# TORONTO Member Motion

# City Council

**Notice of Motion**

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| MM48.11 | ACTION | | | Ward:19 |

## Liquor Licence Application for Increased Capacity - 2270121 Ontario Inc. operating as Church Aperitivo Bar, 1090 Queen Street West, - Licence Number 814239 - by Councillor Mike Layton, seconded by Councillor Gord Perks

**** 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 Gord Perks, 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 expansion application for Church Aperitivo, 1090 Queen 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 expansion application.

2. City Council request the AGCO and the Licence Appeal Tribunal ("LAT") to provide the City of Toronto with an opportunity to participate in any additional proceedings with respect to the Premises.

3. City Council authorize the City Solicitor to attend all proceedings before the AGCO and 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 the current 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

2270121 Ontario Inc. has applied to the Alcohol and Gaming Commission of Ontario (AGCO) to increase the indoor area capacity of their liquor licence at Church Aperitivo Bar, 1090 Queen Street West (the "Premises"). The applicant is seeking an increase from 99 patrons to 180 patrons.

The City objects to the application for increased capacity. Currently, the City is objecting to an

application to remove two conditions from the Premises' liquor licence (one related to noise impacts) and a hearing has been scheduled for April 23 to 25, 2014. A prosecution under the City's noise by-law is also currently in front of the Courts. Until such time that appropriate noise mitigation measures have been implemented at the Premises to prevent impacts on neighbouring residents, it is premature to have the capacity for the Premises increased. Even if appropriate noise mitigation measures are in place, this application for an expansion of capacity is not in the public interest given the size of the proposed increase from 99 patrons to 180 patrons, unless certain conditions, addressing the concerns of the community, are attached to the licence. Under no circumstance should the expansion application be granted without additional conditions being attached to the licence.

This matter is considered urgent as the deadline for submissions to the AGCO to object to the expansion application is March 2, 2014.

(Submitted to Council on February 19 and 20, 2014 as MM48.11)

## Background Information (City Council)

Member Motion MM48.11