



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 daily at 130 Eglinton Avenue East

Date:	April 7, 2010
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Licensing Services, Municipal Licensing & Standards
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 a request received from the business owner for an extension of the boulevard café permit operating hours from 11:00 pm daily to 2:00 am daily located at 130 Eglinton Avenue East, operating as Philthy McNasty's.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Toronto and East York Community Council:

1. Deny the request for an extension of the operating hours of the boulevard café, from 11:00 p.m. daily to 2:00 a.m. daily, for the establishment known as Philthy McNasty's located at 130 Eglinton Avenue East. **OR**
2. Approve the request for an extension of the operating hours of the boulevard café, from 11:00 p.m. daily to 2:00 a.m. daily, for the establishment known as Philthy McNasty's located at 130 Eglinton Avenue East.

Financial Impact

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

DECISION HISTORY

An application for a boulevard café permit located at 130 Eglinton Avenue East was received from the business owner representing PM Eglinton Inc, operating as Philthy McNasty's. The application submitted was seeking permission to establish a boulevard café on the commercial frontage for approximately 28.8 square meters which would accommodate approximately 22 patrons.

ISSUE BACKGROUND

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 and East York Community Council at its' meeting held on September 25, 26, and 27, 2006 with operational conditions.

On March 25, 2009 an application for the transfer of a boulevard café permit located at 130 Eglinton Avenue East was received from the business owner representing PM Eglinton Inc, operating as Philthy McNasty's. The application submitted was seeking permission to establish a boulevard café on the commercial frontage for approximately 28.8 square meters which would accommodate approximately 22 patrons.

The boulevard café permit was approved by Toronto and East York Community Council at its meeting held on November 10, 2009 with the existing 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 be no exterior noise generated by the establishment, including no noise emanating from the interior to the exterior;

On February 2, 2010, Municipal Licensing & Standards, Licensing Services received a request from the business owner to extend the operating hours of the boulevard café located at 130 Eglinton Avenue East, operating as Philthy McNasty's from 11:00 pm to 2:00 am daily. (**Appendix No. 1**)

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 time restriction provision is in place in order to ensure that the area residents are not disturbed or unreasonably impacted in the evening hours by elevated ambient noise generated by the café patrons.

CONTACT

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SIGNATURE

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Appendix

1. Letter of time extension request from business owner

