

Questions and Answers:

Amendments to R.R.O. 1990, Reg. 565: Public Pools under the *Health Protection and Promotion Act*

Ministry of Health – January 2025

This is a compilation of questions and answers on the amendments made to Regulation 565 (Public Pools) under the *Health Protection and Promotion Act* (HPPA) which came into effect on January 1, 2025. It is not intended to be comprehensive. It is also not intended to provide any legal advice. If you have any questions about the application of these regulations, you should consult with a lawyer.

Q1: What specific changes have been made to R.R.O. 1990, Reg. 565: Public Pools?

On January 1, 2025, Regulation 565: Public Pools ("Regulation") under the *Health Protection and Promotion Act* was amended to include novel pool types, clarify technical elements, and align requirements with current evidence and industry best practice. This was not a comprehensive review of the Regulation.

Q2. What novel pool types were clarified in the Regulation?

The Regulation now has specific definitions and requirements for public cold plunge pools, public floatation pools, and public floatation tanks. Requirements for hot water pools that operate at a temperature of 35°C or greater have also been included.

To know what requirements a facility will need to meet, an assessment first needs to occur to determine if the facility meets the definition of a "public pool" under the *Health Protection and Promotion Act*. If the facility is a "public pool", it is further classified according to Class A, Class B, Class C, or public spa definitions and classifications.

Q3. What new facilities have been provided exemptions from the Regulation?

The Regulation exempts private residential pools and spas being rented out to the public, with or without charging an access fee. These facilities are to post a sign that indicates that the pool is not subject to the requirements of the Regulation, using prescribed wording.

Additionally, rowing club pools, where the pool water is used for rowing purposes and at no time does a bather enter the pool water, are also exempt from the Regulation.

Public Health Units will continue to have the authority to follow up and conduct complaints-based inspections of these facilities for potential health hazards. Exemption requirements are the same as for public spas that are operated in conjunction with an individual dwelling unit or suite of a hotel¹ for the exclusive use of its occupants if caution signage is posted. See also the Questions and Answers from October 2022 regarding those specific [exempt public spas](#).

Q4: Are public cold plunge pools and public floatation pools considered Class A or Class B pools?

An assessment will need to be made to determine if the pools meet the categorization of a Class A pool, being that it meets the requirements of section 2,

¹ For the purposes of the Regulation, "hotel" means a hotel, inn, motel, resort or other building or premises operated to provide sleeping accommodation for the public; ("hôtel").

paragraph 1 of the Regulation. If it does not, then it would be categorized as a Class B pool.

Class "A" pool, being a public pool to which the general public is admitted or that is,

- i. *operated in conjunction with or as part of a program of an educational, instructional, physical fitness or athletic institution or association, that is supported in whole or in part by public funds or public subscription, or*
- ii. *operated on the premises of a recreational camp, for use by campers and their visitors and camp personnel.*

Additionally, where appropriate, the Regulation provides specific requirements for public cold plunge pools or public floatation pools. For example, if the public cold plunge pool or public floatation pool is a Class A pool, where the Regulation has a requirement for Class A pools and also public cold plunge pool or public floatation pool requirements, the public cold plunge pool or public floatation pool requirements should be followed.

Q5: Why were hot water pools operating at a temperature of 35°C or greater included?

Hot water pools that operate at a temperature of 35°C or greater may pose similar risks to some individuals as public spas. The Regulation specifies requirements that align with certain public spa requirements.

Q6: What are the new acceptable ranges for Total Alkalinity and Bromine?

The acceptable range for total alkalinity is 60-180ppm and the acceptable range for bromine is 2-8ppm for a pool that is not a wave action pool.

Q7: What safety equipment and signage can be shared between two pools in the same vicinity?

Two pools that are in the same vicinity are able to share the “pool rules” signage provided that at a minimum, there are two notices posted at the pool facility and at least one notice must be within the line of sight of bathers of each pool at all times.

Additionally, specific safety equipment can be shared between two pools provided the equipment and telephone is conveniently located for emergency use. The items must not be obstructed and must be available for emergency use at all times.

Q8: What are the new requirements for wading pools that will not be providing attendants?

Wading pools with a water depth of 15cm or less may choose not to provide an attendant provided they: 1) notify the local board of health of their intention to not provide an attendant, 2) develop a written safety plan, and 3) display the prescribed signage informing users that the pool is unsupervised.

Q9: Why are floatation tanks categorized as a Class C facility?

Floatation tanks met the definition of a “public pool” under the *Health Protection and Promotion Act*. Specific requirements have been outlined for floatation tanks in addition to the general requirements for Class C facilities.