

## INSTRUCTIONS FROM THE MEDICAL OFFICER OF HEALTH

**These instructions amend and replace the instructions effective November 17, 2021, as amended November 18, 2021<sup>1</sup>**

**DATE: November 26, 2021 EFFECTIVE: November 29, 2021 at 12:01 a.m.**

**TO: Persons responsible for a business or organization that is open in the Municipality of Sault Ste Marie<sup>2</sup>**

In response to ongoing high COVID-19 activity in Algoma, particularly in Sault Ste. Marie, and in consultation with Ontario's Chief Medical Officer of Health, I have determined that it is necessary to take further and immediate action to limit the spread of COVID-19, protect our community's health, and protect our health system within the areas served by Algoma Public Health.

The provincial *Plan to Safely Reopen Ontario* requires local public health to monitor trends and to put in place additional protections as warranted.

Sault Ste Marie is experiencing a surge in people testing positive for COVID-19, along with a rise in hospitalizations and deaths related to COVID-19. Ongoing frequent close contact interactions between people without adequate masking or physical distancing, colder temperatures driving people indoors, and the continued presence of the Delta variant have contributed to record case counts for the city. Over the past two weeks, COVID-19 activity in Algoma has surged dramatically to the highest levels the district has seen since the beginning of the pandemic, and remains among the highest in the province. With 258 active cases and 14 hospitalizations as of November 25, Algoma's rate of new cases in a 7-day period has exceeded 160 per 100,000. By comparison – and understanding that things are different since we now have vaccines that prevent serious illness and hospitalizations for the vast majority of those who are vaccinated and acquire breakthrough infections – Ontario's case rate when the last state of emergency was declared across the province was 130 per 100,000.

Concerningly, local capacity for COVID-19 testing, and for case and contact management has been exceeded, and now requires external support to meet the excess in demand.

To date, the surge has been primarily located in Sault Ste Marie with over 80% of cases in the past 7 days occurring within the city. Transmission continues to be fueled by unmasked, close contact interactions

<sup>1</sup> All amendments from the instructions as at November 19, 2021 are double-underlined for ease of reference.

<sup>2</sup> The Municipality of Sault Ste. Marie is located within the District of Algoma Health Unit, served by the Board of Health for The District of Algoma Health Unit (operating as Algoma Public Health): Areas Comprising Health Units, R.R.O. 1990, Reg. 553, Schedule 1

Blind River	Elliot Lake	Sault Ste. Marie	Wawa
P.O. Box 194	ELNOS Building	294 Willow Avenue	18 Ganley Street
9B Lawton Street	302-31 Nova Scotia Walk	Sault Ste. Marie, ON P6B	Wawa, ON POS 1K0
Blind River, ON POR 1B0	Elliot Lake, ON P5A 1Y9	0A9	Tel: 705-856-7208
Tel: 705-356-2551	Tel: 705-848-2314	Tel: 705-942-4646	TF: 1 (888) 211-8074
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throughout the community in workplaces, schools, social settings, sport and recreational settings, health care settings, and within vulnerable populations.

The goals of the pandemic response have always been two-fold: to minimize serious illness and death, and to limit disruption to society and preserve health care capacity. At this point in time, over 75% of Algoma's total population are fully immunized and have good protection against severe disease from COVID-19. Over 22,000 Algoma residents are not yet fully immunized, however, and nearly 13,000 are residents of Sault Ste. Marie, where rates of new COVID-19 cases remain among the highest in the province. To protect those most vulnerable in our community, and to prevent the present surge of cases from overwhelming local health services, these interim mandatory measures target high risk close contact activities and strengthen protections in all settings, without the use of more disruptive actions, such as the broad closure of businesses.

My instructions set out below:

1. Reinforce the critical importance of public health measures to prevent COVID-19 transmission. (PART A)
2. Strengthen masking and physical distancing requirements in businesses and workplaces; reinstate recent provincial changes lifting capacity limits and physical distancing requirements in the Step 3 Rules; and reinstate lower limits for social gatherings and organized public events. (PART B)
3. Strengthen masking requirements at organized public events. (PART C)

I am implementing these protections, effective Monday, November 29, 2021, at 12:01 a.m.

I issue these instructions following consultation with and strong support from [Ontario's Chief Medical Officer of Health, Dr. Kieran Moore](#), who recognizes the need for urgent and exceptional public health measures to protect all those who reside and are otherwise present in Sault Ste Marie, in the remaining areas served by Algoma Public Health, and across the province.

*Ontario's Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (ROA)* and *Emergency Management and Civil Protection Act (EMCPA)* require all persons responsible for a business or organization that is open to operate in compliance with the instructions of public health officials. That includes these instructions issued by me, rendered **mandatory** by sections 2(2) and (2.1), Schedules 1 and 4 of O. Reg. 364/20 as amended (**Step 3 Rules**), issued under the ROA.

These instructions will be enforced by public health officials and by provincial offences officers under one or more of the *Health Protection and Promotion Act* (sections 100, 101 and 102), ROA (sections 9, 9.1, 10 and 10.1) and/or EMCPA (sections 7.0.5 and 7.0.11). **Failure to comply with these instructions is an offence.** Among the enforcement actions that may be taken, you may be charged, and penalties imposed including significant fines, imprisonment and/or closure of premises.

A failure to comply with regulations issued under the ROA is an offence punishable by set fines of \$750 for individuals and \$1,000 for corporations under Part I of the *Provincial Offences Act (POA)*. Maximum penalties for this offence if prosecuted under Part III of the POA include: for individuals, a fine of up to \$100,000 and imprisonment for not more than one year; for an individual who is an officer or director of a corporation, a

fine of up to \$500,000 and imprisonment for not more than one year; and for a corporation, a fine of up to \$10,000,000. A person is guilty of a separate offence on each day that the offence occurs or continues.

APH will closely monitor indicators of COVID-19 transmission, and local public health and health care capacity to determine how long these instructions will remain in place and what next steps are required. At this time, it is reasonable to expect that this letter of instruction will remain in effect for a period of 28 days. In consultation with the Office of the Chief Medical Officer of Health and local stakeholders, I will monitor local, regional and provincial developments closely, and accordingly amend these instructions where required, and rescind them as soon as I determine they are no longer necessary.

**These instructions remain in effect until amended or rescinded by me.**

**PLEASE FOLLOW ALL INSTRUCTIONS CLOSELY**

**PART A – GENERAL**

1. Subsection 2(1) of Schedule 1, O. Reg. 364/20 issued under the ROA requires, among other things, that the person responsible for a business or organization that is open shall ensure that the business or organization operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and the regulations made under it.
2. Subsection 2(2) imposes the further legal requirement that the person responsible for a business or organization that is open must operate the business or organization in compliance with the instructions of public health officials. That includes these, and any other, instructions issued by me under the ROA.
3. Where these instructions impose one or more additional requirements not set out in O. Reg. 364/20 as amended (Ontario's Step 3 Rules) or the ROA, the requirement or requirements under these instructions must also be followed by persons responsible for a business or organization (i.e., establishment) that is open.

**PART B – REINSTATING CAPACITY LIMITS AND PHYSICAL DISTANCING REQUIREMENTS**

4. Beginning October 9, 2021, capacity limits and physical distancing requirements for some establishments were lifted by provincial changes to O. Reg. 364/20.<sup>3</sup> Those changes are reversed and the former requirements reinstated by these instructions, asset out in paragraphs 5) to 19) below.
5. **General capacity limits and physical distancing requirements.**  
[Section 3 of Schedule 1, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The general capacity limit established by subsection 3(1) of Schedule 1, O. Reg. 364/20 applies to all establishments identified in paragraphs 6) to 18) below, subject to the qualifications of subsection 3(5) and (6) of Schedule 1, O. Reg. 364/20 and any specific capacity limits set out below.

- b. Co-workers present in the same work and/or meeting space (i.e., not in an office not shared with another person(s) and where no other person(s) is otherwise present) must remain masked even where able maintain a physical distance from all other persons in the space, unless separated from every other person by plexiglass or some other impermeable barrier.
- c. Persons responsible for a business or organization that is open are reminded of the need for robust compliance with the following requirements of Schedule 1 of O. Reg. 364/20:
  - I. Subsection 2(5.1): In summary, requiring that workers who remove their masks to consume food and/or drink must be separated from every other person by a distance of two metres or by plexiglass or some other impermeable barrier.
  - II. Subsection 2(7): In summary, that workers providing services who are required to come within two metres of another person who is not masked while indoors or separated by plexiglass or some other impermeable barrier, wear appropriate PPE (personal protective equipment) that protects the worker's eyes, nose and mouth.

**6. Meeting and event spaces, including conference centres or convention centres.**

[Section 4 of Schedule 1, O. Reg. 364/20]

In addition to the current requirements of the O. Reg. 364/20:

- a. The total number of members of the public permitted to be in an indoor portion of the rentable meeting or event space at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor portion of the rentable meeting or event space and in any event may not exceed 50 per cent capacity, as arrived by taking 50 per cent of the capacity of every room in the rentable meeting or event space, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20, and totaling the result, or 10,000 persons, whichever is less.

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<sup>3</sup> O. Reg. 364/20 as amended by O. Regs. 698/21, 727/21 and 732/21

- b. The number of members of the public permitted to be in a particular room in the indoor portion of the rentable meeting or event space at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the room and in any event may not exceed 50 per cent capacity of the room in the rentable meeting or event space, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20, and the total capacity for the particular room cannot be added to increase the total capacity of the indoor portion of the rentable meeting or event space permitted under paragraph a. above.
- c. The total number of members of the public permitted to be in an outdoor portion of the rentable meeting or event space at any one time may not exceed the least of the following:
  - I. 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
  - II. 30,000 persons, in the case of a seated meeting or event.
  - III. 15,000 persons, in the case of an unseated meeting or event.
- d. The person responsible for the establishment must post a sign in a conspicuous location visible to the public that states the capacity limits under which the establishment is permitted to operate.
- e. The rented space must be configured so that patrons seated at different tables are separated by,
  - I. a distance of at least two metres, or
  - II. plexiglass or some other impermeable barrier.
- f. Paragraphs a., b., c. and e. above, and paragraphs i. and j. below. do not apply if the business or place is rented out,
  - I. for a day camp or overnight camp for children described in section 19 of Schedule 2, O. Reg. 364/20;
  - II. to a provider of child care within the meaning of the *Child Care and Early Years Act, 2014*;
  - III. for the purpose of the provision of social services;
  - IV. for the purpose of delivering or supporting the delivery of court services;
  - V. for operations by or on behalf of a government; or
  - VI. for the purpose of delivering or supporting the delivery of government services.

- g.* Paragraphs a. and b. above do not apply if the business or place is rented out to participants in an international single sport event hosted by a national sport organization that is either funded by Sport Canada or recognized by the Canadian Olympic Committee or the Canadian Paralympic Committee.
- h.* Paragraphs a. and b. above, and paragraphs i. and j. below. do not apply if the business or place is rented out to participants in:

  - I. a sports league or association identified in Column 2 of the Tables below that is associated with the sport identified in Column 3 of the Tables below; or
  - II. a national or international single sport event hosted by a national sport organization that is either funded by Sport Canada or recognized by the Canadian Olympic Committee or the Canadian Paralympic Committee.
- i.* No organized public event or social gathering held at the business or place shall include:

  - I. More than 10 people if the event or gathering is held indoors; or
  - II. More than 25 people if the event is held outdoors.

An indoor event or gathering cannot be combined with an outdoor event or gathering so as to increase the limit on the number of people at the event or gathering.

- j.* Paragraph i. above does not apply with respect to:

  - I. A gathering of members of a single household;
  - II. A gathering that includes members of a household and one other person from another household who lives alone; or
  - III. A gathering that includes persons described in clause i. or ii. above, and a caregiver for any of those persons.
- k.* For clarity, throughout these instructions:

  - I. A workplace event undertaken by a business or organization solely for “core” workplace purposes such as recruitment, training, continuing education, annual general meetings, etc. is not an “organized public event” or “social gathering”; and
  - II. An indoor event or gathering cannot be combined with an outdoor event or gathering so as to increase the limit on the number of people at the event or gathering.

**TABLE 1  
PROFESSIONAL SPORT LEAGUES OR ASSOCIATIONS**

	Professional Sport Leagues or Associations	Sport
1.	American Hockey League	Hockey
2.	Canadian Elite Basketball League	Basketball
3.	Canadian Football League	Football
4.	Canadian Premier League	Soccer
5.	Major League Baseball	Baseball
6.	Major League Soccer	Soccer
7.	NBA G League	Basketball
8.	National Basketball Association	Basketball
9.	National Hockey League	Hockey
10.	National Lacrosse League	Lacrosse
11.	National Women's Hockey League	Hockey
12.	Professional Women's Hockey Players Association	Hockey
13.	USL League 1	Soccer

**TABLE 2  
ELITE AMATEUR SPORT LEAGUES OR ASSOCIATIONS**

	Elite Amateur Sport Leagues or Associations	Sport
1.	Canadian Hockey League	Hockey
2.	Elite Baseball League of Ontario U 18 Division	Baseball
3.	League 1 Ontario	Soccer
4.	Ontario Junior "A" Lacrosse League	Lacrosse
5.	Ontario Scholastic Basketball Association	Basketball
6.	Ontario Women's Field Lacrosse U 19 "A" League	Lacrosse
7.	Provincial Women's Hockey League	Hockey

**7. Restaurants, bars and other food or drink establishments without dance facilities.**

[Section 1 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The total number of patrons permitted to be seated at the establishment, whether indoors or outdoors, must be limited to the number that can maintain a physical distance of at least two metres from every other person at the establishment.
- b. The establishment must be configured so that patrons seated at different tables are separated by,
  - I. a distance of at least two metres, or
  - II. plexiglass or some other impermeable barrier.
- c. The person responsible for the establishment must post a sign in a conspicuous location visible to the public that states the capacity limits under which the establishment is permitted to operate.
- d. Despite subsection 1(5) of Schedule 2, O. Reg. 364/20, if the capacity limit provided for in O. Reg. 364/20 as supplemented by these instructions conflicts with the capacity limit set out elsewhere in O. Reg. 364/20 as supplemented by these instructions in respect of a business, place, facility or establishment at which food or drink is sold or served, the capacity limit for the business, place, facility or establishment is whichever limit is lower.
- e. The requirements in paragraphs a. and c., and paragraphs g. and h. below, above do not apply:
  - I. With respect to establishments on hospital premises or in an airport; or
  - II. With respect to an establishment located within a business or place if the only patrons permitted at the establishment are persons who perform work for the business or place in which the establishment is located.
- f. The physical distancing described in subsections 3(1) and 3.1(4) of Schedule 1, O. Reg. 364/20 is not required when patrons are seated together at a table in a food or drink establishment.
- g. No organized public event or social gathering held at the establishment shall include:
  - I. More than 10 people if the event or gathering is held indoors; or
  - II. More than 25 people if the event is held outdoors.

An indoor event or gathering cannot be combined with an outdoor event or gathering so as to increase the limit on the number of people at the event or gathering.

- h. Paragraph g. above does not apply with respect to:
  - I. A gathering of members of a single household;
  - II. A gathering that includes members of a household and one other person from another household who lives alone; or
  - III. A gathering that includes persons described in clause i. or ii. above, and a caregiver for any of those persons.



**8. Facilities used for sports and recreational fitness activities, including areas for spectators within those facilities and areas where personal physical fitness trainers provide instruction within those facilities.**

[Section 16 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. In the case of an indoor facility, the total number of members of the public permitted to be in the facility at any one time must be limited to 50 per cent of the capacity of the facility, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
- b. The number of spectators at the facility at any one time must not exceed the following limits:
  - I. In the case of a facility that has a designated area for indoor spectators, 50 per cent of the usual indoor seating capacity, or 10,000 persons, whichever is less.
  - II. In the case of a facility that has a designated area for outdoor spectators, 75 per cent of the usual outdoor seating capacity, or 30,000 persons, whichever is less.
  - III. In the case of a facility that does not have a designated area for indoor spectators, the number of spectators in the indoor area of the facility at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor area of the facility and in any event may not exceed 50 per cent capacity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20, or 10,000 persons, whichever is less.
  - IV. In the case of a facility that does not have a designated area for outdoor spectators, the number of spectators in the outdoor area of the facility at any one time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20, or 15,000 persons, whichever is less.
- c. The person responsible for the facility, or, where there is no such responsible person, the person holding a permit for the use of the facility must post a sign in a conspicuous location visible to the public that states the capacity limits under which the facility is permitted to operate.
- d. For greater certainty, but subject to paragraph f. below, O. Reg. 364/20, every person in an indoor area of the facility must maintain a physical distance of at least two metres from every other person in the establishment except from their caregiver or from members of the person's household.
- e. Paragraphs a. and d. above do not apply to any part of the facility that is being used,
  - I. for a day camp or overnight camp for children described in section 19 of Schedule 2, O. Reg. 364/20;
  - II. by a provider of child care within the meaning of the *Child Care and Early Years Act, 2014*; or
  - III. for the purpose of the provision of social services.
- f. Subsection 3.1(4) of Schedule 1, O. Reg. 364/20 does not apply to members of the public engaged in sports or games at facilities for indoor or outdoor sports and recreational fitness activities or to seated spectators at a seated event at such a facility.

- g.* In indoor and outdoor facilities,
- I. every person participating in a fitness or exercise class must maintain a physical distance of at least three metres from every other person; and
  - II. team sports or games that may result in personal contact must not be practiced or played at the facility unless the sport or game has been modified to avoid personal contact.
- h.* Paragraph g. does not apply to participants in:
- I. a sports league or association identified in Column 2 of the Tables above (in paragraph 6) that is associated with the sport identified in Column 3 of the Tables; or
  - II. a national or international single sport event hosted by a national sport organization that is either funded by Sport Canada or recognized by the Canadian Olympic Committee or the Canadian Paralympic Committee.

## **9. Places where commercial film and television production takes place.**

[Section 20 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a.* The number of members of the public permitted to be in the studio audience at any one time must not exceed 50 per cent of the usual seating capacity or 10,000 persons, whichever is less.
- b.* The person responsible for the film or television production must post a sign in a conspicuous location visible to the public that states the studio audience capacity limits under which the production is permitted to operate.
- c.* The set must be configured and operated in such a way as to enable persons on the set to maintain a physical distance of at least two metres from other persons, except where necessary for the filming of the film or television production.

## **10. Concert venues, theatres and cinemas.**

[Section 22 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a.* The number of members of the public at an outdoor seated concert, event, performance or movie within the concert venue, theatre or cinema at any one time must not exceed 75 per cent of the usual seating capacity for the concertvenue, theatre or cinema, or 30,000 persons, whichever is less.
- b.* The number of members of the public in the outdoor area of the concert, event, performance or movie at any one time must not exceed 75 per cent capacity of the concert venue, theatre or cinema, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20, or 15,000 persons, whichever is less.

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- c. The number of members of the public at an indoor seated concert, event, performance or movie within the concert venue, theatre or cinema at any one time must not exceed 50 per cent of the usual seating capacity for the concert venue, theatre or cinema, or 10,000 persons, whichever is less.
- d. The number of members of the public permitted to be in a particular room in the indoor portion of the seated concert, event, performance or movie at any one time must not exceed 50 per cent of the usual seating capacity of the room in the concert venue, theatre or cinema, and the total capacity for the particular room cannot be added to increase the total capacity of the concert venue, theatre, or cinema as provided for under paragraph c. above.
- e. The person responsible for the concert venue, theatre or cinema must post a sign in a conspicuous location visible to the public that states the capacity limits under which the concert venue, theatre or cinema is permitted to operate and the capacity limits of any seated concert, event, performance or movie within the concert venue, theatre or cinema.
- f. If rehearsal and/or performance at the concert, event or performance involves singing or the playing of brass or wind instruments, every person who is singing or playing,
  - I. must be separated from every other person by plexiglass or some other impermeable barrier; or
  - II. must remain at least three metres apart from every other person in the concert, event or performance space.

**11. Museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions, in respect of indoor areas.**

[Section 24 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The number of members of the public in the outdoor ticketed area of the attraction at any one time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- b. The number of members of the public at a seated event or activity within the attraction at any one time must not exceed,
  - I. 50 per cent of the usual seating capacity for the event or activity, in the case of events or activities indoors, or 1,000 persons, whichever is less, and
  - II. 75 per cent of the usual seating capacity for the event or activity, in the case of events or activities outdoors, or 15,000 persons, whichever is less.
- c. The number of members of the public at an outdoor event or activity at the attraction at any one time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20, or 5,000 persons, whichever is less.

- d.* The number of members of the public permitted to be in a particular room in the indoor portion of the attraction at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the room and in any event may not exceed 50 per cent capacity of the room in the attraction, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20, or if it is a seated event or activity taking place in the room, must be limited in accordance with subparagraph b. i. of this provision, and the total capacity for the particular room cannot be added to increase the total capacity of the indoor ticketed area as provided for under paragraph 2 of subsection 24(1) of Schedule 2, O. Reg. 364/20.
- e.* If a concert, event, performance or movie is held at the park, the conditions in section 22 of Schedule 2, O. Reg. 364/20 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for museums etc. so as to increase the capacity permitted under section 24 of Schedule 2, O. Reg. 364/20 as supplemented by these instructions.

**12. Casinos, bingo halls and other gaming establishments.**

[Section 25 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a.* The number of members of the public in the establishment at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person and in any event may not exceed 50 per cent of the maximum occupancy of the establishment, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
- b.* If a concert, event, performance or movie is held at the establishment, the conditions in section 22 of Schedule 2, O. Reg. 364/20 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for casinos etc. so as to increase the capacity permitted by section 25 of Schedule 2, O. Reg. 364/20 as supplemented by these instructions.
- c.* The establishment must be configured so that patrons at gaming tables or slot machines are separated by,
  - I. a distance of at least two metres, or
  - II. plexiglass or some other impermeable barrier.
- d.* The person responsible for the establishment must post a sign in a conspicuous location visible to the public that states the capacity limits under which the establishment is permitted to operate.

**13. Horseracing tracks, car racing tracks and other similar venues.**

[Section 26 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The number of members of the public in an indoor seated area of the venue at any one time must not exceed 50 per cent of the usual indoor seating capacity for the venue, or 10,000 persons, whichever is less.
- b. The number of members of the public in an outdoor seated area of the venue at any one time must not exceed 75 per cent of the usual outdoor seating capacity for the venue, or 30,000 persons, whichever is less.
- c. The number of members of the public at an outdoor unseated event or activity at the venue at any one time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20, or 15,000 persons, whichever is less.
- d. The person responsible for the venue must post a sign in a conspicuous location visible to the public that states the capacity limits under which the venue is permitted to operate.

**14. Amusement parks, in respect of indoor areas.**

[Section 27 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The number of members of the public in the outdoor area of the park at any one time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- b. The number of members of the public at any particular outdoor attraction within the park at any one time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- c. If a concert, event, performance or movie is held at the park, the conditions in section 22 of Schedule 2, O. Reg. 364/20 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for amusement parks etc. so as to increase the capacity permitted by section 27 of Schedule 2, O. Reg. 364/20 as supplemented by these instructions.

**15. Fairs, rural exhibitions, festivals and similar events, in respect of indoor areas.**

[Section 28 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The number of members of the public in the outdoor area of the facility where the event takes place at any one time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- b. The number of members of the public at any particular outdoor attraction within the facility at any one time must not exceed 75 per cent capacity, as determined in accordance with 3.0.1 of Schedule 1, O. Reg. 364/20.

- c. If a concert, event, performance or movie is held at the facility, the conditions in section 22 of Schedule 2, O. Reg. 364/20 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for fairs etc. so as to increase the capacity permitted under section 28 of Schedule 2, O. Reg. 364/20 as supplemented by these instructions.

**16. Businesses that provide tour and guide services, including guided hunting trips, tastings and tours for wineries, breweries and distilleries, fishing charters, trail riding tours, walking tours and bicycle tours, in respect of indoor areas.**

[Section 29 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The number of members of the public on the tour must not exceed the number of persons that would permit every person on the tour, including tour guides, to maintain a physical distance of at least two metres from every other person.

**17. Businesses that provide boat tours, if the business is otherwise permitted to operate under section 30 of Schedule 2, O. Reg. 364/20.**

[Section 30 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The total number of members of the public permitted on the boat at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person on the vessel, and in any event must not exceed 50 per cent of the usual maximum number of passengers that may be carried on board, as indicated on the vessel's inspection certificate or Passenger Ship Safety Certificate issued under the Vessel Certificates Regulations (Canada) or on an equivalent certificate issued by a foreign government.
- b. The person responsible for the business must post a sign in a conspicuous location visible to the public that states the capacity limits under which the boat tour is permitted to operate.

**18. Businesses and facilities permitted to opt-in to proof of identification and vaccination requirements.**

The person responsible for a place of business or facility permitted by subsection 2.2(5) of Schedule 1, O. Reg. 364/20 to opt-in to the proof of identification and vaccination requirements set out in section 2.1 of Schedule 1, O. Reg. 364/20, and does opt-in to those requirements, must nonetheless ensure that the place or business or facility (in addition to meeting all other applicable requirements of O. Reg. 364/20) meets all capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by paragraph 5) above and paragraphs a. to j. below.

In an effort to be as clear as possible, paragraphs a. to j. below set out the existing capacity limits and physical distancing requirements specific to the sectors named as contained in O. Reg. 364/20 (as current) and supplemented by the sector-specific requirements reinstated above.

**a. Real estate agencies, in respect of open houses hosted by the real estate agency.**

[Section 7 of Schedule 2, O. Reg. 364/20]

- I. See paragraph 5) above.
- II. Subsection 3(1) of Schedule 1, O. Reg. 364/20 applies to any openhouse events a real estate agency hosts, provides or supports.

**b. Businesses that provide personal care services relating to the hair or body, including hair salons and barbershops, manicure and pedicure salons, aesthetician services, piercing services, tanning salons, spas and tattoo studios.**

[Section 8 of Schedule 2, O. Reg. 364/20]

- I. Subsection 3(1) of Schedule 1, O. Reg. 364/20 applies to all personal care services relating to the hair or body, including hair salons and barbershops, manicure and pedicure salons, aesthetician services, piercing services, tanning salons, spas and tattoo studios.
- II. The person responsible for the establishment must post a sign in a conspicuous location visible to the public that states the capacity limits under which the establishment is permitted to operate.
- III. No personal care services that require the removal of a mask or face covering may be provided.

**c. Indoor recreational amenities.**

[Section 17 of Schedule 2, O. Reg. 364/20]

- I. See paragraph 5) above
- II. The total number of members of the public who are permitted to be in the amenity at any one time must be limited to 50 per cent of the capacity of the amenity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
- III. The person responsible for the recreational amenity, or, where there is not such responsible person, the person holding a permit for the use of the recreational amenity, must post a sign in a conspicuous location visible to the public that states the capacity limits under which the recreational amenity is permitted to operate.

**d. Outdoor recreational amenities, in respect of indoor clubhouses.**

[Section 18 of Schedule 2, O. Reg. 364/20]

- I. See paragraph 5) above
- II. The total number of members of the public permitted to be in any indoor clubhouse at the outdoor recreational amenity at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor clubhouse and in any event may not exceed 50 per cent of the capacity of the clubhouse, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.

- III. The person responsible for the outdoor amenity must post a sign in a conspicuous location visible to the public that states the capacity limit under which the indoor clubhouse is permitted to operate.

***e. Photography studios and services, in respect of indoor areas.***

[Section 21 of Schedule 2, O. Reg. 364/20]

- I. See paragraph 5) above
- II. The person responsible for the studio or service must post a sign in a conspicuous location visible to the public that states the capacity limit under which the establishment is permitted to operate.
- III. For greater certainty, the total number of patrons permitted indoors at the studio or the place where the service is provided must be limited to the number that can maintain a physical distance of at least two metres from every other person in the establishment.

***f. Museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions, in respect of indoor areas.***

[Section 24 of Schedule 2, O. Reg. 364/20]

- I. See paragraph 5) above
- II. The number of members of the public in the outdoor ticketed area of the attraction at any one time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- III. The number of members of the public in the indoor ticketed area of the attraction at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor ticketed area of the attraction and in any event may not exceed 50 per cent capacity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
- IV. The number of members of the public at a seated event or activity within the attraction at any one time must not exceed,
  1. 50 per cent of the usual seating capacity for the event or activity, in the case of events or activities indoors, or 1,000 persons, whichever is less, and
  2. 75 per cent of the usual seating capacity for the event or activity, in the case of events or activities outdoors, or 15,000 persons, whichever is less.
- V. The number of members of the public at an outdoor event or activity at the attraction at any one time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20, or 5,000 persons, whichever is less.
- VI. The number of members of the public permitted to be in a particular room in the indoor portion of the attraction at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the room and in any event may not exceed 50 per cent capacity of the room in the attraction, as determined in accordance with



subsection 3(3) of Schedule 1, O. Reg. 364/20, or if it is a seated event or activity taking place in the room, must be limited in accordance with subparagraph ~~iii~~ iv 1. of this provision and the total capacity for the particular room cannot be added to increase the total capacity of the indoor ticketed area as provided for under paragraph ii of this provision.

- VII. If a concert, event, performance or movie is held at the park, the conditions in section 22 of Schedule 2, O. Reg. 364/20 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for museums etc. so as to increase the capacity permitted under section 24 of Schedule 2, O. Reg. 364/20 as supplemented by these instructions.
- VIII. Any indoor amusement rides operated by the attraction must be operated to enable every person on the ride to maintain a physical distance of at least two metres from every other person on the ride, except where necessary,
  1. to facilitate payment, or
  2. for the purposes of health and safety.
- IX. Any indoor tour vehicles operated by the attraction must be operated to enable every person on the tour vehicle, including tour guides, to maintain a physical distance of at least two metres from every other person, except where necessary,
  1. to facilitate payment, or
  2. for the purposes of health and safety.
- X. Paragraphs ~~viii~~ and ix do not apply in respect of a group of persons if the persons are all,
  1. members of the same household,
  2. a member of one other household who lives alone, or
  3. a caregiver for any member of either household.
- XI. The person responsible for the attraction must post a sign in a conspicuous location visible to the public that states the capacity limits under which the attraction is permitted to operate and the capacity limits of any seated event or activity within the attraction.

***g. Amusement parks, in respect of indoor areas.***

[Section 27 of Schedule 2, O. Reg. 364/20]

- I. See paragraph 5) above
- II. The number of members of the public in the outdoor area of the park at any one time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- III. The number of members of the public in the indoor area of the park at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor area of the park and in any event may not exceed 50 per cent capacity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
- IV. The number of members of the public at any particular outdoor attraction within the park at any one time must not exceed 75 per cent capacity, as determined in accordance with section

3.0.1 of Schedule 1, O. Reg. 364/20.

- V. The number of members of the public at any particular indoor attraction within the park at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor attraction and in any event may not exceed 50 per cent capacity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
- VI. If a concert, event, performance or movie is held at the park, the conditions in section 22 of Schedule 2, O. Reg. 364/20 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for amusement parks etc. so as to increase the capacity permitted by section 27 of Schedule 2, O. Reg. 364/20 supplemented by these instructions.
- VII. Any indoor amusement rides at the park must be operated to enable every person on the ride to maintain a physical distance of at least two metres from every other person on the ride, except where necessary,
  - 1. to facilitate payment, or
  - 2. for the purposes of health and safety.
- VIII. Paragraph vii. above does not apply in respect of a group of persons if the persons are all,
  - 1. members of the same household,
  - 2. a member of one other household who lives alone, or
  - 3. a caregiver for any member of either household.
- IX. The person responsible for the park must post a sign in a conspicuous location visible to the public that states the capacity limits under which the park is permitted to operate and the capacity limits of any seated event or activity within the park.

***h. Fairs, rural exhibitions, festivals and similar events, in respect of indoor areas.***

[Section 28 of Schedule 2, O. Reg. 364/20]

- I. See paragraph 5) above
- II. The number of members of the public in the outdoor area of the facility where the event takes place at any one time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- III. The number of members of the public in the indoor area of the facility where the event takes place at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor area of the facility and in any event may not exceed 50 per cent capacity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
- IV. The number of members of the public at any particular outdoor attraction within the facility at any one time must not exceed 75 per cent capacity, as determined in accordance with 3.0.1 of Schedule 1, O. Reg. 364/20.
- V. The number of members of the public at any particular indoor attraction within the facility at any one time must be limited to the number that can maintain a physical distance of at least

two metres from every other person in the indoor attraction and in any event may not exceed 50 per cent capacity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.

- VI. If a concert, event, performance or movie is held at the facility, the conditions in section 22 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for fairs etc. so as to increase the capacity permitted under section 28 of Schedule 2, O. Reg. 364/20 as supplemented by these instructions.
- VII. Any indoor amusement rides at the facility must be operated to enable every person on the ride to maintain a physical distance of at least two metres from every other person on the ride, except where necessary,
  - 1. to facilitate payment, or
  - 2. for the purposes of health and safety.
- VIII. Paragraph vii. above does not apply in respect of a group of persons if the persons are all,
  - 1. members of the same household,
  - 2. a member of one other household who lives alone, or
  - 3. a caregiver for any member of either household.
- IX. The person responsible for the event must post a sign in a conspicuous location visible to the public that states the capacity limits under which the event is permitted to operate.

***i. Businesses that provide tour and guide services, including guided hunting trips, tastings and tours for wineries, breweries and distilleries, fishing charters, trailriding tours, walking tours and bicycle tours, in respect of indoor areas.***

[Section 29 of Schedule 2, O. Reg. 364/20]

- I. See paragraph 5) above
- II. The number of members of the public on the tour must not exceed the number of persons that would permit every person on the tour, including tour guides, to maintain a physical distance of at least two metres from every other person.

***i. Businesses that provide boat tours, if the business is otherwise permitted to operate under section 30 of Schedule 2, O. Reg. 364/20.***

[Section 30 of Schedule 2, O. Reg. 364/20]

- I. See paragraph 5) above
- II. The total number of members of the public permitted on the boat at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person on the vessel, and in any event must not exceed 50 per cent of the usual maximum number of passengers that may be carried on board, as indicated on the vessel's inspection certificate or Passenger Ship Safety Certificate issued under the Vessel Certificates Regulations (Canada) or on an equivalent certificate issued by a foreign government.

- III. The person responsible for the business must post a sign in a conspicuous location visible to the public that states the capacity limits under which the boat tour is permitted to operate.

## **PART C – MASKING REQUIREMENTS FOR ORGANIZED PUBLIC EVENTS**

### **19. Organized public events, indoor and outdoor.**

All persons responsible for a business or organization that is open and hosts or is similarly responsible for the conduct of an organized public event shall ensure that every person shall wear a mask or face covering in a manner that covers their mouth, nose and chin during any period in which they are,

- a.* in attendance at an indoor or outdoor organized public event permitted by O. Reg. 364/20; and
- b.* within two metres of another individual who is not part of their household.

This provision does not require a person to wear a mask or face covering if they are subject to an exception set out in subsection 2(4) of Schedule 1, O. Reg 364/20.

Inquiries about these instructions should be directed to [healthyworkplaces@algotmapublichealth.com](mailto:healthyworkplaces@algotmapublichealth.com).



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