

December 24, 2021

ORDER OF THE MEDICAL OFFICER OF HEALTH

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

Jay Davis, Pastor
Mapleview Church, (the “Church”)
300 Mapleview Drive West,
Barrie, Ontario, L4N 9E7
County of Simcoe (the “Property”)

I, Dr. Charles Gardner, Medical Officer of Health for the Simcoe Muskoka District Health Unit, order you to take the following actions, effective immediately upon receipt of this order:

1. Take immediate steps to inform yourself of the current and ongoing changes to the provincial mask or face covering, and physical distancing requirements 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 masking requirements and capacity limits as and when they are amended.
2. Immediately ensure that masks or face coverings are worn at all times on the Property and on any 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 364/20, under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020.
3. Immediately, post a legible copy of the Class Order issued to employees, volunteers and visitors of the Church at all entrances of all buildings on the Property and any Secondary Properties.
4. Ensure that you or a delegated individual or company clean and disinfect frequently touched surfaces on the Property and Secondary Properties at least twice a day (when in use) or following every religious service (e.g., distinct groups of attendees), whichever is more frequent.
5. Require that attendance information from visitors be taken upon entry into any building and provide for and require the quick entry and exit of visitors before and after services to avoid causing visitors to breach physical distancing requirements as a result of queueing in tight quarters.

REASONS FOR THIS ORDER ARE THAT:

1. Ontario Regulation 364/20 requires persons wear a masks or face coverings in a manner that covers their mouth, nose and chin during any period when they are in the indoor area of the Church/Property unless an exemption is granted as per the regulation.
2. The Mapleview Church provides religious services on the Property to visitors; and
3. On December 22, 2021, Program Manager with the Simcoe Muskoka District Health Unit viewed the Mapleview Church December 19, 2021 – Christmas Concert video available on YouTube <https://www.youtube.com/watch?v=fldLzN9NzrY> and witnessed patrons not wearing masks and face coverings while seated and/or walking around the church; and
4. On December 23, 2021, Program Coordinator with the Simcoe Muskoka District Health Unit provided public health advice, direction, recommendations, education and notice on masking requirements under O. Regulation 364/20 under the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 to Jason Weening, Director of Operations of the Mapleview Community Church, a person responsible for the Church; and
5. On December 23, 2021, Jason Weening, Director of Operations admitted that they are aware of the masking requirements however the Church does not enforce mask use on those that wish to not wear one or who remove their mask once inside the worship area; and
6. Persons responsible for an organization, like the Church, are responsible for preventing the ongoing spread and risk of infection of COVID-19 among persons who attend the Church and/or Property and/or Secondary Properties. This is done through compliance with the rules of the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020. Pastor Jay Davis is a person responsible for the Church; and
7. On March 11, 2020, COVID-19 was declared a pandemic by the World Health Organization.
8. On March 17, 2020, the spread of COVID-19 was first declared an emergency in Ontario pursuant to the *Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9*, as amended. The emergency orders have been continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c.17*.
9. 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

10. 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
11. That COVID-19 may be transmitted from one person to another during an asymptomatic and pre-symptomatic state; and
12. The serious risk of Omicron – evidence to date suggests that has become the dominant strain of COVID-19 in Ontario, that it is much more transmissible than Delta, and that people with 2 doses of COVID-19 vaccine are not as well protected as they are against Delta and other strains. Therefore, a significant COVID-19 surge is anticipated in Ontario driven by Omicron; and
13. Failure to comply with the provincial requirements outlined in the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 for masking and gatherings poses an immediate risk of an outbreak, worsening of 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 SMDHU 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.

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 the 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, 9th 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 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 by telephone at 705-721-7520.

ORIGINAL Signed By:

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