

No roofs for smoking patios

By Jenny Yuen

TORONTO—Some Ontario bar and restaurant owners are fuming at new province-wide legislation that butts out smoking indoors and on patios with roofs effective May 31.

The government will work with all 36 public health units in the province to ensure that there is adequate enforcement of the new law.

Patrons caught smoking illegally face a \$1,000 fine for the first offence and up to \$5,000 for subsequent convictions. Independent operators also face the same fines. For corporate restaurants, no maximum limit has been set on fines; they would be up to a judge's discretion.

The places that will be hit hardest by the Smoke Free Ontario Act are the ones that spent thousands of dollars installing specially ventilated smoking rooms.

Three-year-old Turf Lounge in Toronto's financial district is such an establishment. Its smoking room is being turned into a space for private meetings at a cost of \$40,000–\$50,000, general manager Ron Hagemans told *ORN* last month. Turf Lounge has no patio, and it cost about \$300,000 to build the smoking room up to code.

He said the room accounted for about 15 per cent of business, most-

ly during cocktail hour and late evening.

Enclosed patios built to accommodate smokers will also be outlawed under the new legislation. There is, however, some confusion as to what defines an enclosed patio, but the gist of it is "it has to have a roof," says health promotion ministry spokesperson Julie Rosenberg. The definition of a roof includes full or partial tarps, awnings and canvas sheetings. "Smoking will be allowed on patios that are truly outdoors without roofs that impede the airflow."

The Canadian Restaurant and Foodservices Association says it hopes to meet with the ministry to clarify details, but in the meantime, operators should gear up for the significant impact the new legislation will have on them.

"Over the last number of years, there have been several hundred operators in the province that have invested in designated smoking rooms that comply with local bylaws and now they'll go down the toilet," said Courtney Donovan, CRFA government affairs manager, in a release, after provincial health officials held a press conference in late February to clarify the new smoking rules.

Continued on page 6

Association aims to clarify smoking law details

Continued from page 1

Donovan said that about 200 municipalities in Ontario currently don't have any non-smoking bylaws, so the provincial legislation will have an impact on the nightclub and bar industry.

"We have questions about overhangs—permanent parts of the building that hang over, that are attached to the building," she said. "We have members that lease their space and they have over-

hangs that they can't do anything about. Are they going to be penalized for that?"

The CRFA hopes to meet with the government soon to discuss the details. Meanwhile, the ministry would have to investigate special cases such as the one Donovan mentions.

The Ontario Restaurant Hotel and Motel Association plays down the new act's impact on the food industry. "It's not different from SARS or 9/11," said Terry Mundell, president of the ORHMA.

"We've been through these cycles before and the 22,000 people in the industry hasn't decreased any in the last four or five years."

"Ontario will be a healthier place to live and work," announced Health Minister George Smitherman last June. "This new law is fair and balanced and creates a level playing field for all businesses by replacing a patchwork of municipal by-laws that regulate smoking in public places and workplaces."