

**ORDER OF THE MIDDLESEX-LONDON HEALTH UNIT
MEDICAL OFFICER OF HEALTH**

**(Made pursuant to section 22 (5.0.1) of the *Ontario Health Protection and Promotion Act*,
R.S.O. 1990, c. H.7, as amended)**

DATE: July 6, 2020

**TO: All persons who own, operate or are passengers on or in public transit and / or
commercial vehicles for hire:**

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 a number of 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 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;

AND WHEREAS the service model of transit and cars for hire both create a high likelihood of close contact between customers, between customers and staff, and/or between staff;

**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 July 20,
2020:**

1. **Take all reasonable measures to prohibit Persons from boarding public transit or commercial vehicles for hire if the said person is not wearing a Face Covering.** The Face Covering must be worn at all times while on board the vehicle.

2. **Refrain from boarding public transit or commercial vehicles for hire if not wearing a Face Covering.** The Face Covering must be worn at all times while on board the vehicle. A Person shall be exempt from wearing a Face Covering on the premises if:

- a. The Person is a child under the age of 12 years; wearing a mask in public is recommended for children aged two to 12 years of age, though it is not mandated by this Order. Children under the age of two should not wear a mask;
- b. Wearing a Face Covering would inhibit the Person's ability to breathe in any way;
- c. For any other medical reason, the Person cannot safely wear a Face Covering such as, but not limited to, respiratory disease, cognitive difficulties or difficulties in hearing or processing information;
- d. A Person who is unable to apply or remove a face covering without assistance including a Person who is accommodated under the *Accessibility for Ontarians With Disabilities Act* (AODA) or who have protections under the *Ontario Human Rights Code*.

3. **Ensure that operators are aware of the Middlesex-London Health Unit's COVID-19 Public Health Principles for Public Spaces and take all reasonable steps to implement them,** a copy of which is available to view and for download here:

https://www.healthunit.com/uploads/covid-19-public_health_principles_for_public_spaces-2020-07-02.pdf

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. Accumulating epidemiological evidence indicates that the widespread use of **Face Coverings** by all persons decreases spread of respiratory droplets, and expert opinion supports the widespread use of Face Coverings to decrease transmission of COVID-19.

7. Use of **Face Coverings** is recommended by the Chief Medical Officer of Health of Ontario and the Chief Public Health Officer of Canada in situations where physical distancing (spatial separation of individuals by at least two metres) is difficult to maintain.

8. The re-opening of Commercial Establishments on June 12, 2020 has increased the frequency of contact and limited the opportunities for physical distancing between persons in the jurisdiction of the Middlesex-London Health Unit, which, absent of adequate preventative measures, poses a material risk to increase the number of cases of COVID-19 cases in the jurisdiction of the Middlesex-London Health Unit.

9. 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 COVID19 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 **Person** means any customer, patron, employee or visitor, who boards the vehicle.

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.

Public Transit means any municipally operated or contracted conventional or specialized passenger transportation service including buses and paratransit.

Commercial Vehicle for Hire means any vehicle commissioned for transporting passengers including taxis, limousines, buses, or rideshare agencies.

NOTICE:

TAKE NOTICE THAT each member of the class to whom this Order is directed is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered notice in writing to me and to the Health Services Appeal and Review Board (Health Boards Secretariat, 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 2T5), requesting a hearing within 15 days after publication of this Order or otherwise in accordance with applicable law. In the context of the COVID-19 outbreak, all requests for appeals and reviews, submissions, materials, and inquiries must be sent by e-mail to hsarb@ontario.ca or faxed to the Health Services Appeal and Review Board at 416-327-8524.

AND TAKE FURTHER 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. 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. Christopher Mackie, MD, MHSc, CCFP, FRCPC

Medical Officer of Health

Middlesex-London Health Unit

c/o Middlesex-London Health

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