Refusal of a boulevard café permit application located at 664 Bloor Street West, Manning Avenue Flankage

Date: August 13, 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 refusal to issue a permit by Municipal Licensing & Standards in the matter of an application for a boulevard café permit located at 664 Bloor Street West, Manning 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 permit located at 664 Bloor Street West, Manning 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 664 Bloor Street West, Manning Avenue flankage was received on February 7, 2012 from the business owner representing Ottoman.

The application submitted was seeking permission to establish a boulevard café permit on the Manning Avenue flankage of 664 Bloor Street West 22.27 square meters which would accommodate approximately 18 patrons. (Appendix No. 1)

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

A poll dated April 27, 2012 with the last date for filing a response being May 28, 2012 was conducted by the City Clerk's Office, Elections and Registry Services for the Manning Avenue flankage, in English, between the premises of 665 – 667 Manning Avenue, 666 – 668 Manning Avenue and also 662 Bloor Street West to determine neighbourhood support.

The results of the poll received from Election and Registry Services indicate that the poll did not meet the minimum response rate and therefore is considered negative.

On May 29, 2012, a refusal letter was sent to the business owner representing Ottoman advising the applicant that the boulevard café application was denied due to the poll not meeting the minimum response rate.

On June 6, 2012 a letter was received by Municipal Licensing & Standards from the business owner representing Ottoman, to appeal the decision of the denial for a boulevard cafe.

COMMENTS

As the proposed café flanks a residential district, the former City of Toronto Municipal Code Chapter 313-36 F, requires that no part of the boulevard café is less than 25 meters from a residential zone and the application be refused.

Chapter 190 of the Municipal Code states that a poll can only proceed when at least 25% of the ballots mailed have been returned. This poll did not meet minimum response rate and therefore is negative. This poll cannot be conducted again until May 28, 2014, two (2) years after the closing date of the poll.
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SIGNATURE

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APPENDICES

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