



REPORT FOR ACTION

Supplementary Report on Extending Bylaws Necessary for COVID-19 Response

Date: September 28, 2020

To: City Council

From: Medical Officer of Health

Wards: All

SUMMARY

The City of Toronto continues to respond to the COVID-19 pandemic at the same time as our economy begins to reopen. Appropriate measures must be put in place to mitigate the impact of the resurgence of COVID-19 cases so that we can continue to keep our city open.

In Toronto, case counts were low during the month of August and began to increase throughout September. In addition, since early August, the effective reproductive number ($R^{\text{effective}}$) has remained consistently above 1.0 whereas the goal to prevent virus spread is to keep this number below 1.0. Other jurisdictions with recent resurgence have shown that cluster and outbreak acceleration can occur quickly.

To respond to an increased level of community transmission, the Medical Officer of Health strongly recommends that people limit interactions with individuals from outside their household contacts. It is important to keep six feet distance from others, wear a mask as much as you can and particularly when you cannot maintain six feet of distance, and wash your hands frequently.

Toronto Public Health has identified that COVID-19 case clusters and outbreaks have occurred among staff and patrons in workplaces. This includes clusters and outbreaks occurring in health and fitness clubs, entertainment venues, food and drink establishments. To respond to the COVID-19 clusters and outbreaks in workplaces, the Medical Officer of Health strongly recommends that all workplaces support physical distancing for employees and visitors and where this is challenging, require masks or face coverings. In addition to this public health guidance, the report further recommends that the Province of Ontario and the Ministry of Labour, Training and Skills Development mitigate the spread of COVID-19 in workplaces by supporting physical distancing in workplaces and mandating masks when physical distancing is not possible.

In addition, to respond to the increased level of community transmission, this report recommends additional measures for bars and restaurants, including: reducing the total number of patrons in any one establishment from 100 to 75, collecting contact

information for each patron, reducing the number of people who can be at one table from 10 to six and requiring background music be no louder than normal conversation..

It has been shown in other jurisdictions that application of public health measures such as requirements for physical distancing and mask wearing have been more successful in decreasing the risk of spread when applied proactively, rather than waiting to introduce such measures at a later point in the resurgence stage of the pandemic.

This report also recommends extending the existing City of Toronto COVID-19 bylaws until the end of City Council's first meeting in 2021, expected to be in January 2021. This includes the Physical Distancing in Public Spaces bylaws (322-2020 and 323-2020), the Mandatory Mask bylaws (541-2020 and 664-2020) and the temporary COVID-19 amendments to Chapter 545, Licensing and Chapter 354, Apartment Buildings. These bylaws are currently set to expire on October 1, 2020.

These bylaws are a temporary and necessary response to the ongoing pandemic. In addition to the recommended extension until early in 2021, it is further recommended that the Medical Officer of Health conduct a monthly assessment regarding the need to continue each bylaw. This assessment will be informed by Toronto Public Health's COVID-19 Monitoring Dashboard that tracks the spread and impacts of COVID-19 in the community. Based on this assessment, the Medical Officer of Health may report to City Council to recommend ending, extending or amending the bylaws before the expiry date.

The City Solicitor was consulted in the preparation of this report.

RECOMMENDATIONS

The Medical Officer of Health recommends that:

1. City Council urge the Province of Ontario and the Ministry of Labour, Training and Skills Development to mitigate the spread of COVID-19 in workplaces by supporting physical distancing in workplaces and mandating masks when physical distancing is not possible.
2. City Council amend Toronto Municipal Code Chapter 545, Licensing as follows:
 - a. Reduce the total number of patrons permitted at any one time in an establishment that serves food and drink from 100 to 75, subject to any exemptions as determined by the Medical Officer of Health or their designate;
 - b. Require establishments that serve food and drink to maintain a customer log for each patron;
 - c. Reduce the maximum number of people able to sit at each table in an establishment that serves food and drink, both inside and outside, from 10 to six people;
 - d. Require that background music and any other background sounds, such as from televisions or other electronic sound producing devices, in an establishment that serves food and drink must be no louder than the volume

- of normal conversation (does not apply to performing arts regulated under *O. Reg. 364/20 Rules for Areas in Stage 3* under s.11, Performing Arts);
- e. Extend existing COVID-19 measures (s.545.8.4.1), until the end of City Council's first meeting of 2021.
3. City Council extend Bylaws 322-2020 and 323-2020 that regulate physical distancing in public spaces in Toronto, until the end of City Council's first meeting of 2021.
 4. City Council extend Bylaws 541-2020 and 664-2020, that require businesses, apartments and condominiums to have policies to ensure people wear masks or face coverings in common areas, until the end of City Council's first meeting of 2021.
 5. City Council extend the COVID-19 amendments to Toronto Municipal Code Chapter 354, Apartment Buildings (s.354-3.11), that require landlords to provide hand washing/sanitizing in common areas, close non-essential common areas consistent with provincial orders, increase cleaning and post Toronto Public Health signage, until the end of City Council's first meeting of 2021.
 6. City Council request the Medical Officer of Health to review the necessity of each bylaw on a monthly basis, and report if any changes or extensions are required before or at City Council's first meeting of 2021.
 7. City Council authorize the City Solicitor to introduce the necessary Bills and apply set fines to give effect to City Council's decision; and, City Council authorize the City Solicitor to make any necessary clarifications, refinements, minor modifications, or technical amendments as may be identified by the City Solicitor, in consultation with the Medical Officer of Health, in order to give best effect to the Medical Officer of Health's recommendations for the protection of the public as described in this report.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of the recommendations in this report.

DECISION HISTORY

On July 28, 2020, City Council adopted recommendations from the Medical Officer of Health and City Solicitor on additional measures necessary for the COVID-19 Pandemic Response, including mandatory masks or face coverings in common areas of apartment buildings and condominiums, additional public health measures for restaurants and bars and extending the physical distancing bylaw.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.HL16.2>

At its June 29 and 30, 2020 meeting, City Council adopted recommendations from the Medical Officer of Health to make masks or face coverings mandatory in enclosed public spaces.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC22>

At its May 28, 2020 Special meeting, City Council requested the City Manager, in consultation with the City Solicitor and the Medical Officer of Health to report to the June 29 and 30, 2020 meeting of City Council on the ability of the City to require the wearing of masks or face coverings by the public within permitted businesses, offices and public gathering places.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC21.1>

On April 30, 2020, City Council amended Physical Distancing Bylaws 322-2020 and 323-2020, authorizing an extension of the bylaws to provide that they remain in effect until the municipal emergency has been declared as terminated, or until Council rescinds these bylaws, whichever is first.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC20.3>

On April 2, 2020, the Mayor exercised authority delegated to him under s. 59-61(A) of City of Toronto Municipal Code Chapter 59, Emergency Management to enact City of Toronto Physical Distancing Bylaws 322-2020 and 323-2020.

<https://www.toronto.ca/legdocs/bylaws/2020/law0342.pdf>

COMMENTS

During the month of August, cases of COVID-19 were observed to be relatively low. During September, a rise in cases has occurred in the city of Toronto. In addition, the Reproductive number has shifted to be above 1.0 whereas the goal is to keep the reproductive number below 1.0 to prevent the spread of infection. The increase in cases and the reproductive number, as well as a review of the indicators in Toronto Public Health's Monitoring Dashboard, show that the resurgence stage of the pandemic is beginning. As a result, a review of the public health measures at a policy level to mitigate the impact of resurgence is merited.

Toronto Public Health data show that approximately 50 per cent of COVID-19 cases reported to date in Toronto have acquired the illness from a close contact with someone known to have a COVID-19 infection. This includes exposure from family members in the home or other individuals with which there was close contact, at social events, in workplaces, and other occasions when people are not physically distancing. About 20 per cent of cases are from community transmission, meaning the infection cannot be traced to a known link. Community transmission usually accounts for 20 per cent to 25 per cent of cases in Toronto. Finally, there has recently been an increase in cases linked to travel outside of Ontario. Between August 2 and Sept 13, 2020, 13.4 per cent of cases are linked to travel, with many of these cases reporting travel to other locations within Canada.

Recently, new COVID-19 infections are being observed across the city. Residents need to act to help limit case count increases through a combination of self-protection steps including practicing physical distancing, wearing a mask and hand washing. By taking steps for self-protection and acting with awareness to limit virus spread, it is possible to have a positive impact on the spread of COVID-19 in the city. This will require a determined effort by all residents that has been shown in other jurisdictions to be made more effective through additional broad public policy measures.

Reason for additional public health measures

COVID-19 is a disease of public health significance and has been designated as communicable under Ontario Regulation 135/18 as amended. COVID-19 has been declared a pandemic by the World Health Organization and the City of Toronto has declared an emergency under the *Emergency Management and Civil Protection Act* as a result of the pandemic.

COVID-19 is present in Toronto and therefore poses a risk to the health of the residents of the city of Toronto. The COVID-19 virus is spread from an infected person to a close contact by direct contact or when respiratory secretions from the infected person enter the eyes, nose or mouth of another person.

Toronto's Medical Officer of Health has determined that there is an immediate risk of a significant resurgence of COVID-19 in Toronto. This presents a risk to the health of persons in Toronto and the *Health Protection and Promotion Act* provides the Medical Officer of Health the authority to identify and mitigate those risks.

To contain the spread of COVID-19, it is recommended to increase public health measures in the following ways.

Strongly recommended that people limit interactions outside their household contacts and wear a mask as much as possible

Community transmission of COVID-19 is occurring in Toronto. This means that 20 per cent to 25 per cent of COVID-19 cases cannot be traced to a known contact. To respond to an increased level of community transmission, the Medical Officer of Health strongly recommends that people limit interactions with people outside their household contacts and wear a mask as much as possible.

It is important for people to limit in-person contact with those they do not live with and to keep six feet distance from others who are not part of their household. Where this is not possible, people should always wear a mask. People should bring a mask every time they leave their home, so that they are prepared for all situations. It also continues to be important for everyone to wash their hands frequently.

Strongly recommended that workplaces support physical distancing, and where this is not possible, mandate the use of masks as well as promote the use of the COVID Alert App or alternative.

Toronto Public Health has identified that COVID-19 case clusters and outbreaks have occurred among staff and patrons in workplaces ranging from health and fitness clubs, to bars, restaurants, entertainment venues and other workplaces.

To respond to the COVID-19 clusters and outbreaks in workplaces, the Medical Officer of Health recommends that the Province of Ontario and the Ministry of Labour, Training and Skills Development mitigate COVID-19 spread in workplaces by supporting physical distancing in workplaces and mandating masks when physical distancing is not possible.

The Ministry of Labour, Training and Skills Development is responsible for working to prevent workplace injuries and illnesses and promoting and enforcing employment standards and would be best suited to make a recommendation to mandate masks and face coverings in workplaces.

It is also strongly recommended that all businesses, including large corporate workplaces, become model employers. Businesses can do this by ensuring workplaces support physical distancing, by reviewing policies for mask usage, by providing hand washing/sanitizing stations and by encouraging their staff to download the COVID Alert App.

The COVID Alert App was created by the Federal Government and is designed to let people know whether they may have been exposed to COVID-19.

The app uses Bluetooth signals to exchange random codes with nearby phones with the app installed. If someone you have come in close contact with later tests positive for COVID-19, they will receive a one-time key from their local health authority that they can enter into the app. A notification will be sent to those who have spent time (more than 15 minutes, less than two metres apart, over the past 14 days) near this person that may have been exposed.

The COVID Alert App does not collect personally identifiable information. It has no way of knowing a person's location, name or address or health information. As well, no information is shared without consent.

The app can help limit the spread of COVID-19 infection and prevent future clusters and outbreaks. The more people who install the COVID Alert App on their phones, the better it works. Downloading the COVID Alert App, or another similar app, can assist with case and contact management investigation should an individual become infected with COVID-19 or be exposed to someone with COVID-19.

Finally it is strongly recommended that organizations including the Ontario Restaurant, Hotel and Motel Association and the Toronto Region Board of Trade support the hospitality industry in particular by providing signage to their members to promote the COVID Alert App and/or other similar app to staff and patrons.

Posters to promote the usage of the COVID Alert App can be found online at: <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/digital-resources.html#s4>

Recommended changes to establishments serving food and drink

In July, City Council made several changes to increase public health measures for establishments that sell food and drink.

On September 25, 2020, the Province of Ontario amended order O. Reg 364/20: *Rules for Areas in Stage 3 under the Reopening Ontario (A Flexible Response to COVID-19)*

Act, 2020, to tighten public health measures in response to the recent rise in cases of COVID-19. These changes included:

- Additional measures and restrictions to restaurants, bars and other food and drink establishments (including nightclubs) by prohibiting the sale of alcohol after 11:00 p.m., and prohibiting the consumption of alcohol on the premises after 12:00 a.m. until 9:00 a.m. (including employees), and requiring establishments to close by 12:00 a.m. and remain closed until 5:00 a.m. except for takeout or delivery;
- Closing all strip clubs; and
- Requiring businesses or organizations to comply with any advice, recommendations, and instructions issued by the Office of the Chief Medical Officer of Health on screening for COVID-19, including screening individuals who wish to enter their premises.

These provincial requirements are very helpful to decrease virus spread in the city in addition, given the indicators related to cases, clusters and outbreaks locally, Toronto Public Health recommends the following measures:

- Reduce the total number of patrons permitted to be inside food and drink establishments at any one time from 100 to 75, subject to any exemptions as determined by the Medical Officer of Health or their designate;
- Require establishments to maintain a customer log (with contact information) for each patron to be available to Toronto Public Health for the purpose of contact tracing and investigation of clusters and outbreaks;
- Reduce the maximum number of people able to sit at each table, both inside and outside, from 10 to six people; and
- Require background music and any other background sounds, such as from televisions or other electronic sound producing devices, must be no louder than the volume of normal conversation.

Reduce the total number of patrons permitted from 100 to 75

Temporary COVID-19 measures currently restrict food and drink establishments from having more than 100 patrons at any one time in their premises. Where a food and drink establishment has sufficient space and a comprehensive plan, the Medical Officer of Health, or her designate, can approve an individual establishment to operate with more than 100 patrons.

The total number of patrons can have a significant impact on the spread of COVID-19 since the more people who attend one establishment, the more people may be potentially exposed. Indoor settings with crowds of people pose challenges with respect to mitigating the spread of COVID-19, and performing public health follow-up.

Contact tracing in large gatherings can be difficult. To notify patrons who may have been exposed to COVID-19 in a restaurant in a timely way requires ensuring that there are capacity limits in the restaurant. There have been instances of outbreaks occurring in bars in which hundreds of contacts were identified. Such numbers could severely strain the capacity of Toronto Public Health's contact tracing teams and may lead to secondary cases.

Additionally, there have been reports of super spreaders who are very contagious and, if in a crowded setting, can spread the virus to many people. Speaking loudly or shouting, as may be necessary in crowded spaces, may aerosolize droplets in the air, further increasing the risk of transmission of COVID-19. Larger numbers of indoor patrons can also result in increased crowds and gathering outdoors upon leaving the establishment, which may be difficult to manage.

Further, while masks are required in restaurants, their removal while eating or drinking reduces the protection they offer.

This report recommends lowering the limit on the total number of patrons in an establishment at any one time to 75 patrons. Those establishments that have sufficient space and have a comprehensive plan can still apply to the Medical Officer of Health, or her designate, to be approved to operate with more than 75 patrons.

Maintain a customer log for each patron

Eating establishments serving food and drink are currently required to record customer information, in a legible manner, consisting of the name, email address and telephone number of at least one person from each party that attends an indoor or outdoor area of the premises where food or drink is served or consumed.

The record must include the date the person attended, the party's check-in and check-out times, and the party's table number or, if there is no table number, the location on the premises where the party was seated and was served or consumed food or drink.

This information must be stored securely for 30 days and must be produced on request of the Medical Officer of Health for the purpose of COVID-19 contact tracing or other public health purposes, in accordance with the *Health Protection and Promotion Act*.

COVID-19 cases associated with restaurants, bars and nightclubs have required extensive contact tracing efforts by Toronto Public Health investigators. To support investigator efforts to efficiently and effectively contact each person who may have been exposed, it is recommended that a customer log be created for *each* person who attends an eating establishment. This requirement does not apply to children attending an eating establishment with their parents.

Reduce the maximum number of people able to sit at each table to six people

Currently, a maximum number of people who can sit at a table is 10. Reducing the number of people at each table may help minimize potential spread of COVID-19 as people take their masks off while eating and drinking and are not able to maintain two meter distance while sitting at the table.

Background music/sounds be no louder than the volume of normal conversation

Background music and other background sounds from televisions / sporting events can cause patrons to lean towards each other and/or to raise their voices to talk over the

background sounds. People leaning towards each other to talk does not support physical distancing efforts and raising your voice can spread respiratory droplets further than speaking at a normal volume. For these reasons, it is recommended that background music and other background sounds from televisions and sporting events be no louder than the volume of normal conversation. British Columbia, through a public health order, recently made this requirement in their restaurants and bars as well.

Proposed bylaw extensions

There are six City bylaws that were temporarily enacted or amended as part of the City's response while COVID-19 circulates in the community. Each of these bylaws are set to expire on October 1, 2020, unless extended by City Council. They include:

- 1. Bylaws 322-2020 and 323-2020:** Mayor John Tory exercised authority delegated to him under s. 59-61(A) of City of Toronto Municipal Code Chapter 59, Emergency Management to sign emergency order No. 1 on April 2, 2020 and emergency order No. 2 on April 3, 2020 regulating physical distancing in City of Toronto parks and public squares. On July 28, 2020, City Council extended and amended these bylaws with minor modifications to align with updated provincial orders and guidance.
- 2. Chapter 545, Licensing:** Bylaw 665-2020 approved temporary amendments to Toronto Municipal Code, Chapter 545, Licensing. These amendments require establishments serving food and drink to implement appropriate and enhanced measures to mitigate the spread of COVID-19 and protect the health, safety and well-being of their customers and staff, beginning August 5, 2020.
- 3. Chapter 354, Apartment Buildings:** Chapter 354, Apartment Buildings regulates apartment building standards. In June 2020, City Council enacted temporary amendments to Chapter 354 to require COVID-19 specific measures. This included mandatory hand hygiene stations or alcohol-based hand sanitizer in common areas; closing non-essential common areas consistent with provincial restrictions, increased cleaning and posting Toronto Public Health signage beginning July 15, 2020.
- 4. Bylaws 541-2020 and 664-2020:** These temporary bylaws mandated operators of certain premises to establish a policy on the wearing of a mask or face covering in all enclosed public spaces beginning July 7, 2020 and in enclosed common areas in apartment buildings and condominiums, beginning August 5, 2020.

COVID-19 continues to circulate in the community in Toronto. Due to this ongoing community spread, this report recommends that these bylaws be extended until City Council's first meeting in 2021, expected to be January 2021.

Continued need for physical distancing in Toronto's public spaces

On March 23, 2020, an emergency was declared by the City of Toronto due to the risk to the health of the residents of Toronto arising from the spread of COVID-19.

Bylaws 322-2020 and 323-2020 were enacted to reduce the spread of COVID-19 by regulating a minimum distance of 2 meters between people in public spaces and parks.

These orders were based on the advice of the Medical Officer of Health, who has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least two metres from other individuals who are not members of the same household.

In order to reduce the spread of COVID-19, particularly while Toronto is in Stage 3 of Ontario's Framework for Reopening the Province where higher-risk settings are in operation, people should continue to keep a physical distance from others who are not in their household. People should maintain a physical distance in indoor and outdoor spaces, even if they are wearing masks, to further mitigate the risk of transmission.

Continued need for restaurants and bars to implement enhanced public health measures

Restaurants and bar environments involve close, prolonged, and oftentimes unmasked contact between several people in a closed environment, conditions which are known to be associated with a higher-risk of COVID-19 transmission. In response to these increased risks, the City enacted Bylaw 665-2020, which made amendments to Chapter 545, Licensing, to increase public health measures at restaurants and bars including:

- Ensuring all customers remain seated at all times except when entering or exiting, using the washroom, or paying;
- Maintaining customer logs that include the name(s) and contact information for each party;
- Keeping customer logs for 30 days and providing logs to Toronto Public Health upon request for contact tracing purposes;
- Posting signage at all entrances to the premises to provide notice to the public about the maintenance of customer logs for contact tracing purposes;
- Establishing staff screening protocols;
- Limiting indoor capacity in restaurants and bars to a maximum of 100 people (provided physical distancing can be maintained); and,
- Limiting the number of customers who may be seated at the same table, to a maximum of 10 customers per table.

As restaurants and bars are places where people gather in close proximity, and because COVID-19 continues to circulate in the community in Toronto, it is recommended that this bylaw be extended until the first City Council meeting in 2021.

Continued need for increased protocols in apartment buildings

Toronto Municipal Code Chapter 354, Apartment Buildings regulates apartment building standards. In June 2020, City Council enacted temporary amendments to this bylaw to require COVID-19 specific measures under s. 354-3.11. These temporary amendments requires apartment building owners and operators to:

1. Provide hand hygiene stations or alcohol-based hand sanitizer in common areas like building entrances and laundry rooms;
2. Ensure non-essential common areas remain closed as specified by provincial orders;
3. Clean frequently-touched surfaces in all open common areas, including: doorknobs, elevator buttons, light switches, toilet handles, counters, hand rails, touch screen surfaces, and keypads; and
4. Post Toronto Public Health signage.

As COVID-19 continues to circulate in the community, it is important to maintain additional COVID-19 public health measures in apartment buildings.

Continued need for mandatory masking in enclosed public spaces and apartment/condominium common spaces

Since July 31, 2020, Toronto has been in Stage 3 of Ontario's Framework for Reopening the Province. In August and September 2020, Toronto Public Health recorded a slow but steady increase in the seven-day moving average of daily confirmed COVID-19 cases in Toronto. This increase in cases is not unexpected due to a significant increase in interpersonal interactions through the Stage 3 reopening of bars, restaurants, gyms, and other higher-risk settings where maintaining a 2 metre distance may be challenging and allowing larger groups to gather indoors and outdoors.

In addition, the Public Health Agency of Canada released modelling data in mid-August 2020 that project a peak of COVID-19 cases in the fall of 2020 and localized outbreaks until at least January 2022 (unless a vaccine is introduced before then). Chief Public Health Officer Dr. Theresa Tam said the scale of these anticipated outbreaks are dependent on Canadians' behaviour. This includes our adherence to public health measures such as the use of face masks in indoor settings where physical distancing is a challenge. As the economy continues to reopen, coupled with the fall weather and flu season, and as COVID-19 continues to circulate in the community in Toronto, it is recommended that this bylaw be extended until City Council's first meeting in 2021.

City of Toronto public masking decisions to date

On May 28, 2020, City Council requested a report on the City's ability to require the wearing of masks or face coverings by the public in publicly accessible spaces. At its June meeting, City Council adopted recommendations from the Medical Officer of Health to require businesses to create policies that mandate patrons to wear a mask or face covering in enclosed public settings.

The Medical Officer of Health's report acknowledged the growing body of evidence on the effectiveness of masks to act as a barrier to prevent the spread of COVID-19 and that the Medical Officer of Health, the Chief Medical Officer of Health for Ontario, Chief Public Health Officer for Canada and the World Health Organization strongly recommend the wearing of masks or face coverings where physical distancing cannot be maintained, in addition to other public health measures.

The report suggested that as Toronto continues to ease public health restrictions as it advances through the stages of reopening, additional public health measures such as masks should be considered to prevent a resurgence of COVID-19 cases, and recommended that City Council enact a temporary bylaw requiring the wearing of face masks/coverings in enclosed public settings.

Toronto City Council voted unanimously in favour of a temporary bylaw requiring operators of premises to establish policies requiring masks or face coverings be worn in all enclosed public places to be effective as of July 7, 2020 to help stop the spread of COVID-19. On July 29, 2020, Toronto City Council approved another temporary bylaw requiring masks or face coverings be worn in common areas in apartments and condominiums. Exemptions for those who cannot wear a mask for medical reasons, children under the age of two, and other reasonable accommodations are included in the bylaws.

In addition, effective July 2, 2020, masks or face coverings became mandatory when on TTC premises or vehicles. The TTC Board voted unanimously to pass the policy on the recommendation of the TTC CEO and the Medical Officer of Health. The TTC also applied a one-time targeted strategy to distribute one million non-medical masks to transit riders. Other transit systems in Ontario, including Ottawa, Brampton and Mississauga, have also enacted rules requiring mask use.

Background and evidence to inform a public masking bylaw

Although scientific understanding of SARS-CoV-2 (COVID-19) has progressed, the mode of transmission, disease symptoms, long-term effects, and other factors are not yet fully understood.

Since the beginning of the COVID-19 pandemic, Toronto Public Health has monitored the growing body of evidence regarding the potential effectiveness of non-medical masks/face coverings to prevent the spread of COVID-19. In the June 30, 2020 *Supplementary Report to City Council on the Use of Masks or Face Coverings in Enclosed Public Spaces*, a rationale as well as a number of modelling and ecological studies were provided as evidence to support the Medical Officer of Health's recommendation to enact a temporary public masking bylaw. The report also outlined the heightened risk of spreading COVID-19 indoors compared to outdoors; other jurisdiction's mask policies; and the overall acceptance of public masking by Canadians.

The evidence regarding a non-medical mask's ability to protect a person from COVID-19 infection is not definitive, but it does suggest that a mask can act as a barrier to prevent the spread of respiratory droplets from coughing, sneezing or talking from the person wearing the mask to others. Also, scientific models suggest that the broad adoption of even relatively ineffective face masks may meaningfully reduce community transmission of COVID-19 and decrease peak hospitalizations and deaths.¹ It is also possible that more widespread wearing of masks in public may act as a visual cue that

¹ Eikenberry, S.E., Mancuso, M., Iboi, E., Phan, T., Eikenberry, K., Kuang, Y., Kostelich, E. & Bumel, A.B. To Mask or Not to Mask: Modeling the Potential for Face Mask Use by the General Public to Curtail the COVID-19 Pandemic. 2020 Apr08; arXiv: 2004.03251v1. Available from: <https://arxiv.org/pdf/2004.03251.pdf>

public health measures are still required. It signals that the COVID-19 pandemic is ongoing, that resurgence of local disease activity remains a threat and that everyone's vigilance is required.

The evidence on use of non-medical masks, particularly in light of the evidence of significant COVID-19 transmission by asymptomatic and pre-symptomatic cases, although inconsistent, supports the importance of a universal public face mask policy to potentially prevent the spread of the virus, including from those who are unknowingly infected. The use of a mask or face covering is an inexpensive and relatively non-invasive precautionary measure that may help prevent the spread of COVID-19.

People highly value individual autonomy and a government-mandated intervention on personal liberty must be of demonstrable and significant benefit to public health and safety to be warranted. People in Toronto have complied with the numerous public health measures, like mandatory public masking, that have been put in place. This has helped slow the spread of COVID-19 and has enabled our economy to reopen. Torontonians' support to balance personal autonomy with compliance with public health measures have prevented further economic hardship, supported social cohesion, and saved lives.

The growing body of evidence of the effectiveness of non-medical masks has informed the recommendation to require public masking policies while COVID-19 continues to circulate in the community.

Other Canadian public masking legislation

Nearly all Canadian municipalities and some provinces have enacted public masking bylaws or legislation. This includes the Provinces of Quebec and Nova Scotia; most major Ontario municipalities such as those in the Greater Toronto Hamilton Area, London, Niagara and Ottawa; and Calgary, Edmonton, and Lethbridge, in Alberta. These bylaws were enacted around the same time as the City of Toronto and were also based on emerging evidence regarding the benefits of masks to mitigate the spread of COVID-19.

Education, compliance and enforcement

Despite reports of high levels of mask adherence on the TTC and elsewhere in Toronto's public indoor settings, there are some people who are reluctant or refuse to wear a mask for non-medical exemption reasons. In Toronto, other Canadian municipalities, and in jurisdictions abroad, there have been organized demonstrations to protest public masking legislation and other public health measures intended to prevent the spread of COVID-19.

The City of Toronto has launched an education campaign to raise awareness and compliance with the mandatory mask bylaws. This has included frequent media briefings by the Medical Officer of Health, social media education campaigns, signage and direct communication to major stakeholders, such as the Greater Toronto Apartment Association.

Compliance with all the COVID-19 temporary bylaws has been largely successful. Complaints about physical distancing, mandatory mask policies and restaurant restrictions continue to come into the City, and Municipal Licensing and Standards and Toronto Public Health have responded accordingly.

Next Steps

There continues to be a need to amend and extend City of Toronto COVID-19 temporary bylaws, including requiring public physical distancing, enhanced public health measures in establishments and apartments, and requiring public masking.

These bylaws are a temporary response to the ongoing pandemic. In addition to the recommended extension until early 2021, the Medical Officer of Health will conduct a monthly assessment regarding the need to continue each bylaw. This assessment will be informed by Toronto Public Health's COVID-19 Monitoring Dashboard that tracks the spread of COVID-19 in the community. Based on this assessment, the Medical Officer of Health may report to City Council before early 2021, to recommend either amending, ending or extending the bylaws.

CONTACT

Gayle Bursey
Director, Strategy and Preventive Health, Toronto Public Health
Tel: 416-338-0661, Email: Gayle.Bursey@toronto.ca

SIGNATURE

Dr. Eileen de Villa
Medical Officer of Health
