

Status of a Harmonized Boulevard Café By-law

Date:	October 15, 2012
To:	Toronto and East York Community Council
From:	Acting Manager, Licensing Services, Municipal Licensing and Standards
Wards:	Toronto and East York District
Reference Number:	

SUMMARY

The purpose of this report is to update the Toronto and East York Community Council regarding the status of a harmonized boulevard café by-law as it pertains to the Toronto and East York District.

Financial Impact

There are no financial impacts beyond what has already been approved in the current year's budget upon receipt of this information report.

DECISION HISTORY

Toronto and East York Community Council at its meeting held on April 17, 2012, approved a motion by Councillor Davis and as part of the decision item TE15.11, "Refusal of a Boulevard Café Permit Application Located at 399 Dawes Road", requesting the Acting Manager, Licensing Services, Municipal Licensing and Standards to submit a report on the status of the harmonization of a City-wide Boulevard Café By-Law as it pertains to the Toronto and East York District.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE15.11v>

ISSUE BACKGROUND

Provisions for the issuance of café and marketing permits within the City of Toronto are currently regulated under separate by-laws within the former municipalities of Toronto, East York, North York, Etobicoke and York:

- a Chapter 313-36 Boulevard Cafes of the former Municipality of Toronto
- b. By-law No. 16-97 of the former Municipality of East York;
- c. Chapter 743 of the former Municipality of Etobicoke
- d By-law No. 29607 of the former City of North York,
- e By-Law No. 3343-79 and Chapter 1004.11.12, Article 12 of the former City of York

The former City of Scarborough did not permit cafés or the marketing of merchandise on the public right-of-way.

As a result, the permit application process differs depending on the provisions established by the former municipalities. For example, the former municipalities of Toronto and East York issue annual permits for boulevard cafés through an administration process. In the former municipalities of Etobicoke, York and North York, all applications are considered at Community Council and encroachment agreements for seasonal use are either approved or refused.

One particular challenge arises when boulevard café permit applications are refused under differing compliance provisions but are considered at the same Community Council. For example, the former City of Toronto, Chapter 313-36 requires as part of the café permit application process, a public poll of residents for a café to be located on a residential flankage and a 14 day public posting for a café to be established within the commercial frontage of the proposed café area. The former Borough of East York, Municipal Code Chapter 16-97 does not provide for any provisions to conduct a public poll of residents or public posting within the proposed café area.

This lack of consistency regarding boulevard café regulations creates confusion and frustration among applicants as well as members of Community Council.

COMMENTS

Development of a harmonized boulevard café by-law requires comprehensive review of existing boulevard café provisions, interdivisional consultation to determine potential impacts to other harmonized by-laws, and stakeholder input and consultation. An action plan has been developed, including the following phases:

A: Review and Research

- Existing provisions contained in the various legislation
- Review of legislation/practices in other cities
- Development of guidelines/best practices
- Potential impacts to neighbourhoods such as – noise, residents concerns, AGCO compliance, designs, closing times, occupancy load of café area

B: Consideration of impacts to other by-laws and legislation, requiring inter-divisional and inter-governmental consultation

- Zoning
- Streets and Sidewalks
- Legislative changes impacting the sale of alcohol
- Legal Implications

C: Stakeholder and Industry Consultation

- Toronto Association of Business Improvement Areas (TABIA)
- Ontario Restaurant, Hotel and Motel Association (ORHMA)
- Boulevard Café Operators
- General Public

A harmonized boulevard café by-law has been prioritized as part of Municipal Licensing and Standards 2013 policy and planning work plan. It is anticipated that a report will be going forward to the Licensing and Standards Committee in the fourth quarter of 2013.

CONTACT

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SIGNATURE

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