

VIA EMAIL

April 15, 2020

Hon. Doug Ford, MPP
Premier of Ontario
Room 281, Main Legislative Bldg.
Queen's Park
Toronto, Ontario
M7A 1A1

Re: Hotline Clarity and Consistent Enforcement Urgently Needed

Dear Premier:

On behalf of our 42,000 business members in Ontario, we are seeking your help to improve the Stop the Spread Business Information Line's response clarity and to ensure the Emergency Orders are consistently enforced across the province.

Since the Stop the Spread Business Information Line was launched on March 25, numerous business owners have reached out to us seeking clarity about if and how their business is permitted to operate based on the essential businesses list. Business owners have told us that when they call the hotline, operators read the text from the website.

Trust us. The businesses that are calling have already read the website.

Hotline operators refuse to clarify or provide interpretations of items on the list, noting that it's "at the business's discretion" to decide if and how they are permitted to operate. Some operators provide conflicting information, especially about which businesses are permitted to offer their customers curbside pickup. What makes the matter worse is that no one is clear on the right answer.

This is unacceptable.

The same unhelpful approach appears to be the norm across government, regardless of which government body responds to an inquiry. For example, the Ministry of Agriculture, Food and Rural Affairs used this line in an email reply: *"While the government can offer guidance, it cannot decide for you whether your business is*

included in the list of essential businesses and it cannot provide you with legal advice.” Responses like this leave a business owner to wonder, “What’s the point of having an essential businesses list if the government won’t say which businesses are essential?”

Businesses are being told to use their best judgment and apparently, so are police and bylaw enforcement. For example, we received a request for clarity from a business in the landscaping industry. They interpreted the essential businesses list to mean that they may continue working on certain projects that if left undone, would become a public safety hazard. A competitor called the Ontario Provincial Police to complain that the business should not be operating, resulting in the OPP calling the business to advise that fines would be levied starting this week if they continued to work. According to the latest essential businesses list, landscaping work is permitted “to manage and maintain the safety, security, sanitation and essential operation of institutional, commercial, industrial and residential properties and buildings”.

The issue of inconsistent enforcement is magnified by the fact that enforcement is being conducted by the OPP, municipal police services, and municipal bylaw officers, each appearing to interpret the essential businesses list differently.

We strongly believe it is the government’s duty to fully explain and interpret the essential businesses list and to ensure consistent enforcement across the province.

In addition to providing interpretations when requested, we respectfully ask government to coordinate enforcement efforts to ensure that all enforcement bodies consistently apply both the Emergency Orders and the government’s three-step approach (education first, caution/warning, then fines).

The issue is urgent. Businesses are being warned or ticketed every day. They need clarity now.

Thank you for your attention to these important matters, and for your continued efforts to fight COVID-19.

Sincerely,

Original signed by

Julie Kwiecinski
Director of Provincial Affairs, Ontario

Original signed by

Ryan Mallough
Director of Provincial Affairs, Ontario

cc: Hon. Sylvia Jones, Solicitor General
Hon. Vic Fedeli, Minister of Economic Development, Job Creation and Trade
Hon. Prabmeet Sarkaria, Associate Minister of Small Business and Red Tape Reduction
Jeff McGuire, Executive Director, Ontario Association of Chiefs of Police