



**STAFF REPORT
ACTION REQUIRED**

**Cancellation of Sidewalk/Boulevard Vending – Permit
Number 2109T**

Date:	May 22, 2008
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Municipal Licensing and Standards, Licensing Services
Wards:	Ward 27 - Toronto Centre-Rosedale
Reference Number:	

SUMMARY

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 cancellation of a sidewalk/boulevard vending operation under Permit Number 2109T due to the construction of a new building and a request from the vendor seeking relief from the existing vending moratorium in Wards 20, 27, and 28 to allow for an application for a new location.

RECOMMENDATIONS

The Municipal Licensing and Standards Division recommends that:

1. The existing sidewalk/boulevard vending permit be cancelled; **AND**
2. The Toronto and East York Community Council grant relief from the moratorium in order to allow for an application to be considered; **OR**
3. The Toronto and East York Community Council refuse to grant relief from the moratorium, thereby requiring that the vendor apply for an alternate location outside of the moratorium area.

Financial Impact

There are no financial implications arising from adoption of this report.

DECISION HISTORY

On December 12, 1987 Vending Permit No. 2109T was issued to Georgios Mitzithras to operate a sidewalk/boulevard vending cart selling hot dogs, sausages and cold drinks on Yorkville Avenue north side 3.96m west of Hazelton Avenue located in Ward 27. This permit has been maintained in good standing since the date of issuance.

As a result of construction activities, the vendor cannot return to the original vending location. The original location is now directly in front of the main entrance of a newly built condominium complex and restaurant. The physical criteria as stated in the former City of Toronto, Municipal Code Chapter 315 prohibits any vending location from fronting a building entrance or display window.

ISSUE BACKGROUND

Vending permits are processed in accordance with the provisions of former City of Toronto Municipal Code Chapter 315. There are no processes or provisions for the relocation of vendors. As such any alternate location would need to be processed as a new application.

As of March 2002 City Council imposed a moratorium on vending permits in Wards 20, 27 and 28, which is to remain in effect until such time as the vending by-law has been harmonized. This moratorium precludes Municipal Licensing and Standards from accepting any new application or issuing any new vending permits in the moratorium area.

COMMENTS

The original vending location was situated at the back of the sidewalk 3.96 metres west of Hazelton Avenue. (**Appendix 1 and 2**)

During the course of the construction of the new building at 116 Yorkville Avenue the vending operation was suspended.

Transportation Services provided notice in April 2008 that the construction of the building, associated landscaping and the removal of the hoarding had been completed.

Site inspection has determined that the configuration of the new building entrance and ground floor windows preclude the return of the vendor to the original location. Furthermore, the ground floor business operator has applied for and been approved for a boulevard café permit.

Site inspection further reveals that notwithstanding the features outlined above there is insufficient sidewalk width to accommodate the vending operation and maintain the 3.05 metres of clear sidewalk passage required to sustain pedestrian traffic. The sidewalk at this location is approximately 4.0 metres in width.

In addition, the original permit was issued with only 2.2 metres of passable sidewalk space maintained with pedestrian traffic flow being supported by space on private property between the property line and the building, which was set back 4.44 metres from the property line.

CONTACT

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SIGNATURE

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Appendices

1. Photograph of sidewalk/boulevard original vending location
2. Sketch of original sidewalk/boulevard vending