

**Curb Lane Vending Permit -
Richardson Street, West Side, 20 m North of Queens Quay East
and Extending a Further 5.5 m North (Downtown)**

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

The Toronto Community Council recommends that the application for curbside vending on Richardson Street, west side, 20 m north of Queens Quay East and extending a further 5.5 m north be denied.

The Toronto Community Council submits the following report (November 17, 1999) from the Manager, Right of Way Management, Transportation Services, District 1:

Purpose:

To report on an appeal of staff's refusal of a curbside vending application, which was denied because the location is within 25 m of a business selling similar products and a written objection was received. As this is a matter of public interest, it is scheduled as a deputation item.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that:

- (1) City Council deny the application for curbside vending on Richardson Street, west side, 20 m north of Queens Quay East and extending a further 5.5 m north;

OR

- (2) City Council approve the application for curbside vending on Richardson Street, west side, 20 m north of Queens Quay East and extending a further 5.5 m north, notwithstanding a minimum of 25 m distancing between businesses selling similar products cannot be met and the objection received by the adjoining property occupant, and that such approval does not comply with the criteria set out in the former City of Toronto Municipal Code Chapter 315, Street Vending.

Background:

Mr. Atilla Khalili, in his letter of June 29, 1999, has requested an appeal of staff's decision to refuse an application for a curbside vending permit on Richardson Street, west side, 20 m north of Queens Quay East and extending a further 5.5 m north.

Comments:

Mr. Atilla Khalili, 251 Milverton Avenue, Toronto, Ontario M4J 1V6, applied on May 13, 1999 for a curb lane vending permit on Richardson Street, west side, 20 m north of Queens Quay East and extending a further 5.5 m north, as shown on the attached sketch (Attachment No. 1).

Mr. Atilla Khalili proposes to vend hot dogs, sausages, french fries and cold drinks.

Initially, the information provided to staff at the time of inspection, the application complied with the physical and administrative requirements of former City of Toronto Municipal Code Chapter 315, Street Vending, and we notified the adjacent property owner for their comments, if any. Mr. Charles Khabouth, Manager of The Government/Warehouse, 132 Queens Quay East, Toronto, Ontario M5A 3Y5, has submitted a letter of objection dated May 26, 1999 (Attachment No. 2) regarding this location.

Under the procedural rules of the Municipal Code, where a written objection to the issuance of a vending permit has been received, and in light of further information regarding food services being offered on the adjacent lot within 25 m of the proposed vending location, we refused the application. The applicant then had 30 days from receipt of our notice to request an appeal to the Toronto Community Council.

Staff have met with Mr. Khalili and confirm that we cannot issue a vending permit under Municipal Code Chapter 315, Street Vending, of the former City of Toronto Municipal Code, because we have received a letter of objection and subsequently determined that the application is within 25 m of a business selling similar products.

In order to assist your Committee with the evaluation of Mr. Khabouth's concerns, they are summarized below along with the staff's response:

Concern #1: The proposed vending location will interfere with the cost recovery and prosperity of the Government's restaurant, patio grills and other food concessions.

Staff Response: Municipal Code Chapter 315, Street Vending, of the former City of Toronto Municipal Code, requires a minimum 25 m separation between businesses selling similar products.

The Government/Warehouse operates food/hotdog carts on their lot outside the building, during their business hours. These carts would be in close proximity to the applicant's location. Municipal Licensing and Standards Division of Urban Planning and Development Services has confirmed that 132 Queens Quay East is classified as an Entertainment Facility and therefore, currently food/hot dog vending on their private lot is a permitted use.

Conclusions:

As this application does not comply with the physical requirements of the Municipal Code and a written objection has been received, staff can not issue Mr. Atila Khalili a permit.

On hearing of depositions, the Toronto Community Council must decide whether or not to recommend that City Council grant the appeal.

Contact:

Barrie Chavel, Supervisor, Street Events

Telephone: 392-0839, Fax: 392-7465, E-mail: bchavel@city.toronto.on.ca

Curtis Sealock, District Manager, South District, Municipal Licensing and Standards Division

Telephone: 392-7616, Fax: 392-0677, E-mail: csealock@city.toronto.on.ca

The Toronto Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, a communication (November 25, 1999) from Councillor Rae, and a copy thereof is on file in the office of the City Clerk.

(A copy of Attachment No. 2 referred to in the foregoing report was forwarded to all Members of the Toronto Community Council with the agenda for its meeting on December 2, 1999, and a copy thereof is on file in the office of the City Clerk)