

**Presentation to Licensing and Standards Committee  
9:30 AM – June 10, 2009 at Toronto City Hall**

**Review of Mobile Vending – ‘Coffee Trucks’**

**By Tony O’Donohue P.Eng, on behalf of the GTA Mobile Venders**

I was retained by members of the mobile food venders (coffee trucks) just over two years ago to review the city bye-laws which affect their industry. At the time, I was advised that the agendas of the ML&S committees would be fairly heavy and that we would be better served, if we waited for 2008.

Following discussions with Bruce Robertson on a review of the byelaws covering mobile vending, a ‘workshop’ was set up by Mr Robinson for 7:00 PM, July 2, 2008 at the East York Civic Centre, 3<sup>rd</sup> Fl, Room ‘B’. Richard Mucha and a secretary also attended. The secretary took the minutes of the meeting.

ML&S Committee heard our presentation on November 17, 2008 and referred the presentations to staff for a report. Mr Robinson, following discussions at the Workshop, responded briefly and generally - indicating a willingness to work with the venders. In the intervening months, staff met with members to discuss the many changes sought by the venders. It was decided that staff would report to the ML&S Committee at its June 10, 2009 meeting.

Since Mr Hart was the newly appointed Executive Director, on May 15, we asked for a meeting with him and Mr Robertson before staff prepared their report to the ML&S Committee. Unfortunately that meeting did not take place. So the report before you to-day from ML&S is skimpy and gives little positive guidance to an industry which sorely needs change. We hope you will not just ‘receive it’ but help our industry.

We wish to reply to the ML&S staff report. With me to-day are in the mobile vending business – Luie Belcastro, Tony Bianci and Bruce Bould.

**Overview**

The existing By-laws affecting the industry need to be reviewed. Over the years the industry and the city have changed, and like most operating by- laws, they have to be reviewed and revised to cope with the changes in a modern society.

An obvious example in Article 1V By-law #545-38 is A (3), which states that ‘only single-service disposable cups, plates, containers, forks, spoons . . . shall be used in the sale of all refreshments’. Recent public attitudes towards the 3Rs demand that governments facilitate the overall reduction of waste. The use of reusable utensils in food vending should be encouraged and not prohibited.

Section 'G' states that 'no refreshments shall be sold from a vehicle drawn by an animal'. Should not the by-law simply address motorized vehicles? It has been many decades since the 'horse and buggy days'.

Mobile vendors support a common bye law for the GTA or better still, discuss the matter with the Province and have the Province organize standard by-laws to facilitate business to freely move across boundaries without the need for different licences from each municipal jurisdiction. It makes little sense that Aurora, Markham, Richmond Hill, Pickering etc all have different bye-laws. But, none of these municipalities have the very regressive add on – 'thresholds' and 'can't get a license if convicted of a criminal offence'.

We support the City licensing of the catering truck. The driver of the vehicle requires a valid Ontario Drivers License. Since the commissary/restaurant has a City licence to operate, all the food is pre-packaged there. There is no logical reason to require the driver of the truck to have an additional license – 'a food handlers license'.

Many companies/people nowadays request restaurants to cater to their meal requirements or parties at the office or home. The food delivery services from a Chinese restaurant, pizza restaurant, Swiss Chalet etc and other restaurant catering delivery services do not need 'a food handler's license' for the delivery vehicle. It is all covered under the restaurant, café or food preparation establishment licence - and it works very well. We do not recommend an addition licence for that service. Neither do we suggest that waiters and all restaurant food handlers be licensed by the City.

The requirement that those who need a licence to operate in the City of Toronto must have clearance from the Police Dept and anyone convicted of a criminal offence cannot obtain a licence, must be reviewed. We find it hard to imagine that a barber, tow truck operator, plumber etc who have 'paid their debt' for a criminal offence, would still be prevented by the city from obtaining a city license - to earn a living.

The present by-law is not working for our industry. It is cumbersome and out of date. Many of the above broader issues and concerns have not been discussed in Mr Hart's report and should be addressed in the overall review of the by-laws.

**Recommendations for immediate action:**

1. ML&S has recognizes the plight of the owners of more than one vending vehicle. As it stands, they have been needlessly over-regulated. Mr Hart's report states 'ML&S are currently reviewing the licensing thresholds .. to address the concerns ... expressed by a number of multiple license holders'. We would like to be part of these further discussions and wish to see them in place as soon as possible.
2. Licenses for more than one vehicle in a company should be renewed at the same date in order to avoid numerous visits to the licensing offices and endless hours of waiting in line. ML&S will consider this.



3. Provide a temporary permit for a vehicle for a company if a vending vehicle is 'off the road' for repairs or being overhauled. The report suggests a proposal to use a 'central phone number' to handle such an event.
4. We want it clearly understood that mobile catering vehicle drivers are in fact not food handlers and should not require a food handler's certificate. They all require a legal Ontario Drivers License to drive the truck. The food carried on the mobile catering vehicles is not prepared on the vehicles. It is prepared and pre-packaged at a licensed commissary/restaurant. The TPH in Mr Hart's report states that they 'consider coffee trucks to be low risk because they do not prepare hazardous food ...' We request that ML&S dispense with the requirement that the driver of the vehicle have a food handlers license.
5. Why should the driver of a coffee truck or indeed, anyone – the barber, tow truck driver etc. who has to get a city license to earn a living, be required to get police clearance? I find that particularly offensive. It is not part of the city I used to know. Should all those who serve the public have police clearance?
6. In the case of a company or corporation, it should be the responsibility of the owner or manager of the business to check the suitability of the employee for the position. The police have enough duties without this. The most useful license of all is the Ontario Driver's License which is available to all, without police checks, unless traffic convictions such as speeding, careless driving etc prohibit the driver from driving.
7. All changes to the bylaw should require full discussions with those whose livelihood is directly affected. The municipality cannot act unilaterally. The introduction of 'the thresholds' and 'police clearance' are examples passed by City Council without requiring input from those businesses affected. This participation should be part of the democratic process in any city.
8. Being part of a city which produces a large amount of waste, we recognize the battle to reduce our waste. The bye-law as it stands requires our industry to use only 'single service disposable' (throw away) cutlery, cups, plates etc. We would like to work with ML&S to develop a more positive approach to reduce our garbage pile. We want to be part of the solution – not a continuous part of the problem.

The Mobile Vending members would be pleased to work with ML&S on all of these issues to make our business more efficient, productive and manageable.

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