



## STAFF REPORT ACTION REQUIRED

### Refusal of a boulevard café permit application located at 1366 Yonge Street, Unit 103.

<b>Date:</b>	September 18, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Wayne Mattless, Director, Business Licensing and Regulatory Services, Municipal Licensing & Standards
<b>Wards:</b>	Ward 22 – St. Paul's

#### **SUMMARY**

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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 1366 Yonge Street, Unit 103.

#### **RECOMMENDATIONS**

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

1. Deny the application for the proposed sidewalk boulevard café permit at 1366 Yonge Street, Unit 103.

#### **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 1366 Yonge Street, Unit 103 was received on June 23, 2015 from the business owner representing 1245872 Ontario Ltd., operating as Capocaccia.

The application submitted was seeking permission to establish a boulevard café located at 1366 Yonge Street, Unit 103 for 11 square metres which would accommodate approximately 10 patrons.

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 on July 6, 2015 to July 19, 2015 to determine neighbourhood support.

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

Boulevard cafes are governed by the criteria set out in Chapter 313-36 of the former City of Toronto Municipal Code. As stated in the Municipal Code, “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 July 23, 2015 to the business owner representing 1245872 Ontario Ltd. 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 July 29, 2015 a letter was received by Municipal Licensing & Standards from the business owner representing 1245872 Ontario Ltd., to appeal the decision of the denial for a boulevard café permit.

## **Poll results**

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 boulevard café on a residential flank.

A poll dated July 23, 2015 with the last date for filing a response being August 21, 2015 was conducted by the City Clerk's Office, Elections and Registry Services for 20-32B Balmoral Avenue, 5-41 Balmoral Avenue and 1360 Yonge Street East to determine neighbourhood support.

The results of the poll received from Election and Registry Services indicate that a majority of the ballots received were in favour.

## **COMMENTS**

This application does not meet the physical criteria for a boulevard café, as set out in Chapter 313, Section 313-36 of the former City of Toronto Municipal Code.

## **CONTACT**

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## **SIGNATURE**

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Wayne Mattless,  
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Municipal Licensing & Standards

## **APPENDICES**

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