Outdoor Liquor License Application - 1776 St. Clair Avenue West - Cuba Sport Bar - by Councillor Cesar Palacio, seconded by Councillor Peter Leon

* Notice of this Motion has been given.
* This Motion is subject to referral to the Etobicoke 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 Cesar Palacio, seconded by Councillor Peter Leon, 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 application for Cuba Sport Bar, 1776 St. Clair Ave 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 the Licence Appeal Tribunal ("LAT") to provide the City with an opportunity to be made a party 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 Council's decision, 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, public safety, security personnel, security cameras, crowd control, signage, lighting and litter.

Summary
An application for a liquor licence has been made to the Alcohol and Gaming Commission of Ontario ("AGCO") for the premise at 1776 St. Clair Avenue West operating under the name Cuba Sport Bar (the "Premises"). However, there is a great deal of confusion surrounding this application, as the store sign reads Cobra Sports Bar, but the liquor licence application is under Cuba Sports Bar, which many residents feel is disingenuous.

For the past few months, local residents have been kept awake during most weekends, public
holidays and long weekends due to excessively loud music emanating from this establishment. Since the bar opened, it has been operating outside the scope and boundaries of its licence, as it has been operating similar to a nightclub rather than a bar.

This bar has been the source of many complaints related to: loud noise, public drunkenness, serving liquor and hosting after hours parties in the backyard area with amplified sound until the early morning hours, alleged drug dealing, littering the Cloverdale Road flankage and rear public laneway, loitering, and public safety concerns, which have seriously detracted from the success and vitality of the local business strip.

Most importantly, this is discouraging good people and families with young school-aged children from walking freely along the street and feeling safe, and they've reached a point now, where they can no longer tolerate or be subjected to this inexcusable behaviour any longer.

Furthermore, the Premises is located next to residential properties and there is great concern that the establishment will continue to be very disruptive for residents in the area. This application for a liquor licence is, therefore, not in the public interest and must be turned down.

(Submitted to City Council on August 25 and 26, 2014 as MM55.20)

**Background Information (City Council)**
Member Motion - MM55.20