

Boulevard Café Application Business Owner Change - 3311-3313 Bloor St W

Date: May 08, 2019
To: Etobicoke York Community Council
From: Janet Stoeckl, District Manager Municipal Licensing and Standards
Wards: Ward 3 – Etobicoke – Lakeshore

SUMMARY

This report for action is about a matter that the Etobicoke Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws. The subject matter is an **amended** application for a boulevard café permit – change of ownership.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Etobicoke York Community Council approve the application for an outdoor patio license agreement at 3311-3313 Bloor Street West, subject to the following conditions:

1. Comply at all times with regulation set out in the former Metropolitan Toronto, By-Law 41093, as amended or its successor by-law;
2. That the City of Toronto business license be maintained by the applicant and in addition, include an endorsement for the "outside patio";
3. That the area of the boulevard café located on the City of Toronto right-of-way be no greater than 11.25 metres along Bloor Street West and no greater than 1.50 metres along the Eagle Road flankage representing a total area of the boulevard café to approximately 17.0 square metres.
4. That the boulevard café license be renewable on an annual basis with the appropriate insurance in place and the required fee being paid. Fees are subject to change;

5. The licensee pay the City of Toronto \$11.00 per square metre, payable annually in advance of the May 1st seasonal use as per Chapter 231 and By-law No. 3343-79 and Chapter 1004.11.12, Article 12 respectively of the former Municipality of Etobicoke and Borough of York
6. The indemnification of the City by the owner(s) of the encroachments for all liability relating in any way to the encroachment and providing of an insurance policy for such liability for the lifetime of the Agreement, annually, in a form as approved by the City Solicitor in an amount not less than \$2,000,000 or such greater amount as the City Solicitor may require;
7. That no claims will be made against the City by the owner(s) for damages occurring to the boulevard area or its elements during snow removal;
8. In default of the removal not occurring as directed, the City may carry out the removal, at the expense of the licensee, and may recover the costs incurred by legal action or in a like manner as municipal taxes;
9. The applicant to operate the boulevard café in compliance with the requirements of Toronto Municipal Code, Chapter 591 Noise;
10. The Boulevard Café only to be licensed for seasonal use, between the date of May 1st to October 31st and the patio furniture/equipment to be removed from the municipal boulevard during November 1st to April 30th annually;
11. The licensee agrees that the City, or any gas, telephone, telegraph, electric light or other public utility company, shall have the right at all times to enter upon the permitted encroachment for the purpose of constructing, repairing, maintaining, replacing or removing any sewer, mains, culverts, drains, water pipes, pole wires or other underground services and installations. The licensee shall not be entitled to any damages or compensation by reason of the exercise of the City and utility company's rights; and the licensee, at their own expense, shall carry out such alterations or removal of the encroachment as may be directed by the City;
12. The licensee will, at his/her expense and to the satisfaction of the Executive Director of Municipal Licensing & Standards, keep and maintain the boulevard area and all or any of its components in a good and proper state of repair and safety, and will not make any additions or modifications beyond what is allowed pursuant to the terms of the License Permit;
13. That a street allowance construction permit, as necessary, be acquired for any resurfacing of the area of occupancy, or attachment to or alteration thereof;

14. That the occupancy permitted by the license is to be removed by the owner, at the expense of the licensee, within 30 days of receiving written notice from the Executive Director of Municipal Licensing & Standards.

Financial IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

This application is to reflect a change of business ownership & business name change at the above property, in addition to an amendment of corrective payment to the City of Toronto.

COMMENTS

An application has been submitted by the owner of The Bull Pub & Grill to operate an existing Outdoor Boulevard Café within the road allowance of 3311 – 3313 Bloor Street West. The café was previously approved in July 1998 and has been in continuous operation under various business owners since.

The nature of the business has not changed and is operating as a restaurant, in possession of Toronto Business License B71-4727444 Eating Establishment with an expiry date of July 10, 2019 . The owner is not proposing any changes to the previously approve café area.

CONTACT

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SIGNATURE

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