

**Ontario Orders “Province-wide Shutdown”
Effective December 26 at 12:01 a.m.**

December 23, 2020

In response to the COVID-19 pandemic, the Government of Ontario announced a province-wide shutdown to commence on Saturday, December 26 at 12:01 a.m.; to last 14 days for Northern Ontario and 28 days for Southern Ontario.

Many restrictions under the shutdown are already in effect for regions which had previously been moved to the “Lockdown/Grey” stage of the [COVID-19 Response Framework](#) (e.g., City of Toronto and Peel Region). These lockdown restrictions are summarized in our [November 23, 2020 Briefing Note](#).

However, several lockdown restrictions will be amended or expanded effective December 26. Further, while the shutdown is in effect, the COVID-19 Response Framework will not apply. **Accordingly, regardless of whether an organization is new to the shutdown, or already in lockdown, it is important to understand the changes that will take effect on December 26.**

The purpose of this Briefing Note is to identify the key changes. Where the shutdown [Regulation](#) differs from this Briefing Note, the Regulation prevails.

If you have questions about how this province-wide shutdown may impact you as an employer, contact Sherrard Kuzz LLP.

This Briefing Note has four parts:

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[Part 1 - Northern and Southern Ontario](#)

The province-wide shutdown applies for 14 days for Northern Ontario and 28 days for Southern Ontario.

Northern Ontario

- Algoma Public Health

Southern Ontario

- Brant County Health Unit
- Chatham-Kent Public Health

- North Bay Parry Sound District Health Unit
- Northwestern Health Unit
- Porcupine Health Unit
- Public Health Sudbury and Districts
- Timiskaming Health Unit
- Thunder Bay District Health Unit
- City of Hamilton Public Health Services
- Durham Region Health Department
- Eastern Ontario Health Unit
- Grey Bruce Health Unit
- Haldimand-Norfolk Health Unit
- Haliburton, Kawartha, Pine Ridge District Health Unit
- Halton Region Public Health
- Hastings Prince Edward Public Health
- Huron Perth Public Health
- Kingston, Frontenac and Lennox & Addington Public Health
- Lambton Public Health
- Leeds, Grenville & Lanark District Health Unit
- Middlesex-London Health Unit
- Niagara Region Public Health
- Ottawa Public Health
- Peel Public Health
- Peterborough Public Health
- Region of Waterloo Public Health
- Renfrew County and District Health Unit
- Simcoe-Muskoka District Health Unit
- Southwestern Public Health
- Toronto Public Health
- Wellington-Dufferin-Guelph Public Health
- Windsor-Essex County Health Unit
- York Region Public Health

Part 2 - Business-Specific Restrictions

The province-wide shutdown imposes significant restrictions (and in some cases, closure) on businesses listed below. A complete description of the restrictions can be found [here](#). The Government of Ontario has also provided a Stop the Spread Business Information Line at 1-888-444-3659.

- Restaurants, bars and food or drink establishments
- Sports and recreational fitness facilities
- Meeting and event spaces
- Retail
- Personal care services
- Casinos, bingo halls and gaming establishments
- Cinemas
- Performing arts facilities
- Amusement, waterparks
- Bathhouses and sex clubs
- Horse racing
- Hotels, motels
- Libraries
- Media industries
- Marinas, boating clubs, golf courses and driving ranges
- Motorsports
- Museums and other cultural amenities
- Nightclubs
- Personal services

- Boarding kennels and stables
- Campgrounds
- Cannabis
- Discount stores
- Driving instruction
- Garden centres
- Grocery stores
- Hardware stores
- Photography studies and services
- Real estate agencies
- Short term rentals
- Strip clubs
- Safety supply stores
- Tour guide services
- Animal services
- Zoos and aquariums

Part 3 - Changes to Existing “Lockdown/Grey” Restrictions

Under the province-wide shutdown, many of the restrictions already in place under the “Lockdown/Grey” stage of the COVID-19 Response Framework, have been expanded or amended. Key changes are outlined below.

Existing: A 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.

December 26 Amendment: The above continues to apply, but with an additional requirement to comply with the *Accessibility for Ontarians with Disabilities Act, 2005*.

Existing: A 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.

December 26 Amendment: The above continues to apply, but with an additional requirement to operate the business in compliance with advice and recommendations of the Chief Medical Officer of Health on working remotely.

Existing: A person responsible for a business or place that is open may... rent out meeting or event space if the meeting or event space is only rented out for the purpose of providing child care within the meaning of the *Child Care and Early Years Act, 2014*.

December 26 Amendment: A person responsible for a business or place that is open may... rent out meeting or event space if the meeting or event space is only rented out for the purpose of a child care centre or authorized recreational and skill building program within the meaning of the *Child Care and Early Years Act, 2014*.

Existing: Discount and big box retailers may open to the public at 50% capacity provided they sell groceries.

December 26 Amendment: 50% is reduced to 25%.

Existing: Safety supply stores and businesses that sell, rent or repair assistive/mobility/medical devices, aids and/or supplies may open to the public at 50% capacity.

December 26 Amendment: Members of the public may enter by appointment only.

Existing: Stores that sell liquor, including beer, wine and spirits (other than restaurants, bars, food trucks, concession stands and other food or drink establishments) may open to the public at 50% capacity.

December 26 Amendment: 50% is reduced to 25%.

Existing: A shopping mall may open provided it establishes designated locations for the purpose of allowing patrons to pick up an order from a business or place inside or adjacent to the shopping mall.

December 26 Amendment: “Designated locations” is changed to “a single designated location inside the shopping mall”, and patrons may only pick up orders from the indoor designated location by appointment. A shopping mall may also establish any number of designated locations outside of the mall for patrons to pick up orders, and this may be done without a prior appointment.

Existing: Garden centres and plant nurseries, including greenhouses that engage in retail sales to the public, may open provided they serve patrons in an outdoor area, by appointment, or by curbside pickup.

December 26 Amendment: May serve by curbside pickup or delivery.

Existing: Hardware stores may open at 50% capacity.

December 26 Amendment: May serve by curbside pickup or delivery.

Existing: Businesses offering rental and leasing services, including automobile, commercial and light industrial machinery and equipment rental may open.

December 26 Amendment: Continues to apply, if they only permit members of the public to enter the premises by appointment.

Existing: Lawn care services and landscaping services may operate.

December 26 Amendment: Changed to “snow clearing and landscaping services may operate”.

Existing: Domestic services that support the operation of households, including housekeeping, cooking, indoor and outdoor cleaning and maintenance services may operate.

December 26 Amendment: Narrowed to “domestic services that support children, seniors or vulnerable persons, including housekeeping, cooking, indoor and outdoor cleaning and maintenance services may continue to operate.

Existing: Vehicle and equipment repair and essential maintenance and vehicle and equipment rental services may open.

December 26 Amendment: Continues to apply, but by appointment only.

Existing: Veterinary services and other businesses that provide for the health and welfare of animals, including farms, boarding kennels, stables, animal shelters and research facilities may open.

(2) For greater certainty, nothing in this Order precludes a person responsible for a boarding kennel or stable from allowing an animal's owner or their representative to visit the animal, assist in the care or feeding of the animal or, as applicable, ride the animal.

December 26 Amendment: Veterinary services that are, a) necessary for the immediate health and welfare of the animal; or b) provided through curbside pickup and drop-off of the animal may remain open.

(2) Other businesses that provide services to animals that are necessary for their health and welfare, including farms, boarding kennels, stables, animal shelters and research facilities may remain open.

(3) Nothing in this Order precludes a person responsible for a boarding kennel or stable from allowing an animal's owner or their representative to visit the animal, assist in the care or feeding of the animal or, as applicable, ride the animal where necessary for the health and welfare of the animal.

Existing: Businesses that provide pet services, including pet grooming services, pet sitting services, pet walking services and pet training services, including services for the training and provision of service animals may open.

December 26 Amendment: Narrowed to "businesses that provide pet training services exclusively for service animals may remain open".

Existing: Providers of child care within the meaning of the *Child Care and Early Years Act, 2014* may open.

December 26 Amendment: (1) Operators and providers of the following may remain open:

1. Child care centres that meet the conditions set out in subsection (2).
2. Home child care at a person's dwelling.
3. Child care described in paragraph 2 of subsection 6 (3) of the *Child Care and Early Years Act, 2014* that is provided at a person's dwelling.
4. Authorized recreational and skill building programs that meet the conditions set out in subsection (3).

(2) A child care centre may open if it meets the following conditions:

1. The centre shall not operate a before or after school program on any school day for a child unless the child's school is permitted to provide in-person teaching or instruction to the child on that day.

2. The centre shall not provide child care on school days during typical school hours for a child whose school is not permitted to provide in-person teaching or instruction to the child on that day and who, immediately before December 21, 2020,

- i. was enrolled in school, and
- ii. was not registered to attend the centre on those days and during those hours.

3. If the Minister of Education designates a child care centre as an emergency child care centre that provides care for children of individuals listed in Schedule 5, paragraph 2 does not apply with respect to the provision of child care by the centre to the children of those individuals.

(3) A provider of authorized recreational and skill building programs shall not provide such a program to a child on a school day unless the child is enrolled in a school that is authorized to provide in-person teaching or instruction on that day.

Existing: Ski hills and snow trails, including snowmobile, cross country ski and snow shoe trails may open provided requirements are followed.

December 26 Amendment: Tobogganing hills and snowmobile, cross country ski, dogsledding, ice skating and snow shoe trails may remain open provided certain requirements are followed. For clarity, skill hills must close pursuant to the changes coming into effect December 26.

Existing: Every person who provides short term rental accommodation shall ensure that any rentals reserved after November 22, 2020 are only provided to individuals who are in need of housing.

December 26 Amendment: This does not apply with respect to short term rental accommodations that were reserved during a period when the province-wide shutdown did not apply to the area in which the accommodation is located.

Part 4 - New Restrictions In Force December 26, 2020

Under the province-wide shutdown, new restrictions and requirements will apply that were not included in the “Lockdown/Grey” stage. These are outlined below:

New: A business permitted to be open to the public at 50% capacity must determine its capacity 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. For a business permitted to be open to the public at 25% capacity, apply the same calculation but divide by 16.

New: A 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.

New: Day camps for children that are operated 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 may not open. Community centres and multi-purpose facilities may no longer provide space for day camps for

children that are operated 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.

New: A business or place may no longer rent out meeting or event space for a day camp for children.

New: Optical stores that sell prescription eyewear to the public may permit members of the public to enter by appointment only.

New: Outdoor markets, including farmer's markets and holiday markets may remain open only if they primarily sell food to the public in addition to other requirements previously in force.

New: Retail stores operated by a telecommunications provider or service may only permit members of the public to enter the premises by appointment and only for repairs or technical support.

New: Television production activities, concert venues, theatres and cinemas may only open provided no more than 10 performers are on or in the film or television set, concert venue, theatre or cinema. Previous requirements for these activities continue to apply.

New: Drive-in cinemas, concerts, artistic events, and other performances are no longer permitted.

New: Museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions must be closed to members of the public.

New: Schools and private schools within the meaning of the *Education Act* shall not provide in-person teaching or instruction. A school or private school may open to facilitate the operation of a child care centre or authorized recreational skill building program within the meaning of the *Child Care and Early Years Act, 2014* or to allow staff to provide remote teaching, instruction or support to pupils, so long as it operates 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.

On January 11, 2021, schools and private schools in Southern Ontario (described in Part 1) may provide in-person teaching to pupils in kindergarten to grade 8. Schools in Northern Ontario may provide in-person teaching to all pupils.

To learn more and for assistance, contact your Sherrard Kuzz LLP lawyer or, if you are not yet a client of our firm, contact us at info@sherrardkuzz.com with the re line: COVID-19.



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