



STAFF REPORT ACTION REQUIRED

Cancellation of Sidewalk/Boulevard Vending – Permit Number 2109T, 116 Yorkville Avenue

Date:	June 16, 2008
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Municipal Licensing & 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.

The Toronto and East York Community Council at its meeting of June 10, 2008 deferred consideration of Report No. TE16.7 and requested that Municipal Licensing and Standards provide further information regarding the cancellation of Sidewalk/Boulevard Vending Permit No. 2109T for the vending location at 116 Yorkville Avenue.

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.

At the time that the original vending permit approval was granted, in order to provide the required 3.66m of passable space to sustain pedestrian traffic the paved open space of the abutting private property at 116 Yorkville Avenue was included in the clearance measurements.

The sidewalk at this location is 4.0m in width. The original permit was issued sustaining pedestrian traffic on paved private property, which extended for a distance of 4.4m from the street line to the previous building wall. The sidewalk space that was being maintained when the vending cart was at the permitted site was reduced to 2.2 metres.

In approving this location in this manner, the vending permit was put at risk of cancellation at the time of the redevelopment of the private property. The new building on the site eliminated the possibility of sustaining the required 3.66m of paved open space for pedestrian traffic.

The inclusion of private property to sustain pedestrian traffic in order to meet the by-law requirements of 3.66m clear passage has not been considered a feasible method of assessing vending locations since prior to the implementation of the vending moratorium. All vending permit applications are reviewed to ensure that all pedestrian traffic clearance requirements can be maintained within the public right of way.

ISSUE BACKGROUND

As a result of construction activities, the vending operation was suspended beginning October 4, 2004. Notification of the requirement to vacate the location was provided to the vendor in writing. This letter also indicated that the vendor may return to the location upon completion of the construction activities on the site. (**Appendix No. 1**)

In accordance with the provisions of former City of Toronto Municipal Code Chapter 315 the pro-rated balance of the permit fee for 2004-2005 of \$1,239.50 was refunded to the vendor. Records indicate the refund was processed by the vendor. No further invoices for the permit were issued to the vendor for the duration of the permit suspension during the construction period and no fees were paid.

Upon notification of the completion of the construction, in April 2008 the permit was re-activated and subsequently the vendor received an invoice for the 2008 -2009 vending season. The fee in the amount of \$ 2,234.92 was paid by the vendor. An inspection of the site was scheduled to ensure that the location was feasible for the return of the vendor post construction.

The site inspection revealed that the location would now put the vending operation in front of main floor windows and entrance of the new building on the site, contrary to the provisions of former City of Toronto Municipal Code Chapter 315. Furthermore, the main floor business is occupying the outdoor private property and portions of the street allowance with a café operation, thereby rendering the location unsuitable for the vending operation to return.

At the time of the suspension of the permit, a review of the proposed construction on private property should have been conducted. A report should have been submitted at that time to cancel the vending permit. The construction plans would have clearly shown that the private property would no longer be accessible for the general public and 3.66m of pedestrian passage would not be present.

COMMENTS

In March of 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.

As a result of the features of the new building and a café operation, this location is no longer feasible to sustain a vending operation.

The vendor has provided Municipal Licensing and Standards with suggestions of alternate locations within the moratorium area, outside of Ward 27.

CONTACT

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SIGNATURE

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Appendices

Appendix No. 1 Letter to vacate location due to construction activities
Appendix No. 2 Sketch of vending location
Appendix No. 3 Photos of existing site