

**Community Festival Permit Application - Cypriot
Community of Toronto Inc. - Cultural and Wine Festival
June 20 and 21, 2009**

Date:	April 22, 2009
To:	North York Community Council
From:	City Clerk
Wards:	Ward 26 – Don Valley West
Reference Number:	

SUMMARY

A Community Festival Permit Application from the Cypriot Community of Toronto Inc. was received by the City Clerk's North York Office regarding a proposed Cultural and Wine Festival to be held at 6 Thorncliffe Park Drive on June 20 and 21, 2009.

The purpose of the event is to raise funds for the Cypriot community.

RECOMMENDATIONS

The City Clerk recommends that:

1. North York Community Council, for liquor licensing purposes, deem the Cultural and Wine Festival to be held on Saturday, June 20, 2009 and Sunday, June 21, 2009, and hosted by the Cypriot Community of Toronto Inc., a Community Festival and declare it an event of Municipal Significance.
2. City Council sanction and grant the Community Festival Permit for the Cultural and Wine Festival to Cypriot Community of Toronto Inc., subject to the following terms and conditions:
 - a. Section 3.2 (f) of the former Borough of East York By-law No. 67-95 regarding security provisions to the Community Festival Permit be waived provided that the Cypriot Community of Toronto Inc. provides approximately five to ten security officers from their membership who will oversee the security for the Cultural and Wine Festival;

- b. the applicant shall be responsible for arranging the private collection and disposal of all waste generated from the Cultural and Wine Festival;
- c. where the festival takes place outdoors, the applicant shall ensure that adequate containers are provided to control litter and that the containers are emptied on a regular basis to ensure that litter does not become a problem on the permitted or surrounding properties;
- d. for any portion of the event to be held outdoors, the applicant shall ensure that there is provision of barriers for liquor control, portable washrooms and increased security;
- e. the applicant comply with the following requirements of Toronto Building, North York District:
 - i. drawings in duplicate must be submitted to Toronto Building Division, North York District, North York Civic Centre, 5100 Yonge Street and a building permit must be obtained, for the installation of any tents and the construction of the stage for the orchestra, prior to the actual installation/construction; as for the stage, a building permit would be required if the stage is more than 2 feet above adjacent ground and is more than 10 m² in area;
 - ii. drawings must indicate the size and location of the tent with distances from the property lines and other buildings;
 - iii. details of the tent and its material must be submitted, as per Attachment 1 to this report;
 - iv. the drawings must also show the size of the stage platform, the structural framing and its support, steps, guards and handrails; and
 - v. a qualified professional engineer and/or a qualified designer may be required to provide the design, as per Attachment 1 to this report;
- f. the applicant comply with the following requirements of the Municipal Licensing & Standards Division, North York District:
 - i. the sound emitted from any equipment shall not exceed an equivalent sound level (Leq) of 85 dBA when measured 20 metres from the source over a five minute period;
 - ii. where the sound level exceeds 85 dBA, the applicant shall comply with any request made by an officer of the Toronto Police Service or a Municipal Standards Officer of the Municipal Licensing &

Standards Division with respect to the volume of sound from the equipment to ensure compliance with Toronto Municipal Code, Chapter 591 – Noise, subsection D(1);

- iii. no sound other than the equipment approved under the permit shall be used by the applicant;
 - iv. the event or activity shall be restricted to the approved location;
 - v. the permission granted is for the date and times for the event or activity as set out in the permit; and
 - vi. the Executive Director, Municipal Licensing and Standards Division, grant an exemption to the Toronto Municipal Code, Chapter 591 – Noise, to permit the amplification of sound or playing of music until 2:00 a.m. on June 21, 2009; and 1:00 a.m. on June 22, 2009, on the basis that no complaints have been received by Municipal Licensing and Standards on past events;
- g. the applicant comply with the following requirements of Fire Prevention, Toronto Fire Services:
- i. no open flames (candles, food warmers, etc.) to be used inside the tent(s) and/or marquis;
 - ii. one 3A, 10BC rated ULC Listed portable fire extinguisher is to be provided near the BBQ area;
 - iii. if the BBQ is to be located under a canopy, the canopy is to be of non combustible material; and
 - iv. all fire department access routes to the building and to temporary tents/marquis are to be maintained clear and available for emergency vehicle access at all times; and
- h. the applicant comply with the requirements of Toronto Public Health, as part of their Special Events package, to ensure that the event organizer and food vendors comply with all requirement of the Ontario Food Premises Regulation (O. Reg 562 as amended), and that an onsite inspection by Toronto Public Health staff will be conducted on the days of the event (June 20 and 21, 2009).

Financial Impact

The applicant has submitted the appropriate application fee (\$250.00) and the required deposit (\$2,000.00). The applicant's insurance coverage expires on November 11, 2009.

ISSUE BACKGROUND

When an event is categorized as a community festival, under the liquor licensing requirements, the Alcohol and Gaming Commission of Ontario requires the person/organization to acquire a sanction from the municipality where the event is to be held. To manage the various issues relating to community festivals, such as noise by-law requirements, parking issues, health regulations and garbage control, the former Borough of East York, on June 19, 1995, adopted By-law No. 67-95 to regulate and license community festivals and other places of amusement (the Community Festival By-law).

Pursuant to the Community Festival By-law, the City Clerk is entitled to issue a permit for a community festival subject to the applicant submitting a completed application form with all accompanying documentation, as set out in subsection 3.2 of the By-law. If the City Clerk determines that it is appropriate to impose conditions, the application may be referred to City Council and City Council may grant the License subject to certain terms and conditions being met.

COMMENTS

All the comments received to-date are reflected in the Recommendations section of this report as follows:

Recommendation 2e. - represents comments of the Director and Deputy Chief Building Official, Toronto Building, North York District;

Recommendation 2f. - represents comments of the District Manager, Municipal Licensing and Standards, North York District;

Recommendation 2g. - represents comments of the District Chief, Fire Prevention, Toronto Fire Services; and

Recommendation 2h. – represents comments of the Manager, Healthy Environments, North Region, Toronto Public Health.

It is the responsibility of the applicant to ensure appropriate security is provided. The applicant advises that organizers as in previous years - approximately four to six persons, will provide security.

It is necessary for City Council to impose conditions on the approval of the permit to ensure noise is kept within reasonable levels and that garbage is appropriately maintained and consistent with the type of event proposed.

The Cypriot Community of Toronto Inc. requires City Council to sanction the event at this time to enable them to apply for the liquor licence permit for the Festival which must be submitted within 30 days of the event. City Council may also approve the permit application subject to the applicant meeting noted conditions. Should the applicant fail to meet all the conditions imposed, the City Clerk will not issue the permit.

The Cypriot Community of Toronto Inc. has submitted a Community Festival Permit Application and provided supporting documentation including the following:

- (i) \$250.00 Licence Fee;
- (ii) \$2,000.00 deposit; and
- (iii) certificate of insurance evidencing a policy of insurance held by the Registered Owner of the Festival Site up to November 11, 2009.

Should City Council wish to support the issuance of a Community Festival Licence to the Cypriot Community of Toronto Inc., approval should be granted subject to the conditions outlined in the Recommendations Section of this report.

CONTACT

Frank Baldassini, Committee Secretary, Secretariat, City Clerk's Office

Phone: 416-395-7352

Fax: 416-395-7337

Email: fbalda@toronto.ca

SIGNATURE

City Clerk

ATTACHMENTS

Appendix 1 - Clarification of OBC Requirements for Tents

Appendix 1

Clarification of OBC Requirements for Tents

	Permit Required? Div C, 1.3.1.1(5)	Designer Qualification Requirements Div C, 3.2.4.1(3)(f) & Div C, 3.2.5.1(2)(e)	Designed & Reviewed by a Professional Engineer? Div C, 1.2.1.1(10)	Part 4 applicable? Div B, 3.14.1.1(1)
<p><u>Small Tents</u></p> <ul style="list-style-type: none"> • not more than 60 m² in aggregate ground • not attached to a building and • constructed more than 3 m from other structures 	No	-----	-----	-----
<p><u>Medium Tents</u></p> <ul style="list-style-type: none"> • do not exceed 225 m² in ground area • do not exceed 225 m² in aggregate ground area and are closer than 3 m apart • do not contain bleachers and • are not enclosed with sidewalls 	Yes	None	No (3)	No
<p><u>Large Tents</u></p> <ul style="list-style-type: none"> • exceed 225 m² in area 	Yes	“Building Structural” (1)	Yes (3)	No
<p><u>Special Tents</u></p> <ul style="list-style-type: none"> • exceed 225 m² in aggregate ground area and are closer than 3 m apart • contain bleachers or • are enclosed with sidewalls 	Yes	(1) (2)	No (3)	No

- (1) More than one qualification may be required. See Note (2) of Table 3.5.2.1 in Div C regarding design activities that are not substantial.
- (2) “Large Buildings” if area is greater than 600 m² or if the major occupancy is A, B or F1. “Small Buildings” for all other major occupancies and area not exceeding 600 m².
- (3) Requirements in Div C, 1.2.1.1(1) are also applicable depending on the major occupancy of the tent.



All tents shall comply with the following Ontario Building and Fire Code requirements:

Ontario Building Code

1. As outlined in Div B, 3.14.1.1, tents have not been reviewed for compliance with Div B Part 4 (Structural Design) of the OBC.
2. Access for fire fighting shall be provided to all tents. Do not erect tent in a fire access route.
3. Minimum distance from any building shall be 3 m. Minimum distance from property lines shall be 3 m.
4. The ground enclosed by a tent and for not less than 3 m outside such structure shall be clear of all flammable material or vegetation that will carry fire.
5. The fabric of the tent is to be certified to CAN/ULC S-109 or NFPA 701.
6. Sanitary facilities shall be provided in accordance with OBC Div B, 3.14.1.8.

Ontario Fire Code

1. Provide a 2A 10BC fire extinguisher for every 300 m² of tent area.
2. Hay, straw, shavings or similar combustible materials other than that necessary for the daily feeding and care of animals shall not be permitted within a tent or air-supported structure used for an assembly occupancy, except that sawdust and shavings may be used if kept damp.
3. Smoking and open flame devices shall not be permitted in a tent or air-supported structure unless provisions have been made for such activities under the fire safety plan.
4. If a tent does not have a fire alarm system that conforms to the Building Code,
 - (a) it may have an approved fire alarm system that does not conform to the Building Code where the reliability and performance of the system will provide an adequate early warning level, or
 - (b) a person shall be employed for firewatch duty.
5. A person employed for firewatch duty shall
 - (a) be familiarized with all fire safety features, including the fire safety plan as provided in conformance with Section 2.8 and the condition of exits, and
 - (b) patrol the area to ensure that the means of egress are kept clear and that regulations are enforced.
6. When the conditions of 4 apply, an approved communications system shall be provided.