

Navigating Ontario's Closure of Non-Essential Businesses

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On March 24, 2020, the Ontario provincial government passed Regulation 82/20 under the *Emergency Management and Civil Protection Act*. This regulation ordered the closure of all "non-essential" businesses beginning at 11:59pm on March 24, 2020.

The regulation excludes from its scope two types of businesses: those deemed "essential", and non-essential businesses to which temporary access is permitted for specific purposes. Essential businesses are described in Schedule "2" of the regulation, and include business in the following activities:

- supply chain
- retail and wholesale of food
- food services and accommodations
- institutional, residential, commercial and industrial maintenance
- telecommunications and IT infrastructure service providers
- transportation
- manufacturing and production
- agriculture and food production
- construction
- financial activities
- resources
- environmental services
- utilities and community services
- communications
- research
- health care and social services
- justice
- business regulators and inspectors
- other specific business activities.

Pursuant to subsection 1(2) of the regulation, temporary access is permitted in respect of non-essential businesses for specific purposes:

- to perform work at the business in order to comply with any applicable law
- to allow for inspection, maintenance or repair
- to allow for the provision of security services
- to deal with critical matters related to the closure of the business
- to access materials needed for the business to operate remotely.

Further, the regulation does not prevent any non-essential business from operating remotely or providing services online or by telephone.

Pursuant to section 7.0.11 of the *Emergency Management and Civil Protection Act*, a violation of Regulation 82/80 can result in significant penalties:

(a) in the case of an individual, subject to clause (b), to a fine of not more than \$100,000 and for a term of imprisonment of not more than one year;

(b) in the case of an individual who is a director or officer of a corporation, to a fine of not more than \$500,000 and for a term of imprisonment of not more than one year; and

(c) in the case of a corporation, to a fine of not more than \$10,000,000.

WeirFoulds is monitoring these developments and will be providing updates as the COVID-19 situation progresses. For more information on how your organization can respond to the COVID-19 situation, please contact one of our authors.

The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular application of the law to specific situations, the reader should seek professional advice.

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