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GTA

City aims to ban hookah and shisha smoking on all Toronto patios

Passed in 2015, and upheld after a failed appeal Ontario Court of Appeal in 2017, the current bylaw only covers businesses that are required a licence by the city such as cafés, bars and restaurants.

By **Miriam Lafontaine** Staff Reporter

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The City of Toronto is looking to extend its crackdown on hookah lounges by prohibiting smoking on patios, workplaces and other outdoor areas, in a ban similar to the one on cigarette smoking.

The city says its looking to close a loophole in its bylaws that allow some establishments to evade the ban on hookah lounges. The proposed ban would affect both the smoking of tobacco and of other substances.

[Consultations regarding the proposed ban](#) are open until Friday. Those looking to provide their input can write to the city or fill out a survey online.

Passed in 2015, and upheld after a [failed appeal Ontario Court of Appeal in 2017](#), the current bylaw only covers businesses that are required a licence by the city such as cafés, bars and restaurants.

As a result, many have been able to evade the ban as some lounges are found in places that don't fall under the city's licensing laws, says Coun. Kristyn Wong-Tam (Ward 13, Toronto Centre), who pushed the Medical Officer of Health to revisit the law at a council meeting last October.

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“During that period of time, there were businesses that should have been shut down, because the bylaw should have taken effect, but it was appealed, and did not. Then there were others that seemed to operate outside the rules all together, because they did not have a city licence, (as) they did not need one,” said Wong-Tam, who noted the city had inadvertently created a loophole by creating “two systems.”

Proposed revisions make sure that the licensing requirement is no longer present and these revisions to the law ensure all places allowing patrons to smoke hookah or shisha would be liable to charges and other penalties such as closing orders, she said.

“In general, the proposed approach means that hookah smoking will be regulated in the same way as commercial tobacco, cannabis, and e-cigarettes/vapour products,” Toronto Public Health spokesperson Melissa Simone said.

There are about 44 establishments in Toronto that still allow hookah or shisha smoking, according to data compiled by Toronto’s public health office, and 20 are not required to be licensed under the city’s current bylaw.

The office says it’s carried out 287 inspections on lounges and these led to 102 convictions since the law came into effect in the summer of 2017.

“These non-compliant premises continue to operate despite multiple charges, penalties, and, in some cases, temporary closing orders,” Wong-Tam noted [in a letter to the Toronto Board of Health](#).

As a result, some remain open as their cases are still pending at the courts.

“Any convictions must be based on ... really clearly written and consistent bylaws,” Wong-Tam told the Star. “So, right now, because the bylaw has a loophole, it’s not consistent. So we have to make sure that loophole is closed.”

She also hopes to see more bylaw enforcement officers hired, should the proposal come into effect.

“We want the bylaw to mean something, so there must be some punishment if you break the bylaw,” she said.

Co-owner of Shisha & Co Wael Ben Salman believes that the ban doesn’t make any sense.

“People come to hookah places to socialize; they’re not addicted,” he said. “These people are only looking for places they can come to and talk to each other. My customers only come once a week or once in a month.”

Salman said that the government banning hookah places because it’s not good for health is an unfair argument.

“Cigarettes are not good for health. Neither is marijuana. They’re still legal, aren’t they?” he said.

“People in Toronto, anyway, don’t have a social life. You can’t talk in clubs. You can go to bars, but music is too loud. Shisha places give them a good place to socialize and talk. Maybe hookah is bad for physical health, but it’s good for psychological health,” he added.

According to research carried out by the Ontario Tobacco Research Unit, two hours in a Toronto hookah café is equivalent to smoking 10 cigarettes.

With files from Abhya Adlakha



Miriam Lafontaine is a breaking news reporter, working out of the Star's radio room in Toronto. Follow her on Twitter: [@mirilafontaine](#)

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