



## STAFF REPORT ACTION REQUIRED

### Appeal of the denial of a boulevard café permit application located at 210 Ossington Ave, Rolyat Street flankage

<b>Date:</b>	March 30, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
<b>Wards:</b>	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 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 Rolyat Street flankage of 210 Ossington Avenue.

#### RECOMMENDATIONS

---

**Municipal Licensing and Standards recommends:**

1. That the Toronto and East York Community Council deny the application for the proposed boulevard café at 210 Ossington Avenue **OR**.
2. That the Toronto and East York Community Council approve the application for the proposed boulevard café at 210 Ossington Ave

#### Financial Impact

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

#### DECISION HISTORY

An application for a boulevard café located at 210 Ossington Avenue and on the Rolyat Street flankage was received on August 1, 2008 from Saeed Mohamed, operating as Burger Shoppe Quality Meats. The application submitted was seeking permission to

establish a boulevard café on the Rolyat Street flankage for 42.82 square meters which would accommodate approximately 37 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 October 27, 2008 with the last date for filing a response being November 25, 2008 was conducted by the City Clerks Office, Elections and Registry Services for the Rolyat Street flankage, in English, between the premises 6 – 38 Rolyat Street, 3 – 41 Rolyat Street, and also 202 and 210 Ossington Avenue 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 December 2, 2008. (**Appendix No. 2**)

The applicant requested an appeal of the refusal on March 16, 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 November 25, 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](mailto: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