

Public Health
277 Victoria Street
5th Floor
Toronto, Ontario M5B 1W2
toronto.ca/health

C L A S S O R D E R

made pursuant to Section 22(5.0.1) of the Health Protection and Promotion Act

Date: Friday, November 13, 2020

TO: All persons who own or operate the following types of business, place, facility, or establishment located in the City of Toronto:

- (a)** Restaurants, bars, and any other business, place, facility, or establishment at which food or drink is sold or served;
- (b)** Businesses, places, facilities, or establishments that offer any kind of indoor recreational fitness classes, activities, programs, or services, including gymnasiums, health clubs, community centres, multi-purpose facilities, exercise studios, yoga and dance studios, arenas, and sports facilities;
- (c)** Meeting and event spaces, and other businesses, places, facilities, or establishments, including special event venues, banquet halls, hotel conference rooms, and convention centres, which rent or otherwise make available any meeting and/or event space;
- (d)** Casinos, bingo halls and other gaming businesses, places, facilities or establishments; and
- (e)** Any business, place, facility, or establishment, other than a private residence or dwelling, in which hookah or shisha is served or consumed.

I, Eileen de Villa, Medical Officer of Health for the City of Toronto Health Unit, order you to comply with all applicable requirements listed below and to take and/or refrain from taking any and all actions necessary to ensure compliance, effective **12:01 a.m. on Saturday, November 14, 2020** and ending on **11:59 p.m. on Friday, December 11, 2020**:

General

1. Comply with all requirements that apply to your business, place, facility, or establishment as set out under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (the "ROA") and the applicable regulations thereunder, as well as the requirements set out in this Order. Where this Order imposes an additional requirement not set out in the ROA, the requirement under this Order must be followed.

2. Follow all further instructions from Toronto Public Health pertaining to COVID-19 that apply to your business, place, facility or establishment.

Restaurants, bars, and any other business, place, facility, or establishment at which food or drink is sold or served

3. Indoor consumption of food or drink by patrons is prohibited at any business, place, facility, or establishment. Patrons may only be served through takeout, drive-through or delivery service or at an outdoor dining area that is in or adjacent to the place of business.
4. Public access to any indoor portions of the business, place, facility, or establishment must be limited to placing an order, food pickup, payment, washroom access, access required to get to the outdoor dining area, or access that is otherwise required for the purposes of health and safety.

Businesses, places, facilities, or establishments that offer any kind of indoor recreational fitness classes, activities, programs, or services, including gymnasiums, health clubs, community centres, multi-purpose facilities, exercise studios, yoga and dance studios, arenas, and sports facilities

5. Indoor recreational fitness or exercise classes are prohibited.
6. Dance classes are prohibited unless:
 - (i) They are delivered for the purpose of teaching or training amateur or professional dancers in dance techniques,
 - (ii) All participants are pre-registered for the classes and no walk-ins are permitted, and
 - (iii) The other conditions set out in subsection 13(1) of Ontario Regulation 263/20 are complied with.
7. Dance competitions must not be provided or hosted.

Meeting and event spaces, and other businesses, places, facilities or establishments, including special event venues, banquet halls, hotel conference rooms, and convention centres which rent or otherwise make available any meeting and/or event space

8. Meeting and event spaces, and other businesses, places, facilities or establishments, including special event venues, banquet halls, hotel conference rooms, and convention centres, which rent or otherwise make available any meeting and/or event space, must be closed for such purposes.
9. Meeting and event spaces, and other businesses, places, facilities or establishments, including special event venues, banquet halls, hotel conference rooms, and convention centres, which rent or otherwise make available any meeting and/or event space are not closed:
 - (i) To any staff members of that business, place, facility or establishment, and/or

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- (ii) For the purposes of government or court system administration or operations, or for supporting the delivery of such services.

Casinos, bingo halls and gaming businesses, places, facilities or establishments

- 10. Casinos, bingo halls and other gaming businesses, places, facilities, or establishments are closed.

Any business, place, facility, or establishment, other than a private residence or dwelling, in which hookah or shisha is served or consumed

- 11. All businesses, places, facilities, or establishments, other than a private residence or dwelling, in which hookah or shisha is served or consumed are closed.

THE REASONS for this ORDER are that:

- 1. COVID-19 is a disease of public health significance and has been designated as communicable under Ontario Regulation 135/18 under the *Health Protection and Promotion Act*. COVID-19 has been declared a pandemic by the World Health Organization.
- 2. COVID-19 is present in Toronto and therefore poses a risk to the health of the residents of Toronto through community transmission. The COVID-19 virus is spread from an infected person to another person by direct or indirect contact when respiratory secretions from the infected person enter the eyes, nose or mouth of another person.
- 3. The risk of transmission of COVID-19 is greatest in close contact environments where persons are within two metres and/or without face coverings and/or where there is poor ventilation. Businesses, places, facilities, or establishments subject to this Order facilitate the spread of communicable disease, where the services, capacity and layout of the indoor facility is not readily conducive to physical distancing and/or mask wearing and/or good ventilation. Persons may be infected with COVID-19 without showing symptoms, and may spread COVID-19 to other persons within these facilities, their families, and others they come into contact with.
- 4. Cases of COVID-19 and percent positivity continue to increase in Toronto. Cases have been previously identified in the types of businesses, places, facilities, or establishments subject to this Order and/or are associated with the nature of the activities that occur within those types of businesses, places, facilities, or establishments, based on data and evidence in Toronto and in other jurisdictions.
- 5. The Province has issued regulations (the "Regulations") under the ROA to implement its Keeping Ontario Safe and Open Framework. The terms of this Order are intended to operate concurrently to supplement the Regulations.
- 6. The Province will move Toronto into the Red-Control stage of the Keeping Ontario Safe and Open Framework in response to the concerning trends of COVID-19 cases in our community and the need for immediate action. This new framework will result in the re-opening of certain high-risk businesses, places, facilities, and establishments for indoor services and activities.

7. The second wave of the pandemic began in September in Toronto and is continuing. As COVID-19 cases and percent positivity continue to increase in Toronto, health care system capacity will be impacted, and there is an increase in the potential for outbreaks in institutions, including in long-term care homes and shelters, and in severe complications and death among the population of Toronto.
8. Public health measures and restrictions were effective and impactful to reduce and slow the spread of the first wave of the pandemic in the spring in Toronto, and have been shown to be effective in other jurisdictions.
9. The need for a precautionary approach to public health interventions is a recognized principle that applies to orders issued under the *Health Protection and Promotion Act*.

I am of the opinion, on reasonable and probable grounds that:

- a. a communicable disease exists or may exist or there is an immediate risk of an outbreak of a communicable disease in the health unit served by me;
- b. the communicable disease presents a risk to the health of persons in the health unit served by me; and
- c. the requirements specified in this Order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

I am also of the opinion that the delivery of notice of this Order to each and every member of the class is likely to cause a delay that could significantly increase the risk to the health of any person residing in the health unit, so notice shall be provided through the public media and the internet via posting on the City of Toronto public website: www.toronto.ca/home/covid-19

NOTICE

TAKE NOTICE THAT each member of the class is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered to me and to the Health Services Appeal and Review Board, 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 1S4*, notice in writing, requesting a hearing within 15 days after publication of this Order or otherwise in accordance with applicable law.

*At the time of this Order, all requests for appeals and reviews, submissions, materials, and inquiries must be sent to the Health Services Appeal and Review Board by e-mail to hsarb@ontario.ca or faxed at 416-327-8524. See: <http://www.hsarb.on.ca/> for current information.

AND TAKE FURTHER NOTICE THAT although a hearing may be requested this Order takes effect when it is delivered to a member of the class or brought to the attention of a member of the class.

FAILURE to comply with this Order is an offence for which you may be liable, on

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conviction, to a fine of not more than \$5,000 (for a person) or \$25,000 (for a corporation) for every day or part of each day on which the offence occurs or continues.



Eileen de Villa
Medical Officer of Health
City of Toronto Health Unit
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Toronto, Ontario
M5B 1W2

Email: medicalofficerofhealth@toronto.ca

This Order shall be posted on the Toronto Public Health website:
www.toronto.ca/home/covid-19

Inquiries about this Order should be directed to the Toronto Public Health Hotline for COVID-19 at 416-338-7600.