



Joe Pantalone

Deputy Mayor
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Tuesday, August 11, 2009

Mr. Jim Hart
Executive Director
Municipal Licensing and Standards
12th Floor, East Tower
City Hall, Toronto M5H 2N2

Dear Mr. Hart,

I am writing to request that Municipal Licensing and Standards staff draft a report for the September 21, 2009 Licensing and Standards Committee to address a new Alcohol and Gaming Commission of Ontario (AGCO) practice. This practice permits the granting of a Liquor License *before* the applicant meets their Municipal Clearances – including Zoning, Fire, Building, Health, Police, and Business Licensing – among other clearances. It is essential that the City of Toronto go on record to have this problematic practice fully addressed.

The applicant for *The Great Hall*, 1087-89 Queen Street West, applied for a Liquor License with full knowledge that their application did not meet the Zoning requirements (letters attached). As John Paton, Director of Legal Services, argued in his July 20, 2009 letter to the AGCO: "Obtaining the necessary zoning approvals for these premises is not a technical matter such as complying with the *Building Code* or the *Fire Code*." The AGCO's final decision to grant a Liquor License, conditional on *The Great Hall* meeting the Municipal Clearances, is a practice that is backwards and, ultimately, will make enforcement a nightmare. In addition to this example, Councillor Adam Giambrone's staff informed me that three premises in Ward 18 were also granted "conditional" Liquor License approvals before Municipal Clearances were obtained: *Midpoint Bristo* – 1180 Queen Street West, *Nyood Bar* – 1096A Queen Street West and *Cock and Tail* – 1168 Queen Street West.

I believe that this practice undermines the City of Toronto's and Councillors' historical role in the Liquor Licensing hearings. The order of government closest to the people who are directly impacted by "risk-based" bars restaurants and clubs, our ability to influence the issuance of a license becomes greatly diminished. There should be no hearing, or granting of a Liquor License, until Municipal Clearances are obtained.

Thank you for your attention to this important issue and I look forward to your report.

Sincerely,

Joe Pantalone
Deputy Mayor
City of Toronto

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File No. AGCO General

July 20, 2009

Via Email

Mr. Tom Mungham
Director, Licensing and Registration
Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue East
Suite 200
Toronto ON M2N 0A4

Dear Mr. Mungham:

**Re: Cream Tangerine/A.C. Great Hall
1087-1089 Queen St. W.
Licence No. 812306
NOP No. 17308
Hearing 27 July 2009**

We have been asked to review the above-noted matter and to provide our comments to you in advance of the hearing, which is scheduled to commence 27 July 2009.

We have a number of concerns with this application. The premises are not zoned for the proposed use of a banquet hall. We have read the comments of Chair Gavsie that any liquor licence issued by the AGCO is always subject to the licensee fully complying with all existing municipal requirements, including the zoning by-law. While we appreciate the Chair's firm statement with respect to municipal compliance by a licensee, there are important issues that arise in this case.

Obtaining the necessary zoning approvals for these premises is not a technical matter such as complying with the *Building Code* or the *Fire Code*. A number of planning issues must be considered before there are any changes to the existing zoning requirements. What are the proposed uses for the premises? What are the scale and magnitude of the proposed use? Is it compatible with the surrounding uses? Is there sufficient parking? Are there any traffic issues? These and other related issues must be examined fully.

In this dense and congested part of the City, a proposed banquet hall with a capacity of 800 people could have major planning implications for the residents of the area as well as City infrastructure and services. All similar planning applications dealing with restaurants, places of

entertainment and banquet halls are examined carefully so that the aforementioned issues may be addressed in a timely manner.

Dealing with the liquor licence application ahead of any planning application would, in our respectful submission, be premature and could give the applicant false hope. Should a liquor licence be issued, an applicant might honestly believe that because one government body approved the application, another government body should support the liquor licence approval when there is a planning application submitted by the applicant to change the zoning to permit the use for which the liquor licence was issued.

We strongly urge you not to proceed with this hearing until after any planning application has been filed by the applicant and reviewed by the City and the residents through the open and transparent process that is mandatory under the *Planning Act*. The residents will get the full particulars of the proposed use of the premises and will get information regarding the magnitude of the proposal, traffic concerns, parking issues, etc.

This information will assist the residents in determining whether the issuing of the liquor licence for these premises is in the public interest having regard to the needs and wishes of the residents of the City.

Yours truly,



John Paton
Director

cc: Deputy Mayor Pantalone