

## Attachment 8: Decision History

### City-wide Zoning Decisions

At its meeting on March 9, 2022, City Council adopted Item PH31.8 - Extension to Temporary Use Zoning By-laws for Outdoor Patios Associated with Eating Establishments, and provided an extension to the temporary use permission for patios on private property by repealing By-laws 197-2021 and 198-2021 which would have expired on April 14, 2022 and enacting replacement By-laws 236-2022 and 237-2022 which will expire on December 31, 2023. City Council also requested the Chief Planner and Executive Director, City Planning to report back to the Planning and Housing Committee by the third quarter of 2023 on potential permanent modifications of zoning regulations for outdoor patios on private property.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.8>

At its meeting on December 15, 2021, City Council adopted Item PH29.3 - Recommended Parking Requirements for New Development, and enacted By-law 89-2022, as further amended by By-law 125-2022, and replaced required minimum parking rates with permitted maximum parking rates for new developments. This decision is relevant to outdoor patios which have often occupied parking lots since 2020.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.PH29.3>

At its meeting on March 10, 2021, City Council adopted Item PH21.7 - Temporary Use Zoning By-laws to Provide an Extension to Existing Temporary Permissions for Outdoor Patios for Bars and Restaurants, and provided an extension to the temporary use permission for patios on private property by repealing By-laws 906-2020 and 910-2020 which would have expired on May 25, 2021 and enacting replacement By-laws 197-2021 and 198-2021, which expired on April 14, 2022.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.PH21.7>

At its meeting on October 27, 2020, City Council adopted Item EX17.7 - Winter Patio Permissions, and requested the Executive Director, Municipal Licensing and Standards and the General Manager, Transportation Services, in consultation with the Chief Planner and Executive Director, City Planning, and the Chief Building Official and Executive Director, Toronto Building, to report to the appropriate Committee with clearly articulated rules regarding outdoor dining protections from the elements from a COVID-19 transmission lens.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.EX17.7>

At its meeting on October 27, 2020, City Council adopted a final report pertaining to temporary use zoning by-laws to expand permissions for outdoor patios for bars and restaurants pursuant to Section 39 of the Planning Act. The report recommended temporarily easing restrictions for patios on private property as they relate to zone restrictions, placement and size. City Council enacted By-law 906-2020 to temporarily ease restrictions on outdoor patios through zoning regulations that prevail over the former municipal zoning by-laws and By-law 910-2020 to temporarily ease restrictions specified in harmonized city-wide Zoning By-law 569-2013 affecting outdoor patios. By-

laws 906-2020 and 910-2020 expired on May 25, 2021

<https://secure.toronto.ca/council/agenda-item.do?item=2020.PH17.12>

At its meeting on July 13, 2020, the Planning and Housing Committee considered Item PH15.2 - Temporary Use Zoning By-law to Expand Permissions for Outdoor Patios for Bars and Restaurants and received the item for information.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.PH15.2>

On July 8, 2020, the Province of Ontario issued Ontario Regulation 358/20, being Ministerial Zoning Order to expand zoning permissions for outdoor patios in the City of Toronto, generally consistent with the June 29 and 30, 2020 request of City Council.

<https://www.ontario.ca/laws/regulation/r20345>

At its meeting on June 29, 2020, City Council requested that the Minister of Municipal Affairs and Housing provide expanded permissions for patios on private properties with regards to zone restrictions, placement and size. On July 2, 2020, the Province of Ontario issued Ontario Regulation 345/20, which exempts the enactment of a by-law that would authorize the temporary use of land for a restaurant or bar patio under Section 39 of the Planning Act from subsections 34 (12) to (14.3), (14.5) to (15) and (19) of that Act and paragraphs 4 and 5 of subsection 6 (9) of Ontario Regulation 545/06. Ontario Regulation 345/20 permits City Council to adopt temporary use by-laws respecting a restaurant or bar patio without holding a statutory public meeting under the Planning Act and that such a by-law is not subject to appeal.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.EX14.1>

At its meeting on July 16, 2019, City Council adopted Item PH7.2- Cask Force - Zoning By-law Amendments for Breweries and Related Uses, and enacted By-laws 1197-2019 and 1198-2019 amending City-wide Zoning By-law 569-2013 and former City of Toronto Zoning By-law 438-86 to permit outdoor patios in the EL (Employment Light Industrial) and E (Employment Industrial) Zones.

<https://secure.toronto.ca/council/agenda-item.do?item=2019.PH7.2>

## **Site-specific Zoning and Related Decisions**

### **229 Richmond Street West**

At its meeting on March 29, 2023, City Council adopted Item MM5.21 - City Licence to 2249487 Ontario Limited and Fifth Social Club Inc. for the use of the property at 229 Richmond Street West, and directed the Director, Transaction Services, or their designate, to enter into separate licence extension and amending agreements (the "Agreements") with 2249487 Ontario Limited (operating as "The Ballroom") and Fifth Social Club Inc. (collectively, the "Licensees") for the property located at 229 Richmond Street West shown in Appendix B to the Member Motion MM5.21, at a rate equivalent to the rate under the CaféTO program and substantially on the terms and conditions set out in Appendix A to the Member Motion MM5.21, and including such other terms as deemed appropriate by the Director, Transaction Services, or designate, and in a form satisfactory to the City Solicitor.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.MM5.21>

At its meeting on March 9, 2022, City Council adopted Item PH31.8 - Extension to Temporary Use Zoning By-laws for Outdoor Patios Associated with Eating Establishments, and provided an extension to the temporary use by-law permitting an outdoor patio on 229 Richmond Street West by repealing By-law 200-2021 which would have expired on April 14, 2022 and enacted By-law 234-2022 which will expire on December 31, 2023.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.8>

At its meeting on May 5, 2021, City Council adopted Item MM32.17 - Separate Licence Agreements between City of Toronto, as Licensor, and 2249487 Ontario Limited and Easy & The Fifth Inc., as Licensees, for certain premises located at 229 Richmond Street West, and authorized the City of Toronto to enter into separate licence agreements with 2249487 Ontario Limited (operating as The Ballroom) and Easy & The Fifth Inc. (collectively, the "Licensees") on a nominal basis substantially on the terms and conditions in Appendix A to Motion MM32.17, including such other terms as deemed appropriate by the Executive Director, Corporate Real Estate Management, or their designate, and in a form satisfactory to the City Solicitor.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM32.17>

At its meeting on March 10, 2021, City Council adopted Item PH21.7 - Temporary Use Zoning By-laws to Provide an Extension to Existing Temporary Permissions for Outdoor Patios for Bars and Restaurants, and provided an extension for the temporary use by-law permitting an outdoor patio on 229 Richmond Street West by repealing By-law 908-2020 which would have expired on May 25, 2021 and enacted By-law 200-2021 which would have expired on April 14, 2022.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.PH17.12>

At its meeting on October 27, 2020, City Council adopted Item PH17.12 - Temporary Use Zoning By-law to Expand Permissions for Outdoor Patios for Bars and Restaurants, and provided an extension for the temporary use by-law permitting an outdoor patio on 229 Richmond Street West by repealing By-law 667-2020 which would have expired on November 16, 2020 and by enacting By-law 908-2020 which expired would have expired on May 25, 2021.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.PH17.12>

At its meeting on July 28, 2020, City Council adopted Item MM23.27 - 229 Richmond Street West - Temporary Use By-law and Licence Extension and Amending Agreement - Final Report, and enacted Temporary Use By-law 667-2020 to permit an outdoor patio on 229 Richmond Street West, with an expiry date of November 16, 2020 or the date upon which Ontario Regulation 358/20 is revoked.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.MM23.27>

The Motion also authorized the Director, Real Estate Services to extend and amend the Licence Agreement between the City of Toronto and 2249487 Ontario Limited (o/a The Ballroom) and Easy & The Fifth Inc. (collectively, the "Licensees") to extend the licence term until November 16, 2020 and waive the licence fee as set out in the Licence Agreement thereby granting a nominal sum licence to the Licensees, and including such other terms as deemed appropriate by the Director, Real Estate Services or designate from time to time, and in a form satisfactory to the City Solicitor.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.MM23.27>

## **100 Indian Road**

At its meeting on March 9, 2022, City Council adopted Item PH31.8 and provided an extension to the temporary use by-law permitting an outdoor patio on 100 Indian Road by repealing By-law 639-2022 which would have expired on April 14, 2022, and enacted By-law 240-2022 which will expire on December 31, 2023

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.8>

At its meeting on July 14, 2021, City Council adopted Item MM35.25 - 100 Indian Road - Zoning By-law Amendment - Final Report, and enacted Temporary Use By-law 631-2022 which eased restrictions for outdoor patios as they relate to an outdoor patio not being permitted in the residential zone.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM35.25>

## **25 The West Mall**

At its meeting on March 9, 2022, City Council adopted Item PH31.8 and provided an extension to the temporary use by-law permitting an outdoor patio on 25 The West Mall by repealing By-law 685-2021 which would have expired on April 14, 2022, and enacted By-law 238-2022 which will expire on December 31, 2023

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.8>

At its meeting on July 14, 2021, City Council adopted MM35.45 - 25 The West Mall - Sherway Gardens Temporary Outdoor Patio and Technical Amendment to By-law 685-2021 - Final Report, and enacted By-law 685-2021 permitting a temporary outdoor patio on 25 The West Mall.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM35.45>

## **401 Logan Avenue**

At its meeting on March 9, 2022, City Council adopted Item PH31.8 and provided an extension to the temporary use by-law permitting an outdoor patio on 401 Logan Avenue by repealing By-law 686-2021 which would have expired on April 14, 2022, and enacted By-law 244-2022 which will expire on December 31, 2023

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.8>

At its meeting on July 14, 2021, City Council adopted Item MM35.46 - 401 Logan Avenue - Zoning Amendment - Final Report, and enacted By-law 686-2012 which permitting a temporary outdoor patio on 401 Logan Avenue

<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM35.46>

## **592 Gerrard Street East**

At its meeting on March 9, 2022, City Council adopted Item PH31.8 and provided an extension to the temporary use by-law permitting an outdoor patio on 592 Gerrard Street East by repealing By-law 692-2021 which would have expired on April 14, 2022, and enacted By-law 246-2022 which will expire on December 31, 2023

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.8>

At its meeting on July 14, 2021, City Council adopted Item MM35.52 - 592 Gerrard Street East - Zoning Amendment - Final Report and Licence Arrangement, and enacted By-law 692-2021 which permitted a temporary outdoor patio on 592 Gerrard Street East.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM35.52>

### **345 Carlaw Ave and 1180 Dundas Street East**

At its meeting on March 9, 2022, City Council adopted Item PH31.8 and provided an extension to the temporary use by-law permitting an outdoor patio on 345 Carlaw Avenue and 1180 Dundas Street East by repealing By-law 519-2021 which would have expired on April 14, 2022, and enacted By-law 243-2022 which will expire on December 31, 2023.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.8>

At its meeting on June 8, 2021, City Council adopted Item MM34.34 - 345 Carlaw Avenue and 1180 Dundas Street East - Zoning Amendment - Final Report, and enacted By-law 519-2021, which permitted a temporary outdoor patio on 345 Carlaw Avenue and 1180 Dundas Street East.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM34.34>

### **516 Eglinton Avenue West**

At its meeting on March 9, 2022, City Council adopted Item PH31.8 and provided an extension to the temporary use by-law permitting an outdoor patio on 516 Eglinton Avenue West by repealing By-law 461-2022 which would have expired on April 14, 2022, and enacted By-law 245-2022 which will expire on December 31, 2023.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.8>

At its meeting on June 8, 2021, City Council adopted Item NY24.9 - Final Report - Zoning By-law Amendment - 516 Eglinton Avenue West, and enacted By-law 461-2021, which permitted a temporary outdoor patio on 516 Eglinton Avenue West.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.NY24.9>

### **1008 - 1010 Queen Street East, 1118 Queen Street East, 1298 Queen Street East, 106-110 Broadview Avenue, 704 Queen Street East and 3 Hamilton Street**

At its meeting on March 9, 2022, City Council adopted Item PH31.8 and provided an extension to the subject properties by repealing By-laws 402-2021, 403-2021, 404-2021 and 405-2021 which would have expired on April 14, 2022, and enacted replacement By-laws 241-2022, 247-2022 and 248-2022, 249-2022 for the subject properties, which will expire on December 31, 2023.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.8>

At its meeting on May 5, 2021, City Council adopted Item MM32.37 - 1008 - 1010 Queen Street East, 1118 Queen Street East, 1298 Queen Street East, 106-110 Broadview Avenue, 704 Queen Street East and 3 Hamilton Street - Zoning Amendments - Final Report, and enacted By-laws 402-2021, 403-2021, 404-2021 and 405-2021 which permitted temporary outdoor patios on the subject properties.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM32.37>

### **139-141 Danforth Avenue**

At its meeting on March 9, 2022, City Council adopted Item PH31.8 and provided an extension to the temporary use by-law permitting an outdoor patio on 139-141 Danforth Avenue by repealing By-law 203-2021 which would have expired on April 14, 2022, and enacted By-law 242-2022 which will expire on December 31, 2023.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.8>

At its meeting on March 10, 2021, City Council adopted Item PH21.7 - Temporary Use Zoning By-laws to Provide an Extension to Existing Temporary Permissions for Outdoor Patios for Bars and Restaurants, and provided an extension to the temporary outdoor patio at 139-141 Danforth Avenue by repealing By-law 1182-2020 which would have expired on May 25, 2021, and enacted by-law 203-2021.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.PH21.7>

At its meeting on December 16, 2020, City Council adopted Item MM27.28 - 139-141 Danforth Avenue - Temporary Use By-law, and enacted By-law 1182-2020, which permitted a temporary outdoor patio on 139-141 Danforth Avenue.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.MM27.28>

### **67 Front Street East and 94 The Esplanade**

At its meeting on March 9, 2022, City Council adopted Item PH31.8 and provided an extension to the temporary use by-law permitting an off-site outdoor patio on 94 The Esplanade by repealing By-law 202-2021 which would have expired on April 14, 2022, and enacted By-law 239-2022 which will expire on December 31, 2023.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.8>

At its meeting on March 10, 2021, City Council adopted Item PH21.7 - Temporary Use Zoning By-laws to Provide an Extension to Existing Temporary Permissions for Outdoor Patios for Bars and Restaurants, and provided an extension to the temporary outdoor off-site patio at 94 The Esplanade by repealing By-law 1063-2020 which would have expired on May 25, 2021, and enacted by-law 202-2021.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.PH21.7>

At its meeting on November 25, 2020, City Council adopted Item MM26.14 - 67 Front Street East and 94 The Esplanade - Temporary Use By-law - Final Report, and enacted By-law 1063-2020 which permitted a temporary off-site outdoor patio at 94 The Esplanade.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.MM26.14>

### **1012-1018 Gerrard Street East**

At its meeting on March 9, 2022, City Council adopted Item PH31.8 and provided an extension to the temporary use by-law permitting an outdoor patio on 1012-1018 Gerrard Street East by repealing By-law 203-2021 which would have expired on April 14, 2022, and enacted By-law 235-2022 which will expire on December 31, 2023.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.8>

At its meeting on March 10, 2021, City Council adopted Item PH21.7 - Temporary Use Zoning By-laws to Provide an Extension to Existing Temporary Permissions for Outdoor Patios for Bars and Restaurants, and provided an extension to the temporary outdoor patio at 1012-1018 Gerrard Street East by repealing By-law 668-2020 which would have expired on May 25, 2021, and enacted by-law 201-2021.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.PH21.7>

At its meeting on December 16, 2020, City Council adopted Item MM23.34 - 1012-1018 Gerrard Street East - Temporary Use By-law - Final Report, and enacted By-law 668-2020, which permitted a temporary outdoor patio on 1012-1018 Gerrard Street East.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.MM23.34>

### **95-107 Danforth Avenue and 749 Broadview Avenue**

At its meeting on March 9, 2022, City Council adopted Item PH31.8 and provided an extension to the temporary use by-law permitting an outdoor patio on 95-107 Danforth Avenue and 749 Broadview Avenue by repealing By-law 199-2021 which would have expired on April 14, 2022, and enacted By-law 233-2022 which will expire on December 31, 2023.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH31.8>

At its meeting on March 10, 2021, City Council adopted Item PH21.7 - Temporary Use Zoning By-laws to Provide an Extension to Existing Temporary Permissions for Outdoor Patios for Bars and Restaurants, and provided an extension to the temporary outdoor patio on 95-107 Danforth Avenue and 749 Broadview Avenue by repealing By-law 669-2020 which would have expired on May 25, 2021 and enacted by-law 199-2021.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.PH21.7>

At its meeting on July 28, 2020, City Council adopted Item MM23.35 - 95-107 Danforth Avenue and 749 Broadview Avenue - Temporary Use By-law - Final Report, and enacted By-law 669-2020 which permitted a temporary outdoor patio at 95-107 Danforth Avenue and 749 Broadview Avenue.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.MM23.35>

### **Related CaféTO Decisions**

At its meeting on February 7, 2023, City Council adopted Item EX2.4 - CaféTO 2023 and Beyond, returning the usual permit process for all café types, establishing permanent criteria for curb lane/parklet cafés, and expanding city-wide the Amplified Music on Patios pilot project.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX2.4>

At its meeting on April 6, 2022, City Council adopted Item EC28.2 - Supporting Restaurants in Toronto - Recovery and Renewal, and extended the Amplified Music on Patios pilot project to include Ward 4, 9, 10, 11, 13, 14, 19 and 21.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.EC28.2>

At its meeting on November 9, 2021, City Council adopted Item EX27.10 - CaféTO and Beyond, and made the CaféTO program permanent, with a request to report back the first quarter of 2023 to establish criteria for curb lane/parklet cafés.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.EX27.10>

At its meeting on June 8, 2021, City Council adopted Item MM34.51 - Getting the Band Back Together: A Pathway Forward for Musical Performance on Patios, and requested staff to develop a scoped pilot program for amplified live music performances by musicians on patios in the public right of way located within Ward 14, Ward 19, and Ward 9.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM34.51>

At its meeting on February 2, 2021, City Council adopted Item EX20.6 - CaféTO and CurbTO - Pandemic Response Programs, and approved an enhanced CaféTO program for expanded outdoor dining in the public right-of-way until April 14, 2022.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.EX20.6>

At its meeting on June 29, 2020, City Council adopted Item EX14.1 - CaféTO - Increasing Outdoor Dining Space for Toronto Restaurants and Bars, and authorized the establishment of the CaféTO program, which facilitated expanded outdoor dining space in the public right-of way.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.EX14.1>