
City Council

Motion without Notice

MM7.23	ACTION			Ward:28
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Liquor Licence Application Powerhouse Corporation currently operating as Polson Pier - 11 Polson Street - Licence Number 804501 - by Councillor Pam McConnell, seconded by Councillor Paula Fletcher

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Pam McConnell, seconded by Councillor Paula Fletcher, recommends that:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario ("AGCO") that the issuance of a new liquor licence for the premises currently operating as Polson Pier, 11 Polson Street (the "Premises"), is not in the public interest having regard to the needs and wishes of the residents, and that the Registrar should issue a Proposal to Review the liquor licence application.
2. City Council request the AGCO and the Licence Appeal Tribunal ("LAT") to provide the City of Toronto with an opportunity to participate in any proceedings with respect to the Premises.
3. City Council authorize the City Solicitor to attend all proceedings before the LAT in this matter and direct the City Solicitor 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.

Summary

Powerhouse Corporation ("Powerhouse") has applied for a new liquor licence with a capacity of 7,548 patrons indoors, and 7,971 patrons outdoors for a premises at 11 Polson Street, (the "Premises"). Currently, the Premises operates as a nightclub and indoor concert venue, and has a liquor licence with a capacity of 3,163 patrons indoors and 2,510 patrons outdoors. The current Licensee is Polson Entertainment Inc. ("Polson Pier"). On March 3, 2015, Polson Pier withdrew an application to remove or amend several conditions attached to the licence. If the

application for a new licence is approved, Powerhouse will surrender the current liquor licence and a new licence will be issued without the conditions that are attached to the current licence.

From 1996 to 2006, the Premises was occupied by 1132165 Ontario Limited, operating under the name Docks on Cherry (the “Docks”). The Docks contained an indoor licenced area for approximately 3,000 patrons, and an outdoor licenced area for approximately 7,000 patrons. On July 24, 2006, following a twenty six day hearing held at the Alcohol and Gaming Commission of Ontario (AGCO), the liquor licence for the Premises was revoked. The AGCO determined that it was not in the public interest having regards to the needs and wishes of the residents for the Docks to retain its liquor licence. The AGCO based their decision primarily on the evidence of several residents of the Toronto Islands regarding repeated noise impacts from the Docks on their daily lives. The noise originated from both indoor and outdoor music events at the Premises that included concerts and festival events.

On October 25, 2007, Polson Pier applied for a new liquor licence at the Premises. The City and the Toronto Island Noise Committee (TINC) objected to the application. In advance of a hearing at the AGCO Polson Pier, TINC, and the City reached a settlement on conditions that were placed on the licence.

On May 16, 2014, Polson Pier submitted an application to the Licence Appeal Tribunal to remove or amend several conditions from the licence, primarily relating to noise and the restriction on outdoor live events. The City and TINC objected to this application. On March 3, 2015, two days prior to a scheduled 7-day hearing at the Licence Appeal Tribunal, the Licensee withdrew their application.

The City objects to the application for a new liquor licence at the Premises. With the proposed increase in capacity for both the indoor and outdoor areas, Powerhouse intends to operate the Premises as an entertainment facility and outdoor concert venue similar to how the Premises operated as the Docks. Without several of the conditions currently attached to the licence, the noise impacts on the island residents that led to the revocation of the liquor licence in 2006 may return. Therefore, it is not in the public interest having regard to the needs and wishes of the residents to have a new liquor licence issued for the Premises. At a minimum, this application for a liquor licence is not in the public interest unless certain conditions, addressing the concerns of the community, are attached to the licence.

Urgent consideration is being requested as the AGCO deadline for objections to this application is June 14, 2015.

Background Information (City Council)

Member Motion MM7.23