



HL17.4.2

October 22, 2012

Councillor John Filion
Chair, Toronto Board of Health
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

VIA EMAIL

Dear Councillor Filion:

On behalf of the Ontario Restaurant Hotel & Motel Association (ORHMA) I am writing to inform the Board's discussion on item **HL17.4 Toward a Smoke-Free Toronto: New Opportunities to Strengthen Protection** and in particular, the recommendation to the Medical Officer of Health to consult with key stakeholders on measures to reduce second-hand smoke exposure in places such as patios.

Historically, ORHMA has been involved in many discussions with municipalities regarding the implementation of smoking prohibitions in restaurants and bars. These deliberations have afforded ORHMA a unique perspective on the hospitality industry's concerns regarding the impacts of such bans. **As the industry representative of hundreds of Toronto restaurant and bar, our Association does not support further restrictions on smoking in Toronto restaurant and bar patios.**

Lack of Harmonization & Added Regulatory Burden

Similar to the patch work regulatory environment for restaurant inspection disclosure programs and food handler certification, smoking prohibitions for patios vary across Ontario. Any changes to smoking prohibitions should be secured via amendments to the Smoke Free Ontario Act in an effort to harmonize smoking restrictions across the province and ensure Toronto operators are not unfairly disadvantaged versus operators in neighbouring municipalities.

Moreover, the recommendation before the Board fails to take into account the cumulative effect on the foodservice industry of other regulatory changes being undertaken by the city including the promotion of food trucks and the move toward menu labeling. These initiatives represent significant challenges to the way restaurant and bars operate and a move by the Board to consider further restrictions on patio smoking would serve to further complicate an already complex regulatory environment. In addition to these regulatory pressures, the city is actively considering the development of a new gaming and hospitality facility which many independent operators consider a threat to their future viability.

Wasted Investments in Patio Upgrades

The Smoke Free Ontario Act (2006) resulted in a province-wide indoor ban on smoking in however it allowed for smoking to continue on patios. Consequently, many operators incurred the expense of adding or renovating patios at their establishments in order to comply with the Act and provide an alternative to their smoking customers. These patios



have been constructed in a manner consistent with the provincial legislation and the recommendations before the Board do not take into account the investments already hospitality operators. Consequently, a move to prohibit smoking on patios would render these investments by Toronto operators meaningless.

Economic Hardship

Simply put, a complete smoking prohibition on patios would add to the economic hardship of Toronto's restaurant and bar operators. The Board would be wise to consider the consequences of the comprehensive smoking prohibition in public establishments in the Region of Waterloo, the strictest smoking bylaw in Canada. There, hospitality establishments reported an **average sales decline of 15.9%** which in turn resulted in cut backs on staffing hours to an average of 31 hours a week. Additionally, staff reported an approximate **25% decline in tips**. Owners and patrons at local bars and restaurants were vocal with their displeasure. In particular, they argued that they were discriminated against by officials who banned public consumption of a legal product.

In British Columbia, where the Workers Compensation Board implemented a province wide smoking ban, similar results were evident: Liquor sales were down by 11% in Jan/Feb 2000 compared with Jan/Feb 1999; Draft beer sales were down 13% in Jan/Feb 2000 compared with Jan/Feb 1999. The drop in liquor sales represents about \$3 million and businesses reported sales drops from 15%-85%. In terms of employment, 706 layoffs were reported to the Coalition of Hospitality Organizations within weeks of the ban. Consequently, the B.C. ban was withdrawn.

ORHMA's Toronto membership are greatly concerned that a move to completely prohibit smoking on restaurant and bar patios will serve to add yet another regulatory burden at a time when the industry is still in the midst of recovering from an economic downturn. It is imperative then that the Board decide in a manner that meets the needs of all concerned and provides realistic and feasible options to meet the needs of smoking and non-smoking clientele.

In closing, ORHMA strongly urges the Board of Health to examine all the pertinent factors before considering new smoking restrictions on Toronto's patios. Moreover, it is our sincere hope that Toronto Public Health takes the time to hold proper consultations with the hospitality industry in order to better inform future recommendations to the Board. We hope that you find this information useful and welcome any questions that you may have. Thank you.

Sincerely,

Tony Elenis
President & CEO

Cc: Board of Health members, City Council & Mayor