



**Letter of Instruction
Kingston, Frontenac, and Lennox & Addington Public Health**

MEDICAL OFFICER OF HEALTH

DATE: December 15, 2021

TO: Persons responsible for a business or organization that is open in the City of Kingston and the Counties of Frontenac and Lennox & Addington.

In response to rapidly rising COVID-19 case counts in the City of Kingston and the Counties of Frontenac and Lennox & Addington and in consultation with Ontario's Chief Medical Officer of Health, I have determined that it is unfortunately necessary to take further and immediate action to limit the spread of the COVID-19 virus, including its variants of concern, protect our community's health and protect our health system within the areas served by Kingston, Frontenac and Lennox & Addington (KFL&A) Public Health.

The Provincial Plan to Safely Reopen Ontario requires local public health to monitor trends and to put in place additional protections, as warranted.

KFL&A Public Health is experiencing a spike in people testing positive for COVID-19. The timing of this increase at first followed the gradual pattern of seasonal respiratory illness activity and could be attributed to specific risk settings. However, the emergence of the new variant of concern Omicron first detected in KFLA area on December 3, 2021, and the exponential growth in cases since then resulted in KFLA region now experiencing the highest COVID-19 case rates in the province. On December 11, 2021, KFL&A Public Health reached a milestone of over 3500 cases of COVID-19 reported since the onset of the pandemic. KFL&A Public Health reported an additional 117 cases on December 12, 2021, and 100 cases on December 13, 2021. This included 471 confirmed and suspect cases of the omicron variant. KFL&A Public Health is recording the highest 7-day rate of new cases (incidence cases) its ever seen with 373.3 cases per 100 000. These rates are amongst the highest rates ever observed in the province in any PHU in a week. With over 1000 active cases, and an active case rate that is 1.8 times that of the next highest public health unit in Ontario – 433 per 100 000 vs. 242 per 100 000.

The surge in COVID-19 cases is not linked to a single setting or sector, as such, broad measures are required to reduce the number of contacts people have with one another. Transmission is widespread—especially in those aged 18 to 29, for whom vaccination rates are low and case rates are high—and KFL&A Public Health is experiencing a record number of COVID-19 outbreaks.

Our situation could get even worse with the winter months when more people will be inside for longer periods of time. We are in a very different place than the rest of the

province and this necessitates a temporary reinstatement of the measures comparable to some of the provincial protections lifted by the province on October 25, 2021.

My instructions set out below address the following measures:

- 1) Reinforce the critical importance of **PUBLIC HEALTH MEASURES** to prevent COVID-19 transmission. (PART A)
- 2) Reinstate recent provincial changes lifting **CAPACITY LIMITS** and **PHYSICAL DISTANCING** requirements in the Step 3 Rules. (PART B)
- 3) Strengthen **MASKING REQUIREMENTS** for facilities used for sports and recreational fitness activities and organized public events and tighten **GATHERING LIMITS** for organized public events. (PART C)
- 4) Modify sport to achieve **PHYSICAL DISTANCING** in facilities used for indoor or outdoor sports and recreational fitness activities (PART D)

I am implementing these additional protections, effective Sunday, December 19, 2021, at 12:01 a.m., as the critical intervention to interrupt chains of transmission within our community. Acting now will provide maximum protection to local businesses and workers from more drastic measures such as complete shutdowns of the entire sectors of the economy we have experienced in previous waves.

I issue these instructions with strong support from Ontario's Chief Medical Officer of Health, Dr. Kieran Moore, who recognizes the need for urgent and exceptional public health measures to protect all those who reside and are otherwise present in the City of Kingston and the Counties of Frontenac and Lennox & Addington and across the province.

Ontario's Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (ROA) and Emergency Management and Civil Protection Act (EMCPA) require all persons responsible for a business or organization that is open to operate in compliance with the instructions of public health officials. That includes these instructions issued by me, rendered mandatory by sections 2(2) and (2.1), Schedules 1 and 4 of O. Reg. 364/20 as amended (Step 3 Rules), issued under the ROA.

These instructions will be enforced by public health officials and by provincial offences officers under one or more of the Health Protection and Promotion Act (sections 100, 101 and 102), ROA (sections 9, 9.1, 10 and 10.1) and/or EMCPA (sections 7.0.5 and 7.0.11). Failure to comply with these instructions is an offence. Among the enforcement actions that may be taken, you may be charged, and penalties imposed including significant fines, imprisonment and/or closure of premises.

A failure to comply with regulations issued under the ROA is an offence punishable by set fines of \$750 for individuals and \$1,000 for corporations under Part I of the Provincial Offences Act (POA). Maximum penalties for this offence if prosecuted under Part III of the POA include: for individuals, a fine of up to \$100,000 and imprisonment for not more than one year; for an individual who is an officer or director of a corporation, a fine of up to \$500,000 and imprisonment for not more than one year; and for a corporation, a fine of up to \$10,000,000. A person is guilty of a separate offence on each day that the offence occurs or continues.

I cannot provide you with an “end-date” for these instructions. My current expectation, in consultation with the Chief Medical Officer of Health, is that they will be in place for one month, allowing us to resume our transition to a “reopened” community early in 2022. In the meantime, any further provincial measures to lift capacity limits and physical distancing requirements will be delayed in the City of Kingston and the Counties of Frontenac and Lennox & Addington. I assure you that I am monitoring local, provincial, and national developments closely and will adjust our course accordingly. I may amend these instructions (if and as required) and will rescind them as soon I determine they are no longer necessary.

These instructions remain in effect until amended or rescinded by me.

PLEASE FOLLOW ALL INSTRUCTIONS CLOSELY

PART A – GENERAL

- 1) Subsection 2(1) of Schedule 1, O. Reg. 364/20 issued under the ROA requires, among other things, that the person responsible for a business or organization that is open shall ensure that the business or organization operates in accordance with all applicable laws, including the Occupational Health and Safety Act and the regulations made under it.
- 2) Subsection 2(2) imposes the further legal requirement that the person responsible for a business or organization that is open must operate the business or organization in compliance with the instructions of public health officials. That includes these, and any other, instructions issued by me under the ROA.
- 3) Where these instructions impose one or more additional requirements not set out in O. Reg. 364/20 as amended (Ontario’s Step 3 Rules), the requirement or requirements under these instructions must also be followed by persons responsible for a business or organization (i.e., establishment) that is open.

PART B – REINSTATING CAPACITY LIMITS AND PHYSICAL DISTANCING REQUIREMENTS

- 4) Beginning October 9, 2021, capacity limits and physical distancing requirements for some establishments were lifted by provincial changes to O. Reg. 364/20.4 Those changes are reversed and the former requirements reinstated by these instructions, as set out in paragraphs 5) to 18) below.

5) General capacity limits.

[Section 3 of Schedule 1, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The general capacity limit established by subsection 3(1) of Schedule 1, O. Reg. 364/20 applies to all establishments identified in paragraphs 6) to 18) below, subject to the qualifications of subsection 3(5) and (6) of Schedule 1, O. Reg. 364/20 and any specific capacity limits set out below.

6) Meeting and event spaces, including conference centres or convention centres.
[Section 4 of Schedule 1, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The total number of members of the public permitted to be in an indoor portion of the rentable meeting or event space at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor portion of the rentable meeting or event space and in any event may not exceed 50 per cent capacity, as arrived at by taking 50 per cent of the capacity of every room in the rentable meeting or event space, as O. Reg. 364/20 as amended by O. Regs. 698/21, 727/21 and 732/21 5 determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20, and totalling the result, or 10,000 persons, whichever is less.
- b. The number of members of the public permitted to be in a particular room in the indoor portion of the rentable meeting or event space at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the room and in any event may not exceed 50 per cent capacity of the room in the rentable meeting or event space, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20, and the total capacity for the particular room cannot be added to increase the total capacity of the indoor portion of the rentable meeting or event space permitted under paragraph a. above.
- c. The total number of members of the public permitted to be in an outdoor portion of the rentable meeting or event space at any one-time may not exceed the least of the following:
 - i. 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
 - ii. 30,000 persons, in the case of a seated meeting or event.
 - iii. 15,000 persons, in the case of an unseated meeting or event.
- d. The person responsible for the establishment must post a sign in a conspicuous location visible to the public that states the capacity limits under which the establishment is permitted to operate.
- e. The rented space must be configured so that patrons seated at different tables are separated by:
 - i. A distance of at least two metres, or
 - ii. plexiglass or some other impermeable barrier.
- f. Paragraphs a., b., c. and e. above do not apply if the business or place is rented out:
 - i. for a day camp or overnight camp for children described in section 19 of Schedule 2, O. Reg. 364/20;
 - ii. to a provider of childcare within the meaning of the Child Care and Early Years Act, 2014;

- iii. for the purpose of the provision of social services;
 - iv. for the purpose of delivering or supporting the delivery of court services;
 - v. for operations by or on behalf of a government; or
 - vi. for the purpose of delivering or supporting the delivery of government services.
- g. Paragraphs a. and b. above do not apply if the business or place is rented out to participants in an international single sport event hosted by a national sport organization that is either funded by Sport Canada or recognized by the Canadian Olympic Committee or the Canadian Paralympic Committee.
- h. Paragraphs a. and b. above do not apply if the business or place is rented out to participants in a sport league or association identified in Column 2 of the Tables below that is associated with the sport identified in Column 3 of the Tables below:

**Table 1
 Professional Sports Leagues or Associations**

	Professional Sport Leagues or Associations	Sport
1.	American Hockey League	Hockey
2.	Canadian Elite Basketball League	Basketball
3.	Canadian Football League	Football
4.	Canadian Premier League	Soccer
5.	Major League Baseball	Baseball
6.	Major League Soccer	Soccer
7.	NBA G League	Basketball
8.	National Basketball Association	Basketball
9.	National Hockey League	Hockey
10.	National Lacrosse League	Lacrosse
11.	National Women's Hockey League	Hockey
12.	Professional Women's Hockey Player's Association	Hockey
13.	USL League	Soccer

**Table 2
 Elite Amateur Sport Leagues or Associations**

	Elite Amateur Sport Leagues or Associations	Sport
1.	Canadian Hockey League	Hockey
2.	Elite Baseball League of Ontario U 18 Division	Baseball
3.	League 1 Ontario	Soccer
4.	Ontario Junior "A" Lacrosse League	Lacrosse
5.	Ontario Scholastic Basketball Association	Basketball
6.	Ontario Women's Field Lacrosse U 19 "A" League	Lacrosse
7.	Provincial Women's Hockey League	Hockey

7) Restaurants, bars and other food or drink establishments without dance facilities.
 [Section 1 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The total number of patrons permitted to be seated at the establishment, whether indoors or outdoors, must be limited to the number that can maintain a physical distance of at least two metres from every other person at the establishment.
- b. The establishment must be configured so that patrons seated at different tables are separated by:
 - i. a distance of at least two metres, or
 - ii. plexiglass or some other impermeable barrier.
- c. The person responsible for the establishment must post a sign in a conspicuous location visible to the public that states the capacity limits under which the establishment is permitted to operate.
- d. Despite subsection 1(5) of Schedule 2, O. Reg. 364/20, if the capacity limit provided for in O. Reg. 364/20 as supplemented by these instructions conflicts with the capacity limit set out elsewhere in O. Reg. 364/20 as supplemented by these instructions in respect of a business, place, facility or establishment at which food or drink is sold or served, the capacity limit for the business, place, facility or establishment is whichever limit is lower.
- e. The requirements in paragraphs a. and c. above do not apply:
 - i. With respect to establishments on hospital premises or in an airport; or
 - ii. With respect to an establishment located within a business or place if the only patrons permitted at the establishment are persons who perform work for the business or place in which the establishment is located.

f. The physical distancing described in subsections 3(1) and 3.1(4) of Schedule 1, O. Reg. 364/20 is not required when patrons are seated together at a table in a food or drink establishment.

8) Facilities used for sports and recreational fitness activities, including areas for spectators within those facilities and areas where personal physical fitness trainers provide instruction within those facilities.

[Section 16 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. In the case of an indoor facility, the total number of members of the public permitted to be in the facility at any one-time must be limited to 50 per cent of the capacity of the facility, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
- b. The number of spectators at the facility at any one-time must not exceed the following limits:
 - i. In the case of a facility that has a designated area for indoor spectators, 50 per cent of the usual indoor seating capacity, or 10,000 persons, whichever is less.
 - ii. In the case of a facility that has a designated area for outdoor spectators, 75 per cent of the usual outdoor seating capacity, or 30,000 persons, whichever is less.
 - iii. In the case of a facility that does not have a designated area for indoor spectators, the number of spectators in the indoor area of the facility at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor area of the facility and in any event may not exceed 50 per cent capacity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20, or 10,000 persons, whichever is less.
 - iv. In the case of a facility that does not have a designated area for outdoor spectators, the number of spectators in the outdoor area of the facility at any one-time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20, or 15,000 persons, whichever is less.
- c. The person responsible for the facility, or, where there is no such responsible person, the person holding a permit for the use of the facility must post a sign in a conspicuous location visible to the public that states the capacity limits under which the facility is permitted to operate.
- d. Paragraph a. above does not apply to any part of the facility that is being used;
 - i. for a day camp or overnight camp for children described in section 19 of Schedule 2, O. Reg. 364/20;
 - ii. by a provider of childcare within the meaning of the Child Care and Early Years Act, 2014; or

iii. for the purpose of the provision of social services.

- e. Every person in an indoor area of the facility must maintain a physical distance of at least two meters from every other person in the facility other than from their caregiver or from members of the person's household, except when any of the exceptions set out in subsection 3.1 (5) of Schedule 1 would apply. **Note:** For the purposes of the Letter of Instruction, Subsection 3.1(5)(f)(vii) of Schedule 1 O. Reg. 364/20 does not apply to contact sport competition.
- f. For greater clarity, Subsection 3.1(4) of Schedule 1, O. Reg. 364/20 applies to members of the public engaged in contact sport competition at facilities for indoor or outdoor sports and recreational fitness activities.

9) Places where commercial film and television production takes place:

[Section 20 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The number of members of the public permitted to be in the studio audience at any one-time must not exceed 50 per cent of the usual seating capacity or 10,000 persons, whichever is less.
- b. The person responsible for the film or television production must post a sign in a conspicuous location visible to the public that states the studio audience capacity limits under which the production is permitted to operate.

10) Concert venues, theatres, and cinemas.

[Section 22 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The number of members of the public at an outdoor seated concert, event, performance or movie within the concert venue, theatre or cinema at any one-time must not exceed 75 per cent of the usual seating capacity for the concert venue, theatre or cinema, or 30,000 persons, whichever is less.
- b. The number of members of the public in the outdoor area of the concert, event, performance or movie at any one-time must not exceed 75 per cent capacity of the concert venue, theatre or cinema, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20, or 15,000 persons, whichever is less.
- c. The number of members of the public at an indoor seated concert, event, performance or movie within the concert venue, theatre or cinema at any one-time must not exceed 50 per cent of the usual seating capacity for the concert venue, theatre or cinema, or 10,000 persons, whichever is less.
- d. The number of members of the public permitted to be in a particular room in the indoor portion of the seated concert, event, performance or movie at any one-time must not exceed 50 per cent of the usual seating capacity of the room in the concert venue, theatre or cinema, and the total capacity for the particular room cannot be

added to increase the total capacity of the concert venue, theatre, or cinema as provided for under paragraph c. above.

- e. The person responsible for the concert venue, theatre or cinema must post a sign in a conspicuous location visible to the public that states the capacity limits under which the concert venue, theatre or cinema is permitted to operate and the capacity limits of any seated concert, event, performance or movie within the concert venue, theatre or cinema.

11) Museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions, in respect of indoor areas:

[Section 24 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The number of members of the public in the outdoor ticketed area of the attraction at any one-time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- b. The number of members of the public at a seated event or activity within the attraction at any one-time must not exceed;
 - i. 50 per cent of the usual seating capacity for the event or activity, in the case of events or activities indoors, or 1,000 persons, whichever is less, and
 - ii. 75 per cent of the usual seating capacity for the event or activity, in the case of events or activities outdoors, or 15,000 persons, whichever is less.
- c. The number of members of the public at an outdoor event or activity at the attraction at any one-time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20, or 5,000 persons, whichever is less.
- d. The number of members of the public permitted to be in a particular room in the indoor portion of the attraction at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the room and in any event may not exceed 50 per cent capacity of the room in the attraction, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20, or if it is a seated event or activity taking place in the room, must be limited in accordance with subparagraph b.
 - i. of this provision, and the total capacity for the particular room cannot be added to increase the total capacity of the indoor ticketed area as provided for under paragraph 2 of subsection 24(1) of Schedule 2, O. Reg. 364/20.
- e. If a concert, event, performance or movie is held at the park, the conditions in section 22 of Schedule 2, O. Reg. 364/20 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for museums etc. so as to increase the capacity permitted under section 24 of Schedule 2, O. Reg. 364/20 as supplemented by these instructions.

12) Casinos, bingo halls and other gaming establishments:

[Section 25 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The number of members of the public in the establishment at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person and in any event may not exceed 50 per cent of the maximum occupancy of the establishment, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
- b. If a concert, event, performance or movie is held at the establishment, the conditions in section 22 of Schedule 2, O. Reg. 364/20 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for casinos etc. so as to increase the capacity permitted by section 25 of Schedule 2, O. Reg. 364/20 as supplemented by these instructions.
- c. The establishment must be configured so that patrons at gaming tables or slot machines are separated by:
 - i. a distance of at least two metres, or
 - ii. plexiglass or some other impermeable barrier.
- d. The person responsible for the establishment must post a sign in a conspicuous location visible to the public that states the capacity limits under which the establishment is permitted to operate.

13) Horse racing tracks, car racing tracks and other similar venues:

[Section 26 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The number of members of the public in an indoor seated area of the venue at any one-time must not exceed 50 per cent of the usual indoor seating capacity for the venue, or 10,000 persons, whichever is less.
- b. The number of members of the public in an outdoor seated area of the venue at any one-time must not exceed 75 per cent of the usual outdoor seating capacity for the venue, or 30,000 persons, whichever is less.
- c. The number of members of the public at an outdoor unseated event or activity at the venue at any one-time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20, or 15,000 persons, whichever is less.
- d. The person responsible for the venue must post a sign in a conspicuous location visible to the public that states the capacity limits under which the venue is permitted to operate.

14) Amusement parks, in respect of indoor areas:

[Section 27 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The number of members of the public in the outdoor area of the park at any one-time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- b. The number of members of the public at any particular outdoor attraction within the park at any one-time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- c. If a concert, event, performance or movie is held at the park, the conditions in section 22 of Schedule 2, O. Reg. 364/20 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for amusement parks etc. so as to increase the capacity permitted by section 27 of Schedule 2, O. Reg. 364/20 as supplemented by these instructions.

15) Fairs, rural exhibitions, festivals, and similar events, in respect of indoor areas.

[Section 28 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The number of members of the public in the outdoor area of the facility where the event takes place at any one-time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- b. The number of members of the public at any particular outdoor attraction within the facility at any one-time must not exceed 75 per cent capacity, as determined in accordance with 3.0.1 of Schedule 1, O. Reg. 364/20.
- c. If a concert, event, performance or movie is held at the facility, the conditions in section 22 of Schedule 2, O. Reg. 364/20 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for fairs etc. so as to increase the capacity permitted under section 28 of Schedule 2, O. Reg. 364/20 as supplemented by these instructions.

16) Businesses that provide tour and guide services, including guided hunting trips, tastings and tours for wineries, breweries and distilleries, fishing charters, trail riding tours, walking tours and bicycle tours, in respect of indoor areas:

[Section 29 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The number of members of the public on the tour must not exceed the number of persons that would permit every person on the tour, including tour guides, to maintain a physical distance of at least two metres from every other person.

17) Businesses that provide boat tours, if the business is otherwise permitted to operate under section 30 of Schedule 2, O. Reg. 364/20:

[Section 30 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. The total number of members of the public permitted on the boat at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person on the vessel, and in any event must not exceed 50 per cent of the usual maximum number of passengers that may be carried on board, as indicated on the vessel's inspection certificate or Passenger Ship Safety Certificate issued under the Vessel Certificates Regulations (Canada) or on an equivalent certificate issued by a foreign government.
- b. The person responsible for the business must post a sign in a conspicuous location visible to the public that states the capacity limits under which the boat tour is permitted to operate.

18) Businesses and facilities permitted to opt-in to proof of identification and vaccination requirements:

The person responsible for a place of business or facility permitted by subsection 2.2(5) of Schedule 1, O. Reg. 364/20 to opt-in to the proof of identification and vaccination requirements set out in section 2.1 of Schedule 1, O. Reg. 364/20, and does opt-in to those requirements, must nonetheless ensure that the place or business or facility (in addition to meeting all other applicable requirements of O. Reg. 364/20) meets all capacity limits and physical distancing requirements set out in the current O. Reg. 364/20 as supplemented by paragraph 5) above and paragraphs a. to j. below.

In an effort to be as clear as possible, paragraphs a. to j. below set out the existing capacity limits and physical distancing requirements specific to the sectors named as contained in O. Reg. 364/20 (as current) and supplemented by the sector-specific requirements reinstated above.

a. **Real estate agencies, in respect of open houses hosted by the real estate agency.**

[Section 7 of Schedule 2, O. Reg. 364/20]

- i. See paragraph 5) above.
- ii. Subsection 3(1) of Schedule 1, O. Reg. 364/20 applies to any open house events a real estate agency hosts, provides or supports.

b. **Businesses that provide personal care services relating to the hair or body, including hair salons and barbershops, manicure and pedicure salons, aesthetician services, piercing services, tanning salons, spas and tattoo studios.**

[Section 8 of Schedule 2, O. Reg. 364/20]

- i. Subsection 3(1) of Schedule 1, O. Reg. 364/20 applies to all personal care services relating to the hair or body, including hair salons and barbershops, manicure and pedicure salons, aesthetician services, piercing services, tanning salons, spas and tattoo studios.
- ii. The person responsible for the establishment must post a sign in a conspicuous location visible to the public that states the capacity limits under which the establishment is permitted to operate.

c. Indoor recreational amenities.

[Section 17 of Schedule 2, O. Reg. 364/20]

- i. See paragraph 5) above
- ii. The total number of members of the public who are permitted to be in the amenity at any one-time must be limited to 50 per cent of the capacity of the amenity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
- iii. The person responsible for the recreational amenity, or, where there is no such responsible person, the person holding a permit for the use of the recreational amenity, must post a sign in a conspicuous location visible to the public that states the capacity limits under which the recreational amenity is permitted to operate.

d. Outdoor recreational amenities, in respect of indoor clubhouses.

[Section 18 of Schedule 2, O. Reg. 364/20]

- i. See paragraph 5) above
- ii. The total number of members of the public permitted to be in any indoor clubhouse at the outdoor recreational amenity at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor clubhouse and in any event may not exceed 50 per cent of the capacity of the clubhouse, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
- iii. The person responsible for the outdoor amenity must post a sign in a conspicuous location visible to the public that states the capacity limits under which the indoor clubhouse is permitted to operate.

e. Photography studios and services, in respect of indoor areas.

[Section 21 of Schedule 2, O. Reg. 364/20]

- i. See paragraph 5) above
- ii. The person responsible for the studio or service must post a sign in a conspicuous location visible to the public that states the capacity limits under which the establishment is permitted to operate.
- iii. For greater certainty, the total number of patrons permitted indoors at the studio or the place where the service is provided must be limited to the number

that can maintain a physical distance of at least two metres from every other person in the establishment.

f. Museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions, in respect of indoor areas:

[Section 24 of Schedule 2, O. Reg. 364/20]

- i. See paragraph 5) above
- ii. The number of members of the public in the outdoor ticketed area of the attraction at any one-time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- iii. The number of members of the public in the indoor ticketed area of the attraction at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor ticketed area of the attraction and in any event may not exceed 50 per cent capacity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
- iv. The number of members of the public at a seated event or activity within the attraction at any one-time must not exceed, 1). 50 per cent of the usual seating capacity for the event or activity, in the case of events or activities indoors, or 1,000 persons, whichever is less, and 2). 75 per cent of the usual seating capacity for the event or activity, in the case of events or activities outdoors, or 15,000 persons, whichever is less.
- v. The number of members of the public at an outdoor event or activity at the attraction at any one-time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20, or 5,000 persons, whichever is less.
- vi. The number of members of the public permitted to be in a particular room in the indoor portion of the attraction at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the room and in any event may not exceed 50 per cent capacity of the room in the attraction, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20, or if it is a seated event or activity taking place in the room, must be limited in accordance with subparagraph iv.
 - 1) of this provision, and the total capacity for the particular room cannot be added to increase the total capacity of the indoor ticketed area as provided for under paragraph ii of this provision.
- vii. If a concert, event, performance or movie is held at the park, the conditions in section 22 of Schedule 2, O. Reg. 364/20 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for

museums etc. so as to increase the capacity permitted under section 24 of Schedule 2, O. Reg. 364/20 as supplemented by these instructions.

- viii. Any indoor amusement rides operated by the attraction must be operated to enable every person on the ride to maintain a physical distance of at least two metres from every other person on the ride, except where necessary, 1. to facilitate payment, or 2. for the purposes of health and safety.
- ix. Any indoor tour vehicles operated by the attraction must be operated to enable every person on the tour vehicle, including tour guides, to maintain a physical distance of at least two metres from every other person, except where necessary:
 1. to facilitate payment, or
 2. for the purposes of health and safety.
- x. Paragraphs viii. and ix. do not apply in respect of a group of persons if the persons are all:
 1. members of the same household,
 2. a member of one other household who lives alone, or
 3. a caregiver for any member of either household.
- xi. The person responsible for the attraction must post a sign in a conspicuous location visible to the public that states the capacity limits under which the attraction is permitted to operate and the capacity limits of any seated event or activity within the attraction.

g. Amusement parks, in respect of indoor areas:

[Section 27 of Schedule 2, O. Reg. 364/20]

- i. See paragraph 5) above
- ii. The number of members of the public in the outdoor area of the park at any one-time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- iii. The number of members of the public in the indoor area of the park at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor area of the park and in any event may not exceed 50 per cent capacity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
- iv. The number of members of the public at any particular outdoor attraction within the park at any one-time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
- v. The number of members of the public at any particular indoor attraction within the park at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor attraction and in any event may not exceed 50 per cent capacity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.

- vi. If a concert, event, performance or movie is held at the park, the conditions in section 22 of Schedule 2, O. Reg. 364/20 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for amusement parks etc. so as to increase the capacity permitted by section 27 of Schedule 2, O. Reg. 364/20 supplemented by these instructions.
 - vii. Any indoor amusement rides at the park must be operated to enable every person on the ride to maintain a physical distance of at least two metres from every other person on the ride, except where necessary:
 - 1. to facilitate payment, or
 - 2. for the purposes of health and safety.
 - viii. Paragraph vii. above does not apply in respect of a group of persons if the persons are all:
 - 1. members of the same household,
 - 2. a member of one other household who lives alone, or
 - 3. a caregiver for any member of either household.
 - ix. The person responsible for the park must post a sign in a conspicuous location visible to the public that states the capacity limits under which the park is permitted to operate and the capacity limits of any seated event or activity within the park.
- h. Fairs, rural exhibitions, festivals and similar events, in respect of indoor areas.**
[Section 28 of Schedule 2, O. Reg. 364/20]
- i. See paragraph 5) above
 - ii. The number of members of the public in the outdoor area of the facility where the event takes place at any one-time must not exceed 75 per cent capacity, as determined in accordance with section 3.0.1 of Schedule 1, O. Reg. 364/20.
 - iii. The number of members of the public in the indoor area of the facility where the event takes place at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor area of the facility and in any event may not exceed 50 per cent capacity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.
 - iv. The number of members of the public at any particular outdoor attraction within the facility at any one-time must not exceed 75 per cent capacity, as determined in accordance with 3.0.1 of Schedule 1, O. Reg. 364/20.
 - v. The number of members of the public at any particular indoor attraction within the facility at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the indoor

attraction and in any event may not exceed 50 per cent capacity, as determined in accordance with subsection 3(3) of Schedule 1, O. Reg. 364/20.

- vi. If a concert, event, performance or movie is held at the facility, the conditions in section 22 apply with respect to the concert, event, performance or movie, except that the maximum capacity permitted under section 22 may not be added to the maximum capacity permitted for fairs etc. so as to increase the capacity permitted under section 28 of Schedule 2, O. Reg. 364/20 as supplemented by these instructions.
- vii. Any indoor amusement rides at the facility must be operated to enable every person on the ride to maintain a physical distance of at least two metres from every other person on the ride, except where necessary:
 - 1. to facilitate payment, or
 - 2. for the purposes of health and safety.
- viii. Paragraph vii. above does not apply in respect of a group of persons if the persons are all:
 - 1. members of the same household,
 - 2. a member of one other household who lives alone, or
 - 3. a caregiver for any member of either household.
- ix. The person responsible for the event must post a sign in a conspicuous location visible to the public that states the capacity limits under which the event is permitted to operate.

- i. **Businesses that provide tour and guide services, including guided hunting trips, tastings and tours for wineries, breweries and distilleries, fishing charters, trail riding tours, walking tours and bicycle tours, in respect of indoor areas.**

[Section 29 of Schedule 2, O. Reg. 364/20]

- i. See paragraph 5) above
- ii. The number of members of the public on the tour must not exceed the number of persons that would permit every person on the tour, including tour guides, to maintain a physical distance of at least two metres from every other person.

- j. **Businesses that provide boat tours, if the business is otherwise permitted to operate under section 30 of Schedule 2, O. Reg. 364/20.**

[Section 30 of Schedule 2, O. Reg. 364/20]

- i. See paragraph 5) above
- ii. The total number of members of the public permitted on the boat at any one-time must be limited to the number that can maintain a physical distance of at least two metres from every other person on the vessel, and in any event must not exceed 50 per cent of the usual maximum number of passengers that may be carried on board, as indicated on the vessel's inspection certificate or

Passenger Ship Safety Certificate issued under the Vessel Certificates Regulations (Canada) or on an equivalent certificate issued by a foreign government.

- iii. The person responsible for the business must post a sign in a conspicuous location visible to the public that states the capacity limits under which the boat tour is permitted to operate.

PART C – MASKING REQUIREMENTS FOR FACILITIES USED FOR SPORTS AND RECREATIONAL FITNESS ACTIVITIES AND ORGANIZED PUBLIC EVENTS, GATHERING LIMITS FOR ORGANIZED PUBLIC EVENTS

19) Facilities used for indoor or outdoor sports and recreational fitness activities:

[Section 16 of Schedule 2, O. Reg. 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. All persons responsible for a facility used for indoor or outdoor sports and recreational fitness activities shall ensure that every member of the public shall wear a mask or face covering in a manner that covers their mouth, nose and chin during any period in which they are:
 - i. engaged in sports or games at the facilities used for indoor or outdoor sports and recreational fitness activities; and
 - ii. within two meters of another individual who is not part of their household
 - iii. except as may be necessary for the purposes of health and safety.

Note: For the purposes of this Letter of Instruction subsection 2(4)(i)(ii) of Schedule 1, O. Reg. 364/20 is revoked.

20) Organized public events, indoor and outdoor:

[Section 1 of Schedule 3, O. Reg 364/20]

In addition to the current requirements of O. Reg. 364/20:

- a. All persons responsible for a business or organization that is open and hosts or is similarly responsible for the conduct of an organized public event shall ensure that every person shall wear a mask or face covering in a manner that covers their mouth, nose and chin during any period in which they are:
 - i. in attendance at an indoor or outdoor organized public event permitted by O. Reg. 364/20; and
 - ii. within two metres of another individual who is not part of their household.
- b. For greater clarity, the provision to wear a mask in subsection a. does not require a person to wear a mask or face covering if they are subject to an exception set out in subsection 2(4) of Schedule 1, O. Reg 364/20.
- c. Subject to sections 2 to 5, no person shall attend,
 - a) on organized public event of more than:

- i. 10 people if the event is held indoors, or
- ii. 25 people if the event is held outdoors
- b) a social gathering of more than:
 - i. 10 people if the event is held indoors, or
 - ii. 25 people if the event is held outdoors

PART D – REQUIREMENT TO MODIFY SPORT IN FACILITIES USED FOR INDOOR OR OUTDOOR SPORTS AND RECREATIONAL FITNESS ACTIVITIES

- a. The person responsible for a facility or, where there is no such responsible person, the person holding a permit to use the facility must ensure that:
 - i. team contact sport shall not engage in competition indoors or outdoors, unless the sport has been modified to avoid contact, but may practice indoors or outdoors if,
 - a. participants are cohorted in groups no larger than 10, and
 - b. distancing of at least 2 meters between cohorts is maintained during practice and;
 - c. once cohorts are established, participants must remain in the same cohort to practice
 - ii. individual contact sport shall not engage in competition indoors or outdoors, but may practice if:
 - a) participants are cohorted in groups no larger than 10, and
 - b) distancing of at least 2 meters between cohorts is maintained during practice and;
 - c) once cohorts are established, participants must remain in the same cohort to practice.
 - iii. all members of the public maintain a separation of at least 2 meters while in dressing rooms

Definitions:

Team contact sport means a sport played by a team of players that have a range of contact with each other and with the opposing team's players E.g., football, hockey, basketball

Individual contact sport means a sport where players have a range of contact with each other and the contact is an integral part of the sport E.g., Martial arts, wrestling, boxing

Social gatherings means attendance at a social gathering that does not apply to attendance at a) a meeting or event space operating in compliance of section 4 of schedule 1; or b) a food or drink establishment operating in compliance with section 1 and 2 of Schedule 2.

Organized public events means attendance at an organized public event that does not apply to attendance at a) an event at a business or place to which a capacity limit set out in Schedule 1 or 2 applies if the event is held in accordance with that capacity limit or b) a day camp or overnight camp for children in compliance with section 19 or Schedule 2.

My letter of instruction is issued December 15, 2021 and comes into force at 12:01 a.m. Sunday December 19, 2021 and applies to all owners/operators of Facilities within the City of Kingston and the counties of Frontenac and Lennox & Addington.

These Instructions, including any revisions to these instructions, are available on KFL&A Public Health website at kflaph.ca.

Inquiries about these instructions should be directed to KFL&A Public Health at 613-549-1232 or toll-free 1.800-267-7875



Dr. Piotr Oglaza
Medical Officer of Health
KFL&A Public Health