Refusal of a boulevard café permit application located at 38 The Esplanade

Date: October 15, 2012

To: Toronto and East York Community Council

From: Acting Manager, Licensing Services, Municipal Licensing and Standards

Wards: Ward 28 – Toronto Centre Rosedale

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 38 The Esplanade.

RECOMMENDATION

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

1. Deny the application for the proposed boulevard café permit at 38 The Esplanade.

Financial Impact

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

An application for a sidewalk boulevard café permit located at 38 The Esplanade, was received on September 12, 2012 from the business owner representing 2298472 Ontario Inc, operating as The Esplanade Tilted Kilt.

The application submitted was seeking permission to establish a boulevard café located at 38 The Esplanade for 65.28 square meters which would accommodate approximately 56 patrons. (Appendix No. 1)

The former City of Toronto Municipal Code, Chapter 313-36 (5) states; Where the application is for a boulevard cafe to be located on a commercial frontage, the Commissioner shall prepare a notice advising of the application and shall post the notice on the property in a manner so that the notice is visible to passersby, for a period of not less than fourteen (14) days before a date specified by the Commissioner.

A public notice was posted commencing on September 20, 2012 to closing October 3, 2012 to determine neighbourhood support.

A letter of objection to the public posting was received by Municipal Licensing and Standards.

Chapter 313 – 36 B6 states, "where the Commissioner receives one or more letters of objection in response to the boulevard café application, the Commissioner shall refuse the application".

A refusal letter was sent on October 12, 2012 to 2192186 Ontario Inc advising the applicant that an objection letter to the 14 day public posting was received and that the sidewalk/boulevard café permit application was denied.

On October 19, 2012 a letter was received by Municipal Licensing and Standards from the business owner representing 2298472 Ontario Inc, to appeal the decision of the denial for a boulevard café permit.

CONTACT

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SIGNATURE

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APPENDICES

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