

April 10, 2020

John Swick
President, Boating Ontario Association
15 Laurier Road
Penetanguishene ON L9M 1G8

Dear Mr. Swick:

The purpose of this letter is to provide guidance to the Boating Ontario Association about how the declaration of a provincial emergency and closure of non-essential businesses during the COVID-19 outbreak will impact marinas in Ontario.

On March 17, 2020, the Government of Ontario declared an emergency under the *Emergency Management and Civil Protection Act*. The provincial emergency has been extended until at least April 14, 2020.

The government is concerned about the premature opening of the recreational boating season. While the Emergency Order is in place, the government has issued a [list of Essential Workplaces](#). Under the Emergency Order, there are very limited circumstances when marinas can be open. Please note the following guidelines:

- A marina may operate but only to the extent necessary to enable individuals to access their primary place of residence including indigenous communities (e.g. there is no land-based route to access the residence) (paragraph 21. ii. C). Accessing seasonal cottages is inconsistent with the government's "stay home, stop the spread" message.
- Marinas may also operate to support other essential services including policing and law enforcement (e.g. MNR) fire and emergency services (paragraph 1 and paragraph 34).
- Marinas may also operate to support businesses that produce food, including by fishing (paragraph 1 and paragraph 24), or to support the food supply chain (paragraph 26). Marinas are not to support recreational or sport fishing.

The recent revisions to the list of Essential Workplaces are based on the advice of the Chief Medical Officer of Health. Further the amendments are consistent with the emergency order under the *Emergency Management and Civil Protection Act* to close all outdoor recreational amenities, such as sports fields and playgrounds.

All communal or shared, public or private, outdoor recreational amenities everywhere in Ontario, including but not limited to playgrounds, sports fields, basketball and tennis courts, off-leash dog parks, beaches, skateboard and BMX parks, picnic areas, outdoor community gardens, park shelters, outdoor exercise equipment, condo parks and gardens, and other outdoor recreational amenities are ordered closed.

We would appreciate your efforts to communicate this memo widely with your membership. Please note that this letter sets out the government's position on the intent of the relevant paragraphs. It is not to be taken as either legal advice or a legal determination on the intent of the Order. Members who have further questions of interpretation regarding the list or this letter should seek their own legal advice.

We have now reached a critical time in our fight against COVID-19 and we all have a duty to work together to stop the spread of the virus. Your continued support and co-operation are appreciated.

Sincerely,

Original signed by

Elizabeth Kay-zorowski
Director
Strategic Policy and Transportation Economics Branch
Ministry of Transportation

cc: Rick Laysell
Chief Executive Officer