
City Council

Motion without Notice

MM52.38	ACTION			Ward: 32
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Liquor Licence- 1943 Queen Street East - The Gull and Firkin - by Councillor Bussin, seconded by Councillor Walker

** This Motion has been deemed urgent by the Chair. Council has added this Motion to the agenda for debate.*

Recommendations

Councillor Bussin, seconded by Councillor Walker, recommends that:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario (AGCO) that one of the conditions attached to the liquor licence for 1943 Queen Street East - The Gull and Firkin Restaurant and Bar (the "Establishment") being that "the licensee shall construct a new entranceway for the Establishment which shall be separate from the entranceway used by residents of the residential condominium corporation located on the same site as the Establishment" has not been fulfilled and that the licensee may be in breach of the conditions attached to the liquor licence.
2. City Council request the AGCO to provide the City with an opportunity to participate in any proceedings with respect to the Establishment.
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.

Summary

This motion pertains to an existing licensed establishment at 1943 Queen Street East - The Gull and Firkin Restaurant and Bar (the "Establishment"). The Establishment has an outdoor licensed area which seats 51 people.

The Establishment is located on Queen Street East, in very close proximity to a residential area. A number of complaints regarding noise emanating from the Establishment's licensed patio were made to the local Ward Councillor as well as to the Alcohol and Gaming Commission of Ontario (AGCO) and local police. As a result of those complaints, the bulk of which were from residents of the residential condominium corporation located on the same site as the Establishment, City Council passed Motion MM40.9 at its meeting of September 30 and October 1, 2009. That motion directed the City Clerk to advise the Registrar of the AGCO that the liquor licence for the Establishment was not in the public interest having regard to the needs and wishes of the residents.

In the fall of 2009, the AGCO issued a Notice of Proposal (NOP - #17657) with regard to the Establishment. The licensee consented to certain conditions which are now attached to the licence for the Establishment. One of the conditions requires the licensee to construct a new entranceway for the Establishment, which shall be separate from the entranceway used by residents of the residential condominium corporation located on the same site. The condition requires that the entrance be constructed no later than 6 months after the condition was attached to the licence (on or about February 26, 2010). As of the date of this motion, there is no indication that the licensee has taken any steps to fulfill the requirements of this condition.

This is an urgent matter as the licensee may be in breach of the conditions attached to the liquor licence for the Establishment.

(Submitted to City Council on August 25 and 26, 2010 as MM52.38)