



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Mayor and Members of Council

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: March 23, 2021

Report Number: CS-2021-08

Subject: COVID-19 Economic Recovery - Temporary Outdoor Patios

Recommendations

It is recommended:

That CS-2021-08 entitled “COVID-19 Economic Recovery – Temporary Patios” **be received;**

And that By-law No. 2021-18 being a by-law to adopt the Temporary Outdoor Patio Guidelines, as appended to CS-2021-08, and authorize the Chief Building Official to inspect all temporary patios and require adjustments to the patio in order to address compliance with the Guidelines, **be approved;**

And further that the extension of existing liquor licenses to temporary patios on **private property** throughout the Town of Tecumseh **be supported** for the duration of 2021, provided businesses comply with the Town of Tecumseh’s Temporary Outdoor Patio Guidelines;

And furthermore that the extension of existing liquor licenses to temporary patios on **Town property** for the duration of 2021 **be supported** provided businesses comply with the Town of Tecumseh’s Temporary Outdoor Patio Guidelines and enter into an Encroachment Agreement, in form and content satisfactory to the Town’s Solicitor;

And furthermore over that the Mayor and the Clerk **be authorized** to execute an Encroachment Agreement with business owners requesting to encroach onto Town property for a Temporary Outdoor Patio.

Background

At the June 23, 2020 Regular Meeting of Council consideration was given to CS-2020-21 entitled “COVID-19 Economic Recovery – Temporary Patios.” At the meeting Council:

- supported the extension of existing liquor licences to temporary patios on private property throughout the Town of Tecumseh for the duration of 2020, in accordance with Regulation 719 under the Liquor Licence Act (O. Reg. 719), provided businesses comply with the Town of Tecumseh’s Temporary Outdoor Patio Guidelines;
- in accordance with O. Reg. 719, supported the extension of existing liquor licences to temporary patios on Town property for the duration of 2020, provided businesses comply with the Town of Tecumseh’s Temporary Outdoor Patio Guidelines and entered into an Encroachment Agreement, in form and content satisfactory to the Town’s Solicitor;
- authorized the Mayor and Clerk to execute any such Encroachment Agreement; and
- adopted By-law No. 2020-48 being a by-law to adopt Temporary Outdoor Patio Guidelines, and to authorize the Chief Building Official to inspect all temporary patios and require adjustments to the patio in order to address compliance with the Guidelines.

The extension of existing liquor licenses to temporary patios under O. Reg. 719 expired at 3:00 am on January 1, 2021. The Town’s Temporary Outdoor Patio Guidelines were approved for the duration of 2020.

Comments

To support businesses as they work to recover from the COVID-19 pandemic, and when allowed to open for on-site consumption, the Alcohol and Gaming Commission of Ontario (AGCO) is again permitting liquor sales licensees to continue to temporarily extend or add a temporary physical extension of their licensed premises until 3:00 am on January 1, 2022.

Eligible liquor sales licensees do not need to submit an application to the AGCO to extend their licensed premises for the duration of 2021 provided they meet certain requirements.

To be eligible for a temporary patio extension under the AGCO’s 2021 patio policy, owners must have a valid liquor sales licence, be permitted to open for on-site consumption and must meet the criteria as set out below:

- the physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies;
- the municipality in which the premises is situated has indicated it does not object to an extension;
- the licensee is able to demonstrate sufficient control over the physical extension of the premises;

- there is no condition on the licence prohibiting a patio;
- the capacity of any temporary extension allows for at least 1.11 square metres per person.

While the AGCO will not require licensees to apply, or pay a fee for these temporary extensions, licensed establishments must ensure they have municipal approval and meet all other applicable requirements.

The AGCO changes only address the liquor licence component of a patio extension.

By-law No. 2020-48 adopted Temporary Outdoor Patio Guidelines for the duration of 2020 only.

In 2020, there were ten (10) temporary patio extensions approved by the municipality, including one patio on the Town's right of way. Generally, it is our understanding that the Town's Temporary Outdoor Patio Guidelines resulted in positive results for those businesses that took advantage of the program in 2020.

Taking into consideration the AGCO is once again permitting liquor sales licensees to continue to extend or add a temporary physical extension of the licensees premises for the duration of 2021, the Town's Guidelines have been reviewed for consistency with both the AGCO's conditions and the Province's [COVID-19 Response Framework: Keeping Ontario Safe and Open](#) (Framework). Minor revisions have been made to the Town's Guidelines which take into consideration lessons learned from the first year of implementing this program (see the proposed new Guidelines at Attachment 1). Generally, the Town's Guidelines have been amended to provide greater flexibility to licensees consistent with the AGCO 2021 patio policy.

We believe there is merit in the Town continuing to support local licensed businesses through the adoption of the revised Temporary Outdoor Patio Guidelines for 2021 (2021 Guidelines), and authorizing the Chief Building Official to inspect all temporary patios and require adjustments to the patio in order to address compliance with the 2021 Guidelines. It is further recommended that the extension of existing liquor licenses to temporary patios on private property throughout the Town be supported for the duration of 2021, provided businesses comply with the 2021 Guidelines.

As was the case in 2020, it is further recommended that the extension of existing liquor licenses to temporary patios on Town property for the duration of 2021 be supported, provided businesses comply with the 2021 Guidelines and enter into an Encroachment Agreement, in form and content satisfactory to the Town's Solicitor.

Consultations

Fire & Emergency Services
Planning & Building Services
Public Works & Environmental Services
Frank Cowan

Financial Implications

There are no financial implications resulting from the recommendations contained in this report nor will there be a fee associated with temporary patio and patio expansion submissions.

Any costs related to requests for temporary patios on municipal property (i.e. ramps, barriers, labour, legal fees or maintenance costs) will be recovered from the business owner requesting a temporary patio.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☐

Website ☒ Social Media ☒ News Release ☒ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Planning & Building Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Reviewed by:

Wade Bondy
Director Fire Services & Fire Chief, C.E.M.C.

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Temporary Patio Guidelines