



## STAFF REPORT ACTION REQUIRED

### Appeal of the denial of a boulevard café permit located at 1438A Gerrard Street East, Ashdale Avenue flankage

<b>Date:</b>	October 28, 2013
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Richard Mucha, Acting Director, Municipal Licensing & Standards, Licensing Services
<b>Wards:</b>	Ward 30 – Toronto Danforth

#### 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 refusal to issue a permit by Municipal Licensing and Standards for a boulevard café permit located at 1438A Gerrard Street East, Ashdale Avenue flankage.

#### RECOMMENDATIONS

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

1. Deny the application for the proposed café located at 1438A Gerrard Street East, Ashdale Avenue flankage.

#### Financial Impact

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

## DECISION HISTORY

An application for a boulevard café on the Ashdale Avenue flankage of Gerrard Street East was received on May 30, 2013 2352283 Ontario Ltd, operating as D Licence to Grill.

The application submitted was seeking permission to establish a boulevard café on the Ashdale Avenue flankage for 50.49 square meters which would accommodate approximately 45 patrons.

A site inspection conducted on June 12, 2013 revealed that the boulevard café area is located within 5.20 metres from a residential zone. The required clearance from a residential zone for cafes located on a residential flank is 25 metres.

On June 22, 2013, a refusal letter was sent to 2352283 Ontario Ltd, advising that the boulevard café permit application was denied due to the required 25 metres from a residential zone.

A letter dated October 23, 2013 was received by Municipal Licensing & Standards from 2352283 Ontario Ltd. to appeal the decision of the denial for a boulevard café permit on the Ashdale Avenue flankage

## Poll results

The former City of Toronto Municipal Code Chapter 313-36B (4) also requires a public poll of owners and tenants within 120 metres of the proposed boulevard café on a residential flank.

A poll dated September 14, 2013 with the last date for filing a response being October 16, 2013 was conducted by the City Clerk's Office, Elections and Registry Services for the Ashdale Avenue flankage, in English and Chinese, between the premises, 277 – 319 Ashdale Avenue and 1438 Gerrard Street East, to determine neighbourhood support.

Total owners/tenants/residents polled	63
Returned by post office	0
Total eligible voters (total polled minus returned by post office)	63
No reply	39
<b>Total ballots received (response rate)</b>	<b>24</b>
In favour of this Boulevard Cafe (of ballots received)	16
Opposed to this Boulevard Cafe (of ballots received)	9
Spoiled ballots	0

The results of the poll received from Election and Registry Services indicate that a majority of the ballots received were in favour.

## **COMMENTS**

As the proposed café flanks a residential zone, the former City of Toronto Municipal Code Chapter 313-36 F, requires that no part of the boulevard café is less than 25 metres from a residential zone and the application be refused, therefore the application must be refused.

## **CONTACT**

Pat Thornback  
Supervisor, Licensing Services  
Municipal Licensing & Standards  
Telephone: (416) 392-3084 Fax: (416) 392-4515  
E-mail: [pthornba@toronto.ca](mailto:pthornba@toronto.ca)

## **SIGNATURE**

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Richard Mucha,  
Acting Director  
Licensing Services  
Municipal Licensing and Standards

## **APPENDICES**

1. Sketch of proposed café area
2. Photo of proposed café area