

## City Council

### Notice of Motion

MM32.10	ACTION			Ward:18
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### **AGCO Appeal - 1665 Dundas Street West - Wallflower Restaurant - by Councillor Ana Bailão, seconded by Councillor Mike Layton**

*\* 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 Ana Bailão, seconded by Councillor Mike Layton, recommends that:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that the liquor licence application for Wallflower Restaurant, 1665 Dundas Street West (“Premises”), is not in the public interest, having regard to the needs and wishes of the residents, given that there are concerns about the outside rear yard patio, including, but not limited to, noise, safety, litter and operating hours, and that the Registrar should issue a Proposal to Review the liquor licence application.
2. 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.
3. City Council authorize the City Solicitor to attend all proceedings before LAT in this matter and direct the City Solicitor to take all necessary action so as to give effect to this Motion, including adding or deleting conditions to any liquor licence, in consultation with the Ward Councillor, should a liquor licence be issued for the Premises.

### **Summary**

The “Licensee” operator of the Wallflower restaurant at 1665 Dundas Street West ("Premises"), has made an application (application number: 246754) to the Alcohol and Gaming Commission of Ontario ("AGCO") to add an outside rear yard patio with a capacity for 23 people. The Premises are currently licensed (license number: 813642) for two indoor areas on the main floor: 16 people in the North section and 21 people in the South section.

The Licensee has also made a transfer application to transfer the license from the sole proprietor, to Wallflower Restaurant Inc. and to re-name the Premises from Wallflower to

Wallflower Restaurant.

The Premises are located in close proximity to residential dwellings. A proposed outside rear yard patio raises concerns about noise, safety, litter and operating hours.

The Registrar of the AGCO should be requested to issue a Proposal to Review the liquor licence application so that issues relating to the outside patio may be dealt with. This application for a liquor licence is not in the public interest and should be reviewed.

(Submitted to City Council on April 3 and 4, 2013 as MM32.10)

**Background Information (City Council)**

Member Motion MM32.10