

**Operation of Boulevard Café -
Cafe Aquario - Lakeview Avenue Flank -
1212 Dundas Street West (Trinity-Niagara)**

(City Council on December 14, 15 and 16, 1999, amended this Clause, to provide that the closing time for the boulevard café on the Lakeview Avenue flank of 1212 Dundas Street West be changed from 10:00 p.m. to 11:00 p.m.)

The Toronto Community Council recommends the adoption of the following report (November 15, 1999) from the Manager, Right of Way Management, Transportation Services, District 1:

Purpose:

To report on the operation of the boulevard cafe on the Lakeview Avenue flank of 1212 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 on the Lakeview Avenue flank of 1212 Dundas Street West, with the same terms and conditions as previously approved, i.e., 10:00 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 16, 1998, approved the application for a boulevard cafe on the Lakeview Avenue flank of 1212 Dundas Street West, notwithstanding the negative result of the public poll, and that such approval be subject to:

- (a) the applicant complying with the criteria set out in § 313-36 of the Municipal Code Chapter 313, Streets and Sidewalks;
- (b) the patio being closed at 10:00 p.m.;
- (c) there being no outside music; and
- (d) the Commissioner of Works and Emergency Services reviewing the matter in one year.

Comments:

A license for the cafe on the Lakeview Avenue flankage of 1212 Dundas Street West (Cafe Aquario) was issued on August 31, 1998.

During the 1999 cafe season, the operation of the boulevard cafe was monitored periodically. Inspections identified that on two occasions, namely; August 1 and 14, 1999, the cafe was in use beyond the 10:00 p.m. closing time restriction. Accordingly, the owner was issued a Notice of Advice and advised in writing that the cafe must operate in accordance with all of the terms and conditions listed in the boulevard cafe agreement and the other requirements of § 313-36 of Municipal Code Chapter 313, Streets and Sidewalks, including the closing time restrictions. Following notification to the cafe operator, there were no further incidents.

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:

Although the cafe operator had operated his cafe beyond the closing time restriction of 10:00 p.m. on two separate occasions, it would appear that the problem was rectified upon the cafe operator receiving notification to comply. It is therefore recommended that the licence be renewed annually under the present terms and conditions. However, should there be any further incidents of the cafe operating beyond the closing time restriction of 10:00 p.m., that I be directed to report to City Council on the cancellation of the boulevard cafe licence.

Contact:

Ken McGuire, Supervisor, Construction Activities
Telephone: 392-7894, Fax: 392-0816, E-mail: kmcguire@city.toronto.on.ca

Curtis Sealock, District Manager, South District, Municipal Licensing and Standards
Telephone: 392-7616, Fax: 392-0677, E-mail: csealock@city.toronto.on.ca