



STAFF REPORT ACTION REQUIRED

Appeal of the denial of a request for the extension of the boulevard café operating hours from 11:00 pm to 2:00 am at 483 Bloor Street West, Brunswick Avenue flankage

Date:	May 31, 2009
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 20 –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 an appeal received on May 28, 2009 from 2139155 Ontario Inc of the denial of a request for the extension of the boulevard café operating hours from 11:00 pm to 2:00 am daily at 483 Bloor Street West, Brunswick Avenue flankage.

RECOMMENDATIONS

Municipal Licensing and Standards recommends:

1. That the Toronto and East York Community Council deny the request for the extension of the boulevard café operating hours from 11:00 pm to 2:00 am. at 483 Bloor Street West, Brunswick Avenue flankage.

Financial Impact

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

DECISION HISTORY

An application for a boulevard café on the Brunswick Avenue flankage of 483 Bloor Street West was received from Sumit Kapur representing 2139155 Ontario Inc. operating as Future Bistro. The application submitted was seeking permission to operate the boulevard café until 2:00 am daily.

The permit to operate the boulevard café was issued on May 22, 2009 in accordance with the former City of Toronto Municipal Code, Chapter 313. The permit allows a café area of 91.5 square meters, which would accommodate approximately 85 patrons.

ISSUE BACKGROUND

On May 28, 2009 Municipal Licensing & Standards received a request from Sumit Kapur to extend the operating hours of the boulevard café located at 483 Bloor Street West, Brunswick Avenue flankage, operating as Future Bistro 11:00 pm to 2:00 am daily. **(Appendix No. 1)**

The operating hours of a boulevard café located on a residential flankage are outlined in the former City of Toronto, Municipal Code, Chapter 313, Section F (2) (a) which states that; where a boulevard café flanks a residential district the owner and occupant shall ensure the boulevard café is closed and cleared by 11:00 p.m. or where Council has authorized extended hours of operation, the closing time as authorized by Council.

In accordance with the provisions of the former City of Toronto, Municipal Code, Chapter 313 the application for extended hours was refused and the client was notified in writing on May 28, 2009 of the refusal. **(See Appendix No. 2)**

On May 24, 2009 Municipal Licensing and Standards received a letter of appeal from the applicant.

Municipal Licensing & Standards has no administrative process to assess the community impact of the request for the extension of hours or grant any permission for additional operating hours.

COMMENTS

In accordance with the provisions of the former City of Toronto, Municipal Code, Chapter 313, the time restriction provision is in place in order to ensure that the area residents are not disturbed by or unreasonably impacted in the evening hours by elevated ambient noise generated by the café patrons

Due to the size of the café and proximity to the residential community the café operating hours should remain restricted to 11:00 pm daily.

CONTACT

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SIGNATURE

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APPENDICES

Appendix No. 1 Letter of request for an extension to the operating hours
Appendix No 2 Refusal letter to applicant from Municipal Licensing and Standards
Appendix No. 3.Sketch of boulevard café
Appendix No. 4 Photos of the Brunswick Ave flankage boulevard cafe