

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

ONTARIO REGULATION 364/20

formerly under Emergency Management and Civil Protection Act

RULES FOR AREAS IN STAGE 3

Consolidation Period: From October 3, 2020 to the [e-Laws currency date](#).

Last amendment: 546/20.

Legislative History: 415/20, 428/20, 453/20, 456/20, 501/20, 519/20, 529/20, 530/20, 531/20, 546/20.

This is the English version of a bilingual regulation.

Terms of Order

1. The terms of this Order are set out in Schedules 1, 2 and 3.

Definition

2. In this Order,

“enhanced measures zone” means,

- (a) the City of Ottawa Health Unit,
- (b) the City of Toronto Health Unit, and
- (c) the Peel Regional Health Unit. O. Reg. 546/20, s. 1.

Application

3. This Order applies to the areas listed in Schedule 3 to Ontario Regulation 363/20 (Stages of Reopening).

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.

(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.

(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.

SCHEDULE 1 BUSINESSES AND PLACES

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 3 to 6 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.

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 the advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health on screening individuals.

(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).

Capacity limits for businesses or facilities open to the public

3. (1) The person responsible for a place of business or facility that is open to the public shall limit the number of persons in the place of business or facility so that every member of the public is able to maintain a physical distance of at least two metres from every other person in the business or facility, except where Schedule 2 allows persons to be closer together.

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

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 the total number of members of the public permitted to be in all of the rentable meeting or event space in the business or place 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,

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

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

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

(4) Subsection (1) does not apply if the rental of meeting or event space is in compliance with a plan for the rental of meeting or event space approved by the Office of the Chief Medical Officer of Health.

(5) In the enhanced measures zone, the following rules apply to a person responsible for a business or place that rents out meeting or event space:

- 1. The person must ensure that no more than six people are seated together at any table in the rented space.
- 2. Despite subsection (4), the total number of members of the public permitted to be in all of the rentable meeting or event space in the business or place at any one time is not permitted to exceed the capacity limits set out in subsection (1) of 50 persons for an indoor meeting or event or 100 persons for an outdoor meeting or event even if the business or place is in compliance with a plan for the rental of meeting or event space approved by the Office of the Chief Medical Officer of Health, except to the extent that an exception set out in subsection (2) or (3) applies to the rental.

Sale and service of liquor

4.1 (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 11 p.m.; and
- (b) no consumption of liquor is permitted in the business or place between the hours of 12 a.m. and 9 a.m.

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

In-person teaching and instruction

5. (1) Subject to subsection (2), 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. 50 persons, if the instructional space is indoors, or
 - ii. 100 persons, if the instructional space is outdoors.

- (2) 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.
- (3) Subsections (1) and (2) 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, the Correctional Services Recruitment and Training Centre and the Ontario Fire College.

Cleaning requirements

- 6.** (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 hub

- 7.** (1) In this section,
- “NHL” means the National Hockey League; (“LNH”)
- “NHL hub” means the businesses and places referred to in clause (3) (a); (“bulle de la LNH”)
- “NHL hub participant” means a person who has been specified as a participant in the NHL hub in the professional sports plan for the NHL; (“participant à la bulle de la LNH”)
- “professional sports plan for the NHL” means the professional sports plan for the NHL 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 in the City of Toronto that constitute the NHL hub and that may be used by NHL hub participants in connection with the 2020 NHL playoff tournament, 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 that are adjacent to hotels or facilities mentioned in subclause (i) or (ii); and
 - (b) persons who are NHL hub participants.
 - (4) A business or place that constitutes part of the NHL hub may open for use by NHL hub 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. Subject to paragraph 2, any part of the business or place used by NHL hub participants must be closed to members of the public who are not NHL hub participants.

(5) The following provisions do not apply to the provision of goods or services to an NHL hub participant when they are provided within the NHL hub:

1. Sections 3, 4 and 5 of this Schedule.
2. Paragraph 1 of subsection 1 (1) of Schedule 2.
3. Section 8 of Schedule 2.
4. Clauses 1 (1) (a) and (b) and paragraphs 1 and 2 of subsection 1 (2) of Schedule 3.

(6) Clauses 1 (1) (a) and (b) and paragraphs 1 and 2 of subsection 1 (2) of Schedule 3 do not apply to NHL hub participants in the NHL hub.

(7) A business or place that constitutes part of the NHL hub shall not provide goods or services to members of the public who are not NHL hub participants unless,

- (a) the business or place is permitted to do so by the professional sports plan for the NHL;
- (b) the business or place provides the goods or services in accordance with the professional sports plan for the NHL; and
- (c) the business or place complies with any other applicable requirements or conditions in this Order.

MLB hub

8. (1) In this section,

“MLB” means Major League Baseball; (“MLB”)

“MLB hub” means the businesses and places referred to in clause (3) (a); (“bulle de la MLB”)

“MLB hub participant” means a person who has been specified as a participant in the MLB hub in the professional sports plan for the MLB; (“participant à la bulle de la MLB”)

“professional sports plan for the MLB” means the professional sports plan for the MLB approved by the Office of the Chief Medical Officer of Health. (“plan de sports professionnels applicable à la MLB”)

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

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

(a) the businesses and places in the City of Toronto that constitute the MLB hub and that may be used by MLB hub participants in connection with the 2020 MLB season, 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 that are adjacent to hotels or facilities mentioned in subclause (i) or (ii); and

(b) persons who are MLB hub participants.

(4) A business or place that constitutes part of the MLB hub may open for use by MLB hub 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 MLB.
2. No spectators may be permitted at the business or place except in accordance with the professional sports plan for the MLB.
3. Subject to paragraph 2, any part of the business or place used by MLB hub participants must be closed to members of the public who are not MLB hub participants.

(5) The following provisions do not apply to the provision of goods or services to an MLB hub participant when they are provided within the MLB hub:

1. Sections 3, 4 and 5 of this Schedule.
2. Paragraph 1 of subsection 1 (1) of Schedule 2.
3. Section 8 of Schedule 2.
4. Clauses 1 (1) (a) and (b) and paragraphs 1 and 2 of subsection 1 (2) of Schedule 3.

(6) Clauses 1 (1) (a) and (b) and paragraphs 1 and 2 of subsection 1 (2) of Schedule 3 do not apply to MLB hub participants in the MLB hub.

(7) A business or place that constitutes part of the MLB hub shall not provide goods or services to members of the public who are not MLB hub participants unless,

- (a) the business or place is permitted to do so by the professional sports plan for the MLB;
- (b) the business or place provides the goods or services in accordance with the professional sports plan for the MLB; and
- (c) the business or place complies with any other applicable requirements or conditions in this Order.

O. Reg. 364/20, Sched. 1; O. Reg. 415/20, s. 2; O. Reg. 428/20, s. 2; O. Reg. 501/20, s. 1; O. Reg. 530/20, s. 1; O. Reg. 531/20, s. 1; O. Reg. 546/20, s. 2.

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. No person shall dance, sing or perform music at the establishment except in accordance with subsection (2) or (3).
- 5. The person responsible for the establishment must,
 - i. subject to subsection (1.0.1), record the name and contact information of at least one member of every party of patrons that enters an indoor or outdoor dining area in the establishment, other than patrons who temporarily enter 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.
- 6. The establishment must be closed to the public between the hours of 12 a.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 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.
- 7. In the enhanced measures zone, the total number of patrons permitted to be 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 100 patrons.
- 8. In the enhanced measures zone, no more than six people may be seated together at a table in the establishment.
- 9. In the enhanced measures zone, no patron may be permitted to 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 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.

(1.0.1) In the enhanced measures zone, the requirement set out in subparagraph 5 i of subsection (1) may only be satisfied by recording the name and contact information of every patron that enters an area of the establishment described in that subparagraph, unless,

- (a) the patrons temporarily enter the area to place, pick up or pay for a takeout order, in which case subparagraph 5 i of subsection (1) does not require their name and contact information to be recorded; or
- (b) the establishment is a limited-service establishment, in which case the requirement in subparagraph 5 i of subsection (1) continues to require the collection of the name and contact information of at least one member of every party of patrons.

(1.0.2) For the purposes of clause (1.0.1) (b), an establishment is a limited-service establishment if it requires all dine-in patrons to order or select their food or drink at a counter, food bar or cafeteria line and pay before receiving their order.

(1.1) Paragraph 6 of subsection (1) does not apply with respect to establishments on hospital premises or in airports.

(2) A person or group under contract with the establishment may dance, sing or perform music in compliance with the requirements set out in section 11.

(3) Members of the public may sing or perform music at the establishment if,

- (0.a) they are not singing or performing music in a private karaoke room;
 - (a) they are separated from every other person, including from other performers, by plexiglass or some other impermeable barrier while singing or while performing on a brass or wind instrument;
 - (b) they maintain a physical distance of at least two metres from every other person while singing or performing music; and
 - (c) any equipment used by members of the public while singing or performing music is cleaned and disinfected between each use.

(4) 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.

(4.1) REVOKED: O. Reg. 531/20, s. 2 (3).

(5) 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.

Real estate open houses

3. Real estate agencies may open if they ensure that the total number of members of the public permitted at any open house event they host or facilitate 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 open house event, and in any event is not permitted to exceed 50 persons.

Personal care services

4. 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:

- 1. Persons who provide personal care services in the business must wear appropriate personal protective equipment.
- 2. Patrons must wear face covering at all times while receiving personal care services, except while receiving services that tend to an area of their face that would be covered by a face covering.
- 3. Oxygen bars must be closed.

Food courts and fitting rooms

Food courts, etc.

5. A food court or other dining area that is not already described in section 1 may open if it is configured so that patrons seated at different tables are separated by,

- (a) a distance of at least two metres; or
- (b) plexiglass or some other impermeable barrier.

Fitting rooms

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

Training and education

Driving instruction

7. 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 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 sports and recreational fitness activities

8. (1) Facilities for 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 for sports and recreational fitness activities if they comply with the following conditions:

- 1. Every person who engages in sports or a recreational fitness activity at the facility, other than a team sport, must maintain a physical distance of at least two metres from every other person at all times during the activity.
- 2. The total number of members of the public permitted to be at the facility in a class, organized program or organized activity at any one time must be limited to the number that can maintain a physical distance of at least two metres from other persons in the facility, and in any event cannot exceed,
 - i. 50 persons, if any of the classes, organized programs or organized activities taking place at the time are indoors, or
 - ii. 100 persons, if all of the classes, organized programs or organized activities taking place at the time are outdoors.
- 3. The total number of members of the public permitted to be at the facility in areas containing weights or exercise machines 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 facility, and in any event cannot exceed 50 persons.
- 4. The total number of spectators permitted to be at the facility 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 facility, and in any event cannot exceed,
 - i. 50 spectators, if the spectators will be indoors, or
 - ii. 100 spectators, if the spectators will be outdoors.
- 5. Team sports may only be practised or played within the facility if they do not allow for physical contact between players or if they have been modified to avoid physical contact between the players.
- 6. Organized team sports that are practised or played by players in a league may only be practised or played within the facility if the league either,
 - i. contains no more than 50 players and does not permit its teams to play against teams outside of the league, or
 - ii. divides its teams into groups of 50 or fewer players and does not permit teams in different groups to play against one another or against teams outside of the league.
- 7. 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 or, where used in a game or practice, at the end of play, such as at the completion of a game or practice.
- 8. Activities must not be practised or played within the facility if they require the use of fixed structures that cannot be cleaned and disinfected between each use or, where used in a game or practice, at the end of play.

(1.1) Paragraphs 2 to 4 of subsection (1) do not apply with respect to facilities for sports and recreational fitness activities that operate in accordance with a plan for the operation of facilities for sports and recreational fitness activities approved by the Office of the Chief Medical Officer of Health.

(1.2) In the enhanced measures zone, the following rules apply despite paragraphs 2 and 3 of subsection (1) and despite anything set out in the plan described in subsection (1.1):

1. The total number of members of the public permitted to be indoors at the facility in classes, organized programs or organized activities together with members of the public in areas containing weights or exercise machines at any one time cannot exceed 50 people.
2. The total number of members of the public permitted to be in each indoor fitness, exercise or dance class at the facility cannot exceed 10 people and each class must take place in a separate room.

(2) Facilities for sports and recreational fitness activities may open to provide space for a day camp for children that is in compliance with subsection 9 (1).

(3) Paragraphs 1 to 3 and 5 to 8 of subsection (1) do not apply with respect to facilities for sports teams 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.

Camps for children

9. (1) Day camps for children may open if they operate in a manner consistent with the safety guidelines for COVID-19 for summer day camps produced by the Office of the Chief Medical Officer of Health.

(2) Camps that provide supervised overnight accommodation for children are closed.

Entertainment

Cinemas

10. (1) Cinemas may open if the total number of members of the public permitted to be in the venue 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 venue, and in any event is not permitted to exceed,

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

(2) The capacity limits set out in subsection (1) do not apply to cinemas that operate in accordance with a plan for the operation of cinemas approved by the Office of the Chief Medical Officer of Health.

(3) Subsection (1) does not apply to drive-in cinemas.

Performing arts

11. (1) A business or place where concerts, artistic events, theatrical performances or other performances are rehearsed or performed may open if they comply with the following conditions:

1. The total number of spectators permitted to be in the venue in which the performance or rehearsal takes place at any one time must be no more than,
 - i. 50 spectators, if the concert, event or performance is indoors, or
 - ii. 100 spectators, if the concert, event or performance is outdoors.
2. Singers and players of brass or wind instruments must be separated from any spectators by plexiglass or some other impermeable barrier.
3. Every performer and other person who provides work for the business or place must maintain a physical distance of at least two metres from every other person, except,
 - i. if it is necessary for the performers to be closer to each other for the purposes of the performance or rehearsal,

- ii. where necessary for the purposes of facilitating the purchase of admission, food or beverages, or
- iii. where necessary for the purposes of health and safety.

(2) Subsection (1) does not apply to drive-in or drive-through concerts, artistic events, theatrical performances and other performances.

Drive-in or drive-through cinemas, performances, etc.

12. Drive-in cinemas and businesses or places that provide drive-in or drive-through concerts, artistic events, theatrical performances or other performances may open if they comply with the following conditions:

1. Each person in attendance at the drive-in cinema or the business or place, other than persons who perform work for the drive-in cinema or the business or place, must remain within a motor vehicle designed to be closed to the elements except where necessary,
 - i. to purchase admission, food or beverages,
 - ii. to access a washroom, or
 - iii. for the purposes of health and safety.
2. The driver of a motor vehicle at the drive-in cinema or the business or place must ensure that it is positioned at least two metres away from other motor vehicles.
3. Every performer or other person who performs work at the drive-in cinema or the business or place must remain at least two metres apart from motor vehicles and from every other person, except,
 - i. if it is necessary for the performers to be closer to each other for the purposes of the performance,
 - ii. where necessary for the purposes of facilitating the purchase of admission, food or beverages, or
 - iii. where necessary for the purposes of health and safety.
4. Food and beverages may only be sold to persons in attendance at the drive-in cinema or the business or place if,
 - i. the food or beverage is sold at a concession stand that requires patrons to stand at least two metres apart while waiting to be served and that requires patrons to immediately return to their motor vehicle after being served, or
 - ii. the food or beverage is delivered directly to the patron's motor vehicle.
5. No materials may be exchanged between persons in attendance at the drive-in cinema or the business or place, 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 business or place, and
 - iii. such materials as are necessary to facilitate the purchase of admission, food or beverages.

Water features

13. (1) Steam rooms, saunas and bathhouses are closed.

(2) For greater certainty, a pool, splash pad, spray pad, whirlpool, wading pool, or water slide that is in compliance with section 6 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

14. (1) Casinos, bingo halls and other gaming establishments may open if they comply with the following conditions:

1. 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 50 persons.
2. Table games are prohibited.

(2) Subsection (1) does not apply to a casino, bingo hall or gaming establishment that operates in accordance with a plan for the operation of casinos, bingo halls or gaming establishments approved by the Office of the Chief Medical Officer of Health.

Racing venues

15. Horse racing tracks, car racing tracks and other similar venues may open if the total number of spectators permitted at the venue at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person at the venue, and in any event is not permitted to exceed,

- (a) 50 spectators, if the spectators will be indoors; or
- (b) 100 spectators, if the spectators will be outdoors.

Amusement parks and waterparks

16. Amusement parks and waterparks are closed.

Nightclubs

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

Museums, etc.

18. Museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions may open if any interactive exhibits, or exhibits that create a high risk of personal contact, that are open to the public are cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.

Tour and guide services

19. (1) 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 and motor vehicle tours, but not including 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. 50 persons, if they will be indoors during the tour, or
 - ii. 100 persons, if they will be outdoors during the tour.
3. 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.
4. 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) Boat tours in which the passengers are required to embark and disembark within the province of Ontario and that are not otherwise prohibited from opening by an order made by the Minister of Transport (Canada) under the *Canada Shipping Act, 2001* 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 and tour boat crew, 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 boat must not exceed the number of persons that would permit compliance with paragraph 1 on the tour boat, and in any event cannot exceed,
 - i. 50 persons, if they will be indoors while on the tour boat, or
 - ii. 100 persons, if they will be outdoors while on the tour boat.
3. There must be sufficient space available to enable all persons to comply with paragraph 1 while on the tour boat and while embarking onto or disembarking from the tour boat.
4. The flow of persons embarking onto, disembarking from and moving about on the tour boat must be controlled so as to enable compliance with paragraph 1.
5. The tour boat must be equipped with enough handwashing stations or hand sanitizer dispensers to serve the needs of every person on the tour boat.

6. The boat tour service must,
 - i. record the name and contact information of at least one member of every party of patrons that is on the tour boat,
 - 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.

(3) In this section,

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

Strip clubs

19.1 Strip clubs are closed.

Campgrounds

20. Campgrounds may open if the person responsible for the campground ensures that every person using the campground is complying with any applicable restrictions on the size of social gatherings and organized public events.

O. Reg. 364/20, Sched. 2; O. Reg. 415/20, s. 3; O. Reg. 428/20, s. 3; O. Reg. 453/20, s. 1; O. Reg. 456/20, s. 1; O. Reg. 530/20, s. 2; O. Reg. 531/20, s. 2; O. Reg. 546/20, s. 3.

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

Gatherings, Stage 3 areas

1. (1) Subject to subsection (2) and sections 2 to 5, no person shall attend,
 - (a) an organized public event of more than,
 - (i) 50 people if the event is held indoors, or
 - (ii) 100 people if the event is held outdoors;
 - (b) a social gathering of more than,
 - (i) 50 people if the gathering is held indoors, or
 - (ii) 100 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) 50 people if the gathering is held indoors, or
 - (ii) 100 people if the gathering is held outdoors.
- (2) The following rules apply to an organized public event or social gathering held at a place described in subsection (2.1):
 1. No person shall attend an organized public event held at the place of more than,
 - i. 10 people if the event is held indoors, or
 - ii. 25 people if the event is held outdoors.
 2. No person shall attend a social gathering held at the place of more than,
 - i. 10 people if the gathering is held indoors, or
 - ii. 25 people if the gathering is held outdoors.
 3. No person shall attend a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony held at the place of more than,
 - i. 10 people if the gathering is held indoors, or
 - ii. 25 people if the gathering is held outdoors.
- (2.1) The places referred to in subsection (2) are,
 - (a) residential buildings, including houses, apartment buildings, condominium buildings and post-secondary student residences; and
 - (b) any places not already described in clause (a), except for places that are operated in accordance with this Order by a business or organization.

(3) For greater certainty, the limits in clause (1) (c) and paragraph 3 of subsection (2) 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 3 to 5.

(4) 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.

(5) A person attending an organized public event or social gathering shall comply with public health guidance on physical distancing.

(6) For greater certainty, subsections (1) to (5) apply with respect to an organized public event or social gathering even if it is held at a private dwelling.

Exceptions from organized public event requirements

2. The prohibitions on attendance at an organized public event in clause 1 (1) (a) and paragraph 1 of subsection 1 (2) 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 9 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 12 of Schedule 2.

Indoor wedding, funeral or religious service, rite or ceremony

3. (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

4. (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

5. (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.

Temporary closure by police, etc.

6. (1) A police officer, special constable or First Nations Constable may order that premises be temporarily closed if the police officer, special constable or First Nations Constable has reasonable grounds to believe that an organized public event, social gathering or social gathering associated with a wedding, a funeral or a religious service, rite or ceremony is occurring at the premises and that the number of people in attendance exceeds the number permitted by this Order.

(2) Every individual who is on the premises shall comply with the order to temporarily close the premises by promptly vacating the premises after being informed of the order.

(3) No individual shall re-enter the premises on the same day that the premises were temporarily closed under subsection (1) unless a police officer, special constable or First Nations Constable authorizes the re-entry.

(4) Subsections (2) and (3) do not apply to individuals residing in the premises.

(5) In this section,

“premises” has the same meaning as in the *Trespass to Property Act*.

O. Reg. 364/20, Sched. 3; O. Reg. 501/20, s. 2; O. Reg. 519/20, s. 1; O. Reg. 529/20, s. 1.

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