



## STAFF REPORT ACTION REQUIRED

### Appeal of the denial of a boulevard café permit located at 296 Brunswick Avenue

<b>Date:</b>	April 16, 2010
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
<b>Wards:</b>	Ward 20 – Trinity Spadina

#### **SUMMARY**

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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 the results of a public poll and refusal to issue a permit by Municipal Licensing and Standards, based on the results of the public poll conducted in the matter, of an application for a boulevard café permit at 296 Brunswick Avenue as requested by Councillor Vaughan.

#### **RECOMMENDATIONS**

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

1. Deny the application for the proposed boulevard café at 296 Brunswick Avenue. **OR**
2. Approve the application for the proposed boulevard cafe at 296 Brunswick Avenue.

#### **Financial Impact**

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

## **DECISION HISTORY**

An application for a boulevard café at 296 Brunswick Avenue was received on August 23, 2009 from the business owner, representing 2128409 Ontario Inc, operating as The Annex Live. The application submitted was seeking permission to establish a boulevard café at 296 Brunswick Avenue for 14.86 square meters which would accommodate approximately 11 patrons. **(Appendix No. 3)**

As the proposed boulevard café is located within 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 the poll did not meet the minimum response rate and therefore is considered negative.

## **ISSUE BACKGROUND**

As the proposed café is located within 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 November 19, 2009 with the last date for filing a response being December 18, 2009 was conducted by the City Clerks Office, Elections and Registry Services for the Brunswick Avenue flankage, in English, between the premises 252 – 298 Brunswick Ave, 249 – 289 Brunswick Avenue and including 481 – 483 Bloor Street West, to determine neighbourhood support.

The results of the poll received from the City Clerks Office, Elections and Registry Services indicate that the response to the poll did not meet the provisions of Municipal Code Chapter 190, Section 190-8A which states: that a poll will be considered valid when at least 25% of the ballots mailed have been returned. This poll did not meet the benchmark and therefore is considered negative. **(Appendix No. 1)**

The applicant was notified of the refusal in writing on December 22, 2009. **(Appendix No. 2)**

## **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, Section 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 are not in favour of the application

As a result, no further application for boulevard café privileges at this location can be accepted until December 18, 2011, two years from the closing date of the public poll.

## **CONTACT**

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## **SIGNATURE**

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Richard Mucha, Manager  
Licensing Services  
Municipal Licensing and Standards

## **APPENDICES**

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