

Authority: MM32.37, by Councillor Paula Fletcher,  
seconded by Councillor Ana Bailão, as adopted by City of  
Toronto Council on May 5 and 6, 2021

## CITY OF TORONTO

### BY-LAW 403-2021

**To temporarily modify zoning restrictions affecting outdoor patios with respect to the lands municipally known in the year 2021 as 1298 Queen Street East.**

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 April 14, 2022.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
4. The words highlighted in italic type in this By-law have the meaning provided in Zoning By-law 438-86, Section 2(1).
5. Nothing in City of Toronto Zoning By-law 569-2013, as amended, applies to prevent the use of an **outdoor patio** on the lands subject to this By-law provided that any **outdoor patio**:
  - (a) is combined with an **eating establishment** located within the lands subject to this By-law;
  - (b) is located a minimum of 10 metres from the **rear lot line**;
  - (c) is not used to provide entertainment such as performances, music and dancing;
  - (d) must have a fence installed along the portion of the **outdoor patio** parallel to the **rear lot line**; and

- (e) does not contain food preparation facilities.
6. Nothing in former City of Toronto Zoning By-law 438-86, as amended, applies to prevent the use of a *patio* on the lands subject to this By-law provided that any *patio*:
- (a) is combined with a *restaurant* located within the lands subject to this By-law;
  - (b) is located a minimum of 10 metres from the rear *lot* line;
  - (c) is not used to provide entertainment such as performances, music and dancing;
  - (d) must have a fence installed along the portion of the *patio* parallel to the *rear lot line*; and
  - (e) is not used for outdoor cooking.

Enacted and passed on May 6, 2021.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

Diagram 1



1298 Queen Street East