



STAFF REPORT ACTION REQUIRED

Polling results for a boulevard café permit application located at 703 College Street, Montrose Avenue flankage

Date:	October 22, 2008
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 19 – Trinity Spadina

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 results of a public poll regarding an application for a boulevard café permit on the Montrose Avenue flankage of 703 College Street as requested by Councillor Pantalone.

RECOMMENDATIONS

Municipal Licensing and Standards recommends:

1. that the Toronto and East York Community Council deny the application for the proposed boulevard café at 703 College Street OR.
2. that the Toronto and East York Community Council approve the application for the proposed boulevard café at 703 College Street.

Financial Impact

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

DECISION HISTORY

An application for a boulevard café located in the front of 703 College Street and on the Montrose Avenue flankage was received on May 8, 2008 from Hashem Mirjabari, operating as Pizza Nova #54. The application submitted was seeking permission to establish a boulevard café on the Montrose Avenue flankage for 21 square meters which would accommodate approximately 16 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 the results of the poll did not meet the minimum response rate.

ISSUE BACKGROUND

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 July 9, 2008 with the last date for filing a response being August 7, 2008 was conducted by the City Clerks Office, Elections and Registry Services for the Montrose Avenue flankage, in English, between the premises 174-180 Montrose Ave, 185-189 Montrose Avenue , and also 703, 703A and 699 College Street 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. 1)**

The applicant was notified of the refusal in writing on August 18, 2008. **(Appendix No. 2)**

On October 3, 2008 Councillor Pantalone requested Municipal Licensing and Standards to report the polling results to Toronto and East York Community Council.

To date, the applicant has not submitted an appeal of the decision to refuse the application to Municipal Licensing and Standards.

COMMENTS

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 be conducted of owners and tenants within 120 metres of the proposed café.

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 for boulevard café privileges at this location can be accepted until August 7, 2010, two years from the closing date of the public poll.

CONTACT

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SIGNATURE

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APPENDICES

1. Letter from City Clerk's, Elections and Registry Services regarding the polling results
2. Refusal letter to client from Municipal Licensing and Standards
3. Sketch of proposed cafe area
4. Photos of proposed cafe area

