

CLASS ORDER

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

TO: All persons who own or operate the following types of business, place, facility, or establishment located in The Regional Municipality of York:

- (a) 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;
- (b) Shopping malls; and
- (c) Retail stores, including stores located in shopping malls.

I, Dr. Karim Kurji, Medical Officer of Health for The Regional Municipality of York, 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 Monday, November 23, 2020**, until further notice:

A. 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

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, 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. Ensure that all indoor and outdoor gatherings for religious services, ceremonies or rites in weddings, funerals and celebrations of life do not exceed the number of persons that can maintain a physical distance of two metres from each other at all times and in no event shall the gathering exceed a maximum of 50 persons;
3. Ensure in your business, place, facility, or establishment that social gatherings, such as receptions associated with weddings, funerals and other events which are not included in the requirement set out in clause A.1 above, comply with the gathering limits under the ROA.
4. Follow all further instructions from York Region Public Health pertaining to COVID-19 that apply to your business, place, facility or establishment.

B. Shopping Malls

1. Comply with all requirements that apply to your business, place, facility, or establishment as set out under the ROA and the applicable regulations, 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. Immediately set a maximum capacity for patrons in the shopping mall that effectively supports maintaining a physical distance of two metres, actively monitor compliance with the said capacity limit at all entrances and ensure that physical distancing of two metres is maintained by patrons and mall staff in common areas, stores, washrooms, hallways, entrances etc., at all times.

3. Immediately ensure all stores within the shopping mall set a maximum capacity limit and monitor the capacity limit to ensure physical distancing of two meters is maintained by patrons and mall staff at all times.
4. Actively manage all line-ups or patrons congregating and ensure all patrons waiting in line-ups inside or outside the shopping mall maintain physical distancing of least two metres.
5. Follow all further instructions from York Region Public Health pertaining to COVID-19 that apply to your shopping mall.

C. Retail stores

1. Comply with all requirements that apply to your business, place, facility, or establishment as set out under the ROA and the applicable regulations, 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. Immediately set a maximum capacity for patrons in the retail store that effectively supports maintaining a physical distance of two metres, actively monitor compliance with the said capacity limit at all entrances and ensure that physical distancing of two metres is maintained by patrons and store staff in common areas, washrooms, hallways, entrances etc., at all times.
3. Follow all further instructions from York Region Public Health pertaining to COVID-19 that apply to your retail store.

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 York Region and therefore poses a risk to the health of the residents of York Region 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. Persons may be infected with COVID-19 without showing symptoms, and may spread COVID-19 to other persons, their families, and others they come into contact with.
4. Cases of COVID-19 and percent positivity continue to increase in York Region. York Region has had COVID-19 outbreaks associated with large gatherings.
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. There is increasing evidence that safe and prescribed physical distancing rules and protocols are not being followed in meeting and event spaces, shopping malls and retail stores, as described in this Order.
7. As COVID-19 cases and percent positivity continue to increase in York Region, 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 retirement homes, and in severe complications and death among the population of York Region.
8. 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 [York Region public website](#).

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 in accordance with section 100 of the *Health Protection and Promotion Act* for which you may be liable, on 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.



Dr. Karim Kurji
Medical Officer of Health

York Region Public Health
17250 Yonge Street
Newmarket, ON L3Y 6Z1

This Order shall be posted on the York Region public website: [York Region public website](#)

Inquiries about this Order should be directed to York Region Public Health at: yr.corporate.communications@york.ca