

March 31, 2015

Municipal Licensing & Standards

16th Floor
Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

via Hand Delivery

Attn: Executive Director Tracey Cook

**Re: Existing Holders of R55 Curblane Permits
Our File No.: BG-R55**

1. We are the lawyers for a steering committee of several existing holders of R55 "curblane food vending permits". These R55 curblane permit holders do not oppose the new mobile street vendor permits; however, they are very concerned about any possible intention of City Council to eventually eliminate the R55 curblane vending permits entirely or to replace them with the new mobile street vendor permits.

2. We understand that as part of your scheduled review of the new mobile food vending permit system, you are also considering restricting the "grandfathering" of the existing R55 permits until only December 31, 2020, and then possibly eliminating them thereafter. The current R55 permit holders strongly object to any elimination of this grandfathering clause, and they strongly suggest this "grandfathering" continue indefinitely.

We respectfully suggest, and strongly submit for your consideration, that there should be no limit on the grandfathering of the R55 curblane vending permits to only December 31, 2020, or for any period, and that these R55 curblane vending permits with all of their current rights and privileges should be grandfathered indefinitely. These R55 curblane vending permits should not be discontinued in exchange for new mobile food vending permits under the new system now, in the year 2020, or at any time.

3. The 27 owners of these R55 curblane vending permits have had them for many, many years; they have "paid their dues", and during that time have felt secure, protected, grandfathered, and they have actively relied upon this security. The owners of these R55 curblane vending permits have been relying and continue to rely on the

City to continue issuing these R55 permits for their families' future financial security and livelihood; if you cancel these permits or radically change the way that these permit holders conduct business, you will be causing these members of the community significant financial hardship by frustrating their source of family income which they have depended and relied upon. The permit holders have served the community diligently and to the highest standard, and they should be permitted to continue to do so. They provide an ongoing positive benefit to the City's communities.

5. In any event, reassessing the new mobile food vendors should not be dealt with at the same time and in the same bylaw legislation discussions as the grandfathering of the R55 curblane permit holders. They are separate issues with different considerations and factors that must be and should be separately addressed. However, any new or amending legislation regarding the new mobile food permits should also protect the R55 curblane permit holders and adopt them permanently but separately and independently into the new system until such other time that the ongoing legitimate concerns of the R55 curblane permit holders can be properly appropriately considered and addressed.

6. We therefore strongly urge you to consider maintaining the status quo as it relates to the R55 curblane vending permits in reviewing the current bylaw; grandfather the R55 curblane vending permits indefinitely into the new regime and at least beyond December 31, 2020 to give some reasonable amount of certainty and stability to these R55 vendors. Similarly, the moratorium on not adding any new R55 permits should continue for Wards 20, 27, and 28 for the existing 27 R55 curblane permits in the downtown core. In any event, we strongly suggest that any eventual changes (if any) regarding the R55 curblane street vendor permits should be dealt with separately and independently from the new mobile street vendor permits, if necessary, and after appropriate discussion, and better study. The R55 curblane vendors want to continue to be classified separately and independently from the new mobile street vendors.


7. There is no reason why these R55 curblane permit holders cannot operate separately and still coexist or operate symbiotically within the new mobile food vending system. Please take the desires of these R55 curblane vendors into serious consideration. They want to avoid asking for ongoing extensions for the continuation of their distinct permits. Any uncertainty creates ongoing anxiety and a reluctance by these R55 permit holders to invest in or update their equipment or trucks on a continuing basis. The R55 permit holders require a reasonable degree of certainty and stability for their ongoing business venture with full support with the City and its appropriate by-laws and legislation. Please advise if we or the R55 permit holders we represent can do anything further to assist you or to clarify our position. If appropriate and convenient, we would like to make a brief submission in support of our position at the appropriate committee meeting. We consider these concerns to be a very important issue not only for the R55 permit holders but for the City of Toronto.

8. The historical presence of these R55 permit holder vehicles on the street of Toronto for the past many years (since approximately at least the 1993 Bill PR48 City of Toronto Act) have come to be an important and reliable part of Toronto's culture and tradition. This community services should be continued, strengthened and encouraged by securing the position of these R55 permit holders. Since 1993, the ongoing 27 R55 curblane vendor permit holders have considered their position secure and

grandfathered; however for the City now in 2015 to consider "taking away" this grandfathering or security would discourage future serious entrepreneurs in Toronto. It would instead be equitable and just to grant them security and to in effect thank them for their ongoing investment in Toronto (with in their trucks, equipment) and for their decades of past good service.

9. Please give this letter to each the Councilors for their upcoming meeting on April 21, 2015, and please have this issue added to the agenda for that meeting so that they may consider these concerns. We trust the Councilors recognize that these submissions and suggestions are made in the utmost good faith, and not only for the benefit of the R55 curblane street vendor permit holders, but also for the benefit of the City of Toronto.

Yours truly,


Bernard B. Gasee
Barrister and Solicitor
BG/dk