

Refusal of a boulevard cafe permit application located at 191 College Street, Henry Street flankage

Date: September 20, 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.

This is a report on the refusal to issue a permit by Municipal Licensing & Standards in the matter of an application for a boulevard cafe permit located at 191 College Street, Henry Street flankage.

RECOMMENDATIONS

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

The application for an extension for the proposed boulevard cafe permit located at 191 College Street, Henry Street flankage be denied.

FINANCIAL IMPACT

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

DECISION HISTORY

The business owner representing The Canadian Nightmare Ltd. operating as The Pre-Nup Pub was first issued a boulevard cafe permit on June 03, 2014 for the boulevard cafe on the College Street flankage.

An application was submitted on December 1, 2018 to add a boulevard café permit on the flankage of Henry Street.

A report was submitted to Toronto and East York Community Council for meeting date April 24, 2019. At the applicant's request the report was withdrawn from the agenda to be considered at a later date of the Toronto and East York Community Council.

COMMENTS

An application for an extension for the boulevard cafe permit was received on December 1, 2018 from the business owner representing The Canadian Nightmare Ltd. operating as The Pre-Nup Pub. The application submitted was seeking permission to establish a boulevard cafe on the Henry Street flankage for 59.69 square metres which would accommodate approximately 50 patrons. (Appendix No. 1 and 2)

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 13, 2018 revealed that the boulevard cafe area is located within 12.50 metres from a residential zone and therefore it is recommended that the application be refused.

On December 17, 2017, 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.

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 06, 2019 in English with the last date for filing a response being April 04, 2019 by the City Clerk's Office, Elections and Registry Services included the premises between 187 College Street – 191 College Street, 35 Henry Street to 76 Henry 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. The provisions of Municipal Code Chapter 190 indicate that if there is a negative response during the polling process, the application must be refused.

On April 24, 2019, a letter was sent to the business owner advising that the boulevard café permit application was denied due to the negative response during the polling process.

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 4, 2021.

A letter dated January 4, 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 Henry Street flankage.

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 – 191 COLLEGE STREET, HENRY STREET FLANKAGE

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