



STAFF REPORT ACTION REQUIRED

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

Date:	May 31, 2012
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 cancellation of a sidewalk boulevard vending permit, issued to Lidia Ivanova Inc., 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 the decision by the Toronto Licensing Tribunal to refuse the application for the non-motorized refreshment vehicle business licence.

RECOMMENDATIONS

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

1. Cancel the existing sidewalk boulevard vending permit located at Simcoe Street, East Side 4.7 metres South of Queen Street West.

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.

On November 24, 2011, a public health inspection of the mobile vending cart was conducted and critical health violations were observed, resulting in a closure order, issued 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. The vendor was advised that the vending location permit was being suspended due to the critical health violations and the belief 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.

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.

On January 3, 2012 the non-motorized refreshment vehicle licence (number V27-3136036) was cancelled by the permit holder because the cart was to be replaced with a new vehicle. A new application for a Non-Motorized Refreshment Vehicle licence was received..

The permit holder, Lidia Ivanova Inc., was requested to appear before the Toronto Licensing Tribunal to determine whether or not the corporation's Non-Motorized Refreshment Vehicle licence application should be granted. Municipal Licensing and Standards had reasonable grounds to believe that the operation of this business posed significant risk to public health and safety.

On May 24, 2012, a hearing was held by the Toronto Licensing Tribunal in the matter of an application from Lidia Ivanova Inc. for a non-motorized refreshment vehicle business licence. The Toronto Licensing Tribunal refused the application based on the evidence presented.

In accordance with the former City of Toronto, Municipal Code, Chapter 315, section 315-17 A(2) the cancellation of the permit can be recommended where the permit holder is not in possession of a valid business licence issued by the City of Toronto and has been convicted in any twelve-month period of more than one (1) offence under the Health Protection and Promotion Act:-

COMMENTS

Where the City Services Committee has received a report of a violation by a permit holder, under Subsection A, B or C, the Committee shall notify the permit holder, and the Committee shall, after giving the permit holder an opportunity to be heard before the Committee, recommend to Council whether or not the permit should be cancelled, and where Council cancels the permit, the permit holder shall not be entitled to any refund of any portion of the annual fee.

CONTACT

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SIGNATURE

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