



. . . Memo

To: Mayor and Members of Council

From: Councillor Lisa Kearns

Cc: Chris Glenn, Director of Recreation Services

Date: August 5, 2020

Re: Protecting Amateur Sport Organizations and Municipalities from Liability Related to COVID-19

Dear colleagues,

WHEREAS the Province of Ontario has enacted numerous legislative and regulatory measures to ensure the health and safety of Ontarians through, and respond to the implications of, the COVID-19 global pandemic;

AND WHEREAS the Province has enacted legislation and regulatory measures related to the sports and fitness sector, including regulations pertaining to facilities for both indoor and outdoor sports and recreational fitness activities as set out in O. Reg. 263/20: Order Under Subsection 7.0.2 (4) of the Act – Stage 2 Closures;

AND WHEREAS on July 13, 2020 the Province announced plans to have several regions progress to Stage 3 of Phase 2: Restart within *A Framework for Reopening our Province* which will permit increased gathering limits and the reopening of more businesses and public spaces;

AND WHEREAS it is important to have the eventual and safe return of amateur organized sport activities, which play an important role in the physical, psychological and emotional well-being of people of all ages in the City of Burlington and communities across Ontario, while adhering to all applicable public health guidance and protecting the health, safety and welfare of all participants;

AND WHEREAS it is in the public interest to ensure that Ontario-based amateur sport organizations are protected from liability for damages relating, directly or indirectly, to COVID-19, where those sport organizations are operating or providing sport activities in full accordance with all applicable Provincial emergency legislation and public health guidance;

AND WHEREAS many organized sport activities and broader community activities are undertaken, administered or provided in indoor or outdoor City of Burlington municipal facilities, and it is important to ensure that the City of Burlington are protected from liability for damages relating, directly or indirectly, to COVID-19, where said Municipalities are operating, providing or permitting such sport and community activities to take place in full accordance with all applicable Provincial emergency legislation and public health guidance;

AND WHEREAS many municipal services and programs are undertaken, administered or provided in Burlington Municipal facilities or in other settings which may involve in-person interaction, and it is important to ensure that the City of Burlington is protected from liability for damages relating, directly or indirectly, to COVID-19, where said Municipality is operating and providing municipal services and programs in accordance with all applicable Provincial emergency legislation and public health guidance;

NOW THEREFORE BE IT RESOLVED:

THAT Burlington Council request that the Province of Ontario enact the necessary legislation to:

- a) Protect Ontario-based amateur sport organizations, including those operated and administered by community non-profit organizations, municipalities and school boards and their directors, officers, employees and volunteers that organize, administer, facilitate or provide such organized sport activities, from liability for damages relating, directly or indirectly, to COVID-19, where those sport organizations and individuals operate or provide those activities in full accordance with all applicable Provincial emergency legislation and public health guidance;
- b) Protect the City of Burlington from liability for damages relating, directly or indirectly, to COVID-19, where said Municipalities are operating, providing or permitting sport and community activities to take place in indoor or outdoor Municipal facilities in full accordance with all applicable Provincial emergency legislation and public health guidance;
- c) Protect the City of Burlington from liability for damages relating, directly or indirectly, to COVID-19, where said Municipalities are undertaking, administering or providing municipal services and programs within City of Burlington facilities or in other settings in full accordance with all applicable Provincial emergency legislation and public health guidance;

AND THAT the Mayor of Burlington write a letter to the Honourable Doug Ford, Premier of Ontario, advising of Regional Council's resolution, and that a copy of the letter be forwarded to Burlington's Local Municipalities, the Association of Municipalities of Ontario, The Honourable Lisa MacLeod, Minister of Heritage, Sport, Tourism and Culture Industries and Burlington's Members of Provincial Parliament (MPPs) for their information.

Respectfully,

Councillor Lisa Kearns