

Toronto and East York Community Council
100 Queen St W
Toronto M5H 2N2

September 3, 2015

Dear Colleagues,

Re: Review of Liquor Licence – Muzik Clubs Inc. o/a Muzik, 15 Saskatchewan Road, Licence Number 811574

Muzik Clubs Inc. (the "Licensee") is the holder of a liquor licence from the Alcohol and Gaming Commission ("AGCO") for the premises operating as Muzik at 15 Saskatchewan Road (the "Premises"). The Premises has been a continued source of concern for local residents with regard to loud noise, public urination, traffic and public intoxication amongst other issues with the Licensee's operations.

Toronto Police Service ("TPS") has had on-going dealings with the Premises. Since June 2012, there have been numerous occurrences reported to TPS in association with the Premises, including several assaults (9 occurrences), assaults causing bodily harm (7 occurrences), assaults with a weapon (2 occurrences), sexual assaults (2 occurrences) and discharge of a firearm (1 occurrence). In February 2013, TPS conducted a murder investigation directly linked to the Premises. On August 5, 2014, there was a shooting incident directly linked to the Premises. On August 4, 2015, a shooting incident inside the Premises resulted in the deaths of two patrons. No charges have yet been laid for the August 4, 2015 incident, but TPS officers continue to investigate.

The Premises has a business licence from Municipal Licensing and Standards (MLS) for operating as an Entertainment Establishment/Nightclub. In the last 18 months, MLS staff have received four noise complaints with regards to the Premises.

Between the years 2012 and 2015, the AGCO conducted 14 inspections of the Premises and have recorded six infractions. Amongst these infractions have been those pertaining to drunkenness on the Premises, promoting immoderate consumption on the Premises, use of narcotics on the Premises and permitting disorderly behaviour on the Premises. In addition to numerous warnings, the AGCO has levied fines totaling approximately \$6,000 against the Licensee in this time period.

The Licensee has also had several new conditions attached to its liquor licence as of August 2015 following discussions with the AGCO, TPS and MLS.

It is evident from current events and the ongoing impacts felt by nearby residents that the steps taken by the community, TPS and AGCO have not been a deterrent in changing the behaviour of the Licensee and management staff at the Premises. The City is therefore seeking a review of the liquor licence by the AGCO for a suspension or revocation under section 15(1) of the Liquor Licence Act (the "Act") based on the following three grounds:

- 1) Section 6(2)(d) of the Act, the past and present conduct of the Licensee and managers of the Premises affords reasonable grounds that the business will continue to disturb residents living nearby the establishment and community at large, as demonstrated by the recent charges and historical charges laid by TPS and AGCO;
- 2) Section 6(2)(f) of the Act, the Licensee is carrying on activities that are in contravention of the Act or the regulations, as demonstrated by the numerous charges cited against the Licensee by the AGCO in the past two years;
- 3) Section 6(2)(h) of the Act, the licence is not in the public interest having regard to the needs and wishes of the residents in which the premises is located.

This matter is considered urgent as the operation of the Premises continues to impact residents in the community.

RECOMMENDATIONS:

1. That City Council direct the City Solicitor to request the Alcohol and Gaming Commission of Ontario (AGCO) to issue a Notice of Proposal to suspend or revoke the liquor licence for 15 Saskatchewan Road – Muzik (the “Premises”) on the grounds that the past and present conduct of the Licensee affords reasonable grounds that the business will not be operating in accordance with the law, the Licensee is carrying on activities that are in contravention of the Liquor Licence Act or its regulations, and the operation of the business is not in the public interest with regards to the needs and wishes of the residents in which the Premises is located.
2. City Council request the AGCO and the Licence Appeal Tribunal ("LAT") to provide the City with an opportunity to participate in any proceedings with respect to a Notice of Proposal to suspend or revoke the licence for the Premises.
3. City Council authorize the City Solicitor to attend all proceedings before the AGCO or the LAT in this matter and be directed to take all necessary actions so as to give effect to this Motion.

Sincerely,

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