

Supplementary Report on Extending Bylaws Necessary for COVID-19 Response until April 2022

Date: December 14, 2021
To: City Council
From: Medical Officer of Health
Wards: All

SUMMARY

The City of Toronto continues to respond to the COVID-19 pandemic. The most recent epidemiology shows a consistent increase in the 7-day moving average number of reported daily COVID-19 cases, and has prompted the provincial government to pause re-opening plans. There is a high potential for the Omicron variant of concern to rapidly overtake the Delta variant, as the predominant variant circulating in Ontario and Toronto. Regulations under the *Reopening Ontario Act* enable local public health units to institute public health measures, as necessary.

COVID-19 cases and hospitalizations have increased in recent weeks with the onset of colder weather and more frequent indoor gatherings. Updated projections released by Ontario's Science Advisory and Modelling Consensus Tables on December 7, 2021 indicate that cases and intensive care unit (ICU) admissions are expected to continue to rise through December and January, which would put additional strain on the healthcare system.

The COVID-19 vaccine is a significant public health tool that has been conclusively shown to reduce virus transmission and protect against severe COVID-19 illness. The vaccine is highly effective with few contraindications. Continuation of public health measures and increasing vaccination rates, especially among 5-11 year olds and those eligible for a third dose, are critical to contain case growth and preserve healthcare system capacity.

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 April 2022 meeting. The extension of these temporary bylaws is necessary to control the spread of COVID-19, as they are set to expire at the end of the February 2 and 3, 2022 City Council meeting.

In addition to the recommended extension until the April 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

The Medical Officer of Health recommends that:

1. City Council extend Bylaws 541-2020 and 664-202 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 currently scheduled for April 2022 or, if that City Council meeting does not take place as scheduled, until 12:01 a.m. on the first day after the first City Council meeting that next occurs.
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 currently scheduled for April 2022 or, if that City Council meeting does not take place as scheduled, until 12:01 a.m. on the first day after the first City Council meeting that next occurs.
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 currently scheduled April 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

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

DECISION HISTORY

On October 1, 2021, City Council extended the temporary City of Toronto COVID-19 bylaws until the first day after the anticipated January 2021 City Council meeting.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.HL30.1>

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.

<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

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

On November 26, 2021, the World Health Organization designated the Omicron variant of SARS-CoV-2 as a variant of concern, citing mutations that could affect its disease characteristics or effectiveness of treatments. The scientific community's understanding of the Omicron variant and its real-world impact on disease features like transmissibility and risk of re-infection is evolving quickly.

Ontario remains in the fourth wave of the COVID-19 pandemic, driven by the Delta variant and a rapidly emerging Omicron variant. In recent weeks, COVID-19 cases and hospitalizations have increased, which was expected with the onset of colder weather and the associated increase in indoor gatherings.

Vaccination against COVID-19 offers substantial protection against severe health outcomes from the Delta variant, which is dominant in Toronto. As of December 13, 2021, 86.1% of Toronto residents aged 12 and above have received two doses, and 35% percent of residents aged 5-11 have initiated 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 5.

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. In recognition of their effectiveness as a measure to help prevent the spread of COVID-19, jurisdictions across Canada and the world have implemented masking requirements for indoor spaces.

In light of the epidemiological trends outlined in this report, continued masking requirements are therefore needed to ensure indoor settings, including malls, libraries, recreation centres, and other common areas are as safe as possible throughout the winter and early spring, when more people gather indoors.

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 or Omicron 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 April 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 April 2022, to recommend either amending, ending or extending the bylaws.

CONTACT

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SIGNATURE

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