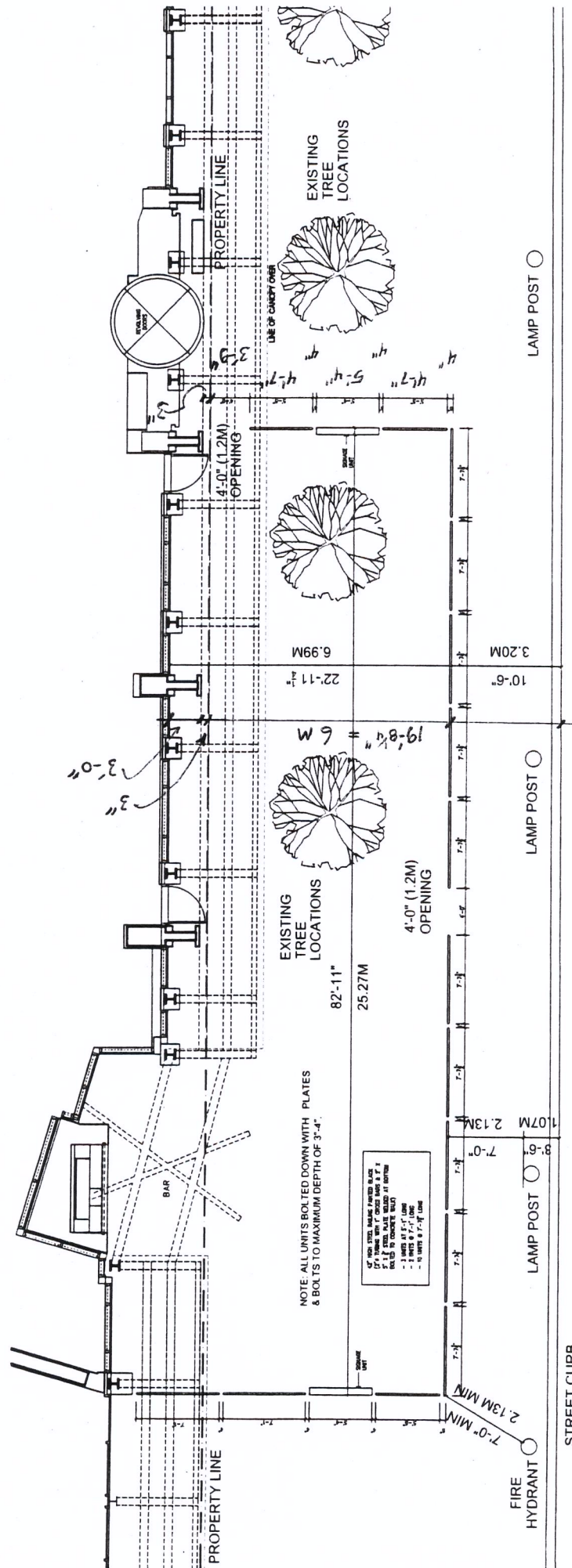


PROPOSED PATIO PLAN

THE KEG
STEAKHOUSE & BAR

26 THE ESPLANADE
TORONTO ONTARIO



Simon Overington

May 19, 2010

Licensing Services
Municipal Licensing and Standards
3rd Floor
850 Coxwell Avenue
M4C 5R1

Dear Sir or Madam:

Re: Application by The Keg, 26 The Esplanade, for a Boulevard Cafe

I am a resident of the building The Keg shares, so I live directly above this proposed boulevard café. As you are aware, this is a brand new residential development, and as such this application comes as a shock. This proposed café would be sandwiched along the roadway with dense residential units on all sides. Condominium units begin 5 metres directly above the proposed café, and hotel suites begin on the second floor directly across the street.

Now I am sure The Keg is pointing to the existing boulevard cafes down the street as a precedent for their proposal. I am sure they would dismiss my concerns with these precedents. However, there is a clear difference between the location and placement of those existing cafes, and this application by The Keg. ***Namely, there are no residential units above or directly across the street from those boulevard cafes.*** Commercial offices are above all the existing cafes, and a parking lot is directly across the street. This application by The Keg is a totally different proposition, and its approval would be a disaster for the peace and quiet of my family and hundreds of my neighbors in our brand new building. It should be immediately denied.

Sincerely,

Simon Overington



Municipal Licensing and Standards

Bruce Robertson
Director

Please Reply to:
Pat Thornback
Acting Supervisor
Licensing Services
850 Coxwell Ave, 3RD Floor
Toronto, ON
M4C 5R1
Tel: 416-392-6700
Fax: 416-338-7225

May 26, 2010

Keg Restaurants Ltd
38 The Esplanade
Toronto, Ontario
M5E 1A7

Dear Angela Shelley,

Re: Sidewalk Boulevard Café Application – B066699

I am writing in reference to your application for Sidewalk/Boulevard Café privileges.

Boulevard cafés are governed by the criteria set out in Chapter 313 of the former City of Toronto Municipal Code. As stated in the Municipal Code, "where the Commissioner receives one or more letters of objection in response to the boulevard café application", the Commissioner shall refuse the application.

For your information an objection has been received, therefore your application must be refused.

If you have any questions, please contact Pat Thornback at 416-392-6700.

Sincerely,

Pat Thornback
Acting Supervisor
Licensing Services
Municipal Licensing & Standards



Barristers & Solicitors

WeirFoulds LLP
150 years

June 1, 2010

Barnet H. Kussner
T: 416-947-5079
bkussner@weirfoulds.com

File 00936.00037

VIA E-MAIL AND COURIER

Pat Thornback
Acting Supervisor, Licensing Services
Municipal Licensing & Standards
City of Toronto
850 Coxwell Avenue, 3rd Floor
Toronto, ON
M4C 5R1

Dear Ms. Thornback:

**Re: Notice of Appeal
Sidewalk Boulevard Café Application - B066699
26 The Esplanade, Toronto**

We are counsel for Keg Restaurants Ltd. Recently our client filed an application with Municipal Licensing & Standards for a Sidewalk Boulevard Café Permit, for use in conjunction with The Keg Restaurant located at the above address.

By letter dated May 26, 2010, our client was informed that the boulevard café application was refused. The stated basis for refusal was that a letter of objection has been received in respect of the application.

It seems rather odd that under Chapter 313 of the Municipal Code, the Commissioner must refuse an application on the basis that a single objection is received, subject to the applicant's right of appeal. In any event, this letter shall serve as our client's formal notice of appeal pursuant to Section 313-77 of the Municipal Code.

The grounds for appeal and issuance of the proposed boulevard café permit are as follows:

1. The proposed sidewalk patio is a desirable and appropriate amenity area for the restaurant, as well as the residents, businesses and visitors to the area of which it forms part. The Keg prides itself on running a first-class operation which adheres to the standards and reasonable expectations of the local community and is respectful of them at all times. The proposed patio will certainly be no exception.

2. Our client has diligently taken steps to adjust the layout and configuration of the boulevard café in accordance with recommendations and directions provided by staff within the City's Licensing and Standards Department. The result is a layout and configuration which is generally consistent with those of other sidewalk patios in the immediate area. Moreover, based on the directions provided by Staff we believe that the proposed boulevard café will fully comply with the City's standards for such a use.
3. The use is located within a mixed-use residential and commercial area where street level activity is encouraged and where several other boulevard patios already exist. Our client is not proposing the introduction of a use that is out of character with the neighbourhood; on the contrary, the proposed patio area will enhance the prevailing character and planned function of this vibrant community, and provide another option for those who appreciate the opportunity to dine outdoors for the relatively brief part of the year when weather permits it.
4. We have not had an opportunity to review the letter of objection, but we assume that it is from a resident of the building in which the restaurant is situated, or of a nearby building. In our respectful submission, the fact that the existing restaurant use is located at the ground level of a mixed-use building - as opposed to a stand-alone use or a purely commercial building - should have no bearing on the matter. In its Official Plan, the City actively encourages commercial and retail activity at grade in mixed use neighbourhoods such as this as a means of enhancing the vibrancy of the streetscape, and such activity is deemed to be compatible provided that the use is permitted and its form and scale are appropriate to the community. That is clearly the case here. There is no reason to believe that any impacts generated by the proposed patio for residential uses nearby could not be appropriately mitigated, nor to suggest that having one additional outdoor patio in a neighbourhood which has a number of them already would somehow alter the expected character of that neighbourhood to an unacceptable extent.

In accordance with Chapter 313 of the Municipal Code, we hereby request the right to be heard by Toronto and East York Community Council, so that our client has an opportunity to persuade Community Council to recommend to City Council that the boulevard café permit application be approved for the reasons set out above.

Please acknowledge receipt of this appeal. We would be most grateful if you could arrange to have it heard by Community Council at its June 2010 meeting. As you may appreciate, a delay

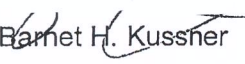
Barristers & Solicitors

in hearing the matter until the August meeting of Community Council could have a significant economic impact on the establishment at this location insofar as it could not operate the proposed boulevard café during the peak outdoor season.

Thank you for your prompt attention to this matter. Should you have any questions or wish to discuss it further, please do not hesitate to contact me or Sabrina Coletti, Planner in our office, at 416-941-5904.

Yours truly,

WeirFoulds LLP

 Barnett H. Kussner

c: Keg Restaurants Ltd.
c: Sabrina Coletti, Planner, WeirFoulds LLP

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