



**STAFF REPORT
ACTION REQUIRED**

**Application for Outdoor Café Encroachment Agreement
4906 Dundas Street West**

Date:	May 11, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 05 - Etobicoke-Lakeshore
Reference Number:	ML&S Folder No. 04-123250 RAW

SUMMARY

To report on an application submitted by the new owner to maintain/transfer an existing Encroachment Agreement to lease 9.85 square metres of the municipal boulevard for the purposes of an outdoor café at 4906 Dundas Street West, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that the Etobicoke York Community Council approve: the application for an Encroachment Agreement to lease 9.85 square metres of the municipal boulevard for the purposes of an outdoor café at the front of 4906 Dundas Street West as indicated on Attachment 1 be approved in accordance with the former Municipality of Metropolitan Toronto By-Law 41-93, as amended, subject to the applicant fulfilling the following conditions:

1. the City Solicitor to be authorized to enter into an encroachment agreement for the proposed encroachment;
2. the applicant to pay all fees associated with the preparation of this agreement, and an annual fee to be paid to the City of Toronto for use of the road allowance in the amount of \$ 11.00 per square metre, plus GST. All fees are subject to change;

3. comply at all times with regulations set out in the former Metropolitan Toronto By-Law 41-93, as amended;
4. the signed agreement to be returned to the City along with the required Certificate of Insurance, evidencing a third party bodily injury and property damage insurance in the amount of Two Million Dollars (\$2,000,000.00) or such other coverage and greater amount as the City may require, and naming the City of Toronto as an additional insured party under the policy;
5. the said Certificate of Insurance to be renewed and a copy thereof submitted to Municipal Licensing and Standards on an annual basis for the life of the encroachment;
6. the applicant operate the boulevard café in compliance with the requirements for Municipal Code, Chapter 591, Noise;

FINANCIAL IMPACT

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

ISSUE BACKGROUND

An application has been submitted by the new owner of “Gusto Café” to operate an existing Outdoor Café within the road allowance at the front of the premises at 4906 Dundas Street West that was previously approved by the City of Toronto in the fall of 2004 for the previous business operator.

COMMENTS

This application is to reflect a change of ownership at the subject property and to allow the new business operator to operate the outdoor café by processing and approving the required encroachment application, subject to the above-referenced conditions being met.

CONTACT

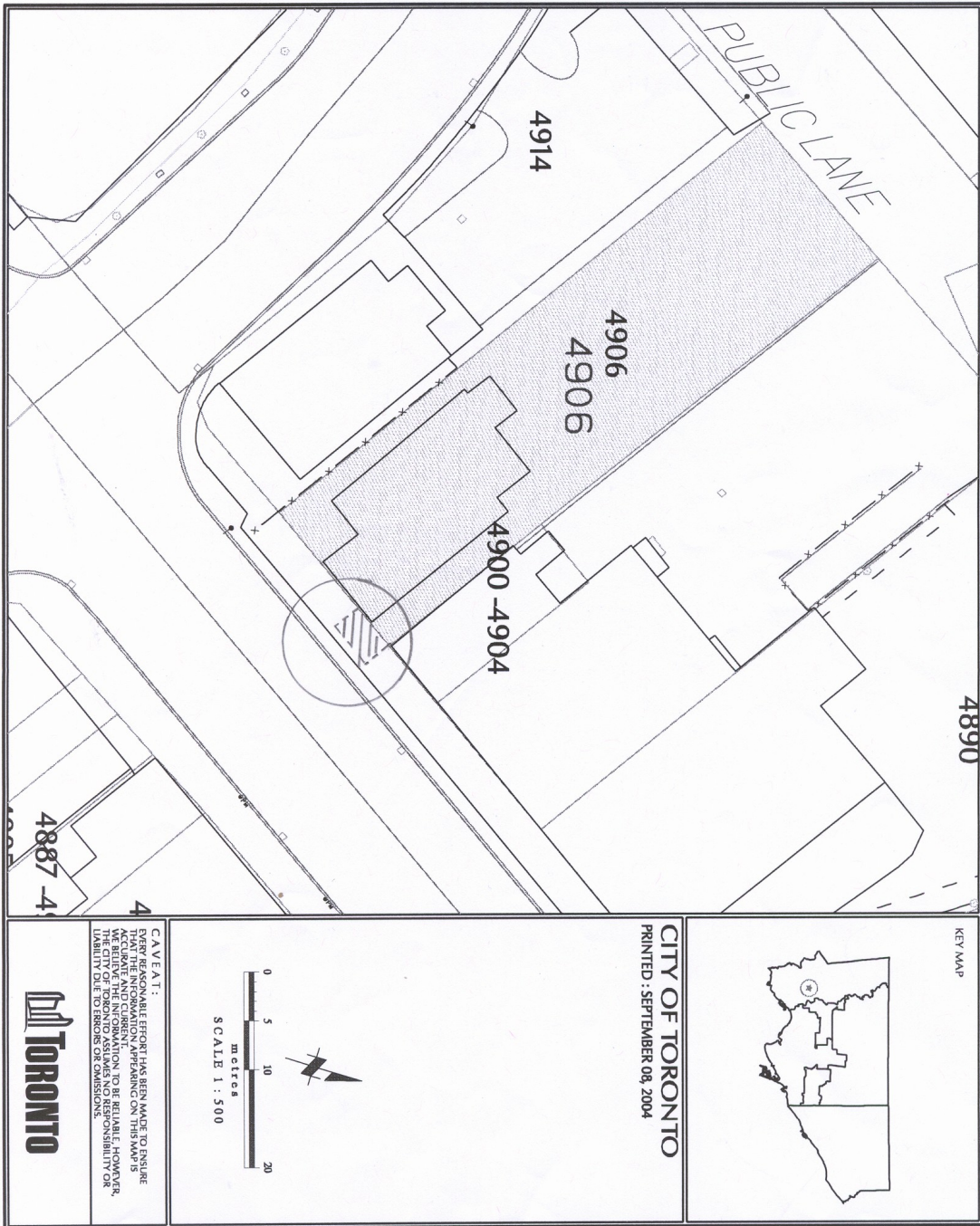
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SIGNATURE

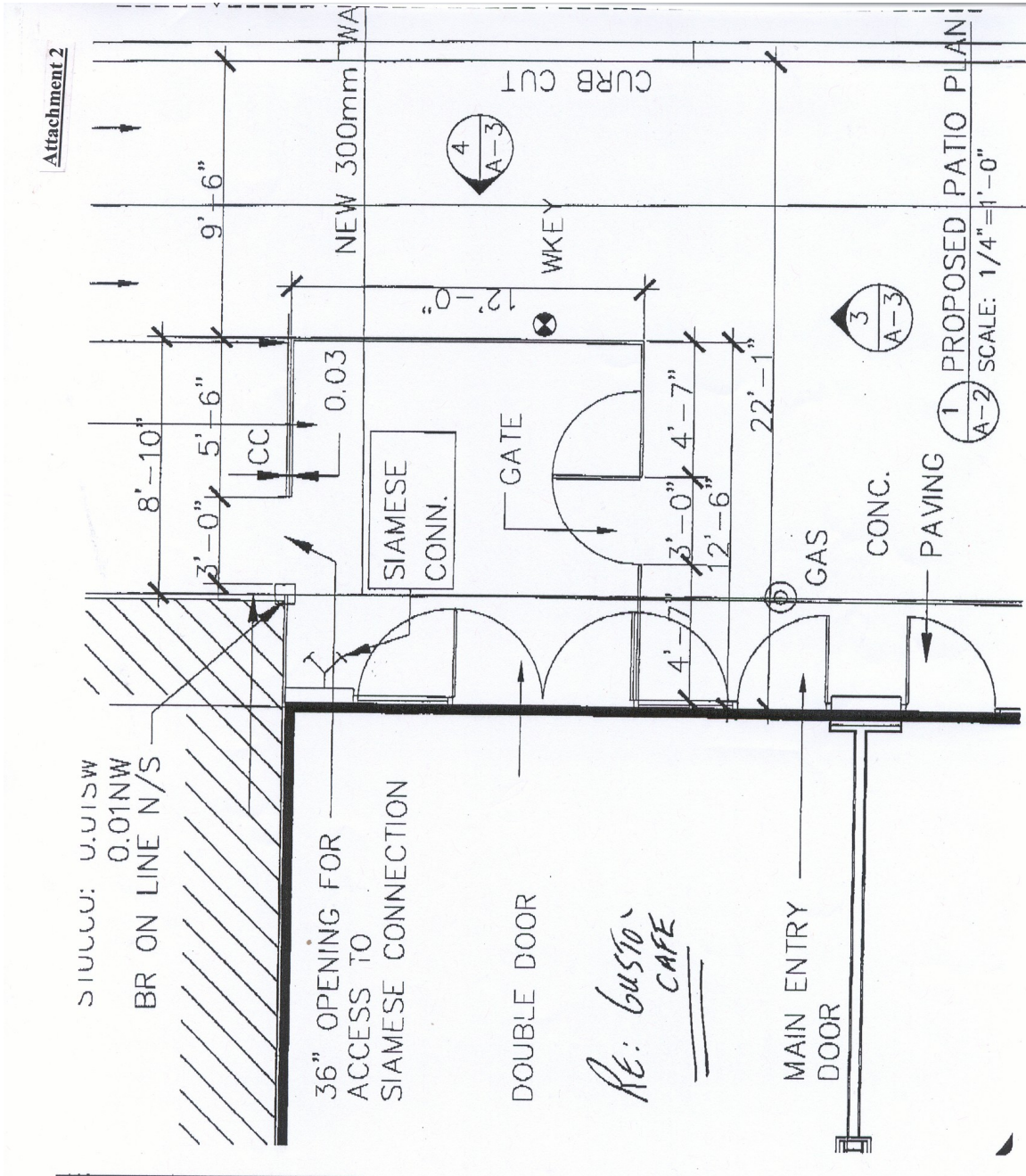
Curtis Sealock, District Manager
Etobicoke York District
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1 - Property data sheet of the proposed location
Attachment 2 - Sketch of café location



Attachment 1 – Property data sheet of the proposed location



Attachment 2 – Sketch of café location