

## **Application for a Sidewalk Cafe Permit Located at 1161 Queen Street East, Berkshire Avenue flankage**

**Date:** May 29, 2025

**To:** Toronto and East York Community Council

**From:** Director, Business Licensing and Regulatory Services, Municipal Licensing and Standards

**Wards:** Ward 14 - Toronto-Danforth

### **SUMMARY**

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

### **RECOMMENDATIONS**

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

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

OR

2. Community Council approve the application for the proposed Sidewalk Cafe permit located 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 cafe permit located at 1161 Queen Street East, Berkshire Avenue flankage.

## **COMMENTS**

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An application for a sidewalk café permit located at 1161 Queen Street East, Berkshire Avenue flankage, was received on April 17, 2025, from the business owner representing 16223109 Canada Inc. operating as Nola Eatery & Bar. The application submitted was seeking permission to establish a sidewalk café with a deck for 34.59 square metres which would accommodate approximately 30 patrons. (Attachment 1 and 2).

This application does not meet the physical criteria for a sidewalk cafe permit, as set out in Chapter 742 of the City of Toronto Municipal Code.

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 May 12, 2025, a letter was sent to the business owner advising that the Sidewalk Café permit application was denied due to the presence of the deck.

On May 20, 2025, a letter was received by Municipal Licensing and Standards from the business owner, to appeal the decision of the denial for a Sidewalk Café permit with a deck.

## **CONTACT**

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## **SIGNATURE**

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## **ATTACHMENTS**

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1. Site Plan of Sidewalk Café location
2. Photos of Sidewalk Café location