



The Regional  
Municipality  
of Durham

Health Department

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*"Service Excellence  
for our Communities"*

January 12, 2022

**To:** All persons responsible for operating a business or organization that is indoors and open to the public and persons responsible for an apartment building or condominium in Durham Region

**Re:** **Durham Region Medical Officer of Health Instructions to Persons Responsible for a Business or Organization Permitted to Open (under the [Reopening Ontario Act \(A Flexible Response to COVID-19\), 2020](#), S.O. 2020, c.17 [ROA] and associated Regulations) and to Persons Responsible for Apartment Buildings and Condominiums**

I am writing to all persons responsible for operating a business or organization that is indoors and open to the public and is permitted to open as of 12:01 a.m., January 5, 2022, under [ROA Ontario Regulation 263/20: Rules for Areas in Step 2](#) and persons responsible for an apartment building and condominium to highlight your responsibilities. These responsibilities are important to reduce community spread of COVID-19.

**The instructions take effect as of 12:01 a.m.,  
January 13, 2022**

Durham Region enters Step 2 of the [Roadmap to Reopen](#) on January 5, 2022, please be reminded of your responsibilities for compliance to provincial legislation [O. Reg. 263/20](#) (or as current), including s. 2(2) of Schedule 1:

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

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

As Durham Region Medical Officer of Health, the following are my instructions, pursuant [O. Reg. 263/20](#) (or as current), to **all persons responsible for a business or organization permitted to open** within Durham Region, and to **all persons responsible for an apartment building or condominium**, where applicable, effective 12:01 a.m., January 13, 2022:

1. To the fullest extent possible, ensure effective public health measures are in place to prevent the spread of COVID-19.
2. Public health measures include, but are not limited to, ensuring physical distancing, recommending excellent hygiene practices including hand hygiene (handwashing or the use of alcohol-based hand sanitizer), and cough and sneeze etiquette.
3. Implement screening practices for employees and members of the public, including requiring those who are ill to stay home.

Effective 12:01 a.m., January 13, 2022, instructions to **all persons responsible for a business or organization permitted to open in Durham Region** and to **all persons responsible for an apartment building or condominium** within Durham Region will include the following:

1. Have a policy in place to ensure that no Person is permitted to enter or remain in an **Enclosed Public Space** of a business, organization, apartment building or condominium unless they are wearing a Mask at all times in a manner that covers the mouth, nose and chin without gaping. The Mask may be temporarily removed to access services currently permitted under [O. Reg. 263/20](#), where it is reasonably required to do so. Best Efforts shall be made to allow entry to Persons wearing a Mask.

For clarity, a **Person** means any customer, patron, employee, visitor or resident, who enters the enclosed public space; **Enclosed Public Space** means either indoor public spaces of businesses and organizations accessed by the public where the public interact with each other and with staff; or common areas of apartment buildings or condominiums accessed by residents and/or visitors. A **Mask** means a non-medical mask, medical mask or respirator (i.e. non-fitted N95 or K95) that covers the mouth, nose and chin. Face shields are not an acceptable alternative to a Mask for the purpose of these instructions. **Best Efforts** include reminding Persons verbally to wear a Mask, and to not deny service and/or access if a Mask cannot be worn.

A Person shall be exempt from wearing a Mask on the premises if:

- a. The Person is a child under the age of two years; or a child under the age of 5 years either chronologically or developmentally and he or she refuses to wear a Mask and cannot be persuaded to do so by their caregiver;
- b. The Person is incapacitated and unable to remove their Mask without assistance;
- c. The wearing a Mask would inhibit the Person's ability to breathe in



including restaurant patios (when seated) or as otherwise required in provincial legislation.

These instructions **do not** apply to the following:

1. Schools, post-secondary institutions and other facilities used solely for educational purposes
2. Childcare centres and providers governed by the *Child Care and Early Years Act, 2014*, S.O. 2014, c. 11, as amended
3. Day camps
4. Hospitals
5. Independent health facilities
6. Offices of regulated health professionals
7. An area that is not enclosed or not indoors

To further reduce the risk of spreading COVID-19 in your business or organization and within the broader community, it is important to adhere to the above listed public health instructions.

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.

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](http://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