

**ORDER OF THE MIDDLESEX-LONDON HEALTH UNIT  
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: October 23, 2020**

**TO: All persons in the City of London or County of Middlesex who operate indoor sports and recreational fitness activities, including gymnasiums, health clubs, community centres, multi-purpose facilities, arenas, exercise studios, yoga, dance studios, and other fitness facilities**

**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 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 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. Christopher Mackie, Medical Officer of Health for the Middlesex-London Health Unit, ORDER YOU TO TAKE THE FOLLOWING ACTIONS, effective 12:01 a.m. on October 24, 2020:**

1. The total number of people permitted to be in a class, or actively participating in an organized program or organized activity at the facility cannot exceed 12 people. An additional 3 staff, referees, and/or instructors are permitted.

2. Each class, organized program, or organized activity must take place in a separate room or be in a large space such as an arena, pool, or high school gymnasium where each class, program or activity can be separated by an impermeable barrier, or be distinctly separated by a minimum of 3 metres.
3. The maximum number permitted on a field of play, such as an indoor soccer field, ice pad, basketball court, or similarly space, is 25 people, inclusive of staff, referees, and/or instructors.
  - a. For further clarity, as an example, a maximum of 25 people can be on a single ice pad at one time and would need to be divided in to groups that are adherent to the requirements outlined in section 1.
4. For team sports in which substitutions are required, a maximum of 12 are permitted on the roster. For individuals who are not actively participating in the program or activity, a physical distance of 2 metres must be maintained between each individual.
5. If participants are not wearing a helmet, face coverings should be worn when not actively participating in rigorous physical activity.
6. For individual activities which occur in a fixed location, such as yoga or spin classes, all efforts must be made to maximize physical distance between each person, and in no case may the space between persons in a class be less than 3 metres. These activities must take place in a separate room, and a maximum of 12 participants and 1 instructor is permitted. The instructor must wear a face covering.
7. The instructor of any class, organized program or organized activity must wear a face covering or provide instruction virtually. In no instances should instructors sing or shout, and if amplification is required, a microphone should be used. Participants singing along to the music or shouting back at the instructor should be discouraged.
8. The operator must ensure that the building heating, venting and air conditioning (HVAC) system are well maintained in line with the [Guidance for facilities for sports and recreational fitness activities during COVID-19](#).
9. Any steam rooms, saunas, whirlpools, or bathhouses must be closed.
10. Operators must adhere to the rules in O. Reg. 364/20: RULES FOR AREAS IN STAGE 3 under Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17, including:
  - a. Every person who engages in sports or a recreational fitness activity at the facility, other than a team sport, must maintain a physical distance of at least 2 metres from every other person at all times during the activity.
  - b. Team sports may only be practised or played within the facility if they do not allow for physical contact between players or if they have been modified to avoid physical contact between the players.
  - c. Organized team sports that are practised or played by players in a league may only be practised or played within the facility if the league either,
    - i. contain no more than 50 players and does not permit its teams to play against

- teams outside of the league, or
- ii. divides its teams into groups of 50 or fewer players and does not permit teams in different groups to play against one another or against teams outside of the league.

For further clarity, face coverings are not required for participants who are actively engaged in rigorous physical activity. However, face coverings are encouraged at all times if tolerated.

**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 is greatest in close contact environments where persons are within two metres and/or without face coverings.
7. Fitness facilities continue to present challenges in maintaining physical distancing between non-household contacts, and outbreaks of COVID-19 have been associated with fitness facilities in other jurisdictions in Ontario.
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](http://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.

A **Field of Play** is the designated large space where the action of a game occurs. Examples of the field of play include an indoor soccer field, ice pad, or basketball court.

**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, 9<sup>th</sup> Floor  
Toronto, ON M5S 1S4

**AND TAKE FURTHER NOTICE THAT** this Order takes effect on October 24, 2020 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.



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Dr. Christopher Mackie, MD, MHSc, CCFP, FRCPC

Medical Officer of Health

Middlesex-London Health Unit

c/o Middlesex-London Health

Unit

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