

City Council**Notice of Motion**

MM37.33	ACTION			Ward:20
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Liquor Licence - 487 Adelaide Street West - Spirit House - Licence No. 814918 - by Councillor Adam Vaughan, 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 Adam Vaughan, 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 (“AGCO”) that the application to expand the liquor licence to the outdoor area for Spirit House, 487 Adelaide 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 that the Licence Appeal Tribunal (LAT) 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 LAT in this matter and direct the City Solicitor 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, security personnel, security cameras, crowd control, signage, lighting and litter.

Summary

2266880 Ontario Inc. has submitted an application for an expansion of a liquor licence to the Alcohol and Gaming Commission of Ontario (“AGCO”) for a premises at 487 Adelaide Street West operating under the name Spirit House (the “Premises”). The applicant is seeking a liquor licence for a capacity of 47 patrons on an outdoor boulevard patio. Currently, the Premises has a liquor licence for the indoor area for a capacity of 119 patrons. In June, 2011 the City and the applicant entered into a Consent Agreement that placed 12 conditions on the indoor licence.

On June 18, 2013, Toronto and East York Community Council deferred consideration of a report from the Acting Director, Licensing Services, Municipal Licensing and Standards, respecting a refusal of a Boulevard Cafe Permit Application at the Premises until its next meeting to be held on September 10, 2013. The applicant requires the permit in order to use the City boulevard as an outdoor patio.

The proposed boulevard patio is located in close proximity to residential properties. Therefore, the application to expand the liquor licence to the outdoor area is not in the public interest unless certain conditions, addressing the concerns of the community, are added to the licence. Under no circumstance should a liquor sales licence for the patio be granted at the Premises without appropriate conditions attached. Furthermore, the boulevard patio application is premature at this time until a permit is obtained by the applicant to operate a patio on the City boulevard.

This matter is deemed urgent as the deadline to object to the application was May 17, 2013.

(Submitted to City Council on July 16 and 17, 2013 as Member Motion MM37.33)

Background Information (City Council)

Member Motion MM37.33