TORONTO'S MANDATORY MASK OR FACE COVERING BY-LAW
Frequently Asked Questions
July 6, 2020

Disclaimer: The purpose of this document is to provide guidance to individuals and businesses on the City’s by-law requiring the wearing of a mask or face covering in enclosed public spaces. This guidance is for information purposes only and should not be relied upon or treated as legal advice. Users seeking legal advice should consult with a qualified legal professional.

Who is responsible for ensuring people are wearing masks?

Businesses and organizations are responsible for having a policy in place that requires people to wear masks or face coverings in enclosed public spaces. Responsibility falls on the operator who has “control over the operation of an Establishment.” In other words, tenants with public businesses like retail stores are responsible for their own spaces. Buildings are responsible for all other enclosed public spaces in their buildings.

What does the by-law require of my business?

Under this by-law businesses are required to:

1. Create a mask or face covering policy for your establishment which must be shown to a by-law enforcement or public health officer if requested. See sample policy below.
2. Place visible signage at all entrances which states that a mask or face covering is required in all enclosed public spaces. See sample signage and required language below.
3. Train all staff on the policy and by-law, including who is exempt from the requirement.

What should our policy be?

The City of Toronto has written a sample policy on page three of their guidance document (link). Specifics of the policy are the responsibility of each individual business to develop.

What should our signage look like?

The City of Toronto has also created signage which can be used (link), which includes sample wording. Businesses may create their own signage, but to be compliant with the by-law, the following text is required on your signage:

All persons entering or remaining in these premises shall wear a mask or face covering which covers the nose, mouth and chin as required under City of Toronto by-law no. 514-2020.

Courtesy of association partner, Toronto Financial District BIA
Who is exempt?

Because businesses cannot ask for proof of an exemption, effectively anyone who says they are exempt is exempt from wearing a mask or face covering. The City has specified exemptions for:

- Children under two years old
- People who cannot wear a mask for medical reasons including people who:
  - have a mental health condition, cognitive condition or disability that prevents wearing a mask or face covering
  - would have difficulty breathing or someone who is unconscious or incapacitated
  - people who are hearing impaired, or are communicating with a person who is hearing impaired
- Individuals, who are unable to put on or remove a mask without assistance
- People who require accommodation in accordance with the Ontario Human Rights Code

What qualifies as a mask or face covering?

A mask or face covering should cover the nose, mouth and chin. A variety of items, including a scarf, bandana, or similar item are considered face coverings if worn as described above.

Does the by-law require my business to deny entry to people who are not wearing a mask?

No. The City of Toronto recommends providing verbal reminders to staff, visitors and customers. Individuals who are not wearing a mask may be exempt for medical or other reasons. Operators are not permitted to require proof that an exemption applies.

Can I call by-law enforcement if someone refuses to wear a mask?

No. The by-law does not apply to individuals.

Where are people required to wear a mask?

People are required to wear a mask in “enclosed public spaces”. This includes the PATH, lobby areas, elevators, indoor stores, parking lots, publicly accessible washrooms (including washrooms servicing multiple tenants), hallways and other common areas that are not inside an office or other place of work.

Courtesy of association partner, Toronto Financial District BIA
Where does the by-law NOT apply?

The by-law does not apply in places of work that are not accessible to public including: restaurant kitchens, break rooms, common areas and washrooms inside private offices, and shipping and receiving areas. The by-law also does not apply in outdoor spaces like patios or outdoor lineups.

Can my business be fined for not complying?

Yes. Individuals, businesses or facilities can be fined for contravening this by-law. It should be noted the by-law requires having a policy in place and does not explicitly require businesses to enforce compliance from the general public. The City has indicated its focus will be on education rather than enforcement of the by-law. The fine amount has not yet been determined.

Communicating mask and face covering requirements via visible signage at all entrances, staff training, verbal reminders, having a policy and producing it to a by-law enforcement or public officer if requested is sufficient to demonstrate compliance with the by-law.

Is a face shield an acceptable alternative to a mask or face covering?

No.

Does the by-law require my business to provide masks for employees or visitors?

No.