Refusal of a boulevard café permit application located at 258 Lansdowne Avenue, Lumbervale Avenue flankage

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<tr>
<th>Date:</th>
<th>October 15, 2012</th>
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<td>To:</td>
<td>Toronto and East York Community Council</td>
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<tr>
<td>From:</td>
<td>Acting Manager, Licensing Services, Municipal Licensing and Standards</td>
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<td>Wards:</td>
<td>Ward 18 Davenport</td>
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**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 258 Lansdowne Avenue, Lumbervale Avenue flankage.

**RECOMMENDATION**

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 258 Lansdowne Avenue, Lumbervale Avenue flankage.

**Financial Impact**

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

**DECISION HISTORY**

An application for a boulevard café located at 258 Lansdowne Avenue, on the Lumbervale Avenue flankage was received on May 24, 2012 from Café Encontro Inc, operating as Café Encontro.

The application submitted is seeking permission to establish a boulevard café on the Lumbervale Avenue flankage for 48.74 square meters which would accommodate approximately 40 patrons. (Appendix No. 1)
As the proposed boulevard café flanks a residential zone, 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.

A site inspection conducted on March 20, 2012 revealed that the boulevard café is within 7.60 meters of the required 25.0 meters from a residential zone.

On July 18, 2012, a refusal letter was sent to 1662919 Ontario Inc, advising that the boulevard café permit application was denied due to the required 25 meters clearance requirement from a residential zone.

A letter dated July 25, 2012 was received by Municipal Licensing and Standards from 1662919 Ontario Inc. seeking to appeal the decision of the denial for a boulevard café permit application on the Lumbervale flankage.

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

A poll was conducted on September 11, 2012 with the last date for filing a response being October 12, 2012, by the City Clerk's Office, Elections and Registry Services in English and Portuguese for the premises between 1 – 23 Lumbervale Avenue.

The results of the poll received from the City Clerk's Office, Election and Registry Services indicate that the majority of ballots received were not in favour of the boulevard café application.

**COMMENTS**

As the proposed café flanks a residential zone, 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.

When there is a negative response, re-polling for the same purpose may not take place until two years have passed from the closing date of the previous poll. As a result, no further application for boulevard café privileges at this location can be accepted until July 16, 2014.

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SIGNATURE

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Marcia Stoltz
Acting Manager
Licensing Services
Municipal Licensing and Standards

APPENDICES

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