

ONTARIO MOVING TO STAGE 3 OF COVID-19 REOPENING FRAMEWORK

JULY 15, 2020

On July 13, 2020, the Ontario government filed new [Ontario Regulation 363/20](#),¹ and [Ontario Regulation 364/20](#),² under the *Emergency Management and Civil Protection Act*,³ establishing the rules for Stage 3 of the province's gradual reopening framework,⁴ including changes to social gatherings and religious services and ceremonies. Ontario Regulations 363/20 and 364/20 are revoked on July 27, 2020, unless extended.

In this regard, Ontario Regulation 363/20 provides that as of 12:01 a.m. on July 17, 2020, most of Ontario will move to Stage 3, except the following ten (10) public health unit areas which will remain in Stage 2:

1. City of Hamilton Health Unit.
2. City of Toronto Health Unit.
3. Durham Regional Health Unit.
4. Haldimand-Norfolk Health Unit.
5. Halton Regional Health Unit.
6. Lambton Health Unit.
7. Niagara Regional Area Health Unit.
8. Peel Regional Health Unit.
9. York Regional Health Unit.
10. Windsor-Essex County Health Unit.

¹ O Reg 363/20 *Stage of Reopening*, online: <https://www.ontario.ca/laws/regulation/200363>.

² O Reg 364/20, *Rules for Areas in Stage 3*, online: <https://www.ontario.ca/laws/regulation/200364>.

³ RSO 1990, c E.9.

⁴ Government of Ontario, "A Framework for Reopening our Province" (27 April 2020), online: <https://www.ontario.ca/page/framework-reopening-our-province>. See also Office of the Premier, News Release: "Nearly All Businesses and Public Spaces to Reopen in Stage 3" (13 July 2020), online: <https://news.ontario.ca/opo/en/2020/07/nearly-all-businesses-and-public-spaces-to-reopen-in-stage-3.html>.

Ontario Regulation 364/20 provides the rules for Stage 3 in three schedules, as described below.

Schedule 1 - Businesses and Places

Schedule 1 provides the general requirements and conditions for businesses and places which are permitted to open. Schedule 1 also provides for temporary access to businesses and places that are required to remain closed or permitted to operate remotely. The general compliance requirements previously established for Stage 2 remain the same with regard to compliance with all applicable laws (including the *Occupational Health and Safety Act* and the regulations made under it) and compliance with the advice, recommendations and instructions of public health officials (including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting). Similarly, persons responsible for a place of business or facility that is open to the public are required to ensure that every member of the public is able to maintain a physical distance of at least two (2) metres from every other person in the business or facility, except where the persons are members of the same household or social circle, or where otherwise permitted pursuant to Schedule 2 for persons to be closer together.

Schedule 1 allows for meeting or event space rentals where the total number of people permitted in the business or place at the same time are able to maintain a physical distance of at least two (2) meters from one another *and* there are no more than fifty (50) people present for an indoor meeting or event, or one-hundred (100) people for an outdoor meeting or event. Similar rules also apply to in-person teaching and instruction, not including schools or private schools within the meaning of the *Education Act*. However, where the teaching involves singing or the playing of brass or wind instruments, plexiglass or other impermeable barrier would be required.

Schedule 2 - Specific Rules

Schedule 2 provides specific rules for restaurants, bars, concession stands and other food or drink establishments, together with food courts, permitting plexiglass between tables where physical distancing of at least two (2) metres is not possible. There are also special rules for public libraries, real estate open houses, personal care services, fitting rooms, sport and recreational fitness facilities (including gymnasiums, yoga and dance studios), and day camps for children. Cinemas and other performing arts

events such as concerts, as well as tour and guide services, are subject to specific rules, including capacity limits of fifty (50) people for indoor events and one-hundred (100) people for outdoor events. Similarly, specific rules apply to museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions, as well as casinos, bingo halls and other gaming establishments (not including table games), racing venues and campgrounds.

Schedule 2 provides that certain businesses or places must remain closed. These businesses or places include: overnight camps for children, buffet-style food services, amusement parks and waterparks, steam rooms, saunas and bathhouses, and nightclubs.

However, for businesses and sectors that are either not able to reopen in Stage 3 or who are experiencing significant challenges opening with restrictions in Stage 3, the government has made available an online form through which businesses may submit feedback regarding their reopening plans and on how other organizations in the same sector would be able to implement public health and workplace safety guidance.⁵

Schedule 3 – Organized Public Events, Certain Gatherings

Schedule 3 provides that no person may attend an organized public event or gathering, including weddings, funerals or religious services or ceremonies, of more than fifty (50) people if the event or ceremony is held indoors, or one-hundred (100) people if the event or religious service is held outdoors. Also, indoor and outdoor events may not be combined so as to increase the applicable limit on the number of people at the event or ceremony.

Schedule 3 maintains the exception to the general indoor person limit for indoor religious services or ceremonies at thirty (30) percent capacity of the particular room as previously established by Ontario Regulation 52/20.⁶ For all religious services or ceremonies, whether indoor or outdoor, all persons

⁵ Government of Ontario, “Work with government on a Stage 3 reopening plan”, online: <https://www.ontario.ca/form/work-government-stage-3-reopening-plan>

⁶ O Reg 52/20, *Order under Subsection 7.0.2 (4) of the Act - Organized Public Events, Certain Gatherings*, online: <https://www.ontario.ca/laws/regulation/200052>.

attending the gathering must comply with public health guidance on physical distancing. The provisions on drive-in services previously in Ontario Regulation 52/20 have also been simplified.

To discuss how this may impact your charity or not-for-profit, call us toll-free at 1-877-942-0001 or email tcarter@carters.ca.