

Emergency Management and Civil Protection Act

ONTARIO REGULATION 82/20

ORDER UNDER SUBSECTION 7.0.2 (4) — CLOSURE OF PLACES OF NON-ESSENTIAL BUSINESSES

Note: This Order is revoked on May 19, 2020, unless it is extended. (See s. 7.0.8 of the Act and O. Reg. 106/20, Sched. 1)

Consolidation Period: From May 8, 2020 to the [e-Laws currency date](#).

Last amendment: [203/20](#).

Legislative History: [+]

This is the English version of a bilingual regulation.

Whereas an emergency has been declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the "Act") and has been extended pursuant to section 7.0.7 of the Act;

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

And Whereas the temporary closure of places of non-essential business is necessary to help protect the health and safety of the people of Ontario in response to the declared emergency;

And Whereas the supply chain with respect to essential goods, services and resources should continue to function to the full extent possible, subject to the *Occupational Health and Safety Act* and to the advice and recommendations of public health officials, including their recommendations about the importance of physical distancing;

Now Therefore, this Order is made pursuant to paragraphs 5 and 14 of subsection 7.0.2 (4) of the Act and the terms of this Order are set out in Schedules 1, 2 and 3;

And Further, this Order applies generally throughout Ontario.

O. Reg. 82/20; O. Reg. 119/20, s. 1-3.

**SCHEDULE 1
CLOSURE OF PLACES OF BUSINESS**

Effective date of amendments

0.1 (1) The amendments made by Ontario Regulation 119/20 take effect at 11:59 p.m. on Saturday, April 4, 2020.

(2) The amendments made by Ontario Regulation 196/20 take effect at 12:01 a.m. on Monday, May 4, 2020.

(3) The amendments made by subsection 2 (2), section 3, subsection 5 (2), section 7, subsection 9 (1) and section 10 of Ontario Regulation 200/20 take effect at 12:01 a.m. on Friday, May 8, 2020.

(4) The amendments made by section 4 and subsections 5 (1) and 9 (2) of Ontario Regulation 200/20 take effect at 12:01 a.m. on Saturday, May 9, 2020.

(5) The amendments made by subsections 2 (1) and 5 (3), sections 6 and 8 and subsection 9 (3) of Ontario Regulation 200/20 take effect at 12:01 a.m. on Monday, May 11, 2020.

Closures

1. (1) Beginning at 11:59 p.m. on Saturday, April 4, 2020, each person responsible for a place of business that is not listed in Schedule 2 shall ensure that the place of business is closed.

(1.1) Despite subsection (1), a person responsible for a place of business that is not listed in Schedule 2 may cause the place of business to be opened for the purpose of engaging in retail sales to the public if,

- (a) the sales are exclusively made using an alternative method of sale such as curbside pick-up or delivery;
- (b) the place of business has a public entrance that opens onto a street or exterior sidewalk; and
- (c) no member of the public is permitted to access the place of business, except in exceptional circumstances.

(2) Despite subsection (1), temporary access to a closed place of business that is not listed in Schedule 2 is authorized, unless otherwise prohibited by any applicable law, for the purposes of,

- (a) performing work at the place of business in order to comply with any applicable law;
- (a.1) preparing the place of business to be reopened;
- (b) allowing for inspections, maintenance and repairs to be carried out at the place of business;
- (c) allowing for security services to be provided at the place of business; and

- (d) attending at the place of business temporarily,
 - (i) to deal with other critical matters relating to the closure of the place of business, if the critical matters cannot be attended to remotely; or
 - (ii) to access materials, goods or supplies that may be necessary for the business to be operated remotely.
- (3) Nothing in this Order precludes a business that is not listed in Schedule 2 from operating remotely, without attending at the place of business, 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.

(4) Nothing in this Order shall be read as authorizing a place of business to open if it has been ordered to be closed under Ontario Regulation 51/20 or any other Order made under the Act.

(5) Nothing in this Order precludes operations or delivery of services by the following in Ontario, regardless of whether or not they are listed in Schedule 2:

- 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.

(6) For the purposes of this Order,

"essential business" means a business listed in Schedule 2.

O. Reg. 82/20, Sched. 1; O. Reg. 119/20, s. 4, 5; O. Reg. 196/20, s. 1; O. Reg. 200/20, s. 1, 2.

SCHEDULE 2 ESSENTIAL BUSINESSES

Supply chains

- 1. Businesses that supply other essential businesses or essential services within Ontario, or that supply businesses or services that have been declared essential in a jurisdiction outside of Ontario, with the support, products, supplies, systems, or services, including processing, packaging, warehousing, distribution, delivery, and maintenance necessary to operate.

Food

- 2. Businesses that primarily sell food, beverages and consumer products necessary to maintain households and businesses including:
 - i. Supermarkets and grocery stores.
 - ii. Convenience stores.
 - iii. Discount and big box retailers selling groceries.
 - iv. Restaurants (take-out, drive-through and delivery service only).
 - v. Beer and wine and liquor stores.

Consumer products

- 2.1 Businesses that sell motor vehicles that are in compliance with section 2.1 of Schedule 3.
- 2.2 Garden centres and plant nurseries, including greenhouses that engage in retail sales to the public.
- 2.3 Hardware stores.
- 2.4 Safety supply stores.

Services

- 3. Pharmacies.
- 4. Gas stations and other fuel suppliers.
- 4.1 Automated and self-service car washes.
- 5. Laundromats and drycleaners.
- 5.1 Lawn care services and landscaping services.
- 6. Security services for residences, businesses and other properties.
- 7. Vehicle and equipment repair and essential maintenance and vehicle and equipment rental services.
- 8. Courier, postal, shipping, moving and delivery services.
- 9. Funeral and related services.
- 10. Staffing services including providing temporary help.
- 11. Veterinary services (urgent care only) and other businesses that provide for the health and welfare of animals, including farms, boarding kennels, stables, animal shelters, zoos, aquariums and research facilities.
- 12. Home child care services of up to six children as permitted under the *Child Care and Early Years Act, 2014*, and child care centres for essential workers authorized to operate in accordance with Ontario Regulation 51/20 (Order Under Subsection 7.0.2 (4) of the Act - Closure of Establishments) made under the Act.
- 13. Hotels, motels, other shared rental accommodation including student residences, except for any pools, fitness centres, meeting rooms and other recreational facilities that may be part of the operations of these businesses.

13.1 Seasonal campgrounds that are in compliance with section 3.1 of Schedule 3.

13.2 Golf courses that are in compliance with section 2.2 of Schedule 3.

14. Cheque cashing services.

15. REVOKED: O. Reg. 200/20, s. 5 (3).

Financial services

16. Businesses that provide the following financial services:

- i. Capital markets and related securities trading and advisory services.
- ii. Banking/credit union activities including credit intermediation.
- iii. Insurance.
- iv. Land registration services.
- v. Real estate agent services.
- vi. Pension and benefits payment services.
- vii. Financial services including payroll and payment processing and accounting and tax services.

Telecommunications and IT infrastructure/service providers

17. Information Technology (IT) services, including online services, software products and the facilities necessary for their operation and delivery.

18. Telecommunications providers and services (phone, internet, radio, cell phones etc.) and facilities necessary for their operation and delivery.

19. Newspapers, radio and television broadcasting.

Maintenance

20. Maintenance, repair and property management services strictly necessary to manage and maintain the safety, security, sanitation and essential operation of institutional, commercial, industrial and residential properties and buildings.

Transportation services

21. Businesses and facilities that provide transportation services, including,

- i. transportation services provided by air, water, road, and rail, including taxis and other private transportation providers, and
- ii. support services for transportation services, including,
 - A. logistical support, distribution services, warehousing and storage, truck stops and tow operators,
 - B. services that support the operations and safety of transportation systems including maintenance and repairs, and
 - C. marinas that are in compliance with section 5 of Schedule 3.

22. Businesses that provide and support online retail, including by providing warehousing, storage and distribution of goods that are ordered online.

Manufacturing

23. Businesses that extract, manufacture, process and distribute goods, products, equipment and materials, including businesses that manufacture inputs to other manufacturers (e.g. primary metal/ steel, blow molding, component manufacturers, chemicals, etc. that feed the end-product manufacturer), regardless of whether those other manufacturers are inside or outside of Ontario, together with businesses that support and facilitate the movement of goods within integrated North American and global supply chains.

Agriculture and food production

24. Businesses that produce food and beverages, and agricultural products including plants, including by farming, harvesting, aquaculture, hunting and fishing.

25. Businesses that process, manufacture or distribute food, beverages, crops, agricultural products, animal products and by-products.

26. Businesses that support the food or agricultural products supply chains and the health and safety of food, animals and plants.

Construction

27. Construction projects and services associated with the healthcare sector, including new facilities, expansions, renovations and conversion of spaces that could be repurposed for health care space.

28. Construction projects and services required to ensure safe and reliable operations of, or to provide new capacity in, critical provincial infrastructure, including transit, transportation, energy and justice sectors beyond the day-to-day maintenance.

28.1 Construction projects and services that support the operations of, and provide new capacity in, schools, colleges, universities, municipal infrastructure and child care centres within the meaning of the *Child Care and Early Years Act, 2014*.

29. Critical industrial construction activities required for,

- i. the maintenance and operations of petrochemical plants and refineries,
- ii. significant industrial petrochemical projects where preliminary work has already commenced,

- iii. industrial construction and modifications to existing industrial structures limited solely to work necessary for the production, maintenance, and/or enhancement of Personal Protective Equipment, medical devices (such as ventilators), and other identified products directly related to combatting the Covid-19 pandemic.

29.1 Construction projects that are due to be completed before October 4, 2020 and that would provide additional capacity in the production, processing, manufacturing or distribution of food, beverages or agricultural products.

29.2 Construction projects that were commenced before April 4, 2020, and that would,

- i. provide additional capacity for businesses that provide logistical support, distribution services, warehousing, storage or shipping and delivery services, or
- ii. provide additional capacity in the operation and delivery of Information Technology (IT) services or telecommunications services.

30. Residential construction projects where,

- i. a footing permit has been granted for single family, semi-detached and townhomes,
- ii. the project is a condominium, mixed use or other residential building, or
- iii. the project involves renovations to residential properties and construction work was started before April 4, 2020.

30.1 Construction to prepare a site for an institutional, commercial, industrial or residential development, including any necessary excavation, grading, roads or utilities infrastructure.

31. Construction and maintenance activities necessary to temporarily close construction sites that have paused or are not active and to ensure ongoing public safety.

Resources and energy

32. Businesses that provide and ensure the domestic and global continuity of supply of resources, including mining, forestry, aggregates, petroleum, petroleum by-products and chemicals.

33. Electricity generation, transmission, distribution and storage and natural gas distribution, transmission and storage.

Community services

34. Businesses that deliver or support the delivery of services including:

- i. Sewage treatment and disposal.
- ii. Collecting, transporting, storing, processing, disposing or recycling of any type of waste.
- iii. Potable drinking water.
- iv. Critical infrastructure repair and maintenance including roads, dams, bridges etc.
- v. Environmental rehabilitation, management and monitoring, and spill clean-up and response.
- vi. Administrative authorities that regulate and inspect businesses.
- vii. Professional and social services that support the legal and justice system.
- viii. Government services including but not limited to policing and law enforcement, fire and emergency services, paramedics, coroner and pathology services, corrections and court services, licences and permits.
- ix. Allotment gardens or community gardens.

Sports

34.1 Training facilities that meet the following conditions:

- i. They are operated by a sports team in one of the following leagues:
 - A. Canadian Football League.
 - B. Major League Baseball.
 - C. Major League Soccer.
 - D. National Basketball Association.
 - E. National Hockey League.
- ii. They are in compliance with section 6 of Schedule 3.

Research

35. Businesses and organizations that maintain research facilities and engage in research, including medical research and other research and development activities.

Health care and social services

36. Organizations and providers that deliver home care services or personal support services to seniors and persons with disabilities.
37. Businesses that sell, rent or repair assistive/mobility/medical devices, aids and/or supplies.
38. Regulated health professionals (urgent care only) including dentists, optometrists, chiropractic services, ophthalmologists, physical and occupational therapists and podiatrists.
39. Organizations that provide health care including retirement homes, hospitals, clinics, long-term care facilities, independent health facilities and mental health and addictions counselling supports.
40. Laboratories and specimen collection centres.
41. Manufacturers, wholesalers, distributors and retailers of pharmaceutical products and medical supplies, including medications, medical isotopes, vaccines and antivirals, medical devices and medical supplies.
42. Manufacturers, distributors and businesses that provide logistical support of or for products and/or services that support the delivery of health care in all locations.
43. Not-for-profit organizations that provide critical personal support services in home or residential services for individuals with physical disabilities.
44. Not-for profit organizations that support the provision of food, shelter, safety or protection, and/or social services and other necessities of life to economically disadvantaged and other vulnerable individuals.

O. Reg. 119/20, s. 6; O. Reg. 136/20, s. 1; O. Reg. 153/20, s. 1, 2; O. Reg. 196/20, s. 2-11; O. Reg. 200/20, s. 3-7.

SCHEDULE 3
REQUIREMENTS THAT APPLY TO BUSINESSES

Compliance

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

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

Restricting access to businesses and providing alternative methods of sale

2. The person responsible for an essential business that engages in retail sales to the public, other than a business described in paragraph 2, 2.1, 2.2, 2.3, 2.4, 3 or 4 of Schedule 2, shall, to the fullest extent possible, restrict public access to the place of business by providing alternative methods of sale such as curb side pick-up or delivery.

Businesses that sell motor vehicles

2.1 Every person who operates a business that sells motor vehicles, including cars or trucks, shall ensure that members of the public can only enter the area in the business where vehicles are sold or displayed for sale by appointment.

Golf courses

2.2 Every person who operates a golf course shall ensure that,

- (a) no member of the public is permitted to use the golf course; and
- (b) the golf course is only open for the purpose of preparing the golf course to be reopened to the public.

Short term rentals

3. (1) Every person who provides short term rentals in rental accommodations shall ensure that any rentals booked after April 4, 2020 are only provided to individuals who are in need of housing during the emergency period.

(2) Subsection (1) does not apply in respect of hotels, motels and student residences.

Seasonal campground requirements

3.1 Every person who operates a seasonal campground shall ensure that,

- (a) campsites are provided only to individuals who do not have another residence in Canada and are in need of housing during the emergency period;
- (b) only campsites with electricity, water service and facilities for sewage disposal are provided for use;
- (c) campsites are made available only for trailers and recreational vehicles; and
- (d) all recreational facilities in the campground, and all other shared facilities in the campground such as bathrooms, are closed.

Open houses prohibited

4. Every person who is responsible for a business that provides real estate agent services shall ensure that the business does not host, provide or support any open house events.

Marinas

5. (1) Every person who operates a marina shall ensure that only the following services are provided:

1. Repairing or servicing boats or other watercraft.
2. Placing boats or other watercraft in the water to be secured to a dock until the marina is open to the public.
3. Any other services that may be required to,
 - i. enable individuals to access their place of residence or their other property,
 - ii. support government operations or services, or

iii. support the transportation of items by commercial barges.

(2) For greater certainty, the person who operates the marina shall not permit it to be used for recreational boating purposes except as described in paragraphs 1 and 2 of subsection (1).

Sports team training facilities

6. Every sports team that operates a training facility described in paragraph 34.1 of Schedule 2 for use by its players shall ensure that,

- (a) the facility may only be used if,
 - (i) the team's league has established a health and safety protocol for the use of training facilities, and
 - (ii) the training facility is operated in compliance with the health and safety protocol; and
- (b) the only persons permitted to enter and use the facility are,
 - (i) players on the team who are using the facility for the purposes of training or conditioning, and
 - (ii) such staff as are strictly necessary to operate the facility and support the training or conditioning of the players.

O. Reg. 119/20, s. 7; O. Reg. 153/20, s. 3; O. Reg. 196/20, s. 12-14; O. Reg. 200/20, s. 8-10; O. Reg. 203/20, s. 1.

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