



STAFF REPORT ACTION REQUIRED

Refusal of a boulevard café permit application located at 1261 Bloor Street West, St Clarens Avenue flankage

Date:	January 12, 2012
To:	Toronto and East York Community Council
From:	Marcia Stoltz, Acting Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 18 – Davenport

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 Municipal Licensing & Standards in the matter of an application for a boulevard café permit located at 1261 Bloor Street West, St Clarens Avenue flankage.

RECOMMENDATIONS

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

1. Deny the application for the proposed boulevard café application at 1261 Bloor Street West, St Clarens Avenue flankage.

Financial Impact

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

ISSUE BACKGROUND

An application for a boulevard café permit located at 1261 Bloor Street West, St. Clarens Avenue flankage, was received on May 18, 2011 from the business owner representing Cafe Stella.

The application submitted was seeking permission to establish a boulevard café at 1261 Bloor Street West, St. Clarens Avenue flankage for 34.20 square meters which would accommodate approximately 28 patrons. **(Appendix No. 1)**

In accordance with the former City of Toronto Municipal Code Chapter 313-36B (4) a public poll of owners and tenants within 120 metres of the proposed café on a residential flank is required.

A poll dated October 4, 2011 with the last date for filing a response being November 2, 2011 was conducted by the City Clerk's Office, Elections and Registry Services for the Wallace Avenue flankage, in English and Portuguese, between the premises 193 – Wallace Avenue, 202 – 222 Wallace to determine neighbourhood support.

The results of the poll received from Election and Registry Services indicate that a poll can only proceed when at least 25% of the ballots mailed have been returned. This poll did not meet the minimum response rate and is therefore considered negative.

On November 30, 2011, a refusal letter was sent to the business owner representing Café Stella advising the applicant that the boulevard café application was denied due to the poll not meeting the minimum response rate.

COMMENTS

Where a refusal is appealed in writing under § 313-77, the Commissioner shall prepare and forward a report to the Committee setting out the grounds for refusal of the application, which shall be considered in conjunction with the appeal.

In accordance with Chapter 190-8 D, where a poll has been conducted, re-polling for the same purpose may not be conducted until two years have passed from the end of the polling period.

CONTACT

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SIGNATURE

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APPENDICES

1. Sketch of boulevard café
2. Photos of proposed café area