



CLASS ORDER

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

Date: April 26, 2021

TO: Owners/Operators of Facilities for indoor sports and recreational fitness activities providing access to persons with a disability and such support persons or service animals as may be necessary for the person with a disability as permitted under Ontario Regulation 82/20: Rules for Areas in Stage 1, Schedule 2, s. 48(3.1)

I, Vera Etches, Medical Officer of Health of the City of Ottawa Health Unit, hereby order all persons who own or operate facilities for indoor sports and recreational fitness activities take the following actions when providing access to persons with disability as permitted under Ontario Regulation 82/20: Rules for Areas in Stage 1, Schedule 2, S.48(3.1) **effective 12:01 am on Tuesday, April 27, 2021:**

1. Ensure all patrons attending the facility show to a staff member proof of written instructions for physical therapy from a physician, nurse practitioner, physiotherapist, occupational therapist, chiropodist/podiatrist, chiropractor, or kinesiologist that is qualified to provide such instruction.
2. Ensure all patrons attending the facility verbally or in writing attest that the written instructions in paragraph 1 were obtained from a regulated health professional.
3. Ensure all patrons attending the facility verbally or in writing attest they are unable to engage in physical therapy elsewhere.
4. Ensure staff record the name and contact information of each patron who presents the written proof of instructions for physical therapy and the attestations referred to in paragraphs 1 to 3.

5. Ensure that all patrons meeting the criteria for physical therapy make a scheduled appointment to attend the facility.
6. Ensure the name of each patron, the contact information of each patron, and the date and period of time each patron entered or used the facility is recorded.
7. Ensure all records referred to in paragraphs 4 and 6 of this Order are retained for at least 30 days. These records must be stored and destroyed in a secure manner to preserve the privacy of these to whom the information relates.
8. Screen every individual who enters the premises in accordance with the advice, recommendations, and instructions of the Office of the Chief Medical Officer of Health before they enter the premises. The instructions of the Office of the Chief Medical Officer of Health are available at:
<https://covid-19.ontario.ca/download-covid-19-screenings#customer-screening>.
9. Ensure that a minimum of one staff person is present at all times at the premises to monitor compliance with the requirements of this Order.
10. Ensure the maximum number of persons in the facility at any given time is the lesser of:
 - a. The capacity limit for the facility prescribed by Ontario Regulation 82/20; or
 - b. The maximum number of persons able to occupy the facility while maintaining a 3 metre distance from every other person in the facility
11. Post signs at all entrances to the premises, in a conspicuous location visible to the public, that states the maximum number of people that are permitted in the premises at any given time in accordance with paragraph 10 above and that all patrons are required to make a scheduled appointment prior to entering the premises.
12. Post signs at all entrances to the premises, in a conspicuous location visible to the public, that state the hours the premises are open to patrons.
13. Comply with all applicable Ottawa Public Health Orders and Instructions that are available at: <https://www.ottawapublichealth.ca/en/public-health-topics/public-health-orders-and-instructions.aspx> .

14. Display mandatory masking signage in a conspicuous place at the premises. Mask signage is available at: https://documents.ottawa.ca/sites/documents/files/mandmask_bil_en.pdf . Although temporary removal of masks is permitted when engaging in an athletic or fitness activity, mask-wearing is strongly encouraged at all times including when possible while engaging in a fitness activity.
15. Display in a conspicuous place on the premises signage indicating that individuals in the facility must keep a 3 metre distance from all other individuals in the facility.
16. Immediately provide unobstructed access to the premises or any area of the premises during hours of operation for purposes of ensuring compliance with this Order to myself, a public health inspector, or other persons acting under my direction including but not limited to Ottawa Public Health staff, a City of Ottawa By-law and Regulatory Services Officer, or a police officer.
17. Upon request, immediately provide unobstructed access to and copies of any record that is required to be kept under paragraphs 4 and 6 of this Order or is related to COVID-19 precautions, requirements, or recommendations to myself, a public health inspector, or other persons acting under my direction including but not limited to Ottawa Public Health staff, a City of Ottawa By-law and Regulatory Services Officer, or a police officer.
18. Comply with and promptly implement any additional instructions or measures necessary to address specific concerns with respect to preventing the spread of COVID-19.

All must comply with the requirements under this Order as well as the requirements set out under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, the *Emergency Management and Civil Protection Act* including applicable regulations. Where this Order imposes an additional requirement not set out under other laws, including but not limited to provincial regulations, the requirement under this order must be followed.

The reasons for this order are that:

1. COVID-19 is a disease caused by a novel coronavirus and 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*. COVID-19 can cause acute and severe respiratory illness and death in humans.

2. Variants of concern (VOCs) of the COVID-19 virus (SARS CoV-2) have been steadily increasing in frequency in Ottawa. Given the opportunity for transmission, VOCs increase the probability of transmission compared with the original COVID-19 virus.
3. The risk of transmission is elevated when there is crowding, close contact, prolonged exposure and forceful exhalation (e.g., individuals physically exerting themselves by participating in sports and recreation activities).
4. Adopting physical distancing and other measures to reduce close contact between individuals outside a household in recreational facilities is likely to reduce the risk of the spread of COVID-19 in the City of Ottawa.
5. There have been reported outbreaks of COVID-19 at indoor fitness facilities in Canada.

And I am of the opinion, upon reasonable and probable grounds:

1. That a communicable disease, namely COVID-19, exists or may exist, or that there is an immediate risk of an outbreak of a communicable disease in the City of Ottawa;
2. That the communicable disease, namely COVID-19 presents a risk to the health of persons in the City of Ottawa; and
3. That these requirements as specified in this order are necessary 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 Ottawa public website at: <https://www.OttawaPublicHealth.ca/Coronavirus>

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.



Vera Etches, Medical Officer of Health

This Order shall be posted on the Ottawa Public Health website:
<https://www.OttawaPublicHealth.ca/Coronavirus>

Inquiries about this Order should be directed to the Ottawa Public Health at (613) 580-6744.

