

City Council**Motion without Notice**

MM38.40	ACTION			
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Separate Licence Extension Agreements between City of Toronto, as Licensor, and 2249487 Ontario Limited and Easy and The Fifth Inc., as Licensees, for certain premises located at 229 Richmond Street West - by Councillor Joe Cressy, seconded by Deputy Mayor Michael Thompson

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Joe Cressy, seconded by Deputy Mayor Michael Thompson recommends that:

1. City Council authorize the Director, Transaction Services, or their designate, from time to time, to enter into separate licence extension agreements with 2249487 Ontario Limited (operating as The Ballroom) and Fifth Social Club Inc. (assumed licence from Easy and the Fifth Inc.) (collectively, the "Licensees") on a nominal basis substantially on the terms and conditions in Appendix A of this Motion (the "Licence Extension Agreements"), and including such other terms as deemed appropriate by the Director, Transaction Services, or their designate, from time to time, and in a form satisfactory to the City Solicitor.
2. City Council authorize the Director, Transaction Services to execute and deliver the Licence Extension Agreements and any amendments on behalf of the City.
3. City Council authorize the Director, Transaction Services, or their designate, to administer and manage the Licence Extension Agreements and amendments, including the provision of any consents, approvals, waivers, notices and notices of termination, provided that the Director, Transaction Services, may, at any time, refer consideration of such matters to City Council for its determination and direction.

Summary

CaféTO is a significant pandemic response program initiated in Spring 2020 to support local Toronto businesses by accommodating rapid access to the public right-of-way for expanded outdoor dining, among other benefits. City Council authorized the renewal of the program with additional enhancements in January 2021. In alignment with the intent and principles of CaféTO, and to provide the most assistance possible to businesses that have been impacted by the hardships of the pandemic, the City of Toronto has made continuous efforts to provide

restaurant owners with access to vacant/unused municipal property abutting restaurants that do not meet the CaféTO program criteria.

In summer of 2020, 2249487 Ontario Limited (operating as The Ballroom) and Easy and The Fifth Inc. (collectively, the "Licensees") requested to operate outdoor patios at 229 Richmond Street West (the "Property"), which is a City-owned vacant lot, because they were not qualified under the CaféTO program due to the restaurants abutting the Property. Consequently, the City granted separate licenses over a part of the Property (the "Licensed Area") to each of the Licensees to use for outdoor patio purposes for a term of two (2) weeks commencing July 17, 2021 and expiring July 31, 2021 at fair market value license fees. The Licensees' use of the Licensed Area was governed by guidelines similar to the CaféTO program. At its meeting on July 28 2020, City Council authorized the extension of the terms of the licenses until November 16, 2020 and waived the licence fees for the use of the Licensed Area, and additionally enacted a temporary use by-law (the "Site Specific By-law") permitting the use of Property as an outdoor patio. At its meeting of May 5, 2021, City Council authorized entering into new separate licence agreements with each of the Licensees commencing May 6, 2021 and expiring on January 2, 2022 on similar terms and conditions as provided for in the previous licence agreements.

The Licencees have now requested the use of the Licensed Area until January 2, 2023 on the same terms and conditions as provided for in the current licence agreement. Per adopted report PH21.7, the site-specific temporary use by-law has been extended by City Council to permit this use to April 14, 2022. Prior to its current expiration, City Planning will be requesting authority from City Council to extend the site-specific temporary use by-law past April 14, 2022.

This request is in line with the spirit of the CaféTO program and Council's previous decisions to support local eating establishments as they re-open following closures resulting from COVID-19. Therefore, the purpose of this motion is to obtain authority for the City to enter into separate licence extension agreements for nominal consideration with each of the Licensees for the Licensed Area for the purpose of a patio in connection with the Licensees' restaurants located immediately to the west and east of the Licenced Area.

Work is actively underway to transform 229 Richmond Street West into the first major new park in the rapidly-growing King-Spadina area in a generation. Parks, Forestry and Recreation will initiate public engagement on the new park design in 2022 and timelines for construction are not affected by the temporary extension of these licences.

Background Information (City Council)

Member Motion MM38.40

<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-174458.pdf>

Appendices A and B to MM38.40

<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-174465.pdf>