

City Council**Notice of Motion**

MM25.28	ACTION			Ward:20
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Liquor Licence – 111 Dupont Street – Playa Cabana - Licence No. 804140 - by Councillor Adam Vaughan, seconded by Councillor Shelley Carroll

** 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 Adam Vaughan, seconded by Councillor Shelley Carroll, recommends that:

1. City Council request the Licence Appeal Tribunal (“LAT”) to provide the City with an opportunity to participate in any proceedings with respect to Playa Cabana, located at 111 Dupont Street (the “Premises”).
2. City Council authorize the City Solicitor to attend all proceedings before the LAT in this matter and be directed to take all necessary actions so as to give effect to this Motion, including adding conditions to any liquor licence, in consultation with the Ward Councillor, should a liquor licence be issued for the Premises.

Summary

The applicant operating as 1842257 Ontario Inc. (“Licensee”) has made an application (File No. 804140) to the Alcohol and Gaming Commission of Ontario (“AGCO”) for a liquor licence for Playa Cabana, located at 111 Dupont Street (“Premises”). The application is for additional capacity as follows: an increase in the indoor capacity for an additional 18 persons and a new outdoor front patio for 10-14 persons. There is an existing rear patio that is already licensed and has a capacity of 53 persons.

The Premises is located in close proximity to residential properties and noise from the existing rear patio has disturbed area residents. Many complaints have been made in the last few months regarding that patio to the City's Municipal Licensing and Standards division, as well as to the AGCO and to the police. This application for a liquor licence is not in the public interest having regard to the needs and wishes of the residents of the municipality in which the premises are located and should be refused.

In March 2012, the Licensee sought permission from the City of Toronto to operate a Boulevard Café pursuant to the City of Toronto Municipal Code Chapter 313-36. This application was withdrawn by the Licensee on June 13, 2012. As such, the Licensee does not currently have permission to operate a Boulevard Café at the premises.

On May 16, 2012 the Registrar of the AGCO issued a Proposal to Review the liquor licence application in response to objections of nearby residents. The matter is now proceeding to a hearing before the Licence Appeal Tribunal. A pre-hearing conference took place on July 3, 2012. A second pre-hearing conference is scheduled for September 14, 2012 and a three day hearing has been set down for October 2012.

(Submitted to City Council on July 11 and 12, 2012 as MM25.28)

Background Information (City Council)

Member Motion MM25.28