

October 6, 2021

**TO:** Owners/Operators of Facilities located in the City of London and Middlesex County where organized sports are played and/or practised

**RE: Middlesex-London Health Unit Letter of Instruction for Owners/Operators**

I am writing to all Owners and Operators of the above Facilities to highlight your current responsibilities and outline additional requirements with respect to proof of vaccination for all persons eligible for vaccination who enter indoor facilities used for sport and recreational fitness activities.

We are currently experiencing a fourth wave of the COVID-19 pandemic, and the Delta variant is circulating in our community, as it is across the province and elsewhere. Ontario's Science Advisory and Modelling Consensus Tables have advised that the Delta variant is twice as transmissible as the original SARS-CoV-2 virus that causes COVID-19 disease. In the Middlesex-London region, unvaccinated individuals of all ages now consistently account for a greater proportion of new COVID-19 infections and hospitalizations than those who are fully vaccinated. Further, the incidence rate of new COVID-19 infections in our community among children under the age of 12 years, who are all ineligible for COVID-19 vaccination, has been steadily increasing since July 2021. These facts are important reminders that continued vigilance is needed to reduce the spread of COVID-19 in the Middlesex-London region.

The provincial proof-of-vaccination requirements that came into effect September 22, 2021 help prevent the spread of COVID-19 in high risk settings, including Facilities used for organized sports. [Ontario Regulation 364/20](#) requires that proof of identification and proof of being fully immunized is assessed at the point of entry for all patrons 18 years of age and older who enter such facilities for the purpose of actively participating in organized sports or recreational fitness. This letter now extends that requirement to additional ages and groups.

Activities related to sport and recreational fitness create additional opportunities for COVID-19 transmission. Specifically, close contact among participants, forceful exhalation and increased respiratory rate, prolonged exposure, crowded indoor spaces and the removal of masks/face coverings during physical activity contribute to enhanced likelihood of COVID-19 transmission. As an example, a recent outbreak associated with a hockey tournament in Mississauga affected at least 10 players and may have generated additional cases and outbreaks beyond the tournament.

Those aged 12 and 17 who participate in organized sports are currently eligible to be immunized against COVID-19 but are not included in provincial proof-of-vaccination requirements. Adding this requirement for this group will help prevent cases of COVID-19 which may result in serious negative outcomes or spread to others who are at higher risk.

Further, other individuals who are integral to organized sports but who are not active participants, including coaches, trainers, officials, and volunteers, are also currently not included in provincial proof-of-vaccination requirements. Through their roles they will have close and prolonged contact with active participants and others, including some who may be too young to be immunized. Verifying proof of vaccination for all persons 12 years and older entering Facilities where organized sports are practised and/or played will strengthen efforts to limit the spread of COVID-19 in the Middlesex-London region.

**Instruction:**

As Medical Officer of Health for the Middlesex-London Health Unit, the following are my Instructions, pursuant to Section 2(2.1) of Schedule 1 to Ontario Regulation 364/20: Rules for Areas at Step 3 And At The Roadmap Exit made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, S.O. 2020, c. 17 (the "*Reopening Ontario Act*"), formerly a regulation made under the *Emergency Management and Civil Protection Act* and now a continued section 7.0.2 order under the *Reopening Ontario Act*.

Where this Letter of Instruction imposes an additional requirement not set out in the *Reopening Ontario Act*, the requirement under this Letter of Instruction must be followed.

Effective 12:01 a.m. on October 31, 2021, and until further notice, I am instructing all Owners, Operators, and Persons Responsible for Facilities used for sport and recreational fitness activities within the City of London and the County of Middlesex to:

- 1) Require each person, age 12 years and older, who attends the indoor area of the Facility for the purpose of (a) actively participating in organized sports, (b) coaching, officiating organized sports, or volunteering, or (c) spectating at organized sports, to provide identification and proof of being fully vaccinated against COVID-19 or a valid medical exemption at point of entry.
- 2) Develop and implement mandatory vaccination policies for facility staff, contractors and/or subcontractors and volunteers that follow best practices developed in partnership with Middlesex-London Health Unit.
- 3) Comply with all other requirements under the *Reopening Ontario Act* and its regulations that apply to the Facility. This includes, but is not limited to, observing reduced capacity limits, screening upon entry, maintenance of physical distancing within the Facility, and ensuring that masks or face coverings are worn when required.

For clarity, the requirement to show proof of vaccination does not apply to a person who is entering an indoor area solely for the following purposes:

- 1) to use a washroom;
- 2) to access an outdoor area that can only be accessed through an indoor route;
- 3) while paying for an order;
- 4) to purchase admission; or
- 5) to respond to an emergency or other urgent health and safety concern.

Additionally, an eight-week grace period after their birthday will be extended to those born after 2009 such that, once eligible, they will have time to get both doses of vaccine.

## **Definitions**

For the purpose of these Instructions:

“Facility” means a facility located within the City of London and the County of Middlesex where organized sports are played and/or practised.

“Fully Vaccinated ” means a person who has received (a) the full series of a COVID-19 vaccine authorized by Health Canada, or any combination of such vaccines, or (b) one or two doses of a COVID-19 vaccine not authorized by Health Canada, followed by one dose of a COVID-19 mRNA vaccine authorized by Health Canada, or (c) three doses of a COVID-19 vaccine not authorized by Health Canada; and they received their final dose of the COVID-19 vaccine at least 14 days ago.

“Organized Sport(s)” means sport and recreational fitness activities including, but not limited to, sports leagues, organized pick-up sports, fitness classes, soccer, hockey, basketball, volleyball, 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 Reopening Ontario Act](#).

“Owner/Operator” means an owner/operator of a facility located within the City of London and/or the County of Middlesex where organized sports are played and/or practised.

“Person Responsible” means the person responsible for the facility, or, where there is no such person, the holder of a permit/rental agreement to use the facility.

## **Failure to Comply**

Failing to comply with the requirements of Ontario Regulation. 364/20 can result in charges under the *Reopening Ontario Act*. If charged under Part I of the Provincial Offenses Act (POA), set fine amounts are \$750 for individuals and \$1,000 for corporations. Maximum penalties based on a prosecution under Part I or Part II of the POA include fines of up to \$100,000 and up to a year in jail for an individual; up to \$500,000 and up to a year in jail for an individual who is a director or officer of a corporation; and up to \$10 million for a corporation.

These Instructions, including any revisions to these instructions, are available on the Middlesex-London Health Unit website at <https://www.healthunit.com/section-22-orders-and-instructions>.

Inquiries about these Instructions can be directed to [health@mlhu.on.ca](mailto:health@mlhu.on.ca), or by phone Monday through Friday, 8:30 am to 4:30 pm at 519-663-5317 (follow the prompts).

Dr. Chris Mackie

Medical Officer of Health  
Middlesex-London Health Unit

cc: Dr. Kieran Moore, Chief Medical Officer of Health