

Public Health  
277 Victoria Street  
5<sup>th</sup> Floor  
Toronto, Ontario M5B 1W2

[toronto.ca/health](http://toronto.ca/health)

## CLASS ORDER

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

**Date:** April 7, 2021

**TO:** All persons, including corporations, boards, and directors, who own, occupy, are in charge of, or administer:

- (a) schools and private schools within the meaning of the *Education Act* located in the City of Toronto;
- (b) child care centres within the meaning of the *Child Care and Early Years Act, 2014* located in the City of Toronto; and
- (c) authorized recreational and skill building programs within the meaning of the *Child Care and Early Years Act, 2014* located in the City of Toronto.

I, Eileen de Villa, Medical Officer of Health for the City of Toronto Health Unit, order you to comply with the requirements listed below and to take and/or refrain from taking any and all actions necessary to ensure compliance, **effective 12:01 am on Wednesday, April 7, 2021, and ending on 11:59 pm on Sunday, April 18, 2021**, unless extended by the Medical Officer of Health:

#### **Schools and Private Schools within the meaning of the *Education Act* located in the City of Toronto**

1. Suspend all in-person teaching and instruction.
2. Despite section 1, schools and private schools within the meaning of the *Education Act* may open:
  - (i) to the extent necessary to facilitate the operation of a child care centre provided that the child care centre shall not provide child care or before or after school programs for any child who, immediately before April 6, 2021, was enrolled in a school or private school located in the City of Toronto;
  - (ii) despite paragraph (i), if the child care centre is authorized by the Minister of Education or otherwise in accordance with the *Child Care and Early Years Act, 2014* to provide emergency child care for children of individuals listed in Schedule 5 of Ontario Regulation 82/20 issued under the *Reopening Ontario*

(A Flexible Response to COVID-19) Act, 2020, to facilitate the provision of child care by the child care centre to the children of those individuals;

- (iii) to allow staff of the school or private school to provide remote teaching, instruction or support to pupils, so long as the school or private school operates in accordance with public health guidance and any COVID-19 protocols issued by the Ministry of Education.
3. Suspend all in-person camps, including those described in section 4(1)9 of the *Child Care and Early Years Act, 2014*.

**Child Care Centres within the meaning of the *Child Care and Early Years Act, 2014* located in the City of Toronto**

4. Ensure child care and before or after school programs are not provided for any child who, immediately before April 6, 2021, was enrolled in a school or private school located in the City of Toronto.
5. If the child care centre is authorized by the Minister of Education or otherwise in accordance with the *Child Care and Early Years Act, 2014* to provide emergency child care for children of individuals listed in Schedule 5 of Ontario Regulation 82/20 issued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, section 4 does not apply with respect to the provision of child care by the child care centre to the children of those individuals.
6. Suspend all in-person camps, including those described in section 4(1)9 of the *Child Care and Early Years Act, 2014*.

**Authorized Recreational and Skill Building Programs within the meaning of the *Child Care and Early Years Act, 2014* located in the City of Toronto**

7. Suspend all authorized recreational and skill building programs.

**General**

8. In this Order, all references to "authorized recreational and skill building programs", "child care", and "child care centre" have the same meaning as in the *Child Care and Early Years Act, 2014*. All references to "school" and "private school" have the same meaning as in the *Education Act*.

**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 the City of Toronto and therefore poses a risk to the health of the residents of Toronto through community transmission. The COVID-19 virus (SARS CoV-2) is spread from an infected person to another person by direct or indirect contact or 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, including schools, where persons are within two metres and/or without face coverings and/or where there is poor ventilation. Persons may be infected with COVID-19 without showing symptoms, and may spread COVID-19 to students, staff, and other persons within these facilities, their families, and others they come into contact with.
4. Mutations of the COVID-19 virus (SARS CoV-2) have been observed globally. Viruses, in particular RNA viruses such as coronaviruses, constantly evolve through mutations, and while most will not have a significant impact, some mutations may provide the virus with a select advantage such as increased transmissibility and severity of illness. Such mutations are cause for concern and need to be monitored closely. New COVID-19 variants of concern that are more transmissible are appearing in settings across Toronto and increasing as a share of confirmed cases. COVID-19 variants of concern have now been identified in schools, among many other settings.
5. Toronto Public Health has identified outbreaks in schools involving variants of concern. The number and size of these variants of concern outbreaks are increasingly causing more school-related transmission and school closures than in previous waves of COVID-19.

**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: <https://www.toronto.ca/home/covid-19/covid-19-what-you-should-do/covid-19-orders-directives-by-laws/>

**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, notice in writing, requesting a hearing within 15 days after publication of this Order. 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](mailto: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 conviction, to a fine of not more than \$5,000.00 (for an individual) or \$25,000 (for a corporation) for every day or part of each day on which the offence occurs or continues or, should a ticket be issued to you, to a fine in the amount of \$750.00.



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This Order shall be posted on the Toronto Public Health website:  
<https://www.toronto.ca/home/covid-19/covid-19-what-you-should-do/covid-19-orders-directives-by-laws/>

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