

**Ministry of Heritage,
Sport, Tourism and
Culture Industries**

**Ministère des Industries du
patrimoine, du sport, du
tourisme et de la culture**



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November 25, 2020

MEMORANDUM TO:

Ski and Snow Sport Facilities (including ski resorts,
cross country ski trails/facilities, skating trails, tube
parks)

FROM:

Steve Harlow
Assistant Deputy Minister, Sport, Recreation and
Community Programs Division

SUBJECT:

Operations of Ski and Snow Sport Facilities under
Stage 1, modified Stage 2 restrictions and Stage 3
restrictions

The Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) is receiving inquiries seeking clarification on the operation of ski and snow sport facilities under Stage 1, modified Stage 2 and Stage 3 regulations made under the *Reopening Ontario (A Flexible Response to COVID-19), Act, 2020*.

- Stage 1: Regulation 82/20: Rules for Areas in Stage 1 ([O.Reg. 82/20](#))
- Stage 2: Regulation 263/20: Rules for Areas in Stage 2 ([O. Reg. 263/20](#))
- Stage 3: Regulation 364/20: Rules for Areas in Stage 3 ([O. Reg 364/20](#))

In consultation with the Chief Medical Officer of Health and other health experts, the Ontario government has developed the [Keeping Ontario Safe and Open Framework](#). It ensures that public health measures are targeted, incremental and responsive to help limit the spread of COVID-19, while keeping our schools and businesses open, maintaining health system capacity and protecting our most vulnerable, including those in long-term care.

The framework takes a gradual approach that includes introducing preventative measures earlier to help avoid broader closures and allow for additional public health and workplace safety measures to be introduced or removed incrementally.

The framework categorizes public health unit regions into five levels: Green - Prevent, Yellow - Protect, Orange - Restrict, Red - Control, and Lockdown being a measure of last and urgent resort. Each level outlines the types of public health and workplace safety measures for businesses and organizations at each level. These include targeted measures for specific sectors, institutions and other settings.

In this regard, ski and snow sport facilities (including ski resorts, cross country ski trails/facilities, skating trails, tube parks) must comply with the general capacity limits for businesses or facilities open to the public (please see Section 3 of Schedule 1 of O. Reg. 263/20 and O. Reg. 364/20), meaning ski and snow recreational activities for the general public would be required to maintain a physical distance of at least two metres at all times.

For a class, organized program or organized activity, the total number of members of the public permitted at any one time will be restricted based on the level the region is in. Please note the following:

Green – Prevent, Yellow – Protect, Oranges - Restrict (Stage 3)

- The total number of members of the public permitted to be at the facility in all classes, organized programs and organized activities combined 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,
 - 50 persons, if any of the classes, organized programs or organized activities taking place at the time are indoors, or
 - 100 persons, if all of the classes, organized programs or organized activities taking place at the time are outdoors.

Red – Control (Modified Stage 2)

- The total number of members of the public permitted to be at the facility in all *classes, organized program or organized activities* at any one time must be limited to the number that can maintain a physical distance of at least two metres from other persons at the facility, and in any event cannot exceed 25 people if outdoors or 10 people if indoors.
- Each class, organized program or organized activity must take place in a separate area or outdoor area.

Lockdown (Stage 1)

- No public events may be held indoors.
- An organized public event or social gathering must not exceed 10 people that is held outdoors.

For regions in the yellow, orange, red levels and lockdown, the person responsible for the facility must ensure that a safety plan is prepared and made available in accordance with section 5 of O. Reg 263/20, O. Reg 364/20 or section 5 of schedule 1 of O. Reg. 82/20. Please note this safety plan does not need to be submitted to the Province for approval.

Please see the attached document for more highlights of regulations from Stage 1, Stage 2 and Stage 3 that could apply to ski and snow sport facilities.

The person responsible for a business or place must ensure that all activities within that business or place are conducted within the measures outlined in the provincial regulation(s).

Municipalities and local medical officers of health may have added more restrictions or requirements. Each municipality should check their local public health unit or local municipality's website for details.

As Ontario gradually and safely reopens, it is more important than ever to follow public health advice.

We appreciate your continued cooperation as we move forward during these unprecedented times.

Sincerely,

Original signed by

Steve Harlow
Assistant Deputy Minister
Sport, Recreation and Community Programs Division

Appendix: Stage 1/Modified Stage 2 / Stage 3 Comparison that could apply to Ski & Snow Sport Facilities and Resorts

The Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) has been receiving inquiries seeking clarification on operating ski and snow sport facilities under modified Stage 2 restrictions and Stage 3 made under the *Reopening Ontario (A Flexible Response to COVID-19), Act, 2020*.

- Stage 1: Regulation 82/20: Rules for Areas in Stage 1 (O. Reg. 82/20)
- Modified Stage 2: Regulation 263/20: Rules for Areas in Stage 2 (O. Reg. 263/20)
- Stage 3: Regulation 364/20: Rules for Areas in Stage 3 (O. Reg. 364/20)
- Listing of areas in each stage of reopening: Regulation 363/20: Stages of Reopening (O. Reg. 363/20)

Ski and snow sport facilities are responsible for following all regulations as they apply to their business or facility. Below are areas of the regulation that are most applicable to the sector.

	Stage 1: Lockdown	Modified Stage 2 Level: Red - Control	Stage 3 Level: Green – Prevent Yellow – Protect Orange - Restrict
General Capacity Limits	<p>As per Schedule 1, Section 3:</p> <p>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,</p> <p>(a) the members of the public are able to maintain a physical distance of at least two</p>	<p>Capacity limits in Schedule 2, Section 13 & 14 do not apply to general recreational ski or snow sport activities.</p> <p>As per Schedule 1, Section 3:</p> <p>For a place of business or a facility open to the public shall limit the number or persons in the place of the business or facility so that every member of the public is able to maintain</p>	<p>Capacity limits in Schedule 2, Section 8 do not apply to general recreational ski or snow sport activities.</p> <p>As per Schedule 1, Section 3:</p> <p>For a place of business or a facility open to the public shall limit the number or persons in the place of the business or facility so that every member of the public is able to maintain</p>

	Stage 1: Lockdown	Modified Stage 2 Level: Red - Control	Stage 3 Level: Green – Prevent Yellow – Protect Orange - Restrict
	metres from every other person in the business or facility; and (b) the number of persons occupying any room that is open to the public in the business does not exceed 50 per cent of the capacity of the particular room.	two metres from every other person in the business or facility, except where Schedule 2 allows persons to be closer together.	two metres from every other person in the business or facility, except where Schedule 2 allows persons to be closer together.
Organized activity, program or class	As per Schedule 4, Section 1: Subject to sections 2 to 4, no person shall attend, (a) an organized public event that is held indoors; (b) a social gathering that is held indoors, including a social gathering associated with a gathering described in clause (d); (c) an organized public event or social gathering of more than 10 people that is held outdoors, including a social	As per Schedule 2, Section 13, Subsection 1: The total number of members of the public permitted to be at the facility in all classes, organized programs or organized activities at any one time must be limited to the number that can maintain a physical distance of at least two metres from other persons at the facility, and in any event cannot exceed 10 people . As per Schedule 2, Section 14, Subsection 1	As per Schedule 2, Section 8, Subsection 3: The total number of members of the public permitted to be at a facility in all classes, organized programs or organized activities at any one time must be limited to the number of people that can maintain a physical distance of at least two metres from other persons in the facility and in any event cannot exceed: <ul style="list-style-type: none"> • 50 persons if any of the classes, organized programs or organized activities taking place at the time are indoors

	Stage 1: Lockdown	Modified Stage 2 Level: Red - Control	Stage 3 Level: Green – Prevent Yellow – Protect Orange - Restrict
	<p>gathering associated with a gathering described in clause (d); or</p> <p>(d) a gathering of more than 10 people for the purposes of a wedding, a funeral or a religious service, rite or ceremony.</p>	<p>The total number of members of the public permitted to be at the facility in an outdoor 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 at the facility, and in any event cannot exceed 25 people.</p>	<ul style="list-style-type: none"> • 100 persons, if any of the classes, organized programs or organized activities taking place at the time are outdoors <p>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,</p> <p>Schedule 2, Section 8, Subsection 11:</p> <p>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,</p> <ul style="list-style-type: none"> • 50 spectators, if the spectators will be indoors

	Stage 1: Lockdown	Modified Stage 2 Level: Red - Control	Stage 3 Level: Green – Prevent Yellow – Protect Orange - Restrict
			<ul style="list-style-type: none"> • 100 spectators, if the spectators will be outdoors. <p>In the Orange Zone, no spectators are permitted to be in the facility except that each person under the age of 18 years who is engaged in activities in the facility may be accompanied by one parent or guardian.</p> <p>Section 8, Subsection 20:</p> <p>In areas outside of the Orange Zone, paragraphs 3, 4 and 11 do not apply with respect to facilities for sports and recreational fitness activities if the facility operates 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.</p>

	Stage 1: Lockdown	Modified Stage 2 Level: Red - Control	Stage 3 Level: Green – Prevent Yellow – Protect Orange - Restrict
Cleaning requirements	<p>As per schedule 1 Section 10:</p> <p>The person responsible for a business or place that is open shall ensure that,</p> <p>(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</p> <p>(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.</p>	<p>As per Schedule 1, Section 7:</p> <p>Business or place that is open shall ensure that:</p> <p>(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</p> <p>(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.</p> <p>As per Schedule 2, Section 13 & 14</p> <p>Any equipment that is rented to, provided to or provided for the use of users of the facility must be cleaned and disinfected</p>	<p>As per Schedule 1, Section 6:</p> <p>Business or place that is open shall ensure that:</p> <p>(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</p> <p>(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.</p> <p>As per Schedule 2, Section 9 & 10</p> <p>Any equipment that is rented to, provided to or provided for the use of users of the facility must</p>

	Stage 1: Lockdown	Modified Stage 2 Level: Red - Control	Stage 3 Level: Green – Prevent Yellow – Protect Orange - Restrict
		<p>between each use.</p> <p>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.</p>	<p>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.</p> <p>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.</p>
Food and Drink	Please review Schedule 2, Section 3 for a listing of specific rules for food and drink at facilities.	Please review Schedule 2, Section 1 for full listing of specific rules for food and drink at facilities.	Please review Schedule 2, Section 1 for full listing of specific rules for food and drink at facilities.
Hotels, motels and other short-term rentals	<p>As per Schedule 2, Section 25:</p> <p>Hotels, motels, lodges, cabins, cottages, resorts and other shared rental accommodation, including student residences, that meet the following condition:</p> <p>1. Any indoor pools, indoor</p>	<p>As per Schedule 2, Section 4:</p> <p>Hotels, motels, lodges, cabins, cottages, resorts and other short-term rental businesses may open if they comply with the following conditions:</p> <p>Any fitness centres or gyms on</p>	Subject to general compliance provisions in Schedule 1.

	Stage 1: Lockdown	Modified Stage 2 Level: Red - Control	Stage 3 Level: Green – Prevent Yellow – Protect Orange - Restrict
	fitness centres, or other indoor recreational facilities that are part of the operation of these businesses, are closed.	the premises must be closed. Any communal steam rooms, saunas, whirlpools or hot tubs on the premises must be closed.	
Meeting or Event Space	<p>Please review Schedule 1 Section 7 for a full listing of rules for meeting or event space at facilities. Please note that:</p> <p>The person responsible for a business or place that is open may only rent out meeting or event space if the meeting or event space is only rented out,</p> <ul style="list-style-type: none"> (a) for a day camp for children described in section 27 of Schedule 2; (b) for the purpose of providing child care within the meaning of the <i>Child Care and Early Years Act, 2014</i>; (c) for the purpose of the provision of social services; 	<p>Please review Schedule 1, Section 4 for full listing of rules for meeting or event space at facilities. Please note:</p> <p>A business or place that is open may only rent out meeting or event space if,</p> <p>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,</p> <p>10 persons, if the meeting or</p>	<p>Please review Schedule 1, Section 4 for full listing of rules for meeting or event space at facilities. Please note:</p> <p>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,</p> <p>(a) 50 persons, if the meeting or event is indoors; or</p>

	Stage 1: Lockdown	Modified Stage 2 Level: Red - Control	Stage 3 Level: Green – Prevent Yellow – Protect Orange - Restrict
	<p>(d) for the purpose of delivering or supporting the delivery of court services;</p> <p>(e) for operations by or on behalf of a government;</p> <p>(f) for the purpose of delivering or supporting the delivery of government services; or</p> <p>(g) for the purpose of delivering or supporting mental health support services or addictions support services, so long as no more than ten people are permitted to occupy the rented space.</p>	<p>event is indoors, or</p> <p>25 persons, if the meeting or event is outdoors; and</p> <p>No more than six people are seated together at any table in the rented space.</p>	<p>(b) 100 persons, if the meeting or event is outdoors.</p>
Miscellaneous Rules		<p>Schedule 2, Section 13, Subsection 11& 12 (Indoors), Schedule 2, Section 14, Subsection 7</p> <p>The person responsible for the facility must ensure that a</p>	<p>Schedule 2, Section 8, Subsection 16 & 17:</p> <p>In the Yellow Zone and the Orange Zone, the person responsible for the facility must ensure that a safety plan is</p>

	Stage 1: Lockdown	Modified Stage 2 Level: Red - Control	Stage 3 Level: Green – Prevent Yellow – Protect Orange - Restrict
		<p>safety plan is prepared and made available in accordance with section 5 (safety plan) of the O. Reg. 263/20.</p> <p>The person responsible for the facility must:</p> <ul style="list-style-type: none"> • Record the name and contact information of every member of the public who enters an indoor area of the facility • Maintain the records for a period of at least one month, and • only disclose the records to a medical officer of health or an inspector under the <i>Health Protection and Promotion Act</i> on request for a purpose specified in section 2 of that Act or as otherwise required by law. 	<p>prepared and made available in accordance with section 5 (safety plan) of the O. Reg. 364/20.</p> <p>In the Yellow Zone and the Orange Zone, the person responsible for the facility must ensure that,</p> <ul style="list-style-type: none"> • The name and contact information of every member of the public who enters an indoor area of the facility are recorded, • The records are maintained for a period of at least one month, and • The records are disclosed only to a medical officer of health or an inspector under the <i>Health Protection and Promotion Act</i> on request for a purpose specified in section 2 of that Act or as otherwise required by law.
Safety Plan	Section 5 of Schedule 1 in O. Reg. 82/20 will apply in areas in lockdown, Section 5 of O. Reg 263/20		

	Stage 1: Lockdown	Modified Stage 2 Level: Red - Control	Stage 3 Level: Green – Prevent Yellow – Protect Orange - Restrict
	<p>will apply to areas who are in Red level. Section 5 of O. Reg. 364/20 will apply to areas who are in the Yellow and Orange Levels</p> <p>5. (1) a person who is required under this Order to prepare and make available a safety plan in accordance with this section, or to ensure that one is prepared and made available, shall comply with the requirement no later than seven days after the requirement first applies to the person.</p> <p>(2) The safety plan shall describe the measures and procedures which have been implemented or will be implemented in the business, place, facility or establishment to reduce the transmission risk of COVID-19.</p> <p>(3) Without limiting the generality of subsection (2), the safety plan shall describe how the requirements of this regulation 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.</p> <p>(4) The safety plan shall be in writing and shall be made available to any person for review on request.</p> <p>(5) The person responsible for the business, place, facility or establishment 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 location.</p>		