

Date: September 13, 2021

To: Chair and Members of General Committee

From: Andra L. Maxwell B.A., LL.B., CIC.C, City Solicitor

Originator's files:

Meeting date:
September 22, 2021

Subject

Summary of the Temporary By-laws and By-law Amendments enacted by Council in response to the COVID-19 Pandemic

Recommendation

1. That the report from the City Solicitor dated September 13, 2021 entitled "Summary of the Temporary By-laws and By-law Amendments enacted by Council in response to the COVID-19 Pandemic" be received for information.
2. That the City's Sign By-law 54-02 be amended to extend the time period during which business improvement areas are permitted to erect sidewalk signs inside planters located on City boulevards, and to extend the exemption period for persons that erect portable signs, to March 31, 2022.
3. That the necessary by-laws be enacted to amend the Council Procedure By-law 0139-2013 and the Committee of Adjustment Procedure By-law 0350-2007 to extend the period that allows for meetings to be conducted virtually and for members to participate electronically, to June 30, 2022.

Executive Summary

- Over the last eighteen months, Council has enacted a number of temporary by-laws and by-law amendments in response to the COVID-19 pandemic. This report provides a summary of these by-laws which impact Planning & Building, the Clerk's Office and the Enforcement Division.
- Considerations for any extensions to these by-laws need to be looked at on a case by case basis. Staff are recommending an extension to the applicable Sign By-law exemptions to March 31, 2022. Staff are further recommending an extension to the applicable by-laws that permit virtual participation in Council and committee meetings, including the Committee of Adjustment, to June 30, 2022.

- Planning and Building will be bringing forward a report to Planning & Development Committee later in the Fall to consider an extension to the temporary outdoor patio program.

Background

On September 8, 2021, General Committee requested that staff provide an overview of all of the temporary by-laws and by-laws amendments that have been enacted in response to the COVID-19 pandemic. This report sets out a consolidated list of these by-laws for Council's information and consideration.

Present Status

Over the past eighteen months, Council has responded to the practical and financial challenges that have arisen as a result of the COVID-19 pandemic by introducing a number of temporary by-laws and by-law amendments. A full summary of these changes can be found in Appendix 1 of this report. Many of these by-laws were introduced to support the City's small businesses that have been negatively impacted by the pandemic.

Food Trucks

On March 3, 2021, Council enacted a by-law to amend the City's Vehicle Licensing By-law 520-04 to temporarily exempt owners and drivers of food trucks from the 500-metre separation requirement from other food trucks, until September 30, 2021.

Licensing Renewal Fees Reduction

On June 2, 2021, Council passed Resolution 0117-2021 to approve a 50% licensing renewal fee reduction, up to \$300, for businesses. In addition, Council passed Resolution 0118-2021 to approve a 25% mobile licensing renewal fee reduction, up to \$300, for taxis, limousines, airport transportation vehicles and tow truck services. These reductions are available for the applicable licences that are up for renewal in 2021.

Mandatory Face Mask By-law

On September 15, 2021, Council enacted a by-law to extend the City's Mandatory Face Mask By-law 0169-2020 to March 31, 2022 based on the recommendation from Dr. Loh, the Medical Officer of Health for the Region of Peel.

Sign By-law

On June 2, 2021, Council enacted a by-law to amend the City's Sign By-law 54-02 to extend the time period during which business improvement areas are permitted to erect sidewalk signs inside planters located on City boulevards, to December 31, 2021. The by-law amendment also extended the exemption period for persons that erect portable signs to December 31, 2021. The portable sign exemptions permit persons to place three signs per property line instead of one and the twenty-one day period to place portable signs is not applicable during this time.

Temporary Outdoor Patios

In July 2020, Council enacted a temporary use by-law to permit temporary outdoor patios (i.e. an accessory seating area, located adjacent to or within proximity of a restaurant, convenience restaurant or take-out restaurant). In addition, Council enacted various by-laws in support of this initiative whereby:

- a business licence fee and zoning certificate are not required;
- business owners are exempt from paying building permit fees to erect a temporary outdoor patio;
- application, registration and annual encroachment fees pursuant to the City's Encroachment By-law are not applicable;
- owners are exempt from paying the application fee for noise exemption requests; and
- public highways adjacent to the temporary outdoor patios are exempt from the Prohibit Sales of Good on Highways By-law

On November 11, 2020, Council enacted the necessary by-laws to extend the program for temporary outdoor patios, including the associated exemptions, to December 31, 2021.

Temporary Outdoor Retail Sales and Recreational and Entertainment Establishments

On December 9, 2020, Council enacted By-law 0306-2020 to exempt temporary outdoor retail sales and displays, temporary outdoor recreational and entertainment establishments from the application of certain City by-laws until December 31, 2021. These exemptions mirror the exemptions that were put in place for temporary outdoor patios.

Procedural By-laws

On June 30, 2021, Council enacted By-law 0184-2021 to amend the Council Procedure By-law 0139-2013 and the Committee of Adjustment Procedure By-law 0350-2007 to extend the period that allows for meetings to be conducted virtually and for members to participate electronically, to December 31, 2021.

Comments

The Enforcement Division does not recommend extending the by-law exemption for food trucks. Since the amendment was introduced, staff have not received any applications from a business that wanted to take advantage of this proximity exemption. This suggests that there is a lack of interest to justify an extension.

In addition, the Enforcement Division does not recommend extending the licensing fee reductions beyond licensees that are up for renewal in 2021. This monetary reduction was introduced in response to the Provincial Regulations that closed businesses for the better half of this year. Since that time, the Province has relaxed its COVID restrictions, permitting most businesses to re-open.

The Planning and Building Department will be bringing forward a report to Planning and Development Committee later in the Fall to consider a potential extension to the by-laws that permit temporary outdoor patios, temporary outdoor retail sales and displays, temporary outdoor recreational and entertainment establishments. Council will have an opportunity to consider this extension at that time.

The Building Division recommends an extension to the Sign By-law amendments for sidewalk signs in business improvement areas and portable signs to March 31, 2022 to coincide with the recent extension that was approved for the Mandatory Mask By-law.

The City Clerk recommends that the necessary by-laws be enacted to extend the time period for meetings to be conducted virtually and for members to participate electronically, to June 30, 2022. This extension will apply to meetings of Council, committees as well as the Committee of Adjustment.

Financial Impact

There are no financial impacts to any by-law extensions unless Council decides to extend the licensing fees reductions for 2022.

Conclusion

Although all the temporary by-laws were enacted in response to the effects from the COVID-19 pandemic, considerations for their extension need to be looked at on a case by case basis.

The Enforcement Division does not recommend any extensions for its licensing by-laws given that the Provincial Regulations (which had restricted these same businesses) have since been lifted. A report from Planning and Building related to the temporary outdoor patios and other establishments will be forthcoming and will be brought to Planning and Development Committee later in the Fall. The Building Division recommends extending the temporary Sign By-law amendments to March 31, 2022 to coincide with the extension for mandatory face masks. Finally, the City Clerk recommends extending that ability for members of Council, committees and the Committee of Adjustment to participate in meetings virtually until June 30, 2022.

Attachments

Appendix 1: Summary of COVID-19 related Temporary By-laws and By-law Amendments



Andra L. Maxwell B.A., LL.B., CIC.C, City Solicitor

Prepared by: Robert Genoway, Legal Counsel