

# Staff Report



Infrastructure Services Department

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**REPORT TO:** Committee of the Whole

**DATE OF MEETING:** June 24, 2024

**SUBMITTED BY:** Silcox-Childs, Jeffery, Director Parks and Cemeteries,  
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**PREPARED BY:** Silcox-Childs, Jeffery, Director Parks and Cemeteries,  
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**WARD(S) INVOLVED:** All

**DATE OF REPORT:** June 16, 2024

**REPORT NO.:** INS-2024-306

**SUBJECT:** Alcohol Consumption in City Parks Pilot

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## RECOMMENDATION:

That the 2024 pilot allowing alcohol consumption in select park be deferred; and,

That staff continue to work with Waterloo Regional Police Services (WRPS) to explore the potential of a future pilot; and,

That staff monitor the Province's expanded alcohol beverage marketplace and impacts to local communities; and further,

That staff report back to Council at a future date should there be an opportunity to explore a pilot program in the future.

## REPORT HIGHLIGHTS:

- The purpose of this report is to provide recommendations in response to the December 13, 2023 motion for staff to explore an open alcohol consumption pilot in parks in 2024.
- The key finding of this report is to defer the pilot at this time.
- Waterloo Region Police Service (WRPS) have expressed concerns regarding capacity, public health and safety and the ability to adequately monitor and enforce a parks pilot.
- Impacts of provincial changes making alcohol more widely available are yet to be seen.
- Staff will continue to work with WRPS and monitor impacts of the Province's changes and consider a pilot in the future.
- Staff have consulted with Parks, By-Law, Economic Development and Legal staff and WRPS
- There are no financial implications associated with this report.

## **BACKGROUND:**

In 2019, the Province of Ontario introduced amendments to the *Liquor Licence and Control Act*, 2019, S.O. 2019, c. 15, (the Act) to allow open consumption in parks. Consuming alcohol in public spaces is governed by both the Provincial legislation and the Municipal Code. If a municipality in Ontario wants to permit alcohol consumption in public spaces, like parks, Council can do so by amending any applicable municipal code or parks bylaw to designate specific public place for this purpose.

To date, only the City of Toronto has proceeded with a pilot program. In May 2022, City of Toronto Council requested staff report back on a potential pilot. The following year, the City of Toronto initiated their pilot program in May 2023. The program in Toronto was deemed to be largely successful and is being expanded to other parks throughout the city.

On December 13, 2023, City of Kitchener Council adopted a motion directing staff to:

- identify key criteria for best practice, and consult with bylaw enforcement staff;
- review potential economic benefits that would derive from such a bylaw change;
- consult with Waterloo Regional Police Services to confirm their support, involvement, education, and enforcement of a pilot;
- explore a pilot that would permit alcohol consumption in Victoria Park, or another suitable park location from July 1, 2024, to October 31, 2024.

Since the motion was passed, the Province has expanded the sales of alcohol which will come into effect starting August 1, 2024. Changes will be phased in and allow for the following:

- August 1, 2024 – existing licensed grocery stores will be able to sell ready-to-drink alcoholic beverages.(ex. Coolers) in addition to beer, cider and wine.
- September 6, 2024 – all eligible convenience stores will be able to sell beer, cider, wine and ready-to-drink alcoholic beverages.
- November 1, 2024 – all eligible grocery and big-box stores will be able to sell beer, cider, wine and ready-to-drink beverages, including in large pack sizes.

The impacts to businesses and the consumption of alcohol because of these changes are yet to be seen.

## **REPORT:**

Staff have gathered feedback/analysis related to the direction and the following report content summarizes the information gathered.

### **1. Criteria**

Staff reviewed the criteria used by the City of Toronto whose goal was to provide outdoor space where alcoholic beverages could be enjoyed; primarily for those living in densely populated areas in high rise units who did not have access to private outdoor space. This need was highlighted during the pandemic. Toronto's criteria included the following:

- Permanent or temporary washroom onsite
- Seasonal drinking water onsite
- Park size at least 1.5 hectares
- Not adjacent to schools, if park is smaller than three hectares

- Access to public transit

In addition, consumption of alcohol is not allowed in the following areas of designated parks:

- within the boundary of an outdoor swimming pool or deck; or
- within the boundary of and a 2 metre radius surrounding a: playground safety surface or playground equipment, wading pool basin or splash pad, skateboard or BMX park, and a natural or artificial outdoor ice rink

Similar criteria was considered for a pilot in Kitchener with some modifications. Few parks in Kitchener's downtown core are 1.5ha in size or larger. With the exception of Victoria Park, most of the downtown parks are smaller. We currently do not provide drinking fountains in our parks, and many of our parks have adjacent schools which would exclude them from a pilot.

In recent years, Victoria Park and its neighboring areas have faced multiple enforcement challenges including the illegal consumption of drugs and alcohol. The community has struggled with addressing these issues and have voiced concerns about piloting this project in Victoria Park. Although some of the larger issues have been addressed by bylaw enforcement staff, there are ongoing bylaw enforcement and WRPS enforcement issues in Victoria Park that continue to persist and staff are actively trying to address these concerns. Victoria Park is therefore not recommended as an eligible park for a pilot.

## **2. Economic Development Considerations**

Economic Development staff have reviewed the proposed pilot and feel that if the public consume alcohol in an appropriate and respectful manner, it could be seen as a positive improvement for those living in and around the Downtown. The ability to have a casual drink while enjoying a picnic or outing with friends could be viewed as a desirable amenity. This is likely to be more appealing to those with limited access to outdoor amenity spaces (ex: those living in multi-unit dwellings); similar to Toronto's approach. Undoubtedly, there will also be members of the Downtown community who may see the consumption of alcohol, regardless of the manner in which it's consumed, as a detractor and negative impact to the park.

Economic Development staff however did express concerns with potential conflicts with event programming in the park (ex: Ribfest, Bluesfest). Three potential issues include:

1. For licensed events, attendees consuming personal alcohol in the park prior to entering the event site (showing no signs of intoxication) and becoming quickly impaired once within the event site. There is potential for the City's risk to increase as a result of permitting open consumption.
2. For licensed events, specific controls are often put in place to segregate those of drinking age and those not. While not permitted by the proposed changes, the risk of underage attendees consuming alcohol within the park prior to entering the event site could increase.
3. For non-licensed events (ex: Multi-Cultural Festival, Kidspark, etc.), the proposed permissions would allow consumption of alcohol amidst the event. For some attendees, this could result in a negative experience or perception of the event.

In terms of direct economic impact, it would be difficult for staff to assess the potential impacts. However, the two scenarios are likely to be an increase in takeout purchases from downtown restaurants to consume in the park, or reduced liquor sales for downtown restaurants as a result of pre-drinking in the park. Recent provincial changes will also have a yet to be seen impact, but are likely to involve increased sales for licensed stores in close proximity to designated parks with lesser impacts on restaurants and other establishments where alcohol is sold.

### **3. Waterloo Regional Police Services (WRPS) Considerations**

Bylaw staff continue to work with WRPS staff whose participation and enforcement of a pilot would be needed. WRPS have expressed concerns with the proposed pilot citing capacity, and public health and safety concerns. Recent data shows an increase in alcohol related incidents throughout the region, and with the coming provincial changes, further impacts are anticipated.

Without WRPS support, the pilot cannot be properly monitored, and age limits cannot be easily enforced as police support would be required as they are the only ones who can enforce laws related to operating a vehicle under the influence, demand identification, and address drinking underage. Furthermore, it is important to note that bylaw enforcement staff are not Smart Serve trained and may lack the ability to assess intoxication levels or effectively enforce regulations. By-law staff are limited in what they can do if they observe individuals preparing to operate a vehicle.

### **4. Legal & Risk Considerations**

Staff have met with our Legal and Risk Management staff to discuss the proposed pilot. Considerable risk and liability to the City were noted. Both groups specifically cited concerns over liquor, occupier liability, joint and several liability, bylaw enforcement and police enforcement. Any consideration of a pilot should proceed with caution and with support from WRPS.

### **5. Provincial Changes Considerations**

The Province is phasing in changes to make alcohol more widely available. Starting in September ready-to-drink alcoholic beverages (ex. Coolers) in addition to beer, cider and wine will be sold at existing licensed grocery store locations. On September 6, 2024, all eligible convenience stores will be able to sell beer, cider, wine and ready-to-drink alcoholic beverages. Lastly, on November 1, 2024, all eligible grocery and big-box stores will be able to sell beer, cider, wine and ready-to-drink beverages, including in large pack sizes. These changes will make the availability of alcohol much broader and although the impacts are yet to be seen, WRPS have expressed their concerns for increased alcohol related incidents.

### **6. Bylaw Enforcement Considerations**

Bylaw staff continue to work closely with WRPS who support city staff on a number of parks related incidents where enforcement is required. Unfortunately, the number of incidents continue to increase particularly at Victoria Park. Not all of these incidents are alcohol

related, but should open consumption of alcohol be permitted in the park, there is a concern by both Bylaw and WRPS that these incidents may increase.

The current parks bylaw does not permit the consumption of alcohol in parks without a Special Occasion Permit from the AGCO. That process remains in place for special events.

**STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

N/A

**COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting.

**PREVIOUS REPORTS/AUTHORITIES:**

There are no previous reports.

**APPROVED BY:**

Denise McGoldrick, General Manager of Infrastructure Services  
Michael May, Deputy CAO, General Manager of Community Services

**ATTACHMENTS:**

none