



Member Motion

City Council

Notice of Motion

MM37.39	ACTION			Ward:19
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Liquor Licence Application to Remove Condition - 2270121 Ontario Inc. o/a Church Aperitivo Bar, 1090 Queen Street West - Licence Number 814239 - by Councillor Mike Layton, seconded by Councillor Sarah Doucette

** 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 Mike Layton, seconded by Councillor Sarah Doucette, recommends that:

1. City Council direct the City Clerk to advise the Licence Appeal Tribunal (“LAT”) and the Alcohol and Gaming Commission of Ontario that the City of Toronto objects to the application to remove a condition attached to the liquor licence for Church Aperitivo, 1090 Queen Street West (the “Premises”), as no change of circumstances has occurred at the Premises to warrant its removal, and that the LAT should issue a Proposal to Refuse the application.
2. City Council request the LAT to provide the City of Toronto 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.

Summary

2270121 Ontario Inc. has applied to the Licence Appeal Tribunal (LAT) to remove the following condition from the liquor licence of Church Aperitivo Bar, 1090 Queen Street West (the “Premises”):

1. The Licensee shall ensure that a designated employee is on duty at all times to make the best possible efforts to ensure that patrons and any other people in the areas surrounding any entrance/exit of the establishment, and in any outdoor area of the establishment, are not causing a disturbance that will affect nearby residents, until one hour after the closing of the establishment.

The City objects to the removal of the condition from the licence as a change in circumstances that would warrant its removal has not occurred at the Premises. The condition that the Licensee is applying to remove was placed on the licence to limit impacts on area residents that occur from a restaurant/night club use. The Premises intends to continue to operate as a restaurant/nightclub, and the removal of the condition will increase the potential for impacts on the area residents. A change in circumstance has not occurred to permit the removal of the condition and it is not in the public interest having regard to the needs and wishes of the residents to have the condition removed. The Licence Appeal Tribunal should issue a Proposal to Refuse the application.

This matter is considered urgent as the deadline for submissions to the LAT to object to the removal of the conditions is July 22, 2013.

(Submitted to City Council on July 16 and 17, 2013 as MM37.39)

Background Information (City Council)

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