



REPORT FOR ACTION

Refusal of a boulevard cafe permit application located at 768 Dundas Street West, Markham Street flankage

Date: May 01, 2019
To: Toronto and East York Community Council
From: Fiona Chapman, Director, Business Licensing and Regulatory Services,
Municipal Licensing & Standards
Wards: Ward 11 – University - Rosedale

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 768 Dundas Street West, Markham Street flankage.

RECOMMENDATIONS

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

The application for the proposed boulevard cafe permit located at 768 Dundas Street West, Markham Street flankage be denied.

FINANCIAL IMPACT

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

DECISION HISTORY

An application was received from business owner representing Pact Entertainment Inc. operating as Pact on May 2, 2014. The application submitted was seeking permission to establish a boulevard café at 768 Dundas Street West, Markham Street flankage.

The Toronto and East York Community Council at its meeting held on April 14, 2015, deferred indefinitely the report from the Director, Business Licence and Regulatory Services, Municipal Licensing & Standards, regarding the refusal of a boulevard café permit application.

On August 23, 2014 the business owner was charged with operating without a boulevard café permit.

On June 24, 2015 and August 8, 2017, the business owner was mailed bylaw advisory letters in regards to noise complaints received.

COMMENTS

An application for a boulevard cafe located at 768 Dundas Street West, Markham Street flankage was received on December 10, 2018 from the business owner representing Pact Entertainment Inc. operating as Pact. The application submitted was seeking permission to establish a boulevard cafe on the Markham Street flankage for 54.12 square metres which would accommodate approximately 48 patrons. (Appendix No. 1)

The proposed boulevard cafe flanks a residential zone, and the former City of Toronto Municipal Code Chapter 313-36 (F) requires that no part of the boulevard cafe is less than 25 metres from a residential zone. A site inspection conducted on December 18, 2018 revealed that the boulevard cafe area is located within 5.80 metres from a residential zone and therefore it is recommended that the application be refused. (Appendix No. 2)

On January 2, 2019, a letter was sent to the business owner advising that the boulevard cafe permit application does not have the required 25 metres from a residential zone.

A letter dated January 2, 2019 was received by Municipal Licensing & Standards from the business owner to appeal the decision of the denial for a boulevard cafe permit on the Markham Street flankage.

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 cafe on a residential flank.

A poll was conducted on March 20, 2019 in English and Portuguese, with the last date for filing a response being April 18, 2019 by the City Clerk's Office, Elections and Registry Services, and included the premises between 156-207 Markham Street (including 170 ½ and 171 ½ Markham Street) and 768, 770, 772, 772A Dundas Street West 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. The provisions of Municipal Code Chapter 190 indicate that if there is a negative response during the polling process, the application must be refused.

Furthermore, 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. Accordingly, no further application for boulevard café privileges at this location can be accepted until April 18, 2021.

CONTACT

Pat Thornback
Supervisor
Licensing Services
Municipal Licensing & Standards
Telephone: (416) 392-3128 Fax: (416) 392-4515
E-mail: pat.thornback@toronto.ca

SIGNATURE

Fiona Chapman
Director
Business Licensing and Regulatory Services
Municipal Licensing and Standards

ATTACHMENTS

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