

April 29, 2021

### **ORDER OF THE MEDICAL OFFICER OF HEALTH**

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

**To: All administrators, visitors and volunteers of the Grace Baptist Church (the “Church”), 354 Victoria Street East, Alliston, ON L9R 1K3 County of Simcoe (“the Property”)**

I, Dr. Charles Gardner, Medical Officer of Health for the Simcoe Muskoka District Health Unit (SMDHU), order you to take the following actions:

1. Immediately, comply with and adhere to provincial gathering capacity limits set out under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, for religious services, rites or ceremonies, including wedding services and funeral services currently in Stage One. These indicate that, only where physical distancing can be maintained, there is a permitted maximum of 10 persons for the purposes of a wedding, a funeral or a religious service, rite or ceremony.
2. Take immediate steps to inform yourself of the current and ongoing changes to the provincial gathering capacity limits set out under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 for religious services, rites or ceremonies, including wedding services and funeral services within the Simcoe Muskoka District Health Unit geographic area and ensure your compliance and adherence to the capacity limits as and when they are amended.
3. Immediately require all employees, volunteers and visitors of the Church/Property [or any Property owned, leased, operated, or occupied by Pastor Michael Thiessen and/or the Church and used for the purpose of religious services, rites or ceremonies, including wedding services and funeral services (herein referred to as “Secondary Properties”)], including yourself, to conduct self-screening for symptoms of COVID-19 (symptoms listed at <https://www.ontario.ca/page/covid-19-stop-spread#section-0>), prior to attending the Property and, if any symptoms are present, to advise those individuals to return home immediately and isolate themselves from others for a minimum of 10 days after the onset of symptoms. If they seek testing and the test results are negative, they may stop isolating when they no longer have a fever and it has been at least 24 hours since symptoms started improving.
4. If you are an Administrator of the Church, immediately, ensure that you or another Administrator(s) develops and maintains a record of all attendance information (including names, contact information, dates and times of attendance) for all persons who attend the Property for any reason at any time and who attend any Secondary Properties for the purpose of religious services, rites or ceremonies, including wedding services and funeral services. The maintenance of these records must comply with all applicable privacy requirements and laws and can be compelled by the Simcoe Muskoka District Health Unit at any time to support case and contact tracing by the affected person’s local public health unit.
5. Immediately, ensure face coverings are worn at all times on the Property or Secondary Properties, unless it is reasonably required to temporarily remove the face covering for religious services provided by the Church (such as eating/drinking). There are some situations when a mask or face covering is not required as per Ontario Regulation 82/20, under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020.
6. If you are an Administrator of the Church, immediately ensure that a legible copy of this Order is posted at every entrance to every building on the Property and any Secondary Properties.

#### **REASONS FOR THIS ORDER ARE THAT:**

1. On December 26, 2020, the Province of Ontario designated the Simcoe Muskoka District Health Unit as being in Stage One under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 and Ontario Regulation 82/20 now applies to activities occurring within the Simcoe Muskoka District Health Unit geographic area; and
2. On April 3, 2021, the Province of Ontario imposed a provincewide emergency shutdown under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 and Ontario Regulation 82/20 now applies to activities occurring within the Simcoe Muskoka District Health Unit geographic area; and
3. Ontario Regulation 82/20 prevents the gathering of more than 10 people for a religious service; and
4. The Grace Baptist Church provides religious services on the Property to visitors; and
5. On January 3, 2021, the Nottawasaga OPP, witnessed at least 59 people on the Property attending religious services offered by the Church which was in excess of the Ontario Regulation 82/20 schedule 4, section 1 gathering limit of 10 people for the purposes of a wedding, a funeral or a religious service, rite or ceremony; and
6. On January 4, 2021, the Program Manager with the Simcoe Muskoka District Health Unit, provided advice, direction, recommendation, education and notice to Michael Thiessen, Teaching Pastor of the Grace Baptist Church, and a person responsible for the Church on capacity limits under O. Regulation 82/20 under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, and provided a copy of the Simcoe Muskoka District Health Unit Places of Worship guidance document; and

7. On January 4, 2021, Michael Thiessen, Teaching Pastor, provided no confirmation that there would be any effort made to comply with the capacity maximum requirements; and
8. On January 10, 2021, the Nottawasaga OPP, witnessed over 100 people attending a religious service at the Church on the Property which was in excess of the Ontario Regulation 82/20, schedule 4, section 1 gathering limit of 10 people for the purposes of a wedding, a funeral or a religious service, rite or ceremony; and
9. On January 13, 2021, I previously issued an Order to you requiring compliance with the gathering capacity limits for religious services, rites or ceremonies. After changes to the legislation and an increase in capacity limits the Order was rescinded.
10. On April 25, 2021, the Nottawasaga OPP, witnessed 20 people attending the first religious service at the Church on the Property which was in excess of the Ontario Regulation 82/20 schedule 4, section 1 gathering limit of 10 people for the purposes of a wedding, a funeral or a religious service, rite or ceremony; and
11. On April 25, 2021, the Nottawasaga OPP, witnessed 37 people attending the second religious service at the Church on the Property which was in excess of the Ontario Regulation 82/20 schedule 4, section 1 gathering limit of 10 people for the purposes of a wedding, a funeral or a religious service, rite or ceremony; and
12. Persons responsible for an organization, like the Church, and the individuals attending the Church, are responsible for preventing the ongoing spread and risk of infection of COVID-19 among persons who attend the Church and/or the Property and/or the Secondary Properties. This is done through compliance with the rules of the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020; and
13. That COVID-19 may be transmitted from one person to another during an asymptomatic and pre-symptomatic state; and
14. COVID-19, a novel coronavirus, is designated as a disease of public health significance and a communicable disease pursuant to the Health Protection and Promotion Act, 1990, R.S.O., c.H.7, which poses a serious risk to the health of others in the Simcoe Muskoka District Health Unit geographic area; and
15. COVID-19 is present in the Simcoe Muskoka District Health Unit geographic area and therefore poses a risk to the health of the residents of Simcoe Muskoka through community transmission. The COVID-19 virus is spread from an infected person to an uninfected person by direct contact or from a close encounter where respiratory secretions from the infected person are transmitted to the uninfected person; and
16. Failure to comply with the provincial requirements outlined in the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 for gatherings poses an immediate risk of an outbreak, worsening an outbreak or adding further outbreaks in the Simcoe Muskoka District Health Unit geographic area.

**As a result, I am of the opinion, based on reasonable and probable grounds, that:**

1. A communicable disease exists, or may exist, or that there is an immediate risk of an outbreak of a communicable disease in the health unit served by me; and
2. The communicable disease presents a risk to the health of persons in the Simcoe Muskoka District Health Unit geographic area served by me; and
3. The requirements specified in this Order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

**SERVICE OF ORDER**

I am also of the opinion that the delivery of notice of this Order to each and every member of the class is likely to cause a delay that could significantly increase the risk to the health of any person residing in the Simcoe Muskoka District Health Unit, so notice shall be provided through the public media and the internet via posting on the Simcoe Muskoka District Health Unit website: [www.smdhu.org/covid19](http://www.smdhu.org/covid19).

**NOTICE**

**TAKE NOTICE THAT** you are entitled to a hearing by the Health Services Appeal and Review Board in accordance with Section 44 of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, if you deliver to the Medical Officer of Health for Simcoe Muskoka District Health Unit at 15 Sperling Drive, Barrie, Ontario L4M 6K9 and to the Health Services Department Appeal and Review Board at 151 Bloor Street West, 9<sup>th</sup> Floor, Toronto, Ontario, M5S 1S4 notice in writing, requesting a hearing within fifteen (15) days after service of this Order.

In the context of the COVID-19 outbreak:

All requests for review, submissions, materials, and inquiries should be sent to the Health Services Appeal and Review Board by e-mail to [hsarb@ontario.ca](mailto:hsarb@ontario.ca) or faxed to the Board at 416-327-8524.

**AND TAKE FURTHER NOTICE THAT** although a hearing may be requested, this Order takes effect when it is served upon you.

**FAILURE TO COMPLY WITH THIS ORDER** is an offence under the Health Protection and Promotion Act for which you may be liable, on conviction, to a fine of not more than \$5,000.00 (for a person) or not more than \$25,000.00 (for a corporation) for every day, or part of each day, on which the offence occurs or continues.

If you have any questions about this Order, please contact the Simcoe Muskoka District Health Unit at 705-721-7520 (1-877-721-7520) or online at:

<https://www.simcoemuskokahealth.org/HealthUnit/About/Contact/ContactHealthConnection>.

ORIGINAL Signed By:

**Dr. Charles Gardner, MD, CCFP, MHSc, FRCPC**  
Medical Officer of Health