

CLASS ORDER

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

TO: All persons within The Regional Municipality of York who own or operate certain retail businesses and/or shopping malls that are permitted to operate or deliver services or to which access is permitted pursuant to the provisions of O. Reg 82/20: Rules for Areas in Stage 1:

I, Dr. Karim Kurji, Medical Officer of Health for The Regional Municipality of York, revoke the Section 22 Class Order issued by me dated November 22, 2020 (the "November 22, 2020 Class Order").

In place of the November 22, 2020 Class Order, I hereby order the persons described above 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, December 14, 2020**, until further notice:

1. Comply with all requirements that apply to your retail business or shopping mall 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.

Retail Businesses

2. All retail businesses permitted to operate pursuant to O. Reg 82/20, Schedule 2, Section 2 (1) shall:
 - (a) prominently post or display at each entrance the total number of persons permitted in the premises calculated on the basis that the patrons are able to maintain a physical distance of at least two metres from every other person in the business or facility and in no event shall exceed the 50 percent maximum capacity limit and requirements described in O. Reg 82/20, Schedule 1, Section 3 (1)(b);
 - (b) actively monitor compliance with the said capacity limit at all entrances and, in addition, ensure that physical distancing of two metres is always maintained by patrons and staff in all areas including, but not limited to, common areas, washrooms, hallways, entrances etc.;
 - (c) actively monitor all line-ups of patrons congregating and ensure all patrons lining-up or congregating inside or outside the premises maintain physical distancing of least two metres and wear a mask or face covering which complies with the requirements described in O. Reg 82/20, Schedule 1, section 2 (4);
 - (d) follow all further instructions from York Region Public Health pertaining to COVID-19 that apply to your premises.

Shopping Malls

3. All shopping malls shall:
 - (a) actively monitor all line-ups of patrons congregating and ensure all patrons lining up or congregating inside or outside the premises who are permitted to enter the premises in accordance with O. Reg. 82/20, Schedule 2, section 5, maintain a physical distancing of least two metres and wear a mask or face covering described in O. Reg 82/20, Schedule 1, Section 2 (4).
 - (b) follow all further instructions from York Region Public Health pertaining to COVID-19 that apply to your premises.

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 evidence that safe and prescribed physical distancing rules and protocols have not been consistently followed in retail settings and shopping malls, 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 york.ca/preventcovid19 and [Preventing COVID in the workplace](#).

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.

FAILURE to comply with this Order may also result in a further Order pursuant to section 22 of the Health Protection and Promotion Act to close the premises to which this Order applies until such time as the Medical Officer of Health is satisfied that compliance has been achieved.

Karim Kurji

Dr. Karim Kurji
Medical Officer of Health
York Region Public Health
17250 Yonge Street
Newmarket, ON L3Y 6Z1

This Order shall be posted on: york.ca/preventcovid19 and [Preventing COVID in the workplace](#).

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