



[www.StandUpCanada.Solutions](http://www.StandUpCanada.Solutions)

# DENIAL OF SERVICE PUBLIC SPACES FOR NON-MASK WEARING PEOPLE \*\*\*ONTARIO\*\*\*

This legal information was provided to Stand Up Canada by Jane Scharf Paralegal and Carly Benjamin Paralegal in Training

1. **DOWNLOAD** latest [Ontario Regulation 364/20](#) (mask requirement offences); **PRINT** and bring it with you if you cannot locate it on your phone; if you cannot do either not to worry, the relevant sections are quoted here below
2. **DOWNLOAD** the **Police Statement of Principles section 1. (2)** [Police Service Act](#) also relevant sections are quoted below
3. If you are being denied service - **STAY CALM** take a few deep breaths to maintain your composure; you will not be able to defend yourself if you are upset; **DO NOT** argue, **REMAIN CALM** and take calm action whenever you are ready
4. **VIDEO** or audio tape everything and permission is not legally required.
5. In the event that a store advises you that you must wear a mask, you need to **ADVISE** them right away that you are exempt
6. If they ask what your exemption is, you **TELL** them you do not have to tell them what your exemption is according to the mask requirement  
Section 2 (6): **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 exceptions set out in subsection 2(4)**

7. Mask requirement section 2(4) [General Compliance, section 2\(4\)](#)

**Exemptions:**

- (g) has a medical condition that inhibits their ability to wear a mask or face covering;
- (h) is unable to put on or remove their mask or face covering without the assistance of another person;
- (i) is being accommodated in accordance with the [Accessibility for Ontarians with Disabilities Act, 2005](#);
- (j) is being reasonably accommodated in accordance with the [Human Rights Code](#); (note: this is found under **Section 1, Services**)

8. **Section 1 of the [Human Rights Code](#):**  
**Services**

1. Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, **creed**, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or **disability**.

9. **DEFINITION OF CREED FROM THE HUMAN RIGHTS COMMISSION**

Under the Ontario [Human Rights Code](#), discrimination because of creed is against the law. Everyone should have access to the same opportunities and benefits, and be treated with equal dignity and respect, regardless of their creed.

The *Code* does not define creed, but the courts and tribunals have often referred to religious beliefs and practices. Creed may also include non-religious belief systems that, like religion, substantially influence a person's identity, worldview and way of life. People who follow a creed, and people who do not, have the right to live in a society that respects pluralism and human rights and the right to follow different creeds.

10. If police are called: **REMIN**d the Police Officer of their obligation under [Declaration of Principles](#):

Section 1 (2) of the [Police Service Act](#) :

The importance of safeguarding the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the [Human Rights Code](#).

11. If police charge you with trespassing they are assisting the store in discriminating against you and in which there is an official **COMPLAINT PROCESS** to file a grievance against the police for not respecting your rights to accommodation under the Human Rights Code contrary to their legal obligations to respect the provisions of the Human Rights Code



12. If the store offers to **ACCOMMODATE** you, **ACCEPT** their accommodation providing that you are able to get proper access to your goods or services without great inconvenience or time spent or extra cost
13. If the store or Police threaten to charge you with **TRESPASSING** - tell the police they would be **DISCRIMINATING** against you under Section 1 of the [HUMAN RIGHTS CODE](#)
14. If you are charged with trespassing or removed from the store - **ADVISE** the store owner and the Police that you will immediately **FILE** a human rights complaint for the store and a human rights complaint against Police as well as a professional standards complaint
15. **NOTE KEEPING: Store** - record the store name, address, time of incident, and names of staff; **Witness(es)** – obtain their contact info so you can get a statement from them afterwards; **Police** – record police names and badge numbers if police are called. If you get a ticket for trespassing, you have a defence in that the ticket was in violation of your rights
16. **WRITE** down everything as soon as you can to **DOCUMENT** what happened

