

COVID-19 Social Distancing Mandates and Shutdowns in Ontario

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Abstract

On January 25, 2020, Ontario became the first province in Canada to report a confirmed case of the novel coronavirus, COVID-19. At the time of writing, the number of cases in Ontario have spiked to well over twenty thousand. As the province amassed the second-largest number of infections in the country, the Ontario government implemented a series of progressively restrictive social distancing mandates and shutdowns. This brief outlines the evolution of social distancing mandates and shutdowns at the federal and provincial level in Ontario, with an additional examination of municipal-level mandates in Toronto. By moving quickly to take advantage of the authorities laid out in the *Emergency Management and Civil Protection Act*, the government of Ontario implemented a coherent, unified policy response to the crisis throughout the province and prevented the evolution of a locally-determined, inconsistent patchwork of mandates.

Keywords: coronavirus, COVID-19, pandemic, social distancing, physical distancing, mandates, timeline, Ontario, Toronto, Emergency Management and Civil Protection Act, Declaration of Emergency, reopening

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1 Introduction

In early 2020, a novel coronavirus (COVID-19) was identified as the cause of a cluster of pneumonia cases in Wuhan, China. Shortly thereafter, on January 25, a traveller from Wuhan arrived in Toronto and became the first documented case of COVID-19 in Canada. By the end of February, health officials reported a cumulative total of eight cases of COVID-19 in Ontario, all of whom had recently returned from international travel or had been in direct contact with recent travellers. By the end of March, the cumulative number of cases in Ontario had risen to nearly 2000 and there was evidence of community transmission: the virus was spreading between individuals who had no recent history of international travel. The rapid outbreak of the virus in Ontario, as well as the rest of Canada, prompted a series of unprecedented policy responses from all levels of government.

2 Overview of Policy Response Timeline: Canada and Ontario

During January and February, the first full month of the virus' presence in Canada, the policy response was limited to mandatory screening at major international airports. On **January 17**, the federal government implemented screening requirements for travellers returning from China at three major airports in Toronto, Montreal, and Vancouver. A few weeks later, on **February 9**, these screening requirements were expanded to include travellers returning from a wider range of affected countries and ten airports across six provinces.

The most concentrated wave of policy responses from both federal and provincial governments began in mid-March, shortly after the World Health Organization declared the global outbreak of COVID-19 to be a pandemic on **March 11**. Two days later, on **March 13**, both the federal and provincial governments announced recommendations to restrict movement: the Government of Canada issued an advisory against all international travel and the Government of Ontario recommended the immediate suspension of all gatherings over 250 people. The following day, **March 14**, all publicly-funded schools in Ontario were closed. Although public school closures were initially announced to be for the two weeks following March Break, the order was extended several times in the subsequent weeks and it has become increasingly unlikely that schools will reopen before the next academic year. Finally, on **March 15**, Ontario Parks cancelled all planned events and closed Park buildings (although outdoor parks would remain operational at this point) and the Ministry of Health requested that hospitals ramp down elective and non-emergent procedures in order to prepare for contagion.

March 16, the first Monday following the WHO's pandemic announcement, saw a wave of new recommendations at the federal and provincial level. The Government of Canada expanded its travel advisory to recommend 14 days of self-isolation for all travellers entering the country, regardless of their previous destinations. The Government of Ontario issued a similar recommendation the very same day. Meanwhile, the province also tightened its recommendation against gatherings to any event with more than 50 people. Additionally, it also recommended the closure of a number of public establishments, including recreational facilities, libraries, private schools, places of worship, day cares, bars and restaurants. The Ministry of Health also released its first statement recommending social distancing, self-isolation for the elderly and immunocompromised, and employers to facilitate work from home wherever possible.

The following day, **March 17**, the government of Ontario issued a Declaration of Emergency, which transformed many of the previous advisories to legally enforceable mandates. Under the *Emergency Management and Civil Protection Act*, the province ordered the immediate closure of establishments including indoor recreational facilities, public libraries, private schools, child care centres, bars and restaurants (except for takeout or delivery), theatres, cinemas, and concert venues. The order also legally mandated the immediate suspension of gatherings of over 50 people.

The Declaration of Emergency allowed the province to legally enforce these orders under the *Act*. The *Act* was passed in 2006 as an improvement over the previous *Emergency Management Act of 2002*, largely as a result of criticism drawn from the Government of Ontario's poor management of the 2002-2004 SARS outbreak. In the case of COVID-19, the provincial government moved relatively quickly to take advantage of the powers outlined in the *Emergency Management and Civil Protection Act*, which resulted

in a coherent, unified response to the crisis throughout the province and prevented the evolution of a locally-determined, inconsistent patchwork of mandates.

On **March 18**, the federal government made three significant announcements regarding travel across international borders. First, all foreign nationals, with the exception of U.S. citizens, would be prohibited from entering Canada. Canadian citizens and permanent residents who exhibited COVID-19 symptoms would also be prevented from boarding homebound flights. Second, the U.S.-Canada border would be closing to all non-essential travel, effective beginning March 20 at 11:59 PM. Both the U.S. and Canadian governments assured their citizens that the closure would not affect trade. Third, all international passenger flights would be redirected to four major airports in Toronto, Montreal, Vancouver, and Calgary. At this point, a 14-day period of self-isolation was still only recommended for returning travellers - it did not become legally mandated until seven days later, on **March 25**.

The following week, on **March 23**, the Government of Ontario ordered the mandatory closure of non-essential workplaces. Officials gave businesses a 36-hour adjustment period, after which the order went into effect on **March 24** at 11:59 PM. Businesses that were able to work remotely were permitted to continue operations. The list of essential businesses was released the following day and proved to be surprisingly extensive - firms in sectors such as supply chain, retail/wholesale, food and accommodations, transportation, construction, and professional services were allowed to remain open. Almost two weeks later, on **April 3**, the Government of Ontario reduced the list of essential businesses. Companies in many sectors that were previously allowed to remain open were forced to shut down, including cannabis stores, veterinary services, non-critical construction, and retail stores selling hardware products, vehicle parts, and pet, office, or safety supplies.

Throughout the month of April, the provincial government did not introduce any new significant legal mandates for social distancing or industry shutdowns. Instead, Ontario continued to renew its Declaration of Emergency on a 14-day basis, the maximum single period of time allowed under the *Act*. Meanwhile, public attention shifted increasingly towards government fiscal stimulus programs that would aid on the road towards economic recovery. On **April 9**, Prime Minister Trudeau sent a letter to the provincial and territorial premiers asking for their input on the possibility of invoking the federal *Emergencies Act*. The *Emergencies Act* grants the federal government unparalleled authority in the event of an emergency, including over matters usually left under the jurisdiction of the provinces. The *Emergencies Act* has never been invoked and its predecessor, the *War Measures Act*, was only brought into force once before during peacetime. In response to Prime Minister Trudeau's letter, the provincial and territorial premiers unanimously opposed invoking the *Act*. Evidently, they believed that the authorities granted to them under their respective provincial declarations of emergency were sufficient to combat the crisis.

A comprehensive timeline can be found below.

3 Timeline of Social Distancing Mandates: Ontario

Date	Mandate	Notes
Friday, March 13	Government of Ontario recommends the immediate suspension of all gatherings over 250 people.	
Saturday, March 14	Government of Ontario mandates the closure of all publicly funded schools	Note: March 16 was the first day of March Break. Ontario Schools were initially closed for two weeks following the Break.
Sunday, March 15	Ontario Parks cancels all planned events until further notice and closes all Ontario Parks buildings.	Outdoor parks still remain operational.
Sunday, March 15	Ontario Ministry of Health recommends all hospitals ramp down elective surgeries and other non-emergent activities.	
Monday, March 16	Ontario Ministry of Health recommends the immediate suspension of all gatherings over 50 people.	
Monday, March 16	Ontario Ministry of Health recommends closure of recreational programs, libraries, private schools, day cares, churches and other faith settings, bars and restaurants.	Restaurants that can shift to take-out/delivery only are permitted to remain open.
Monday, March 16	Ontario Ministry of Health releases first written statement recommending social distancing, self-monitoring for symptoms, and self-isolation for elderly and immunocompromised individuals.	
Tuesday, March 17	Government of Ontario enacts Declaration of Emergency - mandates closure of certain establishments and prohibits gatherings of over 50 people.	Mandates closure of all facilities providing indoor recreational programs, libraries, private schools, licensed child care centers, bars and restaurants (except for takeout/delivery), theatres, cinemas, and concert venues.
Wednesday, March 18	Government of Ontario closes all provincial parks	Including car camping, backcountry camping, roofed accommodations, day use operations and public buildings.

Date	Mandate	Notes
Tuesday, March 24	Government of Ontario provides immediate electricity rate relief for families, small businesses, and farms paying time-of-use rates.	Electricity prices are held to the off-peak rate for 24 hours everyday.
Wednesday, March 25	Ontario mandates the closure of all non-essential workplaces	Initially in effect for 14 days but was later extended. Businesses that can operate remotely can continue to operate.
Saturday, March 28	Government of Ontario mandates suspension of gatherings of more than 5 people.	Does not apply to child care centres supporting frontline health care workers and first responders. Funerals can proceed with up to 10 people at a time.
Monday, March 30	Government of Ontario extends Declaration of Emergency - extends mandatory closure of non-essential businesses, closure of public spaces and establishments, and restrictions on social gatherings.	
Monday, March 30	Government of Ontario mandates closure of all outdoor recreational amenities, including playgrounds and sports fields.	All communal or shared, public or private, outdoor recreational amenities everywhere in Ontario.
Tuesday, March 31	Government of Ontario extends closure of public schools.	Private school closures can only be extended for one 14-day period at a time under a Declaration of Emergency.
Friday, April 3	Government of Ontario reduces the list of businesses classified as essential	Residential construction ends and cannabis stores no longer considered essential, among others.
Saturday, April 11	Government of Ontario extends emergency orders under the <i>Emergency Management and Civil Protection Act</i> .	Extends closure of outdoor amenities in parks and recreational areas, non-essential businesses, public places and bars and restaurants, along with restrictions on social gatherings.
Tuesday, April 14	Government of Ontario extends Declaration of Emergency	Allows government to continue to enforce current emergency orders such as closure of non-essential businesses, outdoor amenities, public places and bars and restaurants, and restrictions on gatherings of more than 5 people.

4 Overview of Policy Response: City of Toronto

Given the coherent and exhaustive nature of the Declaration of Emergency in Ontario, municipalities such as the City of Toronto did not have much to do in the way of their own social distancing mandates or enforced shutdowns. The municipal government did issue a recommendation that all bars, dine-in restaurants, nightclubs, and theatres should close on March 16. However the following day, on March 17, the Government of Ontario issued its Declaration of Emergency and legally mandated that all such businesses should shut down anyway. The City of Toronto declared its own State of Emergency on March 23, which allowed Mayor John Tory to pass mandates without votes from City Council. This new authority was primarily used to enforce physical distancing on playgrounds and other city-owned spaces. More specifically, the City of Toronto mandated the closure of playgrounds and all other city parks amenities on March 25. A week later, on April 2, the City also mandated physical distancing in

public spaces between any two people not living in the same household, subject to prosecution and fines up to \$5000. In the weeks since, numerous fines have been issued to Toronto residents who have failed to follow physical distancing in city-owned spaces.

A comprehensive timeline can be found below.

5 Timeline of Social Distancing Mandates: Toronto

Date	Mandate	Notes
Friday, March 13	City of Toronto cancels programs and closes facilities.	Including March Break camps, licensed childcare centres, community and recreation centres, greenhouses, arenas, pools, libraries, museums, galleries.
Monday, March 16	City of Toronto recommends closure of all bars, dine-in restaurants, nightclubs, and theatres close.	
Saturday, March 21	City of Toronto recommends all March Break travellers should self-isolate for 14 days.	
Monday, March 23	City of Toronto declares a State of Emergency.	
Wednesday, March 25	City of Toronto mandates closure of all playgrounds and other park amenities.	
Tuesday, March 31	City of Toronto cancels all City-led major mass participation events, festivals, conferences and cultural programs, as well as all City permits for externally organized events.	
Thursday, April 2	City of Toronto mandates physical distancing in parks and public squares.	Any two people not from the same household who fail to physically distance themselves in a public space can face prosecution and fines up to \$5000.

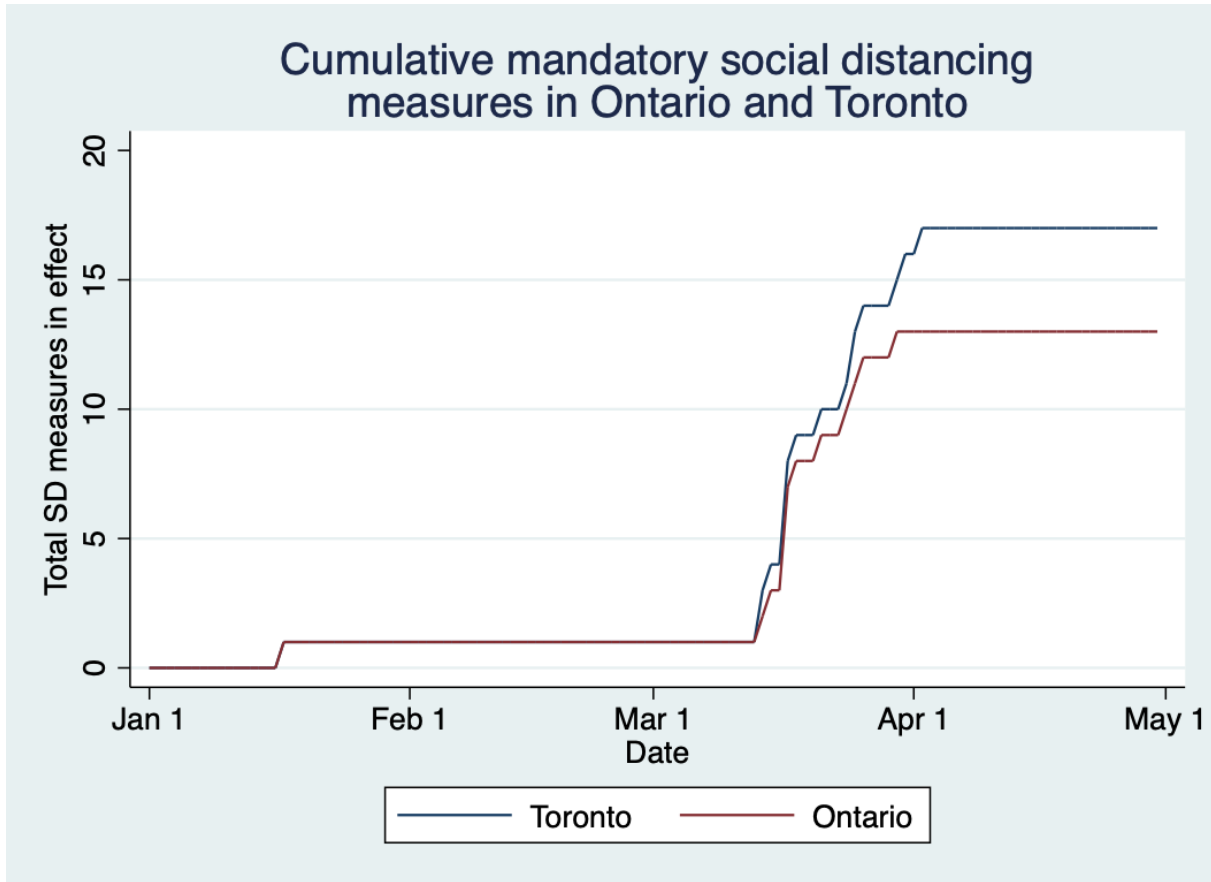


Figure 1: Cumulative measures of mandatory social distancing mandates in Ontario and Toronto both rose sharply during the second half of March

6 Framework for Reopening Ontario

On **April 27**, Premier Doug Ford announced the release of "[A Framework for Reopening our Province](#)", a document outlining the phases through which the province would be lifting social distancing and shutdown measures in the face of a flattening epidemic curve. The framework made a point of not specifying any end dates for current mandates - rather it focused on on high-level descriptions of the successive stages of a province-wide reopening. Stage 1 of reopening would focus on actions such as opening outdoor spaces and select workplaces that could immediately modify operations in accordance with public health guidelines (e.g. curbside pickup or delivery). Stage 2 of reopening would involve opening more workplaces, including office and retail businesses, more outdoor places and allowing some larger public gatherings. Stage 3 of reopening would involve opening all workplaces and further relaxing restrictions on public gatherings, although very large events such as concerts and sporting events would continue to be restricted. The framework document made a point of emphasizing that each phase of the reopening would involve "continued protections for vulnerable populations" and a continuation of "physical distancing, hand washing, and respiratory hygiene".

In early May, the Government of Ontario began a series of announcements allowing the gradual reopening of certain types of businesses. On **May 4**, Ontario allowed the reopening of garden centres and nurseries (curbside pick-up and delivery only), certain non-essential construction projects, automatic car washes, auto dealerships (by appointment only), and marinas. A few days later, on **May 8**, garden centres and nurseries were allowed to re-open for in-store payment and purchases. The following day, **May 9**, retail stores selling hardware, vehicle parts, pet supplies, office supplies, computer products, and safety supplies

were allowed to re-open for in-store payment and purchases (whereas previously they had been operating as curbside pick-up or delivery only). Two days later, on **May 11**, all retail stores with street entrances were allowed to reopen for curbside pickup and delivery only. Premier Doug Ford and Ontario public health officials reassured the public that any further steps to lift restrictions would be accompanied by close monitoring and strict enforcement of public health regulations.