
City Council

Notice of Motion

MM43.5	ACTION			Ward: All
--------	--------	--	--	-----------

Enjoying a Drink Outdoors: Providing Safe, Responsible and Equitable Options for All - by Councillor Josh Matlow, seconded by Councillor Anthony Perruzza

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Economic and Community Development Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Josh Matlow, seconded by Councillor Anthony Perruzza, recommends that:

1. City Council approve a pilot project to allow the consumption of alcoholic beverages that do not exceed 15 percent alcohol by volume in the City of Toronto's public parks and beaches with bathroom facilities between 11:00 a.m. and 9:00 p.m. from May 21, 2022 to October 31, 2022.
2. City Council suspend the ban on the consumption of alcoholic beverages in public parks in Sections 608-8A and 608-8C of City of Toronto Municipal Code Chapter 608, Parks.
3. City Council prohibit the consumption of alcoholic beverages near playgrounds and sports fields, consistent with the prohibition on smoking.
4. City Council request the General Manager, Parks, Forestry and Recreation to:
 - a. ensure that as many parks and beaches as possible have a bathroom facility, including portable toilets; and
 - b. provide additional garbage and recycling receptacles in parks and beaches.
5. City Council request the General Manager, Parks, Forestry and Recreation to report on the results of the pilot project in Recommendation 1 above in the first quarter of 2023.

Summary

Over the pandemic, Torontonians have embraced outdoor areas for socializing more than ever. Council as recognized the importance of being able to enjoy a drink outside by loosening restrictions on patios with the successful CaféTO program, which will be brought back for a third year. Some residents will choose to enjoy a drink with loved ones in their backyards or on their balconies. However, what about Torontonians that can't afford a drink in a bar or don't have an outdoor space in their homes? These residents should not be left with potentially unsafe options such as gathering indoors or, like many, choosing to drink illegally in parks.

Dr. Zain Chagla, an associate professor who studies infectious diseases at McMaster University, has been quoted saying that "there's all these reports of transmission in bars and house parties. So why don't we mitigate that risk? Let's use the outdoors rather than forcing people indoors for their gatherings". Dr. Ilan Schwartz, an infectious disease expert from the University of Alberta, told a news outlet that easing up on public drinking laws during the pandemic would be helpful, stating that "anything that is outdoors – as long as people aren't shoulder to shoulder – we should be encouraging". He also said that being able to drink in public doesn't necessarily result in people drinking in excess, "we don't want to outlaw all behaviour just because taken to the extreme there can be problematic examples".

Public intoxication and underage drinking are already illegal under provincial law. Littering, excessive noise, and public urination are also ticketable offences and are already issued in many parks. In other words, those who behave irresponsibly are not concerned with existing policies. This Motion seeks to increase and focus enforcement on problem behaviours that are already occurring by freeing up resources while loosening restrictions for responsible adults who wish to responsibly and safely enjoy a beer or glass of wine. Cities of similar size around the world including Montreal, Vancouver, London, Paris, and Sydney permit residents to drink in parks.

Toronto, like some other North American cities, has uneven enforcement with inequitable results. Allowing alcohol consumption in parks came to my attention a few years ago when a friend relayed a concerning incident. I personally know someone who was approached by by-law officers while drinking a beer with another person in a park. He was able to talk himself out of a ticket and was just given a warning. He then noticed two groups of people doing the exact same thing given tickets by the same officer. My friend is white and the people receiving tickets were Black. I have heard similar stories in the years since, including during the pandemic. While Toronto does not keep race-based statistics on the issuance of tickets for drinking in parks, the example from New York City is troubling. In 2020, the New York Police Department issued 1,250 criminal summonses for drinking in public. Out of that number, 48 percent went to Black individuals, 43 percent to Hispanics, and only 7 percent went to white people.

For public health and equity, this Motion follows the rules already in place in Vancouver by recommending a pilot project to allow beer and wine consumption in public parks and beaches between 11:00 a.m. and 9:00 p.m. from Friday, May 21, 2022 to Sunday, October 31, 2022.

Background Information (City Council)

Member Motion MM43.5