



Communication from  
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## Walk Toronto Comments on EX34.28 – Toronto Accessibility Advisory Committee 2017 Agenda Items – Sidewalk Cafes

To: Mayor Tory and members of the Executive Committee  
From: Steering Committee, Walk Toronto  
Date: May 11, 2018

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*Walk Toronto is a grassroots, volunteer pedestrian advocacy group that works to improve walking conditions and pedestrian safety in Toronto. Walk Toronto is a member of the Sidewalks For All coalition, which advocates for safe, accessible sidewalks in Toronto.*

### Survey requested for 2018

**Walk Toronto supports the recommendation of the Toronto Accessibility Advisory Committee that:**

Staff be requested to expedite the studies requested by the Joint Committee of Licensing and Standards and Public Works and Infrastructure Committees on Toronto Sidewalk Cafés on December 4, 2017, so that this research can be conducted in the summer months of 2018 (when the café enclosures are in place) and staff can report on the results in January or as early as possible in 2019.

A limited window of opportunity is available for staff to conduct a survey in the summer of 2018, during the height of patio season. We note that the sidewalk café harmonization initiative has been underway for over half a dozen years, and it is unacceptable to allow it to be subject to unnecessary further delays. Council cannot make informed decisions regarding the sidewalk café issue without having solid data at hand. The results of the survey should be finalized before the Council revisits the sidewalk café harmonization issue.

### Survey conducted in 2017

We were told that a staff survey was being conducted in 2017 for the same purpose: to determine pedestrian clearway compliance and café licensing rates. We were disappointed that the results of this research were not included in the staff report prepared for the Dec. 4, 2017 meeting of the Licensing/ PWIC Joint Committee. We were told that this omission was due to the unreliability of the data collected. Wisely, the Joint Committee (Decision no. 5) tried to rectify

this deficiency by requesting that staff report back on “the number of patios that are not currently complying with current clearway requirements.”

## Survey conducted in 2015

Yet another attempt at a sidewalk café survey had been made in 2015. The results have not been widely circulated because, as in 2017, it was felt that the research had not been conducted with sufficient rigour, and the data produced were not reliable enough.

The details are outlined in Walk Toronto’s original comments submitted for joint meeting of Dec. 4, 2017:

The goal of keeping the pedestrian clearway clear and free of obstructions that impede safe passage, at all times, requires dedicated enforcement. Currently, the “complaint based system” requires each and every sidewalk obstruction to be reported to 311. Such a system results in the majority of obstructions going unreported. This was confirmed by statistics contained in a presentation<sup>4</sup> made by staff earlier this year:

- In 2015 Transportation Services did a site survey of about 570 café locations to assess compliance with the pedestrian clearway standards
- Around 50% of existing cafés are already compliant
- With 700 permitted cafés in Toronto, this means that around 350 cafés will need flexibility and new design options

To be blunt, **if 50% of cafés are already compliant, that means that the other 50% have been flouting the law. This statistic is appalling, and begs the question how restaurants that have been operating non-compliant patios have managed to renew their licences every year.** Undoubtedly, the sidewalk café licensing, inspection and enforcement system at present is dysfunctional, and it is imperative that the City regain control of the situation.<sup>1</sup>

## Sidewalks and respect for the law

The Toronto Accessibility Advisory Committee is asking Council to expedite the undertaking of a survey, which is actually **the third attempt to produce reliable data**. What is apparent is that the restaurant industry has been flouting pedestrian clearway requirements on a widespread basis. Furthermore, it is our understanding that a similar proportion of sidewalk cafes are not properly licensed. It is simply not acceptable for the City to be disregarding widespread, illegal practices. Lack of compliance can result in harm to vulnerable pedestrians.

It is vital to ensure that respect for the law prevails on our sidewalks – just as it should on any other type of public space. The extreme of disrespect for the law, of course, is exemplified by the recent pedestrian massacre in North York Centre. **If the City of Toronto is committed to establishing a culture of safety, accessibility and respect for the law on its sidewalks, it can make a small step by expediting a methodologically sound sidewalk café survey that produces reliable data on noncompliant patios.**

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<sup>1</sup> <https://www.toronto.ca/legdocs/mmis/2017/jc/comm/communicationfile-74283.pdf>