

Authority: Executive Committee Item EX27.10,  
adopted as amended, by City of Toronto Council  
on November 9, 10 and 12, 2021

## CITY OF TORONTO

### BY-LAW 926-2021

**To amend City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, and City of Toronto Municipal Code Chapter 937, Temporary Closing of Highways, to permit parklet cafés and public parklets under the CaféTO program until no later than November 7, 2022 and otherwise streamline the permit process for sidewalk cafés.**

Whereas Council previously authorized the General Manager, Transportation Services, to establish a program to allow for the review, approval, installation and maintenance of sidewalk cafés, curb lane/parklet cafés or public parklets for a period ending no later than April 14, 2022 without applicants having to comply with all requirements of City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays; and

Whereas Council wishes to extend a portion of the program until no later than November 7, 2022 and otherwise streamline the permit process for sidewalk cafés;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, is amended by:

(a) amending the definition for "2020/22 CAFÉ" in § 742-1.1A so the definition reads as follows:

2020/22 CAFÉ - a sidewalk café or public parklet approved by the General Manager and/or Executive Director and installed in accordance with a program established under § 742-2.1D(1) during the following terms:

- (1) a sidewalk café or public parklet from no earlier than July 1, 2020 to no later than November 15, 2020, inclusive; and/or
- (2) a curbside café or frontage café from no earlier than November 16, 2020 to no later than April 14, 2021, inclusive; and/or
- (3) a curbside café or frontage café from no earlier than April 15, 2021 to no later than April 14, 2022, inclusive; and/or
- (4) a parklet café or public parklet from no earlier than May 8, 2021 to no later than November 10, 2021, inclusive; and/or
- (5) a parklet café or public parklet from no earlier than May 1, 2022 to November 7, 2022, inclusive;

- (b) amending § 742-2.1D(1) so it reads as follows:
  - (1) The General Manager may, in consultation with the Executive Director, establish a program to allow for the review, approval and installation of 2020/22 cafés without applicants having to comply with all requirements of this Chapter. In establishing the program, the General Manager and/or Executive Director shall consider the following:
- (c) amending § 742-2.1D(1)(b) so it reads as follows:
  - (b) establishing appropriate guidelines for the General Manager and/or Executive Director to review and approve 2020/22 cafés;
- (d) amending § 742-2.1D(1)(c) so it reads as follows:
  - (c) establishing appropriate indemnification and insurance requirements to protect the City provided that any insurance requirement requested for 2020/22 cafés require at least \$1 million in general liability coverage for a 2020/22 café installed prior to May 1, 2022 or at least \$2 million in general liability coverage for a 2020/22 café installed on May 1, 2022 or later;
- (e) amending § 742-2.1D(2) by deleting the phrase "April 15, 2022" and replacing it with the phrase "November 7, 2022" and adding the phrase "and/or Executive Director" after wherever the phrase "General Manager" appears;
- (f) amending § 742-2.1D(3) by adding the phrase "and/or Executive Director" after the phrase "approval provided by the General Manager";
- (g) deleting § 742-2.2A(2);
- (h) deleting § 742-2.3;
- (i) deleting § 742-3.2A(2);
- (j) deleting § 742-4.3B(2);
- (k) amending § 742-9.4A and § 742-9.4B by adding the phrase "or occupant" after wherever the phrase "property owner" appears;
- (l) adding new subsections § 742-9.4D and § 742-9.4E as follows:
  - D. Despite Subsection A, where an applicant or permit holder has sought to contact the adjacent property owner through reasonable methods and has not received a response, the Executive Director may allow a permit area for a marketing display or sidewalk café to extend across the front of that adjacent property, or across the curbside area or parking area of that adjacent property in the case of a parklet café, where an applicant or

permit holder has provided the Executive Director with proof in a form satisfactory to the Executive Director of their efforts to contact the adjacent property owner;

- E. Should the Executive Director receive a letter from the adjacent property owner or occupant objecting to a permit area extension granted under Subsection D, the Executive Director will amend the permit area to remove the portion of the permit area which extends across the front of that adjacent property, and the reduction in permit area will be effective as of 30 days after notice is provided to the permit holder;
- (m) deleting § 742-10.1A(1) and § 742-10.1A(3);
- (n) adding a new subsection § 742-10.7E as follows:
  - E. For the purposes of this section 10.7, "fencing" shall include delineating materials; and
- (o) amending § 742-10.9 so it reads as follows:

**§ 742-10.9. Portable propane heaters.**

- A. No permit holder shall install or operate a portable propane heater on a permit area unless:
  - (1) the permit area is for a frontage café, parklet café or public parklet; and
  - (2) the portable propane heater is:
    - (a) installed and operated in conformity with the manufacturer's instructions and specifications, including clearance from combustibles and secured to the permit area utilizing the manufacturer's listed parts;
    - (b) in compliance with the requirements as set out in Technical Standards and Safety Act, 2000 Ontario Regulation 211/01 Propane Storage and Handling or any successor regulation; and
    - (c) operated by persons who have completed a training course in the use of propane.

2. City of Toronto Municipal Code Chapter 937, Temporary Closing of Highways, is amended so that § 937-3.13 reads as follows:

**§ 937-3.13. Parklet cafés and public parklets.**

Despite any other by-law, the General Manager of Transportation Services may temporarily close to vehicular traffic the curb lanes or any portion thereof of any highway for a period up to and including 214 consecutive days from April 15 of one year to November 15 of that same year as required for the purposes of permitting parklet cafés or public parklets when an applicant has been either issued a permit or granted an approval for that purpose by the General Manager, Transportation Services or Executive Director, Municipal Licensing and Standards, under Chapter 742, Sidewalk Cafés Parklets and Marketing Displays.

3. This by-law shall come into force on the day it is passed.

Enacted and passed on November 12, 2021.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)