

Refusal of a boulevard cafe permit application located at 518 Eglinton Avenue West, Heddington Avenue flankage

Date: January 9, 2020

To: North York Community Council

From: Fiona Chapman, Director, Business Licensing and Regulatory Services,
Municipal Licensing & Standards

Wards: Ward 8 – Eglinton – Lawrence

SUMMARY

This staff report is about a matter for which the North 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 518 Eglinton Avenue West, Heddington Avenue 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 518 Eglinton Avenue West, Heddington Avenue flankage be denied.

FINANCIAL IMPACT

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

DECISION HISTORY

This is a new application for a boulevard café permit located at 518 Eglinton Avenue West, Heddington Avenue flankage.

COMMENTS

An application for a boulevard cafe located at 518 Eglinton Avenue West, Heddington Avenue flankage was first received on May 30, 2019 from the business owner representing The Second Cup Ltd. operating as The Second Cup. The application submitted was seeking permission to establish a boulevard cafe on the Heddington Avenue flankage for 18.70 square metres which would accommodate approximately 13 patrons. (Appendix No. 1 and 2)

Upon receipt of an application, it is reviewed for compliance with the physical criteria of Chapter 313-36 of the Former City of Toronto Municipal Code. This application meets the physical criteria for a boulevard café, 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 313-36B (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 October 24, 2019 in English with the last date for filing a response being November 22, 2019 by the City Clerk's Office, Elections and Registry Services, and included the premises 5, 11, 15 and 17 Heddington Avenue (even), 518 and 524 Eglinton Avenue West and 2, 2A, 4, 16, 18 and 20 Heddington Avenue (even) 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 November 27, 2019 a letter was sent to the business owner advising that the boulevard cafe 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 cafe privileges at this location can be accepted until November 22, 2021.

A letter dated December 30, 2019 was received by Municipal Licensing & Standards from the business owner representing The Second Cup Ltd. operating as The Second Cup to appeal the decision of the denial for a boulevard café permit.

CONTACT

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SIGNATURE

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

ATTACHMENTS – 518 EGLINTON AVENUE WEST, HEDDINGTON AVENUE FLANKAGE

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