



STAFF REPORT ACTION REQUIRED

Appeal of the denial of a boulevard café permit application located at 1627 Dupont Street, Edwin Avenue flankage

Date:	March 30, 2009
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 18 – Davenport

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 and refusal to issue a permit by Municipal Licensing and Standards, based on the results of the public poll conducted in the matter, of an application for a boulevard café permit on the Edwin Avenue flankage of 1627 Dupont Street.

RECOMMENDATIONS

Municipal Licensing and Standards recommends:

1. That the Toronto and East York Community Council deny the application for the proposed boulevard café at 1627 Dupont Street **OR**.
2. That the Toronto and East York Community Council approve the application for the proposed boulevard café at 1627 Dupont Street

Financial Impact

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

DECISION HISTORY

An application for a boulevard café located at 1627 Dupont Street and on the Edwin Avenue flankage was received on March 19, 2008 from Laura Urciuoli, operating as Toto's Pizzeria & Trattoria. The application submitted was seeking permission to

establish a boulevard café on the Edwin Avenue flankage for 39.99 square meters which would accommodate approximately 31 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 September 8, 2008 with the last date for filing a response being October 7, 2008 was conducted by the City Clerks Office, Elections and Registry Services for the Edwin Avenue flankage, in English, between the premises 77 -105A Edwin Ave, 84-106 Edwin Avenue , and also 1627 and 1635 Dupont 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 October 23, 2008. (**Appendix No. 2**)

The applicant requested an appeal of the refusal on February 23, 2009. (**Appendix No. 5**)

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 October 7, 2010, two years from the closing date of the public poll.

CONTACT

Kimberley Kilburn
Supervisor, Licensing Services
Municipal Licensing & Standards
Telephone: (416) 392-3128 Fax: (416) 338-7225
E-mail: kkilbur@toronto.ca

SIGNATURE

Richard Mucha, Manager
Licensing Services
Municipal Licensing and Standards

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