



**STAFF REPORT  
ACTION REQUIRED**

**Appeal of the denial of a Boulevard Café – 496 - 500  
Bloor Street West**

<b>Date:</b>	November 14, 2007
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Richard Mucha, Manager, Licensing Services, Municipal Licensing & Standards
<b>Wards:</b>	Ward 20 – 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.

The application for a boulevard cafe permit at 496 – 500 Bloor Street West was refused by Municipal Licensing and Standards based on the results of a public poll. The applicant, 2098595 Ontario Limited, operating as Aroma Espresso Bar, has appealed the staff decision. (**Appendix No. 1**)

**RECOMMENDATIONS**

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**Municipal Licensing and Standards recommends:**

1. That the Toronto and East York Community Council deny the application for a boulevard cafe permit at 496 – 500 Bloor Street 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 Albany Avenue flankage of 496 – 500 Bloor Street West was received on April 3, 2007 from 2098595 Ontario Limited operating as Aroma Espresso Bar. The application submitted was seeking permission to establish a

boulevard café on the Albany Avenue flankage for 84.47 m<sup>2</sup> which would accommodate approximately 75 patrons. (**Appendix 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. This poll did not meet the benchmark and therefore is invalid.

On August 3, 2007 a letter from Municipal Licensing and Standards was sent to the applicant advising of the refusal of the application for a boulevard café permit based on the 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. If the majority of ballots cast are not in favour of 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. 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**)

A poll was conducted between July 4, 2007 and August 2, 2007 by the City Clerk's Office, Elections and Registry Services, for the Albany Avenue flankage. The poll was sent to the premises from 9 to 43 Albany Avenue, 8 to 44 Albany Avenue and 494 and 496 Bloor Street West Avenue, to determine neighbourhood support.

## **COMMENTS**

The applicant's request for an appeal was accompanied by a petition signed by over six hundred area residents in support of the application

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 August 3, 2009.

## **CONTACT**

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## **SIGNATURE**

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Richard Mucha, Manager  
Licensing Services  
Municipal Licensing and Standards

## **ATTACHMENTS**

- Appendix No. 1 – Appeal Request from 2098595 Ontario Limited
- Appendix No. 2 – Polling results
- Appendix No. 3 – Sketch of proposed boulevard café area
- Appendix No. 4 – Notification to 2098595 Ontario Limited of the denial of the sidewalk/boulevard café permit from Municipal Licensing and Licensing