

ORDER OF THE MIDDLESEX-LONDON HEALTH UNIT

ASSOCIATE MEDICAL OFFICER OF HEALTH

(Made pursuant to Section 22 of the Ontario *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7)

DATE: Tuesday, October 26, 2021

TO: All persons in the City of London or County of Middlesex who operate any establishment that serves food and/or drink pursuant to a licence issued by the Municipality and/or Alcohol and Gaming Commission of Ontario.

WHEREAS the Province of Ontario declared a public health emergency as a result of the 2019 Novel Coronavirus (COVID-19) pandemic, pursuant to the *Emergency Management and Civil Protection Act*, 1990;

AND WHEREAS the World Health Organization has determined COVID-19 to be a highly contagious disease that presents a risk to human health and communities due to its rapid communicability;

AND WHEREAS individuals in Middlesex and London communities have been infected with COVID-19 since its discovery and the virus is still present in the community;

AND WHEREAS the Middlesex and London communities are operating under Ontario's Stage 3 regulations as defined in O. Reg. 364/20: RULES FOR AREAS IN STAGE 3 AND AT THE ROADMAP EXIT STEP under *Reopening Ontario (A Flexible Response to COVID-19) Act*, 2020, S.O. 2020, c. 17;

AND WHEREAS under Section 22 of the Ontario *Health Protection and Promotion Act* a medical officer of health may make an order requiring a person who is in charge of any thing or who is engaged in or administers an enterprise or activity in the health unit served by the medical officer of health, to take any actions specified in the order if the medical officer of health is of the opinion, upon reasonable and probable grounds, that an outbreak of a communicable disease exists or may exist, or if there is a risk of an outbreak of a communicable disease in the health unit, that presents a risk to the health of persons in the health unit, and that the order is required to decrease or eliminate the health risks;

AND WHEREAS the Middlesex-London Health Unit's Associate Medical Officer of Health has reasonable and probable grounds to believe that one or more persons residing or working at, or providing services to the community is infected or has been exposed to infection, or has potentially been infected or exposed to infection, with the COVID-19 virus;

I, Dr. Alexander Summers, Associate Medical Officer of Health for the Middlesex-London Health Unit, ORDER YOU TO TAKE THE FOLLOWING ACTIONS, effective 12:01 a.m. on Wednesday, October 27th, 2021.

1. Any patron in attendance at any establishment that serves food and/or drink pursuant to a licence issued by the Municipality and/or Alcohol and Gaming Commission of Ontario shall wear a mask or face covering at all times, with the exception of consuming food or drink in a designated and stationary area.

REASONS FOR THE ORDER ARE THAT:

1. COVID-19, a disease caused by a novel coronavirus, 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*.
2. COVID-19 can cause acute and severe respiratory illness and death in humans.
3. The spread of COVID-19 is of immediate and compelling public health importance in the jurisdiction of the Middlesex-London Health Unit.
4. COVID-19 is transmitted from person to person predominantly through respiratory droplets that are released from the nose and mouth, through contact with contaminated surfaces, and through poor hand hygiene.
5. COVID-19 may be transmitted from persons who have minimal or no signs or symptoms of illness.
6. The risk of transmission of COVID-19 can be reduced by the use of face coverings.
7. Outbreaks of COVID-19 have been associated with nightclubs, restoclubs and other similar establishments where dance facilities are provided.
8. An increase in the number of cases of COVID-19 will increase disease transmission, potential for outbreaks in congregate settings, and the morbidity and mortality of COVID-19 within the population of the jurisdiction of the Middlesex-London Health Unit.

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 to whom it is directed is likely to cause a delay that could significantly increase the risk to the

health of any person residing in the jurisdiction of the Middlesex-London Health Unit, so notice shall be provided through the public media and the internet via posting at: www.healthunit.com.

DEFINITIONS AND SCOPE OF THE ORDER:

The following definitions apply to this Order:

A **Face Covering** means a medical mask or a non-medical mask or other face coverings such as a bandana, a scarf or cloth that covers the mouth, nose and chin ensuring a barrier that limits the transmission of infectious respiratory droplets.

NOTICE:

TAKE NOTICE THAT each member of the class to whom the Order is directed is entitled to a hearing on this matter before the Health Services Appeal and Review Board and may apply for such a hearing upon request to me and to the Health Services Appeal and Review Board, at: 151 Bloor Street West, 9th Floor Toronto, ON M5S 1S4.

AND TAKE FURTHER NOTICE THAT this Order takes effect on Wednesday, October 27th, 2021 at 12:01 a.m. upon delivery and shall continue in effect until either rescinded by the Medical Officer of Health or a decision of the Health Services Appeal and Review Board rescinds or amends the Order.

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 every day or part of day on which the offence occurs or continues. Corporations that fail to comply can be charged and, on conviction, fined up to \$25,000 for every day or part of a day on which the offence occurs or continues to occur.

Dr. Alexander Summers, MD, MPH, CCFP, FRCPC
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