



May 18, 2012

Mayor Bob Bratina,
All Members of City Council
Hamilton City Hall
2nd floor - 71 Main St. West
Hamilton, ON L8P 4Y5

VIA EMAIL

Dear Mayor and Members of Council:

On behalf of The Ontario Restaurant Hotel & Motel Association, (ORHMA) I am writing in response to the Planning Committee's approval of Report PED12085 as presented on Tuesday May 15th in relation to Mobile Food Vending Vehicles within the City of Hamilton.

As you may be aware, The Ontario Restaurant Hotel & Motel Association (ORHMA) is the largest provincial hospitality Association in Canada. With over 4,000 members, representing more than 11,000 establishments across the province, the ORHMA is uniquely positioned to represent the industry's interests at both the Provincial and Municipal levels of government.

In our letter dated March 27th 2012 to City Council members on this same subject, we had asked that the Planning Committee and all members of Council please consider the issues we raised prior to your deliberations over the scope of a food truck pilot project in the City of Hamilton. In good faith, we extended our availability to further discuss those issues as well as to address any other questions which may have arisen in relation to the foodservice industry on this matter. ORHMA was never consulted.

ORHMA was represented at the Planning Committee meeting on May 15th by our Business Development Manager who was provided the opportunity to raise concerns that have been presented to us by our membership. It is our contention that these concerns were not duly considered by the committee and the proposed by-law was approved for consideration by Council without any adjustments being made.

ORHMA is also aware of the additional items that staff has been asked to consider and report back on to the committee at a future date. We would contend that the existing by-law should not be amended until such time that staff can consider the issues raised at committee and report back in order to shape the new by-law accordingly.

Once a more comprehensive by-law can be drafted, the passage of such a by-law should be done on a preliminary or trial basis. There is still an opportunity within Hamilton for a true pilot project which sets restrictions and parameters, establishes a review mechanism, and offers an evaluation at the end of a set period. The pilot should also include an element of collaboration with representatives from the food truck industry, the restaurant industry, Tourism Hamilton, HABIA, and relevant City Staff (Public Health, Economic Development, Licensing, MLE).



ORHMA is not seeking a 'ban' of mobile food vending, nor would we attempt to marginalize the contribution mobile food vendors can make to the industry as a whole. ORHMA's position is simply to ensure that a fair and equitable policy/bylaw is enacted so that neither delivery format is disadvantaged – we are looking to ensure a level playing field from the outset.

The bulk of our comments and questions have all been derived from Hamilton-based restaurants. To assist in these comments and questions, ORHMA reviewed current and past policies and practices from other communities like Calgary, Vancouver, New York City, and other major North American locations. The goal should not be to "re-invent" the wheel, but rather to ensure successes/policies from other municipalities are not overlooked in Hamilton's desire to capitalize on the latest food culture trend.

In all other major municipalities in North America which work with mobile food trucks as part of their landscape, mobile food trucks must adhere to clear regulatory measures, including health permits, business licensing, parking restrictions and zoning laws to name a few. Report PED12085 is lacking specific details in most of these areas and it is for this reason that ORHMA raises concerns about the impact a new by-law will have that does not specifically address these measures to the extent that a by-law should.

ORHMA is asking that the proposed by-law be reconsidered at least until such time that staff can consider the issues raised at committee and report back in order to shape the new by-law accordingly.

Again, we appreciate the opportunity to provide any additional comments or input as required.

Sincerely,

A handwritten signature in black ink, appearing to read "Elenis", is written over a horizontal line.

Tony Elenis
President & CEO
Ontario Restaurant Hotel & Motel Association