Request for an extension of operating hours and to impose operating conditions to the boulevard café permit located at 913 Dundas Street West, Bellwoods Avenue flankage

Date: May 26, 2017
To: Toronto and East York Community Council
From: Annalisa Mignardi, Director, Business Licensing and Regulatory Services, Municipal Licensing & Standards
Wards: Ward 19 - Trinity - Spadina

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 request received on May 4, 2017 from the Ward Councillor for an extension of operating hours and to impose operating conditions to the boulevard café permit located at 913 Dundas Street West, Bellwoods Avenue flankage.

RECOMMENDATIONS

The Director of Business Licensing and Regulatory Services, Municipal Licensing & Standards recommends that:

1. The request for an extension of operating hours to the boulevard café permit located at 913 Dundas Street West, Bellwoods Avenue flankage be considered; and

2. The operating conditions proposed by the Ward Councillor for the proposed boulevard café permit located at 913 Dundas Street West, Bellwoods Avenue flankage be considered:
   a. No amplified music.
   b. Operational review to be conducted after 1 year.
FINANCIAL IMPACT

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

DECISION HISTORY

An application for a boulevard café located at 913 Dundas Street West, Bellwoods Avenue flankage was received on November 28, 2014 from the business owner representing 2442121 Ontario Inc., operating as Fleurs Du Mal. The application submitted was seeking permission to establish a boulevard café on the Bellwoods Avenue flankage for 25.01 square metres which would accommodate approximately 16 patrons.

2442121 Ontario Inc., operating as Fleurs Du Mal, was first issued a boulevard café permit with conditions on January 5, 2015.

A request for an extension of the boulevard café permit operating hours from 9:00 p.m. to 11:00 p.m. located at 913 Dundas Street West, Bellwoods Avenue flankage was received on December 3, 2014 from the business owner representing 2442121 Ontario Inc., operating as Fleurs Du Mal.

The Toronto and East York Community Council (TEYCC) at its meeting held on April 14, 2015 approved the request for the extension of operating hours from 9:00 p.m. to 10:00 p.m., with the following conditions:

a) The patio has a seating capacity of 21.
   b) Patio closing time of 10:00 p.m. 7 days per week.
   c) No music is permitted to be played outside on the patio.
   d) Operational review conducted in 1 year by Ward Councillor.

COMMENTS

A request from the Ward Councillor was received on May 4, 2017 to extend the boulevard café permit operating hours from 10:00 p.m. to 11:00 p.m. located at 913 Dundas Street West, Bellwoods Avenue flankage.

The operating hours of a boulevard café located on a residential flankage are outlined in the former City of Toronto, Municipal Code, Chapter 313, Section F (2) (a) which states that where a boulevard café flanks a residential district the owner and occupant shall ensure the boulevard café is closed and cleared by 11:00 p.m. or where Council has authorized extended hours of operation, the closing time as authorized by Council.

In accordance with the provisions of the former City of Toronto, Municipal Code, Chapter 313-36, the time restriction provision is in place in order to ensure that the area
residents are not disturbed by or unreasonably impacted in the evening hours by elevated ambient noise generated by the café patrons.

Municipal Licensing and Standards has no records of any complaints received or non-compliance with the existing conditions.

The request for an extension of operating hours to the boulevard café permit located at 913 Dundas Street West, Bellwoods Avenue flankage be considered.

CONTACT

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SIGNATURE

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