



## STAFF REPORT ACTION REQUIRED

### Appeal of the denial of a Boulevard Café – 802 Dundas Street West

<b>Date:</b>	August 21, 2007
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
<b>Wards:</b>	Ward 19 – Trinity Spadina
<b>Reference Number:</b>	

#### SUMMARY

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

To report on the results of a public poll and 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 permit at 802 Dundas Street West as requested by Councillor Pantalone. (**Appendix No. 1**)

#### RECOMMENDATIONS

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Municipal Licensing and Standards recommends that the Toronto and East York Community Council deny the application for a boulevard cafe permit at 802 Dundas Street West.

#### FINANCIAL IMPACT

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

#### DECISION HISTORY

An application for a boulevard café on the Palmerston Avenue flankage of 802 Dundas Street West was received on March 1, 2007 from Helder Costa operating as Caldense Bakery & Pastries V111 Inc. The application submitted was seeking permission to

establish a boulevard café on the Palmerston Avenue flankage for 27.16 m<sup>2</sup> which would accommodate approximately 24 patrons. **(Appendix No. 3)**

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 190 from which a negative response was received.

On May 30, 2007 a letter from Elections and Registry Services was sent to each ballot recipient advising of the refusal of the application for a boulevard café permit based on the negative outcome of the poll. **(Appendix No.4)**

## **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.

A poll dated May 31, 2007 to June 29, 2007 was conducted by the City Clerks Office, Elections and Registry Services for Palmerston Avenue flankage, in English, between the premises from 161 to 187 Palmerston Avenue, 166 – 204 Palmerston Avenue and including 800, 802 and 804 Dundas Street West Avenue, to determine neighbourhood support.

The results of the poll received from Elections and Registry Services indicate that the response to the poll did not meet the provisions of Municipal Code Chapter 190, Section 190-8A which states: that a poll will be considered valid when at least 25% of the ballots mailed have been returned. This poll did not meet the benchmark and therefore is invalid. **(Appendix No.2)**

## **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.

In addition no further application can be accepted until June 30, 2009.

## **CONTACT**

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## **SIGNATURE**

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Municipal Licensing and Standards

## **APPENDICES**

Appendix No. 1 – Request from Councillor Pantalone  
Appendix No. 2 – Polling results  
Appendix No. 3 – Sketch of proposed boulevard café area  
Appendix No. 4 – Notification of ballot recipients of negative response from City  
Clerks Office, Elections and Registry Services