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**City Council**

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**Motion without Notice**

MM38.25	ACTION			Ward: 19
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**Opposition to the Application for a Liquor License by ICI Bistro at 538 Manning Avenue – Alcohol and Gaming Commission of Ontario File Number 802095 - by Deputy Mayor Pantalone, seconded by Councillor Heaps**

- *Notice of this Motion has not been given.*
- *A two-thirds vote is required to waive notice.*
- *This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.*
- *This Motion relates to a hearing before the AGCO and has been deemed urgent by the Chair.*

**Recommendations**

Deputy Mayor Pantalone, seconded by Councillor Heaps, recommends that:

1. City Council authorize the City Solicitor to advise the AGCO and ICI Bistro that it opposes the issuance of a new liquor sales license for indoor area as it would not be in the public interest having regard to the needs and wishes of the municipality in which the premises are located.
2. The AGCO be requested to provide the City with a future opportunity to participate in any proceedings with respect to ICI Bistro to oppose the issuance of a liquor sales license and that the City Solicitor and necessary staff be authorized to participate in any proceedings before the AGCO as a party or otherwise, which relate to ICI Bistro.

**Summary**

The operators of ICI Bistro have applied for a new liquor sales license to the Alcohol and Gaming Commission of Ontario (AGCO) for their premises at 538 Manning Avenue (at the northwest corner of Manning Avenue and Harbord Street), which is an intersection in Ward 19 where liquor licenses have been denied repeatedly and justifiably in the past, including this location.

Through telephone calls, emails, and meetings, local residents, Harbord Collegiate Institute, and members of the Palmerston Area Residents' Association, have expressed concerns to the ward councillor about the proposed operations of ICI Bistro as a liquor-licensed establishment

directly across from Harbord Collegiate Institute and in a quiet residential neighbourhood.

The ward councillor has worked with Harbord Collegiate Institute and the community, especially the Palmerston Area Residents' Association (PARA), to successfully oppose liquor licenses at both 538 and 536 Manning Avenue (on the southwest corner of Manning Avenue and Harbord Street) on numerous, previous occasions.

There is a long and consistent history of liquor license application outcomes at this intersection. In 1992, under the name of Mimmo's, the owner of the business at 538 Manning Avenue applied for a liquor license. Public opposition and a request from my office led to an evening hearing in the community and the applicant's application was denied by the AGCO. That same year, at 536 Manning Avenue, an establishment named Twins applied and then withdrew in the face of public outcry.

In 1998, Twins applied again. At my request on behalf of the community, an AGCO evening hearing in the community was held on August 13, 1998. The AGCO decided, once again, that it was not in the public interest to grant Twins a liquor license.

On May 26, 2006, another AGCO hearing was held regarding 536 Manning Avenue, for a business named Aftermath Café. Again, the AGCO concurred with us, that a liquor license in this area is not within the public interest.

In fact, the last business owner to apply at 536 Manning Ave was a respected, established family in the neighbourhood who had a great reputation. Despite that fact, there were over 400 people opposing this license because the community (including local families, Toronto District School Board representatives, and elected officials in the area) believed that setting this precedent would be detrimental in the long run to this neighbourhood.

Regardless of the AGCO conditions imposed upon and accepted by ICI Bistro, a precedent will inevitably be set by issuing a liquor license to this property on Harbord Street and will probably lead to similarly successful applications at the southwest and southeast corners of Harbord Street and Manning Avenue.

The corner of Manning Avenue and Harbord Street is in the heart of a relatively quiet residential neighbourhood that includes the over 1000 teenaged students at Harbord Collegiate Institute. Furthermore, within the 10 blocks of Harbord Street west of Bathurst Street, there are no presently-approved liquor licenses even though there are many property owners who would be entitled to open a restaurant and apply for one.

Granting liquor licenses in this area, with the inevitable impact on traffic, noise, parking, etc, cannot be deemed beneficial to the neighbourhood.

As well, previous AGCO decisions at this intersection have clearly stated that there's plenty of opportunity for residents to take advantage of a great number of restaurants at nearby Bloor Street West and Little Italy.

Considering the fact that a public hearing of this matter at the AGCO is imminent, the Ward Councillor requests this matter be deemed urgent.

Based on the history in this area and the serious concern voiced by community leaders in the area, I maintain that it is not within the public interest to grant a liquor license to ICI Bistro at 538 Manning Avenue. Thank you for your consideration of my comments.

(Submitted to City Council on August 5, 2009 as MM38.25)