
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: May 6, 2021

TO: All persons, including corporations, boards, and directors, who (i) operate and/or administer an activity or program at, and/or (ii) own, occupy, are in charge of, operate and/or administer:

- A. a facility or other place in the city of Toronto that operates or immediately operated prior to May 6, 2021, as a school or private school within the meaning of the *Education Act*, and/or
- B. a facility, place of business or other place in the city of Toronto that operates or immediately operated prior to May 6, 2021, like a school or private school within the meaning of the *Education Act*, and/or
- C. a facility, place of business or other place in the city of Toronto where in-person teaching and instruction of any type, including study sessions, is hosted or offered, or was hosted or offered immediately prior to May 6, 2021, for any school-aged child, except insofar as such education is provided only to school-aged children on the premises of their own dwelling by other members of their household.

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 May 10, 2021 at 12:01 a.m.:

General

1. For the purposes of this Order:
 - i. all facilities, places of business, other places, and/or operations described in sections A, B, and C of this Order are referred to as "Schools".
 - ii. "special education needs" is to be interpreted in accordance with the *Education Act* and the regulations under that Act.
 - iii. "premises" means any building or structure or any part or portion of a building or structure, including any land owned or occupied in connection

with the building or structure.

- iv. "school-aged child(ren)" means any person who would be eligible for or required to attend junior kindergarten or (senior) kindergarten in Ontario during the period that this Order is in effect; and/or a person who is of an age for which school is compulsory under the *Education Act* during the period that this Order is in effect.

2. This Order does not apply to:

- i. a band, a council of a band or the Crown in right of Canada;
- ii. an education authority that is authorized by a band, a council of a band or the Crown in right of Canada; or
- iii. an entity that participates in the Anishinabek Education System.

3. Where a class member is subject to more than one provision under any Class Order issued by the Medical Officer of Health, the provision that is most restrictive applies.

Closure of Schools to School-Aged Children

4. The premises of all Schools are closed to the in-person attendance of school-aged children, except as follows:

- a. to the extent necessary to facilitate the operation or provision of child care as permitted under section 24, Schedule 2 of Ontario Regulation 82/20, as amended, under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, and within the meaning of the *Child Care and Early Years Act, 2014*;
- b. if approved by the Minister of Education, to the extent necessary to facilitate the operation of an extended day program, as defined in the *Education Act*, for the provision of emergency child care for the children of individuals listed in Schedule 5 of Ontario Regulation 82/20, as amended, during the period when Schools are not permitted to provide in-person teaching or instruction;
- c. to the extent necessary to provide in-person instruction to pupils with special education needs who cannot be accommodated through remote learning and who wish to attend a school or their private school for in-person instruction, so long as the School operates in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health;
- d. to the extent necessary for school-aged children who reside and/or were residing immediately prior to May 6, 2021, on the premises of the School. For

greater certainty, school-aged children who reside and/or were residing immediately prior to May 6, 2021 on the premises of the School shall not gather for in-person teaching, instruction and/or study sessions;

- e. to the extent necessary to allow school-aged children to drop-off and/or pick-up materials required to facilitate their remote learning. Any such attendances shall be limited in duration to no longer than 15 minutes per day and Schools shall take steps to ensure that such attendances are staggered among its student population and are structured to the greatest extent possible so as to not require students to enter an indoor area of the School;
- f. if the attendance is for the purposes of the delivery of government and/or health care services such as COVID-19 testing clinics and vaccination clinics;
- g. if the attendance is not associated with School operations and is for the sole purposes of permitted access to an outdoor amenity that is open under Ontario Regulation 82/20, as amended;
- h. if the attendance is (i) limited to a building or part of a building that is on the School premises but that is not used in regular school operations; (ii) for a gathering otherwise permitted under Schedule 4 of Ontario Regulation 82/20, as amended; (iii) the gathering is of no more than 10 persons; and (iv) there is only one such gathering held on the School premises at any one time.

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 and indoor environments, including schools and other educational institutions where groups of children gather for extended periods. This risk is heightened where persons are within two metres, and/or without face coverings, and/or where there is poor ventilation and/or where they are in an indoor space for an extended period of time, especially when rates of COVID-19 in the community are high. 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. Children who contract COVID-19 from a school contact

or while at school can transmit COVID-19 to their household members, further contributing to community transmission and strain on the health care system.

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 been identified in schools, among many other settings.
5. More and more evidence is emerging that in the third wave of COVID-19, persons under 18 years old have been infected with a COVID-19 at higher rates than in previous waves. While children, in general, have reduced morbidity and mortality from COVID-19, during the third wave of COVID-19, some children have had severe infection causing death.
6. Ontario Regulation 82/20, as amended, mandates that schools and private schools within the meaning of the *Education Act* shall not provide in-person teaching or instruction (the "Schools Closure"), subject only to limited exceptions. The Schools Closure assists in reducing the risk of the spread of COVID-19, including variants of concern, by preventing groups of children from different households from gathering in enclosed spaces for extended periods.
7. Toronto Public Health is issuing this Order to further augment the Schools Closure to ensure school-aged children do not gather in-person in enclosed settings. For example, not all schools qualify as a school under the *Education Act* and other types of student gatherings that do not qualify as "teaching or instruction" are continuing at schools.

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/?accordion=class-order-to-education-providers-to-limit-in-person-attendances-of-school-aged-children>

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 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/?accordion=class-order-to-education-providers-to-limit-in-person-attendances-of-school-aged-children>

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