

Authority: Planning and Housing Committee Item PH31.8,
as adopted by City of Toronto Council on March 9, 2022

CITY OF TORONTO

BY-LAW 238-2022

To temporarily modify zoning restrictions affecting outdoor patios with respect to the lands municipally known in the year 2022 as 25 The West Mall and to repeal By-law 685-2021.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas pursuant to Section 39 of the Planning Act, the Council of a Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; and

Whereas Ontario Regulation 345/20 under the Emergency Management and Civil Protection Act exempts a by-law authorizing the temporary use of land for a restaurant or bar patio under Section 39 of the Planning Act from subsections 34(12) to (14.3), (14.5) to (15) and (19) of that Act and paragraphs 4 and 5 of subsections 6 (9) of Ontario Regulation 545/06 under that Act;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. This By-law expires on December 31, 2023.
3. The words highlighted in capitalized type in this By-law have the meaning provided in Chapter 304-3 of the Etobicoke Zoning Code.
4. Nothing in the Etobicoke Zoning Code, as amended, former City of Etobicoke By-law 1978-83 and By-law 1204-2007(OMB) applies to prevent the use of an outdoor patio on the lands subject to this By-law provided that any outdoor patio:
 - (i) is accessory to the following uses and located within the lands subject to this By-law:
 - (a) FOOD VENDING CART;
 - (b) RESTAURANT;
 - (c) RESTAURANT, CONVENIENCE;
 - (d) RESTAURANT, STANDARD; and
 - (e) RESTAURANT, TAKE-OUT;

- (ii) is located in the area shown on Diagram 2 attached to this by-law;
- (iii) is no larger than 2,850 square metres;
- (iv) does not have live entertainment such as performances, music and dancing;
- (v) may have accessory STRUCTURES such as tents for the exclusive use of weather protection; and
- (vi) does not contain food preparation facilities except those located in a FOOD VENDING CART.

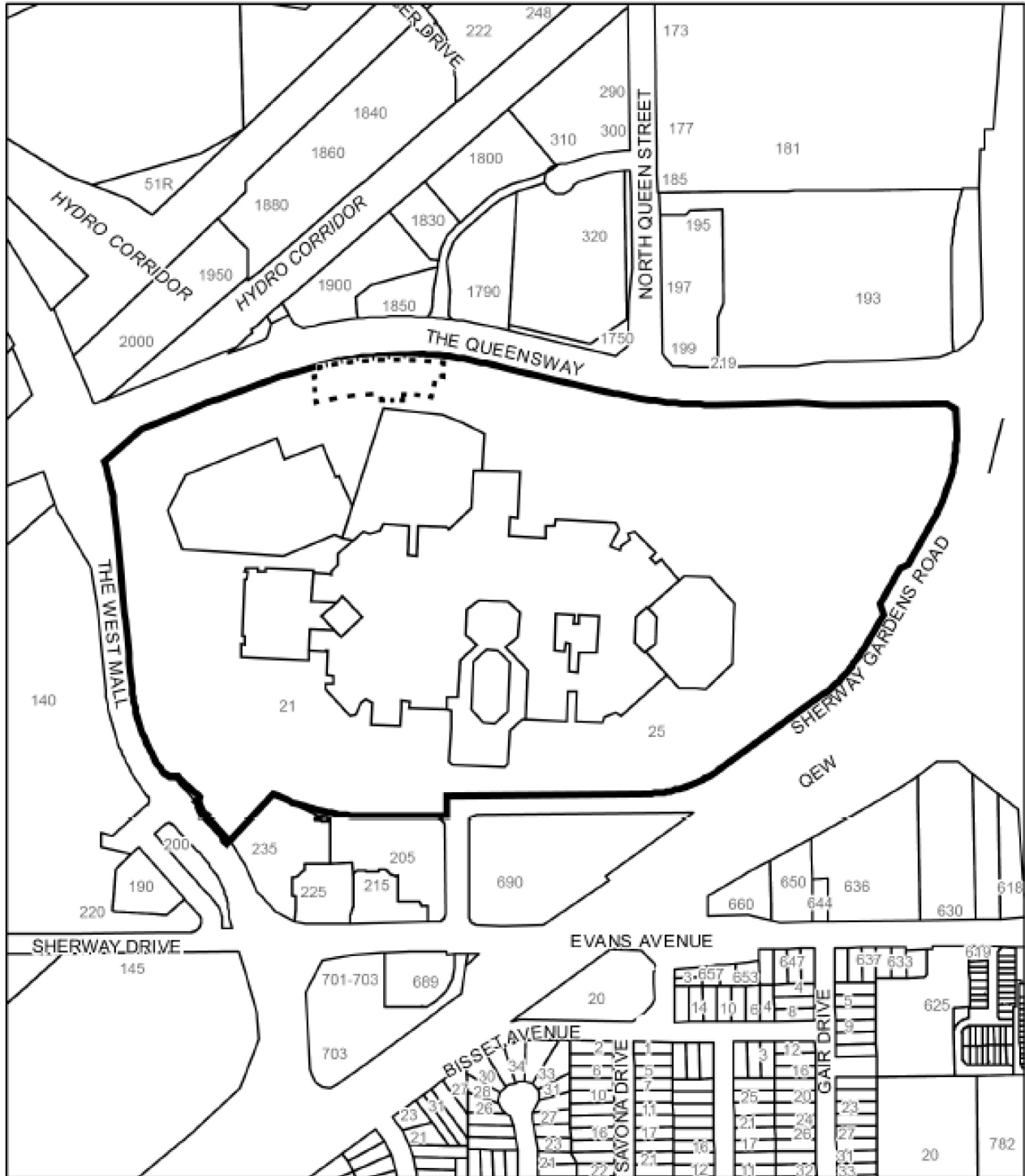
5. By-law 685-2021 is repealed.

Enacted and passed on April 7, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

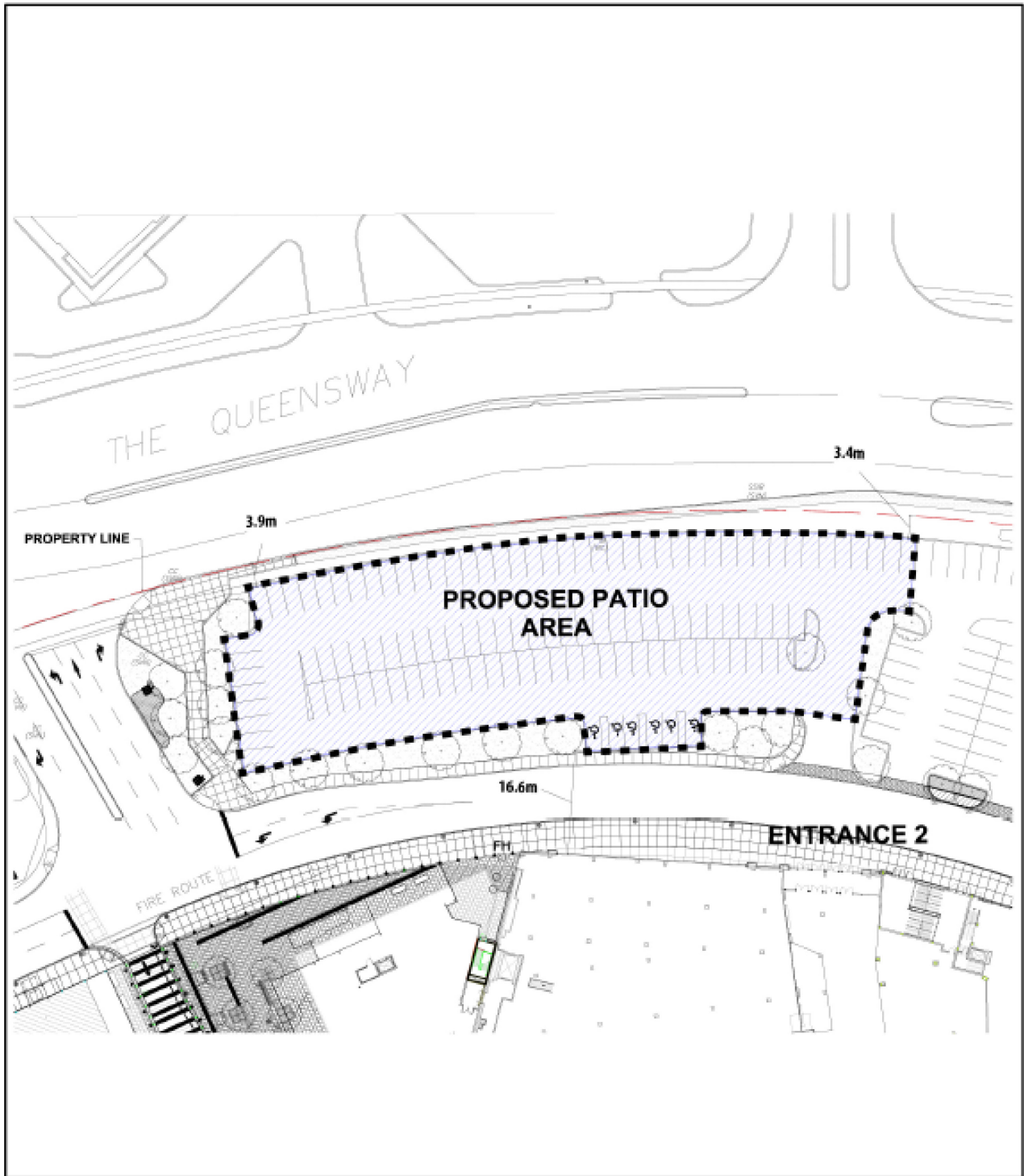
(Seal of the City)



 **TORONTO**
Diagram 1

25 The West Mall

 Location of Application



TORONTO
Diagram 2

25 The West Mall

 Location of Application