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The Honourable Steve Clark
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

Prabmeet Sarkaria
Associate Minister of Small Business and Red Tape Reduction
Ministry of Economic Development, Job Creation and Trade
56 Wellesley St. W, 7th Floor
Toronto, ON M7A 2E7

Friday December 11, 2020

Dear Premier, Ministers Clark and Sarkaria,

We are asking for your assistance to provide clarity and, where justified, flexibility for our businesses as they struggle to survive among the ongoing COVID-19 pandemic.

An issue that has recently come to light involves the Ontario Building Code (OBC) and patio tents. Businesses have invested in patio tents to extend their square footage of space, while maintaining physical distancing.

These tents are enclosed with heaters, and function essentially as additional interior seating space. For some restaurants, these added tables are key to their survival.

We have reached out earlier in a letter dated November 18th to the Finance Minister asking for assistance with these matters, stating a request to “review the OBC to help provide greater flexibility to businesses as they adapt to new safety protocols to mitigate the spread of COVID-19 such as restaurant patios and tent enclosures.” We reiterate that general need for assistance along with the following specifics detailed below.

At present, the OBC requires a building permit where a tent is over 60 square metres in area, is closer than 3 metres to existing structures and is attached to a building. The OBC's provisions for tents speak only to tents for "fall fair" types of events, not for winter dining enclosures. Therefore, our Chief Building Official (CBO) is concerned about the structural capacity of these winter tents and is requesting engineered review of the tents addressing snow, ice and wind load. Achieving these structural and setback requirements is simply not feasible with a number of our restaurants, especially in older areas of the city such as downtown, where the patios are small and the restaurants are close to the sidewalk.

So we need your help. Chief Building Officials are provincially mandated to enforce compliance to the requirements of the OBC as written. But the OBC didn't anticipate a global pandemic and the unique situations that have arisen.

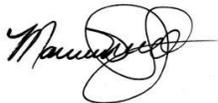
We are asking you to review the applicable tent provisions in the OBC and to work with our local Building staff to determine any options, and potential flexibility, so long as our CBO is satisfied that public health and safety can be maintained. We have worked together before, most recently with approvals related to our Pandemic Response Unit at Joseph Brant Hospital.

This matter is of some urgency as these tents are already up in some places to provide additional spaces for the coming winter months. Please connect directly with our Chief Building Official to discuss this further. His contact information is below:

Nick Anastasopoulos, P.Eng.
Chief Building Official | Director Building & By-law Department
nick.anastasopoulos@burlington.ca

We look forward to hearing back from you.

Sincerely,



Mayor Marianne Meed Ward
City of Burlington

cc: *MPP Jane McKenna*
MPP Effie Triantafilopoulos
MPP Parm Gill
Tim Commisso, Burlington City Manager
Burlington City Council
TEAM Burlington
Randy Smallbone, Chair, Burlington Economic Recovery Network
Burlington Restaurant Association