



NORTH CHANNEL YACHT CLUB
P.O. Box 175
ELLIOT LAKE, ONTARIO
P5A 2J7

Notice to Members

From: Leighton Roslyn, Commodore
Date: 2021-04-21
Re: NCYC Closure – Additional Guidance

Some members are asking whether they can attend at the Club to do work on their vessels.

The Club cannot give legal advice about your personal responsibility except to say that if you are in doubt, then it is safer to stay away and avoid the potential of being fined by the government authorities.

Ideally, people should not be attending at the Club to do work on their vessels. This is discouraged unless there is something that requires attention to preserve or protect the equipment from harm. The government hasn't given good guidance on what is contemplated by the wording and there are opposing views.

On one view of it, the wording in Ontario Regulation 82/20 Schedule 1 section 1. (6). (c) allowing for "inspections, maintenance or repairs to be carried out at the business or place" is not at all ambiguous. Performing maintenance or repairs "at the business or place" is not restricted to maintenance of repairs **TO** the business or place. Maintenance to your vessel would be maintenance **AT** the business or place.

The conventional everyday meaning of the words "at the business or place" does not require reading in the limitation that the work must be **TO** the business or place – that is - to Club infrastructure as opposed to your equipment. This view is consistent with the principle that when the liberty of the individual is being curtailed, it needs to be done in clear and cogent language and if there is any ambiguity then that is to be resolved in favour of a more liberal interpretation.

The other view is that such reasoning is at odds with the "spirit" of the regulation and the Stay at Home Order and any ambiguity should be resolved in favour of a more restrictive interpretation because public health principles outweigh personal freedom. The MC has wrestled very hard with these questions and has not taken its position lightly.

Again, the Club cannot give legal advice. The government Stay at Home Order directs the individual to stay at home. You venture away from home at your own risk and the obligation is upon you to bring yourself into an expressly allowed exception to the general rule that you should be at home.