Boulevard Café Request
2040 Avenue Road

Date: August 21, 2012

To: North York Community Council

From: District Manager, Municipal Licensing and Standards, North York District

Wards: Ward 16 - Eglinton-Lawrence

Reference Number: IBMS No. 12-217271

SUMMARY

This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws. The subject matter is an application for a boulevard café permit.

RECOMMENDATIONS

Municipal Licensing and Standards, North York District, has received the necessary clearances to recommend that:

1. The North York Community Council approve the application for a boulevard café permit at 2040 Avenue Road, with the following conditions:

   a) That the City of Toronto business licence be amended by the applicant to include an 'outside patio';

   b) That the area of the boulevard café located on the City of Toronto right-of-way be no greater than 7.5 metres running along Dunblaine Avenue extending from Avenue Road and 2.5 metres in width from the property line along Dunblaine Avenue for approximately 18.75 square metres;

   c) That the boulevard café license be renewable on an annual basis with the appropriate insurance in place and the required fee being paid;
d) That no claims will be made against the City by the owner(s) for damages occurring to the patio, equipment, enclosure or its elements during snow removal;

e) That the occupancy permitted by the license is to be removed by the owner, at the expense of the licensee, within 30 days of receiving written notice from the Executive Director of Municipal Licensing and Standards;

f) The licensee agrees that the City, or any gas, telephone, telegraph, electric light or other public utility company, shall have the right at all times to enter upon the permitted encroachment for the purpose of constructing, repairing, maintaining, replacing or removing any sewer, mains, culverts, drains, water pipes, pole wires or other underground services and installations. The licensee shall not be entitled to any damages or compensation by reason of the exercise of the City and utility company’s rights; and the licensee, at his own expense, shall carry out such alterations or removal of the encroachment as may be directed by the City;

g) In default of the removal not occurring as directed, the City may carry out the removal, at the expense of the licensee, and may recover the costs incurred by legal action or in a like manner as municipal taxes;

h) The indemnification of the City by the owner(s) of the encroachments for all liability relating in any way to the encroachment and providing of an insurance policy for such liability for the lifetime of the Agreement in a form as approved by the City Solicitor in an amount not less than $2,000,000 or such greater amount as the City Solicitor may require;

i) The licensee will, at his expense and to the satisfaction of the Executive Director of Municipal Licensing and Standards, keep and maintain the boulevard café enclosure and all or any of its components in a good and proper state of repair and safety, and will not make any additions or modifications beyond what is allowed pursuant to the terms of the License permit;

j) The licensee pays the appropriate annual leasing rate, established by the City of Toronto, Corporate Services, Facilities and Real Estate Division.

**FINANCIAL IMPACT**

There is no financial impact anticipated resulting from the adoption of this report.

**DECISION HISTORY**

The owner applied to operate a boulevard café.
ISSUE BACKGROUND

The property is located in a C4(12) commercial zone in the former City of North York on the northwest corner of Dunblaine Avenue and Avenue Road.

This patio will be located on the flankage along Dunblaine Avenue and in front of the operation along Avenue Road. Only a portion of this patio along Dunblaine Avenue will extend onto the right-of-way. This portion is approximately 7.5 metres in length and 2.5 metres in width extending out from the property line along Dunblaine Avenue for a total of approximately 18.75 square metres (Attachment I).

COMMENTS

Transportation Services, as part of their review of this application, have approved the application.

The business operates as ‘Aroma Expresso Bar’ and they hold a current City of Toronto business licence not endorsed for an outdoor patio No. B71-4295716 that expires on May 22, 2013.

CONTACT

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SIGNATURE

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Eletta Purdy, District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1 Patio plan