



STAFF REPORT ACTION REQUIRED

Suspension of the sidewalk boulevard vending permit located at Simcoe Street East Side 4.7 metres South of Queen Street West

Date:	December 6, 2011
To:	Toronto and East York Community Council
From:	Marcia Stoltz, Acting Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 20 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 suspension of a sidewalk boulevard vending permit located at Simcoe Street, East Side 4.7 metres south of Queen Street West due to the critical health violations under the Health Promotion and Protection Act and reasonable belief that health and safety of the public may be endangered.

RECOMMENDATIONS

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

1. Continue the suspension of the existing sidewalk boulevard vending permit located at Simcoe Street, East Side 4.7 metres South of Queen Street West until such time as the permit holder can demonstrate compliance with the Health Promotion and Protection Act.

FINANCIAL IMPACT

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

BACKGROUND

On May 1, 1999 vending permit R53-2402587 was issued to Lidia Ivanova Inc to operate a sidewalk boulevard vending cart selling hot dogs, sausages and cold drinks on Simcoe Street East Side 4.7 metres South of Queen Street West. (**Appendix 1**)

On November 24, 2011, a public health inspection of the mobile vending cart premises was conducted and critical health violations were observed resulting in a closure order. **(Appendix 2)**

The vendor was advised by the Toronto Public Health Inspector that the cart was being closed down under Section 13 of the Health Promotion and Protection Act.

On November 25, 2011 a joint site inspection meeting was conducted by Toronto Public Health and Municipal Licensing and Standards Staff. The vendor was advised that the vending location permit was being suspended due to the critical health violations and the reason to believe that the health or safety of the public may be endangered because of state of the hot dog cart. Staff spoke with the vendor regarding the removal of the cart and the necessity to have it removed that day due to the suspension and the matter in which the mobile vending cart was being maintained creating a health hazard.

The mobile vending cart was previously inspected on May 7, 2010 which also resulted in health violations. The vendor was issued four tickets and one notice to comply for health violations under the Health Promotion and Protection Act. The vendor was convicted and fined on two of the four tickets issued

COMMENTS

In accordance with the former City of Toronto, Municipal Code, Chapter 315, section 315-13, The permit holder agrees that the Commissioner may, upon giving notice in writing to the permit holder, suspend the permit where the Commissioner has reason to believe that the agreement or this chapter is being violated by the permit holder or any person working in the food vending vehicle or any person vending from the portable display unit or the work station, or where the Commissioner has reason to believe the health or safety of the public may be endangered by reason of the food vending vehicle, the portable display unit or the work station continuing to be located in the designated area, pending the consideration by the City Services Committee at its next appropriate meeting of a report from the Commissioner respecting the violations or the health or safety concerns.

CONTACT

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SIGNATURE

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APPENDICES

1. Sketch of sidewalk boulevard vending location
2. Toronto Public Health Closure Order
3. Photos of the sidewalk boulevard vending location
4. Establishment Inspection Report