

Jul 15, 2020, 2:43 AM (2 days ago)

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to Kguay

Keith,

Here are the notes from our dialogues from today and yesterday:

Your ticket listed 2 violations: "-social distancing" and "-dancing".

When we spoke you said these were the official reasons:

Social distancing: people were ordering drinks at the bar, standing up too close to other people. There were approximately 35 people in the area and you assumed they were from different groups but you didn't actually verify this crucial aspect since groups don't need to distance themselves from their own group. Based on your assumption, you issued a \$2542 fine, in spite of observing that people were socializing together intentionally.

Dancing: you observed 4 individuals dancing together and because nobody told them to stop during the duration of your visit, you believe it warranted a fine as well.

When we spoke on Monday, I asked you which category of the rules applied to us and you said we were under the "restaurant category". When you failed to identify which rules were broken under that category, you put us on hold and consulted with a coworker. You returned to the call and changed our designation to "restaurant" and "licenced premises".

I asked again which rule(s) were being broken and you insisted patrons were not allowed to dance but you explicitly stated we did not have a dancefloor (which was a potential rule we could have broken). You could not find an actual rule that related to the charge of dancing.

You also put me on hold to confirm that we were allowed to offer walk up service so you changed your reason for the "social distancing" violation.

For the violation of "social distancing" you then quoted 5(a):

"(a) members of the public are required to generally stay in the areas of the premises that have tables and seating or that are otherwise open to the public;"

You have agreed that patrons were being served in an area with 2 tables and 4 chairs AND it was an area that is open to the public. There were more people than chairs but the rule states that either option was allowed so it was clear that this rule did not apply.

Today we spoke again and you told me that you have now had a chance to consult with the Health Department. You came up with new explanations for the alleged violations. You told me that you never fined us because of people dancing this time, even though you have referenced this multiple times and it was on the official ticket we received from you. To date we have received 2 documents relating to this fine, one being the pink slip which states the official rules in question (The Public Health Act - P210), and the 2nd being the advisory listing 2 violations ("social distancing" and "dancing").

You quoted a different set of rules to justify the ticket today and said you found them at the "Engage Manitoba" website with the help of the health inspectors.

It reads:

"These businesses may fully operate if they implement measures to ensure that members of the public are reasonably able to maintain a separation of at least two metres from others, except for brief exchanges.

These businesses may fully reopen patios and indoor spaces, as long as tables and seating are arranged so there is a permanent or temporary physical barrier or a two-metre separation between persons sitting at different tables. Restaurants must implement measures to ensure that members of the public when not seated are reasonably able to maintain a separation of at least two metres from others, except for brief exchanges.

Bars, beverage rooms, micro-brewers and similar businesses must continue to implement measures to ensure that members of the public are seated at a table, and are reasonably able to maintain a separation of at least two metres from others, except for brief exchanges. Standing service is not allowed. Dance floors are to remain closed."

You confirmed that people from the same group are allowed to sit closely together so it seems that the term "others" would likely relate to 'different groups' which again do not apply in my case.

I told you I was instructed against passing judgement when it came to who was and wasn't allowed to be in groups. You confirmed that the limits for groups were being observed and you acknowledged that you were aware we frequently hosted group bookings for 10, 20 and 30+ guests and you said it wasn't against the rules.

Furthermore, these are not the official rules that the Health Department distributed to me when the latest phase was announced. These rules are also not a part of the p210 act listed on the ticket.

I would like you to acknowledge my notes from today are accurate or advise which parts you would like to change.

I would also ask for you to list your official decision on which actual rule was broken and confirm what set of rules are official and in effect (is it the p210 act and / or the website description, or anything else?).

If dancing was not an official violation for me to receive this fine, would you acknowledge this in writing and issue a new ticket to set the record straight officially?

Thank you for your help to keep things clear and straight forward for me,

Shea