

MOTION

Liquor Licence Revocation- 117 Peter Street- Tonic The Nightclub

Moved by: **Councillor Vaughan** _____

SUMMARY:

On January 24, 2009, the Alcohol and Gaming Commission of Ontario (“AGCO”) issued an immediate interim suspension of, and a Notice of Proposal (“NOP”) number 16999 dated January 24, 2009 to revoke, the liquor licence issued to 1772883 Ontario Inc. (“Licensee”) operating as Tonic The Nightclub (“Premises”), located at 117 Peter Street. The NOP and suspension were based upon alleged violations by the Licensee of s. 45.2 (failure to exercise control over patrons and activities) and s. 45(1) (permitting drunkenness or disorderly conduct) of Ontario Regulation 719/90 made pursuant to the *Liquor Licence Act*. There was a shooting at the Premises in the early morning hours of January 24, 2009. A hearing was held on January 29, 2009 to consider these matters.

The Board of the AGCO, after hearing evidence and submissions of the parties to the hearing, rescinded the Interim Suspension Order subject to the Licensee meeting a number of conditions including the operation of a video surveillance system, the searching of patrons and the use of metal detectors. However, the NOP to revoke the licence is still in effect.

City Council should request the AGCO to add a public interest component to the discipline hearing, which will take place in the near future. The Premises are located in the City’s entertainment district which has a large concentration of night clubs. There should be little tolerance for violence such as a shooting at a nightclub in the entertainment district. The safety of the public should not be compromised. It is unlikely that the City would be added as a party to a disciplinary hearing but the City could be a party to a public interest hearing if there is a Notice of Proposal issued by the Registrar for such a hearing and if the City is granted party status by the AGCO.

The continuation of the liquor licence for these Premises is not in the public interest having regard to the needs and wishes of the residents and the City should be involved in the revocation hearing.

City staff would seek the revocation of the liquor licence for the Premises or, if that did not occur, would request conditions to be attached to the licence which would help ensure the safety of the patrons and employees of the Premises as well as the public.

RECOMMENDATIONS:

1. That City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario (“AGCO”) that the continuation of the liquor licence issued to 1772883 Ontario Inc. operating as Tonic The Nightclub (“Premises”), located at 117 Peter Street (“Premises”), is not in the public interest having regard to the needs and wishes of the residents of the City, and request that the Registrar issue a Notice of Proposal to Revoke the liquor licence of the Premises.
2. That City Council request the AGCO to provide the City with an opportunity to participate in any proceedings with respect to the Premises.
3. 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 conditions to any liquor licence issued for the Premises, in consultation with the Ward Councillor, which address issues including, but not limited to, safety, security personnel, crowd control and lighting.

March 26, 2009