



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Laura Moy, Director Legislative Services & Clerk

Date to Council: February 22, 2022

Report Number: LCS-2022-03

Subject: COVID-19 Economic Recovery - Temporary Outdoor Patios for 2022

Recommendations

It is recommended:

That Report LCS-2022-03 entitled “COVID-19 Economic Recovery –Temporary Outdoor Patios for 2022” **be received**;

And that By-Law No. 2022-007 being a by-law to adopt the Temporary Outdoor Patio Guidelines 2022 (Guidelines), as appended to Report LCS-2022-03, **be approved**;

And further that the Chief Building Official **be authorized** to inspect all temporary patios to ensure compliance with the Guidelines;

And furthermore that Council **support** extension of existing liquor licenses to December 31, 2022 for temporary patios for businesses in compliance with the Guidelines;

And further moreover that the extension of existing liquor licenses to temporary patios on Town property **be subject to** an Encroachment Agreement with the Town in form and content satisfactory to the Town’s Solicitor;

And further moreover that the Mayor and the Clerk **be authorized** to execute Encroachment Agreements with business owners requesting to encroach onto Town property for the purpose of establishing a Temporary Outdoor Patio.

Background

At the March 23, 2021 Regular Meeting of Council, consideration was given to Report CS-2021-08 entitled "COVID-19 Economic Recovery – Temporary Outdoor Patios". At the meeting Council:

- supported the extension of existing liquor licenses to temporary outdoor patios on private property throughout the Town for the duration of 2021, provided business comply with the Town of Tecumseh Temporary Outdoor Patio Guidelines;
- supported the extension of existing liquor licenses to temporary patios on Town property for the duration of 2021 provided businesses comply with the Town of Tecumseh's Temporary Outdoor Patio Guidelines and entered into an Encroachment Agreement, and content satisfactory to the Town's Solicitor;
- authorized the Mayor and Clerk to execute any such Encroachment Agreements;
- adopted By-Law 2021-18 being a by-law to adopt the Temporary Outdoor Patio guidelines and to authorize the Chief Building Official to inspect all temporary patios and require adjustment to the patio in order to address compliance with the guidelines.

The Town of Tecumseh Temporary Outdoor Patio Guidelines were approved for the duration of 2021 and expired on January 1, 2022 at 3:00 am.

Comments

Since 2020, food and beverage business operations have been impacted by the COVID-19 pandemic. Accordingly, the provincial government, through the Registrar of the Alcohol Gaming Commission of Ontario (AGCO), provided relief measures to support liquor sales licensees by temporarily approving the addition or extension of licensed outdoor patios in an effort to safely open for business. Once again, the provincial government is extending this approval until 3:00 am on January 1, 2023.

Eligible liquor sales licensees do not need to submit an application to the AGCO for this extension for the duration of 2022 provided they meet certain requirements.

To be eligible for a temporary patio extension under the AGCO's 2021-2022 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. 2021-018 adopted Temporary Outdoor Patio Guidelines for the duration of 2021 only.

In 2021, there were ten (10) temporary patio extensions approved by the Town, 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 2021. It is noted, however, that one of the more confined sites did have some parking and operational conflicts with an abutting commercial establishment that required engagement by the Town to address the issues.

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 past two years of 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- 2022 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 2022 (2022 Guidelines), and authorizing the Chief Building Official to inspect all temporary patios and require adjustments to the patio to ensure compliance with the 2022 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 2022, provided businesses comply with the 2022 Guidelines.

As was the case in 2020 and 2021, it is further recommended that the extension of existing liquor licenses to temporary patios on Town property for the duration of 2022 be supported, provided businesses comply with the 2022 Guidelines and enter into an Encroachment Agreement, in form and content satisfactory to the Town's Solicitor.

Consultations

Community Safety
Development Services
Public Works & Engineering 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:

Jennifer Alexander, MPA
Deputy Clerk & Manager Legislative Services

Reviewed by:

Laura Moy, Dipl. M.M.
Director Legislative Services & Clerk

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Reviewed by:

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

Reviewed by:

Wade Bondy
Director Community Safety & Fire Chief

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

| Attachment Number | Attachment Name |
|------------------------------|--|
| 1 | COVID 19 Temporary Patio Guidelines for 2022 |