

**Boulevard Café Application  
616 Vaughan Road**

<b>Date:</b>	August 15, 2008
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 15 – Eglinton - Lawrence
<b>Reference Number:</b>	IBMS No. 08 151476

**SUMMARY**

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This Staff Report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws.

The purpose of this Report is to consider a request by the applicant of 616 Vaughan Road, being a Local Commercial Residential Zone (LCR) for a Boulevard Café. The proposed Boulevard Café consists of a total area of 38 square metres located on the City road allowance.

**RECOMMENDATIONS**

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**Municipal Licensing and Standards recommends that the Boulevard Café application not be granted.**

**FINANCIAL IMPACT**

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There is no financial impact anticipated resulting from the adoption of this report.

**DECISION HISTORY**

The Boulevard Café application was previously adopted at City Council on June 14, 15 and 16, 2005 with conditions and requirements according to City of York Street Chapter 1004.

On March 23 and 31, 2007 there were offences laid under the Alcohol & Gaming Commission of Ontario and convictions were registered.

Toronto Police Services received seven complaints in 2007. These included Criminal Code offences and noise violations.

On October 30, 2007, notification was sent to the Licensee advising that the patio license would not be renewed and that the patio enclosure along with the furniture be removed in 30 days. They complied with the request.

A new application was received from the occupant in April 2008 and was circulated to Transportation Services.

## **ISSUE BACKGROUND**

The encroachments on the City road allowance would be as follows:

- (a) A boulevard patio café enclosed with a 1.2 metre high wrought iron fence approximately 3.69 metres x 10.36 metres, for a total of 38 square metres.

## **COMMENTS**

Transportation Services, North York District staff, as part of the review, have indicated that the patio fence enclosure be located no less than 0.46 metres to the rear of the public sidewalk.

Municipal Licensing and Standards, North York District does not recommend approval of the Boulevard Café because of concerns from the Toronto Police Services, the area Councillor and the community, regarding the behaviour of patrons using the Boulevard Café.

Should the recommendation not be accepted and the request approved, it be subject to the following conditions:

1. That the applicant install the patio fence enclosure no less than 0.46 metres to the rear of the public sidewalk, to the satisfaction of Transportation Services, North York District;
2. That the boulevard café license be renewable on an annual basis with the appropriate insurance in place and the required fee being paid;
3. That a street allowance construction permit, as necessary, be acquired for any resurfacing of the area of occupancy, or attachment to or alteration thereof;
4. 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;
5. 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 and Standards;

6. 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;
7. 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;
8. 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;
9. The licensee will, at his expense and to the satisfaction of the Executive Director of Municipal Licensing and 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;
10. 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;
11. The licensee will secure an endorsement on their business license for a patio from Municipal Licensing & Standards;
12. 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;
13. The patio is for temporary seasonal use only during the period between May 1<sup>st</sup> and September 30<sup>th</sup>;
14. 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;
15. The City may cancel this lease agreement at its discretion in the event that Town Talk Restaurant & Bar Inc. is convicted of any liquor license violation by the Alcohol and Gaming Commission of Ontario; and

16. The Alcohol and Gaming Commission of Ontario be advised of this condition and be requested to agree to note it on file and advise the City in the event of such a conviction.

## **CONTACT**

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## **SIGNATURE**

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Bryan Byng, District Manager  
Municipal Licensing and Standards  
North York District

## **ATTACHMENTS**

1. Site Plan
2. Photograph