



The Regional
Municipality
of Durham

Health Department

605 ROSSLAND ROAD EAST
LEVEL 2
PO BOX 730
WHITBY, ON L1N 0B2
CANADA

905-668-7711
1-800-841-2729
Fax: 905-666-6214

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"Service Excellence
for our Communities"

Issued: April 20, 2021

To: All owners, operators and persons responsible for indoor sports and recreational fitness facilities in the Regional Municipality of Durham

Re: **Durham Region Medical Officer of Health Instructions to Persons Responsible for a Business or Organization that is an Indoor Sports and Recreational Fitness Facility pursuant to [O. Reg. 82/20 - Rules for Areas in Stage 1](#) under the [Reopening Ontario Act \(A Flexible Response to COVID-19\), 2020, S.O. 2020, c.17 \[ROA\]](#).**

As of April 3, 2021 12:01 a.m., the Regional Municipality of Durham (the Region) entered into the Provincewide Shutdown and as such, businesses and organizations are required to comply with [O. Reg. 82/20- Rules for Areas in Stage 1](#) including sec. 2(2) of Schedule 1 and Schedule 6:

- The persons responsible for a business or organization that is open shall operate in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

The following is advice, recommendations, and instructions to your business or organization.

I am writing to all persons responsible for operating a business or organization that is an indoor sports and recreational fitness facility to provide clarity to requirements pursuant to [O. Reg. 82/20 – Rules for Areas in Stage 1](#) and to prescribe additional requirements to prevent COVID-19 community transmission in Durham Region.

These instructions take effect as of **12:01 a.m., April 21, 2021**.

1. Facilities for indoor sports and recreational fitness (e.g., gyms) are only permitted to serve individuals with disabilities as defined under the [Accessibility for Ontarians with Disabilities Act, 2005](#) (AODA), who are unable to seek physical therapy elsewhere.

If this information is required in an accessible format, please contact
1-800-372-1102 ext. 3324.



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- a. Ensure all patrons attending at the facility show proof of written instructions for physical therapy from a regulated health professional who is qualified to provide such instruction and operator to document in a log.
 - b. Ensure all patrons attending at the facility verbally attest they are unable to engage in physical therapy elsewhere and operator to document in a log.
 - c. Ensure patrons attending verbally attest that the written instructions were obtained from their regulated health professional and operator to document in a log.
 - d. Any patrons meeting the criteria for physical therapy must make a scheduled appointment to attend the facility.
 - e. Physical therapy must be provided by the regulated health professional (qualified to provide such instruction), independently, or accompanied by an external support person and/or service animal, as required.
 - f. The capacity limit for the facility must be limited to the number of patrons who can physically distance by 3 metres and in any event, cannot exceed 5 persons including staff.
 - g. Ensure the name and contact information is recorded for every person who enters or uses the facility.
 - h. All records and logs must be maintained for at least one month and be provided to an inspector under the [Health Protection and Promotion Act](#) on request. These records must be stored and destroyed in a secure manner to preserve the privacy of those to whom the information relates.
2. Regulated health professions who are qualified to provide written instruction for physical therapy are: physicians, nurse practitioners, physiotherapists, occupational therapists, chiropodists/podiatrists, chiropractors, and kinesiologists.
 3. For greater certainty, persons without a disability as defined under the AODA who have received instruction for physical therapy in a fitness or recreational facility cannot access facilities for sport and recreational fitness in Durham Region under the [Stay-At-Home Order](#) under the [Emergency Management and Civil Protection Act](#), Shutdown Zones, as per [O. Reg. 82/20-Rules for Areas in Stage 1](#) and these instructions.
 4. A facility for indoor sports and recreational fitness may also open if it meets the following conditions:
 - a. A childcare centre or authorized recreational and skill building program within the meaning of the *Child Care and Early Years Act, 2014*.
 - b. Mental health support services or addiction supports services, so long as no more than 10 people are permitted to occupy the space.
 - i. The provisions in [O. Reg. 82/20](#) and these instructions permit the use of an indoor sports and recreational fitness facility for in-person counselling (e.g., AA meetings or other organized counselling programs) only.
 - ii. In-person counselling must be provided by a regulated health professional who is qualified to provide such counselling, including: a doctor (M.D.), psychiatrist (M.D.), addiction medicine specialist (M.D.); licensed/registered psychologist (Ph.D., Psy.D., M.A., M.Sc.), licensed/registered social worker (B.S.W. and M.S.W.),

licensed/registered psychotherapist or counsellor (R.C.T.), National Native Alcohol and Drug Abuse Program (NNADAP) worker, or other certified addiction counsellor.

iii. The participation in fitness activities for mental health support services or addiction support services is not permitted in a facility for indoor sports and recreational fitness, pursuant to [O. Reg. 82/20](#) and these instructions.

c. The provisions of social services.

Rationale for Public Health Measures

COVID-19 is present in the Region and therefore poses a risk to the health of the residents of the Region through community transmission. The COVID-19 virus (SARS-CoV-2) is spread from an infected person to a close contact by direct contact or when respiratory secretions from the infected person enter the eyes, nose or mouth of another person.

A COVID-19 variant of concern (VOC) is a mutation in the SARS-CoV-2 genome for which there is conclusive or strong evidence of an impact on public health and clinical practice, including transmission and severity of illness. There is evidence of presence and community transmission of VOCs in multiple health units in Ontario including the Region. VOCs have now been identified in indoor sports and recreational fitness facilities, among many other settings.

Cases of COVID-19 and VOCs continue to rise in the Region.

The Region is currently in the Shutdown Zone and a Stay-At-Home Order has been issued and as such, restrictions on how businesses operate are necessary to prevent COVID-19 community transmission.

Section 22 Workplace Class Order

In addition to [O. Reg. 82/20-Rules for Areas in Stage 1](#), the following applies to your business, as a workplace.

[Workplace Sec. 22 Class Order](#) revised on March 25, 2021 under the [Health Protection and Promotion Act](#) to all owners and occupiers of a workplace premises located in or present in the Region where employees or the public are regularly present.

Enforcement

As per the [ROA](#), individuals who do not comply with the above noted requirements may be liable for a fine up to a maximum of \$100,000 or in the case of a corporation, not more than \$10,000,000 for each day or part of each day on which the offence occurs or continues.

These instructions remain in effect until revoked.

Should you require additional information, please contact Durham Region

Health Department at (905) 668-2020 (toll-free 1-800-841-2729). Visit [durham.ca/novelcoronavirus](https://www.durham.ca/novelcoronavirus) for additional information and resources.

Sincerely,

Original signed by

Robert Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM
Commissioner & Medical Officer of Health