



STAFF REPORT ACTION REQUIRED

Appeal of the denial of a boulevard café permit located at 647A Mount Pleasant Road, Hillsdale Avenue flankage

Date:	May 31, 2009
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 22 –St Pauls

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 April 27, 2009 from Maddalena Gargarella for the denial of the issuance of a boulevard café permit, based on the results of the public poll.

RECOMMENDATIONS

Municipal Licensing and Standards recommends:

1. That the Toronto and East York Community Council deny the application for the proposed café permit at 647A Mount Pleasant Road, Hillsdale Avenue flankage.

Financial Impact

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

DECISION HISTORY

An application for a boulevard café permit on the Hillsdale Avenue, flankage of 647A Mount Pleasant Road was received on February 1, 2008 from Maddalena Gargarella, operating as Il Gelatiere Artigianale. The application submitted was seeking permission to establish a boulevard café on the Hillsdale Avenue flankage for 55.28 square meters which would accommodate approximately 48 patrons. (**Appendix No. 4**)

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 a negative response was received.

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 May 20, 2008 with the last date for filing a response being June 18, 2008 was conducted by the City Clerks Office, Elections and Registry Services for the Hillsdale Avenue flankage, in English, between the premises 311 –361 Hillsdale Avenue, 308-352 Hillsdale Avenue and including 645A, 645B and 6451/2 Mount Pleasant Road, to determine neighbourhood support.

The results of the poll received from Election and Registry Services indicate that the majority of ballots cast did not support the application. The provisions of Municipal Code Chapter 190 indicate that if the majority of ballots cast are opposed to the application, the application must be refused. **(Appendix No. 1)**

The applicant was notified of the refusal in writing on July 28, 2008. **(Appendix No. 2)**

On April 28, 2009 Municipal Licensing and Standards received a letter of appeal from the applicant. **(Appendix No. 3)**

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.

Chapter 313, Chapter 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 indicates the majority are not in favour of the application.

When there is a negative response, re-polling for the same purpose may not take place until two years have passed from the closing date of the previous poll.

As a result, no further application for boulevard café privileges at this location can be accepted until June 18, 2010, two years from the closing date of the public poll.

CONTACT

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SIGNATURE

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APPENDICES

1. letter from City Clerk's, Elections and Registry Office regarding the polling results
2. Refusal letter from Municipal Licensing and Standards
3. Letter of Appeal
4. Sketch of proposed café area
5. Photo of proposed café area