

September 8, 2011

To: Toronto and East York Community Council

From: Councillor Gord Perks

**RE: AGCO Liquor Licence Application- The Ace Restaurant,
231A Roncesvalles Avenue , Licence No. 815094**

SUMMARY:

64364231A Ltd. has submitted an application for a new liquor licence to the Alcohol and Gaming Commission of Ontario (“AGCO”) for a premises at 231A Roncesvalles Avenue operating under the name The Ace Restaurant (the “Premises”). The applicant is seeking a liquor licence for a capacity of 36 patrons indoors, 4 patrons on a front yard patio, and 60 patrons on a rooftop patio. The Premises is located adjacent to a residential area, and impacts associated with the Premises may impact neighbouring residents. Their concerns relate in particular to noise, litter, safety and security, drug use, and other disturbances to residents in the area. The application includes the licencing of a rooftop patio. The proposed patio is not permitted under the in-force Zoning By-law.

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. Under no circumstance should a liquor sales licence be granted at the Premises without appropriate conditions attached

RECOMMENDATIONS:

1. That City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario (“AGCO”) that the liquor licence application for The Ace Restaurant, 231A Roncesvalles Avenue (“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 unless the following conditions, in the form substantially set out below, are attached to the liquor licence:

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Conditions to be attached to Liquor Licence for The Ace Restaurant, 231A Roncesvalles Avenue, Toronto

- There shall be no dance floor provided at the Premises except for special events.
 - There shall be no video games provided at the Premises.
 - The Premises shall not be used as a place for adult entertainment.
 - If the Premises is sold or comes under new management, the Licensee shall provide written notice of the transaction to all persons residing on and/or owning property within 250 metres of the Premises' property line. The existing licence shall be secured as part of the transaction.
 - Food Service shall be prepared at the Premises and be available at all times that the Premises is open for business.
 - There shall be no amplified sound from any part of the Premises causing audible noise to any residential building after 11:00 p.m.
 - The Licensee shall provide a telephone number to area residents for residents to register concerns or complaints which will be answered by an employee of the Premises during all hours of operation.
 - The Licensee shall not require a cover charge to enter the Premises other than for special charity or corporate events.
 - Subject to final capacities established by the Fire Marshall, the Licensee shall ensure that a seat is available for every patron in the Premises.
 - There shall be no application (permanent or temporary or special occasion) for a rooftop or rear yard patio area of the licence unless the rooftop or rear yard patio can operate in full compliance with all zoning, building and other applicable laws.
 - Service of alcohol on a front yard patio shall end at 10:00 p.m. and the front yard patio shall be closed at 11:00 p.m.
2. That City Council request the AGCO or the Licence Appeal Tribunal (LAT) to provide the City 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 Alcohol and Gaming Commission of Ontario or Licence Appeal Tribunal 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, noise, safety, and litter.

Thank you for your support,

Gord Perks
City Councillor,
Ward 14 Parkdale – High Park