

Scarborough Community Council

Meeting No.	29	Contact	Yvonne Davies, Committee Administrator
Meeting Date	Tuesday, October 13, 2009	Phone	416-396-7287
Start Time	9:30 AM	E-mail	scc@toronto.ca
Location	Council Chamber, Scarborough Civic Centre	Chair	Councillor Mike Del Grande

Item

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SC29.2	ACTION			Ward: 44
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21 and 23 Mastwood Crescent (formerly Buttermill Subdivision, East Side of East Avenue) – Protection and Removal of Private Trees

Committee Recommendations

Scarborough Community Council recommends that:

1. City Council approve the request to remove four (4) privately-owned trees (a 33 cm diameter silver maple, two poplar trees with diameters of 43 and 46 cm, and a 46 cm diameter willow tree) all located at the rear of 23 Mastwood Crescent, subject to the homeowners agreeing to take steps to protect the replacement trees.
2. City Council direct Urban Forestry, Parks, Forestry and Recreation staff to revise the grading plan to allow for planting of replacement trees at the same locations as the vandalized/injured trees.
3. City Council direct Urban Forestry, Parks, Forestry and Recreation staff to report to the appropriate committee on ways and means to avoid a recurrence of situations like the one that has occurred at 21 and 23 Mastwood Crescent and/or seek appropriate restitution.
4. City Council request Planning staff to report to the Planning and Growth Management Committee on a recommended policy to require developers to post appropriate Letters of Credit for the preservation of designated trees during development activity and that Letters of Credit be refunded to developers upon completion of the development in question.

Origin

(September 18, 2009) Report from Director, Urban Forestry, Parks, Forestry and Recreation

Summary

This report recommends that Council deny the request for the removal of two (2) privately-owned trees, and approve the request for removal of three (3) privately-owned trees. Staff from Urban Forestry, Technical Services and Toronto Building have been working with the applicant's arborist and engineer to determine if the site can be graded to allow for the preservation of five (5) privately-owned trees.

The grading plan for the site is being revised by the applicant to allow for the preservation of two (2) of the five (5) privately-owned trees. The remaining three (3) trees have been severely injured and require removal. Ninety-seven (97) trees are proposed for planting at the site.

Background Information

Staff Report.21 and 23 Mastwood Crescent. Protection and Removal of Private Trees
(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23506.pdf>)

Speakers

(October 13, 2009) Ruvan Waltman, Buttermill Developments

(October 13, 2009) Brian Smith

(October 13, 2009) George Tsagaris

Declared Interests

The following member(s) declared an interest:

Councillor Ron Moeser - in that he lives in close proximity to 21 and 23 Mastwood Crescent.

2a Supplementary Report - 21 and 23 Mastwood Crescent (formerly Buttermill Subdivision, East Side of East Avenue) – Removal of Private Trees

Origin

(October 6, 2009) Report from General Manager, Parks, Forestry and Recreation

Summary

Subsequent to submission of the Parks, Forestry and Recreation report dated September 14, 2009, there have been additional actions on site that impact the recommendations contained in the September 14th report. The revised recommendation in this supplementary report is due to the fact that of the two trees to be protected, one has been removed and the other severely injured.

Background Information

Supplementary Report - Trees - 21 and 23 Mastwood Crescent
(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-24130.pdf>)

SC29.14	ACTION			Ward: 37
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Proposed No Right Turn on Red Regulation at the Proposed new Traffic Control Signals to be Installed on Pharmacy Avenue at Singleton Road /Biscayne Boulevard

Committee Recommendations

Scarborough Community Council recommends that:

1. City Council enact the No Right Turn on Red Regulation as identified in Appendix 1 to the report (September 22, 2009) from the Acting Director, Transportation Services, Scarborough District.
2. City Council pass or amend the appropriate by-law(s) accordingly.

Origin

(September 22, 2009) Report from Acting Director, Transportation Services, Scarborough District

Summary

This staff report is about a matter for which the Community Council does not have delegated authority from City Council to make a final decision.

The purpose of this report is to advise on the need to of a valid by-law prohibiting north /south “No Right Turn on Red’ for the proposed Traffic Control Signal.

Background Information

Staff Report - No Right Turn on Red Regulation - Pharmacy.Singleton.Biscayne
(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23606.pdf>)

Map - No Right Turn on Red - Pharmacy.Singleton.Biscayne
(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23607.pdf>)

SC29.17	ACTION			Ward: 42
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Proposed Traffic Control Signals on Morningside Avenue at McNicoll Avenue /Oasis Boulevard

Committee Recommendations

Scarborough Community Council recommends that:

1. City Council approve the installation of Traffic Control Signals at the intersection of Morningside Avenue at McNicoll Avenue/Oasis Boulevard.
2. City Council amend the appropriate by-law(s) accordingly.

Origin

(September 16, 2009) Report from Acting Director, Transportation Services, Scarborough District

Summary

This staff report is about a matter for which the Community Council does not have delegated authority from City Council to make a final decision.

The purpose of this report is to obtain approval for the installation of Traffic Control Signals on Morningside Avenue at McNicoll Avenue/Oasis Boulevard.

Traffic studies have indicated that traffic control signals are warranted. As a result, traffic control signals should be installed.

Background Information

Staff Report - Traffic Control Signals - Morningside.McNicoll.Oasis
(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23624.pdf>)

Map - Traffic Control Signals - Morningside.McNicoll.Oasis Boulevard
(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23625.pdf>)

SC29.18	ACTION			Ward: 44
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All-Way Stop Controls Not Recommended on East Avenue at Mastwood Crescent and East Willow Gate

Committee Recommendations

Scarborough Community Council recommends that:

1. City Council not approve the installation of an all-way stop control at the intersection of East Avenue and East Willow Gate/Mastwood Crescent.
2. City Council not pass or amend the appropriate by-law(s) accordingly.

Origin

(September 17, 2009) Report from Acting Director, Transportation Services, Scarborough District

Summary

This staff report is about a matter for which the Community Council does not have delegated authority from City Council to make a final decision.

The purpose of this report is to advise on the feasibility of installing all-way top control at this intersection in Ward 44.

It is recommended that an all-way stop control not be installed at East Avenue and East Will Gate/Mastwood Crescent since the subject intersection failed to meet the warrant for installation which was adopted by Council for use in the City of Toronto.

Background Information

Staff Report - All-Way Stop Controls - East Avenue.Mastwood.East Willow Gate

<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23614.pdf>

Map - All-Way Stop Controls - East Avenue.Mastwood.East Willow Gate

<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23615.pdf>

SC29.19	ACTION			Ward: 44
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Proposed Permanent Closure of a Portion of Cherry Street, East of Schooner Lane

Committee Recommendations

Scarborough Community Council recommends that:

1. City Council rescind Clause No. 17 of Scarborough Community Council Report No. 6, as adopted by City Council at its meeting held on July 22, 23 and 24, 2003.
2. City Council permanently close the portion of Cherry Street shown as Part 1 on the attached Sketch No. PS-2009-076a (the “Highway”) to the report (September 23, 2009) from the Acting Director, Transportation Services, Scarborough District, subject to compliance with the requirements of City of Toronto Municipal Code, Chapter 162, and subject to City Council approving the sale of the Highway to the abutting owner, Metrolinx.
3. If City Council approves the sale of the Highway to Metrolinx, authorize Transportation Services staff to give notice to the public of a proposed by-law to close the Highway in accordance with the requirements of City of Toronto Municipal Code, Chapter 162, with the Scarborough Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed draft by-law.
4. City Council authorize Transportation Services staff to advise the public of the proposed closure of the Highway prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule “A+” activities, by posting notice of the proposed closure on the notices page of the City’s web site for at least five working days prior to the Scarborough Community Council meeting at which the proposed by-law to close the Highway will be considered.

Origin

(September 23, 2009) Report from Acting Director, Transportation Services, Scarborough District

Summary

This staff report is about a matter for which the Community Council does not have delegated authority from City Council to make a final decision.

Transportation Services recommends that a portion of Cherry Street, east of Schooner Lane, be permanently closed.

Background Information

Staff Report - Closure of a Portion of Cherry Street, E of Schooner Lane

(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23620.pdf>)

Map - Closure of a Portion of Cherry Street, E of Schooner Lane

(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23621.pdf>)

SC29.24	ACTION			Ward: 35, 36, 37, 38, 39, 40, 41, 42, 43, 44
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Section 37 Funds: All Scarborough Wards & Scarborough Centre

Committee Recommendations

Scarborough Community Council recommends that:

1. City Council confirm that the balance of the account of Section 37 funds, plus earned interest, contributed by Tridel in association with the residential developments at 61, 63-77 Town Centre Court and 115-125 Omni Drive, and allocated for daycare purposes in the Scarborough Centre, be retained to fund capital maintenance or enhancements to the Squirrel's Nest Child Care Centre at 1305 Ellesmere Road.

Decision Advice and Other Information

Scarborough Community Council requested Planning staff to report further on a breakdown of the current Section 37 account balances that are available and under what conditions they are to be spent and if those conditions no longer exist, how these funds can be utilized for other projects in individual wards.

Origin

(October 13, 2009) Report from Director, Community Planning, Scarborough District

Summary

As requested at its meeting of September 15, 2009, this report provides Scarborough Community Council with information respecting Section 37 funds. Specifically, this report includes:

- a. a discussion of the policy framework for the implementation of Section 37 funds as set out in the Planning Act and the Toronto Official Plan;
- b. City Finance's protocol respecting the allocation of Section 37 funds through the budget process;
- c. the legislative process to be followed for any re-allocation of the Section 37 funds originally contemplated under the Section 37 provisions ;
- d. a discussion of the motions respecting the re-allocation of the approximately \$373,000 of Section 37 funds for park improvements, tree planting and playground equipment in Ward 38;

- e. a discussion of project opportunities and funding associated with the Scarborough Centre Civic Precinct Implementation Plan, a summary of available Section 37 and Civic Centre land sale funds, and other proposed projects in Ward 38, and
- f. information concerning current Section 37 account balances in each of the Scarborough wards.

Background Information

Staff Report - Section 37 Funds

<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-24219.pdf>

Staff Report - Section 37 Funds - Notice of Pending

<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23628.pdf>

Communications

(October 8, 2009) E-mail from Colin Hughes (SC.New.SC29.24.1)

SC29.25	ACTION			Ward: 40
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2451 Birchmount Road – Rezoning & Site Plan Applications – Request for Direction Report

Committee Recommendations

Scarborough Community Council recommends that:

1. City Council refuse the applications to permit a columbarium at 2451 Birchmount Road for the reasons outlined in the report (September 22, 2009) from the Director, Community Planning, Scarborough District.
2. City Council refuse the request for approval under Section 3(2) of the Cemeteries Act (Revised) to establish a cemetery.
3. City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing in opposition to the applications.

Origin

(September 22, 2009) Report from Director, Community Planning, Scarborough District

Summary

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The applicant proposes to construct a 4 storey (20.24 metre) building to be used as a columbarium containing approximately 12,600 niches and 25 parking spaces at 2451 Birchmount Road.

This applicant has appealed the zoning by-law amendment, site plan application and the request for approval under Section 3(2) of the Cemeteries Act (Revised) to establish a cemetery, to the Ontario Municipal Board (OMB) due City Council's failure to make a decision. The purpose of this report is to seek Council's direction for an as yet unscheduled OMB hearing.

This report recommends that the proposed zoning amendment, site plan application and the request for approval under Section 3(2) of the Cemeteries Act (Revised) be opposed at the OMB for the reasons outlined in this report including:

- a. the applicant has not provided an adequate number of parking spaces on site to serve the proposal;
- b. the applicant has not sufficiently demonstrated the proposal can be adequately serviced;
- c. the proposal constitutes overdevelopment of the site; and
- d. if a cemetery is established, and the operation fails the city will be financially responsible for the care and maintenance of the proposed facility.

Background Information

Staff Report - Request for Direction - 2451 Birchmount Road
(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23635.pdf>)

Speakers

(October 13, 2009) Peter Swinton, PMG Planning Consultants, on behalf of Birch Mount Park Inc.

(October 13, 2009) Daniel Poon

SC29.26	ACTION			Ward: 41
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181 Nugget Avenue – Rezoning Application – Refusal Report

Committee Recommendations

Scarborough Community Council recommends that:

1. City Council refuse the proposed Zoning By-law Amendment Application for the reasons outlined in the report (September 23, 2009) from the Director, Community Planning, Scarborough District.
2. Should the zoning by-law amendment application be appealed to the Ontario Municipal Board, the City Solicitor and City staff be authorized to attend the Ontario Municipal Board hearing in support of Council's refusal.

Origin

(September 23, 2009) Report from Director, Community Planning, Scarborough District

Summary

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The applicant has filed a zoning by-law amendment application to permit a place of worship in the existing vacant industrial building at 181 Nugget Avenue. The land use proposed does not provide adequate on-site parking, poses health and safety risks, and generates land use compatibility concerns with the existing heavy industrial businesses in the area.

This report reviews and recommends refusal of the application to amend the zoning by-law.

Background Information

Staff Report - Refusal Report - 181 Nugget Avenue

(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23631.pdf>)

Speakers

(October 13, 2009) Mary Ilagan, Friends of Jesus Christ Congregation

(October 13, 2009) Christine Uy, Friends of Jesus Christ Congregation

(October 13, 2009) Pastor Teck Uy, Friends of Jesus Christ

SC29.27	ACTION			Ward: 43
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4111 - 4113 Lawrence Avenue East – Rezoning Application – Final Report

Statutory - Planning Act, RSO 1990

Committee Recommendations

Scarborough Community Council recommends that:

1. City Council amend Zoning By-law No. 10327 substantially in accordance with the draft zoning by-law amendment attached as Attachment 5 to the report (September 10, 2009) from the Director, Community Planning, Scarborough District.
2. City Council enact a site plan control by-law pursuant to Section 114 of the City of Toronto Act to designate 4111 and 4113 Lawrence Avenue East as an area subject to site plan control, substantially in accordance with the draft site plan control by-law in Attachment 6 to the report (September 10, 2009) from the Director, Community Planning, Scarborough District.

3. City Council authorize the City Solicitor to make such stylistic and technical changes to draft zoning by-law amendment and site plan control by-law as may be required.
4. Before introducing the necessary zoning by-law amendment Bill for enactment, City Council require the applicant to:
 - i. submit and have approved a site plan control application under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act;
 - ii. submit a Site Servicing Review to the satisfaction of the Executive Director, Technical Services Division, and any necessary infrastructure improvements identified, secured to the satisfaction of the Executive Director of Technical Services and the City Solicitor; and
 - iii. submit a Pedestrian Crossing Warrant Study for Lawrence Avenue and Andover Crescent, to the satisfaction of the Executive Director of Technical Services Division, and any pedestrian crossing protection identified, be secured to the satisfaction of the Executive Director of Technical Services and the City Solicitor.

Decision Advice and Other Information

The Scarborough Community Council held a statutory public meeting on October 13, 2009, and notice was given in accordance with the Planning Act.

Origin

(September 10, 2009) Report from Director, Community Planning, Scarborough District

Summary

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to rezone the lands at 4111 and 4113 Lawrence Avenue East to permit the construction of a 10-storey mixed use development, consisting of 70 residential dwelling units and 274 square metres (2,949 square feet) of ground floor commercial space.

The proposal represents an appropriate form of intensification for this site which is well served by public transit. The built form, height and massing will be compatible with the surrounding neighbourhood context and provides an appropriate transition to the lower scale townhouses to the south. This proposal represents investment in one of the City's Priority Neighbourhoods.

This report reviews and recommends approval of the application to amend the zoning by-law.

Background Information

Staff Report - Rezoning Application - 4111-4113 Lawrence Avenue E
(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23626.pdf>)

Communications

(September 21, 2009) Letter from Lewis and Krista Bellows (SC.Main.SC29.27.1)

(October 9, 2009) Letter from Home Owners of Andover Crescent (SC.New.SC29.27.2)

Speakers

(October 13, 2009) G. D. Xiggoros, G. D. Xiggoros and Associates Limited

(October 13, 2009) Manuel Ola

(October 13, 2009) Karin Fawthrop

SC29.28	ACTION			Ward: 44
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Hainford Street (Formerly 4331 Lawrence Avenue East) – Part Lot Control Application – Final Report**Committee Recommendations**

Scarborough Community Council recommends that:

1. City Council enact a part lot control exemption by-law with respect to the subject lands as generally illustrated on Attachment 1 to the report (September 23, 2009) from the Director, Community Planning, Scarborough District, to be prepared to the satisfaction of the City Solicitor.
2. City Council authorize the City Solicitor to introduce any necessary Bills in Council for a part lot control exemption by-law to expire (2) years from the date of enactment.
3. City Council require the owner to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor, prior to enactment of the part lot control exemption by-law.
4. City Council authorize and direct the City Solicitor to register the part lot control exemption by-law on title.

Origin

(September 23, 2009) Report from Director, Community Planning, Scarborough District

Summary

This application was made after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to lift part lot control on Lots 19 to 26, on registered plan 66M-2464, in order to enable the separate conveyances of 16 semi-detached homes to be known municipally as 85-97 (odd numbers only) and 167-179 (odd numbers only) Hainford Street. This report recommends that a part lot control exemption by-law be enacted for a period of two years.

Background Information

Staff Report - Part Lot Control App. - Hainford Street (formerly 4331 Lawrence Avenue East)
(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23627.pdf>)

SC29.29	ACTION			Ward: 44
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38 Tideswell Boulevard – Rezoning and Site Plan Applications - Request for Direction Report

Committee Recommendations

Scarborough Community Council recommends that:

1. City Council direct the City Solicitor to attend the Ontario Municipal Board in opposition to the applicant's submitted proposal.
2. City Council authorize the City Solicitor, in consultation with the Director of Community Planning, Scarborough District, to settle the appeal if a revised development proposal, consistent with the Official Plan's criteria for infill development and City Council's policy regarding new development complying with the Development Infrastructure Policy and Standards (DIPS), and addressing the design objectives of the Urban Design Guidelines for Infill Townhouses is put forward.
3. City Council authorize the City Solicitor and any other City staff to take any necessary steps to implement the foregoing.

Origin

(September 23, 2009) Report from Director, Community Planning, Scarborough District

Summary

These applications were made on or after January 1, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The purpose of this report is to seek direction for the City Solicitor for an upcoming Ontario Municipal Board (OMB) hearing due to City Council's failure to make a decision within the prescribed timeframe on the rezoning application and associated site plan control application at 38 Tideswell Boulevard. The OMB hearing is scheduled to commence on November 2, 2009.

The applications propose a 15-unit infill residential townhouse development on lands currently occupied by a single-family dwelling. The applicant's proposal is not consistent with the Official Plan policy to require public streets within new developments nor does it implement City Council's adopted criteria for being an exception to being on a public street. The applicant's proposal also is not consistent with the Official Plan's criteria for infill development.

This report recommends that the City attend the OMB in opposition to the application in its current form. However, City Planning would support an alternative townhouse development concept that is in keeping with Council's policy for new development that can be considered an exception to requiring a new public street and, that provides for compatible development with the existing physical character of the established neighbourhood. City Planning seeks direction to attend the OMB in support of an alternative concept at the OMB hearing.

Background Information

Staff Report - Request for Direction - 38 Tideswell Boulevard
(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23630.pdf>)

Communications

(October 12, 2009) Letter from Andrew Paton, Q.C. (SC.New.SC29.29.1)

SC29.30	ACTION			Ward: 44
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Liquor Licence Application - Nadi's Family Restaurant Bar and Pool Lounge - 155 Morningside Avenue, Units 3 and 4

Committee Recommendations

Scarborough Community Council recommends that:

1. City Council request the Registrar of the Alcohol and Gaming Commission of Ontario that the following conditions be attached to the liquor license for Nadi's Family Restaurant Bar and Pool Lounge, 155 Morningside Avenue, Units 3 and 4, Scarborough:
 - a. Third party Security will be provided when the occupancy of the establishment exceeds 30 or more patrons.
 - b. There will be no live music at any time.
 - c. There will be no amplified music on either side after 11:00 p.m., 7 days a week.
 - d. Smoking area in rear of premises will be enforced and customers will be instructed to use that area rather than front of premises. This will be enforced by security and signage will be posted.
 - e. Capacity in new area will be reduced to 30 persons in the application and there will be only 2 pool tables.
 - f. Liquor license hours in the new area will be until no later than 1:00 a.m.

- g. Additional parking will be secured in the adjacent plaza.
 - h. The Applicant is also subject to the provisions of the applicable City's licensing and standards by-laws.
2. If the above terms and conditions are secured to the satisfaction of the City Solicitor, Council will direct that the City Solicitor and staff not participate at the AGCO hearing in opposition to the issuance of the Licence.

Origin

(August 28, 2009) Letter from Councillor Moeser

Summary

The owners of Nadi's Family Restaurant Bar and Pool Lounge (the "Licensees") have made an application to the Alcohol and Gaming Commission of Ontario (the "AGCO") for additional licensed facilities of the indoor area of their establishment, expanding the capacity from 28 to 88 persons.

AGCO has received a formal objection from the Councillor's office, as well as a resident living in the vicinity of Nadi's Family Restaurant Bar and Pool Lounge. This establishment has prompted a number of complaints to the local Councillor from neighbouring residents and from the local community association. The issues include, but are not limited to, excessive noise, loitering, rowdiness and allegations of criminal activity. The Municipal Licensing and Standards division received a complaint relating to loud music and noise at the establishment in September 2008.

There is a great deal of concern amongst the residents that an expansion to the existing license would accentuate these existing problems and add significantly to noise disturbances caused by the establishment. There is also concern that the Licensee does not have effective control of the premises, but still wishes to increase the capacity of its liquor licence where potential impacts on the residents will be magnified.

There is urgency to this matter, because the advertising for the liquor licence application was completed on July 12, 2009.

Background Information

Letter from Councillor Moeser regarding Liquor Licence Application
(<http://www.toronto.ca/legdocs/mmis/2009/sc/bgrd/backgroundfile-23560.pdf>)

Submitted Tuesday, October 13, 2009

Councillor Mike Del Grande, Chair, Scarborough Community Council