MOTION

To: Etobicoke York Community Council

From: Councillor Mammoliti

RE: Panafest Bar and Grill, 2708 Jane Street, Unit 5
AGCO Liquor Licence Application- Existing Establishment, Increase in Capacity/Request Registrar of the Liquor Licence Act to Review the Licence

SUMMARY:

In June 2011, 1746434 Ontario Inc. submitted an application for increased capacity for an existing liquor licence for an indoor area from 23 patrons to 82 patrons to the Alcohol and Gaming Commission of Ontario (“AGCO”) for the establishment operating as Panafest Bar and Grill, 2708 Jane Street, Unit 5 (“Premises”). The deadline for public objections to the application was July 14, 2011. No objections were received by the AGCO. As of the date of this Motion the licence for the increased capacity has not been issued.

Since June of 2010, the licencee has been charged on numerous occasions for violating provisions of the Liquor Licence Act. Charges include serving liquor after hours, removal of liquor from the Premises, and on seven separate occurrences exceeding the lawful capacity of the Premises. Convictions on these charges have resulted in a $1,000 fine and a 7-day liquor licence suspension. Three charges stemming from incidents in February and March of 2012 are currently being processed. Considering the significant increase in capacity applied for by the licencee, the history of exceeding capacity charges is of particular concern to the City. Noteworthy, is the fact that the licencee has been charged on two occasions for exceeding the lawful capacity of the Premises since they applied to the AGCO for the capacity increase.

There is also a history of suspensions at the Premises while under the operation of previous licencees, for violations of the Liquor Licence Act that include serving intoxicated patrons, permitting the sale of narcotics, and serving liquor outside of prescribed hours.

The Premises is located adjacent to a quiet residential area, and the Premises is currently impacting neighbouring residents. The residents' concerns relate to noise, litter, safety, drug use, operation of the Premises after the legally permitted hours, and other disturbances.
The Registrar of the AGCO should be requested to issue a Proposal to Review the liquor licence application for increased capacity as the application is not in the public interest. The Licencee has previously demonstrated a disregard for the regulations of the *Liquor Licence Act* and an increase in capacity, if approved, will likely increase the Premises’ impacts on the residential community.

The Registrar of the AGCO should be requested to issue a Proposal to Revoke or Suspend the liquor licence due to continual violations of the *Liquor Licence Act*, and their impacts on the neighbouring residential community. Alternatively, the Registrar of the AGCO should be requested to issue a Proposal to Review the licence to determine if appropriate conditions should be placed on the licence to prevent impacts on the neighbouring residents.

**RECOMMENDATIONS:**

1. That City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that the increase in capacity of the existing liquor licence at Panafest Bar and Grill, 2708 Jane Street, Unit 5 ("**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. That City Council direct the City Clerk to request the Registrar of the Alcohol and Gaming Commission of Ontario to issue a Proposal to Revoke or Suspend the licence to sell liquor at the Premises, as the continued operation of the Premises is not in the public interest having regard to the needs and wishes of the residents.

3. That City Council request the Licence Appeal Tribunal ("**LAT**") to provide the City with an opportunity to be made a party to any proceedings with respect to the Premises.

4. That the City Solicitor be authorized to attend all proceedings before the LAT in this matter and be authorized to take all necessary action so as to give effect to this Motion, including adding conditions to the liquor licence for the Premises, in consultation with the Ward Councillor.

Kind regards,

Councillor Giorgio Mammoliti
Ward 7, York West