



## STAFF REPORT ACTION REQUIRED

### Refusal of a boulevard café permit application located at 537 College Street, Euclid Avenue flankage

<b>Date:</b>	January 17, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Marcia Stoltz, Acting Manager, Municipal Licensing & Standards, Licensing Services
<b>Wards:</b>	Ward 19 – Trinity - Spadina

#### **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 and Standards in the matter of an application for a boulevard café permit located at 537 College Street on the Euclid 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 537 College Street West, on the Euclid Avenue flankage.

#### **Financial Impact**

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

## **DECISION HISTORY**

An application for a boulevard café permit located at 537 College Street, on the Euclid Avenue flankage was received on July 26, 2011 from the business owner, representing, 2274123 Ontario Inc operating as Mullins. The application submitted was seeking permission to establish a of boulevard café area, on the Euclid Avenue flankage for 59.26 square meters which would accommodate approximately 49 additional patrons.

### **(Appendix No.1)**

As the proposed boulevard café flanks a residential district, the former City of Toronto Municipal Code Chapter 313, Section 313-36F (2F) states that no part of the boulevard café shall be less than 25 meters from a residential zone.

Site inspection conducted on September 6, 2011 revealed that the boulevard café area is within 15.5 meters of the required 25 meters from a residential zone.

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

A poll dated June 30, 2011 with the last date for filing a response being September 19, 2011 was conducted by the City Clerk's Office, Elections and Registry Services for the Euclid Avenue flankage, in English, between the premises 324 – 362 Euclid Avenue, 335 – 367 Euclid Avenue and 533 College Street to determine neighbourhood support.

The provisions of Municipal Code Chapter 190 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 therefore is considered negative.

## **ISSUE BACKGROUND**

On September 7 2011 a refusal letter was sent to the business owner representing 2274123 Ontario Inc, operating as Mullins advising the applicant that the boulevard café permit application was denied due to the required 25 meters from a residential zone and the negative result to the poll.

On September 13, 2011, a letter was received by Municipal Licensing & Standards from the business owner representing 2274123 Ontario Inc, operating as Mullins to appeal the decision of the denial for a boulevard cafe.

## **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**

Pat Thornback  
Acting Supervisor  
Licensing Services  
Municipal Licensing & Standards  
Telephone: (416) 392-3128 Fax: (416) 338-7225  
E-mail: [pthornba@toronto.ca](mailto:pthornba@toronto.ca)

## **SIGNATURE**

---

Marcia Stoltz  
Acting Manager,  
Municipal Licensing & Standards  
Licensing Services

## **APPENDICES**

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