

Office of the Medical Officer of Health
City of Ottawa
100 Constellation Drive
Ottawa, Ontario
K2G 6J8

Date: December 17, 2021

TO: All employers and persons responsible for a business or organization in the City of Ottawa permitted to be open under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17 [ROA] and Related Regulations

Re: Capacity Limits and Additional Public Health Measures to protect against rising cases of COVID-19

I want to thank you for all your continued efforts in protecting the health and safety of your employees, volunteers, and patrons. The COVID-19 pandemic continues to evolve and we once again need to work together as a community to reduce the transmission of COVID-19.

In response to rapidly increasing transmission of COVID-19 in Ottawa and the increased transmissibility of Omicron, and after consultation with Ontario's Chief Medical Officer of Health, I have determined it is necessary to take additional and immediate action to further limit the spread of COVID-19 to protect our residents, and reduce the potential impact on our health care resources.

The easing of provincial restrictions, increased number and frequency of social gatherings resulting in close contact interactions, colder temperatures bringing people indoors, the dominance of the Delta variant until now, and the emergence of the Omicron variant have contributed to high case counts in Ottawa and the likelihood of a further surge. Evidence to date suggests a serious risk of Omicron as it is quickly becoming the dominant strain of COVID-19 in Ontario, that it is much more transmissible than Delta, and that people with two doses of COVID-19 vaccine are not as well protected as they are against Delta and other strains. Furthermore, on December 16, 2021, the Ontario Science Table indicated that "without prompt intervention, ICU occupancy could reach unsustainable levels in early January" and that additional public health measures to reduce contacts were needed.

I am issuing this Letter of Instruction to all employers and persons responsible for a business or organization in City of Ottawa permitted to be open under the [Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#) (the "ROA") and related regulations. This letter is in addition to my previous letters of instruction to all employers in the City of Ottawa dated October 6, 2021 and November 8, 2021. The instructions in this letter are being provided pursuant to Section 2(2) of Schedule 1 of [Ontario Regulation 364/20: Rules for Areas at Step 3 and at the Roadmap Exit](#) made under the ROA.

The following businesses or organizations are currently exempt from these Instructions due to sector-specific legislation, directives and/or guidelines governing COVID-19 measures in these workplaces:

- Health care providers and health care entities as defined in Section 77.7 of the *Health Protection and Promotion Act* who are subject to the Chief Medical Officer of Health's Directives issued there under;
- Schools and school boards licensed under the *Education Act, 1990*; and,
- Schools and private schools within the meaning of the *Education Act 1990*, that are operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health.
- Ontario provincial post-secondary institutions;
- Child care settings licensed under the *Child Care and Early Years Act, 2014*; and
- Recreational and day or overnight camps for children.

All organizations, businesses, and workplaces must operate in compliance with the applicable regulatory requirements set out under the ROA. **Compliance with the additional instructions below is mandatory under the ROA. To the extent that anything in these Instructions conflicts with the ROA including regulations and Provincial directives or guidance, the more restrictive provision shall prevail.**

Effective December 20, 2021 at 12:01am, and until further notice, I am instructing all persons responsible for a business or organization in the City of Ottawa to implement the following measures:

Part A: Capacity and physical distancing requirements

1. The general capacity limit established by subsection 3(1) of Schedule 1, of O. Reg 364/20 (as amended) shall, in Ottawa apply to **all establishments** identified below, subject to the exemptions already listed in subsection 3(5) and (6) of Schedule 1, of O. Reg 364/20, regardless of maximum capacity. The number of members of the public in the place of business or facility shall be limited so that the members of the public are able to maintain a physical distance of at least two metres from every other person in the business or facility and in addition, may not exceed any specific capacity limits set out below which must also be complied with.
2. **Meeting or event space, conference centres, convention centres:** In addition to the current requirements of Section 4 of Schedule 1, O. Reg. 364/20 and as may be otherwise required by O. Reg. 364/20, these establishments must comply with the following:
 - 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 **50% capacity**.
 - 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 **50% capacity** of the room in the rentable meeting or event space, 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.
 - 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 pursuant to this letter of instruction/order.
 - d. 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.

- e. Paragraphs a., b., and d. 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;
 - vi. for the purpose of delivering or supporting the delivery of government services.
3. **Restaurants, bars, food trucks, concessions stands and other food or drink establishments without dance facilities:** In addition to the current requirements of Section 1 of Schedule 2, O. Reg. 364/20 and as may be otherwise required by O. Reg 364/20, these establishments must comply with Part B of these instructions and the following:
- a. The total number of **patrons** permitted to be seated indoors at the establishment, must be limited to **50% capacity**.
 - 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 pursuant to this letter of instruction/order.
 - d. The requirements in paragraphs a. and b. 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.
 - e. Implement “**active screening** for **patrons** before they enter the business or organization, follow the [COVID-19 Screening Tool for Businesses and Organizations](#), and include other symptoms of COVID-19 as outlined in the [COVID-19 Reference Document for Symptoms](#), including sore throat, rhinorrhea (runny nose), nasal congestions, abdominal pain, headache, and conjunctivitis.
4. **Personal care services**, defined as businesses that provide personal care services relating to hair or the body including hair salons and barbershops, manicure and pedicure salons, aesthetician services, piercing services, tanning salons, spas and tattoo studios: In addition to the current requirements of Section 8 of Schedule 2, O. Reg. 364/20 and as may be otherwise required by O. Reg 364/20, personal care services are required to comply with the following:
- a. Even if an election has been made to require proof of vaccination from patrons (as permitted in Section 2.2 of Schedule 1, of O. Reg 364/20):
 - i. The number of members of the public and/or **patrons** must be limited to **50% capacity**.
 - ii. 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 pursuant to this letter of instruction/order.

5. **Indoor recreational amenities and indoor facilities used for sports and recreational fitness activities**, including indoor playgrounds, areas for spectators within those facilities and areas where personal physical fitness trainers provide instruction within those facilities, are required to comply with the following: In addition to the current sector requirements of Section 9, 16 and 17 of Schedule 2, of O. Reg. 364/20 and as may be otherwise required by O. Reg 364/20:
 - a. The total number of members of the public permitted to be in the indoor area of the facility at any one time must be limited to **50% capacity** including changerooms and dressing rooms.
 - b. The total number of members of the public permitted to be in the indoor area of a changeroom and/or dressing room at one time must be limited to 50% of its capacity.
 - c. The number of spectators at the facility at any one time must be limited to 50% of the usual indoor seating capacity (if designated seating) or **50% capacity** of the area (if no designated seating).
 - d. 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 pursuant to this letter of instruction/order.
 - e. Paragraph a. above does 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;
 - 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;
 - vi. for the purpose of delivering or supporting the delivery of government services.
6. **Outdoor recreational amenities, in respect to indoor clubhouses:** In addition to the current requirements of Section 18 of Schedule 2, O. Reg. 364/20 and as may be otherwise required by O. Reg 364/20:
 - a. Even if an election has been made to require proof of vaccination to attend (as permitted in Section 2.2 of Schedule 1, O. Reg 364/20):
 - i. The number of members of the public in the indoor area of the clubhouse must be limited to **50% capacity**.
 - ii. 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 area of the clubhouse is permitted to operate pursuant to this letter of instruction/order.
7. **Concert venues, theatres and cinemas:** In addition to the current requirements of Section 22 of Schedule 2, O. Reg. 364/20 and as may be otherwise required by O. Reg 364/20, concert venues, theatres and cinemas must comply with the following:
 - a. 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 be limited to 50% of the usual seating capacity for the concert venue, theatre or cinema.
 - b. 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 be limited to 50% 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 a. above.

- c. 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, pursuant to this letter of instruction/order, and the capacity limits of any seated concert, event, performance or movie within the concert venue, theatre or cinema.

8. Museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions:

In addition to the current requirements of Section 24 of Schedule 2, O. Reg. 364/20 and as may be otherwise required by O. Reg 364/20, these establishments and attractions must comply with the following:

- a. Even If an election has been made to require proof of vaccination to attend (as outlined in Section 2.2 of Schedule 1, O. Reg 364/20),
 - i. The number of members of the public in the indoor ticketed area of the attraction at any one time must be limited to 50% capacity.
 - ii. The number of members of the public at an indoor seated event or activity within the attraction at any one time must be limited to 50% of the usual seating capacity for the event or activity.
 - iii. 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 **50% capacity** of the room in the attraction, or if it is a seated event or activity taking place in the room, must be limited in accordance with subparagraph ii. 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 subparagraph i. of this provision.
 - iv. If a concert, event, performance or movie is held at the attraction, the conditions in Section 22 of Schedule 2, O. Reg. 364/20 and those of s. 7 of this letter of instruction/order apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under Section 22 and under s. 7 of this letter of instruction/order may not be added to the maximum capacity permitted for another attraction in s. 8 of this letter/order so as to increase the capacity permitted by Section 27 of Schedule 2, O. Reg. 364/20 as supplemented by this letter of instruction/order.
 - v. The person responsible for the attraction must post a sign in a conspicuous location visible to the public that states the capacity limits under which the attraction is permitted to operate pursuant to this letter of instruction/order and the capacity limits of any seated event or activity within the attraction.

9. Casinos, bingo halls and other gaming establishments: In addition to the current requirements of Section 25 of Schedule 2, O. Reg. 364/20 and as may be otherwise required by O. Reg 364/20, these establishments are required to comply with the following:

- a. The number of members of the public in the establishment at any one time must be limited to **50% capacity** of the establishment.

- 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 and those of s. 8 of this letter of instruction/order apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under Section 22 of Schedule 2, O. Reg. 364/20 and those of s. 7 of this letter of instruction/order 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 this letter of instruction/order.
- 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 pursuant to this letter of instruction/order.

10. **Indoor Fairs, rural exhibitions, festivals, and similar events:** In addition to the current requirements of Section 28 of Schedule 2, O. Reg. 364/20 and as may be otherwise required by O. Reg 364/20, these events must comply with the following:

- a. Even if an election has been made to require proof of vaccination to attend (as permitted in Section 2.2 of Schedule 1, O. Reg 364/20):
 - i. The number of members of the public in the indoor area of the facility where the event takes place at any one time must be limited to **50% capacity**.
 - ii. The number of members of the public at any particular indoor attraction within the facility at any one time must be limited to **50% capacity**.
 - iii. If a concert, event, performance or movie is held at the facility, the conditions in Section 22 of Schedule 2, O. Reg. 364/20 and those in s. 7 of this letter of instruction/order apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under Section 22 and under s. 7 of this letter of instruction/order 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 this letter of instruction/order.
 - iv. Any indoor amusement rides at the facility or event must be operated to enable every person on the ride to maintain a physical distance of at least two metres from every other person on the ride, except where necessary:
 - 1. to facilitate payment; or
 - 2. for the purposes of health and safety.
 - v. Subparagraph iv. above does not apply in respect of a group of persons if the persons are all:
 - 1. members of the same household,
 - 2. a member of one other household who lives alone; or
 - 3. a caregiver for any member of either household.
 - vi. The person responsible for the event must post a sign in a conspicuous location visible to the public that states the capacity limits under which the event is permitted to operate pursuant to this letter of instruction/order.

11. **Faith-based organizations and Places of Worship:** In addition to the current requirements of Section 6 of Schedule 3, O. Reg. 364/20 and as may be otherwise required by O. Reg 364/20:
- a. Even if an election has been made to require proof of vaccination to attend (as permitted in Section 7 of Schedule 3, O. Reg 364/20):
 - i. The number of members of the public attending an indoor wedding, funeral or religious service, rite or ceremony must be limited to **50% capacity** if performed in a building or structure other than a private dwelling.
 - ii. The person responsible for the faith-based organization/ place of worship must post a sign in a conspicuous location visible to the public that states the capacity limits under which the indoor area is permitted to operate pursuant to this letter of instruction/order.

Part B: Businesses and organizations that serve or sell food or beverages

12. All businesses and organizations that serve or sell food or beverages or allow food or drink to be served or sold including in settings such as restaurants, food courts and meeting and event spaces shall, in addition to meeting all applicable requirements under the ROA and Part “A” of these instructions, ensure:
- a. Patrons are seated at all times in any area of the establishment in which food or drink is permitted except,
 - i. while entering the area and while moving to their table,
 - ii. while placing or picking up an order,
 - iii. while paying for an order,
 - iv. while exiting the area,
 - v. while going to or returning from a washroom,
 - vi. while singing or performing music,
 - vii. while lining up to do anything described in subparagraphs i to vi, or
 - viii. where necessary for the purposes of health and safety.
 - b. No more than six (6) persons are seated at each table.

DEFINITIONS

For the purpose of these Instructions:

“50% capacity” is determined by taking 50% of the maximum occupant load of the business or facility, or part of a business or facility, as applicable, as calculated in accordance with Ontario Regulation 213/07 (Fire Code), made under the Fire Protection and Prevention Act, 1997.

“active screening” means the process of answering a set of screening questions to identify any COVID19 risk factors. Screening questions can be answered using a paper or electronic tool or questions may be asked directly by a designated screener. At a minimum, this process must include the question found in the Ontario COVID-19 Worker and Employee Screening Tool found here:

<https://secureforms.ottawapublichealth.ca/screening-depistage/Workplaces-and-Post-Secondary>

“worker” means any employee, independent contractor (including “temporary agencies, manager, director, officer, owner, partner, shareholder, volunteer, student or any other person engaged in the business or organizational activity at the **workplace**).

“workplace” means any land, premises, work vehicle, location or thing at, upon, in or near which a worker works.

“patron” means any member of the public that is not an employee or **worker** at the **workplace**.

Any reference to “mask” or “face covering” in this Letter of instruction is as per the Province of Ontario’s COVID-19 regulatory framework requirement, under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, which require a mask or face covering to be worn “in a manner that covers their mouth, nose and chin”.

ENFORCEMENT AND FURTHER INFORMATION

You are required to comply with the additional measures above, pursuant to regulations under the Reopening Ontario Act including any successor legislation or regulations.

As per the Reopening Ontario Act, individuals who do not comply with the above noted requirements may be liable for a fine up to a maximum of \$100,000 and for a term of imprisonment of not more than one year; directors or officers of a corporation who do not comply with the above noted requirements may be liable for a fine up to a maximum of \$500,000 and for a term of imprisonment of not more than one year; and in the case of the corporation, a fine up to a maximum of \$10,000,000.

Inquiries about these Instructions should be directed to:

- Ottawa Public Health: 613-580-6744 or healthsante@ottawa.ca
- Municipal Law Enforcement: 3-1-1

These instructions, including any revisions to these instructions, are available on Ottawa Public Health’s website at: www.OttawaPublicHealth.ca/OrdersAndInstructions. Ottawa Public Health also posts information on its website regarding how to protect yourself and others from COVID-19 that can assist local businesses and organizations in operating safely.

Sincerely,



Vera Etches
Medical Officer of Health