

City of Burlington Spring/Summer 2021 Temporary Patio Program

Business FAQ

Updated March 24, 2021

If I want to set-up a temporary patio without a tent, what do I need to do?

If you are looking to set-up a temporary patio on public lands without a tent (e.g., sidewalk or adjoining city-owned greenspace), you are required to complete the application [here](#). A building permit may be required depending on your proposal. Please visit <http://burlington.ca/patios> for more information.

If you are looking to set-up a patio on your own private land (e.g., extending into a parking lot), you need to submit an application [here](#). A building permit may be required depending on your proposal. Please visit <http://burlington.ca/patios> for more information.

Besides the City's application and permit process, what other steps do I need to ensure I take?

If applicable, applicants are responsible for receiving written approval from the landowner or landlord that a temporary patio may be permitted on the property.

You must also follow the Temporary Patio on Private Lands Application & Guidelines (2021), AGCO Liquor License Requirements, public health requirements and all other applicable legislative and regulatory requirements. It is the responsibility of the business owner to ensure these steps are taken.

For the purpose of the City of Burlington's Temporary Patio Program, what is the definition of a "tent"?

The word "tent", as used in the Ontario Building Code is intended to refer to a temporary shelter which is used at an open-air event such as a fair or an exhibition. A tent will normally be constructed of a fabric cover held up by a framing system with poles and anchored to the ground by ties. The requirements for tents, however, are not intended to be applied to fabric structures located on buildings such as awnings, canopies, curtains, etc.

I'd like to install a tent on my temporary patio. What steps do I need to take?

Tents may require a building permit depending on size and location and must meet the requirements of the zoning by-law and Ontario Building Code before it can be issued.

When Building Permits are required, there are several factors that need to be submitted and reviewed before permit issuance such as structural sufficiency, set backs to other structures, fire safety, professional design/review.

The regulation of tents in the Building Code has historically, and currently, remains predominantly focussed on fire safety.

If you have questions regarding these requirements and how to ensure the safety of occupants and staff, please contact building@burlington.ca or the Special Business Area Coordinator at 905-335-7600, ext. 7445.

Does my patio application approval extend to erecting a tent or do I have to do a separate approval for the tent?

If you would like to install a temporary tent/structure on your patio, you must apply for a temporary patio permit using the Temporary Patio on Private Lands Application online form. You must specify this on your application for a temporary patio permit. Restauranters with an existing patio, in other words, not a temporary patio, may install a temporary tent/structure on your patio, so long as you are granted all the necessary approvals. A building permit for a temporary tent/structure on any type of patio may also be required in order to comply with the requirements of the Ontario Building Code.

City Council waived certain zoning provisions. Does this mean I don't require a permit to install a tent?

Regardless of the zoning provisions currently being waived by the City, tents still require a building permit and must comply with the Ontario Building Code unless the tent or group of tents meets all three of the following criteria:

- are not more than 60 m² in aggregate ground area,
- are not attached to a building, and
- are constructed more than 3 m from other structures (based on Sentence 1.3.1.1.(5) of Division C of the OBC)

Tents that meet all three of the criteria above do not require a building permit and are not required to comply with the Building Code.

What was the significance of the City waiving the zoning provisions if I still need to obtain a building permit?

The City of Burlington is currently waiving the following zoning for a temporary tent located on a temporary patio for the purpose of streamlining the approval process:

- removing the zoning requirement for a temporary tent to be three metres from a building or property line,
- zoning restrictions on tents larger than 60 m² and,
- waiving the requirement for a site plan approval and zoning clearance certificate.

By waiving these provisions at the municipal level, City staff will be able to streamline the approval process. However, building permits are still required in order to adhere to the Ontario Building Code. The requirements under the Ontario Building Code are a separate process and form part of the overall building permit review.

I want to install an all-season/winter tent for my patio. Are there different requirements for this?

Yes. Tents used in the winter must be designed to meet their intended functions safely. If you would like to install an all-season or winter tent on your property, please reach out to the Building Department at building@burlington.ca for further information to ensure these structures comply with the proper requirements and to ensure the safety of all occupants and staff.

I had a temporary patio in Spring/Summer 2021. Do I need to apply again?

Yes, but it will be an expedited process. In the application, you will have the opportunity to check a box indicating whether you had a temporary patio in 2020, and whether you are proposing any changes to your temporary patio for this year. If you are not proposing any changes, your application will be considered the same, and subject to the same approval conditions, as in 2020.

My business is ground floor retail, but not hospitality or food services. Am I eligible for the program?

Yes, you are eligible. If you are looking to extend onto public property (e.g., a sidewalk or adjoining greenspace) without a tent or temporary structure, you may complete the application found [here](#). A building permit may be required depending on your proposal. Please visit <http://burlington.ca/patios> for more information.

If you are looking to extend the square footage of your space on your own private property (e.g., extending into a parking lot), you would only require an application and permit if you are looking to install a temporary structure (e.g., tent).

If I am setting up a temporary patio, am I required to have a public washroom?

In Accordance with the Ontario Building Code, if an establishment provides seating for food consumption then washroom facilities are required for those patrons.

What are the insurance requirements for temporary patios on public lands?

- The 2021 temporary patio program will require restaurateurs operating a temporary patio on public land to carry \$2 million commercial general liability insurance, naming the City of Burlington as an additional insured on the policy.
- This is a reduction from previous years, which required restaurateurs operating a temporary patio on public land to carry \$5 million commercial general liability insurance.
- This reduction in commercial general liability insurance to \$2 million will be limited to the duration of the 2021 patio program, from April 15 – Oct. 31, 2021.

Where can I find more information about the program?

Businesses can visit burlington.ca/patios or contact the City's Special Business Area Coordinator: Robert.Catherall@burlington.ca 905-335-7600, ext. 7445.

Where can I find information on additional supports for businesses in Burlington?

Burlington Economic Development currently has a COVID-19 business phone line available for Burlington businesses to call with questions regarding their business and the COVID-19 pandemic. Please call (289) 337-5505 ext. 102 and a member of our team will be in touch as soon as possible. You can also visit our website at <http://investburlington.ca/covid19>.