

Refusal of a boulevard cafe permit application located at 744 St. Clair Avenue West

Date: May 1, 2019
To: Toronto and East York Community Council
From: Fiona Chapman, Director, Business Licensing and Regulatory Services,
Municipal Licensing & Standards
Wards: Ward 12 – Toronto – St. Paul's

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 a boulevard café area located at 744 St. Clair Avenue West, Commercial frontage.

Recommendations

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

1. The application for the proposed boulevard café located at 744 St Clair Avenue West be denied.

FINANCIAL IMPACT

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

DECISION HISTORY

An application for a boulevard café located at 744 St. Clair Avenue West, Rushton Road flankage was received on May 24, 2018 from the business owner representing 2601598 Ontario Inc. operating as Kay Pacha. The application submitted was seeking permission

to establish a boulevard café on the Rushton Road flankage for 34.09 square metres which would accommodate approximately 23 patrons.

The Toronto and East York Community Council at its meeting held on February 14, 2019 deferred consideration of the boulevard café application for 744 St. Clair Avenue West. Rushton Road flankage.

COMMENTS

On March 25, 2019, a revised application was submitted seeking permission to establish a boulevard cafe on the commercial of 744 St Clair Avenue West. The application submitted was seeking permission to establish a boulevard café for 10.78 square meters which would accommodate approximately 7 patrons. (Appendix No. 1 and 2)

This application meets the physical criteria for a boulevard cafe, as set out in Chapter 313, Section 313-36 of the former City of Toronto Municipal Code.

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 April 4, 2019 to April 17, 2019 to determine neighbourhood support.

Letters of objection to the public posting were 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 cafe application,” the Commissioner shall refuse the application.

A refusal letter was sent on April 23, 2019 to the business owner representing 2601598 Ontario Inc., operating as Kay Pacha, advising the applicant that an objection letter to the 14 day public posting was received and that the boulevard cafe permit application was denied.

On April 29, 2019 a letter was received by Municipal Licensing & Standards from the business owner representing 2601598 Ontario Inc., operating as Kay Pacha, to appeal the decision of the denial for a boulevard cafe permit.

CONTACT

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SIGNATURE

Fiona Chapman
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ATTACHMENTS

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