



SUBJECT: By-law amendments to extend COVID By-laws into 2022

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Building and By-law Department

Report Number: BB-11-21

Wards Affected: All

File Numbers: 110-04-1

Date to Committee: November 9, 2021

Date to Council: November 23, 2021

Recommendation:

Approve the amendment to By-law 62-2020, otherwise known as the “COVID-19 Mask By-law”, to extend the expiry date of the by-law to June 30, 2022, as attached as Appendix A to Building and By-law Department report BB-11-21, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Approve the amendment to By-law 17-2020, otherwise known as the “COVID-19 Physical Distancing By-law”, to extend the expiry date to June 30, 2022 and remove Community Centres from the physical distancing requirement, as attached as Appendix B to Building and By-law Department report BB-11-21, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

PURPOSE:

To extend COVID By-laws (Mask & Physical Distancing) into 2022 and remove Community Centres from the physical distancing by-law.

Vision to Focus Alignment:

Delete this line and the areas that do not apply.

- Building more citizen engagement, community health and culture

Background and Discussion:

Expiry Date Extensions

Staff recommend extending the expiry dates of both the Mask (62-2020) and Physical Distancing (17-2020) By-laws until June 30, 2022. These by-laws are set to expire on December 31, 2021 and although statistics on vaccination rates and infections are improving, it is expected that Public Health recommendations regarding these measures will extend past December 31, 2021.

A date of June 30, 2022 has been chosen merely for administrative purposes to lessen the chance that another report is required to extend the by-laws - ultimately reducing the workload for staff.

While the Province has indicated that their mask mandate may be lifted as early as the end of March 2022, staff are not recommending this as an official expiry date as it would still cause administrative issues. If the by-law needed to be extended past March, a report would need to be put before Council prior to March. This means a decision on whether to extend would need to be made in December or January to meet reporting timelines. Predicting conditions that far into the future would be very difficult and staff would likely recommend another extension out of caution.

Council has the ability to pass a motion at any time to revoke these by-laws so keeping the expiry date of June 2022 still allows Council to repeal the by-law in March should conditions be favourable and staff would not need to write another report.

Removal of Community Centres from Physical Distancing By-law

The Physical Distancing By-law requires that a minimum distance of 2 metres be maintained between non-household members on any public property within the City of Burlington. The by-law includes our Community Centres and indoor fitness locations.

Community Centres and indoor fitness locations have also been specifically regulated in the *Reopening Ontario Act* (unlike other buildings such as City Hall). Until recently, provincial regulations and city by-laws have aligned.

Recent amendments to the *Reopening Ontario Act*, *Ontario Regulation 727/21* have now eliminated the capacity limit for our indoor community/fitness centre locations as long as 'proof of vaccine' policies are applied. This means if Physical Distancing By-law 17-2020 is extended as recommended, staff will need to determine a capacity limit for these locations which will ensure users can still meet the 2 metre distance requirement. This may result in a capacity that is less than allowed under current provincial legislation which could affect programming.

Given Community Centres are specifically regulated in the *Reopening Act Ontario*, are subject to 'proof of vaccine' policies and directives from both the Provincial and Halton Region Medical Officers of Health in relation to their operations (due to the sport

operation), staff no longer feel it is necessary to also include them in Physical Distancing By-law 17-2020.

This does not mean that levels of protection will be reduced in these facilities or that physical distancing will not be maintained. Removing an additional regulation would make it easier for staff to program the facilities for the future and reduce the number of publications that need to be reviewed in tandem.

Options for Consideration – Mask By-law Expiry Date

Should Council wish to automatically repeal Mask By-law 62-2020 if the Province ends their mask mandate, a motion could be made to amend the by-law to read as follows:

By-law 62-2020 is amended by deleting section 25 in its entirety and replacing it with the following new section 25:

This By-law comes into force on the date of its passing and shall remain in effect until 12:01 a.m. on June 30, 2022, or when the Province of Ontario repeals their mask mandate, whichever comes first, OR unless extended or revoked by City Council.

If this option is chosen, staff could prepare the appropriate amendment for approval at the November 23, 2021 Council Meeting.

Staff did not recommend this change as there is always the chance that Council may have a differing opinion on when to remove the mask mandate. One of the reasons that the provincial legislation requires adherence to directives from the Medical Officer of Health is that conditions may vary from city to city and some areas need additional measures. Keeping the by-law as originally recommended allows Council to control when they remove their mask mandate.

Financial Matters:

Not Applicable.

Total Financial Impact

Not Applicable.

Source of Funding

Not Applicable.

Other Resource Impacts

Not Applicable.

Climate Implications

Not Applicable

Engagement Matters:

Not Applicable.

Conclusion:

Staff recommend maintaining by-laws related to physical distancing and wearing of masks into 2022 as it is anticipated that Public Health recommendations regarding these measures will continue to be valid during this period.

Respectfully submitted,

Kerry Davren

Manager of By-law

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Appendices:

- A. Amendment to Mask By-law 62-2020
- B. Amendment to Physical Distancing By-law 17-2020

Report Approval:

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