

## **Refusal of an application for a Sidewalk Café permit located at 1161 Queen Street East, Berkshire Avenue flankage.**

**Date:** March 2, 2023  
**To:** Toronto and East York Community Council  
**From:** Director, Business Licensing and Regulatory Services,  
Municipal Licensing & Standards  
**Wards:** Ward 14 – Toronto-Danforth

### **SUMMARY**

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The purpose of this staff report is to report on the refusal to issue a permit by Municipal Licensing & Standards in the matter of an application for a Sidewalk Café permit at 1161 Queen Street East, Berkshire Avenue flankage.

### **RECOMMENDATIONS**

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

1. Community Council deny the application for the proposed application Sidewalk Café permit at 1161 Queen Street East, Berkshire Avenue flankage.

### **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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This is a new application for a Sidewalk Café permit located at 1161 Queen Street East, Berkshire Avenue flankage.

## **COMMENTS**

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An application for a Sidewalk Café permit at 1161 Queen Street East, Berkshire Avenue flankage was received on October 24, 2022 from the business owner representing 2603037 Ontario Ltd operating as Crowded House Restaurant. The application submitted was seeking permission for a Sidewalk Café area on the Berkshire Avenue flankage for 34.59 square metres which would accommodate approximately 25 patrons. (Appendix No. 1 and 2)

Upon receipt of an application, it is reviewed for compliance with the physical criteria of Chapter 742 of the City of Toronto Municipal Code. This application does not meet the physical criteria for a Sidewalk Café, as set out in Chapter 742, Section 10.12 of the City of Toronto Municipal Code.

The proposed café flanks a residential zone, and the City of Toronto Municipal Code Chapter 742-10.12 A-C requires the deck not be higher than what is required to accommodate a level area and the deck-framing members which shall be the minimum depth required to achieve a level area; have a skirt or screen wherever there is a gap or opening between the surface of the sidewalk and the bottom boards of the deck; not be physically attached to the street; comply with the Accessibility for Ontarians with Disabilities Act and the Ontario Building Code; provide a break in the railing of a minimum width of 1 metre at the high side of the slope to provide wheelchair access; not be constructed over existing utilities such as hydro vaults, chambers, maintenance holes, etc., except with prior written approval given by the relevant utility or service; and not impede sidewalk or roadway drainage and the deck is only permitted where the sidewalk slope exceeds a slope of 5 percent, it is recommended that the application be refused.

On January 16, 2023 a letter was sent to the business owner advising that the Sidewalk Café permit application was denied due to the presence of the deck.

A letter February 17, 2023 was received by Municipal Licensing & Standards from the business owner representing 2603037 Ontario Ltd operating as Crowded House Restaurant to appeal the decision of the denial for a Sidewalk Café permit.

## **CONTACT**

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## **SIGNATURE**

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Kevin Lurkhur, Manger for  
Fiona Chapman  
Director  
Business Licensing and Regulatory Services  
Municipal Licensing and Standards

## **ATTACHMENTS – 1161 QUEEN STREET EAST**

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1. Sketch of Boulevard Cafe location
2. Photos of Boulevard Cafe location