

CLASS ORDER

made pursuant to Section 22(5.0.1) of the Health Protection and Promotion Act

Date: November 25, 2020

TO: All persons who own or operate the following types of business, place, facility, or establishment located in The Regional Municipality of Waterloo:

- (a) Shopping malls; and
- (b) Retail stores, including stores located in shopping malls.

I, Dr. Hsiu-Li Wang, Medical Officer of Health for The Regional Municipality of Waterloo, order you to comply with all applicable requirements listed below, effective **12:01 a.m. on Friday, November, 27, 2020**, until further notice:

A. Shopping Malls

1. Comply with all requirements that apply to your business, place, facility, or establishment as set out under the Reopening Ontario Act, 2020 (ROA) and the applicable regulations, as well as the requirements set out in this Order. Where this Order imposes an additional requirement not set out in the ROA, the requirement under this Order must be followed.
2. Immediately set a maximum capacity for patrons in the shopping mall that effectively supports maintaining a physical distance of at least two metres, actively monitor compliance with the said capacity limit, and ensure that physical distancing of two metres is maintained by patrons and mall staff in common areas, stores, washrooms, hallways, entrances, etc., at all times.
3. Immediately ensure all stores within the shopping mall set a maximum capacity limit and monitor the capacity limit to ensure physical distancing of at least two meters is maintained by patrons and mall staff at all times.
4. Actively manage all line-ups or patrons congregating and ensure all patrons waiting in line-ups inside or outside the shopping mall maintain physical distancing of at least two metres.
5. Follow all further instructions from Region of Waterloo Public Health pertaining to COVID-19 that apply to your shopping mall.

B. Retail stores

1. Comply with all requirements that apply to your business, place, facility, or establishment as set out under the Reopening Ontario Act, 2020 (ROA) and the applicable regulations, as well as the requirements set out in this Order. Where this Order imposes an additional requirement not set out in the ROA, the requirement under this Order must be followed.
2. Immediately set a maximum capacity for patrons in the retail store that effectively supports maintaining a physical distance of at least two metres, actively monitor compliance with the said capacity limit, and ensure that physical distancing of at least two metres is maintained by patrons and store staff in common areas, washrooms, hallways, entrances, etc., at all times.
3. Actively manage all line-ups or patrons congregating and ensure all patrons waiting in line-ups inside or outside the retail store maintain physical distancing of at least two metres.
4. Follow all further instructions from Region of Waterloo Public Health pertaining to COVID-19 that apply to your retail store.

THE REASONS for this ORDER are that:

1. COVID-19 is a disease of public health significance and has been designated as communicable under Ontario Regulation 135/18 under the *Health Protection and Promotion Act*. COVID-19 has been declared a pandemic by the World Health Organization.
2. COVID-19 is present in Waterloo Region and therefore poses a risk to the health of the residents of Waterloo Region through community transmission. The COVID-19 virus is primarily spread from an infected person to another person by direct or indirect contact when respiratory secretions from the infected person enter the eyes, nose or mouth of another person.
3. The risk of transmission of COVID-19 is significant in close contact environments where persons are within two metres and/or without face coverings. Persons may be infected with COVID-19 without showing symptoms, and may spread COVID-19 to other persons, their families, and others they come into contact with.
4. Cases of COVID-19 and percent positivity continue to increase in Waterloo Region. Waterloo Region has had COVID-19 outbreaks associated with situations where persons are within two metres and/or without face coverings and large gatherings.
5. As COVID-19 cases and percent positivity continue to increase in Waterloo Region, health care system capacity will be impacted, and outbreaks will grow, including in institutions such as long-term care homes and retirement homes. Increased community spread and outbreaks will increase the risk of

severe complications and death among the population of Waterloo Region.

6. The Province has issued regulations (the "Regulations") under the ROA to implement its Keeping Ontario Safe and Open Framework. The terms of this Order are intended to operate concurrently to supplement the Regulations.
7. The Terms of this Order are necessary to ensure capacity is managed and actively monitored to where adequate physical distancing can be maintained in shopping malls and retail stores.

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 is likely to cause a delay that could significantly increase the risk to the health of any person residing in the health unit, so notice shall be provided through the public media and the internet via posting on the Region of Waterloo Public Health website: <https://www.regionofwaterloo.ca/en/health-and-wellness/2019-novel-coronavirus.aspx>

NOTICE

TAKE NOTICE THAT each member of the class is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered to me and to the Health Services Appeal and Review Board, 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 1S4, notice in writing, requesting a hearing within 15 days after publication of this Order or otherwise in accordance with the applicable law.

AND FURTHER TAKE NOTICE THAT although a hearing may be requested this Order takes effect when it is delivered to a member of the class or brought to the attention of a member of the class.

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 each day on which the offence occurs or continues.



Dr. Hsiu-Li Wang, MD, FRCPC
Commissioner & Medical Officer of Health
Region of Waterloo Public Health & Emergency Services

This Order shall be posted on the Waterloo Region Public Health website:
<https://www.regionofwaterloo.ca/en/health-and-wellness/2019-novel-coronavirus.aspx>

Inquiries about this Order should be directed to Waterloo Region Public Health at 519-575-4400.