

Extract from consolidated Clause in North York Community Council Report 7, which was received, for information, by City Council on September 25, 26 and 27, 2006.

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## Other Items Considered by the Community Council

(The Community Council is authorized to take certain actions without Council's approval. These actions are listed in this Clause for Council's information).

*City Council on September 25, 26 and 27, 2006, received this Clause for information.*

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(b) **Boulevard Leasing Agreement - 2178 Eglinton Avenue West (Ward 15 – Eglinton-Lawrence)**

**The North York Community Council deferred consideration of the report (July 26, 2006) from the Manager, Municipal Licensing and Standards, North York District, to its first meeting in January, 2007:**

Report (July 26, 2006) from the Manager, Municipal Licensing and Standards, North York District, reporting on a request by the owner of Bar Spazio 3000, to lease approximately 10.0 square metres of the municipal boulevard at 2178 Eglinton Avenue West, for the purpose of a boulevard Patio Café.

Recommendations:

It is recommended that the Boulevard Lease Agreement application be approved, subject to the following conditions:

- (a) That the area be no greater than 4.1 metres in width by 2.4 metres in length with a 1.0 metre clearance to the neighbouring planter box at the westerly limit of the property;
- (b) That the applicant enter into a Boulevard Lease Agreement with the City for a Patio Café license to the satisfaction of the Executive Director Municipal Licensing & Standards;
- (c) That the Boulevard lease Patio Café license be renewable on an annual basis with the appropriate insurance in place and any required fee being paid;
- (d) That a Street Allowance construction permit, as necessary, be acquired for any resurfacing of the area of occupancy, or attachment to or alteration thereof;
- (e) That no claims will be made against the City by the owner(s) for damages occurring to the patio, equipment, enclosure or its elements during snow removal;

- (f) That the occupancy permitted by the license is to be removed by the owner, at the expense of the licensee, within 30 days of receiving written notice from the Executive Director of Municipal Licensing & Standards;
- (g) The licensee agrees that the City, or any gas, telephone, telegraph, electric light or other public utility company, shall have the right at all times to enter upon the permitted encroachment for the purpose of constructing, repairing, maintaining, replacing or removing any sewer, mains, culverts, drains, water pipes, pole wires or other underground services and installations. The licensee shall not be entitled to any damages or compensation by reason of the exercise of the City and utility company's rights; and the licensee, at his own expense, shall carry out such alterations or removal of the encroachment as may be directed by the City;
- (h) In default of the removal not occurring as directed, the City may carry out the removal, at the expense of the licensee, and may recover the costs incurred by legal action or in a like manner as municipal taxes;
- (i) The licensee under the agreement must provide the City of Toronto with a certificate of insurance evidencing a third party bodily injury and property damage insurance in an amount not less than \$2,000,000 or such other coverage and greater amount as the City may require, and naming the City of Toronto as additional insured party under the policy;
- (j) The licensee will, at his expense and to the satisfaction of the Executive Director of Municipal Licensing & Standards, keep and maintain the boulevard café enclosure and all or any of its components in a good and proper state of repair and safety, and will not make any additions or modifications beyond what is allowed pursuant to the terms of the License permit;
- (k) The licensee pay an annual fee to the City of Toronto in accordance with former City of York Municipal Code Chapter 1004.12, namely \$25.00 plus \$5.50 per square metre, including G.S.T. All fees are subject to change;
- (l) The licensee will secure an endorsement on their business license for a patio from Municipal Licensing & Standards.
- (m) The patio is for temporary seasonal use only for the period between May 1<sup>st</sup> and September 30<sup>th</sup>;
- (n) Remove the fence and all furniture from the public right-of-way at the end of each season, and thereafter immediately restore the boulevard at no cost to the City of Toronto;
- (o) No music shall be played on the exterior and the patio shall be closed no later than 11:00 p.m. in strict accordance with Chapter 591 of the Toronto Municipal Code, Noise.