

Letter of Non-Objection re: Temporary Liquor Licence Extensions on Private Property Operating within the City of Ottawa

On June 8, 2020, the Province of Ontario announced that outdoor dine-in services at restaurants, bars and other establishments, including patios, curbside, parking lots and adjacent properties are permitted to reopen with proper health and safety measures in place as of Friday, June 12 at 12:01 a.m.

Concurrently, the Alcohol and Gaming Commission of Ontario (AGCO) announced new measures to support licensees by allowing for temporary extensions of patios. These measures are intended to allow licensees to safely reopen for business by providing additional space to ensure compliance with physical distancing guidelines.

Specifically, Regulation 719 under the *Liquor Licence Act (LLA)* was amended to provide flexibility for liquor sales licensees (e.g., licenced bars and restaurants) to temporarily extend physical premises beyond 14 days. Under the amended regulation, establishments that meet the AGCO's criteria ([available online here](#)) are not required to apply to the AGCO or pay a fee to temporarily extend their patio or add a temporary new licenced patio. Additionally, the AGCO announced that licensees are not required to submit any documentation to the AGCO to demonstrate compliance of the outlined criteria, provided the municipality does not object to the extension.

In response to this municipal requirement under the AGCO's amended rules, the City of Ottawa is issuing the following Letter of Non-Objection to any premise wishing to extend their existing liquor licence, provided doing so maintains compliance with municipal, provincial, and federal laws. This letter may be requested by the AGCO should an inspection of a premise occur.

This letter confirms that the City of Ottawa does not object to your establishment temporarily extending the physical space of its existing liquor sales licence for the purpose of maintaining physical distancing, provided that the extension is adjacent to the existing licenced area exclusively and it is solely operating on private property. **NOTE: Establishments that wish to proceed with a temporary extension on City right-of-way (i.e., sidewalks and streets), are required to contact rowpatio@ottawa.ca.**

Establishments that wish to temporarily extend the physical space of their existing liquor sales licence through the creation of an outdoor patio, or creating a larger outdoor patio, must ensure the following:

1. That site clearance is received from the property owner prior to proceeding with a temporary extension.
2. That the operation complies with [Ontario's Framework for Reopening](#) and the [Province of Ontario's Emergency Orders](#), which outlines:
 1. Patrons must be served,
 - i. through take-out, drive-through or delivery service, or
 - ii. at an outdoor dining area that is,
 - a. in or adjacent to the place of business, and
 - b. configured to ensure physical distancing of at least two metres between patrons seated at different tables.
 2. Public access to any indoor portions of the business must be limited to food pickup, payment, washroom access, access required to get to the outdoor dining area or access that is otherwise required for the purposes of health and safety.
 3. No dancing or singing may be permitted in the outdoor dining areas.
3. That the operation complies with the [Liquor Licence Act](#) and all terms of the existing liquor licence, established by the AGCO.
4. That Ottawa Public Health's [guidance and requirements](#) for reopening your restaurant and patio operations are understood and complied with at all times.
5. Tents must not be used with any source of ignition. If the overall square footage of the tent is over 30 square metres, it is required to be fire retardant certified by the Canada Standards Authority or Underwriters Laboratories of Canada S109 or National Fire Protection Association 701. This could be made up of 1 tent or a combination of tents. Tents below this square footage would not require this certification. Building permits may be required for tents, canopies, and raised decks ([please visit this page for additional information](#)). Awnings/tents affixed to a building require a building permit w/ engineered attachment details. Tents are exempted from a building permit when:
 1. They are not more than 60 square metres in aggregate ground area, and

2. Located at least 3 metres away from other structures on the same property, and
 3. Do not contain side wall panels.
6. That establishments who operate barbeques on patios must notify **Ottawa Public Health** at 613-580-6744 as per [Ontario Regulation 493-19: Food Premises](#). The owner/operator will be required to provide the process and routing of food from the point of cooking to serving, and the distance from the barbeque to the nearest table. Operations must include:
1. A hand wash station that is located directly adjacent to the cooking equipment;
 2. Clean cooking equipment, which must be Canada Standards Authority or Underwriters Laboratories of Canada approved for use in Canada;
 3. Cooking equipment must be equipped with a certified and portable fire extinguisher;
 4. Combustibles must maintain required safety distances from the barbeque, as listed on; and the appliance placard, or indicated in the manufacturer's instruction manual.
7. That all aspects of the operation comply with the [Ontario Fire Code](#).
8. That the Ottawa Police Service is notified of the liquor licence extension, for their awareness, via specialevents@ottawapolice.ca.
9. That temporary extensions shall not:
1. Have an occupant load exceeding the aggregate sum of the interior and exterior spaces, as permitted by the existing liquor licence;
 2. Adversely impact the existing exiting arrangement from building(s) or patio(s); and
 3. Adversely impact the existing barrier-free accessibility to building(s) or patio(s).
10. That the operation complies with the City's [Noise By-Law \(2017-255\)](#), which states that the operation of sound reproduction and amplification devices is not permitted past 11:00 pm and must not exceed 55 decibels at the point of reception.
11. That temporary patios comply with all [Accessibility Standards under the Accessibility for Ontarians Disability Act, 2005](#).
12. That a clear path of pedestrian travel of 2.0 m (6'-6") minimum should be maintained. A clear path of 2.3 m (7'-6") is recommended.
13. That all establishments are required to ensure compliance with all municipal, provincial, and federal laws, including regulations, policies and procedures.

The City of Ottawa may amend or revoke this letter at any time if there are reasonable grounds to believe that an establishment is in contravention of these requirements or any other municipal, provincial, or federal law.

Thank you for applying the highest standard of care to your operation and for your contributions to our community's economic recovery.

For information or questions, please do not hesitate to contact alcoholtemp@ottawa.ca

Sincerely,



Amanda Mullins
Program Manager, Event Central
Emergency & Protective Services