

## Reopening Ontario (A Flexible Response to COVID-19) Act, 2020

### ONTARIO REGULATION 263/20

*formerly under Emergency Management and Civil Protection Act*

### RULES FOR AREAS IN STAGE 2

**Consolidation Period:** From February 16, 2021 to the [e-Laws currency date](#).

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*This is the English version of a bilingual regulation.*

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#### Terms of Order

1. The terms of this Order are set out in Schedules 1, 2 and 3. O. Reg. 572/20, s. 1; O. Reg. 641/20, s. 1; O. Reg. 648/20, s. 1.
2. REVOKED: O. Reg. 427/20, s. 1.

#### Application

3. (1) This Order applies to the areas listed in Schedule 2 to Ontario Regulation 363/20 (Stages of Reopening). O. Reg. 656/20, s. 1.
- (2) This Order applies throughout the Red Zone. O. Reg. 656/20, s. 1.

#### Red Zone

**3.1** In this Order, a reference to the Red Zone is a reference to all areas listed as being in the Red Zone of Stage 2 in section 1 of Schedule 2 to Ontario Regulation 363/20 (Stages of Reopening) made under the Act. O. Reg. 656/20, s. 2.

#### Indoor vs. outdoor

4. (1) The outdoor capacity limits set out in this Order apply to a business, place, event or gathering if the people attending it are only permitted to access an indoor area,
  - (a) to use a washroom;
  - (b) to access an outdoor area that can only be accessed through an indoor route; or
  - (c) as may be necessary for the purposes of health and safety. O. Reg. 572/20, s. 2.
- (2) The indoor capacity limits set out in this Order apply to a business, place, event or gathering if the business, place, event or gathering is fully or partially indoors. O. Reg. 572/20, s. 2.
- (3) An indoor event or gathering cannot be combined with an outdoor event or gathering so as to increase the applicable limit on the number of people at the event or gathering. O. Reg. 572/20, s. 2.
5. REVOKED: O. Reg. 97/21, s. 2.

SCHEDULE 1  
GENERAL RULES

**Closures**

1. (1) Each person responsible for a business or place, or part of a business or place, that is required to be closed by Schedule 2 shall ensure that the business or place, or part of the business or place, is closed in accordance with that Schedule.

(2) Each person responsible for a business or place, or part of a business or place, that Schedule 2 describes as being permitted to open if certain conditions set out in that Schedule are met shall ensure that the business or place, or part of the business or place, either meets those conditions or is closed.

(3) Each person responsible for a business or place, or part of a business or place, that does not comply with sections 2 to 9 of this Schedule shall ensure that it is closed.

(4) Despite subsections (1), (2) and (3), temporary access to a business or place, or part of a business or place, that is required to be closed by Schedule 2 is authorized, unless otherwise prohibited by any applicable law, for the purposes of,

- (a) performing work at the business or place in order to comply with any applicable law;
- (b) preparing the business or place to be reopened;
- (c) allowing for inspections, maintenance or repairs to be carried out at the business or place;
- (d) allowing for security services to be provided at the business or place; and
- (e) attending at the business or place temporarily,
  - (i) to deal with other critical matters relating to the closure of the business or place, if the critical matters cannot be attended to remotely, or
  - (ii) to access materials, goods or supplies that may be necessary for the business or place to be operated remotely.

(5) Nothing in this Order precludes a business or organization from operating remotely for the purpose of,

- (a) providing goods by mail or other forms of delivery, or making goods available for pick-up; and
- (b) providing services online, by telephone or other remote means.

(6) Nothing in this Order precludes a business or place from providing access to an outdoor recreational amenity that is permitted to open under section 14.2 of Schedule 2, including by opening such limited areas of the business or place as are necessary to enable access.

(7) Nothing in this Order precludes operations or delivery of services by the following in Ontario:

- 1. Any government.
- 2. Any person or publicly-funded agency or organization that delivers or supports government operations and services, including operations and services of the health care sector.

**General compliance**

2. (1) The person responsible for a business or organization that is open shall ensure that the business or organization operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and the regulations made under it.

(2) The person responsible for a business or organization that is open shall operate the business or organization in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

(3) The person responsible for a business or organization that is open shall operate the business or organization in compliance with any advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health, or another public health official, on screening individuals by, among other things,

- (a) posting signs at all entrances to the premises of the business or organization, in a conspicuous location visible to the public, that inform individuals on how to screen themselves for COVID-19 prior to entering the premises; and
- (b) actively screening every person who works at the business or organization before they enter the premises of the business or organization.

(3.1) The person responsible for a business or organization that is open shall operate the business or organization in compliance with any advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health, or other public health official, on working remotely.

(4) The person responsible for a business or organization that is open shall ensure that any person in the indoor area of the premises of the business or organization, or in a vehicle that is operating as part of the business or organization, wears a mask

or face covering in a manner that covers their mouth, nose and chin during any period when they are in the indoor area unless the person in the indoor area,

- (a) is a child who is younger than two years of age;
- (b) is attending a school or private school within the meaning of the *Education Act* that is operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health;
- (c) is attending a child care program at a place that is in compliance with the child care re-opening guidance issued by the Ministry of Education;
- (d) is receiving residential services and supports in a residence listed in the definition of “residential services and supports” in subsection 4 (2) of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*;
- (e) is in a correctional institution or in a custody and detention program for young persons in conflict with the law;
- (f) is performing or rehearsing in a film or television production or in a concert, artistic event, theatrical performance or other performance;
- (g) has a medical condition that inhibits their ability to wear a mask or face covering;
- (h) is unable to put on or remove their mask or face covering without the assistance of another person;
- (i) needs to temporarily remove their mask or face covering while in the indoor area,
  - (i) to receive services that require the removal of their mask or face covering,
  - (ii) to engage in an athletic or fitness activity,
  - (iii) to consume food or drink, or
  - (iv) as may be necessary for the purposes of health and safety;
- (j) is being accommodated in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*;
- (k) is being reasonably accommodated in accordance with the *Human Rights Code*; or
- (l) performs work for the business or organization, is in an area that is not accessible to members of the public and is able to maintain a physical distance of at least two metres from every other person while in the indoor area.

(5) Subsection (4) does not apply with respect to premises that are used as a dwelling if the person responsible for the business or organization ensures that persons in the premises who are not entitled to an exception set out in subsection (4) wear a mask or face covering in a manner that covers their mouth, nose and chin in any common areas of the premises in which persons are unable to maintain a physical distance of at least two metres from other persons.

(6) For greater certainty, 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 set out in subsection (4).

(7) A person shall wear appropriate personal protective equipment that provides protection of the person’s eyes, nose and mouth if, in the course of providing services, the person,

- (a) is required to come within two metres of another person who is not wearing a mask or face covering in a manner that covers that person’s mouth, nose and chin during any period when that person is in an indoor area; and
- (b) is not separated by plexiglass or some other impermeable barrier from a person described in clause (a).

**Capacity limits for businesses or facilities open to the public**

**3.** (1) Subject to any additional restrictions set out in this Order, the person responsible for a place of business or facility that is open to the public shall limit the number of members of the public in the place of business or facility so that,

- (a) the members of the public are able to maintain a physical distance of at least two metres from every other person in the business or facility; and
- (b) the total number of members of the public in the business or facility at any one time does not exceed 75 per cent capacity, as determined in accordance with subsection (2).

(2) For the purposes of this Order, the maximum number of members of the public permitted in a business or facility that is operating at 75 per cent capacity is determined by taking the total square metres of floor area accessible to the public in the business or facility, not including shelving and store fixtures, dividing that number by 5.3 and rounding the result down to the nearest whole number.

(3) For the purposes of this Order, the maximum number of members of the public permitted in a business or facility that is operating at 50 per cent capacity is determined by taking the total square metres of floor area accessible to the public in the

business or facility, not including shelving and store fixtures, dividing that number by 8 and rounding the result down to the nearest whole number.

(4) For greater certainty, subsection (1) does not require persons who are in compliance with public health guidance on households to maintain a physical distance of at least two metres from each other while in a place of business or facility.

(5) The person responsible for a place of business or facility that engages in retail sales to the public must post a sign in a conspicuous location visible to the public that states the maximum capacity they are permitted to operate under.

(6) Subsection (1) does not apply to schools and private schools within the meaning of the *Education Act* that are,

(a) operating in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health; or

(b) operated by,

(i) a band, a council of a band or the Crown in right of Canada,

(ii) an education authority that is authorized by a band, a council of a band or the Crown in right of Canada, or

(iii) an entity that participates in the Anishinabek Education System.

#### **Requirements that apply to individuals**

**3.1** (1) Every person on the premises of a business or organization that is open shall wear a mask or face covering in a manner that covers their mouth, nose and chin during any period in which they are in an indoor area of the premises.

(2) Every person shall wear a mask or face covering in a manner that covers their mouth, nose and chin during any period in which they are,

(a) in attendance at an organized public event or gathering permitted by this Order; and

(b) within two metres of another individual who is not part of their household.

(3) Subsections (1) and (2) do not require a person to wear a mask or face covering if they are subject to an exception set out in subsection 2 (4).

(4) Every member of the public in a place of business or facility that is open to the public shall maintain a physical distance of at least two metres from every other person, except from their caregiver or from members of the person's household.

(5) The physical distancing described in subsection (4) is not required,

(a) where necessary to complete a transaction or to receive a service, if the member of the public wears a mask or face covering in a manner that covers their mouth, nose and chin or is subject to an exception set out in subsection 2 (4);

(b) when passing one another in a confined location, such as in a hallway or aisle, if the member of the public wears a mask or face covering in a manner that covers their mouth, nose and chin or is subject to an exception set out in subsection 2 (4); and

(c) in situations where another provision of this Order expressly authorizes persons to be closer than two metres from each other.

(6) For greater certainty, nothing in subsection (5) affects the obligation of persons who provide services to comply with subsection 2 (7).

(7) No person shall use an indoor or outdoor recreational amenity that is required to be closed under this Order.

#### **Physical distancing and masks or face coverings in lines, etc.**

**3.2** The person responsible for a business or place that is open must not permit patrons to line up inside the business or place, or to line up or congregate outside of the business or place, unless they are,

(a) maintaining a physical distance of at least two metres from other groups of persons; and

(b) wearing a mask or face covering in a manner that covers their mouth, nose and chin, unless they are entitled to any of the exceptions set out in subsection 2 (4).

#### **Safety plan**

**3.3** (1) The person responsible for a business that is open shall prepare and make available a safety plan in accordance with this section, or ensure that one is prepared and made available, no later than seven days after the requirement first applies to the person.

(2) The safety plan shall describe the measures and procedures which have been implemented or will be implemented in the business to reduce the transmission risk of COVID-19.

(3) Without limiting the generality of subsection (2), the safety plan shall describe how the requirements of this Order will be implemented in the location including by screening, physical distancing, masks or face coverings, cleaning and disinfecting of surfaces and objects and the wearing of personal protective equipment.

(4) The safety plan shall be in writing and shall be made available to any person for review on request.

(5) The person responsible for the business shall ensure that a copy of the safety plan is posted in a conspicuous place where it is most likely to come to the attention of individuals working in or attending the business.

#### **Meeting or event space**

4. (1) The person responsible for a business or place that is open may only rent out meeting or event space if,

(a) the total number of members of the public permitted to be in the business or place in its rentable meeting or event space at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person in the business or place, and in any event is not permitted to exceed,

(i) 10 persons, if the meeting or event is indoors, or

(ii) 25 persons, if the meeting or event is outdoors; and

(b) no more than four people are seated together at any table in the rented space.

(1.1) The person responsible for a business or place that is open shall not permit the booking of more than one room for any particular event or social gathering.

(1.2) The person responsible for a business or place that is open shall ensure that the meeting or event space is closed to the public between the hours of 10 p.m. and 5 a.m.

(1.3) REVOKED: O. Reg. 114/21, s. 1 (2).

(1.4) The person responsible for a business or place that is open shall,

(a) record the name and contact information of every member of the public who attends a meeting or event;

(b) maintain the records for a period of at least one month; and

(c) only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

(1.5) The person responsible for a business or place that is open shall ensure that music is not played at a decibel level that exceeds the level at which normal conversation is possible.

(2) Subsections (1) to (1.3) do not apply to the rental of meeting or event space for a wedding, funeral, religious service, rite or ceremony that is authorized under section 4, 5 or 6 of Schedule 3.

(3) Subsections (1) to (1.4) do not apply to the rental of meeting or event space for the purpose of delivering or supporting the delivery of court services.

(4) Subsections (1) to (1.3) do not apply to the rental of meeting or event space,

(a) for operations by or on behalf of a government; or

(b) for the purpose of delivering or supporting the delivery of government services.

#### **Sale and service of liquor**

5. (1) The person responsible for a business or place that is open and in which liquor is sold or served under a licence or a special occasion permit shall ensure that,

(a) liquor is sold or served only between 9 a.m. and 9 p.m.; and

(b) no consumption of liquor is permitted in the business or place between the hours of 10 p.m. and 9 a.m.

(2) The conditions set out in subsection (1) do not apply with respect to businesses and places in airports.

(3) The conditions set out in subsection (1) do not apply with respect to,

(a) the sale of liquor for removal from licensed premises in accordance with section 56.1 of Regulation 719 (Licences to Sell Liquor) made under the *Liquor Licence Act*; and

(b) the sale of liquor for delivery in accordance with section 56.2 of Regulation 719 (Licences to Sell Liquor) made under the *Liquor Licence Act*.

#### **In-person teaching and instruction**

6. (1) Subject to subsection (3), the person responsible for a business or place that is open and that provides in-person teaching or instruction shall ensure that every instructional space complies with the following conditions:

1. The instructional space must be operated to enable students to maintain a physical distance of at least two metres from every other person in the instructional space, except where necessary for teaching and instruction that cannot be effectively provided if physical distancing is maintained.
2. The total number of students permitted to be in each instructional space at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the business or place, and in any event cannot exceed,
  - i. 10 persons, if the instructional space is indoors, or
  - ii. 25 persons, if the instructional space is outdoors.

(2) Paragraph 2 of subsection (1) does not apply to a post-secondary institution, and instead the total number of students permitted to be in each instructional space in the institution at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the space, and in any event cannot exceed,

- (a) 50 persons, if the instructional space is indoors; or
- (b) 100 persons, if the instructional space is outdoors.

(3) If the teaching or instruction involves singing or the playing of brass or wind instruments,

- (a) every person who is singing or playing must be separated from every other person by plexiglass or some other impermeable barrier; and
- (b) the exception in paragraph 1 of subsection (1) that allows persons to be closer than two metres where necessary for teaching and instruction does not apply.

(4) Subsections (1) to (3) do not apply to,

- (a) a school or private school within the meaning of the *Education Act* that is operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health;
- (b) a school operated by,
  - (i) a band, a council of a band or the Crown in right of Canada,
  - (ii) an education authority that is authorized by a band, a council of a band or the Crown in right of Canada, or
  - (iii) an entity that participates in the Anishinabek Education System; and
- (c) the Ontario Police College, training facilities operated by a police force or fire department, the Correctional Services Recruitment and Training Centre and the Ontario Fire College.

(5) In this section,

“post-secondary institution” means,

- (a) a university,
- (b) a college of applied arts and technology,
- (c) a private career college,
- (d) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*,
- (e) an institution that is authorized to grant a degree by an act of the Legislature, or
- (f) a person who is delivering in-person teaching or instruction in accordance with a consent given under section 4 of the *Post-secondary Education Choice and Excellence Act, 2000*.

#### **School teaching person holding study permit**

**6.1** A school or private school within the meaning of the *Education Act* may provide in-person teaching or instruction to a person who holds a study permit issued under the *Immigration and Refugee Protection Act* (Canada) and who enters Canada on or after November 17, 2020, only if the school or private school,

- (a) has a plan respecting COVID-19 that has been approved by the Minister of Education; and
- (b) operates in accordance with the approved plan.

#### **Cleaning requirements**

**7.** (1) The person responsible for a business or place that is open shall ensure that,

- (a) any washrooms, locker rooms, change rooms, showers or similar amenities made available to the public are cleaned and disinfected as frequently as is necessary to maintain a sanitary condition; and

(b) any equipment that is rented to, provided to or provided for the use of members of the public must be cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.

(2) For greater certainty, clause (1) (b) applies to computers, electronics and other machines or devices that members of the public are permitted to operate.

#### **NHL**

**8.** (1) In this section,

“NHL” means the National Hockey League; (“LNH”)

“NHL participant” means a person who has been specified as a member of a participant group in the professional sports plan for the NHL; (“participant de la LNH”)

“professional sports plan for the NHL” means the document titled “2020-21 NHL Season COVID-19 Protocol” and any attachments to it approved by the Office of the Chief Medical Officer of Health. (“plan de sports professionnels applicable à la LNH”)

(2) The Office of the Chief Medical Officer of Health may approve a professional sports plan for the NHL.

(3) The professional sports plan for the NHL shall list,

(a) the businesses and places that may be used by NHL participants, which may include,

(i) hotels,

(ii) facilities for indoor or outdoor sports and recreational fitness activities,

(iii) businesses or places that are in hotels or facilities mentioned in subclause (i) or (ii), and

(iv) restaurants or bars; and

(b) persons who are NHL participants.

(4) A business or place that is listed in the professional sports plan for the NHL as being available for the use of NHL participants may open for use by NHL participants if the business or place complies with the following conditions:

1. The business or place must operate in accordance with the professional sports plan for the NHL.

2. No spectators may be permitted at the business or place except in accordance with the professional sports plan for the NHL.

3. The business or place must ensure that subsection (6) is complied with on the premises of the business or place.

(5) The following provisions do not apply to the provision of goods or services to an NHL participant by a business or place listed in the professional sports plan for the NHL in accordance with clause (3) (a) when they are provided in accordance with the professional sports plan for the NHL:

1. Subsection 2 (4) and sections 3, 4, 5 and 7 of this Schedule.

2. Section 7 of Schedule 2, but only in respect of personal physical fitness or sports trainers.

3. Sections 13 and 14 of Schedule 2.

4. Clauses 1 (1) (a) and (b) of Schedule 3.

(6) Section 1 of Schedule 2 does not apply to any part of a restaurant, bar, concession stand or other food or drink establishment that provides food, drink or services to NHL participants when they are permitted to provide food, drink or services under the professional sports plan for the NHL, but the establishment must operate in accordance with the conditions set out in paragraphs 2, 3.1, 3.2, 4, 5 and 7 of subsection 1 (1) and subsections 1 (2) to (4.1) of Schedule 2 to Ontario Regulation 364/20 (Rules for Areas in Stage 3) made under the Act.

(7) Clauses 1 (1) (a) and (b) of Schedule 3 do not apply to NHL participants.

#### **AHL**

**9.** (1) In this section,

“AHL” means the American Hockey League; (“LAH”)

“AHL participant” means a person who has been specified as a member of a participant group in the professional sports plan for the AHL; (“participant de la LAH”)

“professional sports plan for the AHL” means the document titled “2021 AHL Season COVID-19 Protocol” and any attachments to it approved by the Office of the Chief Medical Officer of Health. (“plan de sports professionnels applicable à la LAH”)

- (2) The Office of the Chief Medical Officer of Health may approve a professional sports plan for the AHL.
- (3) The professional sports plan for the AHL shall list,
- (a) the businesses and places that may be used by AHL participants, which may include,
- (i) hotels,
  - (ii) facilities for indoor or outdoor sports and recreational fitness activities,
  - (iii) businesses or places that are in hotels or facilities mentioned in subclause (i) or (ii), and
  - (iv) restaurants or bars; and
- (b) persons who are AHL participants.
- (4) A business or place that is listed in the professional sports plan for the AHL as being available for the use of AHL participants may open for use by AHL participants if the business or place complies with the following conditions:
1. The business or place must operate in accordance with the professional sports plan for the AHL.
  2. No spectators may be permitted at the business or place except in accordance with the professional sports plan for the AHL.
  3. The business or place must ensure that subsection (6) is complied with on the premises of the business or place.
- (5) The following provisions do not apply to the provision of goods or services to an AHL participant by a business or place listed in the professional sports plan for the AHL in accordance with clause (3) (a) when they are provided in accordance with the professional sports plan for the AHL:
1. Subsection 2 (4) and sections 3, 4, 5 and 7 of this Schedule.
  2. Section 7 of Schedule 2, but only in respect of personal physical fitness or sports trainers.
  3. Sections 13 and 14 of Schedule 2.
  4. Clauses 1 (1) (a) and (b) of Schedule 3.
- (6) Section 1 of Schedule 2 does not apply to any part of a restaurant, bar, concession stand or other food or drink establishment that provides food, drink or services to AHL participants when they are permitted to provide food, drink or services under the professional sports plan for the AHL, but the establishment must operate in accordance with the conditions set out in paragraphs 2, 3.1, 3.2, 4, 5 and 7 of subsection 1 (1) and subsections 1 (2) to (4.1) of Schedule 2 to Ontario Regulation 364/20 (Rules for Areas in Stage 3) made under the Act.
- (7) Clauses 1 (1) (a) and (b) of Schedule 3 do not apply to AHL participants.
- O. Reg. 414/20, s. 4; O. Reg. 427/20, s. 2; O. Reg. 572/20, s. 3; O. Reg. 578/20, s. 1; O. Reg. 587/20, s. 1; O. Reg. 641/20, s. 3-7; O. Reg. 656/20, s. 3; O. Reg. 686/20, s. 1; O. Reg. 5/21, s. 1, 2; O. Reg. 97/21, s. 1, 3; O. Reg. 114/21, s. 1; O. Reg. 118/21, s. 1.

## SCHEDULE 2 SPECIFIC RULES

### Food and drink

#### **Restaurants, bars, etc.**

- 1.** (1) Restaurants, bars, food trucks, concession stands and other food or drink establishments may open if they comply with the following conditions:
1. No buffet-style service may be provided.
  2. Patrons must be seated at all times in any area of the establishment in which food or drink is permitted except,
    - i. while entering the area and while moving to their table,
    - ii. while placing or picking up an order,
    - iii. while paying for an order,
    - iv. while exiting the area,
    - v. while going to or returning from a washroom,
    - vi. while lining up to do anything described in subparagraphs i to v, or
    - vii. where necessary for the purposes of health and safety.



3. The establishment must be configured so that patrons seated at different tables are separated by,
  - i. a distance of at least two metres, or
  - ii. plexiglass or some other impermeable barrier.
4. The person responsible for the establishment must,
  - i. record the name and contact information of every patron that enters an area of the establishment, unless the patron temporarily enters the area to place, pick up or pay for a takeout order,
  - ii. maintain the records for a period of at least one month, and
  - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.
5. The establishment must be closed to the public between the hours of 10 p.m. and 5 a.m., except as may be necessary to,
  - i. allow patrons to temporarily enter the establishment to place, pick up or pay for a takeout order,
  - ii. provide drive-through or delivery service,
  - iii. provide dine-in service only for persons who are performing work for the business or place in which the establishment is located, or
  - iv. provide access to washrooms.
6. No patron may be permitted to line up inside or line up or congregate outside of the establishment unless they are,
  - i. maintaining a physical distance of at least two metres from other groups of persons inside or outside the establishment, and
  - ii. wearing a mask or face covering in a manner that covers their mouth, nose and chin, unless they are entitled to any of the exceptions set out in subsection 2 (4) of Schedule 1.
7. The total number of patrons permitted to be seated indoors in the establishment must be limited to the number that can maintain a physical distance of at least two metres from every other person in the establishment, and in any event cannot exceed 10 patrons.
8. No more than four people may be seated together at a table in the establishment.
9. Music must not be played at a decibel level that exceeds the level at which normal conversation is possible.
10. No person shall dance, sing or perform music at the establishment.
11. REVOKED: O. Reg. 114/21, s. 2 (1).
12. If an outdoor dining area at the establishment is covered by a roof, canopy, tent, awning or other element, at least two full sides of the entire outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.
13. If an outdoor dining area at the establishment is equipped with a retractable roof and the roof is retracted, at least one full side of the outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.
- (2) Paragraph 5 of subsection (1) does not apply with respect to establishments on hospital premises or in an airport.
- (3) Paragraph 7 of subsection (1) does not apply,
  - (a) with respect to establishments on hospital premises or in an airport; or
  - (b) with respect to an establishment located within a business or place if the only patrons permitted at the establishment are persons who perform work for the business or place in which the establishment is located.
- (4) REVOKED: O. Reg. 578/20, s. 2 (3).
- (5) For greater certainty, any business, place, facility or establishment at which food or drink is sold or served, including those referred to in section 4 of Schedule 1 and sections 3, 4, 8, 18, 22.1, 23, 25 and 26 of this Schedule, is a food or drink establishment to which this section applies,
  - (a) at any time when food or drink is served or sold at the business, place, facility or establishment; and
  - (b) in any part of the business, place, facility or establishment where the food or drink is served or sold.

(6) For greater certainty, a restaurant, bar, food truck, concession stand or other food or drink establishment that is in compliance with the conditions set out in subsection (1) may open in any business or place that is otherwise permitted to open under this Order.

(7) In this section,

“party” means a group of one or more patrons.

## Services

### Public libraries

**2.** Public libraries may open if circulating materials that are returned or accessed within the library are disinfected or quarantined for an appropriate period of time before they are recirculated.

### Community centres and multi-purpose facilities

**3.** (1) Community centres and multi-purpose facilities may open for the following purposes:

1. Permitting the use of facilities for indoor sports and recreational fitness activities that are permitted to be open under section 13 and outdoor sports and recreational fitness activities that are permitted to be open under section 14.
2. Providing space for a day camp for children that is in compliance with section 15.
3. Permitting the use of pools, splash pads, spray pads and wading pools.
4. Providing indoor activities and services, other than non-aquatic indoor sports and recreational fitness activities.
5. Providing space for the provision of an authorized recreational and skill building program within the meaning of the *Child Care and Early Years Act, 2014*.

(2) REVOKED: O. Reg. 641/20, s. 9 (3).

### Hotels, motels and other short-term rentals

**4.** Hotels, motels, lodges, cabins, cottages, resorts and other short-term rental businesses may open if they comply with the following conditions:

1. REVOKED: O. Reg. 641/20, s. 10.
2. Any communal steam rooms and saunas on the premises must be closed.

### Real estate agencies

**5.** (1) Real estate agencies may open if they do not host, provide or support any open house events.

(2) Nothing in subsection (1) prevents a real estate agency from showing a property by appointment.

### Personal care services

**6.** (1) Personal care services relating to the hair or body, including hair salons and barbershops, manicure and pedicure salons, aesthetician services, piercing services, tanning salons, spas and tattoo studios, may open if they comply with the following conditions:

0.1 REVOKED: O. Reg. 114/21, s. 2 (2).

1. No personal care services that require the removal of a mask or face covering may be provided.
2. Persons who provide personal care services in the business must wear appropriate personal protective equipment.
3. Subject to subsection 19 (2), any locker rooms, change rooms, and showers must be closed, except to the extent they provide access to equipment storage, a washroom or a portion of the business that is used to provide first aid.
4. Steam rooms and saunas must be closed.
5. Sensory deprivation pods must be closed, unless they are used for a therapeutic purpose prescribed by, or administered by, a regulated health professional.
6. Oxygen bars must be closed.

(2) Subsection (1) does not apply to hair and makeup services described in section 16 or 17.

### Retail sales, supermarkets, pharmacies, etc.

**6.1** (1) The following businesses that engage in retail sales to the public may open if they comply with the conditions set out in subsection (2):

1. Supermarkets, grocery stores, convenience stores, indoor farmers' markets and other stores that primarily sell food, other than establishments described in section 1.

2. Pharmacies.
- (2) The conditions referred to in subsection (1) are the following:
  1. The person responsible for the business must limit the total number of members of the public in the place of business so that the total number of members of the public in the place of business at any one time does not exceed 75 per cent capacity, as determined in accordance with subsection 3 (2) of Schedule 1.
  2. The person responsible for the business must ensure that music is not played at the place of business at a decibel level that exceeds the level at which normal conversation is possible.
  3. REVOKED: O. Reg. 114/21, s. 2 (3).
- (3) For greater certainty, paragraph 1 of subsection (1) includes stores that predominately sell one category of food.

**Other retail sales**

**6.2** (1) All businesses other than those described in subsection 6.1 (1) that engage in the retail sale, or rental, of items to the public, including big box stores, may open if they comply with the following conditions:

1. The person responsible for the business must limit the total number of members of the public in the place of business so that the total number of members of the public in the place of business at any one time does not exceed 50 per cent capacity, as determined in accordance with subsection 3 (3) of Schedule 1.
2. The person responsible for the business must ensure that music is not played at the place of business at a decibel level that exceeds the level at which normal conversation is possible.
3. REVOKED: O. Reg. 114/21, s. 2 (4).

(2) For greater certainty, nothing in this section prevents a cannabis retail store operating under the authority of a retail store authorization issued under the *Cannabis Licence Act, 2018* from engaging in retail sales through an alternative to in-store sales, including curbside pickup or delivery.

**Personal services**

**7.** Businesses that are primarily engaged in providing personal services to individuals, including personal shoppers, party and wedding planners, personal organizer services, personal physical fitness or sports trainers and house sitters, may open if they comply with the following conditions:

1. The service providers must maintain a physical distance of at least two metres from their patrons to the fullest extent possible.
2. REVOKED: O. Reg. 641/20, s. 13.

**Conference centres and convention centres**

**8.** (1) Conference centres and convention centres may open if the total number of members of the public permitted to be in the conference centre or convention centre at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person in the conference centre or convention centre, and in any event is not permitted to exceed,

- (a) 10 persons, if the members of the public will be indoors; or
- (b) 25 persons, if the members of the public will be outdoors.

(1.1) REVOKED: O. Reg. 114/21, s. 2 (5).

(2) The capacity limits set out in subsection (1) do not apply to the rental of meeting or event space in a conference centre or convention centre,

- (a) for the purpose of delivering or supporting the delivery of court services;
- (b) for operations by or on behalf of a government; or
- (c) for the purpose of delivering or supporting the delivery of government services.

**Shopping and retail**

**Shopping malls**

**9.** (1) Shopping malls may open if they ensure that any interior dining spaces inside the shopping mall, including any tables and seating in food courts, are closed.

(2) For greater certainty, subsection (1) does not prevent a restaurant, bar or other food or drink establishment within a shopping mall from opening and operating in compliance with section 1.

(3) The person responsible for a shopping mall shall ensure that the following conditions are complied with:

1. No patron may be permitted to line up inside or line up or congregate outside of the shopping mall unless they are,
  - i. maintaining a physical distance of at least two metres from other groups of persons inside or outside the shopping mall, and
  - ii. wearing a mask or face covering in a manner that covers their mouth, nose and chin, unless they are entitled to any of the exceptions set out in subsection 2 (4) of Schedule 1.
2. The person must ensure that music is not played at the shopping mall at a decibel level that exceeds the level at which normal conversation is possible.
3. REVOKED: O. Reg. 114/21, s. 2 (6).

**Fitting rooms**

10. Fitting rooms in a business may open if patrons are not permitted to occupy adjacent fitting room stalls at any one time.

Education

- 11., 12. REVOKED: O. Reg. 572/20, s. 4 (8).

**Driving instruction**

- 12.1 Businesses that provide driving instruction in a motor vehicle may open if they comply with the following conditions:

1. Only one student may be in the motor vehicle.
2. Only one driving instructor may be in the motor vehicle, unless the type of instruction requires more than one driving instructor to be present.
3. Every person in the motor vehicle must wear a mask or face covering at all times.
4. The motor vehicle must be cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.

Sports and fitness

**Facilities for indoor sports and recreational fitness activities**

13. (1) Subject to subsections (2) to (5), facilities for indoor sports and recreational fitness activities, including gymnasiums, health clubs, community centres, multi-purpose facilities, arenas, exercise studios, yoga and dance studios and other fitness facilities, may open if they comply with the following conditions:

1. Any instruction given to members of the public who are engaged in a class, an organized program or an organized activity that is not a sport,
  - i. must be delivered through a microphone if, without a microphone, the instructor would need to raise their voice beyond the level of normal conversation, and
  - ii. must not encourage loud talking, singing or shouting.

- 1.1-2. REVOKED: O. Reg. 641/20, s. 17 (2).

- 3.-3.3 REVOKED: O. Reg. 5/21, s. 3 (1).

4. No spectators are permitted to be in the facility. However, a person under the age of 18 years who is engaged in activities in the facility may be accompanied by one parent or guardian.
5. Any person who enters or uses the facility must maintain a physical distance of at least two metres from any other person who is using the facility.
6. Team sports must not be practised or played within the facility, with the exception of training sessions for members of a sports team that do not include games or scrimmage games.
7. Activities that are likely to result in individuals coming within two metres of each other must not be practised or played within the facility.
8. Subject to subsection 19 (2), any locker rooms, change rooms, showers and clubhouses in the facility must be closed, except to the extent they provide access to equipment storage, a washroom or a portion of the facility that is used to provide first aid.
9. Any equipment that is rented to, provided to or provided for the use of users of the facility must be cleaned and disinfected between each use.
10. Activities that require the use of equipment or fixed structures that cannot be cleaned and disinfected between each use must not be practised or played within the facility.

11. REVOKED: O. Reg. 114/21, s. 2 (7).
12. The person responsible for the facility must,
  - i. record the name and contact information of every member of the public who enters an indoor area of the facility,
  - ii. maintain the records for a period of at least one month, and
  - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.
13. No member of the public may enter the facility unless they have made a reservation to do so. In the case of members of the public participating in a team sport, only one reservation per team is required.
14. No member of the public may be in the facility for longer than 90 minutes at a time unless the member of the public is engaged in a sport.
15. Music must not be played in the facility at a decibel level that exceeds the level at which normal conversation is possible.

(2) The conditions set out in subsection (1) do not apply to indoor training facilities that are operated by a sports team in one of the following leagues if they operate in accordance with a return to play plan approved by the Office of the Chief Medical Officer of Health:

1. Canadian Elite Basketball League.
2. Canadian Football League.
3. Major League Baseball.
4. Major League Soccer.
5. National Basketball Association.
6. National Hockey League.
7. National Lacrosse League.

(3) Paragraphs 5 to 7, 9 and 10 of subsection (1) do not apply with respect to a facility, or a particular room at a facility, during periods when the facility or the particular room is exclusively being used by persons who are athletes, coaches and officials training or competing to be a part of Team Canada at the next summer or winter Olympic Games or Paralympic Games if the persons are,

- (a) identified by a national sport organization that is either funded by Sport Canada or recognized by the Canadian Olympic Committee or the Canadian Paralympic Committee; and
- (b) permitted to train, compete, coach or officiate under the safety protocols put in place by a national sport organization mentioned in clause (a).

(3.1) Paragraph 5 of subsection (1) does not apply to parasport athletes and their attendants or guides.

(4) The conditions set out in subsection (1) do not apply to facilities for indoor sports and recreational fitness activities that open to provide space for a day camp for children that is in compliance with section 15.

(4.1) The conditions set out in subsection (1) do not apply to facilities for indoor sports and recreational fitness activities that open to provide space for the provision of an authorized recreational and skill building program within the meaning of the *Child Care and Early Years Act, 2014*.

(5) This section does not apply to pools, splash pads, spray pads and wading pools.

#### **Facilities for outdoor sports and recreational fitness activities**

**14.** (1) Facilities described in subsection 13 (1) that have areas that are used for outdoor sports and recreational fitness activities may open those areas if they comply with the conditions set out in paragraphs 1 to 13 and 15 of subsection 13 (1).

(1.1) REVOKED: O. Reg. 5/21, s. 4.

(2) Outdoor playgrounds, play structures and facilities containing outdoor fitness equipment may open.

(3) This section does not apply to pools, splash pads, spray pads and wading pools.

#### **Capacity limits for indoor and outdoor sports and recreational fitness facilities**

**14.1** (1) A facility described in subsection 13 (1) or 14 (1) that is not a community centre or multi-purpose facility may provide classes, organized programs or organized activities if it complies with the following conditions:

1. Every person participating in a fitness or exercise class must maintain a physical distance of at least three metres from every other person.

2. Every person participating in any other kind of class, organized program or organized activity must maintain a physical distance of at least two metres from every other person.
  3. The total number of members of the public permitted to be in all indoor classes, organized programs and organized activities at the facility at any one time cannot exceed 10 persons.
  4. The total number of members of the public permitted to be in all outdoor classes, organized programs and organized activities at the facility at any one time cannot exceed 25 persons.
- (2) A facility described in subsection 13 (1) or 14 (1) that is not a community centre or multi-purpose facility may provide access to areas containing weights or exercise machines subject to the following conditions:
1. Every person using any such area must maintain a physical distance of at least three metres from every other person.
  2. The total number of members of the public permitted to use all such areas in the facility at any one time cannot exceed 10 persons.
- (3) If a facility described in subsection 13 (1) or 14 (1) that is not a community centre or multi-purpose facility provides indoor classes, organized programs or organized activities and also has one or more areas containing weights or exercise machines, the total number of members of the public permitted to be indoors in the entire facility must not exceed 20 persons at any one time.
- (4) For a facility that is a community centre or multi-purpose facility, the capacity limits in subsections (1) and (2) apply in respect of each room that is physically separated from other rooms in the facility.

#### Outdoor recreational amenities

##### Outdoor recreational amenities

**14.2** (1) Outdoor recreational amenities that are not a facility or part of a facility described in subsection 13 (1), including the following amenities, may open if they are in compliance with subsection (2) of this section:

1. Parks and recreational areas.
  2. Baseball diamonds.
  3. Batting cages.
  4. Soccer, football and sports fields.
  5. Tennis, platform tennis, table tennis and pickleball courts.
  6. Basketball courts.
  7. BMX parks.
  8. Skate parks.
  9. Golf courses and driving ranges.
  10. Frisbee golf locations.
  11. Cycling tracks and bike trails.
  12. Horse riding facilities.
  13. Shooting ranges, including those operated by rod and gun clubs.
  14. Ice rinks.
  15. Downhill ski hills.
  16. Tobogganing hills.
  17. Snowmobile, cross country ski, dog sledding, ice skating and snowshoe trails.
- 18., 19. REVOKED: O. Reg. 97/21, s. 4 (2).
20. Playgrounds.
  21. Portions of parks or recreational areas containing outdoor fitness equipment.
- (2) An outdoor recreational amenity described in subsection (1) may only open if the following conditions are met:
1. Any person who enters or uses the amenity must maintain a physical distance of at least two metres from any other person who is using the amenity.

2. Any person in line for the amenity or who forms a line anywhere within the amenity must wear a mask or face covering in a manner that covers their mouth, nose and chin during any period that they are in the line, unless the person,
    - i. is a child who is younger than two years of age,
    - ii. has a medical condition that inhibits their ability to wear a mask or face covering,
    - iii. is unable to put on or remove their mask or face covering without the assistance of another person,
    - iv. needs to temporarily remove their mask or face covering as may be necessary for the purposes of health and safety,
    - v. is being accommodated in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*, or
    - vi. is being reasonably accommodated in accordance with the *Human Rights Code*.
  3. Any person using a downhill ski lift, including a surface lift, must wear a mask or face covering in a manner that covers their mouth, nose and chin, unless,
    - i. the person is entitled to any of the exceptions set out in paragraph 2, or
    - ii. in the case of a person using a downhill ski lift chair, all persons using the chair are members of a single household.
  4. Any person, including a person who performs work at the amenity, while driving or riding on an open air vehicle within the amenity, must wear a mask or face covering in a manner that covers their mouth, nose and chin, unless,
    - i. the person driving or riding on the vehicle is entitled to any of the exceptions set out in paragraph 2, or
    - ii. all persons driving or riding on the vehicle are members of a single household.
  5. Team sports must not be practised or played within the amenity, with the exception of training sessions for members of a sports team that do not include games or scrimmage games.
  6. Other sports or games that are likely to result in individuals coming within two metres of each other must not be practised or played within the amenity.
  7. Locker rooms, change rooms, showers and clubhouses must be closed, except to the extent they provide access to equipment storage, a washroom or a portion of the amenity that is used to provide first aid.
- (3) Paragraph 1 of subsection (2) does not apply in respect of the following persons who enter or use an outdoor recreational amenity:
1. Persons using a downhill ski lift that is a surface lift.
  2. Persons using a downhill ski lift chair, if at least one empty seat is left between any persons who are not members of a single household.
  3. Parasport participants and their attendants or guides.
  4. Members of a single household.
- (4) Paragraphs 1, 5 and 6 of subsection (2) do not apply with respect to an amenity, or a particular area of an amenity, during periods when the amenity or the particular area is exclusively being used by persons who are athletes, coaches and officials training or competing to be a part of Team Canada at the next summer or winter Olympic Games or Paralympic Games if the persons are,
- (a) identified by a national sport organization that is either funded by Sport Canada or recognized by the Canadian Olympic Committee or the Canadian Paralympic Committee; and
  - (b) permitted to train, compete, coach or officiate under the safety protocols put in place by a national sport organization mentioned in clause (a).

#### Camps for children

##### **Camps for children**

15. (1) Day camps for children may open if they operate in a manner consistent with the safety guidelines for COVID-19 for day camps produced by the Office of the Chief Medical Officer of Health.
- (2) Camps that provide supervised overnight accommodation for children are closed.

#### Media industries

##### **Film and television production**

**16.** (1) Commercial film and television production, including all supporting activities such as hair, makeup and wardrobe, may open if they comply with the following conditions:

1. No studio audiences may be permitted to be on the film or television set.
2. The set must be configured and operated in such a way as to enable persons on the set to maintain a physical distance of at least two metres from other persons, except where necessary for the filming of the film or television production.
3. Persons who provide hair or makeup services must wear appropriate personal protective equipment.
4. Singers and players of brass or wind instruments must be separated from any other performers by plexiglass or some other impermeable barrier.
5. The person responsible for the film or television production must ensure that the production operates in accordance with the guidance document titled “Film and television industry health and safety during COVID-19” issued by the Film and Television Health and Safety Advisory Committee of the Ministry of Labour, Training and Skills Development, as amended from time to time.

(2) For greater certainty, for the purposes of this section, the film or television set may be located in any business or place, including any business or place that is otherwise required to be closed under this Order.

**Photography studios and services**

**17.** Photography studios and services, and all supporting activities such as hair, makeup and wardrobe, may open if they comply with the following conditions:

1. The studio or area where photographs are to be taken must be configured and operated in such a way as to enable persons in the studio or area to maintain a physical distance of at least two metres from other persons, except where necessary for the taking of the photographs.
2. Persons who provide hair or makeup services must wear appropriate personal protective equipment.

**Entertainment**

**Performing arts and cinemas**

**18.** (1) Concert venues, theatres and cinemas are closed, subject to subsections (1.1) and (2).

(1.1) Concert venues, theatres and cinemas may open for the purpose of rehearsing or performing a recorded or broadcasted concert, artistic event, theatrical performance or other performance if they comply with the following conditions:

1. No spectators may be permitted in the concert venue, theatre or cinema.
2. Every performer and other person who provides work for the concert venue, theatre or cinema must maintain a physical distance of at least two metres from every other person, except,
  - i. if it is necessary for the purposes of the performance or rehearsal that the performers or persons who provide work for the concert venue, theatre or cinema must be closer to each other, or
  - ii. where necessary for the purposes of health and safety.
3. Singers and players of brass or wind instruments must be separated from any other performers by plexiglass or some other impermeable barrier.
4. REVOKED: O. Reg. 114/21, s. 2 (8).
5. The person responsible for the concert venue, theatre or cinema must,
  - i. record the name and contact information of every performer and other person who provides work for the concert venue, theatre or cinema who enters an indoor area of the facility,
  - ii. maintain the records for a period of at least one month, and
  - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

(2) Drive-in cinemas may open if they comply with the conditions set out in subsection (4).

(3) Concerts, artistic events, theatrical performances and other performances may be provided if they are provided in a drive-in or drive-through format that complies with the conditions set out in subsection (4).

(4) The conditions referred to in subsections (2) and (3) are the following:

1. Each person in attendance at the drive-in cinema or the drive-in or drive-through concert, event or performance, other than persons who perform work for the drive-in cinema or the drive-in or drive-through concert, event or performance, must remain within a motor vehicle designed to be closed to the elements except,



- i. where necessary to purchase admission,
  - ii. where necessary to use a washroom, or
  - iii. as may otherwise be required for the purposes of health and safety.
2. The driver of a motor vehicle at the drive-in cinema or the drive-in or drive-through concert, event or performance must ensure that it is positioned at least two metres away from other motor vehicles.
3. Every person who performs work at the drive-in cinema or the drive-in or drive-through concert, event or performance must remain at least two metres apart from motor vehicles and from other persons, except for the purposes of facilitating the purchase of admission or food or beverages.
4. REVOKED: O. Reg. 414/20, s. 13 (3).
5. Food and beverages may only be sold to persons in attendance at the drive-in cinema or the drive-in or drive-through concert, event or performance if they are delivered directly to the person's motor vehicle.
6. No materials may be exchanged between persons in attendance at the drive-in cinema or the drive-in or drive-through concert, event or performance, except,
  - i. materials exchanged between members of the same motor vehicle,
  - ii. materials exchanged between persons who perform work for the drive-in cinema or the drive-in or drive-through concert, event or performance, and
  - iii. such materials as are necessary to facilitate the purchase of admission or food or beverages.

**Water features**

**19.** (1) Steam rooms and saunas must be closed.

(1.1) Sensory deprivation pods must be closed, unless they are used for a therapeutic purpose prescribed by, or administered by, a regulated health professional.

(2) Despite any other provision in this Schedule that would require a locker room, change room or showers to be closed, any locker room, change room or showers that is used in conjunction with a pool, splash pad, spray pad, whirlpool, wading pool or water slide may be open for that purpose.

(3) For greater certainty, a pool, splash pad, spray pad, whirlpool, wading pool or water slide that is in compliance with section 7 of Schedule 1 may open in any business or place that is otherwise permitted to open under this Order.

**Casinos, bingo halls and gaming establishments**

**20.** Casinos, bingo halls and other gaming establishments may open if they comply with the following conditions:

1. Table games are prohibited.
2. The total number of members of the public permitted to be in the establishment at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the establishment, and in any event cannot exceed,
  - i. 10 persons, if the establishment is indoors, or
  - ii. 25 persons, if the establishment is outdoors.
3. REVOKED: O. Reg. 114/21, s. 2 (9).
4. The person responsible for the establishment must,
  - i. record the name and contact information of every patron,
  - ii. maintain the records for a period of at least one month, and
  - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

**Racing venues**

**21.** Horse racing tracks, car racing tracks and other similar venues are closed to spectators.

**Amusement parks and waterparks**

**22.** Amusement parks and waterparks are closed.

**Nightclubs**

**22.1** Nightclubs are closed, except for the purpose of serving food or beverages to patrons in accordance with section 1 of this Schedule.

**Museums, etc.**

**23.** Museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions may open if they comply with the following conditions:

1. No member of the public may be permitted access to interactive exhibits or exhibits that would create a high risk of personal contact.
2. Lockers must not be provided to members of the public.
3. Any equipment that is rented or provided to patrons must be cleaned and disinfected between each use.

**Tour and guide services**

**24.** Tour and guide services, including guided fishing and hunting trips, tastings and tours for wineries, breweries and distilleries, trail riding tours, walking tours, bicycle tours, motor vehicle tours and boat tours may open if they comply with the following conditions:

1. The tour must be operated to enable every person on the tour, including tour guides, to maintain a physical distance of at least two metres from every other person, except where necessary,
  - i. to facilitate payment, or
  - ii. for the purposes of health and safety.
2. The number of members of the public on the tour must not exceed the number of persons that would permit compliance with paragraph 1 while on the tour, and in any event cannot exceed,
  - i. 10 persons, if they will be indoors during the tour, or
  - ii. 25 persons, if they will be outdoors during the tour.
3. Any equipment that is rented or provided as part of the tour must be cleaned and disinfected between each use.
4. If the tour includes access to any food or beverage production or manufacturing areas, every person on the tour, including any tour guides, must comply with,
  - i. any laws or policies that apply to the food or beverage production or manufacturing area, and
  - ii. any advice, recommendations or instructions of public health officials that apply to the food or beverage production or manufacturing area.
5. The tour or guide service must,
  - i. record the name and contact information of at least one member of every party of patrons that participates in the tour,
  - ii. maintain the records for a period of at least one month, and
  - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

(2) In this section,

“party” means a group of one or more patrons.

**Marinas, boating clubs etc.**

**25.** Marinas, boating clubs and other organizations that maintain docking facilities for members or patrons may open if they comply with the following conditions:

1. REVOKED: O. Reg. 641/20, s. 24 (1).
2. Any steam rooms and saunas on the premises must be closed.
3. Clubhouses must be closed, except,
  - 0.i for the purpose of serving food or beverages to members or patrons in accordance with section 1 of this Schedule,
  - i. for the purpose of being used by appointment as event or meeting space in accordance with section 4 of Schedule 1, or
  - ii. to the extent they provide access to equipment storage, a washroom or a portion of the facility that is used to provide first aid.

**Golf courses and outdoor driving ranges**

**26.** Golf courses and outdoor driving ranges may open if they comply with the following conditions:

1. REVOKED: O. Reg. 641/20, s. 25 (1).
2. Any steam rooms and saunas on the premises must be closed.
3. Clubhouses must be closed, except,
  - o.i for the purpose of serving food or beverages to members or patrons in accordance with section 1 of this Schedule,
  - i. for the purpose of being used by appointment as event or meeting space in accordance with section 4 of Schedule 1, or
  - ii. to the extent they provide access to equipment storage, a washroom or a portion of the facility that is used to provide first aid.

**Strip clubs**

**26.1** Strip clubs are closed, except for the purpose of serving food or beverages to patrons in accordance with section 1 of this Schedule.

**Bathhouses, sex clubs**

**26.2** Bathhouses and sex clubs are closed.

**Campgrounds**

**27.** Campgrounds are closed to the public unless they comply with the following conditions:

1. REVOKED: O. Reg. 641/20, s. 27.
  2. Subject to subsection 19 (2), any locker rooms, change rooms, and showers must be closed, except to the extent they provide access to equipment storage, a washroom or a portion of the campground that is used to provide first aid.
  3. Any equipment that is rented or provided to campground guests must be cleaned and disinfected between each use.
  4. The person responsible for the campground must ensure that every person using the campground is complying with any applicable restrictions on the size of social gatherings and organized public events.
- O. Reg. 299/20, s. 2; O. Reg. 324/20, s. 1; O. Reg. 344/20, s. 1; O. Reg. 414/20, s. 5-19; O. Reg. 427/20, s. 3; O. Reg. 452/20, s. 1; O. Reg. 455/20, s. 1; O. Reg. 572/20, s. 4; O. Reg. 578/20, s. 2; O. Reg. 587/20, s. 2; O. Reg. 641/20, s. 8-27; O. Reg. 656/20, s. 4; O. Reg. 5/21, s. 3-6; O. Reg. 97/21, s. 1, 4; O. Reg. 104/21, s. 1; O. Reg. 114/21, s. 2.

**SCHEDULE 3  
ORGANIZED PUBLIC EVENTS, CERTAIN GATHERINGS**

**Gatherings, Stage 2 areas**

1. (1) Subject to subsection (2) and sections 2 to 6, no person shall attend,
  - (a) an organized public event of more than,
    - (i) 5 people if the event is held indoors, or
    - (ii) 25 people if the event is held outdoors;
  - (b) a social gathering of more than,
    - (i) 5 people if the gathering is held indoors, or
    - (ii) 25 people if the gathering is held outdoors; or
  - (c) a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony of more than,
    - (i) 5 people if the gathering is held indoors, or
    - (ii) 25 people if the gathering is held outdoors.
- (2) For greater certainty, the limits in clause (1) (c) apply to a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony, such as a wedding reception, while the limits that apply to the wedding, funeral or religious service, rite or ceremony itself are set out in sections 4 to 6.
- (3) For the purposes of this section, an indoor event or gathering cannot be combined with an outdoor event or gathering so as to increase the applicable limit on the number of people at the event or gathering.
- (4) A person attending an organized public event or social gathering shall comply with public health guidance on physical distancing.

(5) For greater certainty, subsections (1) to (4) apply with respect to an organized public event or social gathering even if it is held at a private dwelling, including houses, apartment buildings, condominium buildings and post-secondary student residences.

**Exception, members of single household**

2. Section 1 does not apply with respect to a gathering of members of a single household.

**Exceptions from organized public event requirements**

3. The prohibitions on attendance at an organized public event in clause 1 (1) (a) do not apply with respect to attendance at,

- (a) an event to which a capacity limit set out in Schedule 1 or 2 applies, if the event is held in accordance with that capacity limit;
- (b) a day camp for children that is in compliance with section 15 of Schedule 2; or
- (c) a drive-in cinema, or a business or place that provides drive-in or drive-through concerts, artistic events, theatrical performances and other performances, that is in compliance with section 18 of Schedule 2.

**Indoor wedding, funeral or religious service, rite or ceremony**

4. (1) This section applies with respect to gatherings for the purposes of a wedding, a funeral or a religious service, rite or ceremony, if the gathering is held in a building or structure other than a private dwelling.

(2) No person shall attend a gathering to which this section applies unless the following conditions are met:

- 1. The number of persons occupying any room in the building or structure while attending the gathering must not exceed 30 per cent of the capacity of the particular room.
- 2. All persons attending the gathering must comply with public health guidance on physical distancing.

**Outdoor wedding, funeral or religious service, rite or ceremony**

5. (1) This section applies with respect to outdoor gatherings for the purposes of a wedding, a funeral or a religious service, rite or ceremony.

(2) No person shall attend a gathering to which this section applies unless the following conditions are met:

- 1. No more than 100 people may be in attendance.
- 2. All persons attending the gathering must comply with public health guidance on physical distancing.

**Gathering in motor vehicles for religious service, rite or ceremony**

6. (1) This section applies with respect to gatherings for the purposes of a religious service, rite or ceremony if the persons attending the gathering, other than those conducting the service, rite or ceremony, do so in a motor vehicle.

(2) No person shall attend a gathering to which this section applies unless the person follows all of the following precautions that apply to the person:

- 1. 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, except,
  - i. where necessary to use a washroom, or
  - ii. as may otherwise be necessary for the purposes of health and safety.
- 2. The driver of a motor vehicle must ensure that it is positioned at least two metres away from other motor vehicles.
- 3. A person who ordinarily uses a non-motorized vehicle because of their religious belief and who attends the gathering must remain within their non-motorized vehicle except where necessary to use a washroom or as may otherwise be required for health and safety, and paragraph 2 applies with necessary modifications.

O. Reg. 572/20, s. 5; O. Reg. 656/20, s. 5.

SCHEDULE 4 REVOKED: O. Reg. 648/20, s. 2

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