



## INSTRUCTIONS FROM THE MEDICAL OFFICER OF HEALTH

**These instructions amend and replace the instructions effective November 29, 2021  
(First issued November 8 and amended November 9, 20 and 26, 2021)**

**They also amend and replace the instructions for Organized Sport(s)  
effective November 15, 2021  
(First issued September 29 and amended November 11, 2021)**

**DATE: December 9, 2021    EFFECTIVE: December 11, 2021 at 12:01 a.m.**

**TO:    Persons responsible for a business or organization that is open in the  
Districts of Sudbury and Manitoulin<sup>1</sup>**

In response to persistently high and growing [COVID-19](#) case counts in Sudbury and districts, and in consultation with Ontario's Chief Medical Officer of Health, I have determined that it is – unfortunately – necessary to take additional and immediate action to further limit the spread of this virus (including its variants of concern), protect our community's health, and protect our health system within the areas served by Public Health Sudbury & Districts.

The provincial [Plan to Safely Reopen Ontario](#) requires local public health to monitor trends and to put in place additional protections as warranted.

Case rates continue to climb in the Sudbury and districts, where we continue to experience a surge in people testing positive for COVID-19 that coincided with the lifting of provincial protections, beginning October 9, 2021. Though the reimplementation of these protections have prevented large increases in

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<sup>1</sup> The Sudbury and District Health Unit served by Public Health Sudbury & Districts (the Board of Health for the Sudbury and District Health Unit) consists of the Territorial Districts of Sudbury and Manitoulin: Areas Comprising Health Units, R.R.O. 1990, Reg. 553, as amended, Schedule 35

### **Sudbury**

1300 rue Paris Street  
Sudbury ON P3E 3A3  
t: 705.522.9200  
f: 705.522.5182

### **Elm Place**

10 rue Elm Street  
Unit / Unité 130  
Sudbury ON P3C 5N3  
t: 705.522.9200  
f: 705.677.9611

### **Sudbury East / Sudbury-Est**

1 rue King Street  
Box / Boîte 58  
St.-Charles ON POM 2W0  
t: 705.222.9201  
f: 705.867.0474

### **Espanola**

800 rue Centre Street  
Unit / Unité 100 C  
Espanola ON P5E 1J3  
t: 705.222.9202  
f: 705.869.5583

### **Île Manitoulin Island**

6163 Highway / Route 542  
Box / Boîte 87  
Mindemoya ON POP 1S0  
t: 705.370.9200  
f: 705.377.5580

### **Chapleau**

34 rue Birch Street  
Box / Boîte 485  
Chapleau ON POM 1K0  
t: 705.860.9200  
f: 705.864.0820

### **toll-free / sans frais**

1.866.522.9200

[phsd.ca](http://phsd.ca)



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case rates, our rates continue to increase and remain among the highest in the province. On December 4, 2021, Public Health Sudbury & Districts surpassed a milestone of 4000 COVID-19 cases reported since the beginning of the pandemic, less than one month after we reached the previous milestone of 3000 cases. Despite the pandemic being in its 21<sup>st</sup> month, more than one quarter (26%) of total cases have been reported in just the last 30 days. Additionally, Greater Sudbury is currently experiencing a record number of outbreaks, primarily in schools and workplaces. Our situation could continue to get worse with the winter months when more people will be inside for longer periods of time, and there are further concerns about the Omicron variant and the socializing that occurs with the holiday season.

My amended instructions now include the following:

PART A - GENERAL

PART B – REINSTATING CAPACITY LIMITS AND PHYSICAL DISTANCING REQUIREMENTS;  
STRENGTHENING PUBLIC HEALTH MEASURES

PART C – SECTOR-SPECIFIC REQUIREMENTS

PART D – MASKING REQUIREMENTS FOR ORGANIZED PUBLIC EVENTS

PART E – PROOF OF VACCINATION AGAINST COVID-19

PART F - WORK FROM HOME EXCEPT WHERE ON-SITE PRESENCE IS REQUIRED; ON-SITE,  
LIMIT INTERACTIONS

I am implementing these protections, effective Saturday, December 11, 2021, at 12:01 a.m., to strengthen our “circuit-breaker” effort to interrupt chains of transmission within our community. This incremental change will also protect local businesses and workers by -- we hope -- avoiding any need for more drastic measures.

I issue these instructions with continued 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 the City of Greater Sudbury, in the remaining areas served by Public Health Sudbury & Districts 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.

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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.

I cannot provide you with an “end-date” for these instructions. My current expectation, in consultation with the Chief Medical Office of Health, is that they will be in place over the holiday season, allowing us to resume our transition to a “reopened” community by mid-January. It is not possible at this time to account for the potential impact of the Omicron variant of concern, about which much is currently being learned. In the meantime, any further provincial measures to lift capacity limits and physical distancing requirements will be delayed across the districts of Sudbury and Manitoulin. I assure you that I am monitoring local, provincial and national developments closely and will adjust our course accordingly. I may amend these instructions (if and as required) and will rescind them as soon 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 (as amended).
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), the requirements of these instructions must also be followed by persons responsible for a business or organization (i.e., establishment) that is open.

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4. Where O. Reg. 364/20 cross-references one or more provisions in that regulation that are subject to instructions issued by me, the requirements of those instructions must also be followed in addition to the requirements of O. Reg. 364/20 by persons responsible for a business or organization (including its establishment/facility) that is open.

**PART B – REINSTATING CAPACITY LIMITS AND PHYSICAL DISTANCING REQUIREMENTS;  
STRENGTHENING PUBLIC HEALTH MEASURES**

5. Beginning October 9, 2021, capacity limits and physical distancing requirements for some establishments were lifted by provincial changes to O. Reg. 364/20.<sup>2</sup> Those changes were reversed and the former requirements reinstated for some sectors in the City of Greater Sudbury by letter of instructions first issued November 8, 2021. This amended letter of instructions now extends those reinstated requirements throughout the area served by Public Health Sudbury & Districts (**PHSD**) and strengthens other public health measures.

6. **Capacity limits and other public health measures.**

- 6.1. In addition to the current requirements of O. Reg. 364/20, the following requirements apply to open businesses and organizations (including their establishments/facilities)<sup>3</sup> as provided in paragraphs 7 to 41 below:
  - a. **Capacity limits.** The general capacity limit established by subsection 3(1) of Schedule 1, O. Reg. 364/20 applies, 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. **Social gathering & organized public event limits.** No establishment/facility to which these limits apply (they do not apply to all sectors) shall host, permit or otherwise participate in a social gathering or organized public event of more than 10 people (if the gathering/event is held indoors) or more than 25 people (if the gathering/event is held outdoors). For greater certainty:
    - i. An indoor gathering/event cannot be combined with an outdoor gathering/event so as to increase the limit on the number of people at the event/gathering.
    - ii. An establishment/facility with a capacity limit under O. Reg. 364/20 as supplemented by these instructions that exceeds the gathering/event limits in paragraph b. may admit more than one gathering/event as long as measures are taken to separate the gatherings/events so that every member of a gathering/event is seated at least two metres from every other person outside their own gathering/event. For example, a restaurant with capacity for 20 persons

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<sup>2</sup> O. Reg. 364/20 as amended by O. Regs. 698/21, 727/21 and 732/21

<sup>3</sup> All references below to establishments and/or facilities refer to the establishments and/or facilities of a business or organization that is open.

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(determined in accordance with these instructions) could admit two such gatherings/events of 10 persons.

- iii. These limits apply to a social gathering associated with a wedding, a funeral or 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 section 6 of Schedule 3, O. Reg. 364/20.
  - iv. These limits do 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 (a) or (b) and a caregiver for any of those persons.
  - v. These limits do 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.
  - vi. A workplace event undertaken by a business or organization solely for core workplace purposes such as recruitment, annual general meetings, etc. is not a “social gathering” or “organized public event”. In accordance with Part F below, however, all such events should be conducted remotely where possible.
- c. **Active screening.** All patrons/members of the public entering the establishment/facility must be actively screened in accordance with the advice, recommendations and instructions of the Chief Medical Officer of Health before they enter the indoor premises of the establishment/facility. This is required for persons entering the premises of the establishment/facility (indoor or outdoor).
- d. **Information for Contact Tracing.** The facility/establishment must:
- i. Record the name and contact information of every patron/member of the public entering the indoor premises of the facility/establishment;
  - ii. Maintain the records for a period of at least one month, and
  - iii. Only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.
- e. **Masking.** All patrons/members of the public in outdoor premises of the establishment/facility must wear a mask or face covering in a manner that covers their mouth, nose and chin, unless they are entitled to any of the exceptions set out in

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subsection 2(4) of Schedule 1 of O. Reg. 364/20<sup>4</sup>, or maintain a distance of at least 2 metres from every person outside their household.

- f. **Safety plan.** Every business and organization must have and make available a safety plan in accordance with section 3.3 of Schedule 1, O. Reg. 364/20, or ensure that one is prepared and made available, no later than seven days after the requirement first applies.
- i. In addition to the requirements of section 3.3 of Schedule 1, the safety plan shall describe the measures and procedures which have been implemented or will be implemented to ensure compliance by the business/organization (including all establishments/facilities) with all applicable requirements for capacity limits, social gathering & organized public event limits, physical distancing (including ensuring compliance with applicable physical distancing requirements by all present at the facility/establishment), active screening, contact tracing information, masking including the sector-specific requirements set out below.
  - ii. Safety plans should be reviewed with workers regularly, at least once per month, and adjusted as necessary. These meetings must be documented and include: (a) attendees; (b) date of meeting; and (c) summary of discussion.

#### **PART C – SECTOR-SPECIFIC REQUIREMENTS**

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

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

- 7.1. In addition to the current requirements of O. Reg. 364/20, the following capacity limits and physical distancing requirements apply:
- 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 at 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 totalling the result, or 10,000 persons, whichever is less.
  - 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

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<sup>4</sup> For these purposes, the references to “indoor area” in clauses 2(4)(i) and (i) of Schedule 1 shall be read as “outdoor area”.

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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.

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- 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:
  - iii. 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
  - iv. 30,000 persons, in the case of a seated meeting or event.
  - v. 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 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 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.
- h. Paragraphs a. and b. above do not apply if the business or place is rented out to participants in a sport 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:

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**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

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- 7.2. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), e. (masking outdoors) and f. (safety plan).
- 7.3. Proof of vaccination requirements for the indoor areas of meeting and event spaces, including conference centres or convention centres (but not including places described in subsection 4(2) of Schedule 1, O. Reg. 364/20), and some outdoor areas of these spaces, are mandated by section 2.1 of Schedule 1, O. Reg. 364/20.
- 7.4. The following additional requirements apply to the indoor areas of these meeting and event spaces:
  - a. No more than ten people may be seated together at any table in the rented space.
  - b. Patrons must be seated at all times in the rented space, except:
    - i. while entering the area and while moving to their table,
    - ii. while exiting the area,
    - iii. while going to or returning from washroom,
    - iv. while singing or performing music,
    - v. while lining up to do anything described in paragraphs i. to iv., or
    - vi. where necessary for the purposes of health and safety.

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

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

- 8.1. In addition to the current requirements of O. Reg. 364/20, the following capacity limits and physical distancing requirements apply:
  - 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

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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. 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.
- 8.2. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), e. (masking outdoors) and f. (safety plan).
- 8.3. Proof of vaccination requirements for the indoor areas of restaurants, bars and other food or drink establishments without dance facilities (but not with respect to takeout and delivery service) are mandated by section 2.1 of Schedule 1, O. Reg. 364/20.
- 8.4. The following additional requirements apply to the indoor areas of these restaurants, bars and other food or drink establishments without dance facilities:
- a. No buffet-style service may be provided.
  - b. No more than ten people may be seated together at any table at the establishment/facility unless everyone seated at the table is,
    - i. a member of the same household,
    - ii. a member of one other household who lives alone, or
    - iii. a caregiver for any member of the household.
  - c. Patrons must be seated at all times at the establishment/facility, except:
    - i. while entering the area and while moving to their table,
    - ii. while exiting the area,
    - iii. while going to or returning from washroom,
    - iv. while singing or performing music,
    - v. while lining up to do anything described in paragraphs i. to iv., or
    - vi. where necessary for the purposes of health and safety.
  - d. For clarity, patrons must be seated at all times while eating and/or drinking.
  - e. No patron may be permitted to congregate inside the establishment/facility.

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- f. Music must not be played at the establishment/facility at a decibel level that exceeds the level at which normal conversation is possible.

**9. Restaurants, bars and other food or drink establishments with dance facilities.**

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

- 9.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), d. (masking outdoors) and f. (safety plan).
- 9.2. Proof of vaccination requirements for the indoor and outdoor areas of restaurants, bars and other food or drink establishments with dance facilities (but not with respect to takeout and delivery service) are mandated by section 2.1 of Schedule 1, O. Reg. 364/20.
- 9.3. The following additional requirements apply to the indoor areas of these restaurants, bars and other food or drink establishments with dance facilities:
  - a. No buffet-style service may be provided.
  - b. No more than ten people may be seated together at any table at the establishment/facility unless everyone seated at the table is,
    - i. a member of the same household,
    - ii. a member of one other household who lives alone, or
    - iii. a caregiver for any member of the household.
  - c. Patrons must be seated at all times at the establishment/facility, except:
    - i. while entering the area and while moving to their table,
    - ii. while exiting the area,
    - iii. while going to or returning from washroom,
    - iv. while dancing,
    - v. while singing or performing music,
    - vi. while lining up to do anything described in paragraphs i. to v., or
    - vii. where necessary for the purposes of health and safety.
  - d. For clarity, patrons must be seated at all times while eating and/or drinking.

**10. Hotels, motels, lodges, cabins, cottages, resorts and other shared rental accommodation, including student residences.**

[Section 6 of Schedule 2, O. Reg. 364/20]

- 10.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), c. (active screening), d. (contact tracing information), e. (masking outdoors) and f. (safety plan).

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

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

- 11.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: a. (capacity limits), b. (social gathering & organized public event limits), c. (active screening), d. (contact tracing information) and f. (safety plan).
- 11.2. Proof of vaccination requirements for real estate agencies in respect of open houses hosted by the real estate agency, established on an “opt-in” basis by section 2.2 of Schedule 1, O. Reg. 364/20, are hereby mandated by this letter of instruction.

All capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by this letter of instruction must nonetheless continue to be met including, in particular:

- a. Subsection 3(1) of Schedule 1, O. Reg. 364/20 applies to any open house events a real estate agency hosts, provides or supports.

**12. 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]

- 12.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: a. (capacity limits), b. (social gathering & organized public event limits), c. (active screening), d. (contact tracing information) and f. (safety plan).
- 12.2. Proof of vaccination requirements for 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, established on an “opt-in” basis by section 2.2 of Schedule 1, O. Reg. 364/20, are hereby mandated by this letter of instruction.

All capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by this letter of instruction must nonetheless continue to be met including, in particular:

- a. 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.
- b. 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.

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**13. Personal physical fitness trainer.**

[Section 9 of Schedule 2, O. Reg. 364/20]

- 13.1. In addition to the current requirements of O. Reg. 364/20, the requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), e. (masking outdoors) and f. (safety plan).
- 13.2. The following additional requirements apply to personal physical fitness trainers:
- a. Services may not be provided, at one time, indoors or outdoors, to more than the number of persons who can maintain a physical distance of at least three metres from every other person in the space where the services are provided.
  - b. Team sports or games that may result in personal contact must not be practiced or played unless the sport has been modified to avoid personal contact.

**14. Retailers**

[Section 10 of Schedule 2, O. Reg. 364/20]

- 14.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), e. (masking outdoors) and f. (safety plan).

**15. Shopping malls**

[Section 11 of Schedule 2, O. Reg. 364/20]

- 15.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), e. (masking outdoors) and f. (safety plan).
- 15.2. The following additional requirements apply to shopping malls:
- a. Music must not be played at the shopping mall at a decibel level that exceeds the level at which normal conversation is possible.
  - b. No member of the public may be permitted to line up or congregate inside the mall unless they are:
    - i. Maintaining a physical distance of at least two meters from other groups of persons inside or outside the mall, and
    - ii. Wearing a mask or face covering in a manner that covers their mouth, nose and chin, unless they are entitled to any of the exemptions set out in subsection 2(4) of Schedule 1, O. Reg. 364/20.

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**16. Businesses that provide teaching and instruction**

[Section 14 of Schedule 2, O. Reg. 364/20]

- 16.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), e. (masking outdoors) and f. (safety plan).
- 16.2. The following additional requirements apply to businesses that provide teaching and instruction:
- a. If the in-person teaching involves singing or the playing of brass or wind instruments,
    - i. every person who is singing or playing must be separated from every other person by plexiglass or some other impermeable barrier, or
    - ii. every person in the instructional space must remain at least three metres apart from every other person in the instructional space.

**17. Driving instruction**

[Section 15 of Schedule 2, O. Reg. 364/20]

- 17.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: f. (safety plan).

**18. 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]

- 18.1. In addition to the current requirements of O. Reg. 364/20, the following capacity limits and physical distancing requirements apply:
- 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

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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.
- 18.2. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), e. (masking outdoors) and f. (safety plan). In the case of b. (social gathering & organized public event limits), these limits do not apply to the the indoor or outdoor areas of facilities where spectators watch events.
- 18.3. Proof of vaccination requirements for the indoor areas of facilities used for sports and recreational fitness activities, including waterparks and facilities where personal physical fitness trainers provide instruction (including, for greater certainty, the indoor areas of facilities where spectators watch events, but not including places described in subsection 16 (4) of Schedule 2), and some outdoor areas of these facilities, are mandated by section 2.1 of Schedule 1, O. Reg. 364/20.

Additional requirements regarding for the proof of vaccination requirements applicable to these facilities are provided in Part E below.

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- 18.4. The following additional requirements apply to 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):
- a. Every person participating in a fitness or exercise class must maintain a physical distance of at least three metres from every other person.
  - b. Team sports or games that may result in personal contact must not be practiced or played at the facility unless the sport has been modified to avoid personal contact.
  - c. Paragraph b. does not apply to participants in:
    - i. a sport league or association identified in Column 2 of the Tables in paragraph 7 above that is associated with the sport identified in Column 3 of those 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.
  - d. Set, monitor, and enforce occupancy limits for change rooms, washrooms, and bathrooms based on maintaining a minimum distance of 2 metres between occupants.
  - e. Develop policies to minimize the amount of time persons attending the facility spend in enclosed spaces, specifically:
    - i. Not permitting persons attending the facility to enter the facility more than 15 minutes before the start of the event and requiring them to vacate the facility within 15 minutes following the event;
    - ii. Giving direction to participants in all sports and recreational fitness activities to arrive at the facility fully or partially dressed to minimize time spent in changing room facilities; and
    - iii. Giving direction to participants in all sports and recreational fitness activities to remain masked as long as possible before engaging in their sport or recreational fitness activity, e.g., including in changerooms..

**19. Indoor recreational amenities.**

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

- 19.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: a. (capacity limits), b. (social gathering & organized public event limits), c. (active screening), d. (contact tracing information) and f. (safety plan).
- 19.2. Proof of vaccination requirements for indoor recreational amenities, established on an “opt-in” basis by section 2.2 of Schedule 1, O. Reg. 364/20, are hereby mandated by this letter of instruction.

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All capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by this letter of instruction must nonetheless continue to be met including, in particular:

- a. 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.
- b. The person responsible for the recreational amenity, or, where there is no 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.

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

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

- 20.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), c. (active screening), d. (contact tracing information) and f. (safety plan).
- 20.2. Proof of vaccination requirements for outdoor recreational amenities in respect of indoor clubhouses, established on an “opt-in” basis by section 2.2 of Schedule 1, O. Reg. 364/20, are hereby mandated by this letter of instruction.

All capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by this letter of instruction must nonetheless continue to be met including, in particular:

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

**21. Places where commercial film and television production takes place.**

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

- 21.1. In addition to the current requirements of O. Reg. 364/20, the following capacity limits and physical distancing requirements apply:

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- 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.
- 21.2. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply where there is a studio audience: b. (social gathering & organized public event limits), c. (active screening), d. (contact tracing information) and f. (safety plan).
- 21.3. Proof of vaccination requirements for the indoor areas of places where commercial film and television production takes place where there is a studio audience, are mandated by section 2.1 of Schedule 1, O. Reg. 364/20.

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

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

- 22.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), d. (contact tracing information) and f. (safety plan).
- 22.2. Proof of vaccination requirements for photography studios and services in respect of indoor areas, established on an “opt-in” basis by section 2.2 of Schedule 1, O. Reg. 364/20, are hereby mandated by this letter of instruction.

All capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by this letter of instruction must nonetheless continue to be met including, in particular:

- a. The person responsible for the studio or service 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.
- b. 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.

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

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

- 23.1. In addition to the current requirements of O. Reg. 364/20, the following capacity limits and physical distancing requirements apply:

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- 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 concert venue, 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.
  - 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.
- 23.2. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: f. (safety plan).
- 23.3. Proof of vaccination requirements for the indoor areas of concert venues, theatres and cinemas, and for outdoor concert venues, theatres and cinemas, are mandated by section 2.1 of Schedule 1, O. Reg. 364/20.
- 24. 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]
- 24.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), c. (active screening), e. (masking outdoors) and f. (safety plan).
- 24.2. Proof of vaccination requirements for museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions in respect of indoor areas, established on an “opt-in” basis by section 2.2 of Schedule 1, O. Reg. 364/20, are hereby mandated by this letter of instruction.

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All capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by this letter of instruction must nonetheless continue to be met including, in particular:

- 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.

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

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

- 25.1. In addition to the current requirements of O. Reg. 364/20, the following capacity limits and physical distancing requirements apply:
  - 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

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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.

25.2. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits) and f. (safety plan).

25.3. Proof of vaccination requirements for the indoor areas of casinos, bingo halls and other gaming establishments are mandated by section 2.1 of Schedule 1, O. Reg. 364/20.

**26. Horse racing tracks, car racing tracks and other similar venues.**

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

- 26.1. In addition to the current requirements of O. Reg. 364/20, the following capacity limits and physical distancing requirements apply:
- 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.

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- 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.
- 26.2. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), c. (active screening), d. (contact tracing information) and f. (safety plan).
- 26.3. Proof of vaccination requirements for the indoor areas of horse racing tracks, car racing tracks and other similar venues, and outdoor horse racing tracks, car racing tracks and other similar venues, are mandated by section 2.1 of Schedule 1, O. Reg. 364/20.

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

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

- 27.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), c. (active screening), e. (masking outdoors) and f. (safety plan).
- 27.2. Proof of vaccination requirements for museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions in respect of indoor areas, established on an “opt-in” basis by section 2.2 of Schedule 1, O. Reg. 364/20, are hereby mandated by this letter of instruction.

All capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by this letter of instruction must nonetheless continue to be met including, in particular:

- 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.

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

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

- 28.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits), c. (active screening), d. (contact tracing) and f. (safety plan).
- 28.2. Proof of vaccination requirements for fairs, rural exhibitions, festivals and similar events, in respect of indoor areas in respect of indoor areas, established on an “opt-in” basis by section 2.2 of Schedule 1, O. Reg. 364/20, are hereby mandated by this letter of instruction.

All capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by this letter of instruction must nonetheless continue to be met including, in particular:

- 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.

**29. 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]

- 29.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits) and f. (safety plan).
- 29.2. Proof of vaccination requirements for 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, established on an “opt-in” basis by section 2.2 of Schedule 1, O. Reg. 364/20, are hereby mandated by this letter of instruction.

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All capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by this letter of instruction must nonetheless continue to be met including, in particular:

- 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.

**30. 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]

- 30.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits) and f. (safety plan).
- 30.2. Proof of vaccination requirements for businesses that provide boat tours, if the business is otherwise permitted to operate under section 30 of Schedule 2, O. Reg. 364/20, established on an “opt-in” basis by section 2.2 of Schedule 1, O. Reg. 364/20, are hereby mandated by this letter of instruction.

All capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by this letter of instruction must nonetheless continue to be met including, in particular:

- 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.

**31. Marinas, boating clubs etc.**

[Section 31 of Schedule 2, O. Reg. 364/20]

- 31.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply in respect of indoor areas: a. (capacity limits), b. (social gathering & organized public event limits), c. (active screening), d. (contact tracing information) and f. (safety plan).

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- 31.2. Proof of vaccination requirements for marinas, boating clubs and other organizations that maintain docking facilities for members or patrons in respect of indoor areas, businesses that provide boat tours, if the business is otherwise permitted to operate under section 30 of Schedule 2, O. Reg. 364/20, established on an “opt-in” basis by section 2.2 of Schedule 1, O. Reg. 364/20, are hereby mandated by this letter of instruction.

All capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by this letter of instruction must nonetheless continue to be met.

**32. Strip clubs.**

[Section 32 of Schedule 2, O. Reg. 364/20]

- 32.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits) and f. (safety plan).
- 32.2. The following additional requirements apply to these establishments:
- a. Performers at the establishment must maintain a physical distance of at least three metres from patrons.

**33. Bathhouses, sex clubs.**

[Section 33 of Schedule 2, O. Reg. 364/20]

- 33.1. In addition to the current requirements of O. Reg. 364/20, the following requirements in paragraph 6.1 above apply: b. (social gathering & organized public event limits) and f. (safety plan).

**PART D – MASKING REQUIREMENTS FOR ORGANIZED PUBLIC EVENTS**

**34. Organized public events, indoor and outdoor.**

- 34.1. 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.

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#### **PART E – PROOF OF VACCINATION AGAINST COVID-19**

35. For clarity, all requirements and other provisions for proof of identification and of being fully vaccinated against COVID-19 in the establishments identified above, as established by changes to O. Reg. 364/20, remain in effect subject to paragraph 36 below.
36. All persons responsible for Facilities where Organized Sport(s) are played and/or practiced (including owners, operators and permit holders) must require each person, age 12 years and older, at the point of entry, who attends the indoor area of the Facility for the purpose of (a) actively playing or otherwise participating directly in Organized Sport(s); (b) coaching, officiating or volunteering in Organized Sport(s), or (c) spectating at Organized Sport(s), to provide identification and proof of being fully vaccinated against COVID-19 or a valid medical exemption.
37. All children shall be afforded a “grace period” of 12 weeks from their 12<sup>th</sup> birthday during which they must provide identification in accordance with these Instructions but are relieved of the requirement to provide proof of being fully vaccinated against COVID-19, to allow a reasonable opportunity for this to be completed.
38. **DEFINITIONS:** For the purpose of this Part:
- a. **Facility** means a facility located in the Districts of Sudbury and Manitoulin where Organized Sport(s) are played and/or practiced.
  - b. **Fully Vaccinated** is as defined by subsection 2.1(5) of Schedule 1, O. Reg.364/20.
  - c. **Organized Sport(s)** means organized sport(s) and recreational fitness activities including, but not limited to, sports leagues, organized pick-up sports, dance classes, gymnastics, martial arts and swimming classes, or as otherwise described in the Ministry of Health’s [Proof of Vaccination Guidance for Businesses and Organizations](#) under the ROA, including all related training, practices, games and competitions.

#### **PART F – WORK FROM HOME EXCEPT WHERE ON-SITE PRESENCE IS REQUIRED; ON-SITE, LIMIT INTERACTIONS**

39. Each person responsible for a business or organization that is open shall ensure that any person who performs work for the business or organization conducts their work remotely, unless the nature of their work requires them to be on-site at the workplace.
40. Paragraph 39 does not apply to a business or organization described below:
- a. Operations or delivery of services by any government in Ontario; and
  - b. Any person or publicly-funded agency or organization that delivers or supports government operations and services, including operations and services of the health care sector.

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41. For those workers who cannot work remotely, limit the gathering of workers as much as possible by, for example:
- a. Using virtual options for meetings;
  - b. Ensuring physical distancing in lunchrooms and breakrooms as well as other locations where workers may be eating and/or drinking; and
  - c. Staggering lunches and breaks.

**These Instructions, including any revisions to these instructions, are available on Public Health Sudbury & Districts website at [phsd.ca](http://phsd.ca).**

**Inquiries about these instructions should be directed to Public Health Sudbury & Districts at 705.522.9200, ext. 464 (toll-free 1.866.522.9200).**

*Original signed by*

Penny Sutcliffe, MD, MHSc, FRCPC  
Medical Officer of Health  
Public Health Sudbury & Districts