



Revoked at 11:59pm on May 21, 2021

CLASS ORDER

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

Date: April 19, 2021

TO: Individuals who use a Designated Outdoor Recreational Amenity (as defined in this order) in the City of Ottawa

I, Vera Etches, Medical Officer of Health for the City of Ottawa 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 12:01 am on Wednesday, April 21, 2021, and ending on 11:59 pm on May 25, 2021**, unless extended by the Medical Officer of Health:

1. Wear a mask or face covering in a manner that covers their mouth, nose and chin during any period when they are at a Designated Outdoor Recreational Amenity or are in a public area within five (5) metres of any point on the perimeter of a Designated Outdoor Recreational Amenity.

This requirement does not apply to an individual younger than two (2) years of age, or a child who is under five (5) years of age chronologically or developmentally, and who refuses to wear a mask and cannot be persuaded to do so by their caregiver.

Despite any allowances made under the provincial regulations or the City of Ottawa Temporary Mandatory Mask By-law, an individual must wear a mask while engaging in physical activity and may only remove a mask temporarily as may be necessary for:

- (a) an emergency or medical purpose; or
 - (b) to consume food or drink.
2. Always maintain a physical distance of at least two (2) metres from every other person except from a member of the same household or your support person.
 3. Wear a face masks and practice physical distancing when waiting to access a Designated Outdoor Recreational Amenity.

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.

DEFINITIONS:

“**Designated Outdoor Recreational Amenity**” means the following outdoor recreational amenities to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry:

1. Outdoor Playgrounds, outdoor play structures, and outdoor play equipment, such as, but without being limited to
 - i. Slides;
 - ii. Swings;
 - iii. Climbing apparatuses; and
 - iv. Sand boxes

For greater clarity this Order does not apply to Designated Outdoor Recreational Amenities that are only used by:

- (a) students who are using a Designated Outdoor Recreational Amenity at a school within the meaning of the *Education Act* while attending in class learning 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.
- (b) children who are using a Designated Outdoor Recreational Amenity at a child care centre that is operating in compliance with the child care re-opening guidance issued by the Ministry of Education.

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 as amended. COVID-19 has been declared a pandemic by the World Health Organization. The Province of Ontario has enacted emergency orders and the City of Ottawa has declared an emergency under the *Emergency Management and Civil Protection Act* as a result of the pandemic.



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2. COVID-19 is present in the City of Ottawa and therefore poses a risk to the health of the residents of the City of Ottawa through community transmission. The COVID-19 virus is spread from an infected person to a close contact by direct contact or from respiratory secretions from the infected person.
3. While the risk of transmission of COVID-19, on average, is greater in indoor spaces compared to outdoors, the risk of transmission is elevated in outdoor spaces 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. 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.
5. Adopting physical distancing and masking requirements and other measures to reduce close contact between individuals outside a household in Outdoor Recreational Amenities is likely to reduce the risk of the spread of COVID-19 in the City of Ottawa.

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 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.



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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 Ottawa Public Health at (613) 580-6744.

