

CLASS ORDER

Made pursuant to Section 22 (5.0.1)

of the *Health Protection and Promotion Act, R.S.O. 1990, c.H.7*, as amended

This class order amends and, effective December 17, 2021 at 12:01 a.m., replaces the class order effective November 29, 2021.

DATE: December 15, 2021

TO: All persons residing or present in The District of Algoma Health Unit and served by Algoma Public Health¹

I, Dr. Jennifer Loo, Medical Officer of Health for Algoma Public Health, order you to comply with the following actions effective from Friday, December 17, 2021 at 12:01 a.m. until Sunday, January 16, 2022 at 11:59 p.m., subject to any amendment, rescission and/or extension of this order:

Gatherings

1. (1) Subject to subsection (2) and sections 2 to 6 below, no person shall attend,
 - (a) an organized public event** of more than,
 - (i) 10 people if the event is held indoors, or
 - (ii) 25 people if the event is held outdoors;
 - (b) a social gathering** of more than,
 - (i) 10 people if the gathering is held indoors, or
 - (ii) 25 people if the gathering is held outdoors; or
 - (c) a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony of more than,
 - (i) 10 people if the gathering is held indoors, or
 - (ii) 25 people if the gathering is held outdoors.

¹ Areas Comprising Health Units, R.R.O. 1990, Reg. 553, Schedule 1, issued under the *Health Protection and Promotion Act*; the Board of Health for The District of Algoma Health Unit operates as Algoma Public Health

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 0A9	Wawa, ON P0S 1K0
Blind River, ON P0R 1B0	Elliot Lake, ON P5A 1Y9	Tel: 705-942-4646	Tel: 705-856-7208
Tel: 705-356-2551	Tel: 705-848-2314	TF: 1 (866) 892-0172	TF: 1 (888) 211-8074
TF: 1 (888) 356-2551	TF: 1 (877) 748-2314	Fax: 705-759-1534	Fax: 705-856-1752
Fax: 705-356-2494	Fax: 705-848-1911		

(2) For greater certainty, the limits in clause (1)(c) above apply to a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony, such as a wedding reception, while the limits that apply to the wedding, funeral or religious service, rite or ceremony itself are set out in sections 5 and 6 below.

(3) For greater certainty, subsections (1) and (2) above apply with respect to an organized public event or social gathering even if it is held at a private dwelling, including houses, apartment buildings, condominium buildings and post-secondary student residences.

Exceptions, single household

2. Section 1 does not apply with respect to,

- (a) a gathering of members of a single household;
- (b) a gathering that includes members of a household and one other person from another household who lives alone; or
- (c) a gathering that includes persons described in clause (a) or (b), and a caregiver for any of those persons.

Exception, retirement homes

3. Section 1 does not apply with respect to a gathering in a retirement home within the meaning of the *Retirement Homes Act, 2010* if it is in compliance with the policies or guidance, if any, issued by the Retirement Homes Regulatory Authority.

Exceptions from organized public event requirements

4. The prohibitions on attendance at an organized public event in clause 1(1)(a) above do not apply with respect to attendance at,

- (a) a day camp or overnight camp for children that is in compliance with section 21 of Schedule 2 of O. Reg. 364/20; or
- (b) a drive-in cinema, or a business or place that provides drive-in or drive-through concerts, artistic events, theatrical performances and other performances, as long as:
 - (i) no vehicle contains no more than 10 people and the driver of the motor vehicle at the drive-in cinema or the drive-in or drive-through concert, event or performance must ensure that it is positioned at least two metres away from other motor vehicles; and
 - (ii) is in compliance with any further restrictions imposed by my [letter of instruction issued November 15, 2021 and as may be amended](#) from time to time.

Indoor wedding, funeral or religious service, rite or ceremony

5. (1) This section applies with respect to gatherings for the purposes of a wedding, a funeral or a religious service, rite or ceremony, if the gathering is held in a building or structure other than a private dwelling.

(2) No person shall attend a gathering to which this section applies unless the following conditions are met:

- (a) The number of persons occupying any room in the building or structure while attending the gathering must be limited to the number that can maintain a physical distance of at least two metres from every other person in the room.
- (b) All persons attending the gathering must comply with public health guidance on physical distancing.

Outdoor wedding, funeral or religious service, rite or ceremony

6. (1) This section applies with respect to outdoor gatherings for the purposes of a wedding, a funeral or a religious service, rite or ceremony.

(2) No person shall attend a gathering to which this section applies unless all persons attending the gathering comply with public health guidance on physical distancing.

** 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”.

All must comply with the requirements set out in the *Reopening Ontario (A Flexible Approach to COVID-19) Act, 2020 (“ROA”)* including O. Reg. 364/20, as amended, issued under that Act (Ontario’s Step 3 Rules). Where this order imposes one or more additional requirements not set out in the ROA or O. Reg. 364/20, the requirement(s) of this order must also be followed.

THE REASONS FOR THE ORDER ARE THAT:

1. COVID-19, a disease caused by a novel coronavirus, is designated as a disease of public health significance and a communicable disease pursuant to Ontario Regulation 135/18 under the *Health Protection and Promotion Act*.
2. COVID-19 has been declared a pandemic by the World Health Organization. The Province of Ontario has enacted emergency orders under the *Emergency Management and Civil Protection Act*, continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, as a result of the pandemic.
3. COVID-19 can cause acute and severe respiratory illness in humans. While most people with COVID-19 will recover on their own, complications from COVID-19 can also include serious conditions like pneumonia, cardiovascular disorders or kidney failure and, in some cases, death. People at high risk of such complications include seniors and people with chronic medical conditions, e.g., diabetes, lung problems, immune deficiency and cardiovascular disease.

4. There are limited treatments for COVID-19; while evidence confirms that vaccines now available likely reduce COVID-19 transmission and the risk of severe illness and hospitalization if acquired, Public Health Ontario continues to monitor the impact of vaccination.
5. COVID-19 is present in the Municipality of Sault Ste. Marie, and The District of Algoma Health Unit generally, and therefore poses a risk to the health of the residents of Algoma Public Health through community transmission.
6. The COVID-19 virus is spread from an infected person to an uninfected person by direct contact or from a close encounter during which respiratory secretions from the infected person are transmitted to the uninfected person.
7. The COVID-19 period of communicability or infectiousness is understood to be up to 10 days for most people.
8. The COVID-19 incubation period (the period between exposure to an infection and the appearance of the first symptoms) can be up to 14 days, however, is most commonly up to 10 days.
9. The number of cases and/or deaths from COVID-19 continues to rise in Algoma Public Health.
10. Of particular concern is recent transmission across Ontario, including in areas served by Algoma Public Health, of variants of the COVID-19 virus identified to be of great concern given their potential for increased transmission and increased capacity to cause illness and death. This includes the highly transmissible Omicron variant, which is now [strongly suspected and presumed to be present] OR [confirmed to be present] in Algoma. Omicron-related exposures have impacted several Algoma communities, due to not only international, but domestic and local travel.
11. Immediate and mandatory measures in response to high COVID-19 activity in The District of Algoma Health Unit, including those set out in this order, are required to contain further spread of the COVID-19 virus and its variants within The District of Algoma Health Unit generally, to decrease and eliminate the related health risks to those residing or present in the geographic area served by APH.

AND I AM OF THE OPINION, UPON 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 this class to whom it is directed is likely to cause a delay that could significantly increase the risk to the health of any person residing in the jurisdiction of Algoma Public Health. Therefore, notice shall be provided through the public media and the internet via posting at www.algomapublichealth.com.

NOTICE:

TAKE NOTICE THAT, each member of the class to whom this order is directed is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered notice in writing to me and to the Health Services Appeal and Review Board (c/o Health Board Secretariat, 151 Bloor Street West, 9th Floor, Toronto, ON, M5S 2T5), requesting a hearing within 15 days after publication of this order. During the COVID-19 pandemic:

- All requests for review, submissions, materials, and inquiries should be sent to the Health Services Appeal and Review Board by e-mail to hsarb@ontario.ca or faxed to the Board at 416-327-8524.
- Instead of mail or courier, you may email your request for review to me at eateam@algomapublichealth.com. Should you wish to do so, however, please carefully consider the use of electronic communication for sensitive information. Algoma Public Health will use reasonable means to protect your information but, due to the inherent risks of electronic communication, confidentiality cannot be guaranteed.

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 under sections 100 and 101 of the *Health Protection and Promotion Act* for which you may be liable to a set fine of \$750.00 (ticket), or otherwise of not more than \$5,000 for every day or part of each day on which the offence occurs or continues to occur, on conviction.

FAILURE TO COMPLY WITH THIS ORDER may also result in further legal action being taken against you under sections 36(2), 35, 102 and other relevant provisions of the *Health Protection and Promotion Act*.



Dr. Jennifer Loo MD, MSc, CCFP, FRCPC
Medical Officer of Health
Algoma Public Health