outdoors**.
  - Until October 12 only, the limit of **50 people indoors** and **100 people outdoors** applies to social gatherings associated with a wedding, a funeral or a religious service, rite or ceremony (e.g., a wedding reception), but as of October 13 the maximum of **10 persons indoors** and **25 persons outdoors** will also apply to these types of social gatherings.

- Liquor can only be sold between **9 a.m. and 11 p.m.** and cannot be consumed between **12 a.m. and 9 a.m.**, except in airports.
- Instructional spaces, except for schools operating in accordance with a direction from the Ministry of Education and certain other exceptions, must comply with certain conditions such as maintaining a sanitary setting, including:
  - Students must be able to maintain at least two metres from every other person, except where necessary for effective teaching and instruction;
  - The total number of students per instructional space cannot exceed **10 indoors or 25 outdoors**, except in post-secondary institutions, where the limits are **50 indoors or 100 outdoors**.
- Special rules apply to businesses and places as part of the NHL hub.
  - For example, businesses such as pumpkin patches and apple picking are permitted to open in Stage 2 (or Stage 3) if they comply with the above requirements.

The following rules apply to specific types of businesses or places and take effect on **October 10 at 12:01 a.m.** unless otherwise noted:

- Restaurants, bars, food trucks, concession stands, and other food or drink establishments must comply with certain conditions including but not limited to:
  - Providing takeout, drive-through, delivery or outdoor dining, and outdoor dining must comply with various requirements. However, dine-in service can be provided on hospital premises, in airports, to persons who work at the establishment, and at a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony.
  - Providing access to indoor areas for 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 (except to the extent indoor dining is permitted).
  - The person responsible for the establishment must record the name and contact information of every dine-in patron and keep it for at least one month.
  - Closing between **12 a.m. and 5 a.m.**, except as may be necessary to facilitate take-out, drive-through or delivery; provide dine-in service only for people who work at the establishment, or provide access to washrooms, unless the establishment is in a hospital or airport.
  - Not seating more than **6 people** together at a table.
  - Not permitting patrons to line up or congregate outside the establishment unless they maintain a distance of at least two metres and wear a mask or face covering (unless they are entitled to an exemption from mask-wearing).

- Public libraries, community centres and multi-purpose facilities can open for certain purposes and must comply with prescribed conditions. Personal services such as personal shoppers, party planners and personal trainers and must maintain physical distancing. Trainers cannot provide services in a gym, except a home gym.
- Hotels, motels, lodges, cabins, cottages, resorts and other short-term rental businesses must close their fitness and gym facilities and any communal steam rooms, saunas, whirlpools or hot tubs.
- Real estate agencies can hold open houses if there are no more than **10 people**, and everyone can maintain a distance of at least two metres.
- Personal care services (e.g., hair salons) must comply with various conditions, including that they cannot provide any services that require the removal of a mask or face covering, and persons providing services must wear appropriate personal protective equipment.
- Effective **October 13 at 12:01 a.m.**, conference centres and convention centres can only provide meeting or event space for delivery of court services.
- Facilities for indoor and outdoor sports and recreational fitness activities, including gymnasiums and other fitness facilities, must comply with various conditions. However, these restrictions do not apply to professional sports leagues that comply with certain conditions.
- Outdoor playgrounds, play structures and facilities containing outdoor fitness equipment may open.
- Museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions must comply with various conditions, including that no member of the public may be permitted access to interactive exhibits or exhibits that would create a high risk of personal contact.
- Concert venues, theatres and cinemas are closed unless they are drive-in or drive-through and comply with various conditions, including that patrons must remain in vehicles with limited exceptions.
- Steam rooms, saunas and bathhouses are closed.
- A pool, splash pad, spray pad, whirlpool, wading pool or water slide can open and must comply with prescribed conditions.
- Casinos, bingo halls and other gaming establishments are closed.

- Horse racing tracks, car racing tracks and other similar venues are closed to spectators.
- Tours can have up to 10 people indoors or 25 people outdoors if they comply with various conditions.
- Marinas, boating clubs and other organizations that maintain docking facilities for members or patrons, as well as golf courses and outdoor driving ranges, must comply with various conditions.

The following rules apply to organized public events and gatherings and all attendees must comply with public health guidance on physical distancing:

- Social gatherings and organized public events are limited to **10 people indoors** and **25 people outdoors**.
- Social gatherings associated with a wedding, a funeral or a religious service, rite or ceremony (e.g., a wedding reception) that are held at a place operated by a business or organization that complies with the order can have **up to 50 people indoors** or **100 outdoors** until **October 12 only**. **Effective October 13**, the maximum capacity is **10 people indoors** or **25 outdoors**.
- Indoor and outdoor events cannot be combined to increase the capacity limits.
- Persons attending drive-in religious gatherings must remain in their vehicles, with limited exceptions, and remain at least two metres from other vehicles,

The filed orders are attached for your reference. However, all orders in effect can be found by visiting the e-Laws page for the ROA at <https://www.ontario.ca/laws/statute/20r17> and visiting the “Regulations under this Act” tab. Enforcement personnel are encouraged to continue to monitor [www.ontario.ca/alert](http://www.ontario.ca/alert) for information on updates to orders and order expiries/revocations.

### **ROA Amendments In-Force**

**On October 1, 2020**, the following amendments to the ROA received Royal Assent and are now in-force:

- There is a new offence for hosting or organizing a gathering in residential premises contrary to the size limits established in orders continued under ROA.
- The owner or occupier of premises, if present at the gathering, would be presumed, in the absence of evidence to the contrary, to have hosted or organized the gathering.

- A minimum fine of \$10,000 and the existing maximum penalties under the ROA apply if the person is convicted in Provincial Offences Court.
- The Lieutenant Governor in Council has authority to prescribe additional types of premises to which the new offence would apply.
- Police officers, special constables and First Nations Constables have authority to order that premises be temporarily closed if they have reasonable grounds to believe that a gathering is occurring at the premises and that the number of people in attendance exceeds the number permitted under an order continued under the ROA (e.g., the Stage 3 order). Any individuals who do not reside on the premises are required to comply with the order by vacating promptly and are not permitted to re-enter the premises the same day.

Note, there is no set fine or short form wording in relation to the new offence for hosting or organizing certain oversize gatherings (specifically those at residential premises). Any proceedings would have to be under Part III of the *Provincial Offences Act* (POA).

### **Enforcement Data**

Per All Chiefs Memo 20-0047, since April 2020, the Ministry of the Solicitor General (ministry) continues to coordinate province-wide reporting on enforcement of orders. We kindly request that you continue to report this enforcement data on a weekly basis while orders are in force to inform the government's response to COVID-19. Any questions regarding reporting requirements or technical questions can be directed to Jeanette Gorzkowski, Analytics Unit Manager at [jeanette.gorzkowski@ontario.ca](mailto:jeanette.gorzkowski@ontario.ca) or (437) 928-7427.

In addition to the above, the ministry is committed to supporting local enforcement activities with public health information and data that will focus efforts on regions with higher rates of infection. We are requesting that each police service identifies an enforcement lead that we can work with to provide relevant public health data to support enforcement efforts. To that end, please provide a contact name and information to **Rosa Taddeo, Senior Policy Advisor, Policing Standards Section** at [rosa.taddeo@ontario.ca](mailto:rosa.taddeo@ontario.ca) by **Tuesday, October 13, 2020**.

### **Conclusion**

Sustained vigilance to ensure compliance and coordination in the enforcement of orders that is responsive to the needs of the local community, is encouraged. The ministry continues to encourage police services to focus their efforts and work collaboratively with all enforcement personnel, including by-law enforcement officers and other provincial offences officers, on appropriate enforcement of the orders, including taking assertive and/or proactive approaches. This could include deploying specific leads and/or personnel within your police services to focus on COVID-19 enforcement.

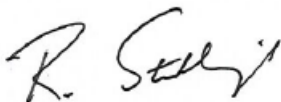
Should services wish to reach out to Ministry of Labour, Training and Skills Development inspectors to coordinate any efforts for this long weekend, focus will be on the following regions:

Region	Name	Contact Number
Central East	Greg Nicholson	(416) 605-2079
Central West	Stephen McDonald	(416) 705-3063
Western	Jeff McInnis	(519) 319-2156

As a reminder, a number of penalties and fines are available under the ROA, including the ability to issue Part Is and Part IIIs under the POA. Enforcement personnel should continue to use their discretion to consider the severity of the violation of an order and the Government of Ontario's public health intent to limit the spread of COVID-19.

We appreciate your efforts and for continuing to help keep our communities safe and healthy.

Sincerely,



Richard Stubbings  
Assistant Deputy Minister  
Public Safety Division

Attachments