



## STAFF REPORT ACTION REQUIRED

Appeal of the denial of a request for the extension of the boulevard café operating hours from 11:00 pm to 12:00 am at 175 Bloor St E

<b>Date:</b>	June 11, 2007
<b>To:</b>	Toronto East York Community Council
<b>From:</b>	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
<b>Wards:</b>	27 Toronto Centre-Rosedale.
<b>Reference Number:</b>	

### **SUMMARY**

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This staff report is about a matter for which the Toronto East York Community Council has delegated authority from City Council to make a final decision.

To report on an appeal received on June 8, 2007 from Jennifer Gill and Anita Upenieks of the denial of a request for the extension of the boulevard café operating hours from 11:00 pm to 12:00 am at 175 Bloor Street East, Bishop & Belcher Pub. **(Attachment No. 3).**

### **RECOMMENDATIONS**

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Toronto East York Community Council may recommend that the request for an extension of the operating hours of the boulevard café, from 11:00 pm daily to 12:00 am daily, for the establishment known as Bishop & Belcher Pub at 175 Bloor Street East on the Hayden Street flankage be denied and in doing so, no extension of the operating hours for the boulevard café be granted.

#### **Financial Impact**

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

## **DECISION HISTORY**

An application for a boulevard café on the Hayden Street flankage of 175 Bloor Street East was received from Jennifer Gill and Anita Upenieks representing Beaumaris Enterprises Inc. operating as Bishop and the Belcher Pub. The application submitted was seeking permission to establish a boulevard café on the Hayden Street flankage for 88.36 square metres, which would accommodate approximately 79 patrons.

As the proposed boulevard café flanks a residential district, a public poll was conducted in accordance with the polling provisions of the former City of Toronto Municipal Code Chapter 90. The majority of ballots returned indicated a positive response.

The permit to operate the boulevard café was issued on June 16, 2006 in accordance with Chapter 313, of the former City of Toronto Municipal Code.

## **ISSUE BACKGROUND**

On April 27, 2007 Municipal Licensing & Standards received a request from Councillor Rae on behalf of the business owners Jennifer Gill and Anita Upenieks to extend the operating hours of the boulevard café located at 175 Bloor Street East, operating as Bishop & Belcher Pub from 11:00 pm to 12:00 am daily. (**Appendix No. 1**)

The operating hours of a boulevard café located on a residential flankage are outlined in the former City of Toronto, Municipal Code, Chapter 313, Section F (2) (a) which states that; where a boulevard café flanks a residential district the owner and occupant shall ensure the boulevard café is closed and cleared by 11:00 p.m. or where Council has authorized extended hours of operation, the closing time as authorized by Council.

In accordance with the provisions of the former City of Toronto, Municipal Code, Chapter 313 the application for extended hours was refused and the client was notified in writing on June 6, 2007 of the refusal. (**See Appendix No. 2**)

## **COMMENTS**

In accordance with the provisions of the former City of Toronto, Municipal Code, Chapter 313, the time restriction provision is in place in order to ensure that the area residents are not disturbed by or unreasonably impacted in the evening hours by elevated ambient noise generated by the café patrons

Due to the size of the café and proximity to the residential community the café operating hours should remain restricted to 11:00 pm daily.

## **CONTACT**

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## **SIGNATURE**

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Richard Mucha, Manager  
Licensing  
Municipal Licensing and Standards

## **LIST OF ATTACHMENTS**

1. Attachment No. 1 - Request from Councillor Rae
2. Attachment No. 2 - Letter of denial
3. Attachment No. 3 - Request for appeal
4. Attachment No. 4 - Photos of boulevard café area
5. Attachment No. 5 - Sketch of boulevard café area