



September 29, 2021

This document is intended to put forward the OTA's position regarding the recently adopted Provincial policy regarding the proof of vaccination and the upcoming Vaccine Passport requirements as part of the [Reopening Ontario](#) Act, specifically as it pertains to **indoor tennis facilities**.

It is important to note that, as always, the OTA takes its policy lead with respect to COVID-19 protocol from the Province of Ontario and makes **RECOMMENDATIONS** based on its understanding of the latest and most accurate information published by the Province and the Office of the Chief Medical Officer of Health. It is again important to note that interpretation and enforcement of these laws are up to local municipalities and their respective local health units.

As you are aware, the Province recently mandated that indoor facilities **that do not offer essential services** now require proof of vaccination for all people over 12 years of age to enter their facility. The exception to this law that pertains to indoor tennis facilities states that children between ages 12 and 18 will be allowed to enter indoor sports and recreation fitness facilities without showing proof of vaccination but only "solely for the purpose of actively participating in an organized sport."

A case in point regarding the importance of checking with your facility's local municipalities and their respective local health units became evident recently when York Region's Public Health Branch, north of Toronto, took this order a step further by **eliminating** the above-mentioned exception for youth 12 to 18 years of age in their region. In other words, **anybody** 12 or older will have to show proof of vaccination or recognized vaccine exemption status to enter an indoor sports and recreation fitness facility in York Region. The actual letter from the Community & Services Department of York Region's Public Health Branch can be viewed [here](#). At this time the OTA is not aware of any other municipalities that have modified this portion of the order.

Another point which the OTA wants to bring to your attention pertains to the meaning of capacity as it is outlined in the [Reopening Ontario](#) Act, under the Sports and Recreation Fitness Facilities heading. Under Step 3, the Act stipulates that a recreation facility is permitted to allow "50% capacity, with spectators permitted at a maximum capacity of 50% or 1,000 people (whichever is less) and other restrictions." What is not clear in this document is the definition of capacity. Further research led to a clarification of this in the attached document: [Ontario Regulation 520/21, made under the Reopening Ontario \(a Flexible Response to Covid-19\) Act, 2020 – published July 9, 2021](#). Under the heading "Capacity limits for businesses or facilities open to the public" – see 3. (3) near the top of page 2. The clause states; "

(3) For the purposes of this Order, the maximum number of members of the public permitted in a business or facility, or part of a business or facility, that is operating in an indoor setting at 50 per cent capacity is determined by taking 50 per cent of the maximum occupant load of the business or facility, or part of a business or facility, as applicable, as calculated in accordance with [Ontario Regulation 213/07 \(Fire Code\), made under the Fire Protection and Prevention Act, 1997](#).

It would appear that capacity during Step 3 of the Reopening Ontario Act for sports and recreation fitness facilities is directly linked to their normal capacity as set out by the Fire Code, at least as far as the Province is concerned. Again, the OTA feels that it is important to confirm this interpretation with your facility's local municipality and/or health department. In some cases, the capacity calculations for facilities might result in a fairly large number, but it is important to remember that tennis is a dynamic movement sport and players can have accelerated breathing, so it is imperative that clubs continue to limit the number of people inside a building to ensure safe physical distancing. Finally, it is important to note that the capacity order is independent of the proof of vaccination order, which still needs to be enforced until the Province moves out of Step 3 and/or rescinds the order.

The OTA recognizes that this has been a difficult and confusing time for all players, clubs and especially indoor facilities and teaching pros, but it always important to remember that, first and foremost, this is a very serious health crisis that hopefully will end soon so that we can all return to a normal lifestyle.