

Attachment 4: Jurisdictional Research

November 2023

Summary of Findings

Findings from Hamilton, Mississauga, Montreal, Ottawa, Vancouver, Waterloo, and New York include:

- Hamilton, Montreal, Vancouver, and New York licence restaurants, bars, and nightclubs under one licence category;
- Ottawa does not have a Nightclub licence category, instead licensed all-night dance events;
- Most municipalities do not issue endorsements and instead require a separate business licence if an establishment has multiple uses; for example, in Hamilton, if food is sold in a Place of Amusement, a separate Food Premise license is required;
- Mississauga, Ottawa, and Waterloo do not license establishments that sell only pre-packaged foods, while Hamilton and Vancouver do;
- For the licensing of eating establishments and nightclubs, Hamilton requires operators to submit a noise control plan and a crowd control plan;
- Waterloo classifies Food Premises and Nightclubs (e.g., Class A or Class B) according to occupancy load of more than 31 persons; and imposes additional licensing requirements for Class B establishments;
- Hamilton and Ottawa are currently reviewing their respective licensing bylaws for modernization, whereas Vancouver has completed a review and will be consolidating nearly 600 licensing types into 88 as of April 1, 2024;
- The fees for nightclub licences range from \$172.00 (Waterloo) to \$3603.71 (Mississauga);
- Mississauga and Ottawa use terms such as “principal (purpose of the) business” to explain the core function of an establishment; and
- Ottawa, Hamilton, and Vancouver are planning for or already have reviews/modernization processes in place for their respective licensing bylaws.

Table 1 – Definitions of License Categories

	Eating or Drinking Establishment	Retail Stores (Food)	Entertainment Establishment / Nightclub	Place of Amusement / Cabaret	Public Hall	Billiard Hall	Key Findings
HAMILTON	Food Premise Bar / Nightclub License Food Premise <ul style="list-style-type: none"> • Foodshop basic (e.g., convenience store, no food being prepared on premise) • Refreshment stand • Restaurant; if there are chairs, establishment is a restaurant; this includes coffee shops, etc. • Restaurant with liquor • Restaurant take-out – no seating • Restaurant drive-in – no seating • Food premise (e.g., bakery, butcher, fish monger) • Caterer Bar / Nightclub <ul style="list-style-type: none"> • Located within the Hess Village Entertainment District • Alcohol is served • Live or recorded music for entertainment • Dancing • Less than 65% seating for customers who are served food or drink 			Place of Amusement License <ul style="list-style-type: none"> • Amusement rides – if food sold, separate license required • Arcade, pinball machine parlour – 4 or more machines • Billiards / bagatelle tables • Bingo Parlour • Bowling Alley • Carnival • Proprietary club; clubs other than those with incidental billiard, pool 	Public Hall License A portable building or tent, used as a place of assembly which is operated as a business, where members of the public gather for meeting, dancing, or entertainment, but does not include premises used solely for religious purposes or a theatre	N/A Falls under Places of Amusement	Food Premise Bar / Nightclub fall under the same license category and use the same application form; each are defined differently; bar / nightclub has more application requirements If food is sold in a Place of Amusement, a separate license is required

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				<ul style="list-style-type: none"> • or bagatelle tables • Circus • Motor vehicle racetrack • Roller skating rink • Other: Exhibition for hire or gain, exhibition of waxworks, etc. laser tag paintball, anything not covered by other Places of Amusement licenses • Skateboarding / BMX • Water rides 			
MISSISSAUGA	Eatery License Restaurant Restaurant – where food is prepared or sold to the public with the primary purpose of offering food for consumption		Nightclub License Provides theatrical performances, pre-recorded music, or live	Amusement Arcade License Class A Principal business is the provision of amusement	N/A Repealed by By-Law 0017-2017	Billiard Hall License Class A Principal business is the	Eatery license captures restaurants and retail food premises Uses Classification system (e.g., Class A, B) to

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<p>on site; does not include a Public Hall</p> <p>Retail Food Premise Where food is prepared or sold to the public with the primary purpose of offering food for consumption off site and includes but is not limited to a take-out restaurant, bakeries and butcher shops; exempted are businesses selling pre-packaged food, food banks, and public halls</p> <p>Pre-packaged food is not captured in Retail Stores (Food)</p>		<p>musical entertainment whether such pre-recorded or live music is provided for listening or dancing by the patrons, or any combination of the above functions, and whose secondary function may include the sale and consumption on the premises of food and/or alcoholic beverages but which does not include a restaurant, a takeout restaurant or an Adult Entertainment Business</p>	<p>devices for use by the public</p> <p>Class B Principal business is something other than the provision of amusement devices for use by the public but which does contain one or more amusement devices</p> <p>Amusement device Includes a coin-operated machine which through pin balls, electronic impulses or any other means provides a game or in any other manner amuses the user, but</p>		<p>provision of billiard tables for direct or indirect hire</p> <p>Class B principal business is something other than the provision of billiard tables for use by the public but does contain one or more billiard tables</p> <p>Billiard Table Includes a coin-operated table or</p>	<p>differentiate amongst types of Places of Amusement and Billiard Halls</p> <p>No longer issuing Public Hall licenses</p> <p>Does not license convenience stores</p> <p>Businesses may have multiple licenses but payment of separate license fees is required</p>

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				does not include mechanical rides which are provided primarily for the amusement of children.		otherwise, upon which billiards, pool, snooker or bagatelle or any similar game is played	
MONTREAL	Entertainment Venue License <ul style="list-style-type: none"> • Bar (consumer alcohol) • Restaurant (can include alcohol; can include no table service) • Café (no alcohol or table service; no table service) • Artisanal brewery (brewery with eating or drinking) • Show venues (main use) <p>*Note: Montreal has 19 Boroughs. Business licensing processes vary.</p>			N/A	N/A	N/A Removed	Entertainment Venue license captures eating and drink establishments, retail stores (food), and entertainment establishment / nightclub Removed Nightclubs / Dance Venue license and merged into Entertainment Venue license

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OTTAWA	<p>Food Premises License</p> <p>Any business that prepares food including bakeshops, butcher shops, caterers, cafés, lunch counters, cafeterias, and restaurants</p> <p>Refreshment carts, trucks and stands are covered by other licence categories</p>		<p>All Night Dance Event License</p> <p>An event for gain or profit that offers live or pre-recorded music or both; where any part of the event takes place between 3am and 9am; where the principal activities include listening and dancing to music</p>	<p>Amusement Places License</p> <p>Building or structure where the public has access to entertainment or amusement facilities; includes premises equipped with 5 or more arcade machines or video display devices; a bowling alley; premises, including a proprietary club, with 5 or more billiard, pool or bagatelle tables; a golf driving range, a roller skating or ice-skating facility, and a public hall</p>	N/A	N/A	<p>Does not license premises that primarily sell pre-packaged food; e.g., a Food Premises licence is not required where grab-and-go foods are available, like at gas stations where the customer does not prepare or heat the food product</p>

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VANCOUVER	Dining and Drinking Establishment Category Licenses <ul style="list-style-type: none"> Limited-service food establishment Restaurant Venue 	Retail Trade (Food) Category Licenses <ul style="list-style-type: none"> Gas station Grocery Retail dealer (food) 	Dining and Drinking Establishment Category Licenses <ul style="list-style-type: none"> Limited-service food establishment Restaurant Venue 	Recreation Category Licenses: <ul style="list-style-type: none"> Amusement Park: Casino – Class 1 / Class 2 Family Sports and Entertainment Centre 	N/A	N/A	<p>Effective April 1, 2024: City of Vancouver will streamline nearly 600 different licensing types into 88</p> <p>Businesses with existing licensing will be automatically transferred into their new licence type</p>
WATERLOO	Food Shop License <p>Where food products are made or offered for sale, stored or sold but does not include a place which sells only bottled or canned beverages or pre-packaged candies other than those required to be kept frozen.</p> <p>CLASS A CLASS B</p>		Nightclub License <p>Providing pre-recorded or live music for attendees, where food or beverages may be served, where the dance floor is greater than 10 square metres and</p>	N/A	N/A	N/A	<p>Provides a Temporary Vendor License for selling or offering goods or services for a period of time less than 90 days.</p> <p>Required documents:</p> <ul style="list-style-type: none"> Written permission of the property

Eating or Drinking Establishment	Retail Stores (Food)	Entertainment Establishment / Nightclub	Place of Amusement / Cabaret	Public Hall	Billiard Hall	Key Findings
	More than 31 people occupancy load	<p>where the occupancy load is greater than 100 persons. If food is served, a food shop licence may be required</p> <p>CLASS A CLASS B More than 31 people occupancy load</p>				<p>owner where the temporary vendor will be located</p> <ul style="list-style-type: none"> • Description of the goods and services to be offered • Technical Standards and Safety Authority (TSSA) approval for all equipment and appliances used which have not been approved by the Canadian Standards Association (CSA) or Underwriters Laboratory of Canada (ULC) • If a structure or a tent is being used for an event, must

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							comply with zoning regulations
NEW YORK	Food Service Establishment License				N/A	Removed N/A	Restaurants, bars, nightclubs, and cabarets captured under one license category
	<p>A place where food is provided for individual portion service directly to the consumer, whether the food is provided free of charge or sold, and whether the food is consumed on or off the premises</p> <p>Includes restaurants, employee cafeterias, bakeries, takeouts, pizzerias, night clubs, cabarets, bars, senior centers, emergency food relief organizations, public and non-public schools, or religious, fraternal and charitable organizations</p>						

Table 2 – Overview of Fees Per License Category and Municipality

Municipality							
2023 License Category Fee	Toronto	Hamilton	Mississauga	Ottawa	Vancouver	Waterloo	New York
Eating or Drinking Estab.	\$543.52	Range: \$372.00 (convenience store) to \$937.00 (restaurant with liquor)	\$206.52	\$273.00	Range: \$616 (limited service) to \$891.00 (full service)	\$172.00	\$373.30
Retail Store (Food)	\$400.84	Range: \$372.00 (convenience store) to \$937.00 (restaurant with liquor)	\$206.52	\$273.00	Range: \$255.00 (gas station) to \$1015.00 (grocery store)	\$172.00	\$373.30
Ent. Estab/ Nightclub	\$528.36	\$1029.70	\$3603.71	N/A but Ottawa licenses All Night Dance Events (\$381 per event)	Range: \$616 (limited service) to \$891.00 (full service)	\$172.00	\$373.30
Public Hall	\$459.08	\$884.70	N/A	N/A	N/A	N/A	N/A
Places of Amusement	\$459.08	Range: \$409.00 (amusement rides) to \$769.70	N/A	\$255	Range: \$408.00 (family sports and entertainment centre) to	N/A	\$373.30

		(proprietary club)			\$\$14,872.00 (Casino, Class 2)		
Billiard Hall	\$459.08	N/A	N/A	N/A	N/A	N/A	N/A

Table 3 – Endorsements and Multi-Use Licenses

	Hamilton	Mississauga	Montreal	Ottawa	Vancouver	Waterloo	New York
Endorsements	N/A	No	*Note: Montreal has 19 Boroughs. Business licensing processes vary.	No	No	No	N/A
Multi-Use	For multiple uses, separate licenses required	For multiple uses, separate licenses required	*Note: Montreal has 19 Boroughs. Business licensing processes vary.	For multiple uses, separate licenses required	For multiple uses, separate licenses required	For multiple uses, separate licenses required	Restaurants, bars, nightclubs, and cabarets captured under one license category

Table 4 – Significant Dates and Status of Licensing Bylaw per Municipality

Municipality	Significant Date	Status of Licensing Bylaw
Hamilton	2023	Currently under review for modernization
Mississauga	2006	Bylaw enacted
Montreal	N/A	N/A
Ottawa	2023	Planning for comprehensive review and modernization
Vancouver	2023 to 2024	Review and modernization underway; Effective April 1, 2024: Streamlining nearly 600 licensing types into 88
Waterloo	2015	Bylaw enacted
New York	N/A	N/A