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**Date:** July 7, 2020  
**To:** Mayor and Council  
**Author:** Jennifer Astrologo, Director of Corporate Services/Clerk  
**RE:** Temporary Outdoor Patio Extensions  
**Report No.:** CS-2020-19

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## **AIM**

To provide Council with information regarding the Town's application process for the extension or creation of temporary outdoor patios/dining areas flowing from the recent amendments to Regulation 719 under the *Liquor Licence Act* ("LLA").

## **BACKGROUND**

Section 97(1) of Regulation 719 of the *LLA* permits licensed establishments to apply to the Alcohol and Gaming Commission of Ontario ("AGCO") for a temporary physical extension of their premises for a period of 14 days or less, provided the extension is adjacent to the premises to which the liquor licence applies. As part of this application process, the applicant must obtain a Letter of Non-Objection from the Clerk consenting to the proposed extended licence area.

The Corporate Services Department processes any request for a Letter of Non-Objection. Corporate Services circulates the request to the Building and Fire Departments requesting comment. If no objections are received, the requisite letter is prepared and provided to the applicant.

Back in June, the Province amended Regulation 719 of the *LLA* to permit licenced establishments (i.e. bars and restaurants) to temporarily extend their premises beyond the normal 14 day period. As part of this initiative, the AGCO provided a blanket, no-fee approval to licensees provided the following conditions are met:

- The physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies

- The municipality in which the premises is situated has indicated it does not object to the extension
- The licensee is able to demonstrate sufficient control over the physical extension of the premises
- There is no condition on the liquor sales licence prohibiting a patio, and
- The capacity of the new or extended patio does not exceed 1.11 square metres per person.

Although licensees are not required to make a formal application to the AGCO to demonstrate compliance, the AGCO may require documentation to verify compliance with the above criteria.

## **DISCUSSION**

Effective 12:01 a.m. on Tuesday, July 7, the Town of Kingsville was officially moved into Stage 2 of the Province's reopening plan. In this Stage, food service establishments are permitted to offer outdoor dine-in service to patrons. Prior to that, services were limited to take out or delivery.

### **Open Streets**

At the June 22 Council Meeting, Council adopted a motion endorsing the Open Streets initiative, presented by the Business Improvement Association. Through this initiative, Council endorsed time-limited road closures of parts of Main Street and Division Street North every Friday thru Sunday during the summer, allowing restaurants to extend their patios into the street for outdoor dine-in service.

As part of Open Streets, the Town established an approval process for BIA member food service and retail establishments wishing to extend their business into the street. This process includes the submission of proof of insurance, a requirement to abide by public health guidelines, and patio inspection by the Building and Fire Departments.

### **AGCO Temporary Patio Extension**

As described above and as part of the relief measures for businesses impacted by the pandemic, AGCO has provided flexibility for liquor sales licensees to temporarily extend their physical premises to January 1, 2021. To support this measure, Administration formalized a procedure, similar to the process established for Open Streets, to streamline the process for businesses in the food service industry to make application for a temporary patio extension. Attached at Appendix A is the Application Form. This application form can also be used by retail shops requesting to host outdoor sidewalk sales on municipal property.<sup>1</sup>

As part of this process, businesses can apply for an extension of their premises on municipal or private property. The Application is submitted to the Building Department for processing and from there is circulated to Fire, Planning and Municipal Services for review and comment. Prior to receiving approval, there are a number of requirements that the Applicant must abide by, including but not limited to:

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<sup>1</sup> Administration is in the process of developing a separate application form, but will utilize this form for the short-term.

- Adherence to all public health recommendations regarding COVID-19
- Submission of insurance (if on municipal property)
- Maintenance of accessibility
- Pedestrian safety
- No blockage of fire or garbage routes

These requirements are expressly outlined on the application form and in the approval letter. Submission of an application does not guarantee approval, but Administration will work with the Applicant in an attempt to find a workable solution. If approved, the Town will issue an approval letter, similar to the Non-Objection Letter that is normally issued.

This application process is open to all food service businesses within the Town and is separate from the BIA's Open Streets initiative. As of the date of this report, 10 temporary patio extension applications have been received and six of those applications are processed as complete.

The Fees and Charges By-law and Building Fees and Charges By-law authorizes Administration to collect fees for processing and inspecting AGCO temporary premises extensions in the amount of \$300, broken down as follows:

- Administration - \$25
- Building Inspection - \$175
- Fire - \$100

No fees have been collected to process these applications as of yet. Noting that no fees were charged for businesses participating in the Open Streets initiative, and in an effort to support the economic recovery of the food services industry in Kingsville, Administration recommends waiving the fees to process and inspect these patios.

## **LINK TO STRATEGIC PLAN**

Although there is no direct link to the strategic plan, this action supports economic recovery in the wake of the COVID-19 pandemic.

## **FINANCIAL CONSIDERATIONS**

The fees that Administration is authorized to collect for each application is \$300. If Council endorses the recommendation from Administration to waive fees, based on the applications currently received, approximately \$3,000 in revenue would not be collected.

## **CONSULTATIONS**

Senior Management Team

## **RECOMMENDATION**

That Council receives this Report regarding Temporary Patio Extensions for Information;  
And That, Council supports temporary patio extensions through to January 1, 2021,  
provided that businesses adhere to the application process and comply with the  
requirements established by the Town; And Further That, Council waives the fees normally  
associated with providing Non-Objection Letters for the duration of 2020.

*Jennifer Astrologo*

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