



**STAFF REPORT
ACTION REQUIRED**

Appeal of the denial of a Boulevard Café – 1018 St Clair Avenue West

Date:	May 7, 2007
To:	Etobicoke York Community Council
From:	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 17 – Davenport
Reference Number:	

SUMMARY

This staff report is a about a matter for which the community council has delegated authority from City Council to make a final decision.

To report on the refusal to issue a permit by the Municipal Licensing and Standards, based on the results of the public poll conducted in the matter, of an application for a boulevard café licence at 1018 St Clair Avenue West.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council deny the application for a boulevard cafe licence at 1018 St. Clair Avenue West.

Financial Impact

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

DECISION HISTORY

An application for a boulevard café on the Appleton Avenue flankage of 1018 St Clair Avenue West was received from Sarann Chhouk operating as Khmer Thai Restaurant. The application submitted was seeking permission to establish a boulevard café on the Appleton Avenue flankage for 24.1 m² which would accommodate approximately 21 patrons.

As the proposed boulevard café flanks a residential district, a public poll was conducted in accordance with the polling provisions of the City of Toronto Municipal Code Chapter 90 from which a negative response was received. (Attachment No.1)

On June 15, 2006 a letter from Municipal Licensing and Standards was sent to Sarann Chhouk advising of the refusal of the application for a boulevard café licence based on the negative outcome of the poll. (Attachment No.2)

ISSUE BACKGROUND

This application meets the physical criteria for a boulevard café, as set out in Chapter 313, Section 313-36 of the former City of Toronto Municipal Code.

As the proposed café flanks a residential district, the former City of Toronto Municipal Code Chapter 313 requires a public poll of owners and tenants within 120 metres of the proposed café. If the majority of ballots cast are in favour of the application, the application is approved. If the majority of ballots cast are opposed to the application, the Commissioner must refuse the application. If there is a negative response, re-polling for the same purpose may not take place until two years have passed from the closing date of the previous poll.

A poll dated May 3, 2006 to June 2, 2006 was conducted for Appleton Avenue flankage, in English, Italian, Portuguese and Spanish between the premises from 12 to 40 and 1 – 31 Appleton Avenue and 1002, 1006 and 1018 St Clair Avenue West Avenue, to determine neighbourhood support. The results of the poll were as follows:

Polling Summary

Ballots cast		8
Opposed	5	
in favour	3	
No response		50
Returned by post office		2
Total ballots issued		60

COMMENTS

Chapter 313, Section 313-36 A(6) of the former City of Toronto Municipal Code requires Municipal Licensing and Standards, to refuse the application where the results of a poll are not in favour of the application.

CONTACT

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SIGNATURE

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Licensing
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List of Attachments

Attachment No. 1 – Polling Results
Attachment No. 2 – Letter of refusal
Attachment No. 3 – Sketch of proposed boulevard café area