Refusal of a boulevard café permit application for an extension located at 191 College Street, Henry Street flankage.

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<td>Toronto and East York Community Council</td>
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<td>From:</td>
<td>Annalisa Mignardi, Director, Business Licensing and Regulatory Services, Municipal Licensing &amp; Standards</td>
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<td>Wards:</td>
<td>Ward 20 Trinity – Spadina</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 & Standards in the matter of an application for an extension of a boulevard café permit located at 191 College Street, Henry Street flankage.

**RECOMMENDATIONS**

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

1. Deny the application for the proposed extension of a boulevard café permit at 191 College Street, Henry Street flankage.

**Financial Impact**

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

An application for an extension of a boulevard café permit located at 191 College Street, Henry Street flankage was received on October 26, 2015 from the business owner representing The Canadian Nightmare Ltd., operating as Pre-Nup Pub.

The application submitted was seeking permission to extend a boulevard café located at 191 College Street for 24.58 square meters which would accommodate approximately 18 patrons.

A site inspection conducted on October 30, 2015 revealed that the boulevard café area is located within 19.95 metres from a residential zone. The required clearance from a residential zone for cafes located on a residential flank is 25 metres.

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 November 2, 2015 to the business owner representing The Canadian Nightmare Ltd., advising the applicant that an objection letter was received and that the boulevard café permit application was denied.

A letter dated November 18, 2015 was received by Municipal Licensing & Standards from the business owner representing The Canadian Nightmare Ltd, to appeal the decision of the denial for a boulevard café permit.

On December 31, 2015, a refusal letter was sent to The Canadian Nightmare Ltd. advising that the boulevard café permit application was denied due to the required 25 metres from a residential zone.

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 café on a residential flank.

A poll was conducted on November 25, 2015 with the last date for filing a response being December 24, 2015 by the City Clerk's Office, Elections and Registry Services in English, and included the premises between 40-76 Henry Street, 33-67 Henry Street and 185 College Street to determine neighbourhood support.

The results of the poll received from the City Clerk's Office, Election and Registry Services indicate that the majority of the ballots received were not in favour.
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 metres 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 a boulevard café permit at this location can be accepted until December 24, 2017.

CONTACT

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SIGNATURE

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Annalisa Mignardi,
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Municipal Licensing & Standards

APPENDICES

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