

## **Supplementary Report on Amendments to Temporary COVID-19 Bylaws**

**Date:** July 13, 2021

**To:** City Council

**From:** Medical Officer of Health

**Wards:** All

### **SUMMARY**

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In May 2021, the Government of Ontario announced the [Roadmap to Reopen](#), a three-step framework to lift public health measures put in place during the COVID-19 pandemic. Ontario is currently in Step 2 of the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* and will move to Step 3 on Friday, July 16.

Toronto Public Health has reviewed the updated Step 3 regulations from a public health perspective and as they relate to the COVID-19 temporary bylaws currently in place. These bylaws include the Physical Distancing in Public Spaces bylaws (322-2020 and 323-2020), Mandatory Mask bylaw (541-2020), COVID-19 amendments to Chapter 354, Apartment Buildings, and COVID-19 amendments to Chapter 545, Licensing.

Based on this review, this report recommends City Council amend Toronto Municipal Code Chapter 545, Licensing, by repealing section 545-8.4.1 (COVID-19 measures). It also recommends repealing By-law 322-2020 and By-law 323-2020, which require physical distancing in parks and public spaces.

Toronto Public Health has determined the updated provincial regulations for businesses where food and drink are served and/or consumed include public health measures that are sufficient, given the current evidence and circumstances, to protect the population from COVID-19 transmission and, in some areas, the provincial regulations go beyond the temporary COVID-19 measures contained in Chapter 545, Licensing. Therefore, the measures contained in Chapter 545, Licensing are no longer necessary.

Following an analysis of Toronto's current epidemiological context, along with a review of the provincial Step 3 regulations which include requirements on the size of outdoor social gatherings, Toronto Public Health recommends repealing the City's physical distancing in parks and public spaces bylaws.

At this point in the pandemic, it is recommended that the two remaining bylaws related to masking and requirements for apartment building owners/operators remain in place and continue to be reviewed by the Medical Officer of Health on (at a minimum) a monthly basis.

As COVID-19 epidemiology, data on vaccination rates, and evidence on COVID-19 transmission continue to evolve, Toronto Public Health will monitor the implementation of the Government of Ontario's new Step 3 regulations, and will continue to work together with provincial counterparts to ensure appropriate public health measures are in place as the provincial reopening plan is implemented.

The City of Toronto's Municipal Licensing and Standards and Legal Services divisions were consulted in the preparation of this report.

## **RECOMMENDATIONS**

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The Medical Officer of Health recommends that:

1. City Council repeal section 545-8.4.1 (COVID-19 measures) of the Toronto Municipal Code Chapter 545, Licensing.
2. City Council repeal City of Toronto By-law 322-2020 and By-law 323-2020 related to physical distancing in parks and public squares.

## **FINANCIAL IMPACT**

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There are no current or known future year financial impacts arising from the recommendations contained in this report.

## **DECISION HISTORY**

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On June 8, 2021, City Council extended the temporary City of Toronto COVID-19 bylaws until the first day after the September 30 and October 1, 2021 Council meeting. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.HL28.1>

On February 2, 2021, City Council extended the temporary City of Toronto COVID-19 bylaws until the first day after the June 2021 City Council meeting. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.HL25.3>

At its September 28, 29 and 30, 2020 meeting, City Council extended the temporary City of Toronto COVID-19 bylaws until the first meeting of City Council in 2021. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.HL20.1>

On July 28, 2020, City Council adopted recommendations on public health measures necessary for the COVID-19 response, including measures for restaurants and bars. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.HL16.2>

On April 2, 2020 and April 3, 2020, Mayor John Tory enacted [Emergency Order No. 1](#) and [Emergency Order No. 2](#) requiring physical distancing in parks and public squares.

## COMMENTS

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### City of Toronto temporary COVID-19 bylaws

There are five City of Toronto bylaws that were enacted and amended as part of the City's response to COVID-19. These include two bylaws related to physical distancing in public spaces, as well as bylaws related to mask-wearing, requirements for owners/operators of apartment buildings, and specific regulations for some business types licenced under the Toronto Municipal Code Chapter 545, Licensing. Each bylaw is set to expire at the end of the September 30 and October 1, 2021 City Council meeting, unless extended by City Council.

The Medical Officer of Health reviews the utility of these bylaws on a monthly basis using local epidemiological analysis and emerging COVID-19 evidence.

### Recommendation: Repeal section 545-8.4.1 of Chapter 545, Licensing

On July 9, 2021, the Government of Ontario released the regulations for Step 3 of the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* ([O. Reg. 364/20](#)).

Toronto Public Health, as part of the monthly review, reviewed the Government of Ontario's updated regulations and conducted an analysis of the temporary public health measures contained in Chapter 545, Licensing, compared to the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*. The review found that the temporary COVID-19 provisions in Chapter 545, Licensing, are no longer necessary as the provincial regulations provide sufficient protections given the current evidence and circumstances, to mitigate COVID-19 transmission.

Many of the key regulations in Chapter 545, Licensing, are in the provincial Step 3 regulations for restaurants and bars, including:

- **Capacity limits:** provincial regulations limit capacity to the number of people able to physically distance two metres, whether indoors or outdoors.
- **Employee screening:** employers are required, under the provincial legislation, to actively screen all employees prior to entering the premises.
- **Customer logs:** the name and contact information of every person in the party must be recorded and maintained for at least one month under the Step 3 rules.

Further, provincial Step 3 regulations include health and safety measures for live performances, such as requiring performers maintain a physical distance from spectators or be separated by an impermeable barrier.

In certain areas, the provincial regulations provide enhanced measures beyond Chapter 545, Licensing. For example, there are specific rules for managing lines, including physical distancing and requiring a mask or face covering if indoors. Provincial Step 3 regulations also require business owners to actively screen any dine-in patrons. Further, the provincial regulations differentiate between business types, providing specific regulations to apply to different operating models.

### **Recommendation: Repeal By-law 322-2020 and By-law 323-2020**

City of Toronto By-law 322-2020 and By-law 323-2020 were established in April 2020 and require people who are not from the same household to maintain a physical distance of two metres in a park or public square.

These bylaws were enacted early in the pandemic in response to increasing case rates. Although physical distancing remains an important public health measure, the risk of COVID-19 transmission in outdoor settings remains lower compared to the risk of transmission in indoor settings.<sup>1</sup>

Toronto Public Health reviewed Toronto's current epidemiological context, along with the provincial Step 3 regulations which include limits for the size of outdoor social gatherings, and recommend repealing By-law 322-2020 and By-law 323-2020. At the time of this report, Toronto is experiencing relatively low COVID-19 case rates, with members of the public generally continuing to comply with advice related to physical distancing in both indoor and outdoor public spaces. Repealing these bylaws would also provide clarity to Toronto residents and simplify COVID-19 public health regulations in Toronto.

### **Mask bylaw and requirements for apartment building owners/operators**

Toronto Public Health reviewed the two remaining bylaws related to masking and requirements for apartment building owners/operators (requirements include: providing hand sanitizer, closing non-essential common areas to be consistent with provincial restrictions, cleaning frequently-touched surfaces, and posting signage). At this point in the pandemic, these bylaws continue to provide necessary protection against COVID-19 and are generally consistent with provincial regulations. The impact of COVID-19 continues in Toronto, with variants of concern increasing both the risk of transmission and the risk of serious illness or death.

In addition to the extension until September 2021, the Medical Officer of Health will conduct (at a minimum) a monthly assessment regarding the need to continue each bylaw. This assessment will be informed by the local epidemiology of COVID-19 and

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<sup>1</sup> Ontario Agency for Health Protection and Promotion (Public Health Ontario). COVID-19 transmission through large respiratory droplets and aerosols...what we know so far. Toronto, ON: Queen's Printer for Ontario; 2021.

key health and health system performance indicators, much of which is reported through the [Toronto Public Health COVID-19 Monitoring Dashboard](#).

### **Toronto Public Health continues to closely monitor COVID-19 in Toronto**

Toronto Public Health will continue to engage with provincial counterparts through public health tables and liaise with public health units across the province to monitor the local as well as provincial epidemiology, data on vaccine coverage and the evolving evidence on COVID-19, in order to respond as necessary.

### **CONTACT**

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### **SIGNATURE**

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