



STAFF REPORT ACTION REQUIRED

Approval for the Continuation of a Boulevard Café located at 130 Eglinton Avenue East

Date:	October 13, 2009
To:	Toronto East and York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 22 – St Paul's
Reference Number:	IBMS No. 09-163556

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. Municipal Licensing and Standards was asked to report on the continuation of the operation of the boulevard café Philthy McNasty's on the frontage of 130 Eglinton Avenue East.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Toronto and East York Community Council approve the continuation of the boulevard café permit on the frontage of 130 Eglinton Avenue East, with the existing operating conditions being imposed by Toronto and East York Community Council.

1. Serving of alcohol and food on the boulevard café cease by 10:30 p.m.
2. Patrons vacating the café area by 11:00 pm
3. There to be no exterior noise generated by the establishment, including no noise emanating from the interior to the exterior.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

At the meeting held on May 6, 2008 the Toronto and East York Community Council approved the proposed continuation of the boulevard café at 130 Eglinton Avenue East for one additional year, under the same operating conditions, with the request that the Executive Director, Municipal Licensing and Standards report to the Toronto and East York Community Council in 2009 on the operation of the boulevard café.

The original boulevard café permit to operate a café occupying 28.80 square metres on the frontage of 130 Eglinton Avenue East was granted by Toronto City Council at its' meeting held on September 25, 26, and 27, 2006 on a one year probationary term with operational conditions attached to the permit as follows:

1. Serving of alcohol and food on the boulevard café cease by 10:30 p.m.
2. Patrons vacating the café area by 11:00 pm
3. There to be no exterior noise generated by the establishment, including no noise emanating from the interior to the exterior;
4. Operations of the boulevard café be regularly monitored by Municipal Licensing and Standards for one year to ensure compliance; and
5. The details of the operation of the boulevard café be reported back to Toronto and East York Community Council at the end of the 2007 season.

ISSUE BACKGROUND

The Toronto and East York Community Council at its meeting held on May 6, 2008 adopted a motion to permit the continuation of the operation of the boulevard café Philthy McNasty's on the frontage of 130 Eglinton Avenue East. (attachment 1)

The motion as adopted directed that the boulevard café permit be issued for the 2008 season only and requested the Executive Director of Municipal Licensing and Standards to monitor the café over the 2008 season and to report back to the Toronto and East York Community Council with the results of inspections or any complaints received regarding the operation of the café, prior to the renewal of the permit for the 2009 season.

Municipal Licensing and Standards conducted investigations over the 2008 and 2009 café season. There was no observation of violations of the terms of the permit agreement or the conditions imposed by Toronto & East York Community Council with respect to the operation of the boulevard café.

One complaint was received in early March of 2009 regarding the presence of a speaker mounted on the exterior of the building. Investigations were conducted and revealed that the speaker was not being used and the operation of the boulevard café was in compliance with the permit issued.

COMMENTS

The boulevard café operation on the public sidewalk was monitored over the 2008 and 2009 café season during the evening hours of the operation. The inspections revealed no evidence of non-compliance with the boulevard café permit. There are no complaints on record save and except for the one for the outside speaker which was not a contravention. Furthermore Toronto Police Services was contacted for any complaints or concerns related to the boulevard café operation and had none. As such, the boulevard café permit should be permitted to continue under the recommended operating conditions.

CONTACT

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SIGNATURE

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ATTACHMENTS

Photograph 1 – café on Eglinton Ave. E.