

**Operation of Boulevard Café -
Shoxs Billiard Lounge -
2827 Dundas Street West (Davenport)**

(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)

The Toronto Community Council recommends the adoption of the following report (November 12, 1999) from the Manager, Right of Way Management, Transportation Services, District 1:

Purpose:

To report on the operation of the boulevard cafe fronting 2827 Dundas Street West during the 1999 cafe season.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendation:

It is recommended that City Council approve the continuation of the licence for the boulevard cafe fronting 2827 Dundas Street West, with the same terms and conditions as previously approved, i.e., 11:00 p.m. closing time, 7 days a week, since there were no complaints received from the neighbourhood.

Background:

City Council, at its meeting of April 13, 14 and 15, 1999, in considering a motion by Councillor Fotinos, reinstated the licensed boulevard cafe privileges fronting 2827 Dundas Street West, subject to the licence holder complying with the criteria set out in § 313-36 of Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code; and

- (a) the licence holder being prohibited from playing music on the patio or having any music emanating from within the cafe;
- (b) the patio being closed and cleared by 11:00 p.m.; and
- (c) the licence holder installing and maintaining garbage and recycling receptacles.

In addition, the Commissioner of Works and Emergency Services was requested to report back at the end of the 1999 café season on the operation of the cafe.

Comments:

City Council, at its meeting of April 16, 1998, granted permission for the applicant to erect a temporary patio subject to:

- (1) the Commissioner of Works and Emergency Services reporting to the meeting to be held by the Toronto Community Council on June 24, 1998 on any problems with the establishment at 2827 Dundas Street West;
- (2) the owners being prohibited from playing music on the patio or having any music emanating from within the cafe;
- (3) the patio being closed and cleared by 11:00 p.m.; and
- (4) the owners installing and maintaining garbage and recycling receptacles.

A temporary cafe licence (expiry date June 30, 1998) for the cafe at 2827 Dundas Street West was issued to Mr. Koutoumanos on May 25, 1998 and we were requested to report on the operation of the boulevard cafe to the Toronto Community Council for its meeting of June 24, 1998.

A report dated June 10, 1998 was submitted to the Toronto Community Council for its meeting of June 24, 1998, however, although Mr. Koutoumanos had erected his cafe fence, he did not operate the cafe due to cool weather conditions.

Subsequently, City Council, at its meeting of July 29, 30, and 31, 1998, revoked the temporary cafe licence based upon the advice of the Ward Councillors. The decision to revoke the temporary cafe licence was attributed to information provided by the Toronto Police Service. It became apparent that the information that was provided by the Toronto Police Service was misleading and City Council, at its meeting of April 13, 14 and 15, 1999, in considering a motion from Councillor Fotinos, decided to reinstate the cafe licence fronting 2827 Dundas Street West with the same conditions as the previous licence. In addition, City Council requested the Commissioner of Works and Emergency Services to report back at the end of the 1999 cafe season on the operation of the cafe.

A temporary licence (expiry date October 31, 1999) for the cafe fronting 2827 Dundas Street West was issued on May 6, 1999.

Periodic inspections during the 1999 cafe season confirmed that the proprietor complied with the restrictions of the boulevard cafe agreement and the other requirements of § 313-36 of Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code, including the closing time restriction of 11:00 p.m.

In addition, we have not received any complaints from members of the public or Toronto Police Service pertaining to noise or other disturbances at the subject location.

Conclusions:

Given that the cafe operated during the 1999 cafe season without any incidents, we recommend the continuation of the licence.

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