

City Council**Notice of Motion**

MM28.12	ACTION			Ward: 19
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Confirmation and authorization for the City Solicitor's objection to the Cannabis Retail Store Authorization application at 1681 Lake Shore Boulevard East - by Councillor Brad Bradford, seconded by Councillor Paula Fletcher

- * Notice of this Motion has been given.*
- * This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.*
- * This Motion relates to an Alcohol and Gaming Commission of Ontario Hearing and has been deemed urgent.*

Recommendations

Councillor Brad Bradford, seconded by Councillor Paula Fletcher, recommends that:

1. City Council confirm and authorize the City Solicitor's objection to the Cannabis Retail Store Authorization application by Tuggs Incorporated (Tuggs) for the premises at 1681 Lake Shore Boulevard East (the "Premises") submitted to the Alcohol and Gaming Commission of Ontario on January 11, 2021, with the objection based on the ground that the use of the Premises as a cannabis retail store is not permitted in the lease/licence agreement dated June 2, 2010 entered into between the City and Tuggs.
2. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that City Council objects to the application for the Cannabis Retail Store Authorization at the Premises and to forward this Resolution of Council to the Alcohol and Gaming Commission of Ontario.

Summary

Tuggs Incorporated (Tuggs) has submitted an application to the Alcohol and Gaming Commission of Ontario for a Cannabis Retail Store Authorization at 1681 Lake Shore Boulevard East (the "Premises") in order to permit the sale of cannabis as part of the food service business that operates there. The Premises is owned by the Toronto and Region Conservation Authority and the City has leased/licenced the Premises to Tuggs under a lease/license agreement dated June 2, 2010 (the "Agreement"). Under the terms of the Agreement, it is the position of the General Manager, Parks, Forestry and Recreation that a cannabis retail store is not a permitted use of the Premises.

On December 29, 2020, the City was made aware by the Alcohol and Gaming Commission of Ontario that Tuggs submitted an application for a Cannabis Retail Store Authorization. On

January 7, 2021, Parks, Forestry and Recreation staff sent a letter to Tuggs advising them that the proposed use is not permitted as per the terms of the Agreement, and asking them to withdraw their application. On the direction of Parks, Forestry and Recreation staff, and in consultation with the local Councillor, the City Solicitor submitted an objection to the application to the Alcohol and Gaming Commission of Ontario on January 11, 2021 on the ground that the use was not permitted in the Agreement. A response to the City's January 7th letter was provided by Tuggs to the City on January 20th and it is Tuggs' opinion that the use of the Premises as a Cannabis Retail Store is permitted under the terms of the Agreement and requests that the City re-consider its position. City staff are in the process of reviewing Tuggs' most recent letter with the intention to respond.

Under the current legislation, the Alcohol and Gaming Commission of Ontario provides a 15-day notification period to receive public input on any Cannabis Retail Store Authorization application that can include an objection from an individual or a municipality. The objection deadline for this application was January 11, 2021, and because there was no City Council meeting held during the objection period staff were required to object to the application without the authority of City Council. Because there is no delegated authority from City Council to staff to object to this type of application, a Resolution from City Council is now required to confirm the City's objection that was sent to the Alcohol and Gaming Commission of Ontario on January 11, 2021.

This matter is deemed urgent as the objection deadline was January 11, 2021.

Background Information (City Council)

Member Motion MM28.12