



John Tory
Mayor

July 18, 2020

The Honourable Doug Ford
Premier of Ontario
Legislative Building Queen's Park
Toronto ON M7A 1A1

Dear Premier Ford,

I want to thank you and your government for working with the City of Toronto throughout the COVID-19 pandemic and our ongoing efforts to make sure all of Ontario experiences a strong restart and recovery.

Throughout this crisis, I have listened, as you have, to the advice of our public health professionals – I am confident this has saved lives and protected the health of the city and the province.

I know you are just as concerned as I am about a second wave and the disastrous impact that a return to a more stringent lockdown would have on the health of our residents and the restart of the Ontario economy. We have seen in other jurisdictions that further reopening can lead to increased outbreaks of COVID-19 and growing case count numbers. We do not want to go in that direction.

I firmly believe that for the good of the province and our city, we must continue to move forward safely but we also must do everything we can to continue to stop the spread of COVID-19.

As the City of Toronto moves closer to Stage 3 of the reopening, I have asked Toronto Public Health to work with City Legal and Municipal Licensing and Standards to determine how best we could strengthen the provincial rules to help protect residents. I am writing to you today to share those recommendations in the hopes that they could be quickly implemented ahead of any Stage 3 reopening. I believe it is easier to add them ahead of time so that businesses and residents can adopt them immediately, rather than having to add further down the road should outbreaks start to occur.

The City has reviewed O. Reg 364/20: Rules for Areas in Stage 3 issued pursuant to the Emergency Management and Civil Protection Act.

We are requesting the following amendments be made in the Stage 3 order that will apply at least to the City of Toronto, recognizing the province may want to include other large jurisdictions as well:

- 1) The provisions that apply to food and drink establishments (Schedule 2, section 1(1)2 in O. Reg 364/20) should be amended to require that patrons be seated at all times unless entering, exiting, travelling to and from the washroom, or paying. The present requirement applies only while people are actually eating or drinking.
- 2) The amended Stage 3 order should include the following requirement: operators of food and drink establishments where patrons will be seated shall,
 - a. Maintain a client log with a name and contact information for one person, minimum, in each party along with the date, check in and check out times, and table number
 - b. Store these logs for a period of 30 days, after which the information can be destroyed
 - c. Permit local public health units to access this information when tracing contacts of someone with COVID-19 who was a patron at the restaurant/bar or otherwise for public health purposes pursuant to the Health Protection and Promotion Act
- 3) In addition to the current capacity limits set out in Schedule 1, section 3 of O Reg 364/20, food and drink establishments should be subject to additional capacity restrictions that limit occupancy to ensure that physical distancing can be easily maintained by all patrons. There is a precedent for this in O. Reg. 52/20 pertaining to wedding and funeral services.
- 4) The amended Stage 3 order should implement early closure times (e.g. midnight last call) for food and drink establishments for at least an initial period of time, similar to what was done in Quebec.
- 5) The amended Stage 3 order should require operators of food and drink establishments to implement COVID-19 screening protocols for staff, such as completion of a screening questionnaire, prior to the commencement of their shifts.
- 6) Mandatory face covering requirements for staff and patrons should be clearly outlined in the amended Stage 3 order.

According to our health officials, these establishments present a high level of risk of transmission of the COVID-19 virus: all of the factors known to be associated with high risk are present—close, prolonged contact with many other people in a closed environment. This is borne out by reports of multiple cases arising from bars in Quebec, Alberta, many US states and South Korea.

The rationale for limiting numbers and for distancing is that there is evidence that about 10% of cases account for about 80% of transmission. It takes only one case (perhaps asymptomatic) in a bar to infect many people, possibly equivalent to several times Toronto's average daily total. This rationale also supports seating and customer log requirements as well as mandatory masking, staff screening and limits on capacity.

The key potential mitigating measures are to maintain distancing at all times (e.g. require customers to be seated at all times, no more customers than seats) and cap numbers in the space.

These changes would also ensure a speedy response to new cases. As you know, speed in contact tracing is essential: by the time the first secondary case is detected the outbreak may have spread to many others. A requirement to maintain a list of customers to facilitate contact tracing is essential. The most effective measure, however, is to respond immediately and vigorously to violations, before transmission can occur. All of the above measures would support these important public health goals.

While many of these measures are already Toronto Public Health guidelines and recommendations, they are not included in the province's legal regulation. I believe ensuring these are requirements rather than recommendations will help ensure compliance and ultimately, protect the health of our residents.

I support the province introducing these measures as part of moving the City of Toronto into Stage 3.

I believe they will ensure the progress we have made, by following public health advice consistently, will continue.

I also believe that businesses will follow these measures because they will understand this will help protect their customers and employees and help prevent a spike in COVID-19 cases that could ultimately lead to a return to more restrictive measures, including a return to the closure of these same businesses as we have seen in other cities.

Thank you again for your ongoing cooperation and the cooperation of your government and public health officials throughout this crisis.

Sincerely,



John Tory
Mayor