

STABLES AND HORSE RIDING FACILITIES
IN ONTARIO'S GREY ZONES
A PRACTICAL GUIDE

NOTE: This document sets out practical guidelines for the purpose of assisting owners and operators of Stables and Horse Riding Facilities to comply with the requirements applicable to those businesses that were established in the Ontario Regulation 82/20 amendments of 13 January 2021 for Grey Zone Areas. This document does not provide legal advice. The nature of the Regulation and its associated penalties make its operation quasi-criminal in nature. All persons subject to the potential of penalties under this Regulation are strongly encouraged to seek legal advice and/or to confer with their local Provincial Offences/Bylaw Enforcement Officer.

1. Stables (including boarding stables and training stables) and Horse Riding Facilities are permitted to be open. Horse Riding Facilities is a broad term and includes, but is not limited to, Riding Schools. (see Schedule 2, sections 22 and 49 and Schedule 3, section 4)
2. In a legal opinion offered in another document, this author concluded that lessons in indoor arenas were not prohibited at Stables or at Riding Schools under the 26 December 2020 amendments. No changes were made by the 13 January 2021 amendments that necessitate a change in that opinion.
3. The requirements are mandatory, not suggestive. The person responsible for operating the Stable or Horse Riding Facility is responsible for ensuring that the business complies with all of the requirements. If the requirements cannot be met, the business must close.
4. You must operate in compliance with all applicable laws (and their associated regulations), including the *Accessibility for Ontarians with Disabilities Act, 2005* and the *Occupational Health and Safety Act*. (Schedule 1, section 2(1))
5. You must operate in compliance with the advice, recommendations and instructions about physical distancing, cleaning, or disinfecting from public health officials. (Schedule 1, section 2(2))
6. You must comply with the advice, recommendations and instructions issued by the Office of the Chief Medical Officer of Health about screening individuals and, to the extent it is applicable, about working remotely. (Schedule 1, section 2(3)) As a matter of interest, an online screening tool has been developed by the Ontario Government for Courthouses across Ontario. You may be able to co-opt this tool for use in your facility. Have your clients enter the location of the Courthouse closest to your facility. The online screening tool can be found at <https://covid-19.ontario.ca/courthouse-screening>. The final page of this online screening tool provides the date and either a green check mark indicating cleared to enter or a red cross indicating not cleared to enter. Riding school

attendees could be required to show the final screen to their instructor before their lesson. Boarders could be required to sign in and affirm they have been cleared to enter by the online screening tool.

7. You must ensure that every person in your facility (staff and the public alike) wears a mask or face covering in a manner that covers their mouth, nose and chin when in any indoor areas unless the person in the indoor area,
 - i. is a child who is younger than two years of age;
 - ii. has a medical condition that inhibits their ability to wear a mask or face covering;
 - iii. is unable to put on or remove their mask or face covering without the assistance of another person;
 - iv. needs to temporarily remove their mask or face covering while in the indoor area,
 - (1) to receive services that require the removal of their mask or face covering;
 - (2) to engage in an athletic or fitness activity;
 - (3) to consume food or drink;
 - (4) as may be necessary for the purposes of health and safety;
 - v. is being accommodated in accordance with the Accessibility for Ontarians with Disabilities Act, 2005;
 - vi. is being reasonably accommodated in accordance with the *Human Rights Code*; or
 - vii. performs work for the business or organization, is in an area that is not accessible to members of the public and is able to maintain a physical distance of at least two metres from every other person while in the indoor area. (Schedule 1, sections 2(4) and 3.1(1)). **NOTE:** it is not necessary for a person to present evidence to the person responsible for a business or place that they are entitled to any of the mask-wearing exceptions set out above - see Schedule 1, section 2(6).

The underlined exceptions set out above (Schedule 1, section 2(4)(i)(ii) and section 2(4)(i)(iv)) allow riders to remove their masks/face coverings in order to be able to ride and to do so safely (health and safety factors are particularly relevant to those who wear glasses while riding and working around horses).

8. You must ensure that every member of the public in your facility maintains a physical distance of at least two metres from every other person, except :
 - a. from their caregiver or from members of the person's household;
 - b. where necessary to complete a transaction or to receive a service, if the member of the public wears a mask or face covering in a manner that covers their mouth, nose and chin or is subject to an exception set out in subsection 2 (4) - see Point 7 above for applicable mask-wearing exceptions;
 - c. when passing one another in a confined location, such as in a hallway or aisle, if the member of the public wears a mask or face covering in a manner that covers

- their mouth, nose and chin or is subject to an exception set out in subsection 2 (4) - see Point 7 above for applicable mask-wearing exceptions ;
- d. in situations where another provision of the Regulation expressly authorizes persons to be closer than two metres from each other;
9. PPE that provides protection of the person's eyes, nose and mouth must be worn if, in the course of providing services, the person,
- a. is required to come within two metres of another person who is not wearing a mask or face covering that covers that person's mouth, nose and chin during any period when that person is in an indoor area; and
- b. is not separated by plexiglass or some other impermeable barrier from a person who is not wearing a mask or face covering that covers that person's mouth, nose and chin during any period when that person is in an indoor area. (Schedule 1, section 2(7)) **NOTE:** This means face shields and masks must be worn if instructors or staff come within two metres of riders while the rider is unmasked. This will most likely be an issue for lower level riders and for riders who have fallen).
10. You must ensure that any person who performs work for your facility does so remotely unless the nature of the work requires them to be on site (Schedule 1, section 2.1). This is unlikely to have any significant application to Stables or Horse Riding Facilities except perhaps for accountants and bookkeepers.
11. You must determine the capacity limits of your facilities. Maximum capacity relates to all persons present at any time. This includes staff, horse care specialists, and users of the facility. The capacity limit of Stables and Horse Riding Facilities is the smaller of
- a. the number of people who can fit into the facility while maintaining a minimum physical distance of two metres, or
- b. fifty percent of the square meterage that is accessible to the public.
(see Schedule 1, section 3(1) and 3(2))

Given the size of equestrian barns and indoor arenas, it is likely that your maximum capacity will be that dictated by physical distancing. To calculate your fifty percent capacity, multiply the length in metres by the width in metres divide the resulting number by 8 and then round down the number provided post division to the nearest whole number. Here is an example for an arena that is 80 feet by 220 feet:

$24.62 \text{ m} \times 67.69 \text{ m} = 1666.27 \text{ square metres} / 8 = 208.28 = \text{a } 50\% \text{ capacity of } 208 \text{ people}$

The fifty percent capacity calculation is to include floor areas accessible to the public not including shelving or fixtures. Given that stalls are accessible to the users of the facility, stalls should be included in the calculation. You may calculate a separate maximum capacity for each barn and a separate maximum capacity for each indoor riding arena as a

- practical way to help you limit the number of people present in each of those structures at the same time. You may choose to allow fewer people in your facility than the number provided by your maximum capacity. Should you choose to do this, you should, in setting your limit, take into account the maximum people potentially present if all staff and horse care specialists are present at the same time as your riders. It is important to note that for calculating maximum physical-distancing capacity and doing your user attendance scheduling, persons from the same household need not maintain a physical distance of at least two metres from each other while at your facility (see Schedule 1, section 3(4))
12. The limits on indoor and outdoor gathering sizes do not apply to Stables or Horse Riding Facilities providing the users are there to access the services of the facility that are permitted to be open (i.e., to attend to and ride or otherwise exercise the horses) (Schedule 4, section 3).
 13. For those facilities that have enacted, “curb side pickup”, for those taking lessons wherein the horses are tacked by staff/volunteers and brought to the riders either in the riding arena or outside of the barn, riders and their guardians must maintain a physical distance of at least two metres from other riders or rider/guardian pairs and must wear a mask or face covering that covers their mouth, nose, or chin while waiting for their mounts. In order to eliminate the need for face shields for the persons delivering and later reclaiming the mounts, riders and their guardians should be required to wear their masks or face coverings until after they take possession of their mount and before they return their mount. (Schedule 1, section 4 - Physical distancing in lines). These rules apply to any place in your facility that may involve a line up, including the office. **NOTE:** the mask/face covering requirement for users waiting to use the business is subject to the previous noted exceptions set out above in Point 7.
 14. You must prepare and make available a safety plan which describes the measures and procedures implemented at the facility to reduce the transmission of Covid-19. The plan must include a description of measures in place for screening, physical distancing, use of masks or face coverings, use of PPE, and the cleaning and disinfecting of surfaces and objects. A copy of the safety plan must be posted in a conspicuous place where it is most likely to come to the attention of staff and others attending the facility. (Schedule 1, section 5) A template can be found here, although your plan need not be as elaborate as this: <https://www.ontario.ca/page/develop-your-covid-19-workplace-safety-plan>
 15. Washrooms, locker rooms, equipment rooms or similar amenities made available to the public must be cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.(Schedule 1, section 10(1))
 16. 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. For riding schools, this means tack must be cleaned after each lesson. Given that the virus is best neutralized by soap, best practices dictate that cleaning include the application of soap rather than merely wiping down the tack with a damp sponge. (Schedule 1, section 10(1))

17. Day Camps are not permitted - the 26 December 2020 amendments specifically revoked all references to Day Camps in Regulation 82/20 evidencing a settled intention to prohibit them.
18. Organized indoor public events are prohibited. This bars indoor horse shows and clinics. Outside instructors attending to simply provide lessons in a usual fashion without auditors or spectators are not ruled out by this prohibition.
19. Additional requirements for Horse Riding Facilities that are not specifically mandated by the Regulation for Stables are:
 - a. users of the facility must maintain a physical distance of at least two metres from other users of the facility;
 - b. team sports cannot be practiced or played;
 - c. other sports or games that are likely to result in individuals coming within two metres of each other cannot be practiced or played;
 - d. any locker rooms, change rooms, showers and clubhouses remain closed, except to the extent they provide access to equipment storage, a washroom or a portion of the amenity that is used to provide first aid.

The general physical distancing exception for members of the same household set out in Schedule 1 of the Regulation, would appear to apply to the physical distancing requirement specified for Horse Riding Facilities. The second and third additional sports-related requirements seem unlikely to rule out any riding school activity, except perhaps for mounted games. The fourth and final requirement rules out access to viewing rooms or lounges at riding schools.

20. The shortened operating hours of 7:00 am to 8:00 pm do not apply to Stables or to Horse Riding Facilities. Those rules apply only to certain Retailers. (Schedule 2)
21. You must ensure that any Recreational Amenity on your property is closed unless it is specifically permitted by Regulation 82/20 to be open. This does not mean that Stables or Riding Schools must close. Stables are a service, not a Recreational Amenity. Horse Riding Facilities are a Recreational Amenity but they are specified by the Regulation as being permitted to stay open (Schedule 3, section 4). However, if you have other Recreational Amenities on the grounds of your facility that are not specifically permitted to be open, you must ensure that no one uses them. The only Recreational Amenities permitted to be open under the current version of the Order are:
 - a. Parks and recreational areas.
 - b. Baseball diamonds.
 - c. Batting cages.
 - d. Soccer, football and sports fields.
 - e. Tennis, platform tennis, table tennis and pickleball courts.
 - f. Basketball courts.
 - g. BMX parks.
 - h. Skate parks.

- i. Frisbee golf locations.
- j. Cycling tracks and bike trails.
- k. Horse riding facilities.
- l. Shooting ranges, including those operated by rod and gun clubs.
- m. Ice rinks.
- n. Tobogganing hills.
- o. Snowmobile, cross country ski, dogsledding, ice skating and snow shoe trails.
- p. Playgrounds.
- q. Portions of parks or recreational areas containing outdoor fitness equipment. (see Schedule 3, section 4)

In order for an Recreational Amenity on your property to be used by the public, the following conditions must be met:

- a. users must maintain a physical distance of at least two metres from other users of the facility;
- b. team sports cannot be practiced or played;
- c. other sports or games that are likely to result in individuals coming within two metres of each other cannot be practiced or played;
- d. any locker rooms, change rooms, showers and clubhouses remain closed, except to the extent they provide access to equipment storage, a washroom or a portion of the amenity that is used to provide first aid. (Schedule 3, section 4(3))

22. The Stay at Home Order does not prevent riders from leaving their homes to attend Stables or Horse Riding Facilities. The following exceptions to the Order are applicable:

- a. Obtaining goods or services that are necessary for the health or safety of an individual, including health care services and medications. NOTE: health includes mental health. (Schedule 1, section 1(1)(6))
- b. Attending an appointment at a business or place that is permitted to be open by appointment under the Stage 1 Order. (Schedule 1, section 1(1)(9)) NOTE: This includes boarding barns, training barns, and horse riding facilities operating on appointments due to mandatory Covid safety protocol
- c. Taking a member of the individual's household to any place the member of the household is permitted to go under this Order. (Schedule 1, section 1(1)(14)) NOTE: This permits parents, guardians, spouses, and other household members to transport a rider to Stables and Horse Riding Facilities.
- d. Exercising, including,
 - i. walking or moving around outdoors using an assistive mobility device, or
 - ii. using an outdoor recreational amenity that is permitted to be open under the Stage 1 Order. (Schedule 1, section 1(1)(16)) NOTE Horse Riding Facilities have been specifically enumerated by the Government as falling

within this category (see Regulation 82/20 Schedule 1, section 49 in combination with Schedule 3, section 4.)

- d. Walking or otherwise exercising an animal (Schedule 1, section 1(1)(29)) (see Regulation 82/20 Schedule 1, section 22).