

Supplementary Report on Response to COVID-19 - March 2022 Update to City Council

Date: March 9, 2022

To: City Council

From: Medical Officer of Health

Wards: All

SUMMARY

This report provides an update to City Council on the status of the COVID-19 pandemic and response efforts undertaken by the City of Toronto and the Government of Ontario.

The Omicron wave in Toronto has peaked and is now subsiding across a range of indicators. While Omicron wave case counts underestimated the true number of COVID-19 cases due to Government of Ontario testing restrictions, declines in the 7-day moving average number of cases (229 as of March 1) have continued since the peak in the first week of January. The test-positivity rate peaked in early January at 32.8 percent and has since declined to 7.6 percent as of the week ending February 26. Health system capacity indicators have also improved, with new hospitalizations and intensive care unit admissions continuing to decline since peaking in mid-January.

The recent Omicron wave brought about high rates of infection across Toronto, resulting in higher levels of immunity in the community that have been bolstered by high levels of vaccination among Toronto residents. In addition, several different types of treatments for COVID-19 have been developed and authorized by Health Canada. As of March 7, 88.7 percent of Toronto residents aged 12 and older had received two doses of the COVID-19 vaccine, while 64.1 percent of eligible residents aged 18 and older have received their third dose.

These positive trends in COVID-19 activity and vaccination rates are occurring across Ontario. On March 1, 2022, the Government of Ontario lifted a number of COVID-19 restrictions, including proof of vaccination requirements, all indoor and outdoor capacity limits, and physical distancing requirements. While masking requirements under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* and its regulations remain in place at this time, the Government of Ontario has indicated its intent to lift them towards the end of March.

The City of Toronto Mask Bylaw ([Bylaw 541-2020](#), as amended by City of Toronto [Bylaw 664-2020](#)), which requires business and organizations to have a masking policy for enclosed areas that are open to the general public, as well as common areas of apartment buildings and condominiums, remains in place at this time, as do amendments to the [Toronto Municipal Code Chapter 354, Apartment Buildings](#), that require apartment building owners and operators to provide hand sanitizing stations, close non-essential common areas to align with any provincial requirements (for example, gyms and indoor play areas, if required to be closed under provincial regulations), establish an enhanced cleaning schedule, and post Toronto Public Health signage. At present, these bylaws will expire at 12:01 a.m. on April 8, 2022, which is the first day after the April 2022 City Council meeting.

In light of current epidemiological trends, the high vaccination rate, and provincial policy developments, this report recommends that the Mask Bylaw be amended to expire upon any one or more of the mask requirements in the Roadmap Exit Step of the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* being revoked or amended.

Toronto is at a dramatically different point in the pandemic compared to when the Mask Bylaw came into effect. In June 2020, there was limited knowledge of the COVID-19 virus, no access to vaccines, and very few members of the public were immune as a result of an infection. The City's Mask Bylaw was always intended to be time-limited and was enacted at a time when a city-wide bylaw was required to manage the significant health risks posed by COVID-19 when there was either no vaccine or, later, when the population was only partially vaccinated. Fortunately, given the high rate of vaccine coverage and current epidemiological trends, Toronto can consider removing these regulations in concert with the Government of Ontario, which has indicated its intent to do so towards the end of March.

There are also differences between the City's Mask Bylaw and the Government of Ontario's legislation. Of note, Toronto's Mask Bylaw requires businesses and organizations to establish a policy requiring members of the public to wear a mask in the establishment, whereas the Government of Ontario's regulation requires individuals to wear a mask. As well, Toronto's Mask Bylaw uses a broad definition for mask and does not apply to a number of settings (for example, shelters, schools, private and public transportation, and hospitals).

Lifting masking requirements does not preclude individuals from wearing a mask. Toronto Public Health continues to recommend wearing well-fitted, high-quality masks, particularly in crowded indoor spaces with limited ventilation, amongst other steps that Torontonians can take to protect themselves and reduce the risk of COVID-19 transmission, such as accessing their third vaccine dose, practicing physical distancing, and participating in activities outdoors where possible. As such, this report recommends that City Council affirm support for individuals to choose to continue to wear masks, even in the absence of masking requirements.

This report also recommends that the Medical Officer of Health continue to engage regularly with the Chief Medical Officer of Health to review Toronto's local epidemiology and discuss mask use and other appropriate infection prevention and control measures

to reduce the risk of COVID-19 spread, particularly in certain settings in Toronto, such as hospitals and long-term care homes, public transit, and shelters.

No changes to the expiration of the amendments to the Apartment Buildings Bylaw are being recommended at this time. Allowing these provisions to expire in April means that the measures will no longer be required; however, these practices will continue to be recommended along with other guidance issued by Toronto Public Health, such as that found on the [COVID-19 Guidance: Residential Buildings webpage](#).

The City of Toronto and Toronto Public Health continue to have access to legal tools and other options for responding to COVID-19, if the science and Toronto's local context warrant. Toronto Public Health will closely monitor Toronto's local epidemiological context, along with any emerging COVID-19 variants, and deliver the COVID-19 vaccination program in collaboration with our health system partners. Staff will report to City Council, as needed, with recommendations if COVID-19 bylaws are required to protect Torontonians and those who work and visit Toronto.

RECOMMENDATIONS

The Medical Officer of Health recommends that:

1. City Council amend Bylaw 541-2020, the Mask Bylaw, as amended by City of Toronto Bylaw 664-2020, so that it expires upon any one or more of the requirements related to the wearing of masks in the Roadmap Exit Step of the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* being amended, revoked, or ceasing to apply to the City of Toronto.
2. City Council affirm that, even in the absence of regulations requiring mask wearing, City Council supports the ability for residents to choose to wear a mask.
3. City Council request the Medical Officer of Health to continue to engage regularly with the Chief Medical Officer of Health of Ontario to review Toronto's local epidemiology and discuss the use of masks and other appropriate infection prevention and control measures to reduce the risk of COVID-19 spread, particularly in certain settings, such as hospitals and long-term care homes, public transit, and shelters.

FINANCIAL IMPACT

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

DECISION HISTORY

At its meeting on December 15, 16, and 17, 2021, City Council adopted Item HL32.1, Response to COVID-19 - December 2021 Update, which provided an update on the response to the COVID-19 pandemic. City Council extended the COVID-19 bylaws to expire on the first day after the April 2022 City Council meeting.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.HL32.1>

On October 1, 2021, City Council extended the temporary 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 Bylaw 322-2020 and Bylaw 323-2020 related to physical distancing in parks and public squares. City Council also repealed section 545-8.4.1 (COVID-19 measures) of Toronto Municipal Code Chapter 545, Licensing.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.HL29.1>

On June 8, 2021, City Council extended the temporary COVID-19 bylaws until the first day after the September 30 and October 1, 2021 City Council meeting.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.HL28.1>

On April 7, 2021, City Council amended Bylaw 541-2020 to require individuals to wear masks in common areas in apartment buildings and condominiums.

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

On February 2, 2021, City Council extended the temporary 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 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.

<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.CC22.3>

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>

COMMENTS

Status of the COVID-19 pandemic in Toronto

Since early January, there has been a decrease and subsequent stabilization of COVID-19 activity across a range of indicators. New hospitalizations and intensive care unit admissions continue to decline since peaking in mid-January. Understanding that Omicron wave case counts underestimated the true number of COVID-19 cases due to Government of Ontario testing restrictions, declines in the 7-day moving average number of cases (229 as of March 1) have continued since the peak in the first week of January.

The test-positivity rate peaked in early January at 32.8 percent and has since declined to 7.6 percent as of the week ending February 26.

In addition, several different types of treatments for COVID-19 have been developed and authorized by Health Canada. Examples include drugs that reduce or stop the virus from multiplying in human cells and drugs that treat the symptoms of COVID-19.

Team Toronto vaccination campaign

Continuing to increase the number of residents of Toronto who are fully vaccinated is the most important component of the City's strategy to combat COVID-19. As of March 7, 91.4 percent of Toronto residents aged 12 and older had received one dose and 88.7 percent had received two doses of vaccine, while 64.1 percent of eligible residents aged 18 and older have received their third dose.

Vaccination rates among Toronto residents aged 5 to 11 have also increased. As of March 7, 56 percent had received one dose of the COVID-19 vaccine and 37 percent had received two doses.

Of note, the recent Omicron wave brought about high rates of infection across Toronto, resulting in higher levels of immunity in the community that have been bolstered by high levels of vaccination among Toronto residents.

In recent weeks, Team Toronto has shifted to a [hyper-local, equity-focused strategy](#) aimed at improving vaccination uptake in 30 communities that continue to experience hesitancy and barriers to vaccination. This has included mobile and pop-up clinics, as well as special event vaccination clinics such as Vax the East and Shop and Vax, which brought vaccination clinics to shopping centres and community centres across Toronto. The [Vax and Read campaign](#) is underway, concluding on March 16, and will have 22 vaccination clinics over two weeks operating in 12 Toronto Public Library branches.

In addition, the City's [VaxTO campaign](#) is reaching out directly to older Toronto residents to encourage them to access their third dose. This phase of the VaxTO campaign will focus on contacting nearly 40,000 individuals aged 50 and older in 13 neighbourhoods with the highest numbers of eligible residents.

These vaccination efforts are supplemented by the ongoing availability of vaccination opportunities through healthcare partners, City-run clinics, 548 pharmacies, and through primary care offices.

Government of Ontario COVID-19 measures and reopening

Given the current epidemiological trends and the high rate of vaccination across the province, the Government of Ontario moved the City of Toronto into the Roadmap Exit Step of the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* on March 1, 2022. In doing so, a number of COVID-19 public health measures were lifted, including:

- all indoor and outdoor capacity limits, including for all businesses, public gatherings and events,
- proof of vaccination requirements; and
- industry-specific public health measures, subject to conditions.

Provincial masking requirements remain in place at this time. The Government of Ontario has indicated that they are actively monitoring indicators of COVID-19 activity and, given the current epidemiological trends and the high rate of vaccination across the province, have signalled that they intend to lift masking requirements towards the end of March.

Local public health measures

The province-wide decline in COVID-19 activity has been observed in Toronto as well. Given this positive epidemiological trend and in alignment with the lifting of provincial restrictions, on March 1, 2022, the following COVID-19 orders and letters of instruction were revoked:

Class Orders issued under section 22 of the *Health Protection and Promotion Act*:

- COVID-19 Self-Isolation Class Order
- Class Order to Close Workplaces to Manage COVID-19 Outbreaks
- Class Order for Workplaces Experiencing a COVID-19 Outbreak

Letters of Instruction issued under the *Reopening Ontario Act* regulations:

- Instructions for Indoor Sports and Recreational Fitness Facilities
- Instructions for Workplaces

Although these legal tools are no longer in effect, Toronto Public Health continues to provide guidance and services to the public related to COVID-19, including outbreak management in congregate settings and vaccination to allow Toronto residents to protect themselves and their community. Toronto Public Health will also continue to monitor Toronto's local epidemiological context and is prepared to respond, if needed, should context and circumstances change.

Mask Bylaw

The City of Toronto's Mask Bylaw came into effect on July 7, 2020 and requires business and organizations to have a masking policy for enclosed areas that are open to the general public, as well as common areas of apartment buildings and condominiums. After the City's bylaw was enacted, the Government of Ontario required masking under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* and its regulations. Throughout the pandemic, a layered public health approach to mitigating COVID-19 transmission has included the use of masks and other components such as: physical distancing, enhanced ventilation, good hand hygiene, contact tracing, symptom screening, and vaccinations.

The Government of Ontario is actively monitoring indicators of COVID-19 activity in the province. Given the current epidemiological trends and the high rate of vaccination across the province, they have indicated their intention to lift the masking requirements under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* towards the end of March.

At the local level, Toronto Public Health has engaged regularly with the Office of the Chief Medical Officer of Health throughout the pandemic to inform him and his office of Toronto's situation with respect to COVID-19 activity. At present, Toronto is experiencing decreased hospitalizations and intensive care unit bed occupancy, as well as high vaccination coverage. Toronto Public Health analysis of COVID-19 vaccine uptake and breakthrough infections continue to show that known breakthrough infections are rare.

Recently, the Centres for Disease Control and Prevention, the national public health agency of the United States, issued [updated masking guidance](#) whereby masking is recommended based on the level of COVID-19 community risk. Based on their framework, Toronto would be categorized under the "Low" COVID-19 Community Level with a recommendation that members of the public wear a mask based on their personal preference, informed by their personal level of risk.

In light of current epidemiological trends, the high vaccination rate, and provincial policy developments, this report recommends that the Mask Bylaw be amended to expire upon any one or more of the mask requirements in the Roadmap Exit Step of the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* being revoked or amended.

Toronto is at a dramatically different point in the pandemic compared to when the Mask Bylaw came into effect. In June 2020, there was limited knowledge of the COVID-19 virus, no access to vaccines, and very few members of the public were immune as a result of an infection. The City's Mask Bylaw was always intended to be time-limited and was enacted at a time when a city-wide bylaw was required to manage the significant health risks posed by COVID-19 when there was either no vaccine or, later, when the population was only partially vaccinated. Fortunately, given the high rate of vaccine coverage and current epidemiological trends, Toronto can consider removing these regulations in concert with the Government of Ontario, which has indicated its intent to do so towards the end of March.

There are also differences between the City's Mask Bylaw and the Government of Ontario's legislation. Of note, Toronto's Mask Bylaw requires businesses and organizations to establish a policy requiring members of the public to wear a mask in the establishment, whereas the Government of Ontario's regulation requires individuals to wear a mask. As well, Toronto's Mask Bylaw uses a broad definition for mask and does not apply to a number of settings (for example, shelters, schools, private and public transportation, and hospitals).

Lifting masking requirements does not preclude individuals from wearing a mask. Toronto Public Health continues to recommend wearing well-fitted, high-quality masks, particularly in crowded indoor spaces with limited ventilation, amongst other steps that Torontonians can take to protect themselves and reduce the risk of COVID-19 transmission, such as accessing their third vaccine dose, practicing physical distancing, and participating in activities outdoors where possible. As such, this report recommends that City Council affirm support for individuals to choose to continue to wear masks, even in the absence of masking requirements.

This report also recommends that the Medical Officer of Health continue to engage regularly with the Chief Medical Officer of Health to review Toronto's local epidemiology and discuss mask use and other appropriate infection prevention and control measures to reduce the risk of COVID-19 spread, particularly in certain settings in Toronto, such as hospitals and long-term care homes, public transit, and shelters.

Apartment Buildings Bylaw amendments

In addition to the Mask Bylaw, apartment building owners and operators are required to take the following measures: provide hand sanitizing stations, close non-essential common areas to align with any provincial requirements (for example, gyms and indoor play areas, if required to be closed under provincial regulations), establish an enhanced cleaning schedule, and post Toronto Public Health signage.

These amendments to [Toronto Municipal Code Chapter 354, Apartment Buildings](#), are scheduled to expire on the first day after the April 2022 City Council meeting, anticipated to be at 12:01 a.m. April 8, 2022. Toronto Public Health has reviewed these measures and no change is being recommended to expiry at this time. Should circumstances change, Toronto Public Health will report to City Council in April with any necessary recommendations.

Allowing these provisions to expire means that the measures will no longer be required under the Apartment Buildings Bylaw; however, these practices will continue to be recommended along with other guidance issued by Toronto Public Health, such as that found on the [COVID-19 Guidance: Residential Buildings webpage](#).

Next steps

Toronto Public Health will continue to monitor Toronto's local epidemiological context, along with any emerging COVID-19 variants, and deliver the COVID-19 vaccination program in close collaboration with our health system partners. Although it is not possible to predict future COVID-19 activity, it is important to note that the City of

Toronto and Toronto Public Health continue to have access to legal tools and other options that can be used to respond to COVID-19, if the science and Toronto's local context warrant new measures. Staff will report to City Council, as needed, with recommendations if COVID-19 bylaws are required to protect Torontonians and those who work and visit Toronto.

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