

City Council**Notice of Motion**

MM24.8	ACTION			Ward:13
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Liquor Licence – 2952 Dundas Street West – Margret Bar, Licence No. 811914 - by Councillor Sarah Doucette, seconded by Councillor Mark Grimes

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Etobicoke 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 Sarah Doucette, seconded by Councillor Mark Grimes recommends that:

1. 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 a rear yard patio for Margret Bar, 2952 Dundas Street West (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 Alcohol and Gaming Commission of Ontario 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 Licence Appeal Tribunal in this matter and direct the City Solicitor to take all necessary actions so as to give effect to Council’s decision, 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, security personnel, security cameras, crowd control, signage, lighting and litter.

Summary

2148855 Ontario Inc. has submitted an application for a liquor licence to the Alcohol and Gaming Commission of Ontario (“AGCO”) for a rear outdoor area for a premises at 2952 Dundas Street West operating under the name Margret Bar (the “Premises”). The applicant is seeking a liquor licence for a capacity of 33 patrons for a rear outdoor patio. The Premises currently has a licenced indoor area with a capacity of 58 patrons.

The Premises is located in close proximity to residential units. Therefore, the application for a

liquor licence is not in the public interest unless conditions, addressing the concerns of the community, are attached to the licence. The local Councillor's office has received complaints from residents regarding noise associated with the indoor area. The application is for a rear outdoor patio and the City, through several restaurant studies, has determined that impacts on residents have occurred when rear yard patios associated with restaurants and bars are located near residential properties. Unless adequate conditions are placed upon the licence, impacts associated with the proposed licenced outdoor rear patio may adversely affect neighbouring residents. The residents' concerns relate to noise, litter, safety and other disturbances.

In October 2009, after a hearing at the AGCO, the applicant received an approval for the same outdoor licenced area, subject to 7 conditions to be placed on the licence. However, the licence was never issued by the AGCO because it was determined in the municipal clearance process that the rear patio was not permitted under the zoning by-law. The approval subsequently lapsed, and since then the owner of the Premises has not applied to the City for a zoning amendment or minor variance to permit the rear patio. This application for a liquor licence is not in the public interest as it is premature for the AGCO to issue a liquor licence for a rear patio if the patio is not permitted under the zoning by-law.

The application for a liquor licence for a rear patio is not in the public interest unless the proposed patio is permitted by the zoning by-law, and 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 zoning approval or without appropriate conditions attached to the licence.

(Submitted to City Council on June 6 and 7, 2012 as MM24.8)

Background Information (City Council)

Member Motion MM24.8