



SUBJECT: Amendment to City of Burlington Mask By-law 62-2020 to Include Apartment and Condominium Buildings and Extension of Physical Distancing By-law 17-2020

TO: Mayor and Members of Council

FROM: Building and By-law Department

Report Number: BB-06-2020

Wards Affected: All

File Numbers: 110-04-1

Date to Committee: N/A

Date to Council: August 13, 2020

Recommendation:

Approve the amendment to By-law 62-2020, otherwise known as the “COVID-19 Mask By-law”, to regulate the requirement of wearing of masks or other face coverings within enclosed common areas of apartment and condominium buildings and to extend the expiry date of the by-law to January 31, 2021, as attached as Appendix A in a form satisfactory to the City Solicitor.

Approve the amendment to By-law 17-2020, otherwise known as the “COVID-19 Physical Distancing By-law”, to provide an expiry date of January 31, 2021, as attached as Appendix B in a form satisfactory to the City Solicitor.

PURPOSE:

To amend the COVID-19 Mask By-law to include common areas in apartment and condominium buildings (residential and business) and to extend the expiry dates of this and the COVID-19 Physical Distancing By-law to January 31, 2021.

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture

Background and Discussion:

Mask By-law

Since the July 13, 2020 implementation of the City of Burlington COVID-19 Mask By-law 62-2020, which was intended to regulate the use of masks/face coverings in enclosed spaces open to the public, many inquiries have been made regarding 'public' spaces in apartment buildings and condominiums – both residential and business.

The intent of the original by-law was to regulate enclosed spaces to which the general public are invited – typically retail or commercial businesses. Residential apartment/condominium buildings were not included as they are considered private residences and would not be open to the general public without specific invitation. Business condominiums could also be excluded if the tenants were only open to employees – although staff have encouraged those who inquired about such buildings that a mask policy for common areas was preferred.

Upon further review, it is noted that that common areas (e.g. lobbies, elevators, laundry rooms) of multi-unit buildings do make it difficult for people to avoid those not included in their provincially mandated social bubble. For this reason, it is recommended that the mask by-law be updated to include apartment buildings and condominiums.

This initiative is supported by the Medical Officer of Health of the Region of Halton who strongly encourages mask use in these types of settings.

Currently, this by-law is set to expire on September 30, 2020; however, it seems likely that the need for masks/face coverings will be required for a longer period of time. Thus, the by-law has been amended to include an expiry date of January 31, 2021. Council has the ability to rescind the by-law at any time prior to that date and/or extend further if needed.

Physical Distancing By-law

It is recommended that the COVID-19 Physical Distancing By-law 17-2020 be amended to add an expiry date of January 31, 2021. The by-law currently expires when the declared state of emergency has ended. Depending on how quickly that decision is made, it may not provide enough time to extend the by-law before it expires. January 31, 2021 was chosen to align with the Mask By-law expiry date. As both measures are key in limiting the spread of COVID-19, it makes sense to consider their extension or expiry at the same time.

Financial Matters:

There is no financial impact resulting from this by-law amendment.

Climate Implications

Not Applicable

Engagement Matters:

Staff will work with the Communications Department to develop appropriate communication and media releases.

Conclusion:

The proposed amendment to the COVID-19 Mask By-law will encourage the wearing of masks/face coverings in common areas of apartment and condominium buildings which aligns with public health recommendations to reduce the community spread of COVID-19. Aligning the expiry dates of both the mask and physical distancing by-law makes sense as both measures are key to limiting the spread of COVID-19 and will ensure their expiry or extension be considered at the same time.

Respectfully Submitted,

Kerry Davren
Manager of By-law
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Appendices:

- A. Amendment to By-law 62-2020 to regulate Requirement of Wearing of Masks or Other Face Coverings Within Enclosed Common Areas of Apartment and Condominium Buildings

- B. Amendment to By-law 17-2020 to provide an expiry date for the physical distancing by-law

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council.