

City Council

Notice of Motion

MM32.25	ACTION			Ward: All
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Re-Opening and Amending Item 2024.EX18.7 - CaféTO Business Improvement Area (BIA) Pilot Programs Update and Toronto Municipal Code Amendments for 2025 - by Councillor Brad Bradford, seconded by Councillor Stephen Holyday

** Notice of this Motion has been given.*

** This Motion is subject to a re-opening of Item 2024.EX18.7, only as it pertains to Part 6. A two-thirds vote is required to re-open that Item. If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

Recommendations

Councillor Brad Bradford, seconded by Councillor Stephen Holyday, recommends that:

1. City Council amend its previous decision on Item 2024.EX18.7 by amending Part 6 by:
 - a. deleting the words "multiple" and "to the application from members of the public" from A.2. of Section 742-3.3. Refusal; and
 - b. adding the words "from a number of members of the public totalling more than 25% of the number of notices sent out under Subsection A(5)".

so that Part 6 now reads as follows:

6. City Council amend section 742-3.2A(2) of Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays so that it reads as follows:

Section 742-3.2. Refusal.

A. The Executive Director or General Manager shall refuse an application for a sidewalk café, public parklet, and/or marketing display if:

(2) in the case of an application for a permit area on a residential flankage, the City receives ~~multiple objections to the application from members of the public from a~~ number of members of the public totalling more than 25% of the number of notices sent out under Subsection A(5) during the 21-day period of public notice.

Summary

Summers in Toronto are short enough already, and on a hot day there's nothing better than spending time on a patio enjoying a great meal or cold drink. But unnecessary red tape from City Hall is getting in between Torontonians and their patio season.

A small business in my ward has had their summer season cut in half because of this red tape. In 1980, this location was home to the first patio to open in The Beach, and has consistently had a well-loved and highly used patio since then, even as the business changed hands.

But when Tiarré's Brunch & Bistro applied to renew their sidewalk café permit on April 9th of this year, their patio was shut down for nearly two months because of merely two objections filed during the 21-day public notice period. While we were able to approve their patio at the July 8th meeting of Toronto and East York Community Council, this incident highlighted the systematic challenges and negative impacts of this notification and refusal process which was eliminated in November 2021 and brought back in November 2023.

In the CaféTO 2023 and Beyond report, city staff noted that requirements to report to City Council for patio approvals “would significantly extend the timeline between applications and permit issuance for businesses.” Unfortunately, the outcome staff predicted has become a reality.

Instead of battling City Hall for licenses to serve residents in the community, small businesses that comply with the relevant bylaw criteria must be given the opportunity to flourish during a time of deep economic uncertainty.

The City must find a way to get to yes faster by cutting the red tape, eliminating roadblocks, and making it easier for small businesses to survive in today's economy.

With this motion, I am recommending that Council amend the process to increase the number of objections required to be received before a patio is refused. Instead of the current rule where just two objections lead to a patio being refused, it would require objections from 25 percent of people who received notice letters. This would significantly increase the number of patios automatically approved while still providing a pathway for Community Council to review the most contentious locations.

Background Information (City Council)

Member Motion MM32.25

(<https://www.toronto.ca/legdocs/mmis/2025/mm/bgrd/backgroundfile-257533.pdf>)