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Motion

March 26, 2009

Re: Liquor Licence- 1301 Queen Street East “Ceili Cottage”

Background:

Alison McMurray and Patrick McMurray (“Applicants”) have submitted an application for a liquor licence to the Alcohol and Gaming Commission of Ontario (“AGCO”) for the premises at 1301 Queen Street East to operate under the name of Ceili Cottage (“Premises”). The Applicants are seeking a liquor licence for an indoor capacity of 65 and an outdoor capacity of 76. Prior to this application, there has never been a licensed establishment at this address.

The Premises is located on Queen Street East, in very close proximity to a residential area. Area residents are concerned with the size of the proposed patio as well as with the proposed hours of operation. Their concerns relate in particular to the noise and other disturbances that are likely to emanate from the licensed patio throughout the spring, summer and fall seasons.

This application for a liquor licence is not in the public interest unless certain conditions, as set out below, addressing the concerns of the community with respect to the licensed patio, are attached to the licence.

RECOMMENDATIONS:

That City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario (“AGCO”) that the liquor licence application for Ceili Cottage, 1301 Queen Street East (“Premises”), is not in the public interest having regard to the needs and wishes of the residents, unless the following conditions, in the form substantially set out below, are attached to the liquor licence:

- a) The sale and service of alcohol shall cease on the Licensed Patio at 11 p.m. daily and all signs of sale and service shall be cleared by 11 p.m. No patrons will be allowed to remain on the Licensed Patio after 11 p.m.
- b) Subject to final capacities established by the Fire Marshall, no more than 40 patrons shall be allowed on the Licensed Patio at one time.
- c) There shall be no speakers, televisions or amplified music on the patio at any time. Acoustic live musical performances without amplification shall be permitted on the patio but shall cease no later than 9:00 pm daily.

- d) The Licensee shall ensure that lighting used on the Licensed Patio will be designed so as to minimize impacts on the surrounding street and residences.
- e) Any doors between the Licensed Patio and the indoor portion of the establishment shall be kept closed at all times, except to allow for ingress and egress of patrons and staff.
- f) The Licensee shall ensure that any doors between the Licensed Patio and the indoor portion of the establishment are sufficiently thick and soundproof to ensure that no inside music or sounds can be heard on the Licensed Patio when the doors are closed.
- g) There shall be no loitering in and around the entranceway to the Premises.
- h) The Licensee shall provide a telephone number which will be answered by a staff member during hours of operation and be equipped with an answering machine when the establishment is closed for residents to register concerns or complaints.
- i) The Licensee shall ensure that all areas immediately adjacent to the establishment and the Licensed Patio are clean and free of litter, refuse and other debris.
- j) Before applying to change any of the conditions contained herein, the Licensee shall provide written notice to the Ward Councillor.
- k) In order to reduce noise impacts, the Licensee shall close all windows of the indoor portion of the establishment no later than 11:00 pm nightly.
 - 1) That City Council request the AGCO to provide the City with an opportunity to participate in any proceedings with respect to the Premises.
 - 2) That the City Solicitor be authorized to attend all proceedings before the AGCO in this matter and be directed to take all necessary actions so as to give effect to this Motion, including adding and deleting any of the conditions to be attached to any liquor licence issued for the Premises, in consultation with the Ward Councillor.

Sincerely yours,

Sandra Bussin
Council Speaker
City Councillor, Beaches - East York - Ward 32