

## **Supplementary Report on Extending Bylaws Necessary for COVID-19 Response until January 2022**

**Date:** September 29, 2021

**To:** City Council

**From:** Medical Officer of Health

**Wards:** All

### **SUMMARY**

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COVID-19 continues to circulate in Toronto, most predominately as the Delta variant. This variant is more than twice as transmissible as the original SARS-CoV-2 virus, and the risk of hospital and Intensive Care Unit (ICU) admission after infection is two to three times higher. In an indoor environment, transmission as a result of the Delta variant may occur quickly between an infected person and many others, especially among the unvaccinated.

The COVID-19 vaccine is the most important public health measure available and has been conclusively shown to reduce virus transmission, to protect against severe consequences of COVID-19, and to be highly effective with few contraindications.

On September 1, 2021, the Ontario Science Advisory and Modelling Consensus Tables released projections predicting a substantial fourth wave driven by the delta variant. The Science Table recommended ongoing public health measures, such as reducing indoor density, maintaining physical distancing, limiting large gatherings, and continuing policies that require indoor masking. While on September 28, 2021, the Science Table released updated projections noting that new cases, hospitalisations and ICU occupancy in the province are not currently increasing, the Science Table also noted that continued control over case growth requires continued public health measures, as well as high vaccination rates in the eligible population and a flattening of growth in mobility. Recent mobility data for Toronto indicates the highest level of mobility since the pandemic began. In addition, the risk of transmission of COVID-19 is expected to increase as colder weather arrives and more people gather indoors, further highlighting the need for continued public health measures at this time.

Given the current epidemiological trends, this report recommends extending the City of Toronto COVID-19 temporary bylaws, the Mandatory Mask bylaw (541-2020 and 664-2020) and the COVID-19 amendments to Chapter 354, Apartment Buildings until the end of City Council's January 2022 meeting. These temporary bylaws are necessary to

control the spread of COVID-19, as they are set to expire at the end of the October 1 and October 4, 2021 City Council meeting.

In addition to the recommended extension until the January 2022 Council meeting, it is further recommended that the Medical Officer of Health continue to conduct a monthly assessment regarding the need to continue each bylaw. This assessment will be informed by the publicly-available Toronto Public Health 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**

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The Medical Officer of Health recommends that:

1. City Council extend Bylaws 541-2020 and 664-2020 that require people wear masks or face coverings in enclosed areas of businesses and other organizations that are open to the public and in enclosed common areas of apartments and condominiums, until 12:01 a.m. on the first day after the City Council meeting anticipated in January 2022 or, until 12:01 a.m. on the first day after the first City Council meeting that next occurs in 2022.
2. 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 12:01 a.m. on the first day after the City Council meeting anticipated in January 2022 or, until 12:01 a.m. on the first day after the first City Council meeting that next occurs in 2022.
3. City Council request the Medical Officer of Health 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 anticipated January 2022 meeting.
4. City Council authorize the City Solicitor to introduce the necessary Bills and apply for 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**

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

## **DECISION HISTORY**

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On July 14, 2021, City Council repealed City of Toronto By-law 322-2020 and By-law 323-2020 related to physical distancing in parks and public squares. City Council also repealed section 545-8.4.1 (COVID-19 measures) of the Toronto Municipal Code Chapter 545, Licensing.

<https://www.toronto.ca/legdocs/mmis/2021/cc/bgrd/backgroundfile-169302.pdf>

On June 1, 2021, City Council extended the temporary City of Toronto COVID-19 bylaws until the first day after the September 30 and October 1, 2021 City Council meeting.

<https://www.toronto.ca/legdocs/mmis/2021/cc/bgrd/backgroundfile-167457.pdf>

On April 7, 2021, City Council amended By-law 541-2020 to require individuals to wear masks in common areas in apartment buildings and condominiums, unless specifically exempted from wearing a mask under the Bylaw.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.HL26.1>

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 additional measures necessary for the COVID-19 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>

On May 28, 2020, 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.

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

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### Proposed bylaw extensions

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

- **Bylaws 541-2020 and 665-2020:** These temporary bylaws mandate 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. On April 7, 2021, City Council further amended these bylaws to directly require individuals to wear masks in enclosed apartment and condominium common areas.
- **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.

### Reason for extending temporary COVID-19 bylaws

Like many other jurisdictions, Ontario is in the fourth wave of the COVID-19 pandemic, driven primarily by the Delta variant. The Delta variant is more than twice as transmissible as the original SARS-CoV-2 virus and the risk of hospital and ICU admission after infection is two to three times higher.

Vaccination offers substantial protection against severe health outcomes. In Toronto, over 80% (80.4% as of September 27, 2021) of residents aged 12 and above have completed vaccination. While being vaccinated goes a long way towards preventing severe illness and hospitalization, limiting transmission through measures such as distancing and masking is still important to avoid spreading COVID-19 to the unvaccinated, such as children under the age of 12.

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

Given the current science on COVID-19 transmission, the general consensus amongst health authorities around the world is to recommend the wearing of masks. 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.

Continued masking requirements are therefore needed to ensure indoor settings, including malls, libraries, recreation centres, and other common areas are safe as Ontario heads into the fall and schools and workplaces reopen.

In the United States, many states eased or eliminated masking orders in May and June 2021 after the U.S. Centers for Disease Control and Prevention advised that fully vaccinated people could safely forgo face-covering in most public settings. However, with the Delta variant fueling a surge of cases in the country, the Centres for Disease Control [issued revised guidance on July 27](#) recommending that vaccinated people wear masks indoors in areas with substantial or high rates of COVID-19 transmission. States and large cities, including Louisiana and Oregon, have reinstated masking mandates in response to rising case rates.

In Canada, British Columbia, Manitoba, and Alberta have also reinstated masking mandates in specific settings after lifting them earlier in the summer. In B.C., the Provincial Health Officer re-instated indoor masking requirements as of August 25, 2021, citing increased transmission of COVID-19 due to the Delta variant. In Alberta, the Chief Medical Officer of Health re-instated masking requirements as of September 16, 2021 for:

- All indoor public spaces, workplaces, and places of worship;
- Employees in all indoor work settings, except while working alone; and
- All students in Grades 4 and up, plus staff and teachers of all grades.

## **Continued need for increased protocols in apartment buildings**

Toronto Municipal Code Chapter 354, Apartment Buildings, ensures that apartment building owners and operators comply with maintenance and operation 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 require 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, enclosed common areas remain closed to be consistent with 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 such as physical distancing signs at entrances and in elevators, as well as signage in laundry facilities to prevent the spread of COVID-19.

In an indoor environment, transmission as a result of the Delta variant may occur quickly between an infected person and many others, especially among the unvaccinated. As COVID-19 continues to spread in the community, it is important to maintain these enhanced COVID-19 public health measures in apartment buildings.

### **Next steps**

There continues to be a need to extend the City of Toronto's COVID-19 bylaws. These bylaws are a temporary response to the ongoing pandemic and provide for minimally invasive measures to reduce transmission. In addition to the recommended extensions until January 2022, the Medical Officer of Health will conduct a monthly assessment regarding the need to continue each bylaw. Based on this assessment, the Medical Officer of Health may report to City Council before January 2022, to recommend either amending, ending or extending the bylaws.

### **CONTACT**

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Gayle Bursey, Director, Strategy and Preventive Health, Toronto Public Health  
416-338-0661, [Gayle.Bursey@toronto.ca](mailto:Gayle.Bursey@toronto.ca)

### **SIGNATURE**

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Dr. Eileen de Villa  
Medical Officer of Health