

TORONTO MUNICIPAL CODE  
CHAPTER 742, SIDEWALK CAFÉS, PARKLETS AND MARKETING DISPLAYS

**Chapter 742**

**SIDEWALK CAFÉS, PARKLETS AND MARKETING DISPLAYS**

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**[History: Adopted by the Council of the City of Toronto June 19, 2019 by By-law 899-2019<sup>1</sup>. Amendments noted where applicable.]**

**General References**

**Business Improvement Areas – See Ch. 19**

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<sup>1</sup> Editor's Note: Chapter 742 came into force on September 1, 2019.

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Signs, Election and Temporary – See Ch. 693  
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ARTICLE 1  
**General**

**§ 742-1.1. Definitions.**

**[Amended 2023-11-09 by By-law 1157-2023; 2024-11-14 by By-law 1261-2024]**

A. As used in this chapter, the following terms shall have the meanings indicated:

2020/22 CAFÉ<sup>2</sup> - a sidewalk café or public parklet approved by the General Manager and/or Executive Director and installed in accordance with a program established under § 742-2.1D(1) during the following terms: **[Added 2020-06-29 by By-law 452-2020; amended 2020-10-30 by By-law 927-2020; amended 2021-02-05 by By-law 51-2021; amended 2021-11-12 by By-law 926-2021; amended 2022-04-07 by By-law 254-2022]**

- (1) a sidewalk café or public parklet from no earlier than July 1, 2020 to no later than November 15, 2020, inclusive; and/or
- (2) a curbside café or frontage café from no earlier than November 16, 2020 to no later than April 14, 2021, inclusive; and/or
- (3) a curbside café or frontage café from no earlier than April 15, 2021 to no later than April 14, 2022, inclusive; and/or
- (4) a curb lane café or public parklet from no earlier than May 8, 2021 to no later than November 10, 2021, inclusive; and/or
- (5) a curb lane café or public parklet from no earlier than May 1, 2022 to November 7, 2022, inclusive; and/or
- (6) a curbside café or frontage café which was also approved during the term described in Subsection (3) from no earlier than April 15, 2022 to no later than August 31, 2022, inclusive.

**AMPLIFIED LIVE MUSIC PERFORMANCE** - A live performance for an audience by an individual musical artist or group of musical artists on physical or digital instruments, but excludes the playback of any recorded music without the active use of an instrument. **[Added 2023-02-08 by By-law 162-2023]**

**APPLICANT** – A person applying for a permit under this chapter.

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<sup>2</sup> Editor's Note: By-law 51-2021 deleted all reference to the terms "2020/21 café" and "2020/21 cafés" in this Chapter and replaced them with the terms "2020/22 café" and "2020/22 cafés" respectively.

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**ARTERIAL ROAD** - Any street that is designated as such in the City's road classification system, as amended from time to time.

**AWNING** - A removable or retractable unenclosed temporary structure, affixed to the adjacent building, that is made of light material having a light metal or reasonably equivalent frame covered by fire-proof canvas or similar sail goods, that is installed over a permitted café or marketing area. If the structure is attached to the surface of a street, it is not an awning under this chapter.

**BOULEVARD CAFÉ** – Has the same meaning as sidewalk café.

**BUSINESS IMPROVEMENT AREA** – A board of management for an area designated as a Business Improvement Area established under Chapter 19, Business Improvement Areas.

**CHIEF BUILDING OFFICIAL** – The Chief Building Official of the Toronto Building Division for the City of Toronto or designate.

**COLLECTOR ROAD** - Any street that is designated as such in the City's road classification system, as amended from time to time.

**CURB LANE CAFÉ** - A sidewalk café that is a temporary lateral projection into the curb lane, parking lane, designated lane for bicycles or cycle track of a street. **[Added 2023-02-08 by By-law 162-2023]**

**CURBSIDE** – The portion of a sidewalk located immediately adjacent to the edge of the portion of the street used for vehicle traffic, where the edge is demarcated by a continuous poured raised concrete curb.

**CURBSIDE CAFÉ** – A sidewalk café that is located curbside.

**EMERGENCY WORK** – Work within a street that must be completed immediately due to health or safety concerns, or due to the urgent need to restore essential services, as determined in the sole and exclusive opinion of the City.

**EXECUTIVE DIRECTOR** – The Executive Director of the Municipal Licensing and Standards Division for the City of Toronto or designate.

**FORMER BY-LAW** – Municipal Code Chapter 313, Streets and Sidewalks of the former City of Toronto; By-law 16-97 of the former Borough of East York; By-law 41-93 of the former Municipality of Metropolitan Toronto; By-law Number 29607 of the former City of North York; By-law 3343-79 of the former Borough of York; and any permission or approval of the City of Toronto or any predecessor municipality to an operator of a sidewalk café granted at any time immediately prior to the date this chapter came into force.

**FRONTAGE CAFÉ** – A sidewalk café that is located immediately adjacent to the frontage wall of the associated establishment.

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**FURNISHING AND PLANTING ZONE** – The zone or area of the sidewalk and boulevard that provides space for a wide range of street elements such as trees, other plantings, litter and recycling bins, benches, street lights, and bicycle racks.

**GENERAL MANAGER** - The General Manager of Transportation Services for the City of Toronto and or designate.

**LOCAL ROAD** - Any street that is designated as such in the City's road classification system, as amended from time to time.

**MARKETING DISPLAY** – A display, placement or exposing of any goods, articles, foodstuffs, or merchandise within a street for the purposes of retail sale from inside the adjoining commercial or industrial premises.

**OBSTRUCTION** – Any fixture or object that interferes with the pedestrian clearway including but not limited to street furniture, fire hydrants, fire department connections, hydro poles, planters and plants, street trees, open tree pits, publication boxes, parking metres, A-frame signs, bicycle parking including the bicycle, benches, ramps, street lights, traffic lights/boxes, waste bins, transit shelters, bollards, merchandise, fences, pillars, and utilities.

**OPERATOR** – The operator of the business in the associated establishment with a sidewalk café or marketing display.

**PEDESTRIAN CLEARWAY** – The zone or area of sidewalk that accommodates pedestrian movement, is free of obstructions, and must be a clear and continuous path that provides universally accessible, safe and comfortable passage for pedestrians.

**PERMIT** – A permit issued under this chapter.

**PERMIT AREA** – The part of the street for which a permit was issued under this chapter.

**PERMIT HOLDER** – The holder of a permit issued under this chapter or where a permit has been transferred, the new owner or operator to whom the permit has been transferred.

**PUBLIC PARKLET** – A temporary lateral projection into the curb lane or parking lane of a road that is used for a public space or such other use permitted by the General Manager, Transportation Services and General Manager, Economic Development and Culture. **[Amended 2023-12-15 by By-law 1324-2023]**

**SERVICE ANIMAL** – A service animal as defined in subsection 80.45(4) of O.Reg. 191/11, Integrated Accessibility Standards.

**SIDEWALK** – The portion of a street that is improved for the use of pedestrians.

**SIDEWALK CAFÉ** – an outdoor eating area located in a street where food or drink is served to the public by an eating or drinking establishment as defined in Chapter 545,

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Licensing, and includes a curbside café and frontage café. A sidewalk café does not include a small frontage café, small curbside standing café, or a public parklet.

**SMALL CURBSIDE STANDING CAFÉ** – A permitted encroachment that consists only of a single table, without any seating, running parallel to the curb line, with all parts of the standing café and its patrons within the furnishing and planting zone of the sidewalk.

**SMALL FRONTAGE CAFÉ** – A permitted encroachment that consists only of a single line of seating, with or without tables, on the sidewalk against the frontage wall of the associated establishment.

**SMALL MARKETING DISPLAY** – A permitted encroachment that consists of a marketing display on the sidewalk against the frontage wall of the associated establishment.

**STREET** – A highway as defined in the City of Toronto Act, 2006.

**ARTICLE 2**  
**Permits and Applications**

**§ 742-2.1. Permits.**

- A. No person shall install a sidewalk café, public parklet, or marketing display unless they have:
- (1) obtained a permit from the City;
  - (2) paid all applicable fees, including permit and application fees for the applicable zone; and
  - (3) entered into a written agreement with the City in a form satisfactory to the Executive Director or the General Manager. **[Amended 2024-11-14 by By-law 1261-2024]**
- B. No person shall install a small frontage café, small curbside standing café, or small marketing display on a sidewalk unless they comply with the requirements set out in this chapter.
- C. No owner of land adjoining a highway shall permit a sidewalk café, public parklet, or marketing display which contravenes a provision of this chapter or any former by-law on the highway adjoining their land.
- D. **2020/22 cafés [Added 2020-06-29 by By-law 452-2020; amended 2020-10-30 by By-law 927-2020]**
- (1) The General Manager may, in consultation with the Executive Director, establish a program to allow for the review, approval and installation of 2020/22 cafés without applicants having to comply with all requirements of this chapter. In

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establishing the program, the General Manager and/or Executive Director shall consider the following: **[Amended 2020-10-30 by By-law 927-2020; amended 2021-11-12 by By-law 926-2021]**

- (a) which requirements from this chapter should apply to 2020/22 cafés;
  - (b) establishing appropriate guidelines for the General Manager and/or Executive Director to review and approve 2020/22 cafés; **[Amended 2021-11-12 by By-law 926-2021]**
  - (c) establishing appropriate indemnification and insurance requirements to protect the City provided that any insurance requirement requested for 2020/22 cafés require at least \$1 million in general liability coverage for a 2020/22 café installed prior to May 1, 2022 or at least \$2 million in general liability coverage for a 2020/22 café installed on May 1, 2022 or later; **[Amended 2020-10-30 by By-law 927-2020; amended 2021-11-12 by By-law 926-2021]**
  - (d) advice from the Medical Officer of Health to ensure the health and safety of all persons using 2020/22 cafés; and
  - (e) defining location, materials, usage, maintenance and removal requirements for 2020/22 cafés to ensure the health and safety of all users of City highways; including: **[Amended 2021-02-05 by By-law 51-2021]**
    - i. that a 2020/22 café on a local street be closed and cleared of customers by 11:00 p.m. unless hours of operation have been imposed previously by a Community Council for an existing sidewalk café or public parklet, in which case the 2020/22 café must be operated in accordance with the Community Council-imposed hours for the associated existing sidewalk café or public parklet;
    - ii. where conditions other than hours of operation have been imposed previously by Community Council for an existing sidewalk café or public parklet, that both the 2020/22 café and associated existing sidewalk café or public parklet must be operated in accordance with the Community Council-imposed conditions; and/or
    - iii. where conditions have been imposed by Community Council on sidewalk cafés or public parklets in similar circumstances, that those Community Council-imposed conditions should apply;
- (2) Despite Subsection A, from no earlier than July 1, 2020 to no later than November 7, 2022, inclusive, a person may install and maintain a 2020/22 café in accordance with an approval provided by the General Manager and/or Executive Director under the program established under Subsection D(1), and where the approval conflicts with this chapter, the approval of the General Manager and/or

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Executive Director prevails to the extent of the conflict. **[Amended 2020-10-30 by By-law 927-2020; amended 2020-05-02 by By-law 51-2021; amended 2021-11-12 by By-law 926-2021]**

- (3) No person shall install or maintain a 2020/22 café unless they comply with the program established by the General Manager under Subsection D(1) and an approval provided by the General Manager and/or Executive Director thereunder. **[Amended 2021-11-12 by By-law 926-2021]**
  
- E. Where more than one person jointly apply for and are issued a permit under this chapter, those persons are jointly and severally liable as permit holder for that permit area under this chapter and any other applicable by-law or legislation. **[Added 2023-12-15 by By-law 1324-2023]**

**§ 742-2.2. Permit applications.**

- A. To apply for a permit under this chapter, applicants must submit:
  - (1) a complete application in the form prescribed by the Executive Director or General Manager, and pay in advance an application fee;
  - (2) Reserved.<sup>3</sup>
  - (3) detailed, scaled plans and specifications to the satisfaction of the Executive Director or the General Manager as may be required to determine if the proposed sidewalk café, public parklet, or marketing display complies with the requirements set out in this chapter, including but not limited to: **[Amended 2024-11-14 by By-law 1261-2024]**
    - (a) detailed designs showing the permit area will be accessible to persons with disabilities;
    - (b) site plans and photographs;
    - (c) property, sidewalk and street dimensions and photographs;
    - (d) location and separation distances to street elements and utilities; and
    - (e) other stamped architectural or engineering detailed drawings or construction specifications for items such as awnings, fencing, platforms or parklet elements;
  - (4) proof that the adjoining property is zoned for industrial or commercial uses; and

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<sup>3</sup> Editor's Note: Subsection 742-2.2A(2), respecting a letter signed by the owner indicating that the owner does not object to the application, was deleted November 12, 2021 by By-law 926-2021.

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- (5) any other information deemed necessary by the Executive Director or General Manager. **[Amended 2024-11-14 by By-law 1261-2024]**

**§ 742-2.3. Notice, permit areas on residential flankages.**

**[Added 2023-11-09 by By-law 1157-2023<sup>4</sup>; amended 2024-11-14 by By-law 1261-2024]**

- A. Upon receipt of a complete application for a permit area to be located on a residential flankage, the Executive Director or General Manager will notify the following people or entities:
- (1) the Applicant;
  - (2) the local Ward Councillor;
  - (3) the local Business Improvement Area, if any;
  - (4) any resident associations registered with the City Clerk that includes the proposed café location within its area of representation; and
  - (5) all property owners and occupants on the primarily residential street where the permit area is located within 30 metres of the proposed café location.
- B. All applicants for a permit area to be located on a residential flankage must display a notice of the application in a form, size and location satisfactory to the Executive Director on the associated establishment for no less than 21 days commencing on a date specified by the Executive Director.

ARTICLE 3  
**Permit Issuance or Refusal**

**§ 742-3.1. Issuance.**

- A. The Executive Director or General Manager may issue a permit when all of the following conditions are met: **[Amended 2024-11-14 by By-law 1261-2024]**
- (1) an application is approved or an appeal is granted;
  - (2) an applicant has entered into a written agreement with the City that is satisfactory to the Executive Director or the General Manager; **[Amended 2024-11-14 by By-law 1261-2024]**
  - (3) an applicant has agreed to indemnify and save harmless the City from any actions, loss, costs, claims or damages arising from the use of the sidewalk or street for the purposes of the permit;

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<sup>4</sup> Editor's Note: This was a reserved section. The previous section 742-2.3 was deleted November 12, 2021, by By-law 926-2021.

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- (4) an applicant has paid the annual permit fee for the applicable zone and the fee for tree planting, if applicable; and
  - (5) an applicant has obtained the applicable approvals from Toronto Building, Toronto Fire Services, City Planning Heritage Preservation Services, and other City divisions and agencies, as may be necessary in the opinion of the Executive Director.
- B. Where a permit has been issued and the General Manager has approved one or more different minimum set backs pursuant to § 742-10.4A(3) as part of the issued permit, the General Manager shall notify the local Ward Councillor of the issued permit and approved set back. **[Added 2023-12-15 by By-law 1324-2023]**

**§ 742-3.2. Refusal.**

- A. The Executive Director or General Manager shall refuse an application for a sidewalk café, public parklet, and/or marketing display if: **[Amended 2024-11-14 by By-law 1261-2024]**
- (1) the application contains false, misleading or fraudulent information;
  - (2) in the case of an application for a permit area on a residential flankage, the City receives objections from a number of members of the public totalling more than 25% of the number of notices sent out under § 742-2.3A(5) during the 21-day period of public notice.; **[Added 2023-11-09 by By-law 1157-2023<sup>5</sup>; amended 2024-11-14 by By-law 1261-2024; 2025-07-24 by By-law 841-2025]**
  - (3) the City receives an objection from Transportation Services, Toronto Transit Commission, Toronto Fire Services, Parks, Forestry and Recreation, City Planning, Enbridge, Toronto Hydro, Metrolinx, or any other utility company deemed necessary by the Executive Director or General Manager; **[Added 2023-02-08 by By-law 162-2023; amended 2024-11-14 by By-law 1261-2024]**
  - (4) the proposed sidewalk café, public parklet, or marketing display does not meet the requirements of this chapter; or
  - (5) the applicant has outstanding fees or fines with the City, with respect to this chapter or a former by-law.
- B. The City shall notify an applicant whose application has been refused.

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<sup>5</sup> Editor's Note: This was a reserved section. The previous subsection 742-3.2A(2) was deleted November 12, 2021, by By-law 926-2021

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ARTICLE 4  
**Appeals**

**§ 742-4.1. Submission of appeal.**

- A. An applicant may appeal a refusal of an application by submitting an appeal to the City within 14 days of receipt of the notice of refusal.
- B. Any appeal submitted in accordance with Subsection A shall be made in a form acceptable to the Executive Director or the General Manager and must include the applicant's grounds for the appeal.

**§ 742-4.2. Appeals to the General Manager.**

- A. Where the grounds for an appeal include the proposed location, design and safety of a curb lane café, the proposed location, design and safety of a public parklet, or a failure to meet pedestrian clearway requirements under this chapter, the General Manager shall hear, review and make a final decision with respect to those grounds of the appeal.
- B. In making a final decision of an appeal under this section, the General Manager may consult with a staff working group.
- C. The General Manager may make the following decisions with respect to an appeal under this section:
  - (1) refuse the appeal and uphold the refusal of the application; or
  - (2) grant the appeal subject to any terms and conditions determined to be appropriate by the General Manager.
- D. The General Manager or Executive Director shall: **[Amended 2024-11-14 by By-law 1261-2024]**
  - (1) Notify the applicant that their appeal has been refused and their application will be refused; or
  - (2) Where the appeal was granted and the only grounds for appeal were the proposed location, design and safety of a curb lane café, the proposed location, design and safety of a public parklet, or a failure to meet pedestrian clearway requirements under this chapter, issue the applicant a permit with the terms and conditions determined to be appropriate by the General Manager; or
  - (3) Where the appeal was granted and there are grounds for appeal other than the proposed location, design and safety of a curb lane café, the proposed location, design and safety of a public parklet, or a failure to meet pedestrian clearway requirements under this chapter, forward the remainder of the appeal to Community Council for consideration on those other grounds for appeal.

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E. Reserved<sup>6</sup>

**§ 742-4.3. Appeals to Community Councils.**

- A. The General Manager or Executive Director shall prepare and forward a report to the appropriate Community Council upon receipt of an appeal on grounds other than those subject to the appeal contained in § 742-4.2, and the report include the: **[Amended 2024-11-14 by By-law 1261-2024]**
- (1) applicant's grounds for the appeal;
  - (2) grounds for refusal of the application; and
  - (3) General Manager's decision and conditions in relation to the granting of a pedestrian clearway appeal, where applicable.
- B. Notice of the Community Council meeting at which the appeal will be heard will be provided to:
- (1) The applicant who submitted the appeal; and
  - (2) Any person who submitted an objection to the application. **[Added 2023-11-09 by By-law 1157-2023<sup>7</sup>]**
- C. Following receipt of the General Manager's or Executive Director's report, Community Council will provide the applicant and any other person with the opportunity to be heard and may either: **[Amended 2024-11-14 by By-law 1261-2024]**
- (1) refuse the appeal; or
  - (2) grant the appeal and direct that the permit be issued subject to any terms and conditions as determined by Community Council.
- D. If an appeal is refused for any reason, the application fee will not be refunded to the applicant.
- E. Where an application has been considered and refused by Community Council, a further application for the same address or location shall not be accepted within two (2) years from the date of the prior application.

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<sup>6</sup> Editor's Note: Subsection 742-4.2E was deleted November 14, 2024, by By-law 1261-2024.

<sup>7</sup> Editor's Note: The previous subsection 742-4.3B(2) was deleted November 12, 2021, by By-law 926-2021

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ARTICLE 5  
**Permit Term and Requirements**

**§ 742-5.1. Term.**

- A. For permits where the associated establishment requires a licence under Chapter 545, Licensing, the term of the permit shall be harmonized with the term of the licence issued under Chapter 545, Licensing.
- B. For permits where the associated establishment does not require a licence under Chapter 545, Licensing, the term of the permit shall be 12 months from the date of issuance of the permit.
- C. A permit will not be renewed if the permit holder is in violation of this chapter, violated this chapter during the previous term of the permit, has unpaid fees or fines under this chapter, or cannot produce a certificate of insurance for the permit area. A violation of this chapter may include not complying with one or more conditions on their permit, having their permit suspended and/or having been issued an order under this chapter.  
**[Added 2023-02-08 by By-law 162-2023]**

**§ 742-5.2. Permit requirements.**

- A. Permit holders shall:
  - (1) install and maintain the sidewalk café, public parklet or marketing display in accordance with the approved permit plan and permit agreement;
  - (2) comply with any other applicable by-law or legislation;
  - (3) maintain in good standing a licence under Chapter 545, Licensing, for the associated establishment where applicable;
  - (4) maintain at all times a policy of Commercial General Liability insurance in an amount and form satisfactory to the City of Toronto; and
  - (5) display a permit issued under this chapter on the street door or in the lower front window of the associated establishment in a way that is visible at all times from the public sidewalk unless they hold a permit for a public parklet permit.  
**[Amended 2024-11-14 by By-law 1261-2024]**
- B. Permit holders shall not:
  - (1) place or permit the placement of lighting, heating, barbeques, platforms, visual screens, ramps, canopies, awnings or any other elements in the permit area, without first obtaining permission to do so from the Executive Director or the General Manager; **[Amended 2024-11-14 by By-law 1261-2024]**

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- (2) place or permit the placement of any café or marketing elements including chairs, tables, planters, umbrellas and sales goods outside the permit area with the exception of an umbrella canopy if it is a minimum of 2.1 metres above the sidewalk surface;
- (3) place or permit the placement of any outdoor carpeting, artificial turf or other surface covering on any portion of the sidewalk or street;
- (4) refuse entry of any person into a permit area on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability;
- (5) in respect of any person with a disability being accompanied by a service animal, by reason only of the presence of the said service animal:
  - (a) refuse to serve such person;
  - (b) refuse to permit such person to enter with such guide dog or service animal into or upon the permit area; or
  - (c) refuse to permit such person and such guide dog or service animal to remain into or upon the permit area;
- (6) obstruct, hinder or interfere with the free access of a By-law Enforcement Officer, employee, agent of the City, or any utility provider to enter any portion of the permit area for the purpose of the installation, maintenance or repair work or inspection of any part of the permit area;
- (7) damage, prune or attach any object or permit the damaging, pruning or attachment of any object to a tree;
- (8) use the permit area for any purpose other than for the use permitted by the Executive Director or General Manager; or **[Amended 2024-11-14 by By-law 1261-2024]**
- (9) assign, transfer or sub-let the permission for the use of any portion of the permit area to any other person, except in accordance with this chapter.

ARTICLE 6  
**Permit Transfer**

**§ 742-6.1. Permit transfer.**

- A. No person shall transfer a permit issued under this chapter unless:
  - (1) the potential new permit holder has completed an application in the form prescribed by the Executive Director or General Manager; and **[Amended 2024-11-14 by By-law 1261-2024]**

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- (2) the potential new permit holder has paid the transfer fee.
- B. Any person wishing to transfer a permit shall advise the potential new permit holder that the permit area was legally installed and that a requirement to comply with this chapter upon transfer may result in an amended or reduced permit area size.
- C. Permits for public parklets are not transferable.
- D. The Executive Director or General Manager may approve an application to transfer a permit for a sidewalk café or marketing display if: **[Amended 2024-11-14 by By-law 1261-2024]**
- (1) the pedestrian clearway, fencing, visual screens, and accessibility of the permit area meet the requirements of this chapter;
- (2) the permit area has not been altered in any way from the terms of the agreement with the City, other than to meet the pedestrian clearway, fencing and accessibility requirements of this chapter;
- (3) The applicant agrees that where extended hours of operation were approved by Community Council in relation to the previous operation of the sidewalk café, the closing hours for the sidewalk café following transfer of the permit shall be consistent with the requirements of this chapter as if no alternative hours had been approved by Community Council;
- (4) the Councillor for the ward in which the permit area is located has been notified and has not objected to the application within 14 days of being notified;
- (5) the permit area and all elements in the permit area meet the minimum separation distances to utilities or public infrastructure established by Council as required for safety, operations and maintenance as determined by the General Manager; and
- (6) the applicant has entered into a written agreement with the City that is satisfactory to the Executive Director or General Manager. **[Amended 2024-11-14 by By-law 1261-2024]**
- E. Where a permit holder is a corporation, the permit holder must apply to transfer the permit under this section if there is a change in directors on the corporate profile or a change in the controlling interest of the corporation.
- F. Despite Subsections A and D, where a transfer is occurring as a result of an individual deciding to incorporate their business and the transfer is from the individual to the newly-incorporated business and the individual is, and remains, the sole director of that newly-incorporated business, the Executive Director shall approve the permit transfer without an application to transfer, payment of the transfer fee or compliance with the transfer requirements set out in Subsections D(1), D(3), D(4) and D(5).

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ARTICLE 7  
**Pedestrian Clearway and Accessible Entrance Requirements**

**§ 742-7.1. Pedestrian clearway.**

- A. All permit areas and permitted encroachments must have an adjacent pedestrian clearway width of:
- (1) no less than 1.8 metres on a local road;
  - (2) no less than 2.1 metres on a collector or arterial road; or
  - (3) no less than 2.5 metres, or a different minimum approved by the General Manager, on streets in the area outlined in Appendix A to this chapter where the sidewalk is at least 5 metres (as measured from the face of the building's exterior wall on the ground floor to the face of the curb).
- B. The pedestrian clearway must:
- (1) run adjacent along the full length of the permit area and not have changes in direction of more than 20 degrees along a street block;
  - (2) for frontage permit areas, have its width measured from the outermost edge of the permit area to the closer of the nearest obstruction or back of curb;
  - (3) for curbside permit areas, have its width measured from the edge of the permit area adjacent to the pedestrian path to the closer of the nearest obstruction on the sidewalk or the property line; and
  - (4) comply with conditions set by the General Manager where the permit area may be expanded or altered based on time-of-day pedestrian clearway requirements.

**§ 742-7.2. Accessible entrances.**

**[Amended 2023-02-08 by By-law 162-2023]**

All permit areas shall be designed so as to permit access by a person in a mobility device, and contain at least one entrance of minimum width equal to the entrance of the associated establishment but in no case less than 1.0 metre and in no case wider than 2.0 metres.

ARTICLE 8  
**Permitted Encroachments**

**§ 742-8.1. Small frontage café.**

- A. Owners and occupiers of land adjoining the street are permitted to maintain small frontage cafés as permitted encroachments provided that the General Manager is satisfied that the encroachment:

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- (1) is located against the building wall of the associated establishment, facing the street, and not extending across a neighbouring frontage;
- (2) does not extend further than 0.8 metres out from the building wall of the associated establishment and has a maximum width of 5.5 metres across the building frontage or the width of the associated establishment frontage, whichever is smaller;
- (3) meets the minimum pedestrian clearway standards set out in this chapter and leaves the pedestrian clearway unencumbered at all times;
- (4) does not have tables and chairs in the small frontage café area after the time of business closing;
- (5) does not have any shade umbrellas, fencing, railing, partition or enclosure of any kind placed on the small frontage café area;
- (6) meets the minimum separation distances to utilities or public infrastructure established by Council as required for safety, operations and maintenance as determined by the General Manager; and
- (7) has cane detectable features for the visually-impaired in the form of a small planter with a detectable base at each end of the small frontage café, or street furniture with a detectable base.

**§ 742-8.2. Small curbside standing café.**

- A. Owners and occupiers of land adjoining the street are permitted to maintain small curbside standing cafés as permitted encroachments provided that the General Manager is satisfied that the encroachment:
- (1) is located at the curbside in front of the associated establishment;
  - (2) is located on a street with posted speeds of 40 kilometres/hour or less;
  - (3) is no less than 15 metres upstream of the curb edge of an intersection or a pedestrian crossover;
  - (4) is no less than 9 metres downstream of an intersection or pedestrian crossover;
  - (5) is set back a minimum 0.5 metres from the curb face;
  - (6) does not extend longer than 1.2 metres in length running parallel to the curb line;
  - (7) is not be taller than 1.2 metres from the top of the standing café table to the surface of the sidewalk;
  - (8) has all parts of the standing café table and its patrons within the furnishing and planting zone;

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- (9) meets the minimum pedestrian clearway standards in this chapter;
- (10) has no seating, chairs, shade umbrellas, fencing, partitions or enclosures;
- (11) is stable and sturdy;
- (12) is removed from the sidewalk at the time of business closing;
- (13) is removed during the period from November 15 of one year to April 14 of the next year, inclusive;
- (14) is designed with a lower rail or box frame so it is cane-detectable for the visually-impaired;
- (15) is see-through between the table top, the legs and bottom frame;
- (16) does not present trip hazards on the sidewalk to pedestrians or patrons, such as having a base that extends out;
- (17) is removed at any time for any reason as required by the City; and
- (18) meets the minimum separation distances to utilities or public infrastructure established by Council as required for safety, operations and maintenance as determined by the General Manager.

**§ 742-8.3. Small marketing display.**

- A. Owners and occupiers of land adjoining the street are permitted to maintain small marketing displays as permitted encroachments provided that the General Manager is satisfied that the encroachment:
- (1) is located against the building wall of the associated establishment, faces the street, and does not extend across a neighbouring frontage;
  - (2) extends no further than 0.8 metres out from the building wall of the associated establishment and has a maximum width across the building frontage that is the lesser of 5.5 metres or the width of the associated establishment frontage;
  - (3) meets the minimum pedestrian clearway standards set out in this chapter and leaves the pedestrian clearway unencumbered at all times;
  - (4) does not have marketing display stands or goods in the small marketing display area after the time of business closing;
  - (5) does not have any shade umbrellas, fencing, railing, partition or enclosure of any kind placed on the small marketing display area; and

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- (6) meets the minimum separation distances to utilities or public infrastructure established by Council as required for safety, operations and maintenance as determined by the General Manager.

**§ 742-8.4. Maintenance.**

Owners and occupiers of land to which the encroachments described in this Article are adjacent shall not be required to pay any permit or encroachment fee, but shall, at their expense, pursuant to Article V of Chapter 743, Streets and Sidewalks, Use of, and to the satisfaction of the General Manager, maintain all encroachment elements in a state of good repair.

**§ 742-8.5. No temporary A-frame signs.**

- A. No person shall hold a temporary A-frame sign permit under Chapter 693, Signs, Election and Temporary, or erect a temporary A-frame sign on a sidewalk adjacent to a location where: **[Amended 2023-10-12 by By-law 977-2023<sup>8</sup>]**
- (1) a small frontage café or small marketing display has been installed; and
  - (2) the building frontage is 6 metres or less.

ARTICLE 9  
**Permit Area Operational Requirements**

**§ 742-9.1. Usage of permit area.**

- A. No sidewalk café or marketing display permit holder shall use a permit area in whole or in part for any purpose other than the operation of a sidewalk café or marketing display, as applicable, in accordance with this chapter.
- B. No sidewalk café permit holder shall use a permit area for storage of any café elements.
- C. All curb lane café permit holders shall ensure the permit area is: **[Added 2023-12-15 by By-law 1324-2023]**
- (1) Open and in use by the permit holder within 30 days of the City installing traffic safety equipment around the permit area; and
  - (2) Open and in use by the permit holder at least three times per week from May 1 to October 15, inclusive, each year unless otherwise restricted by this chapter.  
**[Amended 2024-11-14 by By-law 1261-2024]**

**§ 742-9.2. Surface grading and paving.**

All permit holders shall pave and maintain any portion of the sidewalk or boulevard to be used for the purpose of a sidewalk café or marketing display to the satisfaction of the General

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<sup>8</sup> Editor's Note: By-law 977-2023 came into force on June 3, 2024.

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Manager where the surface of the sidewalk is deemed by the General Manager to require surface grading and/or paving.

**§ 742-9.3. Retractable permit area.**

The Executive Director may require a permit holder to remove and relocate any fencing, white cane-detectable planters and/or any other elements within the permit area on a daily basis at times specified by the General Manager to comply with time-of-day pedestrian clearway requirements determined by the General Manager.

**§ 742-9.4. Extended frontage permit areas.**

**[Amended 2021-11-12 by By-law 926-2021; 2023-02-08 by By-law 162-2023]**

- A. The Executive Director may allow a permit area for a marketing display or sidewalk café (other than a curb lane café) to extend across the front of an adjacent property where an applicant or permit holder has provided the Executive Director with a letter of consent, in a form satisfactory to the Executive Director, from the adjacent property owner or occupant across whose area the permit area will extend.
- B. Should the Executive Director receive a letter from an adjacent property owner or occupant revoking a consent provided under Subsection A, the Executive Director will amend the permit area to remove the portion of the permit area which extends across the front of that adjacent property.
- C. The reduction in permit area in Subsection B will be effective as of:
  - (1) the next permit renewal date where the letter revoking consent is received by the Executive Director at least 45 days in advance of that next permit renewal date; or
  - (2) Where the letter revoking consent is received by the Executive Director less than 45 days in advance of the next permit renewal date, at the first permit renewal date subsequent to that next permit renewal date.
- D. Despite Subsection A, where an applicant or permit holder has sought to contact the adjacent property owner through reasonable methods and has not received a response, the Executive Director may allow a permit area for a marketing display or sidewalk café to extend across the front of that adjacent property where an applicant or permit holder has provided the Executive Director with proof in a form satisfactory to the Executive Director of their efforts to contact the adjacent property owner.
- E. Should the Executive Director receive a letter from the adjacent property owner or occupant objecting to a permit area extension granted under Subsection D, the Executive Director will amend the permit area to remove the portion of the permit area which extends across the front of that adjacent property, and the reduction in permit area will be effective as of 30 days after notice is provided to the permit holder.

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- F. The General Manager may allow a permit area for a curb lane café in a business improvement area to extend across the curb lane or parking area of an adjacent property where an applicant or permit holder can demonstrate that their permit area is in accordance with a BIA curb lane café closure area approved by the General Manager and the General Manager Economic Development and Culture under Subsection G. **[Amended 2024-11-14 by By-law 1261-2024]**
- G. The General Manager and General Manager, Economic Development and Culture, may approve a BIA curb lane café closure area where: **[Amended 2024-11-14 by By-law 1261-2024]**
- (1) The Business Improvement Area where the closure area is located has submitted the following documents to the General Manager, Economic Development and Culture:
    - (a) Detailed plans showing:
      - (i) The total area of the closure area;
      - (ii) The location, length and width of each proposed permit area within the closure area; and
      - (iii) Any other information required by the General Manager or General Manager, Economic Development and Culture, for the purposes of balancing multiple uses of the street, adjacent permit areas, neighbouring properties, and applicable traffic safety and accessibility requirements.
    - (b) A document listing the business name and address of each proposed permit holder for each proposed permit area within the closure area;
  - (2) The proposed closure area meets the following requirements:
    - (a) Each proposed permit area complies with the requirements of this chapter except permit areas may extend across the curb lane or parking area of an adjacent property contrary to Subsection I; and
    - (b) The closure area complies with a traffic plan for the street approved by the General Manager.
  - (3) The Business Improvement Area agrees to the following terms and conditions:
    - (a) Where a BIA curb lane café closure area is approved, the Business Improvement Area where the closure has operated will provide the General Manager and General Manager, Economic Development and Culture, with an end of season report which details the use of BIA curb lane closure area to the satisfaction of the General Manager prior to the end of the season each year where a closure operated.

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- (4) The Business Improvement Area has not failed to comply with any of the requirements under this Subsection G in the preceding 12 months.
- G.1 The General Manager may withdraw its approval of a BIA curb lane café closure area, in whole or in part, at any time where: **[Added 2024-11-14 by By-law 1261-2024]**
- (1) the Business Improvement Area does not comply with Subsection G;
  - (2) the Business Improvement Area requests the withdrawal of the approval;
  - (3) the permit holders operating in the BIA curb lane café closure area do not comply with this chapter; and/or
  - (4) access to the street is needed for street improvements, civil works or other municipal purposes.
- G.2 Where the General Manager withdraws its approval of a BIA curb lane café closure area under section G.1, in whole or in part, the General Manager will reduce the permit areas of any curb lane café permit areas located in the BIA curb lane café closure area and the reduction in permit areas will be effective as of the next March 1 after notice is provided to the permit holders. **[Added 2024-11-14 by By-law 1261-2024]**
- H. The General Manager may allow a permit area for a curb lane café not in a Business Improvement Area to extend across the curb lane or parking area of an adjacent property where the following requirements are met: **[Added 2023-02-08 by By-law 162-2023; amended 2024-11-14 by By-law 1261-2024]**
- (1) the permit area is no longer than 12 metres in length;
  - (2) the adjacent property does not have a permit area; and
  - (3) all other requirements of Article 10 are met.
- I. Except as provided for in this section, every permit area shall only extend as far as the property lines of the permit area's associated establishment. **[Added 2024-11-14 by By-law 1261-2024]**

**§ 742-9.5. Seasonal operation.**

- A. A sidewalk café or marketing display permitted under this chapter may remain on a sidewalk year-round when the following conditions are met:
- (1) the permit area is located against the building wall of the associated establishment;
  - (2) the permit area meets minimum pedestrian clearway requirements set out in this chapter;

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- (3) the permit holder provides snow and ice clearing and removal for the pedestrian clearway adjacent to the permit area in accordance with applicable City standards;
  - (4) the permit holder applies salt and sand to the pedestrian clearway adjacent to the permit area in accordance with applicable City standards; and
  - (5) the permit holder does not use the permit area for the storage of snow.
- B. All curbside café and marketing display permit holders with permit areas not located against the building wall of the associated establishment shall remove all elements including fencing from the permit area, at the sole expense of the permit holder, from November 15 of one year to April 14 of the next year, inclusive. **[Amended 2023-02-08 by By-law 162-2023]**
- C. All curb lane café and public parklet permit holders shall remove all elements including fencing from the permit area, at the sole expense of the permit holder: **[Added 2023-02-08 by By-law 162-2023; amended 2023-12-15 by By-law 1324-2023]**
- (1) from October 16 of one year to April 30 of the next year, inclusive; and/or **[Amended 2024-11-14 by By-law 1261-2024]**
  - (2) during any period where the City has not installed traffic safety equipment around the permit area.
- D. Despite Subsection C, the General Manager may permit a curb lane café on King Street East and West between Bathurst Street and Jarvis Street from October 16 of one year to April 30 of the next year, inclusive, where the permit holder pays an additional permit fee for the use during this period. **[Added 2024-11-14 by By-law 1261-2024]**

**§ 742-9.6. Awnings.**

- A. No person shall install an awning or similar temporary installation on or over a permit area until they have received written approval from the Executive Director and paid the applicable fee.
- B. Awnings or similar temporary installations shall only be permitted over permit areas for frontage cafés or marketing displays.
- C. Every permit holder who proposes to install an awning or similar temporary installation on or over a permit area shall submit an application to the Executive Director that includes the following information:
- (1) Certificate of Fireproof rating for the awning or similar temporary installation;
  - (2) site plan details showing the location of the awning or similar temporary installation;
  - (3) mechanical specifications for framing;

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- (4) mounting and materials to be used;
  - (5) applicable permit approvals from the Chief Building Official;
  - (6) applicable permit approvals from City Planning, Heritage Preservation Services, if the proposed installation is being attached to a building on the Heritage Register; and
  - (7) any other information required by the Executive Director.
- D. Permit holders must ensure that any awning framework, awning, curtain, canopy, fabric or similar sail goods material used in an awning or similar temporary installation over a permit area is:
- (1) at least 2.1 metres above the level of the street or sidewalk;
  - (2) in conformity with CAN/ULC-S109, Flame Tests of Flame-Resistant Fabrics and Films or any successor standard; and
  - (3) in conformity with the Ontario Building Code.

**§ 742-9.7. Lighting.**

- A. Permit holders must ensure that lighting related to the permit area:
- (1) complies with all applicable safety standards and codes;
  - (2) consists of temporary fixtures;
  - (3) is removed in accordance with this chapter unless the frontage café or marketing display is permitted to remain on a sidewalk year-round; **[Amended 2023-02-08 by By-law 162-2023]**
  - (4) is directed into the permit area to avoid casting glare on passersby and nearby properties;
  - (5) does not have any power cables or lighting elements running on or over the pedestrian clearway;
  - (6) is not attached or affixed to street elements, street trees or utilities; and
  - (7) obtains its power from a private source or from a Business Improvement Area where permission from the Business Improvement Area has been granted.

**§ 742-9.8. Maintenance, cleanliness, orderliness.**

- A. All permit holders shall, at their own expense:

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- (1) maintain all portions of the permit area and the street around the permit area in a clean and sanitary condition, including sweeping, clearing and removing all debris and cigarette butts;
- (2) keep any objects and furnishings associated with the permit area in good and proper repair and condition, including the immediate removal of all graffiti; and
- (3) pay all utility, service, infrastructure or other rates, fees and charges that are incurred due to the operation of the permit area.

**§ 742-9.9. Amplified sound.**

A. Sidewalk café permit holders shall ensure that:

- (1) There is no amplified sound on any sidewalk café.
- (2) Doors and windows of the associated establishment are closed if the associated establishment has interior music or amplified sound.

B. Despite Subsection A, amplified sound on a curbside café or public parklet is permitted if the permit holder has obtained a street event permit under Chapter 743, Streets and Sidewalks, Use of.

C. Despite Subsection A, amplified sound on a sidewalk café is permitted if: **[Added 2022-04-07 by By-law 254-2022; amended 2023-02-08 by By-law 162-2023]**

- (1) the amplified sound is an amplified live music performance;
- (2) the amplified live music performance occurs only between the hours of:
  - (a) 5:00 p.m. to 10:00 p.m. on Thursday or Friday;
  - (b) Noon to 10:00 p.m. on Saturday; or
  - (c) Noon to 6:00 p.m. on Sunday;
- (3) the permit area is not located on a local road;
- (4) the permit holder has not been convicted of an offence under the City of Toronto Municipal Code or provincial legislation in the previous 12 months; and
- (5) the permit holder complies with Chapter 591, Noise, at all times.

**§ 742-9.10. Hours of operation.**

A. Permit holders shall ensure that:

- (1) Subject to Subsection A(2), where a permit area is located on a local road, the sidewalk café permit area is closed and cleared of customers by 11:00 p.m.

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- (2) Where alternative hours of operation have been imposed by Community Council for a permit area, the permit area is closed and cleared of customers in accordance with those alternative hours.

ARTICLE 10

**Location, Design and Other Requirements for Permit Areas**

**§ 742-10.1. Separation from residential zone.**

A. All sidewalk café permit areas shall provide for:

- (1) Reserved.<sup>9</sup>
- (2) A minimum separation of one metre from the closest part of the permit area to any entrance to a dwelling unit that may be located on a local road within an adjacent building or within the building containing the associated establishment.
- (3) Reserved.<sup>10</sup>

**§ 742-10.2. Curbside cafés and parklets.**

A. A permit may be issued for a curbside café or public parklet where the permit area meets the requirements of this chapter and:

- (1) is located at least 3 metres from any mid-block curb ramp with tactile walking surface indicators and at least 1 metre from any driveway or laneway;
- (2) is not in a location that interferes with: **[Amended 2023-02-08 by By-law 162-2023]**
- (a) a designated parking space under Municipal Code Chapter 903, Parking for Persons with Disabilities;
- (b) local roads within a permit parking area;
- (c) passenger loading zones;
- (d) bus parking zones;
- (e) bus loading zones;
- (f) school bus loading zones;
- (g) delivery vehicle parking zones;

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<sup>9</sup> Editor's Note: Subsection 742-10.1A(1) was deleted November 12, 2021, by By-law 926-2021.

<sup>10</sup> Editor's Note: Subsection 742-10.1A(3), was deleted November 12, 2021, by By-law 926-2021.

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- (h) commercial loading zones where the local Councillor has been notified of the application and objected within 30 days of receiving the notice; **[Amended 2023-12-15 by By-law 1324-2023]**
  - (i) car-share vehicle parking areas;
  - (j) electric vehicles charging station parking;
  - (k) reserved lanes for designated classes of vehicles; or
  - (l) a portion of the highway designated as parking for restricted periods where the maximum period permitted is 30 minutes or less;
- (3) Reserved.<sup>11</sup>
- (4) has an unobstructed emergency access route, in conformance with the Ontario Building Code and Fire Code;
- (5) does not interfere with curbside garbage collection;
- (6) does not have outdoor food preparation;
- (7) does not have any enclosures, structures, or visual screens;
- (8) is not adjacent to, or in a location that interferes with, transit stop zones, taxi zones and/or loading zones; and
- (9) meets the minimum separation distances to utilities or public infrastructure established by Council as required for safety, operations and maintenance as determined by the General Manager or separation distances provided in prior written approval given by the relevant utility or service. **[Amended 2023-02-08 by By-law 162-2023]**

**§ 742-10.3. Additional requirements for curbside cafés.**

- A. A permit may be issued for a curbside café where the permit area meets the requirements of § 742-10.2 and is located:
- (1) at the curbside in front of the applicant's establishment, unless the applicant has obtained permission for an extended curbside café;
  - (2) on a street with posted and operating speeds of:
    - (a) 40 kilometres/hour or less; or
    - (b) greater than 40 kilometres/hour if approved by the General Manager based on a review of factors such as street context, number and width of travel

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<sup>11</sup> Editor's Note: Subsection 742-10.2A(3) was deleted February 8, 2023, by By-law 162-2023.

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lanes, traffic volumes and speeds, setbacks, and other safety-related considerations;

- (3) no less than 20 metres upstream of a transit stop, and if there is no transit stop, no less than 15 metres upstream of the closest curb edge of an intersection or a pedestrian crossover;
  - (4) no less than 9 metres downstream of the closest curb edge of an intersection or pedestrian crossover; and
  - (5) with a set back of a minimum 0.5 metres from the curb face.
- B. Permit holders shall ensure that all curbside cafés have full perimeter fencing or cane-detectable planters for the visually-impaired, with gaps only for accessible entrances. **[Amended 2023-02-08 by By-law 162-2023]**
- C. Permit holders shall ensure that all umbrellas in a curbside café permit area meet the following standards:
- (1) All parts of any umbrellas in a curbside café must be set back at least 0.8 metres from the curb face.
  - (2) All shade umbrellas in a curbside café may project into the pedestrian clearway to the lesser of half the umbrella's width or 1.5 metres.
  - (3) The lowest edge of any umbrella in a curbside café must be at least 2.1 metres above the sidewalk surface.

**§ 742-10.4. Additional requirements for parklets.**

- A. A permit may be issued for a curb lane café or public parklet where the permit area meets the requirements of § 742-10.2 and is located: **[Amended 2023-02-08 by By-law 162-2023; 2023-12-15 by By-law 1324-2023]**
- (1) on only a major arterial, minor arterial, collector or local road; **[Amended 2023-02-08 by By-law 162-2023]**
  - (2) on a street with posted and operating speeds of:
    - (a) 40 kilometres/hour or less; or
    - (b) greater than 40 kilometres/hour if approved by the General Manager based on a review of factors such as street context, number and width of travel lanes, traffic volumes and speeds, setbacks, and other safety-related considerations;
  - (3) in accordance with the following set backs, unless the General Manager has approved different minimum set backs based on a review of factors such as street

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context, number and width of travel lanes, traffic volumes and speeds, and other safety-related considerations: **[Amended 2023-12-15 by By-law 1324-2023]**

- (a) no less than 30.5 metres upstream of the closest curb edge of a signalized intersection;
  - (b) no less than 30 metres upstream of the location of a transit stop, and if there is no transit stop, no less than 15 metres upstream of the closest curb edge of an unsignalized intersection or pedestrian crossover; **[Amended 2024-11-14 by By-law 1261-2024]**
  - (c) no less than: **[Amended 2024-11-14 by By-law 1261-2024]**
    - (i) 18 metres downstream of the location of a transit stop; or
    - (ii) if there is no transit stop, 9 metres downstream of the closest curb edge of an intersection, except where a barrier such as a curb extension is present. Where a curb extension is present, the café or parklet may be located in a parking space adjacent to the curb extension; and;
  - (d) no less than 9 metres downstream of a pedestrian crossover;
- (4) Reserved.<sup>12</sup>
- (5) Reserved.<sup>13</sup>
- (6) Reserved.<sup>14</sup>
- (7) Reserved.<sup>15</sup>
- (8) in accordance with the following set backs: **[Amended 2023-02-08 by By-law 162-2023]**
- (a) with a minimum 1.5 metre set back from the adjacent travel lane on a street with streetcar tracks; or
  - (b) with a minimum 1.2 metre set back from the adjacent travel lane on any other street; or
  - (c) a greater set back from the adjacent travel lane as determined by the General Manager if considered on a street where posted and operating speeds are greater than 40 kilometres/hour.

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<sup>12</sup> Editor's Note: Subsection 742-10.4A(4) was deleted December 15, 2023, by By-law 1324-2023.

<sup>13</sup> Editor's Note: Subsection 742-10.4A(5) was deleted December 15, 2023, by By-law 1324-2023.

<sup>14</sup> Editor's Note: Subsection 742-10.4A(6) was deleted December 15, 2023, by By-law 1324-2023.

<sup>15</sup> Editor's Note: Subsection 742-10.4A(7) was deleted February 8, 2023, by By-law 162-2023.

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- B. Permit holders shall ensure that all curb lane café and/or public parklets: **[Amended 2023-02-08 by By-law 162-2023; 2023-12-15 by By-law 1324-2023]**
- (1) have a secure, stable, and safe vertical barrier along the perimeter of the café or parklet, except between the café or parklet and the sidewalk; **[Amended 2023-02-08 by By-law 162-2023]**
  - (2) have a vertical barrier at least 0.9 metres in height and any opaque portions of any barrier must not be greater than 1.2 metres in height, measured from the surface of the street, to preserve sight lines; **[Amended 2023-02-08 by By-law 162-2023; 2024-11-14 by By-law 1261-2024]**
  - (3) include a wheel stop within the permit area at a distance of 1.2 metres from each end of the café or parklet platform, unless determined otherwise by the General Manager, and have secure, stable and safe planters in the permit area at each end of the café or parklet, either freestanding or integrated with the café or parklet platform, to help protect the café or parklet from moving traffic and parking vehicles; **[Amended 2023-02-08 by By-law 162-2023]**
  - (4) have retro-reflective marking tape at each end of the café or parklet and all other café or parklet materials must minimize glare for drivers and cyclists; **[Amended 2023-02-08 by By-law 162-2023]**
  - (5) not have jersey barriers;
  - (6) have platform surfaces installed by no later than June 1 of each year that are level with the sidewalk with a cross slope (from curb to outer café or parklet edge) of no greater than 2 percent and a running slope (along the street) of no greater than 5 percent; **[Amended 2023-02-08 by By-law 162-2023; 2023-12-15 by By-law 1324-2023]**
  - (7) have a platform installed by no later than June 1 of each year that is: **[Amended 2023-12-15 by By-law 1324-2023]**
    - (a) able to safely bear the weight of people and elements on the platform;
    - (b) stable, safe and slip-resistant;
    - (c) accessible between the level of the sidewalk and the parklet platform; and
    - (d) compliant with the standards for decks, platforms and ramps set out in the Accessibility for Ontarians with Disabilities Act and the Ontario Building Code;
  - (8) in accordance with the following set backs: **[Amended 2023-02-08 by By-law 162-2023]**

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- (a) with a minimum 1.5 metre set back from the adjacent travel lane on a street with streetcar tracks; or
  - (b) with a minimum 1.2 metre set back from the adjacent travel lane on any other street; or
  - (c) a greater set back from the adjacent travel lane as determined by the General Manager if considered on a street where posted and operating speeds are greater than 40 kilometres/hour.
- (9) not be used as a detour of an existing sidewalk;
- (10) have all parts of any umbrellas on a café or parklet set back at least 0.8 metres from the café or parklet edge adjacent to the travel lanes and parking spaces; **[Amended 2023-02-08 by By-law 162-2023]**
- (11) are removed entirely, including the platform and all related elements, from the permit area at the sole expense of the permit holder during the period required by this chapter; **[Amended 2023-02-08 by By-law 162-2023]**
- (12) are closed to the public and removed if at any time the General Manager is concerned that the café or parklet poses a risk to the health or safety of any person; **[Amended 2023-02-08 by By-law 162-2023]**
- (13) include at least one 1.0-metre wide access point: **[Added 2023-02-08 by By-law 162-2023]**
- (a) for each permit area;
  - (b) for every 15 metres of continuous vertical barrier; and/or
  - (c) at any other access point required by the General Manager to ensure unobstructed street level building emergency access;
- (14) do not obstruct a fire hydrant; **[Added 2023-02-08 by By-law 162-2023]**
- (15) at any time prior to June 1 where a platform complying with Subsections B(6) and (7) has not been installed, have temporary ramps installed in the permit area which provides for safe access to the permit area and meets the following requirements: **[Added 2023-12-15 by By-law 1324-2023]**
- (a) must be a minimum of 1.0 metre wide;
  - (b) must have contrasting colours with the roadway and sidewalk;
  - (c) must have a slip-resistant surface and be visible at night;
  - (d) must be stable so that it does not shift or move when used;

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- (e) must be positioned to allow for adequate space at the bottom of the ramp for someone using a mobility device to turn and navigate into the café area; and
  - (f) must not be affixed to the sidewalk, curb edge or street with screws, bolts or any other materials.
- (16) are not used or occupied until the City has installed traffic safety equipment around the permit area. **[Added 2023-12-15 by By-law 1324-2023]**

C. Reserved.<sup>16</sup>

**§ 742-10.5. Separation distances from street furniture and utilities.**

All elements in a sidewalk café permit area, including fixed and portable sidewalk café elements, must meet the minimum separation distances established by Council.

**§ 742-10.6. Visual screens.**

**[Amended 2023-02-08 by By-law 162-2023]**

- A. Permit holders for a frontage café located on a local road must have a visual screen on the edge of the permit area facing any residential area that meets the following requirements:
- (1) a maximum height of 1.8 metres and a minimum height of 1.5 metres; and
  - (2) not be installed in a permit area if the Executive Director or General Manager determines the visual screen poses a risk to the safety of any member of the public or obstructs or obscures a building entrance, traffic control sign or heritage building feature or sightlines for transit safety and operations.

**§ 742-10.7. Fencing.**

- A. Permit holders with frontage cafés or curbside cafés with permit areas on an arterial road or collector road must provide fencing in accordance with this chapter.
- B. Permit holders with frontage cafés with permit areas on local roads are not required to provide fencing but must have cane-detectable planters or elements at each end of the permit area, but not the entire perimeter of the permit area, in accordance with this chapter.
- C. No person shall install or permit the installation of fencing on any small frontage café or small curbside standing café.
- D. Any fencing installed in a frontage café and/or curbside café permit area on an arterial or collector road must be:

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<sup>16</sup> Editor's Note: Subsection 742-10.4C was deleted December 15, 2023, by By-law 1324-2023.

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- (1) easily removable and located along the full perimeter of the permit area with gaps only for accessible entrances; **[Amended 2023-02-08 by By-law 162-2023]**
  - (2) at least 1.2 metres from any fire hydrant;
  - (3) designed so that pumper or fire department (Siamese) connections on adjoining buildings are clearly visible and directly and easily accessible from the street, and the location of access openings in the fence shall be satisfactory to the Fire Chief and the Executive Director;
  - (4) curved or angled at a street corner where the frontage café extends around the corner to accommodate unimpeded pedestrian movement;
  - (5) designed to provide detectability for the visually-impaired by including at least one of the following features: **[Amended 2023-02-08 by By-law 162-2023]**
    - (a) lower rail height between 75 millimetres and 150 millimetres above the sidewalk surface with a contrasting colour to the sidewalk; or
    - (b) planter boxes with a detectable base that are spaced no more than 0.3 metres apart from each other except for the entrance; or
    - (c) a solid base that extends to or rests on the surface of the sidewalk with no gap;
  - (6) no shorter than 0.9 metres and no taller than 1.2 metres for the height of the top rail of the fence or top of the opaque part of planters and plants;
  - (7) no taller than 0.9 metres in height for all opaque parts of the fence or planters with plants within 30 metres of any intersection to maintain sightlines;
  - (8) self-supporting or supported by removable plates attached to the paved surface of the permit area so long as no parts of the fence create a trip hazard and do not project beyond the limits of the permit area;
  - (9) not penetrating the surface of the sidewalk with footings other than bolt attachments; and
  - (10) not attached to properties on the Heritage Register, street trees, street furniture, or utilities/services.
- E. For the purposes of this Section, "fencing" shall include delineating materials. **[Added 2021-11-12 by By-law 926-2021]**

**§ 742-10.8. Radiant heaters.**

- A. No permit holder shall install or operate a radiant heater on a permit area unless:
- (1) the permit area is for a frontage cafe; and

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- (2) the permit holder has obtained prior written approval from the Executive Director.
- B. The Executive Director may issue a written approval for a radiant heater for a frontage café permit area where:
- (1) the permit holder has submitted an application site plan to the Executive Director showing the location and specifications of the proposed radiant heating unit; and
  - (2) the permit holder has provided evidence that the radiant heater is:
    - (a) certified for outdoor use;
    - (b) certified by and installed according to guidelines of the Standards Council of Canada;
    - (c) installed in accordance with the location and specifications of the site plan approved by the Executive Director;
    - (d) installed and operated in conformity with the manufacturer's instructions and specifications, including clearance from combustible materials; and
    - (e) inspected by a representative of the energy provider and a copy of the inspection certification must be provided to the Executive Director.

**§ 742-10.9. Portable propane heaters.**

**[Amended 2021-11-12 by By-law 926-2021]**

- A. No permit holder shall install or operate a portable propane heater on a permit area unless:
- (1) the permit area is for a frontage café, curb lane café or public parklet; and
  - (2) the portable propane heater is:
    - (a) installed and operated in conformity with the manufacturer's instructions and specifications, including clearance from combustibles and secured to the permit area utilizing the manufacturer's listed parts;
    - (b) in compliance with the requirements as set out in Technical Standards and Safety Act, 2000 Ontario Regulation 211/01 Propane Storage and Handling or any successor regulation; and
    - (c) operated by persons who have completed a training course in the use of propane.

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**§ 742-10.10. Barbecues.**

- A. No permit holder shall install or operate a barbecue on a permit area unless:
- (1) The permit area is for a frontage café on a local road; and
  - (2) The permit holder has obtained prior written approval from the Executive Director.
- B. The Executive Director may issue a written approval for a barbecue for a frontage café on a local road where:
- (1) the permit holder has submitted an application site plan to the Executive Director showing the location and specifications of the proposed barbecue; and
  - (2) the permit holder has provided evidence that the barbecue is:
    - (a) installed in accordance with the location and specifications of the site plan approved by the Executive Director; and
    - (b) installed with a clearance of at least 1.2 metres between any barbecue and any seating areas or any added heat sources (e.g., radiant or propane heaters), and the clearance shall be defined by a portable physical barrier made of a fireproof material, with dimensions of not less than 1.2 metres in width and 2 metres in height.

**§ 742-10.11. Placement of heating units.**

Permit holders shall ensure that any heating unit on a permit area must be located on the permit area in a way that does not present a hazard to sidewalk café patrons, pedestrians or vehicles; and directs heat waves away from any trees or landscaping.

**§ 742-10.12. Decks.**

- A. No permit holder shall install or permit the installation of a deck on a permit area without the permit holder having first obtained permission from the Executive Director and the Chief Building Official.
- B. Decks are only permitted on frontage cafés with permit areas where the sidewalks exceed a slope of 5 percent or special accommodation is being made to protect mature trees.  
**[Amended 2023-02-08 by By-law 162-2023]**
- C. All decks on frontage café permit areas shall meet the following requirements:
- (1) not be higher than what is required to accommodate a level area and the deck-framing members which shall be the minimum depth required to achieve a level area;

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- (2) have a skirt or screen wherever there is a gap or opening between the surface of the sidewalk and the bottom boards of the deck;
  - (3) not be physically attached to the street;
  - (4) comply with the Accessibility for Ontarians with Disabilities Act and the Ontario Building Code;
  - (5) provide a break in the railing of a minimum width of 1 metre at the high side of the slope to provide wheelchair access;
  - (6) not be constructed over existing utilities such as hydro vaults, chambers, maintenance holes, etc., except with prior written approval given by the relevant utility or service;
  - (7) not impede sidewalk or roadway drainage; and
  - (8) not exceed a height of 0.6 metres measured from the surface of the sidewalk.  
**[Added 2023-02-08 by By-law 162-2023]**
- D. A permit holder shall, at the expense of the permit holder, remove a deck to the satisfaction of the Executive Director upon 30 days' notice from the Executive Director.

**§ 742-10.13. Number of permit areas.**

**[Added 2023-02-08 by By-law 162-2023]**

- A. Each associated establishment:
- (1) may not have more than one curb lane café permit area;
  - (2) may not have both a sidewalk café on a local road and a curb lane café on a different street.

ARTICLE 11  
**Additional Requirements for Marketing Displays**

**§ 742-11.1. Marketing display requirements.**

- A. Marketing display permit holders must:
- (1) be the owner or the occupant of the ground floor premises adjoining the permit area;
  - (2) provide a minimum separation of one metre from the closest part of the permit area to any entrance to a dwelling unit that may be located on a local road within an adjacent building or within the building containing the ground floor premises adjoining the permit area;

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- (3) not erect any enclosures around the permit area;
- (4) limit the placement and display of materials and merchandise to a height that is easily accessible for patrons standing on the sidewalk surface;
- (5) not place, display or allow the placement or display of any materials outside of the permit area;
- (6) not play or emit amplified sound or live music in any permit area;
- (7) ensure that marketing display stands that come into direct contact with food must:
  - (a) be corrosion resistant and non-toxic;
  - (b) be free from cracks, crevices and open seams; and
  - (c) have a bottom that is placed no less than fifteen centimetres above ground.
- (8) ensure that any screens or fencing in the permit area is:
  - (a) temporary in nature;
  - (b) in accordance with the following requirements: **[Amended 2023-02-08 by By-law 162-2023]**
    - (i) no shorter than 0.9 metres and no taller than 1.2 metres for the height of the top rail of the fence or top of the opaque part of planters and plants;
    - (ii) no taller than 0.9 metres in height for all opaque parts of the fence or planters with plants within 30 metres of any intersection to maintain sightlines;
  - (c) kept in good repair in a safe condition, and free from hazards including trip hazards; and
  - (d) provides accessibility and detection for the visually-impaired;
- (9) meets the minimum separation distances to utilities or public infrastructure established by Council as required for safety, operations and maintenance as determined by the General Manager;
- (10) ensure all wheeled displays and display units are equipped with a wheel-locking mechanism or other provision to restrict the movement of the wheeled display or display unit. **[Added 2023-02-08 by By-law 162-2023]**

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ARTICLE 12  
**Amendments to Permit Area and Temporary Removals**

**§ 742-12.1. Reduction or relocation of permit area.**

**[Amended 2024-11-14 by By-law 1261-2024]**

- A. The Executive Director or General Manager may direct a permit holder to reduce the size of a permit area or relocate a permit area at any time if, in the opinion of the Executive Director or General Manager, the permit area poses a risk to the health or safety of any person, and where the reduction or relocation terminates the risk to the health and safety of any person, to the satisfaction of the Executive Director or General Manager.
- B. The Executive Director or General Manager may amend the size and/or location of all permit areas along a street if the street is subject to substantial reconstruction and/or redesign in order to satisfy the pedestrian clearway requirements of this chapter following such reconstruction and/or redesign.
- C. Where a permit area is reduced in accordance with this section, the Executive Director or General Manager shall refund the permit holder the pro-rated portion of the annual permit fee applicable to the reduced area by square metre to each remaining day in the permit term.

**§ 742-12.2. Temporary removal for civil works or emergencies.**

**[Amended 2024-11-14 by By-law 1261-2024]**

- A. The Executive Director or General Manager may require the permit holder, upon notice, to temporarily remove all sidewalk café and marketing display installations due to planned street improvements and/or civic works.
- B. The Executive Director or General Manager may direct that any installation be removed from within a permit area without notice in the case of an emergency.
- C. Where a permit is cancelled or installations in a permit area are temporarily removed due to an emergency, planned street improvement or civic works, the Executive Director or General Manager shall refund the permit holder the pro-rated portion of the annual permit fee applicable for each remaining day in the permit year.

**§ 742-12.3. Amendments to permit area.**

- A. No permit holder shall amend the size of their permit area unless they have:
  - (1) received instruction to do so from the Executive Director or General Manager in accordance with this Article; or
  - (2) submitted a new application in accordance with Article 2 of this chapter and had a new permit issued in accordance with Article 3 of this chapter.

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ARTICLE 13  
**Permit Cancellation, Suspension**

**§ 742-13.1. Permit cancellation.**

- A. Community Council may cancel a permit at any time and for any reason.
- B. Where Community Council is considering revocation of a permit, the affected permit holder shall receive notice of the item on the agenda and be allowed to speak to the matter before Community Council makes its decision.
- C. A permit holder shall not be eligible to apply for a sidewalk café, public parklet, or marketing display permit under this chapter for one year following cancellation of a permit by Community Council.
- D. The Executive Director or General Manager may cancel a permit without reporting to Community Council if: **[Amended 2024-11-14 by By-law 1261-2024]**
  - (1) the annual permit fee for the applicable zone has not been paid 30 days after the payment due date; **[Amended 2024-11-14 by By-law 1261-2024]**
  - (2) the permit was obtained through the submission of false, misleading or fraudulent information;
  - (3) the permit holder has failed to remove all the sidewalk café, public parklet, or marketing display elements from the sidewalk or street within thirty days of receiving notice in writing from the Executive Director or General Manager instructing the permit holder to remove all elements from the sidewalk or street; **[Amended 2024-11-14 by By-law 1261-2024]**
  - (4) the associated establishment lacks the applicable licence under Chapter 545, Licensing; or
  - (5) the associated establishment is demolished, substantially altered and/or subject to redevelopment.
- E. Where a permit is cancelled in accordance with Subsection D, the Executive Director or General Manager shall provide the permit holder a written notice of the permit cancellation, describing the information that the City has to justify the cancellation. **[Amended 2024-11-14 by By-law 1261-2024]**

**§ 742-13.2. Permit suspension.**

- A. The Executive Director or General Manager shall immediately suspend a permit without reporting to Community Council if they have reason to believe that the permit holder has not complied with § 742-9.1 or § 742-9.5. **[Amended 2019-10-03 by By-law 1362-2019; amended 2024-11-14 by By-law 1261-2024]**

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- B. A suspension issued by the Executive Director or General Manager under Subsection A shall last until the next April 14. **[Amended 2024-11-14 by By-law 1261-2024]**
- C. Where a permit is suspended in accordance with Subsection A, the Executive Director or General Manager shall to provide the permit holder with a written notice of the suspension, describing the information that the City has to justify the temporary suspension. **[Amended 2024-11-14 by By-law 1261-2024]**
- D. Where a permit is suspended in accordance with Subsection A, the permit holder shall remove all permit elements, including fencing, from the permit area and not permit any sidewalk café or marketing display elements or activities in the permit area during the suspension period.
- E. The Executive Director or General Manager shall immediately suspend a permit for a period of 30 days or until such time as the item can be considered by Community Council if: **[Amended 2024-11-14 by By-law 1261-2024]**
- (1) in the opinion of the Executive Director or the General Manager, a reduction in permit area has not terminated a risk to public health and safety;
  - (2) the provisions of the permit agreement are being violated by the permit holder;
  - (3) the permit holder is conducting activity in such a way that would infringe on the rights of other members of the public; or
  - (4) the permit holder has been convicted of an offence for a violation of any law or by-law in relation to the permit area. **[Amended 2024-11-14 by By-law 1261-2024]**
- F. Following the issuance of a permit suspension under Subsection E, the Executive Director or General Manager shall forward a report to Community Council with the following: **[Amended 2024-11-14 by By-law 1261-2024]**
- (1) a summary of the reason for the suspension; and
  - (2) the recommendation for a review of the permit conditions, including but not limited to operating hours, or revocation of the permit.
- G. Where a permit is suspended in accordance with Subsection E, the Executive Director or General Manager shall provide the permit holder with a written notice of the permit suspension, describing the information that the City has to justify the suspension. **[Amended 2024-11-14 by By-law 1261-2024]**
- H. Where a permit is suspended in accordance with Subsection E, the permit holder shall remove all permit elements, including fencing, from the permit area and not permit any sidewalk café or marketing display elements or activities in the permit area during the suspension period.

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- I. Before Community Council considers a report under Subsection F:
- (1) the City Clerk shall provide notice to the affected permit holder of the date which Community Council will consider the item; and
  - (2) the permit holder shall be given an opportunity to speak on the matter at Community Council.

**§ 742-13.3. Recovery of permit.**

- A. No person shall display a permit issued by the Executive Director or General Manager: **[Amended 2024-11-14 by By-law 1261-2024]**
- (1) while the permit has been suspended;
  - (2) after the permit has been cancelled; or
  - (3) where a permit is otherwise invalid.
- B. The Executive Director or General Manager shall recover a permit notice displayed on a street door or in a lower front window of an associated establishment during the period of time when the permit has been suspended, or permanently in the case of a cancellation. **[Amended 2024-11-14 by By-law 1261-2024]**

**§ 742-13.4. Permit holder responsibilities.**

- A. Within 30 days of receiving written notice of a permit cancellation, permit suspension, permit area reduction, permit area relocation or temporary removal, a permit holder shall:
- (1) remove all equipment, furnishings and personal property from the permit area, or applicable portion thereof, at the permit holder's own expense; and
  - (2) replace and restore the sidewalk or street to a safe and proper condition to the satisfaction of the Executive Director or General Manager. **[Amended 2024-11-14 by By-law 1261-2024]**
- B. No permit holder shall make a claim against the City on account of a removal of permit elements under this chapter.

ARTICLE 14  
**Offences, Entry to Inspect, Orders**

**§ 742-14.1. Offences.**

- A. Every person who contravenes any provision of this chapter, or a notice of violation or direction or order issued in accordance with this chapter, is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.

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- B. In addition to a fine or fines provided for in this section every person who gains an economic advantage or economic gain from contravening this chapter, or a notice of violation or direction or order issued in accordance with this chapter, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.
- C. In addition to offences referred to in Subsection A, every person is guilty of an offence under this chapter who:
- (1) hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter;
  - (2) neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the City of Toronto Act, 2006;
  - (3) knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter.
- D. Where a corporation contravenes any of the provisions of this chapter, or a notice of violation or direction or order issued in accordance with this chapter, every director or officer who concurs in such contravention is guilty of an offence and, upon conviction, is liable to a fine of no more than \$100,000.
- E. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.

**§ 742-14.2. Entry to inspect.**

- A. In accordance with section 376 of the City of Toronto Act, 2006, an officer may enter upon land within the City at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:
- (1) this chapter; or
  - (2) a notice or order issued in accordance with this chapter.
- B. For the purposes of an inspection under Subsection A, an officer may:
- (1) require, for inspection, the production of documents or things relevant to the inspection;
  - (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
  - (3) require information from any person concerning a matter related to the inspection;

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- (4) be accompanied by such person or persons as the officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
- (5) make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

**§ 742-14.3. Orders to comply.**

- A. An officer who finds a contravention of this chapter may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under section 384 or 385 of the City of Toronto Act, 2006.
- B. An order or notice of violation may be of immediate effect should the Executive Director or General Manager determine that a delay would result in circumstances that endanger the health or safety of any person or similarly serious consequences. **[Amended 2024-11-14 by By-law 1261-2024]**
- C. The order may be served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.
- D. If there is evidence that a person or permit holder is not the registered property owner of the associated establishment, the notice may be served on both the registered property owner of the associated establishment and the person or permit holder. **[Amended 2021-02-05 by By-law 51-2021]**
- E. If the address of the owner is unknown or the City is unable to effect service on the owner or occupant under Subsection C, a placard stating the terms of the order and placed in a conspicuous place upon land on or near the associated establishment shall be deemed to be sufficient notice to the owner.
- F. If the delay necessary to serve an order or notice of violation under Subsection C would result in circumstances that endanger the health or safety of any person or similarly serious consequences, the order or notice of violation may be served by a placard stating the terms of the order or notice of violation and placed in a conspicuous place upon land on or near the associated establishment.
- G. Where an order has been made under this section and a person or permit holder fails to comply with the order, that person or permit holder shall pay an inspection fee for each inspection conducted by the City subsequent to the order where the non-compliance is continued to be found. **[Added 2023-02-08 by By-law 162-2023]**

**§ 742-14.4. Remedial action.**

If a person fails to comply with an order to do work to correct a contravention of this chapter, the Executive Director or General Manager, or persons acting upon either of their instructions, may

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enter the lands at any reasonable time for the purposes of doing the things described in the order at the person's expense.

**§ 742-14.5. Seizure of goods.**

- A. The Executive Director or General Manager may move, take, or store a person's or permit holder's sales goods or café elements and any other things placed or installed on a street in accordance with the Repair and Storage Liens Act where a person or permit holder is in contravention of this chapter. **[Amended 2021-02-05 by By-law 51-2021]**
- B. The Executive Director or General Manager may charge the costs of the removal and storage to the person or permit holder and/or owner of the associated establishment and/or recover those costs by adding them to the tax roll and collecting them in the same manner as property taxes. **[Amended 2021-02-05 by By-law 51-2021]**
- C. Any seized goods or café elements that remain unclaimed after 60 days from the date of seizure become the property of the City and can be sold.
- D. Any seized perishable object or refreshment become a property of the City upon removal and can be disposed of immediately.

**ARTICLE 15  
Transition**

**§ 742-15.1. Transition.**

- A. Existing permit holders can continue to operate under the terms and conditions of their approved permit and agreement with the City as of the day before this chapter came into force, except for the following requirements whereby existing permit holders must comply with this chapter immediately upon its coming into force:
  - (1) permit renewal (§ 742-5.1C); permit requirements (§ 742-5.2); permit transfer (§ 742-6.1); usage of permit area (§ 742-9.1); seasonal operation (§ 742-9.5 except for § 742-9.5A(2)); radiant heaters (§ 742-10.8); portable propane heaters (§ 742-10.9); height limitation on the display of marketing materials and merchandise (§ 742-11.1A(4)); reduction or relocation of permit area (§ 742-12.1); temporary removal for civil works or emergencies (§ 742-12.2); amendments to permit area (§ 742-12.3); Offences, Entry to Inspect, Orders (Article 14); permit holder responsibilities (§ 742-13.4); and all fee requirements.
- B. Existing R58 curb lane café permit holders with permit areas on Duncan Street between a point 4.2 metres south of Richmond Street West and a point 27.1 metres further south or King Street East and West between Bathurst Street and Jarvis Street can continue to operate under the terms and conditions of their approved permit and agreement with the City as of April 14, 2023, provided the existing R58 permit holders comply with the following as of January 1, 2024: **[Added 2023-12-15 by By-law 1324-2023]**

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- (1) The following portions of this chapter : permits (§ 742-2.1); permit applications (§ 742-2.2, provided the plans show compliance with the existing terms and conditions of the approved permit and agreement); permit renewal (§ 742-5.1C); permit requirements (§ 742-5.2); permit transfer (§ 742-6.1); usage of permit area (§ 742-9.1); seasonal operation (§ 742-9.5A except for § 742-9.5A(1) and (2)); set back requirements (§ 742-10.4A(8)(a) and (b)); reduction or relocation of permit area (§ 742-12.1); temporary removal for civil works or emergencies (§ 742-12.2); amendments to permit area (§ 742-12.3); Permit Cancellation, Suspension (Article 13); Offences, Entry to Inspect, Orders (Article 14); and all fee requirements.
  
- (2) Where the permit holder operates outside of the time periods in § 742-9.5C, the permit holder will pay double the permit fee applicable from time to time in the calendar year where such operation occurs.

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**Appendix A**  
**Downtown Streets for Pedestrian Clearway Purposes**

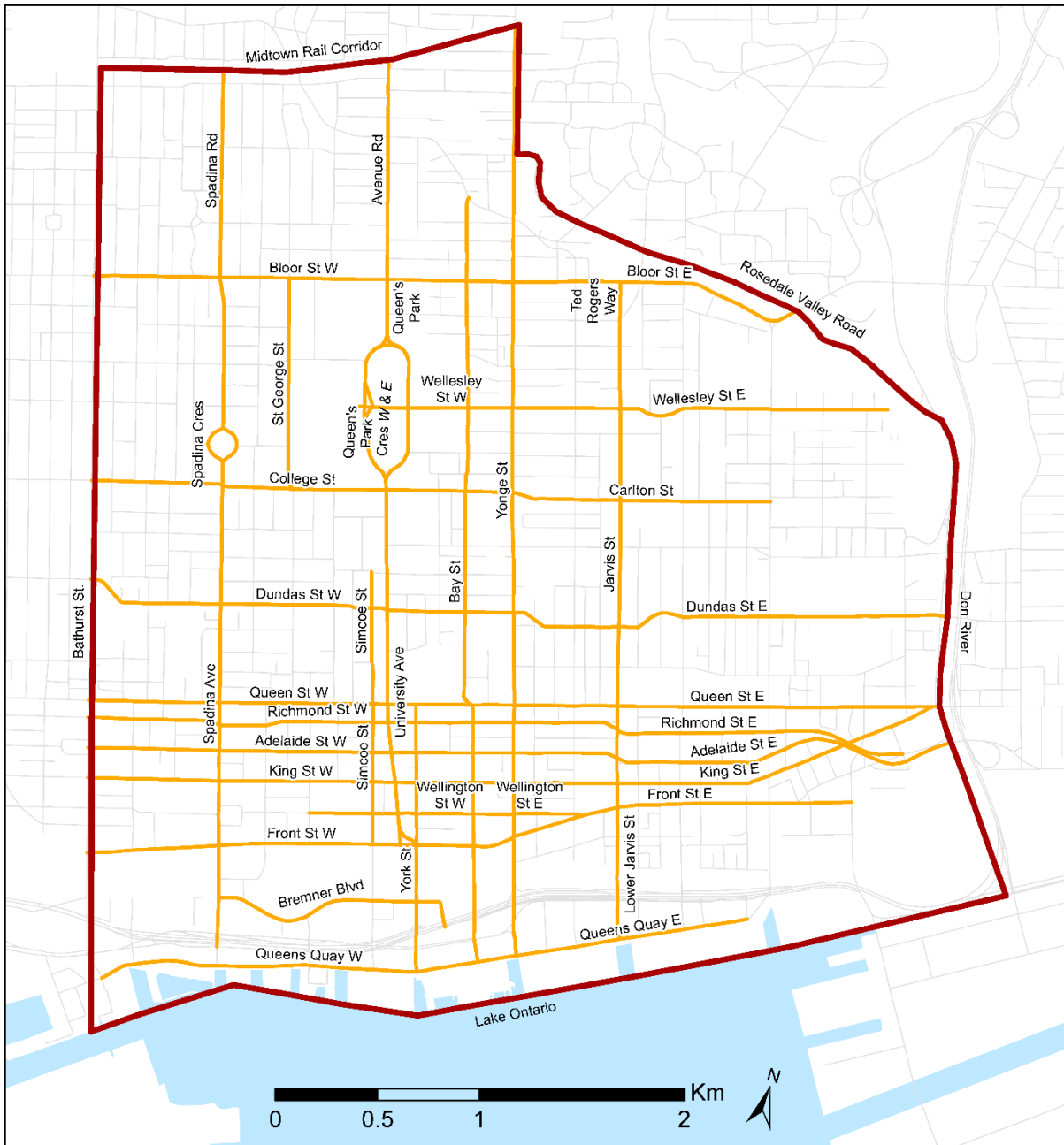
For the purposes of § 742-7.1A(3), the streets in the area outlined in Appendix A shall be the following streets within the boundaries of Bathurst Street to the west, the midtown rail corridor to the north, Rosedale Valley Road to the north east, the Don River to the east, and Lake Ontario to the south:

Adelaide Street East between Yonge Street and the Don River  
Adelaide Street West between Bathurst Street and Yonge Street  
Avenue Road between the Midtown Rail Corridor and Bloor Street West  
Bay Street between Davenport Road and Queens Quay West  
Bloor Street East between Yonge Street and Rosedale Valley Road  
Bloor Street West between Bathurst Street and Yonge Street  
Bremner Boulevard between Spadina Avenue and Lakeshore Boulevard West  
Carlton Street between Yonge Street and Parliament Street  
College Street between Bathurst Street and Yonge Street  
Dundas Street East between Yonge Street and the Don River  
Dundas Street West between Bathurst Street and Yonge Street  
Front Street East between Yonge Street and Cherry Street  
Front Street West between Bathurst Street and Yonge Street  
Jarvis Street between Charles Street East and Front Street East  
King Street East between Yonge Street and the Don River  
King Street West between Bathurst Street and Yonge Street  
Lower Jarvis Street between Front Street and Queens Quay East  
Queen Street East between Yonge Street and the Don River  
Queen Street West between Bathurst Street and Yonge Street  
Queens Park between Bloor Street West and College Street  
Queens Park Crescent East and West (in its entirety)  
Queens Quay East between Yonge Street and Parliament Street  
Queens Quay West between Bathurst Street and Yonge Street  
Richmond Street East between Yonge Street and Eastern Avenue  
Richmond Street West between Bathurst Street and Yonge Street  
Simcoe Street between Elm Street and Front Street West  
Spadina Avenue between Bloor Street West and Spadina Crescent  
Spadina Avenue between Spadina Crescent and Queens Quay West  
Spadina Crescent between Spadina Road and Spadina Avenue  
Spadina Road between the Midtown Rail Corridor and Bloor Street West  
St George Street between Bloor Street West and College Street  
Ted Rogers Way between Bloor Street East and Charles Street East  
University Avenue between College Street and Front Street West  
Wellesley Street East (in its entirety)  
Wellesley Street West between Queens Park Crescent West and Yonge Street  
Wellington Street East between Yonge Street and Front Street East  
Wellington Street West between John Street and Yonge Street  
Yonge Street between the Midtown Rail Corridor and Queens Quay  
York Street between Queen Street West and Queens Quay West

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The streets and area described above are also displayed in Map 1.

**Map 1: Downtown Streets for Pedestrian Clearway Purposes**



**Downtown Streets Where Wider Pedestrian Clearways Are Required for Sidewalks Wider Than 5 Metres**

**Legend**

- Streets
- Other Streets/Roadways
- Downtown Plan Boundary
- Lake Ontario

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**Appendix B**  
**Fee Zones**

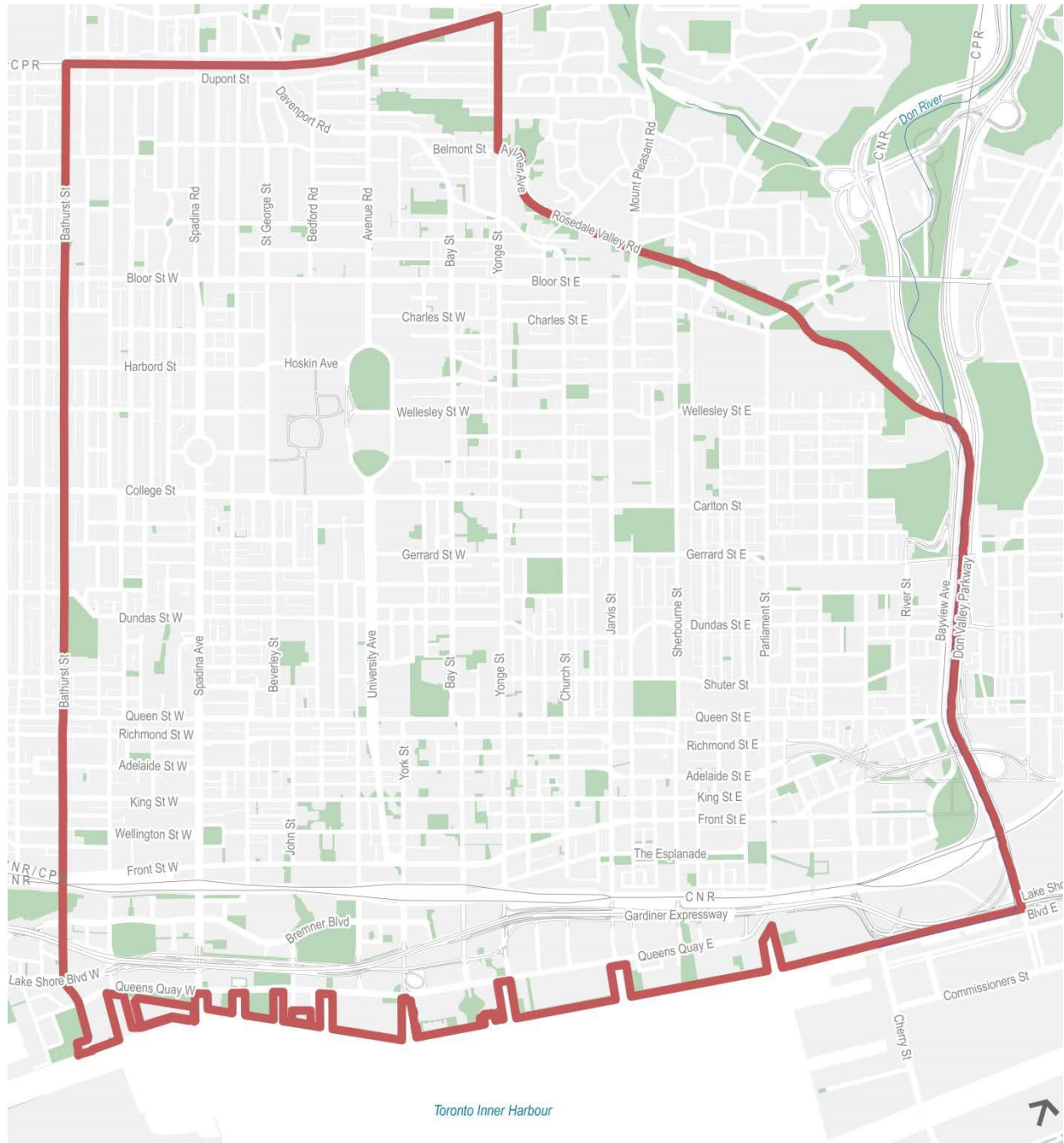
**[Amended 2023-02-08 by By-law 162-2023]**

For the purpose of fees payable under this chapter and Chapter 441, Fees and Charges, the zones shall be as follows:

There shall only be one zone City wide.

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Map 2: Central Zone



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**Appendix C**  
**Utility and Infrastructure Clearances**

[Added 2023-02-08 by By-law 162-2023; amended 2024-11-14 by By-law 1261-2024]

Utility or Infrastructure Element (measured from edge of element / utility)	Required Clearance	
	Temporary Fixed Elements	Temporary Portable Elements
Hydro Infrastructure		
Cable Chamber*	2.0 metres	0.3 metres
Hydro Vault*	1.0 metres	1.0 metres
Transformer/Switchgear*	3.0 metres	3.0 metres
Distribution Pole	0.6 metres	0.3 metres
Street Lighting Pole <sup>^</sup>	0.6 metres	0.3 metres
Guy wire/anchor	0.6 metres	0.3 metres
BIA lighting access hatch <sup>^</sup>	0.3 metres	0.3 metres
Traffic Infrastructure		
Traffic signal pole	0.3 metres for local street or 1.0 metres	0.3 metres
Traffic control box	1.5 metres from front, sides 0.6 metres	0.3 metres
Traffic or parking sign pole	0.3 metres	0.3 metres
Fire Services and Water Infrastructure		
Fire Hydrant*	1.2 metres	1.2 metres
Fire Standpipe Connection*	1.2 metres	1.2 metres
Water Valve (post indicator/isolation)	0.6 metres	0.3 metres
Catch basin <sup>^^</sup>	0.6 metres	0.3 metres
Storm/Sanitary maintenance access covers	0.6 metres	0.3 metres
Gas Infrastructure		
Gas valve (and other assets)	0.6 metres	0.3 metres
Telecom Infrastructure		
Above-ground access units	1.0 metres	0.3 metres
In-ground access covers	2.0 meters	0.3 meters

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Utility or Infrastructure Element (measured from edge of element / utility)	Required Clearance	
	Temporary Fixed Elements	Temporary Portable Elements
Public Realm Infrastructure		
Street Furniture (bench, litter bin, newspaper corral, postering column)*	1.0 metres	1.0 metres
Transit shelter: with advertising^^	5.0 metres	5.0 metres
Transit shelter: without advertising^^	2.5 metres	2.5 metres
Transit stop poles^^	2.5 metres	2.5 metres
Wayfinding columns*	3.0 metres	3.0 metres
Wayfinding sign poles*	1.0 metres	1.0 metres
Bicycle locking ring**	2.5 metres	2.5 metres
Bike Share station^^	1.0 metres	1.0 metres
Toronto Parking Authority ticket kiosk*	1.0 metres	1.0 metres
Trees and Horticulture		
Street tree* and***	1.0 metres	0.3 metres
Above and in-ground planters***	1.0 metres	0.3 metres
Pedestrian Safety		
Intersection or Pedestrian Crossover****	3.0 metres	3.0 metres

Street furniture or utility listed without an asterisk (\*^ ) may be located within proposed permit area if approved by the City

^ or other clearance as determined by the local BIA for BIA owned lighting infrastructure

^^ must be measured as a minimum linear distance along the curb edge; and for transit stops/shelters must have a minimum 2.4 metre width for the transit platform area

\* must be measured as a minimum radius width from the street element or utility

\*\* clearance may be less if approved by the City in consideration of the streetscape context and bike parking facilities in the immediate area

\*\*\* café elements must not be placed on open soil or soft surfaces adjacent to street trees, nor be fixed to the tree pit surface

\*\*\*\* intersections and pedestrian crossovers require adequate space for people of all ages and abilities waiting to cross the street and for safety and visibility. Additional separation distances are required for curbside and curb lane cafés for visibility and road safety