

June 19, 2008

Pat Thornback
Municipal Licensing & Standards
Licensing Services
East York Civic Centre
850 Coxwell Avenue, 3rd Floor
Toronto ON M4C 5R1

Dear Ms. Thornback:

In your letter of May 5, 2008, you requested that a poll be conducted to determine if there was sufficient neighbourhood support for a Boulevard Café licence at 647A Mount Pleasant Road.

Ballots were mailed out on May 20, 2008 with the last date for filing a response being June 18, 2008. The following is the poll result:

Total Owners, Tenants and Residents Polled	78
Mail Returned by Post Office	3
Total Eligible Voters (Total Polled Minus Returned by Post Office)	75
No. of Returned Ballots Needed to Proceed (must be at least 25%)	19
Actual Number of Returned Ballots	37
In Favour of this Boulevard Cafe	18
Opposed to this Boulevard Cafe	19
Spoiled Ballots	0
No Reply	38

I advise that the boulevard café licence cannot be approved pursuant to Chapter 313 of the Municipal Code, since a majority of the ballots received were not in favour. Please note this poll cannot be conducted again until June 18, 2010, two (2) years from the closing date of the poll.

Sincerely,

Cathy Burns, Supervisor
Elections and Registry Services

Municipal Licensing and Standards

Please reply to:

Kimberley Belshaw
Supervisor, Licensing Services
Road Allowance
850 Coxwell Ave, 3rd Floor
Toronto, Ontario M5G 1P5Tel: (416) 392-6700
Fax: (416) 338-7225

July 28, 2008

IL Gelatiere Artigianale Ltd
647A Mount Pleasant Rd
Toronto, Ontario
MM4S 2N2**Re: Sidewalk/ Boulevard Café Application # A835490**

I am writing in regards to your application for boulevard café privileges.

In accordance with the provisions of the former City of Toronto, Chapter 313 a public poll was conducted and the results have been received.

The poll was conducted in accordance with the provisions of the City of Toronto Municipal Code, Chapter 190 polling. The Municipal Code states that a poll will be considered valid when at least 25% of the ballots that have been mailed must be returned and a majority must be in favour.

The results of the poll did not meet the minimum response rate, therefore this location is not eligible for boulevard café privileges and accordingly, your file has been closed.

A further application for boulevard café privileges at this location cannot be considered again until June 18, 2010, two (2) years from the closing date of the public poll.

Should you require further information, please contact Pat Thornback at 416- 338-7211.

Yours truly,

Kimberley Belshaw
Supervisor
Municipal Licensing & Standards

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PLEASE RESPOND TO: TORONTO OFFICE

27 April 2009
File No. 0034871

SENT BY FAX TRANSMISSION 416-338-7225

Municipal Licensing and Standards
850 Coxwell Avenue, 3rd floor
Toronto M5G 1P5

Attention: Richard Mucha, Manager

Dear Mr. Mucha:

Il Gelatiere, 647 Mt. Pleasant Road
Appeal re Sidewalk/Boulevard Café Application #A835490

Further to my conversation with Kimberley Kilburn on Friday, I confirm that I have been retained by Il Gelatiere to appeal the refusal of the City to grant our client a boulevard café licence to Toronto and East York Community Council. Please accept this letter as that Appeal.

As you know, our client filed an application to the City for a boulevard café permit in January of 2008. The City conducted the requisite poll and of the 37 ballots received 18 were in favour of the application, a shortfall of only 1 ballot in terms of automatic approval of the application. By way of letter dated 28 July 2008, the City advised our client that the application had been refused. Our client was unaware that there was any right of appeal until very recently.

Il Gelatiere has been in operation at the corner of Mt. Pleasant Road and Hillsdale Avenue since May of 2007 without a single complaint. The café is well frequented and well loved by local residents and has significantly contributed to the increasing vibrancy and desirability of this area. A patio is a natural complement to the café operation and would recognise the fact that a number of the café's patrons eat their ice cream on the boulevard after

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purchase. Moreover, as a number of local restaurants in close proximity to Il Gelatiere presently enjoy a boulevard café permit, granting our client's application would be consistent with City practice in this area.

I have spoken to the local Councillor, Councillor Walker, about this application and he has indicated that he is in favour of the application provided that two conditions are met: the permit be reviewed in a year's time and the patio close no later than 11 p.m. every night. Our client takes no issue with these conditions except that we would request that the closing time be extended to midnight on Friday and Saturday night (and Sunday night during long weekends). As the café has operated without complaint on this schedule since it opened its doors 2 years ago and is not licenced to serve alcohol we do not think that a midnight closing will adversely affect local residents.

Given that the patio season will soon be upon us we would be grateful if you could bring this Appeal forward to Community Council no later than May. We acknowledge and understand that this letter of Appeal will be attached to your report as a public document.

Thank you in advance for your consideration of the Appeal. Should you have any questions regarding the above, please do not hesitate to contact me.

Yours truly,

WHITE, DUNCAN, LINTON LLP

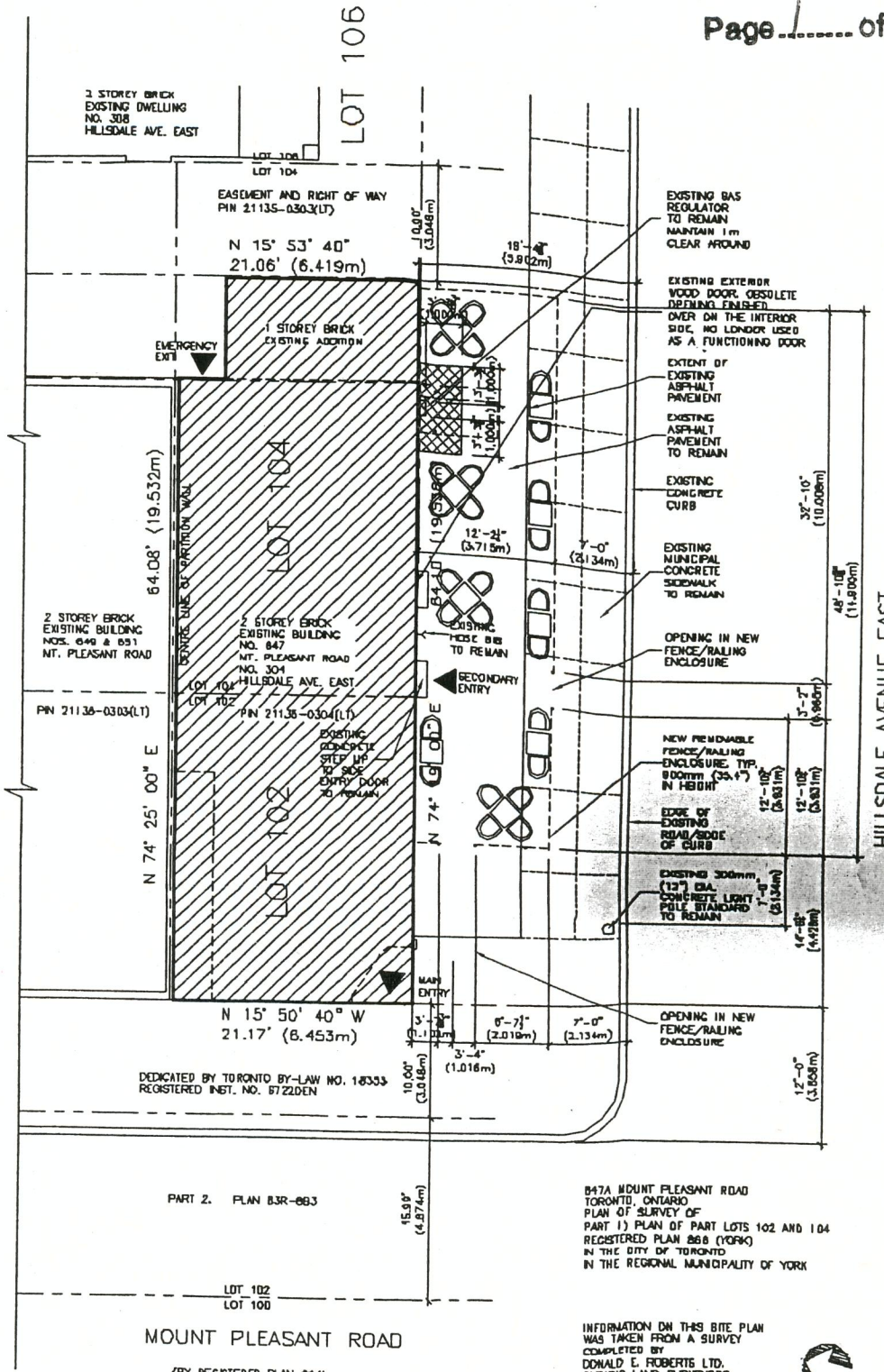
Per:

Marc P. Kemerer

MPK

cc. Councillor Walker
Client
Kimberley Kilburn

REGISTERED PLAN 866 (YORK)



1 SITE PLAN
A-1 SCALE: 1/16"=1'-0"

847A MOUNT PLEASANT ROAD
TORONTO, ONTARIO
PLAN OF SURVEY OF
PART 1) PLAN OF PART LOTS 102 AND 104
REGISTERED PLAN 866 (YORK)
IN THE CITY OF TORONTO
IN THE REGIONAL MUNICIPALITY OF YORK

INFORMATION ON THIS SITE PLAN
WAS TAKEN FROM A SURVEY
COMPLETED BY
DONALD E. ROBERTS LTD.
ONTARIO LAND SURVEYORS
1719 LAURENCE AVENUE EAST
SCARBOROUGH, ONTARIO M1R 2X7
DATED FEBRUARY 6, 2005





