



STAFF REPORT ACTION REQUIRED

Refusal of a boulevard café permit located at 263 Gerrard Street East, Berkeley Street flankage

Date:	May 4, 2010
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Licensing Services, Municipal Licensing & Standards
Wards:	Ward 28 – Toronto Centre - Rosedale

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 the refusal to issue a permit by the Municipal Licensing and Standards based on the application for a boulevard café permit located in the basement of 263 Gerrard Street East, Berkeley Street flankage.

RECOMMENDATIONS

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

1. Deny the application for the proposed boulevard café located at 263 Gerrard Street East, Berkeley Street flankage.

Financial Impact

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

DECISION HISTORY

An application for a boulevard café located at 263 Gerrard Street East, Berkeley Street flankage was received on April 21, 2010, from the business owner representing Berkeley Property Management Corp, operating as The Underdown. The application submitted was seeking permission to establish a boulevard café on the Berkeley Street flankage for 67.53 square meters, which accommodates approximately 59 people.

The proposed boulevard café does not meet the criteria set out in Section E (3) of Chapter 313-36 of the former City of Toronto Municipal Code indicating that the owner or occupant shall not use the area occupied for any purpose other than a boulevard cafe and shall not serve or permit to be served anything not served from the abutting premises.

On April 29, 2010 a refusal letter was sent to the business owner representing Berkeley Property Management Corp, operating as The Underdown, advising him that the boulevard café application was denied due to the fact that the eating establishment is not the abutting business and is located in the basement. **(Appendix 2)**

As the proposed boulevard café does not meet the criteria set out in Chapter 313 of the former City of Toronto Municipal Code. One of the provisions of the Code is that the owner or occupant shall not use the area occupied for any purpose other than a boulevard cafe and shall not serve or permit to be served anything not served from the abutting premises.

ISSUE BACKGROUND

A letter dated May 3, 2010 was received by Municipal Licensing & Standards from the business owner representing Berkeley Property Management Corp, operating as The Underdown to appeal the decision of the denial for a boulevard cafe. **(Appendix No.3)**

COMMENTS

In accordance with the provisions of the former City of Toronto, Municipal Code, Chapter 313, the owner or occupant shall not use the area occupied for any purpose other than a boulevard cafe and shall not serve or permit to be served anything not served from the abutting premises.

CONTACT

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SIGNATURE

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Municipal Licensing and Standards

APPENDICES:

1. Sketch of boulevard café
2. Refusal letter to business owner
3. Letter of Appeal regarding the denial
4. Photos of proposed café area