

Clause embodied in Report No. 2 of the Toronto East York Community Council, as adopted by the Council of the City of Toronto at its meeting held on March 4, 5, 6, 7 and 8, 2002.

**1**

**Revocation of Sidewalk/Boulevard  
Vending Permit, Bay Street West Side,  
70 Metres North of Front Street  
(Toronto Centre-Rosedale, Ward 28)**

*(City Council on March 4, 5, 6, 7 and 8, 2002, adopted this Clause, without amendment.)*

**The Toronto East York Community Council recommends that:**

- (1) the vending permit on Bay Street, west side, 70 metres north of Front Street held by Ms. Valentina Zigkos be revoked on the grounds that:**
  - (a) there is an over-density of vendors within the immediate area;**
  - (b) pedestrian traffic, especially during rush hours, is impeded by the presence of the current vendors on Bay Street; and**
  - (c) Ms. Zigkos is the most recently licensed of these vendors;**
- (2) City Council direct the Commissioner of Urban Development Services to accept no new vending applications after February 25, 2002 in Wards 20, 27 and 28 and that this moratorium continue until a new harmonized vending by-law has been adopted for the City of Toronto;**
- (3) despite Recommendation No. (2) above, should Ms. Zigkos find an alternative site, the Commissioner of Urban Development Services be permitted to submit the alternative location to the Toronto East York Community Council for its consideration; and**
- (4) appropriate City officials be authorized and directed to give effect thereto, including the preparation and introduction in Council of any necessary bills.**

**The Toronto East York Community Council submits the following communication (February 4, 2002) from the City Clerk:**

The Toronto East York Community Council, on January 29, 2002, had before it a report (December 18, 2001) from the District Manager, Municipal Licensing and Standards respecting

Revocation Of Sidewalk/Boulevard Vending Permits – Bay Street, Wellington Street West and Front Street West, around The Royal Bank Building at 200 Bay Street (Toronto Centre-Rosedale, Ward 28), and recommending that City Council not revoke the sidewalk/boulevard vending permits on Bay Street, Wellington Street West and Front Street West, around the Royal Bank Building at 200 Bay Street.

The Toronto East York Community Council:

- (1) deferred consideration of the report (December 18, 2001) from the District Manager, Municipal Licensing and Standards, until its meeting to be held on February 25, 2002;
- (2) requested the Commissioner of Urban Development Services to report to the Toronto East York Community Council, in consultation with the City Solicitor, on the feasibility of a motion to provide that no new applications shall be accepted, nor vending permits issued, for vending spaces in Wards 27 and 28, until there is a new harmonized vending policy in place for the City of Toronto; and
- (3) directed the City Clerk to give notice to Ms. Valentina Zigkos that, at its meeting to be held on February 25, 2002, the Toronto East York Community Council will consider the revocation of her vending permit for the location on Bay Street, west side, 70 metres north of Front Street on the grounds that:
  - (a) there is an over-density of vendors within the immediate area;
  - (b) pedestrian traffic, especially during rush hours, is impeded by the presence of the current vendors on Bay Street; and
  - (c) Ms. Zigkos is the most recently licensed of these vendors;

and advise Ms. Zigkos that she will have an opportunity to address the Toronto East York Community Council at that time.

**The Toronto East York Community Council also submits the following report (February 18, 2002) from the Commissioner of Urban Development Services:**

Purpose:

To report to Community Council on the feasibility of a motion to provide that no new applications shall be accepted, nor vending permits issued, for vending spaces in Wards 20, 27 and 28, until there is a new harmonized vending policy in place for the City of Toronto.

Financial Implications and Impact Statement:

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

### Recommendations:

It is recommended that this report be received for information.

### Background:

Toronto East York Community Council at its meeting held on January 29, 2002 requested that the Commissioner of Urban Development Services report to the Toronto East York Community Council, in consultation with the City Solicitor, on the feasibility of a motion to provide that no new applications shall be accepted, nor vending permits issued, for vending spaces in Wards 20, 27 and 28, until there is a new harmonized vending policy in place for the City of Toronto.

### Comments:

The matter of the imposition of a moratorium, on the issuance of vending permits within Wards 20, 27 and 28, pending the adoption by City Council of a new vending by-law has been reviewed with the City Solicitor.

The City Solicitor advises that under Section 22 of the *City of Toronto, 1997 (no. 2)*, Council may designate spaces for the use of vending purposes. It is reasonable to imply that this ability to designate includes the ability to place a temporary moratorium on the designation of further spaces in certain areas of the City where there is a need to do so. As well, underlying special legislation which applies to Wards 20, 27 and 28 obtained by the former City of Toronto with respect to regulating street vending also includes the specific ability to limit the number of permits which may be issued under the by-law.

However, the Solicitor advises that any temporary moratorium should be implemented as to prevent any impact on current applicants which could be seen as arbitrary or unfair. Under Subsection 315-9B of Municipal Code 315, Street Vending, of the former City of Toronto Municipal Code (which currently governs vending applications in Wards 20, 27 and 28), the Commissioner is required to issue a vending permit to a person whose application complies with the criteria as set out in the Code Chapter and “the policies of Council as they existed on the date the application was received”, where no objection to the application has been made. It is therefore the Solicitor’s recommendation that any change to Council policy which would result in a temporary moratorium should only apply to applications received after the date that the moratorium comes into effect.

In order to avoid a last minute rush of applications, it is suggested that any proposed moratorium be deemed to come into effect retroactively as of the date of the Community Council’s first consideration of this matter--i.e. February 25, 2002. The Municipal Code would need to be amended to explicitly state that applications received after that date shall be kept on file to be considered under the new by-law when it comes into force.

The adoption of a temporary moratorium on the issuance of vending permits in Wards 20, 27 and 28 would not create undue difficulties in the identification and processing of future applications for vending permits.

Conclusions:

It is within the powers of City Council to adopt a motion to provide that no applications received after February 25, 2002 shall be processed until a new harmonized vending by-law has been adopted by City Council.

Contact:

Curtis Sealock, District Manager,  
Municipal Licensing and Standards, Urban Development Services  
Telephone: 416-392-7616; Fax: 416-392-0677; email: csealock@city.toronto.on.ca

**The Toronto East York Community Council also submits the following report (December 18, 2001) from the District Manager, Municipal Licensing and Standards:**

Purpose:

To report on the revocation of sidewalk/boulevard vending locations, as requested by Councillor Pam McConnell.

Financial Implications and Impact Statement:

The revocation of the sidewalk/boulevard vending location would create a loss of approximately \$6,300.00 of revenue annually.

Recommendations:

The Toronto East York Community Council may recommend that:

City Council not revoke the sidewalk/boulevard vending permits on Bay Street, Wellington Street West and Front Street West, around the Royal Bank Building at 200 Bay Street.

Background:

On November 21, 2001 Councillor Pam McConnell requested, on behalf of the adjacent property owners, that the sidewalk/boulevard vending permits be revoked on Bay Street, Wellington Street West and Front Street West, around the Royal Bank Building at 200 Bay Street. (Attachment No.1)

Comments:

On October 5, 1982, Mr. Allan Firsten, 597 King Street East, Toronto, Ontario, M5A 1M6, applied for a sidewalk/boulevard vending permit on Wellington Street West, south side, 4.91 metres west of Bay Street. Mr. Allan Firsten was approved to sell flowers.

On July 10, 1986, Mr. Jeffery Dorfman, 3300 Dufferin Street, Toronto, Ontario, M6A 2T5, applied for a sidewalk/boulevard vending permit on Bay Street, west side, 9.0 metres south of Wellington Street West. Mr. Jeffery Dorfman was approved to sell hot dogs, sausages and cold drinks.

On February 23, 1998, Mr. Rizwana Shaheen, 3 Kerbar Road, Scarborough, Ontario, M1V 1G2, applied for a sidewalk/boulevard vending permit on Wellington Street West, south side, 44.5 metres west of Bay Street. Mr. Rizwana Shaheen was approved to sell hot dogs, sausages and cold drinks.

On March 23, 2001, Ms. Valentina Zigkos, 105 MacKay Avenue, Toronto, Ontario, M6H 2N7, applied for a sidewalk/boulevard vending permit on Bay Street, west side, 70.0 metres north of Front Street West. Ms. Valentina Zigkos was approved to sell hot dogs, sausages and cold drinks.

To assist the Toronto East York Community Council with their evaluation of adjacent property owners' concerns, they are summarised below with the staff's response:

Concern # 1: The vending locations adversely affect the pedestrian traffic on the existing sidewalks in the immediate vicinity.

Staff Response: Municipal Code, Chapter 315, Street Vending, of the former City of Toronto Municipal Code requires a minimum 3.66 meters of paved passable space to be maintained for pedestrians.

The proposed locations provides more than the required 3.66 metres of paved passable space.

Concern # 2: The vending locations incur additional cleaning and maintaining of the sidewalk and property due to debris, wrappers and stains left by the vendors' customers.

Staff Response: A condition of the vending permit is that, "The designated vending area and the adjacent pavement, sidewalk and boulevard must be maintained in a clean condition, free from grease, papers, rubbish and debris. Failure to comply may result in the designated area being cleaned by City staff, at the permit holder's expense."

### Conclusion:

After hearing depositions, the Toronto East York Community Council must decide whether or not to permit the vendors to continue vending.

Contact:

Curtis Sealock, District Manager  
South District, Municipal Licensing and Standards  
Telephone: (416) 392-7616; Fax: (416) 392-0677; E-mail: csealock@city.toronto.on.ca

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(Attachments referred to in the foregoing report were forwarded to all Members of the Toronto East York Community Council with the agenda for its meeting on February 25, 2002, and copies are on file in the office of the City Clerk.)

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The following persons appeared before the Toronto East York Community Council in connection with the foregoing matter:

- Dan Holmes, Legal Counsel on behalf of Oxford Properties Group; and
- Gordon Menzies, Assistant Property Manager, Oxford Properties Group.