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**To: Members of the Community Planning, Regulation and Mobility Committee**

**From: Councillor Paul Sharman and Councillor Lisa Kearns**

**Cc: Tim Commisso, Heather MacDonald, Nancy Shea-Nichol, Nick Anastasopoulos, Jamie Tellier, Joan Ford**

**Date: January 8, 2021**

**Re: Use of Tents by Restaurants and Bars in Burlington: Motions**

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As Council is aware, relief is being sought in the context of COVID-19 recovery for affected restaurants and bars and the use of tents where it may be possible to consider alternate solutions that enable extended opportunities to serve customers.

The Ontario Restaurant, Hotel & Motel Association (ORHMA) cites that “Hospitality businesses were the first to experience the negative impact of the COVID-19 outbreak and will be the last to recover. The public health measures that are included in Ontario’s COVID-19 Response Framework single out the restaurant industry and repercussions will occur unless additional funding relief is presented or modifications to the framework are introduced immediately.”

Mitigation measures to permit the use of tents have been considered in other municipalities that are focused on the objective of solutioning deficiencies within interpretations of the Ontario Building Code. Should these establishments remain unable to serve customers or conduct business, many will face insolvency without considering said mitigation measures.

Mounting evidence supports the considerable hardship faced by small businesses during these very difficult times of COVID-19. Burlington should be taking a position of leadership and support consistent with the collaborative approach explored in other local business communities across Ontario. To insulate against reputational risk for the City, Members of Council and to lessen the financial burden on affected business owners, the City of Burlington has an opportunity to endorse the following:

**Motions:**

1. That the Chief Building Officer and legal staff be directed to assess and report in detail on liability risk with respect to the use and location of tents, their materiality and Council’s legal ability to approve variances or consideration of alternate solutions within the Ontario Building Code. Report back in February or sooner, as possible.
2. That Council strengthen its commitment to locally operated businesses and approve funding in the form of grants or rebates to be applied to:
  - a) building applications for such tents and;
  - b) alternative solutions relating to installation of tents from small businesses to facilitate the conducting of business.
3. That staff expend every effort to expedite processing of building applications and alternative solutions for such tents.

4. That staff deliver an information report reviewing practices across Ontario municipalities where the Ontario Building Code and/or Chief Building Official has supported alternate solutions for such tents.
5. Direct the Director of Community Planning to bring a temporary use by-law forward that modifies the Zoning By-law to accommodate winter tents for outdoor patios. Report back in February or sooner, as possible.
6. That staff prepare, in consultation with industry experts and operators, a Guiding Principles document that outlines and facilitates potential permit approvals for tents prior to the submission of a formal permit application.

**Moved jointly by: Clr. Paul Sharman and Clr. Lisa Kearns**