



**STAFF REPORT
ACTION REQUIRED**

**Application for Outdoor Encroachment Agreement
4906 Dundas Street West**

Date:	September 23, 2009
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	Municipal Licensing and Standards Folder Number 09 157529 RAW

SUMMARY

To report on an application submitted by the new business owner to maintain/transfer an existing Outdoor Patio License Agreement to lease 9.85 square metres of the municipal boulevard for the purposes of an outdoor café at 4906 Dundas Street West, operating under the name “Ristorante Da Noi”, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that the Etobicoke York Community Council approve the application for an Outdoor Patio License Agreement, subject to the following conditions:

1. The City Solicitor to be authorized to prepare an Outdoor Patio License Agreement for the proposed encroachment.
2. The applicant to pay all fees associated with the preparation of this agreement, and an annual fee to be paid to the City of Toronto for the use of the road allowance in the amount of \$11.00 per square metres, plus GST. All fees are subject to change.
3. Comply at all times with regulations set out in the former Metropolitan Toronto By-law 41093, as amended.

4. The signed agreement to be returned to the City along with the required Certificate of Insurance, evidencing a third party bodily injury and property damage insurance in the amount of Two Million Dollars (\$2,000,000.00) or such other and greater amount as the City may require, and naming the City of Toronto as an additional insured party under the policy.
5. The said Certificate of Insurance to be renewed and a copy thereof submitted to Municipal Licensing and Standards on an annual basis for the life of the encroachment.
6. The applicant to operate the boulevard café in compliance with the requirements of Municipal Code, Chapter 591, Noise.
7. The outdoor boulevard café only to be licensed for seasonal use, between the period of May 1st to October 31st and the patio furniture and fence to be removed from the municipal boulevard at the end of the season.

Financial Impact

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

ISSUE BACKGROUND

An application has been submitted by the new business owner of “Ristorante Da Noi” to operate an existing Outdoor Café within the road allowance at the front of the premises at 4906 Dundas Street West that was previously approved by the Etobicoke York Community Council in its decision of EY6.12, on May 29, 2007, for the previous business owner.

COMMENTS

This application is to reflect a change of business ownership at the subject property as well as the business name and to allow the new business operator to operate the outdoor café, subject to the above-referred conditions being met.

CONTACT

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SIGNATURE

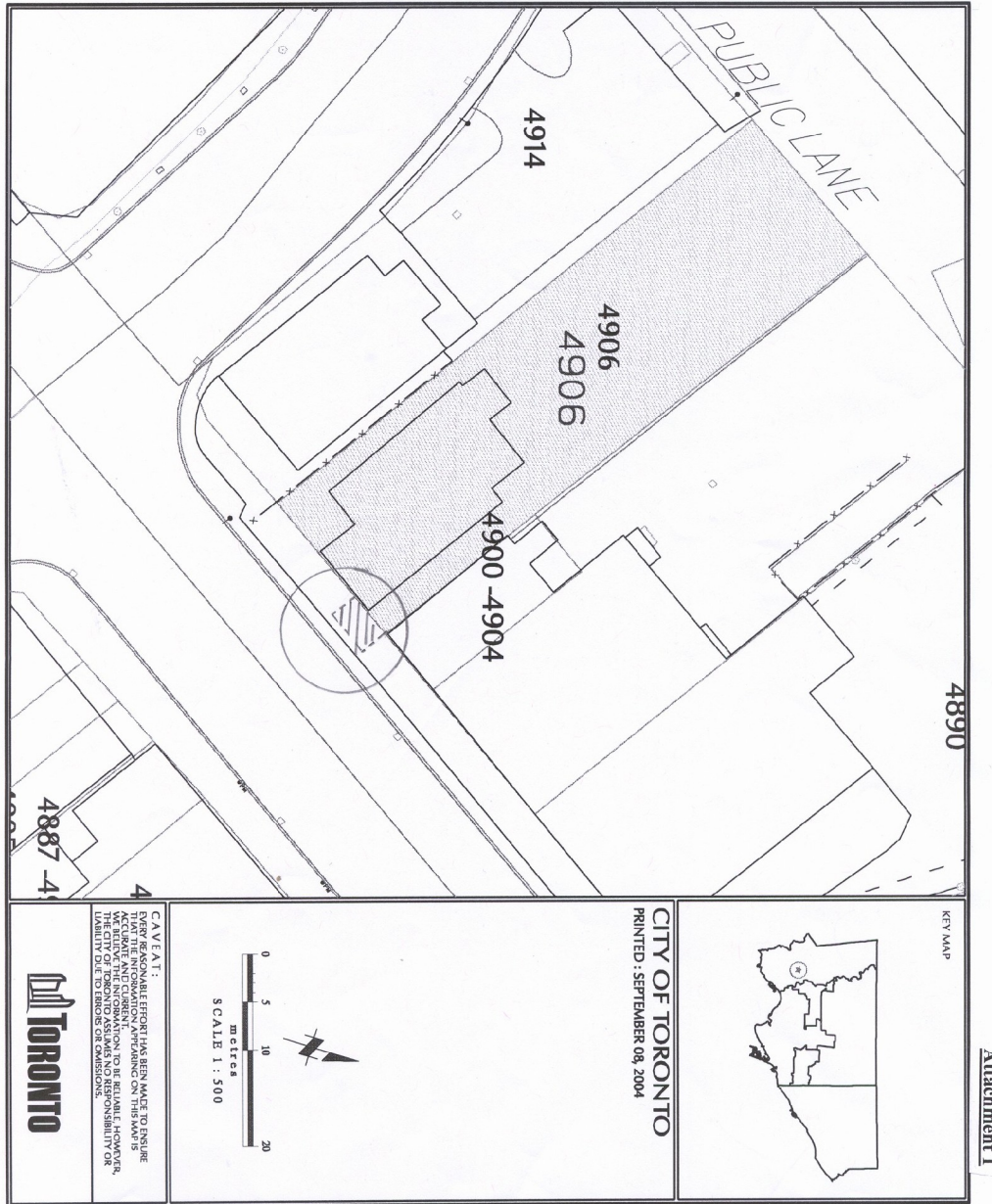
Curtis Sealock, District Manager

ATTACHMENTS

Attachment 1 – Site Plan Data Sheet

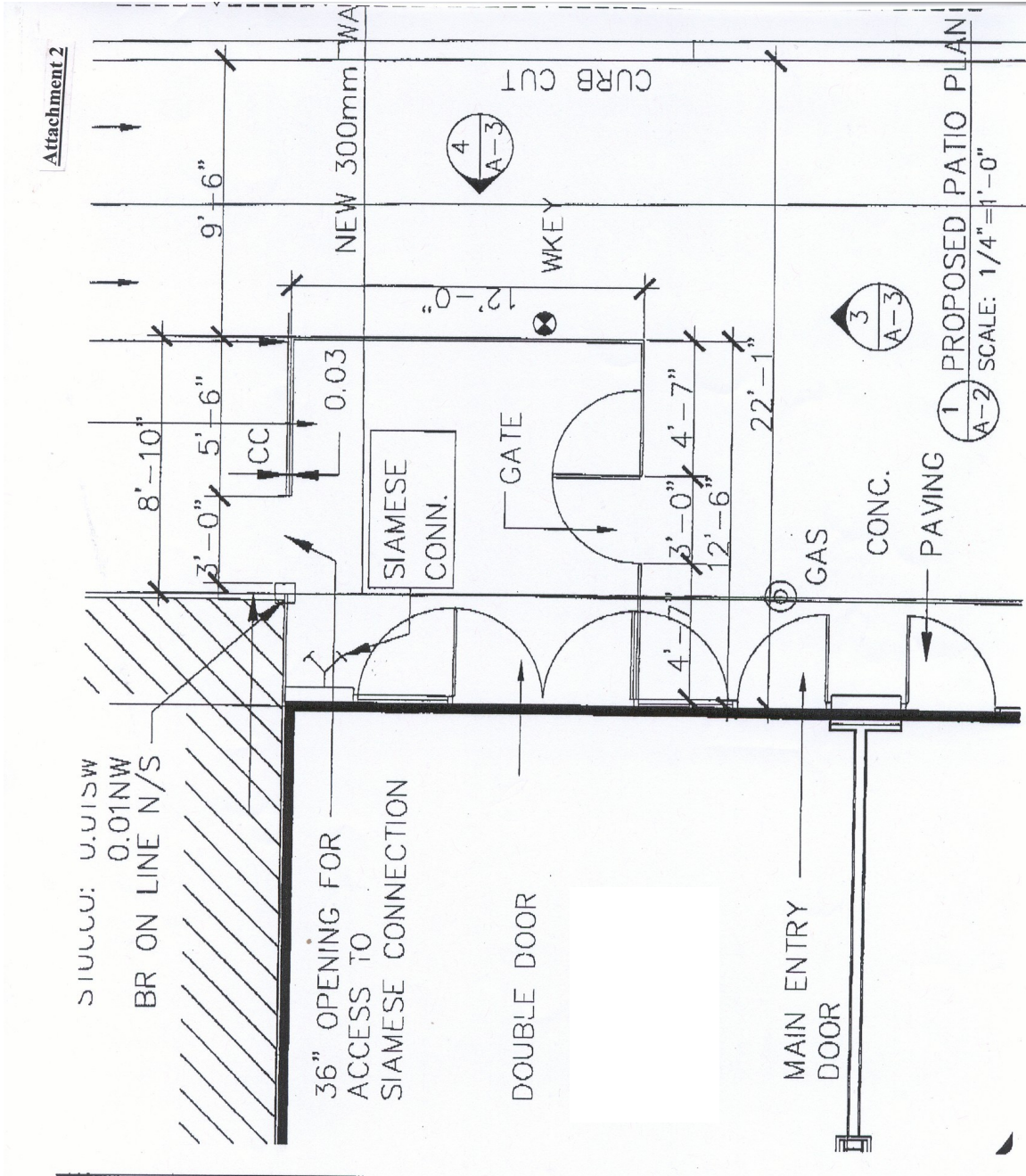
Attachment 2 – Café location

Site Plan Data Sheet



Attachment 1

Café Location



Attachment 2