

Attachment 1: Summary of Relevant Licensing and Zoning Use Definitions and Variations

Business Type	Licensing By-law Definitions	Harmonized Zoning By-law Definitions	Notable Variations
<p><i>Eating and Drinking Establishments</i></p>	<p><i>Eating or Drinking Establishment:</i> (a) Every place for the lodging, reception, refreshment or entertainment of the public; (b) Every place where foodstuffs intended for human consumption are made for sale, offered for sale, stored or sold; (c) Every victualling house, ordinary, and house where fruit, fish, oysters, clams, or victuals are sold to be eaten therein; and (d) Any other place or premises or part thereof, named or described in § 545-2 of Toronto Municipal Code, Chapter 545, Licensing, where food is served in pursuance of a trade, business or occupation.</p>	<p><i>Eating Establishment:</i> premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service.</p>	<ul style="list-style-type: none"> • The licensing definition refers to "victualling", which in practice is the serving of food to tables by serving staff, while the zoning definition does not describe how food is provided to seated guests; • The licensing definition includes a broad range of uses, while the zoning definitions are limited to traditional seating, take-out and drive-in eating establishments.
		<p><i>Take Out Eating Establishment:</i> premises where food or beverages are prepared and offered for sale to patrons for consumption off the premises.</p>	
		<p><i>Drive-in Eating Establishment:</i> premises where food or beverages are prepared and offered for sale to patrons for consumption while remaining in their vehicles</p>	

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<p><i>Entertainment Establishment/ Nightclub</i></p>	<p><i>Entertainment Establishment / Nightclub:</i> A premises, including but not limited to a dance hall or disco, used to provide dance facilities for patrons, where seating is not provided for the majority of the patrons and where food or beverage may be offered for sale as an ancillary use.</p>	<p><i>Nightclub:</i> Premises used to provide dance facilities for patrons and where food or beverages may be offered for sale, such as a dance hall or disco. A cabaret, an entertainment place of assembly, an eating establishment, or an adult entertainment use is not a nightclub.</p>	<p>The licensing definition states "where seating is not provided for the majority of the patrons" while the zoning definition does not make reference to seating.</p>
<p><i>Places of Amusement/ Cabarets</i></p>	<p><i>Places of Amusement:</i> Are not defined.</p> <p>However, this article applies to owners or keepers of exhibitions, theatres, music halls, moving picture shows, public halls, places of amusement, roller-skating-rinks, merry-go-rounds, switchback railways, carousels and other like contrivances, exhibitions of wax-works, menageries, circus-riding and other like shows usually exhibited by showmen</p>	<p><i>Entertainment Place of Assembly:</i> premises used to provide entertainment, such as a theatre, cinema, opera, concert hall or ballet. An adult entertainment use, an eating establishment, a cabaret, or a nightclub is not an entertainment place of assembly.</p> <p><i>Amusement Arcade:</i> premises where more than 2 amusement devices are provided for patron use on the premises.</p> <p><i>Cabaret:</i> premises used to provide entertainment such as a dinner theatre or comedy club, where patrons are seated at tables and where food or beverages may be offered for sale. An adult entertainment use, an eating establishment, a nightclub, or an entertainment place of assembly is not a cabaret.</p>	<p>The Licensing By-law does not define uses, while the zoning definitions provide three definitions of which several entertainment uses are captured.</p>

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<i>Public Hall/ Place of Assembly</i>	<p><i>Public Hall:</i> Is not defined.</p> <p>However it is defined under the Ontario Public Hall Act as a building, including a portable building or tent with a seating capacity for over 100 persons that is offered for use or used as a place of public assembly, but does not include a theatre within the meaning of the Theatres Act or a building, except a tent, used solely for religious purposes.</p>	<p><i>Place of Assembly:</i> means premises used for social, cultural, educational or trade events, such as a banquet hall, convention or trade centre, or a hall used for bingo or other lottery events licensed by the City of Toronto for charitable purposes.</p>	<p>The Licensing By-law does not have a definition for places of assembly like banquet halls, while the Zoning By-law does.</p>
<i>Billiard/ Pool Hall</i>	<p><i>Billiard Hall:</i> Is not defined.</p> <p>However, licences are required for: every person who for hire or gain directly or indirectly keeps or has in his or her possession or on his or her premises any billiard, pool or bagatelle table, or who keeps or has any such table, whether used or not in a house or place of public entertainment or resort.</p>	<p><i>Recreation Use:</i> premises used for sports, physical play or exercise, such as a fitness club, bowling alley, billiards hall or pool hall, swimming pool or skating rink. An amusement arcade and a sports place of assembly is not a recreation use.</p>	<p>In this case, the zoning definition includes a broad range of uses, while the licensing definition is narrower in scope.</p>